



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final

Legislative Hearings

Marcia Moermond, Legislative Hearing Officer
Mai Vang, Hearing Coordinator
Jean Birkholz, Hearing Secretary
legislativehearings@ci.stpaul.mn.us
651-266-8585

Tuesday, November 1, 2016

9:00 AM

Room 330 City Hall & Court House

11:00 a.m. Hearings

Summary Abatement Orders

- 2 [RLH SAO 16-44](#) Appeal of Ganghis Khang to a Summary Abatement Order at 1225 FOURTH STREET EAST.

Sponsors: Prince

Ganghis Khang, owner, appeared. Mai Vang interpreted.

Inspector Lisa Martin:

*-Oct 19, 2016 SA Order issued to remove a door leaning on the rear fence near alley
-this has been abated; case closed*

Ms. Moermond:

*-appeal granted; you are in compliance
-on your application, you talked about people calling in your property; she has concerns about that*

Mr. Khang:

*-the issue is on-going
-we have felt unsafe in the neighborhood for many years; we have no issues with our neighbors; we keep our property clean & we don't see anything wrong with the property*

Ms. Moermond:

-asked Mai to interpret - why does he feel unsafe?

Mr. Khang:

*-prior to the City issuing Orders, the City should be aware of what the situation is; he had already spoken to someone at the City about this
-believes that it's the same person complaining; does City keep records?
-he's aware of 2 separate complaints that came in & no Order was sent
-he's had a lot of damages made to his property; he believes that it's the same person who makes the complaints; the City should be talking with the complainer
-brought in photos of other properties near his that have issues and yet no complaints or Orders were sent to the neighbors
-this is the 3rd time he's received a complaint*

Ms. Moermond:

-Mai, look up if there's as Excessive Consumption bill pending

Ms. Martin:

-it sounds like the other complaints were unfunded; that's why a letter was not sent out

-doesn't have information on why other addresses haven't been called

-we get hundreds of complaints every day; we don't have the time to call every single person.... if we get a complaint, we go do an inspection; if we find something, we send a letter and that's your opportunity to call the inspector directly and explain what's going on/if you need more time, etc.

Mr. Khang:

-he understands what you said

-he had a conversation with the inspector on the 27th; it was not a field find; it was a complaint but once again, he wants to have the issue raised with the complainant

-he will reach out to the Ward 7 office about concerns

Ms. Moermond:

Grant the appeal as the issue has been abated.

Referred to the City Council due back on 11/16/2016

1 RLH SAO 16-43 Appeal of Amani Issa to a Summary Abatement Order at 748 OTTAWA AVENUE.

Sponsors: Noecker

Amani Mohamed Issa, owner, appeared.

Inspector Lisa Martin:

-Inspector Mark Kaisersatt issued Orders on Oct 13, 2016 to provide garbage service under Chap 32.03

-we have received information that she is taking here garbage to Twin Cities Refuse

-I advised the inspector to tell Ms. Issa to send in a receipt; also advised him to have her file an appeal regarding no current trash hauling service at the property

Ms. Issa:

-I have been doing this for 3 years; I know the family who owns Twin City Refuse and they give me a great deal on taking my garbage there; I put the garbage in the back of my pick-up truck and my husband takes it down there once a week

-I don't have a receipt; I have a letter from Twin City Refuse (scanned)

-I talked with Inspector Kaisersatt

-the garbage can with a lid is in my yard behind my garage

Ms. Moermond:

-read the letter

-will you commit to taking your garbage down there no less than once every 2 weeks

-I will recommend granting your appeal allowing you to use Twin Cities Refuse

-the resolution will be in the records

Grant the appeal allowing Twin City Refuse as an alternative garbage hauler if the owner continues to have a garbage container with a lid properly located on the property; and that the garbage is dropped off at the refuse center no less than every 10 days.

Referred to the City Council due back on 11/16/2016

11:30 a.m. Hearings**Orders To Vacate, Condemnations and Revocations**

- 3 [RLH VO 16-46](#) Appeal of Daniel Tsegai to a Fire Certificate of Occupancy Revocation and Order to Vacate at 1541 CASE AVENUE.

Sponsors: Bostrom

Daniel Tsegai, owner, appeared.

Fire Inspector Leanna Shaff:

*-Revocation of Fire Certificate of Occupancy & Order to Vacate
-started with appointment letters going out in Jun 2016
-there were some referral issues and the C of O inspection was due
-a couple times the property owner didn't show up for the inspection
-we've had some very hostile tenants; SPPD officers assisted our inspectors
-currently, it's unoccupied and has several deficiencies that haven't yet been taken care of in a reasonable amount of time
-there have been code enforcement issues there this year including: garbage, rooster, overcrowding, people living in the RV, tall grass, TVs, furniture, etc; in 2015: trash hauler, tall grass, retaining wall, garbage, etc. quite a history
-garbage in photos here has been taken care of*

Mr. Tsegai:

-everything is moved; I was waiting the 60 days to get it; everything is done, now

Ms. Shaff:

-those photos were taken earlier than Oct 28; they didn't get downloaded until Oct 28

Ms. Moermond:

-in that case, the inspector needs to make some notes on the photos so that's obvious to the Council and others reviewing the case

Ms. Tsegai:

-everything is ready for inspection; the house is empty

Ms. Shaff:

*-we want to send it to the Vacant Building Program
-it's quite alarming to us when we do have an inspection scheduled and the property owner doesn't show up and we have to take the police with us; it's concerning that we need to wait until after the tenants have left; we have not had a lot of participation from the property owner at gaining compliance*

Mr. Tsegai:

*-I was out of state; I talked with the inspector and told him that I'd be gone; also, I stayed longer than I expected
-for the last inspection, I didn't get the appointment letter but the inspector called me; I asked him if he would be coming now and he said no
-and as I told you, I had to wait 60 days to tow because... there was some stuff in the garage too*

Ms. Moermond:

-actually, the law doesn't say that; you don't have to hold bags of garbage and you

certainly don't have to hold any of it on the particular property in question; you simply can't throw away personal property

Mr. Tsegai:

-they had a lot of stuff in the garage

Mr. Tsegai:

-for the first inspection, I told the tenant to let the inspector in; I was in Sweden at that time and the tenants told me that the inspector didn't show up

-now, I have everything ready to go; what should I do? It's ready to inspect; the repairs have been made

Ms. Moermond:

-but you don't have a C of O

-what's going to be different going forward so that you aren't Condemned/Ordered Vacated again?

-have you had the Landlord 101 Class?

Mr. Tsegai:

-I will make sure to be there when the inspector comes and I will do the job ASAP

Ms. Shaff:

-the Ordinance requires Landlord 101 Class (Chap 40)

Ms. Moermond:

-you are amending the Orders to add.....

Ms. Shaff:

-I'll write a different referral; and the clock will start ticking at the beginning of the inspection cycle

Ms. Moermond:

-I will Lay this Over for 2 weeks to Tue Nov 15, 2016; in that time, Ms. Shaff will get the inspector out there

-I would like to get a report from the inspector; I don't need an amended set of Orders; a report on observations and progress on these Orders; if there's something new, we should know that

-if he thinks that all of the items have been addressed, then, obviously, the inspector is allowed to lift the Order to Vacate but let's assume that we still need to talk about some things

-in the meantime, you'll get another letter telling you to do Landlord 101 training

-it will serve you well to not rent until you have your C of O

Inspector needs to go out and see what progress owner has made and give staff report at hearing. If all the items are addressed, he can lift the condemnation and order to vacate.

Laid Over to the Legislative Hearings due back on 11/15/2016

4 [RLH VO 16-47](#)

Appeals of Robert Mandile to a Notice of Condemnation as Unfit for Human Habitation and Order to Vacate, Summary Abatement Order, and Vehicle Abatement Order at 1627 MARSHALL AVENUE.

Sponsors: Stark

Robert Mandile and Sherri Johnson appeared.

Inspector Lisa Martin:

-this file has been open for quite some time; the owner, Phillip Belchenko, passed away in Jul 2016; his mother, Svetlana B Roman, is listed now listed as the owner
-we got a complaint: a lot of excessive garbage & junk being stored on the deck and in the yard; also there were inoperable vehicles on the property
-I contacted House Calls to find out the status; they thought that the house was vacant; so, we went out to inspect the exterior, taking along SPPD & Animal Control
-a Vacant Building inspector went out and verified that the house was occupied; there was an unlicensed dog in the back yard; upon inspection, we found 3 snakes, a turtle, 3 cats, the dog - none of which were licensed or permitted
-the building is currently being occupied by Robert and his brother, who had lived next door; they moved over into 1627 Marshall Avenue

Mr. Mandile:

-we rented/lived right next door for the last 3 1/2 years; Phillip and his mother, Svetlana, were like our closest friends; she's like our grandma, in a sense; so when he passes, we were just trying to help her in any way that we could
-since, we're about to buy this house, Svetlana moved back to Siberia and she wanted us to take care of 1627 Marshall; and she has 3 cats that she also wanted us to take care of since we love animals so much; she wanted us to take care of the house & the cats until the closing happened; she wasn't going to charge us; she wanted us to watch the property and cars; then, the closing would happen
-Terese Davis is working on the closing; the date is Nov 8, 2016; we have the purchase agreement already
-when we moved into the house, the house was filled with stuff; the garage was filled with stuff; we are both full time students and I work full time, as well with people with disabilities; so, we are super busy and have been trying to do a little at a time to get everything we can out of the house; we moved some of our stuff in from the other house; but I also rented a storage unit down the road and put as much as I could into storage; we had friends & family all come to help clean up the entire yard and the entire house
-the house was packed; we got a big dumpster to move stuff out; we moved stuff from the inside of the house to the outside of the house to put into the dumpster

Ms. Johnson:

-believes that they had to leave from where they were renting at 1621 Marshall on short notice and they had to put all of their stuff somewhere; as they were moving, the neighbor dies right next door; they had to pack things on top of the things that were already in the house; the house was full

Mr. Mandile:

-we filled an entire 30-yard dumpster already and when you came in, you saw that the house still had tons of stuff in it; we didn't realize that there was a time frame on how soon we had to get rid of it; so, we were just doing what we could

Ms. Martin:

-staff report continued: I went to the property on the 26th and was allowed access by your brother, Anthony, who was very cooperative; we found all of the animals there; no permits or license for any of the animals;
-I contacted Xcel Energy; power is still in the deceased's name; Water is still in the deceased's name
-under Ramsey County records, the owner is Svetlana Roman, who I understand is in Russia; I talked to a Therese Davis, who claimed that she was a friend of Phillip and also claims to be the executor of his estate; she said that she has never done this before; she sent over a Power of Attorney; the problem was that Edina Realty was not able to close on the title because the Power of Attorney was not a proper legal

document; she was trying to work on getting the proper legal documents; it appears that they may have some legal issues and maybe why it hasn't closed before
-the property itself has a TISH done; there's a lot of listed hazards
-we have the owner living in Russia; we have people occupying and unsafe environment; we have the deceased person's belongings in the house; some of their belongings in the house; there's a lot of stuff - missing sheet rock; missing parts of ceilings; photos will show

Mr. Mandile:

-we did fill a dumpster before you had gotten there and we are getting another one
-I did get a life time license for my dog and I didn't realize that I needed licenses or permits for the other pets; so, I will be glad to do that; currently, all those animals are staying with other people; the dog is still with me; he's my pal; I don't want to lose the animals
-I brought a check showing that Therese Davis is the executor of the estate for Phillip Barchenko; I'd be glad to provide any other information that I need to prove that she is the executor of the will

Ms. Moermond:

-a check does not demonstrate that; a legal document does
-actually, I will not concern myself with her stuff and her being an executor of the estate; I have the county saying that the tax owner on the property is Svetlana Roman- the legal owner of record and let the real estate actions occur; new titles can be brought to the Registrar's Office, which will demonstrate ownership
-I have many concerns about this situation: the building has many code violations that are apparent in the Order to Vacate; it also shows an excessive accumulation of material (I know you are throwing away things); I don't have any documentation that you can be legal occupants of this house; I don't have a responsible party for this property telling me that you have a lease to be there; I have a property that is Condemned for cause

Mr. Mandile:

-before his mother had left (just a verbal; she speaks only some English), she wanted more than anything for us to be there; Terese is in communication with her; maybe we could talk with her

Ms. Moermond:

-how would I know it's her vs anyone else in the world
-I feel at a distinct disadvantage with this situation
-I have no legal document so, I'm going to leave it to the broker, who's going to have to put his/her license on the line to do a transaction from one party to another selling this house
-for purposes of this hearing, I'm going to recommend that this house is Vacated Immediately

Mr. Mandile:

-showed photos of what they've done to clean the house and said that they had a plumber & an electrician to come in and fix anything that was hazardous

Ms. Moermond:

-who did you have come in?

Mr. Mandile:

-a licensed plumber and a licensed electrician: Rooter Plumbing & Crocus Hill Electric

Ms. Moermond:

-they came in and you're not the owner; that's a problem for them and their license

Mr. Mandile:

-when I talked to Matt Dornfeld on the phone, he said that you wanted to show that you have the plans to get the electrical fixed and heating fixed; so, I went to the that step to made sure that it was all planned to show you that we were going to get it done because without this house, we're homeless

Ms. Moermond:

-you have to find some place; I can't....

Mr. Mandile:

-we're both in school and we're both working; and we're both trying so hard to take care of her house for her; she's 80 years old - like our grandma, our family

Ms. Moermond:

-I know but I don't have anything from her

-what I have is that he died; she went back to Russia; and you moved in; that's all I have --- and I have code violations; some corrections were made; when Matt was talking about plans, it would have been about a plan for rehabbing the entire house in order to occupy the structure

-I can't allow continued occupation; you're squatting

-buy the house, then you wouldn't be squatting

Ms. Johnson:

-so if they close next week.....

-photos (scanned)

Ms. Moermond:

-if they close, they'll be a Registered Vacant Building; they're going to need to get a code compliance inspection; and do the repairs; then, they can be there but not while the repairs are being done; the repairs need to be completed and signed-off on (approved) before the house can be occupied

Ms. Martin:

-we also have a Vehicle and Summary Abatement Order in play right now; photos

Mr. Mandile:

-we have all the exterior and vehicles cleaned up

Ms. Moermond:

-what you show in a photograph isn't documentation that the serious code violations have been addressed

-I need an inspector to walk thru and create a punch list of the repairs that need to be done so, there's really clean communication about what's there

-you've done some work and had good intentions but it's not the way to go about it

Mr. Mandile:

-we are willing to do whatever it takes; we just have to wait for the closing; we've cleaned everything up so that it's a livable house; pictures can show that

-Ms. Johnson and my dad flew in from Massachusetts to help; we have the money; my dad is willing to help finance and fixing everything

-could we somehow get a time limit to get it done so that it's not set aside; we need access to get the repairs done

Ms. Moermond:

*-right now, you are not the legal owner and I can't pretend to grant you access to the structure; I need to pick and day and time when we button this thing up; if the doors are violated, then it'll get screwed shut; and that will be the case until there's a new owner in place to can take control of the property
-I need to see the closing document from the sale; getting the title changed at the Recorder's Office is documentation*

Mr. Mandlie:

*-Terese just emailed to me that there's a Purchase Agreement with everything on there and a letter from her that the closing will happen Nov 8, 2016; she has a lawyer working on this to get it done ASAP
-now that we moved out of the other house, this is the only place we have to live*

Ms. Moermond:

*-I don't have the authority to allow you to continue to be there
-ask Terese if she had the authority to allow you to live there
-I have a Condemnation/Order to Vacate; it's valid; things are bad
-if on Nov 8, you close on the property and it becomes yours, then, you are the responsible party, then, you can start being in the property from 8 am to 8 pm fixing up things
-Noon Thu, Nov 3, an inspector will go check to make sure that the house is empty
-if you become the owner, you have access from 8 am - 8 pm; if you are not the owner; if things fall thru, work with Matt Dornfeld about your possessions; he will work with you*

Ms. Martin:

*-whoever the owner is needs to apply for the code compliance inspection
-we'll have Matt send you the information on the forms that need to be filled out*

Ms. Moermond:

-you will also have the Vacant Building Registration Form that needs to be filled out

Grant to Thursday at noon on November 3rd for tenants to vacate the property. Property will be transferred to Vacant Building Program and a code compliance inspection is required. If legal closing transaction takes place next week, they can only be at the property from 8 am to 8 pm to make repairs.

Referred to the City Council due back on 11/16/2016

2:30 p.m. Hearings

Vacant Building Registrations

- 5 [RLH VBR 16-69](#) Appeal of Patricia Spann to a Vacant Building Registration Notice at 731 VAN BUREN AVENUE.

Sponsors: Thao

Patricia Spann, daughter of deceased owner, Annie L Spann, and inheritor of the property, appeared.

Ms. Moermond:

-provided background information

Fire Inspector A. J. Neis:

-complaint sent to our office that the house was being occupied without a Fire Certificate of Occupancy; we were made aware that the property owner was deceased and that the property was being occupied by family members; it was determined that since the bldg did not have a Fire C of O and it was not owner-occupied and we could not find a responsible party who could prove it, we ordered the bldg Vacated

-this went to appeal a couple of times; Ms. Moermond requested that they provide some sort of documentation in regards to the probate process or something that could prove that there were actual owners; Tim Spann and Rodney Spann, the Appellants, could not provide that proof

-after the 2nd appeal, it was not completed and the bldg was ordered Vacated and was sent to the Vacant Building Program

Ms. Moermond:

-added that your mother, Annie Spann, is the deceased owner; your brother is Tim Spann and your nephew is Rodney Spann

Inspector Matt Dornfeld, Vacant Buildings:

-per Inspector Neis' report, the VB Program opened a Category 2 VB on Oct 7, 2016

-a Summary Abatement Order was issued at that time to clean up refuse, junk & household items in the yard; that work was not done so a Work Order was issued Oct 14, 2016 to abate those issues

-we have found the house to be unoccupied, vacant, secure and maintained

Ms. Spann:

-my goal is to save the house; we have a lot of family members; it was the first owned home in our family, so it means a lot to all of us; my mother's wish was to have my brother, because of his disposition and my nephew, because of his disability, to remain in the house

-I want to get the house out of the VB Program; I contacted a lawyer; we discussed some things

-I was trying to prevent the house from going into the VB Program; now, I need a full picture of all of the costs associated with getting the house out of the VB Program

-I tried to contact you, Ms. Moermond, before it actually went into the VB Program, after I had spoken with my attorney but I didn't hear anything back

-as it stands right now, I want to get the house out of the VB Program; the attorney suggested that I find out all of the costs before we move forward

-my attorney was recommended thru Southern Minnesota Regional Legal Services (SMRLS); I think it's Laurie Sckivie & I haven't heard anything back from her yet

Mr. Dornfeld:

-the status of the Cat 2 was due to the criminal activity that was reported and the junk/refuse outside and the constant interchanging of people occupying the house; the criminal activity is what brought about the Fire Inspection

Ms. Moermond:

-what brought this property to the city's radar screen was the criminal activity

-we're the housing people; so, I'm not dealing with the criminal part of it

Mr. Dornfeld:

-my dept has not been inside of this house; the exterior is in fair condition, from what I can tell

Mr. Neis:

-I went out there just to placard it; I've not been inside and do not know the conditions; I didn't have anything glaring out at me on the exterior that was a code violation or a concern

-someone called us to complaint that people were living there that shouldn't be there (alleged activity)

Ms. Moermond:

-for the record, you are the inheritor of the house in your mother's will, so, this is your house and hopefully, we're at a point where the title gets changed

Ms. Spann:

-all is kind of on hold; I've been in contact with the mortgage company; they are willing to work with me

-the costs that I'm not aware of are those that will get it out of the VB Program

-I been inside the house; it's kind of messy; don't see any structural damage; I'm concerned about squatting; the doors were unlocked and the air conditioner was removed

Ms. Moermond:

-it seems to me that if the property is in fair condition on the exterior, it probably will be in fair condition on the interior, as well

-explained the 3 categories of VB

-I'd like to have some info to inform my decision on the category

-sounds like a good cleaning on the inside would be helpful

-wondering if Mr. Dornfeld could go take a look at it; if he says that it needs a bldg inspector to take a second look then, OK; to start, he will look for safety type issues; he will not write repair Orders

Mr. Dornfeld:

-I think that's a good idea to help determine the category

Ms. Moermond:

-if it's Cat 1, you can get back in again as soon as we can clear up who owns the property

-if you're any category of VB, there's a hefty annual fee that goes with that

-I will waive that VB fee for 90 days; if we need to, we can talk more about it

-need you to fill out the VB Registration Form and send it in; the VB fee is waived for 90 days which means that if you do have to pull any permits, you can do it even though the VB fee has been paid; if at 90 days, there's no clear owner, the VB fee will become a proposed tax assessment, which is also appealable; in your case, there's the potential to turn this around if we stay on it; if we slide over the 90 days, I'll work with you to prorate the fee, if we need to

Ms. Moermond:

-if you can't afford to fix the property, you can afford to sell it; all you have to do is disclose to the buyer what the correction list entails; then, they are responsible for proving that they can handle the rehab financially

Ms. Spann:

-I'd like to cleanup the house before Mr. Dornfeld takes a look

-I'm kind of concerned about my safety (someone may be in the house); do I call for assistance before I go in?

Ms. Moermond:

-call SPPD if you notice something amiss

-will Lay this Over to talk about it again in 2 weeks, Tue Nov 15, 2016; we can have a

more informed conversation

Waive the VB fee for 90 days. Matt Dornfeld will inspect the property and determine what the conditions are for the interior and provide a staff report at next hearing.

Laid Over to the Legislative Hearings due back on 11/15/2016