



# City of Saint Paul

15 West Kellogg Blvd.  
Saint Paul, MN 55102

## Minutes - Final - Final-revised

### Legislative Hearings

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

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Tuesday, May 3, 2016

9:00 AM

Room 330 City Hall & Court House

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### 9:00 a.m. Hearings

#### Special Tax Assessments

- 1     [RLH TA 16-232](#)     Ratifying the Appealed Special Tax Assessment for Property at 880 CONWAY STREET. (File No. J1609A, Assessment No. 168525)
- Sponsors:**     Prince
- Approve; no show.*
- Referred to the City Council due back on 6/15/2016**
- 2     [RLH TA 16-211](#)     Ratifying the Appealed Special Tax Assessment for Property at 1522 DORA LANE. (File No. J1607E, Assessment No. 168308)
- Sponsors:**     Prince
- Holly Connors appeared on behalf of her mother, Arlie M. Pearson, owner. Ms. Connors lives with her mother, who has Alzheimer's.*
- Inspector Paula Seeley:*
- complaint was received about a camper being parked on the grass
  - Correction Notice was sent Oct 21, 2015; compliance Oct 30; was still there so an Excessive Consumption fee was sent; re-inspected again on Nov 9, 2015; was still there so, another EC was sent
  - cost: \$240 + \$35 service charge = \$275
  - mail sent to Arlie Pearson, 1522 Dora Ln, St. Paul
- Ms. Moermond:*
- has 2 assessments: 1) \$275 and 2) \$155 (all for Excessive Consumption because the camper is still there)
- Ms. Connors:*
- the camper has been moved; all started from a divorce and mom having Alzheimer's; her brother had been living with mom but he bought a house and moved out; we moved in with her to take care of her in Jan 2014
  - we put the camper at the end of the yard; it had never been an issue for her in their previous house/yard
  - the camper sat there for 1 1/2 years before someone decided that they didn't like it there

-along with everything that she was dealing with (divorce, mom's alzheimer's, son's overdose), the camper was not on her priority list; then, she couldn't find the key  
-she did speak with the inspector, who told her what she needed to do  
-eventually, she just became overwhelmed with everything and she didn't have the key  
-is here to ask for a reduction  
-now she knows that it can't be parked on the grass

Ms. Moermond:

-for each blown deadline, you got an extra cost for another inspection  
-all letters clearly stated what needed to be done with a new deadline  
-she is hearing that Ms. Connors was struggling to manage everything  
-these are the costs for not having dealt with it in a timely fashion  
-Ms. Seeley says there are no notes in the file from the inspector  
-and, today's the 3rd re-scheduled legislative hearing date (originally Mar 29, 2016)

Ms. Moermond:

-there were a ton of opportunities to right this situation  
-not seeing extenuating circumstances to justify decreasing the assessment; she will recommend approving this assessment payable over 3 years  
-because of your mom's disability, the assessment could be deferred to point of sale; the paperwork is available in our Real Estate Office; that might be your solution  
-this assessment total: \$275  
-the total of your 2 assessments: \$275 + \$155 = \$430

Approve the assessment. (Appellant may call to ask for the assessment to be spread over number of years.)

**Referred to the City Council due back on 5/18/2016**

**3**      [RLH TA 16-212](#)

Ratifying the Appealed Special Tax Assessment for Property at 1522 DORA LANE. (File No. J1608E, Assessment No. 168309)

**Sponsors:**      Prince

Holly Connors appeared on behalf of her mother, Arlie M. Pearson, owner. Ms. Connors lives with her mother, who has Alzheimer's.

Inspector Paula Seeley:

-complaint was received about a camper being parked on the grass  
-Correction Notice was sent Oct 21, 2015; compliance Oct 30; was still there so an Excessive Consumption fee was sent; re-inspected again on Nov 9, 2015; was still there so, another EC was sent  
-cost: \$240 + \$35 service charge = \$275  
-mail sent to Arlie Pearson, 1522 Dora Ln, St. Paul

Ms. Moermond:

-has 2 assessments: 1) \$275 and 2) \$155 (all for Excessive Consumption because the camper is still there)

Ms. Connors:

-the camper has been moved; all started from a divorce and mom having Alzheimer's; her brother had been living with mom but he bought a house and moved out; we moved in with her to take care of her in Jan 2014  
-we put the camper at the end of the yard; it had never been an issue for her in their previous house/yard  
-the camper sat there for 1 1/2 years before someone decided that they didn't like it

there

-along with everything that she was dealing with (divorce, mom's alzheimer's, son's overdose), the camper was not on her priority list; then, she couldn't find the key

-she did speak with the inspector, who told her what she needed to do

-eventually, she just became overwhelmed with everything and she didn't have the key

-is here to ask for a reduction

-now she knows that it can't be parked on the grass

Ms. Moermond:

-for each blown deadline, you got an extra cost for another inspection

-all letters clearly stated what needed to be done with a new deadline

-she is hearing that Ms. Connors was struggling to manage everything

-these are the costs for not having dealt with it in a timely fashion

-Ms. Seeley says there are no notes in the file from the inspector

-and, today's the 3rd re-scheduled legislative hearing date (originally Mar 29, 2016)

Ms. Moermond:

-there were a ton of opportunities to right this situation

-not seeing extenuating circumstances to justify decreasing the assessment; she will recommend approving this assessment payable over 3 years

-because of your mom's disability, the assessment could be deferred to point of sale; the paperwork is available in our Real Estate Office; that might be your solution

-this assessment total: \$155

-the total of your 2 assessments: \$275 + \$155 = \$430

Approve the assessment. (Appellant may call to ask for the assessment to be spread over number of years.)

**Referred to the City Council due back on 5/18/2016**

**4**      [RLH TA 16-226](#)

Ratifying the Appealed Special Tax Assessment for Property at 928 EDMUND AVENUE. (File No. VB1609, Assessment No.168810)

**Sponsors:**      Thao

*FOLLOW-UP: Appears to have active building and mechanical. If permits are finalized and certificate of code compliance is issued by 6/15/16, LHO will recommend reducing the assessment by half.*

*6/8/16: Call was made to Appellant regarding the outstanding permits. She is asking for 2 additional weeks to get permits finalized (contractors are not returning her calls).*

*Ms. Vang advised her to go the City Council on June 15th.*

*Lingling Feng, owner, appeared.*

*Mai Vang:*

*-read staff report on the VB fee:*

*-this is a Vacant Building, Category 2; was opened Jan 25, 2012*

*-the VB fee went to assessment*

*-cost: \$2025 + \$155 service charge = \$2180*

*-several permits are signed-off*

*-you are close to getting the Code Compliance Certificate*

*Ms. Feng:*

*-when she got the letter, she called the office, talked to the building inspector, Jim Seeger, signed off everything*

-looks like a new house; is on the market

Mai Vang:

-there's still 1 outstanding mechanical permit not finalized (for refrigerant piping only, contact Steven Swanson, Airgate Heating & A/C, contractor)

-the gas permit was already finalized

Ms. Moermond:

-put your contact info on the clipboard

-we still have a little overlapping paperwork

-doesn't think that you will end up paying the VB fee for the year but we need to figure out the paperwork since you will be selling it

-she will call Steve Ubl, the building official, to clear this up; it's close to being signed off

-will Lay this Over for 1 month; everything should all be resolved by then; we should be able to delete this by the time it hits the City Council

Recommendation is forthcoming. LHO to contact building official for active permits.

**Referred to the City Council due back on 6/15/2016**

- 5 [RLH TA 16-206](#) Ratifying the Appealed Special Tax Assessment for Property at 889 FULLER AVENUE. (File No. VB1610, Assessment No. 168811)

**Sponsors:** Thao

Approve; no show.

**Referred to the City Council due back on 6/15/2016**

- 6 [RLH TA 16-213](#) Ratifying the Appealed Special Tax Assessment for Property at 994 FULLER AVENUE. (File No. J1609A, Assessment No. 168525)

**Sponsors:** Thao

Approve; no show.

**Referred to the City Council due back on 6/15/2016**

- 7 [RLH TA 16-234](#) Ratifying the Appealed Special Tax Assessment for Property at 1114 JESSIE STREET. (File No. J1609A, Assessment No. 168525)

**Sponsors:** Brendmoen

Approve; no show.

**Referred to the City Council due back on 6/15/2016**

- 8 [RLH TA 16-231](#) Ratifying the Appealed Special Tax Assessment for Property at 1134 JESSIE STREET. (File No. J1609A, Assessment No. 168525)

**Sponsors:** Brendmoen

Approve the assessment.

Mark Mancini, owner, appeared.

*Inspector Paula Seeley:*

- Summary Abatement Order issued Jan 25, 2016; compliance & re-check Jan 29
- work done Feb 1, 2016 for a cost of \$158 + \$160 service charge = \$318
- no returned mail
- little bit of history
- sent to Occupant and Mark Mancini / Jamie Mancini, 1413 Keller Lake Rd, Burnsville, MN
- 2 chairs in the front yard

*Mr. Mancini:*

- his issue is that the letter was printed on the 25th (Mon); he didn't receive it until that weekend but it was to be completed by the 29th (Fri); he called the first thing the following Mon morning (Diane) and she explained that I was to call Paula; when I called and left a voice mail for Diane on Mon morning, I said that I'd take care of it that week; (she said that she put a note on Paula's desk); I called Paula on Mon and again on Tue am and left another message for Paula; Wed morning I called again and left a 3rd message for Paul saying the same thing (will have this taken care of by Fri, etc.) Paula called me back on Wed and said that the work had already been done and really didn't want to hear what I had to say; he believes that he didn't really have enough time to resolve the issue to begin with and doesn't think that he should have to pay #318 for having 2 chairs removed from the front yard; I had just evicted the tenants, who left that stuff behind

*Ms. Seeley:*

- she put in her notes: Feb 3, I spoke to owner and told him that we had already cleaned it up on Feb 1; he said that he left me a message on the 1st but I was at a 2-day conference and didn't get the message; the Work Order had already gone out

*VIDEO - city removed 2 chairs from front yard*

*Ms. Moermond:*

- the Order was dated Mon Jan 25 and the deadline was Fri of that same week; the work was done on the following Mon; there was sufficient time to get that done

*Mr. Mancini:*

- doesn't think it was sufficient time

*Ms. Moermond:*

- there are alternative ways to manage that, business wise; a lot of landlords have had great success with pick-up companies
- knows that landlords struggle with this at the beginning of the month but there are ways to mitigate the problem
- a week is sufficient, in her view, to address this

*Ms. Mancini:*

- argued that he doesn't believe he had a week to do this
- thinks it's unfair, especially when he called on Mon, Tue and Wed

*Ms. Moermond:-a week is sufficient, in her view, to address this*

- will recommend approval
- the City Council may look at this differently
- City Council Public Hearing Jun 15, 2016

**Referred to the City Council due back on 6/15/2016**

LAFOND AVENUE. (File No. J1609A, Assessment No. 168525)

**Sponsors:** Thao

*Approve; no show.*

**Referred to the City Council due back on 6/15/2016**

- 10 [RLH TA 16-215](#) Ratifying the Appealed Special Tax Assessment for Property at 476 MINNEHAHA AVENUE EAST. (File No. J1609A, Assessment No. 168525) (Public hearing to be continued to October 5, 2016)

**Sponsors:** Brendmoen

*Ali H. Salah, owner, appeared.*

*Inspector Paula Seeley:*

*-Summary Abatement Snow Order issued Feb 11; compliance Feb 13; re-checked Feb 16*

*-work done Feb 17 for a cost of \$160 + \$160 service charge = \$320*

*-no returned mail*

*-some history*

*-sent to Ali Salah at this address and to the Occupant*

*-photos: not full width; icy & sloppy*

*VIDEO - crew removed snow full width; salted & sanded*

*Mr. Salah:*

*-this is his home*

*-after he got the letter, he called Steven; he told him that the day before he put down salt to soften the snow/ice; the city came the next day and didn't listen to me when I said that I'd clear it; it took them 5 minutes; I asked them what they were doing - that he was in the process of removing the snow/ice; and they charged \$320*

*VIDEO - crew removed snow/ice full width; salted & sanded*

*Ms. Seeley:*

*-this is a corner house and it looks as though he might had salted it*

*-history: garbage/rubbish 12/14/15; Work Order sent to Parks but it was done by owner; has not been a problem for the last couple of years*

*Ms. Moermond:*

*-hearing that you put down salt to soften it but it wasn't sufficient; you had intended to remove it when it softened*

*-will ask the City Council to Lay this Over to Oct 5, 2016; if there's no same/similar things going on between now and then, (No Orders written), then she will recommend this assessment be DELETED on the Oct 5, 2016 City Council Public Hearing*

*To continue Public Hearing to October 5; if no same or similar violation(s), will delete the assessment.*

**Referred to the City Council due back on 6/15/2016**

- 11 [RLH TA 16-216](#) Ratifying the Appealed Special Tax Assessment for Property at 667 OTSEGO STREET. (File No. J1609A, Assessment No. 168525)

**Sponsors:** Brendmoen

*Approve; no show.*

**Referred to the City Council due back on 6/15/2016**

- 12 [RLH TA 16-217](#) Ratifying the Appealed Special Tax Assessment for Property at 1660 REANEY AVENUE. (File No. J1609A, Assessment No. 168525)

**Sponsors:** Prince

*Approve; no show.*

**Referred to the City Council due back on 6/15/2016**

- 13 [RLH TA 16-208](#) Ratifying the Appealed Special Tax Assessment for Property at 1453 SAINT CLAIR AVENUE. (File No. J1609A, Assessment No. 168525) (Public hearing to be continued to October 5, 2016)

**Sponsors:** Tolbert

*Russell Rosen, owner, appeared.*

*Inspector Paula Seeley:*

*-Summary Abatement Snow Order issued Feb 6, 2016; compliance Feb 8;*

*re-checked Feb 9*

*-work done Feb 10 for a cost of \$160 + \$160 service charge = \$320*

*-no returned mail*

*-sent to Occupant and Russell Rosen at this address*

*-photo*

*VIDEO - crew removed snow full width; salted & sanded*

*Mr. Rosen:*

*-appealing for a reduction or an expulsion; he called the office when he got the Notice; the person he talked with said that she didn't see any problem with the property as she was looking in the system (that the computer tended to spit these things out); toss the Notice and don't worry about it if you shoveled; the way she made it sound was that she was looking at something that indicated that they had made a mistake; he thought that everything was alright*

*-things have changed as to the requirements of the code; he didn't realize that it had to do with the cement of the sidewalk.*

*-he has now hired a company and the gentleman who came out to do the work said that he would be ashamed to leave the sidewalk the way the city had left it (photo of the way the city left it) scanned it*

*-emphasized that the woman he spoke with indicated that there wasn't a problem; that everything was alright*

*Ms. Moermond:*

*-looking at the photo dated Feb 9, there's no way it's adequate; she needs it to be more even; the city's work could also be better*

*-trusts that there's some confusion in this situation*

*-there's no history on this property at all*

*-will recommend that if there are no Orders from now until Oct 5, 2016, she will recommend DELETING this assessment*

*To continue Public Hearing to October 5; if no same or similar violation(s), will delete assessment.*

**Referred to the City Council due back on 6/15/2016**

- 14 [RLH TA 16-218](#) Deleting the Appealed Special Tax Assessment for Property at 1124 SELBY AVENUE. (File No. J1609A, Assessment No. 168525)

**Sponsors:** Thao

*5/3/16: Approve; no show.*

*5/11/16: Rescheduled to May 17 per owner's request.*

**Laid Over to the Legislative Hearings due back on 5/17/2016**

- 15 [RLH TA 16-228](#) Ratifying the Appealed Special Tax Assessment for Property at 206 STEVENS STREET WEST. (File No. J1609A, Assessment No. 168525)

**Sponsors:** Noecker

*Scott D. Kramer, owner, appeared.*

*Inspector Paula Seeley:*

*-Summary Abatement Snow Order issued Jan 26, 2016; compliance Jan 28; re-checked Jan 29*

*-work done Feb 1 for a cost of \$160 + \$160 service charge = \$320*

*-no returned mail*

*-sent to Wendy Kramer, 241 George St W; and Occupant at this address*

*Mr. Kramer:*

*-he was actually out of town at the time and had someone from his office taking care of his properties; thought it may have been dumping because people have been dumping mattresses, box springs, etc., repeatedly*

*-guess we just screwed up; he wasn't sure what exactly happened*

*-Wendy is my X-wife; should be under my name (now it's changed)*

*-he will make sure this doesn't happen again*

*Ms. Moermond:*

*-will recommend approval*

*Approve the assessment.*

**Referred to the City Council due back on 6/15/2016**

- 16 [RLH TA 16-219](#) Ratifying the Appealed Special Tax Assessment for Property at 273 TOPPING STREET. (File No. J1609A, Assessment No. 168525)

**Sponsors:** Thao

*Approve; no show.*

**Referred to the City Council due back on 6/15/2016**

- 17 [RLH TA 16-220](#) Ratifying the Appealed Special Tax Assessment for Property at 277 TOPPING STREET. (File No. J1609A, Assessment No. 168525)

**Sponsors:** Thao



*Approve; no show.*

**Referred to the City Council due back on 6/15/2016**

- 18 [RLH TA 16-221](#) Ratifying the Appealed Special Tax Assessment for Property at 281 TOPPING STREET. (File No. J1609A, Assessment No. 168525)

**Sponsors:** Thao

*Approve; no show.*

**Referred to the City Council due back on 6/15/2016**

- 19 [RLH TA 16-207](#) Ratifying the Appealed Special Tax Assessment for Property at 1010 VIRGINIA STREET. (File No. J1609A, Assessment No. 168525)

**Sponsors:** Brendmoen

*Approve; no show.*

**Referred to the City Council due back on 6/15/2016**

- 20 [RLH TA 16-222](#) Ratifying the Appealed Special Tax Assessment for Property at 122 WAYZATA STREET. (File No. J1609A, Assessment No. 168525) (Public hearing to be continued to October 5, 2016)

**Sponsors:** Thao

*Gholamreza Ashrafzadehkian, owner, appeared.*

*Inspector Paula Seeley:*

*-Summary Abatement Snow Order issued Feb 4, 2016; compliance & re-check Feb 6*

*-work done Feb 11 for a cost of \$160 + \$160 service charge = \$320*

*-no returned mail*

*sent to Gholamreza Ashrafzadehkian, 3817 Beard Ave S, Mpls; and Occupant at this address*

*VIDEO - crew removed snow full width; salted & sanded*

*Ms. Moermond:*

*-that got taken care of kind of halfway*

*-snow total: 8.8 inches fell on Feb 2, 2016; the letter went out Feb 4; crew came Feb 11 and it still looks like it's in pretty rough shape*

*Mr. Ashrafzadehkian:*

*-this is an interesting sidewalk; it actually ends right at the house; it's a very narrow street, so when the plow comes, they actually close the sidewalk; it is so difficult after the plows have gone through; it's actually a sidewalk that goes nowhere; it ends at the house and doesn't continue on to Rice; since the tenants have access to the house, in and out, we thought we were OK*

*Ms. Moermond:*

*-well, it is a sidewalk that gives access to the house*

*Inspector Lisa Martin:*

*-looking at the photos that Inspector Ross took, there was an attempt made to clear*

*the sidewalk*

*Ms. Moermond:*

*-yes*

*Ms. Seeley:*

*-history: 9-23-15 - Orders of mattress in yard; done by owner*

*Ms. Moermond:*

*-will Lay the Over to Oct 5; if nothing else comes up; she will recommend DELETING it*

*To continue the public hearing to October 5; if no same or similar violation(s), will delete the assessment.*

**Referred to the City Council due back on 6/15/2016**

**21**     [RLH TA 16-209](#)

Ratifying the Appealed Special Tax Assessment for Property at 419 WHITALL STREET. (File No. J1609A, Assessment No. 168525)

**Sponsors:**     Brendmoen

*Gerald Frisch, Phalenview Real Estate LLC, owner, appeared.*

*Inspector Paula Seeley:*

*-Summary Abatement Order issued Feb 9; compliance Feb 16; re-checked Feb 24*

*-work done Feb 25, 2016 for a cost of \$318 + \$160 service charge = \$478*

*-mattress & rubbish on vacant lot*

*-sent to Phalenview Real Estate LLC, 2350 7th St W, St. Paul; and Occupant*

*Mr. Frisch:*

*-that's his company*

*-he is here to contest the assessment as unfair and unconscionable*

*VIDEO - crew picked up mattresses and rubbish around the lot*

*Mr. Frisch:*

*-acquired property Dec 2013 as part of the distribution from the Richard Wybierala*

*estate; Thomas Wybierala acquired the home at 427 Whitall St and he is*

*continuously using this vacant property that is not his as a dumping ground; he's*

*operating an industrial facility at his home at 427 Whitall; he acquires metal and*

*separates it; it's an on-going situation*

*-he confronted Mr. Wybierala about dumping on his lot; the answer that the city has*

*given him is that he has to install a fence; the fence will separate but it's not going to*

*stop going around the fence to put the debris on his property; he has cleaned up the*

*property; he received Notices in the past that it's been used as a dumping ground;*

*he's made arrangements, now, for various people to take care of mowing the grass,*

*to take care of the debris from time to time and this is the 3rd or 4th time that it's been*

*before this hearing; he doesn't know what to do; he doesn't believe that the cost of*

*installing a fence is going to solve the problem; he thinks that the city should be*

*enforcing this against Mr. Wybierala, who uses his facility at 427 as a base for*

*operating businesses as industrial; there's nothing that he can do other than respond*

*to these kinds of Notices; but the real problem is that something is going to have to*

*happen with Mr. Wybierala*

*-during the course of the winter, that site was used as a dumping ground by Mr.*

*Wybierala's associates for snow; it's abusive to him; he's confronted him; he's*

*brought him to court 3 times; there's been Orders issued to do all kinds of things and*

*there's nothing that he can do but continually object to his conduct*  
*-if I'm told that there's nothing that can be done under these ordinances, he will go to the City Council to see if there's something else that can be done*  
*-I'm here objecting to the assessment on principle*  
*-how does he stop a neighbor who is abusing not only his own site but the adjoining site with debris and garbage?*

*Ms. Moermond:*

*-at this time, the nuisance ordinances are property specific; so that the Order is written to the owner of record of the property to address the nuisance at that property; and we can't, legally, get out from underneath that and go for this 3rd party (a real common problem of dumping); the answer is a criminal answer; not this civil solution; the letter that Attorney Morgan Okney wrote summarizes this situation nicely*  
*-she is stuck with the Notice went out; the costs were incurred; and the nuisance existed*  
*-she is inferring that there's been a private nuisance between you and your neighbor but she can't get inside that relationship; she can deal only with the nuisance*

*Mr. Frisch:*

*-he doesn't object to the assessment; he objects to the continuous assessment of cleaning it up when there's nothing that he can do with an obstinate neighbor, who refuses to follow the law*  
*-he has written him on Feb 26, about vehicles on the property that would be towed; he gave him a certified Notice of that - all of the things that he could possibly do to make this a good piece of property*  
*-he has developed properties in this city for 25 years; he's gotten citations for great work; he's built senior housing, town houses, apartment buildings, individual homes under Mayor Norm Coleman and Mayor Kelly and have been acknowledged; he's a good citizen and does a good job but there's nothing that he can do about this site; he's wanted to rezone this site but neighbors have rejected to the rezoning; the street in front of 419 Whitall does not have sewer and water; so, it makes it very expensive and difficult to develop it; his option is to let it go tax forfeit and then there's a problem continuously; he's been looking to try to solve it; the neighbor who was opposed to an apartment going in owns an apartment building adjacent to this site; he objected to it because it would cause his tenants to be not have a good view of downtown St. Paul; that's the kind of people he's dealing with at this location; there's nothing that he can do; he was hoping to put up quality housing for an adjacent business' employees; it's overlooking Phalen Blvd*  
*-he doesn't know what to do; thinks that it's unfair to burden him*  
*-he will go before the Council to make a record that something has to be done about situations such as this*

*Ms. Moermond:*

*-terrific! Thinks we have a good start; the minutes will be front of the City Council; good background*  
*-will retain this Video*

*Mr. Frisch:*

*-Richard Wybierala is continuously a burden for St. Paul*  
*-he agreed that after John died that he would represent Richard and try to keep him under control; he took care of his real estate and sold it; cleaned everything up; administered his estate; and as it happened, Tom Wybierala wound up with this house as a distribution in the estate as a family member; now, this is the kind of a situation that is a burden*

*Ms. Moermond:*

-will recommend approval  
 -City Council Public Hearing Jun 15, 2016

Approve the assessment.

**Referred to the City Council due back on 6/15/2016**

- 22**     [RLH TA 16-233](#)     Ratifying the Appealed Special Tax Assessment for Property at 1099 WOODBRIDGE STREET. (File No. J1609A, Assessment No. 168525)

**Sponsors:**     Brendmoen

Approve; no show.

**Referred to the City Council**

- 23**     [RLH TA 16-240](#)     Ratifying the Appealed Special Tax Assessment for Property at 924 ROSE AVENUE EAST. (File No. J1609A, Assessment No. 168525)

**Sponsors:**     Bostrom

*Benjamin Carter, owner, appeared.*

*Inspector Paula Seeley:*

*-Summary Abatement Order issued Feb 1, 2016; compliance Feb 8; re-checked Feb 8*

*-work done Feb 9 for a cost of \$316 + \$160 service charge = \$476*

*-sent to Occupant and Benjamin Carter at 1918 Walnut St, St. Paul*

*-remove construction debris and other refuse from the alley side of the garage*

*-no returned mail*

*-photos*

*VIDEO - removed construction materials, chair, door, garbage can from back yard & side of garage*

*VIDEO again (can't get a good sense of what was there to begin with )*

*Mr. Carter:*

*-has no control of the trash dumping in the alley; it's not in the yard; it's in the alley next to the garage wall; if he sees it, he picks it up*

*-the door was theirs used to block the cellar door because they had a break-in; the garbage can was overflowing because that day was their trash pick-up day*

*-someone had left a bag of cans that froze into the ground and he couldn't get it out;*

*-people leave shopping carts and all kinds of stuff left there*

*Ms. Moermond:*

*-will also look at the photos; can see how that door would look like junk to an inspector*

*-when you get a letter from the city in the mail to deal with things like this, you need to go and check it out*

*-not securing that structure speaks to her about your willingness to step up as a landlord*

*Mr. Carter:*

*-it's rental property; he's the landlord*

*-he had just gotten that door; it was not secured at the time; it is secured now*

*Inspector Lisa Martin:*

*-looking in STAMP, the Certificate of Occupancy is due for re-inspection*

-looks like there's been remodeling going on since 2010; permits have not been inspected or approved

Ms. Moermond:

-those things could be taken care of now - wrapped up for when a new C of O goes out

-will recommend approval of this assessment

-the materials were there; the city picked it up

-City Council Public hearing Jun 15, 2016

Approve the assessment.

**Referred to the City Council due back on 6/15/2016**

### Special Tax Assessments-FOR DELETION, NO HEARING NECESSARY

- 24**     [RLH TA 16-224](#)     Deleting the Appealed Special Tax Assessment for Property at 37 ANNAPOLIS STREET EAST. (File No. VB1609, Assessment No.168810)
- Sponsors:**            Noecker
- Delete the assessment; Category 1 Vacant Building that is occupied. VB fee should not have been renewed.*
- Referred to the City Council due back on 6/15/2016**
- 25**     [RLH TA 16-223](#)     Deleting the Appealed Special Tax Assessment for Property at 2021 FREMONT AVENUE. (File No. VB1609, Assessment No. 168810)
- Sponsors:**            Prince
- Delete the assessment; propety was in compliance. VB fee should not have been renewed.*
- Referred to the City Council due back on 6/15/2016**
- 26**     [RLH TA 16-227](#)     Deleting the Appealed Special Tax Assessment for Property at 774 MINNEHAHA AVENUE WEST. (File No.VB1610, Assessment No. 168811)
- Sponsors:**            Thao
- Delete the assessment; assessed in error per DSI staff.*
- Referred to the City Council due back on 6/15/2016**
- 27**     [RLH TA 16-230](#)     Deleting the Appealed Special Tax Assessment for Property at 1877 MAGNOLIA AVENUE EAST. (File No. J1609A, Assessment No. 168525)
- Sponsors:**            Bostrom
- Delete the assessment; Somehow, Parks did clean up before compliance date.*
- Referred to the City Council due back on 6/15/2016**

**Special Tax Assessments-ROLLS**

- 28    [RLH AR 16-29](#)    Ratifying the assessments for Property Clean Up services from February 1 to 25, 2016. (File No. J1609A, Assessment No. 168525)  
*Sponsors:*        Stark  
**Referred to the City Council due back on 6/15/2016**
- 29    [RLH AR 16-30](#)    Ratifying the assessments for Trash Hauling services from February 3 to 24, 2016. (File No. J1609G, Assessment No. 168709)  
*Sponsors:*        Stark  
**Referred to the City Council due back on 6/15/2016**
- 30    [RLH AR 16-32](#)    Ratifying the assessments for Collection of Vacant Building Registration Fees billed August 11 to December 31, 2015. (File No. VB1609 Assessment No. 168810)  
*Sponsors:*        Stark  
**Referred to the City Council due back on 6/15/2016**
- 31    [RLH AR 16-33](#)    Ratifying the assessments for Collection of Vacant Building Registration Fees billed January 1 to 19, 2016. (File No. VB1610 Assessment No. 168811)  
*Sponsors:*        Stark  
**Referred to the City Council due back on 6/15/2016**

**11:00 a.m. Hearings****Summary Abatement Orders**

- 32    [RLH SAO 16-14](#)    Appeal of Thomas Valtierra to a Summary Abatement Order at 256 SIDNEY STREET EAST.  
*Sponsors:*        Noecker  
*Deny the appeal; no one appeared.*  
**Referred to the City Council due back on 5/18/2016**

**Correction Orders**

- 33    [RLH CO 16-15](#)    Appeal of Philip Varchenko to a Correction Order at 1627 MARSHALL AVENUE. (Public hearing continued from May 18)  
*Sponsors:*        Stark

*Recommendation is forthcoming.*

**Referred to the City Council due back on 5/18/2016**

## **11:30 a.m. Hearings**

**Orders To Vacate, Condemnations and Revocations (NONE)**

## **1:30 p.m. Hearings**

### **Fire Certificates of Occupancy**

- 34**     [RLH FCO 16-40](#)     Appeal of Richard A. Cardenas to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 66 NINTH STREET EAST.

**Sponsors:**             Noecker

*Richard A. Cardenas, owner, appeared.*

*Ms. Nhia Vang:*

*-at the last hearing, she asked him to see whether he could find any financial resources*

*Fire Inspector Leanna Shaff:*

*-this was Laid Over to today*

*-has no update*

*Mr. Cardenas:*

*-there are very few resources because this is a personal thing*

*-even if he had a 501C3, he would still not qualify for a programmatic expense*

*-he checked out costs and the Stanley Automatic Door Opener is \$2000 plus installation, etc.*

*-the more reliable one, often used commercially, is about \$500 for installation, at least; need a certified electrician to install it; and he doesn't know if they can be overridden to get in*

*-the main issue he has is that he can't get in and he can't get out with the automatic door closer*

*-is wondering why it wouldn't be grandfathered-in*

*Ms. Shaff:*

*-it wouldn't be grandfathered-in because it was already there and you removed it or disabled it*

*-they are required in that building, especially, with multiple floors*

*Ms. Nhia Vang:*

*-spoke with Commissioner Ortega, who represents your district and he gave her some research that we have used in the past; maybe you can contact them and perhaps their office can help you further to find financial assistance*

*-asked Ms. Shaff is there was a minimum standard that we can use or is there any alternative method can be used to make this work for Mr. Cardenas' situation*

*Ms. Shaff:*

*-unfortunately, there's not*

-we've gone through this before on door closures, etc.  
 -it's a building code issue and is definitely required by the building code  
 -building official Steve Ubl would require special opening hardware in order to comply with the requirement of the code

Mr. Cardenas:

-he sees it as a safety issue also; only in just the opposite way as the rules say  
 -if I can't get in/out of my unit..... that's not safe for me  
 -in 1988, the Fire Dept (don't have documentation, but) knew about this and put that latch on  
 -doesn't think that the association would help

Ms. Nhia Vang:

-would like to have a closer look at this  
 -Lay Over for 2 weeks to May 17, 2016 LH to see if Mr. Cardenas can contact more resources

**Laid Over to the Legislative Hearings due back on 5/17/2016**

**35**     [RLH FCO 16-57](#)     Appeal of Tim Murphy to a Fire Certificate of Occupancy Approval With Corrections at 855 FOURTH STREET EAST.

**Sponsors:**     Prince

*Tim Murphy, Hosford Properties LLC, owner, appeared.*

*Fire Inspector Leanna Shaff:*

*-Fire Certificate of Occupancy approval with corrections; inspection conducted by Joe Brown on Mar 2, 2016  
 -the parking surface requirement is being appealed: all parking spaces shall be paved with a durable, dustless surfacing; currently, it's gravel  
 -deadline of Jun 3, 2016  
 -photo*

*Mr. Murphy:*

*-I wanted to replace the Class 5 with new Class 5 and pack it; however, Zoning said that it had to be surfaced with pavement, asphalt or pavers  
 -he did not yet submit a site plan because if he has to go to a dustless surface, he'll just plant grass and take away the parking area*

*Ms. Shaff:*

*-you can't take away your off-street parking; so, going to grass is not an option*

*Ms. Nhia Vang:*

*-given that Zoning had already made a determination, she agrees with Zoning's determination; Class 5 is not an acceptable parking surface; appellant is to submit a site plan and be given until Sep 2nd to come into compliance*

*-deadline: will grant until Sep 2, 2016 to come into compliance*

**Referred to the City Council due back on 5/18/2016**

**36**     [RLH FCO 16-54](#)     Appeal of Wally Nelson; Renovation, Inc.; to a Fire Inspection Correction Notice at 1076 WAKEFIELD AVENUE.

**Sponsors:**     Prince



Wally Nelson, Renovation Inc, appeared.

Fire Inspector Leanna Shaff:

-Fire Certificate of Occupancy Correction Notice issued by Fire Inspector Joe Brown on Apr 5, 2016

-only item being appealed is the driveway surfacing

-photos

Mr. Nelson:

-there's some gravel; some dirt; needs more gravel

-this is a circling item: Zoning said that if I didn't want to pave the driveway, I should appeal and come here

-we don't want to pave for 3 reasons: 1) the driveway was there before the Ordinance was put into place; and 2) there are 5 other driveways along this street that are existing unpaved; and 3) we have had the exact situation within the past 2 years over at 1016 McLean Street and we were allowed to add gravel; it was passed by City Council so, he sees no reason why he would be forced to put down asphalt, etc.

-I will add gravel to make it better but I don't want to pave it

-the alley is asphalt

-submitted photos of the other driveways with their addresses on the back

Ms. Nhia Vang:

-will do some homework and bring forth my recommendation

-City Council Public Hearing May 18, 2016

05-25/2016 / FU: Grant the appeal with an extension until July 11, 2016 to allow Class 5 gravel for the existing parking surfacing, provided the parking surface be bounded by landscaping to not spread to other parts of the property or neighboring properties; the parking surface is maintained to reduce pooling and clear of weeds and grass; and, a site plan is submitted to Zoning Site Plan Review to address how much surface can be used for parking and to mitigate water run-off and further erosion to the improved alley.

**Referred to the City Council due back on 6/1/2016**

- 37      [RLH FCO 16-56](#)      Appeal of Thomas & Sheila Casper, d/b/a Copper Dome/Tommy C's Randolph Griddle, to a Fire Certificate of Occupancy Correction Notice - Complaint Inspection at 1333 RANDOLPH AVENUE.

**Sponsors:**      Tolbert

Thomas Casper, owner of Copper Dome/Tommy C's Randolph Griddle business, appeared.

Fire Inspector Leanna Shaff:

-started in the Fire Certificate of Occupancy inspection process which was approved with Corrections, dated Apr 6, 2016 with a compliance date of on or after May 9, 2016

-fire alarm report - a requirement for annual maintenance of the fire alarm system

-hood suppression fire alarm, where a building has a fire alarm system installed, automatic fire extinguishing system shall be monitored, which is mandatory by the building fire alarm system

-those 2 requirements that are being appealed

Mr. Casper:

-when he bought the business, there were no Corrections; everything was in working order according to the inspection; he doesn't want to point fingers and blame people

*but this should have been done by the former owner before he bought the business; 1 1/2 yrs later the business is inspected and they suggest that he needs a Correction Notice, so he appealed because of the hardship of the major road construction occurring on Randolph Ave; this is a county road; they go down 9 feet and replace all of the utilities, etc; the Fire people understood that was difficult for us and this business has been here for over 32 years without this system; so, they granted as extension until I got through this hardship; but no one knew at the time was that the construction was to be a 2-year project*

- presently, they are detouring all traffic away from his business, a small pancake/breakfast house*
- he has no reserves left; his business has dropped off; today, he had 31 people; he will be in a better position 1 year from now to comply with this Correction Notice; so, he's asking from 1 more year extension because the hardship has been extended for another year*
- he just doesn't have any money; he used all of his reserves last year - he was told it would be only 1 year; now, it's 2 years*
- all the cars are being detoured away from his business from Syndicate to Lexington, so, it would make common sense to see that hardship and grant one more year extension*

*Ms. Shaff:*

- the fire alarm report is an annual thing that has to happen; so, she's not sure why it was given an extension on yearly maintenance*
- there are some apartments right next to your business and that's very concerning*
- if we don't monitor some of these things, we lose lives and property, as when the hamburger place across the street burned down*

*Mr. Casper:*

- he just doesn't have any reserves left after this major reconstruction that is occurring and at that time, they did not know that this project was going to take 2 years; he was allowed a 1 year extension back then*

*Ms. Nhia Vang:*

- she would not want his business to go up in flames; there's been too many fires lately*

*Mr. Casper:*

- someone didn't do their job before I bought the business*

*Ms. Shaff:*

- having the system tested for operation is an annual business expense - an annual requirement for fire alarm systems*
- a business like this gets inspected every 2 years; this particular business was inspected in Feb 2015; previous notes: "Owner should provide a proposal on time to get hood tied into alarm (10-6-14); received email re proposal but not in time frame of completion; sent off to supervisor to review; spoke with supervisor Wiese; OK to approve C of O but have hood tied before or during the next C of O cycle." Sounds like it's due now; we just finished the cycle and approved it with Corrections, only these 2 corrections; technically, that should have been done by now*

*Mr. Casper:*

- in Oct, 2014, I did not own this business; so, I would not have bought the business had I known; I would have had them comply and then bought the business*

*Ms. Shaff:*

- that's between you and the previous owner; the Orders go with the building*

-Feb 19, 2015 letter talks about where a building fire alarm system is installed, automatic fire extinguishing system shall be monitored by the building fire alarm system in accordance with NFPA..... to be completed before or during the next C of O inspection Mar 2016." It's in writing and attached to the file

Mr. Casper:

-how would I know what those Orders were if they weren't revealed to me?  
-that's when I appealed and was given a 1 year extension in the spring of 2015  
-the problem is that the road construction is a 2 year project, not a 1 year project as was anticipated  
-he is in worse shape now to comply than he was a year ago

Ms. Nhia Vang:

-suggested that Mr. Casper appeal before the Council  
-City Council Public Hearing May 18  
-will recommend denying this appeal

Deny the appeal.

Referred to the City Council due back on 5/18/2016

## 2:30 p.m. Hearings

### Vacant Building Registrations

- 38 [RLH VBR 16-24](#) Appeal of Arafat El Bakri to a Vacant Building Registration Notice at 1737 BUSH AVENUE.

**Sponsors:** Prince

Arafat El Bakri, owner, appeared.

Fire Inspector Leanna Shaff:

-started as a Fire Certificate of Occupancy inspection by Inspector Jonathan Gaulke  
-first inspection was scheduled for Jul 2015  
-Inspector Gaulke Revoked the C of O in Dec 2015 and Condemning it in Mar 2016  
-sent it to the Vacant Building Program  
-22 deficiencies are listed; Condemned for water shut-off; crumbling bricks & blocks near parking area; missing outlet covers, etc.  
-looking for a quicker compliance time; it has been 11 months

Inspector Matt Dornfeld, Vacant Buildings:

-he opened a Category 2 VB per Inspector Shaff's testimony  
-currently, the house is vacant, secured and maintained; has not been a nuisance

Mr. El Bakri:

-was hoping the Mr. David Johnson, previous owner, to be here  
-when all this happened, the previous owner had a broken hip, so he had surgery;  
Mr. El Bakri contacted him and told him that he would act in his place  
-he had a tremendous of unsuccessful attempts with the tenants to allow him entry;  
he tried every trick he knew to try to gain entry but they refused; the tenants had 3 dogs that were not very nice  
-what struck him the most was the behavior of Inspector Gaulke; he met Mr. Gaulke at the property after he got the Notice; he finished all of the interior work that was cited and Mr. Gaulke's response to him was really odd; there had been absolutely no

conflict between them before; he wondered why he had been treated so by Mr. Gaulke; thought that perhaps, he might have heard from the tenants that the property had been neglected; he was very rude to Mr. El Bakri, who pointed out to Mr. Gaulke that that was unacceptable treatment by him; he needs to be dealt with respect; Mr. Gaulke did not say a word; everything inside was taken care of and he would take care of any other thing that Mr. Gaulke wanted him to do but wanted an extension on the outside work; Mr. Gaulke said not a single word; he showed Mr. Gaulke that he had installed the smoke detector the day before and now, it had been removed; the girl asked, "Dad, where's the smoke detector you removed from here?" Instead of the inspector telling the tenants that they should not be tampering with the smoke detectors, he asked Mr. El Bakri to step out so that he could have a private word with the tenants; Mr. El Bakri asked what could be private between them; it's an official visit about the inspection; that he needed to be involved with that discussion -the talk he got from the tenant at that time was very trashy; so when he met with David Johnson, he asked him what the problem was - that the property needed some attention; he said that the tenants were supposed to be paying \$400/mo rent and taking care of all the repairs; they owed him \$15,000; they haven't paid rent for the past 5 years, nor did they take care of any repairs/maintenance and he could no longer deal with it

-Mr. El Bakri called Mr. Gaulke and told him that he spoke with Mr. Johnson, who was in the process of evicting the tenants; he told Mr. Johnson that he would not buy the property until he got the evicted the tenants; the minute he evicted the tenants, Mr. El Bakri bought the property on a Contract for Deed; he did not want the utilities on because the tenants would probably come back by breaking in, and they did; they broke in and filled the walls with profanity and left the house open; Mr. El Bakri went back and secured it

-he thought it would be nonsense for him to rent it to anybody before all the Order were in compliance; he waited until better weather conditions to take care of the exterior items

-in short, that's the story

-another surprising thing (furnace certificate, crushed rods outside, etc.), the inspector never checked the Orders out; he sent me the same Orders again without checking out what he was supposed to be checking out; he checked nothing off the list because he didn't check out anything that I did

-spent 10 hours with 4 people working on this property the day before the inspection to make 100% sure that the inside stuff was taken care of

-doesn't really know how to deal with this issue about the VB

-you should have seen all of the stuff outside left by the tenants, including a lot of animal waste and garbage that was never removed; he talked with a very kind inspector who told him that if he took care of it that day, he would let it go (I had received the letter a little late); so, I went got it super clean outside and secured the house again

-now, he needs to know what's next

-has a copy of the Contract for Deed (not yet registered)

Ms. Shaff:

-knowing Inspector Gaulke, she is having a difficult time believing that he didn't check things out and remove things from the list

-the list should have been taken care of a long time ago and a water shut-off is an automatic Condemnation; with outstanding deficiencies, we Revoke and send it to VB

Mr. El Bakri:

-now the question is whether he went inside; and whether or not he removed items from the list; that's why I wanted him to be here

-for sure, he received the heating report from Hinding Plumbing & Heating (he didn't check that off)

-the smoke detectors were up and I have all the receipts for what I did (he didn't check that off)  
-this was a very strange interaction from the inspector; the only justification he would have is that he was disgusted by what the tenants might have told him; just giving you the best scenario of why he treated me like this

Ms. Shaff:

-understands that's Mr. El Bakri's perception  
-the Revocation does not list the heating report  
-inspector's notes say a few things: in Aug, Mr. Johnson may have needed more time; there's issues between the owner/responsible party/tenants

Mr. El Bakri:

-left the inspector a message after the 2nd report came with nothing checked off  
-he did all the Corrections by himself before the deadline on the inside  
-he begged the inspector to give him an extension on the exterior work; but he got no response from the inspector  
-the dryer was removed from the basement (no permit needed); he had just been sitting in the basement; was not in working condition  
-no item on the list needed a permit

Ms. Nhia Shaff:

-asked if the Oct 29, 2015 photos were the latest ones on record? (Ms. Shaff: yes)  
-asked how the interior looks now

Mr. El Bakri:

-interior looks terrible: graffiti; punched walls, profanity written all over  
-needs a month to work inside to bring it back to an acceptable condition; there were 7 people living there with a baby  
-the inspection does not address the fact that this is a livable condition or not; the inspection addresses safety issues; but the way it looks, I can't even show it to anyone

Ms. Shaff:

-the code compliance inspection does deal with all facets of living conditions  
-this property has never had a code compliance inspection; has not been in the VB Program before

Mr. El Bakri:

-he needs a chance to fix up the house; he didn't get protection from the city  
-he has corrected many problem properties in St. Paul and brought them up to code  
-he has never once had a problem with a fire inspector before, ever  
-the inspector did not handle things professionally in the least  
-asked for a month to take care of things; then an inspector can come in to take a look  
-I just need some fairness in the way this is being dealt with  
-I will take care of everything and take pictures of what I did

Ms. Shaff:

-we won't be assigning a different inspector

Ms. Nhia Vang:

-the inspector will take photos, too

Mr. El Bakri:

-what if the inspector does the same thing as last time

Ms. Nhia Vang:

-she will ask Ms. Shaff to keep a close eye on Inspector Gaulke

Ms. Shaff:

-will follow up with Division Manager, Phil Owens; this has never been my experience with Inspector Gaulke and she has a difficult time reconciling what the Appellant is saying with this particular inspector

Ms. Nhia Vang:

Change vacant building status to Category 1 so appellant can get his Fire C of O reinstated within 30 days.

**Referred to the City Council due back on 5/18/2016**

**39**      [RLH VBR 16-27](#)      Appeal of Yan Chen to a Vacant Building Registration Requirement at 1005 HUBBARD AVENUE.

**Sponsors:**      Thao

*Yan Chen, owner, appeared.*

*Inspector Matt Dornfeld, Vacant Buildings:*

*-this was opened as a Category 2 Vacant Building by himself per a referral from SPPD, who responded to a neighborhood complaint on Apr 13, 2016 that this house was abandoned and open to trespass; SPPD investigated the property and ordered it to be secured by Restoration Professionals*

*-on Apr 14, 2016, he inspected the property and found it secured, vacant with some discarded furniture, junk, misc, debris strewn throughout the yard; and the garage vehicle door was open; he left his business card at the property and opened a Cat 2 VB*

*-he received a call from Ms. Chen a couple days later*

*Ms. Chen:*

*-the tenant had been with her for 2 years; she had been working through the Wilder Foundation so, Ms. Chen really hadn't gotten to know her*

*-last Dec 2015, she started to hear the neighbors complaints, so she contacted Wilder to find out what was going on; they contacted the tenant and found out that there had been a domestic issue but that it had been resolved*

*-her lease was up in Mar 2016; she was slowly moving out*

*-in Feb, she received a phone call from a different neighbor, who lived closer, who said that the tenant was hardly at the house anymore; only the boyfriend was there; neighbors were suspecting drug activity; people going in and out during night hours; again, she contacted Wilder; they told her that she did not have contact with the tenant anymore - had no information on her; she decided to do an eviction*

*-she went to court on Mar 10, 2016; the tenant didn't show up; on the 2nd day after the court order, she went to the house; the tenant was starting to move things out and said, "I'm still here; she was having domestic abuse issues" since, I didn't have anything against her and I didn't want to push her out; it was no rush; the Order was for Mar 10 and if she wanted to move out, OK*

*-she always had health issues; by the end of Mar, she still wasn't out; I gave her an extra 3 days; still no moving out; so, I said that if she was going to stay, she'd need to pay rent every day; she paid on the 1st day; she didn't pay the 2nd day; I went to the house and the refrigerator was gone; I texted her; she changed her number; asked her if she was going to be out by Apr 6? She would have her contractor come in and lock the door; she said that she would be out; on the fifth night, she was still living*

there; SPPD couldn't do anything  
-on Apr 8, my contractor locked the door and secured it; SPPD called because the tenants broke in the door; I was out of town for a conference and not able to come back; when SPPD came, they left and RESPRO boarded the door; couple days later when I came back, I called Mr. Dornfeld  
-later, they broke in again, neighbor called; SPPD came but didn't arrest her because of her daughter; this woman's personality is beyond her comprehension  
-think we now have everything secured again  
-we had a company clean the house and everything's done

Mr. Dornfeld:

-his recommendation is that they have a provisional Certificate of Occupancy  
-if it's OK with Supervisor Shaff, he recommends that a fire inspector take a look inside and give it a once over as a Cat 2 VB and hold the VB fee for 30 days; if Fire deems the property to be in need of a Code Compliance Inspection.....

Fire Inspector Leanna Shaff:

-yes, we can do that  
-the Fire C of O inspection will close the VB file

Mr. Dornfeld:

-there will be assessments for securing of the door/window  
-he will put a note in the system  
-he will change it to a Cat 1 VB; and hold the VB fee for 45 days

Ms. Shaff:

-call Inspector Grant Heitman, 651/266-8997, to scheduled for the C of O inspection

Ms. Nhia Vang:

Change to Category 1 Vacant Building and waive VB fee for 45 days to get Fire C of O reinstated.

**Referred to the City Council due back on 5/18/2016**

**40**      [RLH VBR 16-25](#)      Appeal of Bill Bernier to a Vacant Building Registration Requirement at 287 PAGE STREET EAST.

**Sponsors:**              Noecker

Bill Bernier, owner, appeared.  
Ken Schivone, Mr. Bernier's attorney, also appeared.

Mr. Schivone:

-the violations are because of the acts of the tenants; were not known to Mr. Bernier at the time  
-for non payment of rent, Mr. Bernier has begun an unlawful detainer/eviction action

Fire Inspector Leanna Shaff:

-Revocation Order dated Jan 20, 2016  
-this has been in hearings before  
-this is a single family dwelling that Mr. Bernier has made into two  
-we were supposed to do a reinspection on Apr 4, 2016 at 9:30 am or the property was to be vacated  
-read inspector's notes: conducted reinspection with FORCE unit; property owner sent his attorney, Ken Schivone, to meet for the inspection; attorney asked me how I intended to gain access into the property; I let him know that the responsible party

was responsible for providing access to the property; he asked if I had anything in writing that required access to the property today; I said that I did and allowed him to review the Revocation Notice; Mr. Schivone stated that this is the first that he has seen the letter and stated that all the doors were secured and that the tenants were not at the property; I asked if the tenants had vacated the property and he said that he could not confirm that; I asked if the property owner had a key to the property and he said that he did not; I let Mr. Schivone know that since we were unable to make entry to the property to verify the deficiency list was complete that it would be transferred to the Vacant Building Program as a Category 2; I explained the process and the fees involved and that he could appeal the VB status if he wanted to; he said that he understood; I asked him if he was going to be our contact for all future inspections and he said that he was unsure; I let him know that if the property owner wanted him to be the new responsible party, he would need to fill out a change form and return it to our office

-basically, Inspector Niemeyer went to the property to do what he was required by previous hearing but was not given access for the inspection; at that point, he had no choice but to send it to the VB Program

Inspector Matt Dornfeld, Vacant Buildings:

-the VB Program opened a Category 2 Vacant Building file per fire inspection's referral

-there was minor junk/debris in the year that has been dealt with

-we found the building vacant, secured and maintained

Ms. Nhia Vang:

-on Apr 4, 2016, why were inspectors denied access to conduct an inspection

Mr. Schivone:

-Apr 4, 2016 was the date on which the court had ordered the tenants to vacate; at that time, we did not know whether or not they had vacated; he went there to find out and get access to the property; he had been there about 15 minutes when Inspector Niemeyer arrived; I had not had the opportunity to do anything other than to look into the windows and check the doors to see if they were unlocked; the tenant had left the property in poor condition with debris scattered inside and outside with the doors locked; we did not have the opportunity to access that property prior to the date the court had ordered to do anything about it; the matters that were subject to the Revocation were tenant matters - the tenants had caused these issues

-at the time that eviction action started asked DSI to come out and inspect, which they did, which resulted in the first letter; the tenants would not allow Mr. Bernier to access to make any corrections to the property, claiming that they had concerns about his behavior; if they did, all they had to do was to not be there when he made scheduled repairs

-at no time were the utilities shut off and forth with, Mr. Bernier began the process of cleaning up the property; changing the locks, etc. - correcting the alleged deficiencies; he would argue that there is no realistic basis for classifying this as an abandoned property under the circumstances; he doesn't know why the inspection had to take place at 9 am on Apr 4; he personally telephoned Inspector Niemeyer and asked for a week to get the property in Order and he said, "No" that he had been ordered to be there at that time on that date

Ms. Mai Vang:

-pulled up the letter from Legistar, to Ken Schivone dated Feb 17, 2016 "to confirm that on Feb 9, 2016 on LH... recommended that Council grant until Apr 4, 2016 for both tenants to vacate the property ... please note that the building is not to be used as a duplex...also, an inspector will be doing an inspection to see if violations have been corrected...



Ms. Nhia Vang:

-you were notified that an inspection would take place; where was the disconnect?

Mr. Schivone:

-there was no disconnect; I had asked for additional time because we didn't have access to the property until Apr 4, 2016; it had been impossible to get there to take care of the things that needed to be taken care of at the 9 o'clock hour on the exact date that the tenant was supposed to have vacated

Ms. Shaff:

-the letter quite clearly said that we'd be inspecting on the 4th  
-it's their job as property owner/property manager to maintain control of their property and having access is their issue; it's a civil issue

Mr. Schivone:

-the civil issue was resolved in court with an Order that they vacate by Apr 4th; we did not have an opportunity to do anything before that; DSI's actions here are extremely aggressive and in my view, a violation of due process, under these circumstances; the city's actions are unfair, arbitrary; the property is not ready for occupancy  
-the property was always a single family home; it was never a duplex

Mr. Bernier:

-it's very important that everyone is aware that the City of St. Paul was extraordinarily aggressive  
-it started in 2003 when Steve Magner ..... (couldn't understand him); it hasn't gotten better; it's gotten worse  
-I had a property that had some very bad tenants; they changed over a 4-year period; they were good at first; she had Section 8 but when she started having to pay rent out of her own pocket, it became very difficult to collect from her ...  
-this house was originally built in 1968 as a single family home with a mother-in-law apartment; it has 2 kitchens; 2 bathrooms; 2 living rooms; 5 bedrooms; lot is 100 x 150 ft.  
-no one can expect a property to be in perfect condition the same day that the tenants move out; expecting me to do that is extremely aggressive; if there is a problem, it will be decided in court because this is not a situation that is in anyway reasonable or fair

Ms. Nhia Vang:

-this item came before LH in Feb 2016 and Ms. Moermond granted until Apr 4, 2016 to vacate

Mr. Schivone:

-we could not get the building vacated until the eviction Order was entered; the court allowed them to live then that long; they claimed hardship and that they needed time to find a place to go to; the judge granted them until Apr 4; it's a matter of record  
-we preceded to remove the tenants but were unable to get them out until Apr 4, 2016

Ms. Shaff:

-we can go round and round but this comes down to that Mr. Bernier was renting out this single family home as 2 separate units

Mr. Bernier:

-all I need to know is what's wrong with it and I can fix it

Ms. Shaff:

-this is not the first time that Mr. Bernier has been in this hearing room for the same issue; he can call it whatever he wants but the fact of the matter is that he was given plenty of time to rectify the situation and we still have a building with multiple deficiencies

Mr. Bernier:

-asked for a copy of the list of deficiencies (Mar 10 Orders)  
-when the tenants moved out, they removed all the smoke detectors and all the COs, etc; and if the inspector walks in and sees them gone, it's a problem for me and not of my making; I can't even have 1 hour to make the repairs (?)  
-the court decided that the tenants were allowed to live there until Apr 4; the inspection was conveniently scheduled for Apr 4 by the City of St. Paul  
-I had to do a lot of work there to resolve their problem - 3 weeks  
-DSI inspected this property in 2007, 2008, 2009, 2010, 2011 - every year; they never once had a problem with the living situation there

Ms. Nhia Vang:

-a single family home with a mother-in-law apartment would be allowed if the apartment were for related person/people; if the people are unrelated, it would be treated as a duplex - it functions like a duplex, then

Mr. Bernier:

-he is not applying for this to be used as a duplex

Ms. Shaff:

-asked if Mr. Yucoo had owned this house (Mr. Bernier: "No; he owns the one adjacent to the north."; Mr. Bernier bought this property from Steve Medland, who resided there the whole time; he moved out Apr 1, 2016; Mr. Bernier bought this house in Jul 2005)

Mr. Bernier:

-thinks that we all should go visit the property because staff is not getting a clear picture; it feels like it's always the city against him  
-after he bought the house, he rented it back to the previous owner and he had other people live their, too... whatever the problem it, that's solved; they've all moved out and no utilities have been shut off; all the corrections have been made; the problem is that you don't like me and I'm frustrated  
-after the tenants moved out, I had not even 10 minutes to make the corrections; I spent all day just cleaning junk out and 3 weeks correcting their problems; now, it's done  
-he will take this list and go over to the property and make absolutely sure that everything is fixed; he will have Mr. Schivone take charge of things and call the inspector; he had a bad tenant, who went back to his drugs and alcohol; he used to be my helper but he's gone  
-he's pretty upset that all the city seems to want to do is make things harder and harder for him  
-I don't want this property to be a Cat 2 VB; it's not a Vacant Building; he's being oppressed by this; the property's in excellent shape  
-the inspector can't go inside the building the same day that the tenant moved out; he needs to give us at least a week to do something with the mess that was left by the tenant

Ms. Nhia Vang:

-Apr 4 was coming...

*Mr. Schivone:*

*-I contacted the city at least a week before - as soon as I knew the judge was giving them until Apr 4 to vacate; and the inspector did not say that he didn't have time to reschedule; he simply said that he would inspect on Apr 4, 2016*

*Br. Bernier ended the discussion and left the hearing.*

*Ms. Nhia Vang: Given that Mr. Bernier had ended further discussions, deny the appeal.*

*Deny the appeal.*

**Referred to the City Council due back on 5/18/2016**

- 41**     [RLH VBR 16-26](#)     Appeal of Paul Belmonte to a Vacant Building Registration Notice, Summary Abatement Order, and Vehicle Abatement Order at 632 LEXINGTON PARKWAY NORTH.

**Sponsors:**     Thao

*Appellant withdrew his appeal.*

**Withdrawn**