



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Meeting Minutes - Action Only

Legislative Hearings

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

Tuesday, March 19, 2019

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Special Tax Assessments

- 1 RLH TA 19-143** Ratifying the Appealed Special Tax Assessment for property at 615 CAPITOL BOULEVARD. (File No. J1913A, Assessment No. 198512)
- Sponsors:** Thao
- Public hearing continued to September 25 for no same or similar violations, will reduce from \$322 to \$161.*
- Tyler Turner appeared.*
- Ms. Seeley:*
..Tax Assessment Worksheet
Cost: \$160
Service Charge: \$162
Total Assessment: \$322
Gold Card Returned by: Tyler Turner
Type of Order/Fee: Summary Abatement
Nuisance: Failure to remove snow.
Date of Orders: 12-5-18
Compliance Date: 12-9-18
Re-Check Date: 12-10-18
Date Work Done: 12-12-18
Work Order #: 18-130206
Returned Mail?: No
Comments:
History of Orders on Property: No History
- Moermond:*
Please come have a seat. It's a tall table but wheelchairs can slide underneath it and that is the idea. I'm going to start with the staff report and find out why we are looking at an assessment. It looks like a clean-up of snow?
- Seeley:*
[See above Summary Abatement order for failure to remove snow.] Letters were sent to Tyler Turner at 615 Capitol Boulevard and to the Occupant, property.

Moermond:

OK. Are you Tyler Turner?

Turner:

Yes. I am.

Moermond: Good morning, Mr. Turner. So you are appealing this assessment. Can you tell me why and what you are looking for today?

Turner:

Essentially the reason I am appealing is, I've gotten letters in the past. I'm a private investigator by trade so I've gotten letters in the past because I've been out of town, working. And I've always come back and cleaned up the property. I got one last year and I believe that was [inaudible]. Every time I've gotten a letter, it indicated that the snow removal was going to be \$75 an hour which, to me, is still pretty expensive. Like, I'd rather do it myself. I have a snowblower and at the beginning of the fall it wasn't working correctly. So, I had done part of my driveway before they had come, and I was going to get to the sidewalk, and my daughter, who is now over 14 months old, had a severe cold. So I was inside, staying home to take care of her. My wife goes to school full time. And I just didn't get around to it. Now...

Moermond:

Let's look at the video....now, I think the figures you mentioned were incorrect, but we will come back to that.

Video:

We are at 615 Capitol Blvd...[inaudible]...snow and ice...sidewalk. You can see, has not been shoveled, cleared, [inaudible]...remove snow and ice...[inaudible]...all around there [inaudible]. 615 Capitol Boulevard.

Tyler:

I am speaking in reference to the initial letter that

Referred to the City Council due back on 5/1/2019

2 RLH TA 19-96

Ratifying the Appealed Special Tax Assessment for property at 725 CHARLES AVENUE. (File No. J1912A, Assessment No. 198511)

Sponsors: Thao

Recommendation is forthcoming.

FOLLOW-UP: I have reviewed the orders, photos, videos, minutes and maps. It is apparent that the nuisance conditions existed primarily at 425 Charles Avenue, although the adjacent vacant parcel at 423 Charles Avenue also had nuisance conditions. The orders related to this assessment were addressed to 425, and although there was a complaint on the 423 lot, no orders were issued for that property. Staff reported that the nuisance on the 423 lot was a result of dumping done by the tenants of the 425 property onto the 423 property. This is consistent with the photos and videos. The clean-up this assessment relates to occurred primarily, but not exclusively on the 425 property. Therefore, I am recommending a reduction in this assessment by 1/3, or from \$698 to \$461. -Moermond

Referred to the City Council due back on 4/3/2019

- 3** **RLH TA 19-175** Ratifying the Appealed Special Tax Assessment for property at 287 CLARENCE STREET. (File No. J1913A, Assessment No. 198512)
- Sponsors:** Prince
- Recommendation is forthcoming.*
- Referred to the City Council due back on 5/1/2019**
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- 4** [RLH TA 19-84](#) Ratifying the Appealed Special Tax Assessment for property at 1805 COTTAGE AVENUE EAST. (File No. VB1906, Assessment No. 198805) (Legislative Hearing on March 19)
- Sponsors:** Busuri
- Bill Bergeson appeared.*
- Joe Yannarely, DSI Staff.*
..Tax Assessment Worksheet
Cost: \$2127
Service Charge: \$157
Total Assessment: \$2284
Gold Card Returned by: BILL BERGESON
Type of Order/Fee: VB FEE
Comments: HOUSE WAS CONDEMNED IN SEPTEMBER FOR LACK OF BASIC UTILITIES (WATER SERVICE). THERE ARE OUTSTANDING ORDERS ON GARAGE THAT IS IN SEVERE DISREPAIR. WATER BILL WAS PAID IN NOVEMBER BUT NOT TURNED ON.
History of Orders on Property:
SA Printed: 09/27/2018
SA Printed: 11/30/2018
- Moermond:*
I have Bill Bergeson?
- Bergeson:*
Yes.
- Moermond:*
Good morning, Mr. Bergeson.
- Bergeson:*
Hello.
- Moermond:*
Who has this one? Mr. Yannarely.
- Yannarely:*
This is a Category 1 Vacant Building. It was condemned for lack of basic utilities and there were outstanding orders on the garage that was in severe disrepair. The water bill, which was why it was condemned, was paid in November. It has not been occupied. Despite the bill being paid, the water is not turned on.
- Moermond:*

When was the Vacant Building file opened?

*Vang:
It's right here.*

*Moermond:
I don't see it.*

*Yannareilly:
9-27-18. And the orders for the garage date back to October of 2017.*

*Moermond:
So, you've got a house, and the water's not on. The water bill is paid so it sounds like they are ready to turn it on? What's going on?*

*Bergeson:
Yes. So we are a real estate management company and what we are doing with this property is we are trying to get a lot split. So we didn't get the water turned on because we weren't using it and I didn't know I had to turn the water on.*

We had zero knowledge of the garage issues. Whe we bought, it wasn't like a full disclosure, typical Minnesota deal. We don't know anything about the property. As soon as I got the letter from the City saying we'd gotten on the Registered Vacant Building, I called Tom Friel. I spoke with him and kind of explained it was not vacant. We are in there painting; we are doing stuff. I didn't realize the water wasn't on. Honestly, I think it was on because they were using water in there, I was told.

*Yannareilly:
That really wasn't the issue. Normally, he would close the Vacant Building file once it was remedied and the property was being taken care of, but since there was long-standing orders on the delapidated garage, he didn't want to close the file.*

*Bergeson:
Still didn't know about the orders on the garage, but I have pictures of the condition of the property if you want to see them.*

*Moermond:
Sure. If you want to show me pictures, I'd be happy to look at them.*

*Bergeson:
Shall I come up?*

*Moermond:
Yes.*

*Bergeson:
And the garage is in rough shape. I didn't realize that we were required to fix that.*

*Moermond:
There's orders on it.*

*Bergeson:
I never received anything about the garage.*

Moermond:

Did you purchase this property? I have a C of O responsible party by the name of Sue Hang.

Bergeson:

I don't know her. Don't know anyone by that name.

Moermond:

OK. That's the previous owner, not the C of O responsible party. These orders were issued October 16 of 2017 to ...and she would have been an owner-occupant. This would have been a matter of disclosure. And then there's repeated orders May 4, 2018, and...she's in the chain and those things are, as you know, being a real estate professional, incumbent on the seller to tell the buyer.

Bergeson:

Right and in the instance when we buy these, we don't have disclosure. It's an "as is" transaction.

Moermond:

Not like a TISH or anything?

Bergeson:

There could have been a TISH but I guess I don't know if that was on there. I didn't reference that. Because I thought the main issue was the water.

Moermond:

So, "as is" but there should have been a TISH. Selling something "as is" doesn't mean that the seller is no longer responsible for doing disclosures.

Bergeson:

I was on the other end of this one.

Moermond:

Right.

Bergeson:

So what I am saying is we didn't have...maybe I should have had knowledge but I didn't have knowledge of the garage. And I didn't even believe that the garage was a significant issue after talking with Tom. Seemed to me that the water was the main issue.

Moermond:

Water was why it got condemned. Absolutely.

Bergeson:

And so, I called that day to have the water turned on, which you can see. And I checked our records and I saw the water bill was paid so, ok. again we had people in there doing stuff. We've never had anybody say...at the time it was, whether it was working. So the water was on in the property but apparently we weren't being billed for it. And there was notes but I didn't find this out until I got the second letter, about the Registered Vacant Building, that the water guy who went out there and I actually met him out there. [inaudible] He went out there on 10-10-19. He wasn't able to get in the house and there was a lock box on there that, I don't know if it was malfunctioning or what, but he wasn't able to get in there. And I met him out there, probably...once I

found out the water wasn't on.

Moermond:

So the boiler was on all winter.

Bergeson:

It was on all winter until the [inaudible] but it filled recently.

Moermond:

OK. So what's your plan now? You are doing a lot split...

Bergeson:

Yah. We're waiting on a lot split, still. And that may help us determine whether we rent it long term or sell.

Moermond:

All right. If you can get this water on for sure...

Bergeson:

It's on now.

Moermond:

It's on now. OK.

Bergeson:

We need a new water meter because ... Yah, it is on. I met him out there. We turned it on. We turned it on inside. We turned it off inside the house because we didn't want any damage.

Moermond:

OK. Getting this out of the Vacant Building Program. Getting the water back on seems to be the big deal here. Category 1 tells me that you don't have that many violations on the house itself.

Yannarely:

We can close the VB and kick it back to Code.

Moermond:

I think that may be the way to go but I would like to reduce the Vacant Building fee, not eliminate it. Because there has been definite monitoring of it and so...I'm going to recommend that the Council reduce this to \$540. So, get you way down on that and get you out of the Vacant Building program.

Bergeson:

That water...

Moermond: Yes. That water, dripping through the faucets and running is what we are looking for. I'll have Mr. Yannarely confirm that it is and that takes care of that.

Bergeson:

Thank you very much. And I do think it was on the whole time. Just so you know. I don't know if we had a broken water meter.

Moermond:

Yes. Things happen. Have a good rest of your day.

Bergeson:
Thank you very much.

Reduce VB fee to \$540 provided the water is back on.

Follow-up: the water is back on. VB file closed.

Referred to the City Council due back on 3/20/2019

- 5** **RLH TA 19-129** Ratifying the Appealed Special Tax Assessment for property at 1141 DALE STREET NORTH. (File No. J1906E, Assessment No. 198305)

Sponsors: Brendmoen

Approve the assessment, noting that it has been paid to Real Estate Office.

Referred to the City Council due back on 4/17/2019

- 6** [RLH TA 19-137](#) Ratifying the Appealed Special Tax Assessment for property at 943 EARL STREET. (File No. VB1906, Assessment No. 198805) (Legislative Hearing on March 19)

Sponsors: Busuri

Ivan Farrera and Shirzad Raimi, appearing.

Joe Yannarely, staff.

..Tax Assessment Worksheet

Cost: \$2127

Service Charge: \$157

Total Assessment: \$2284

Gold Card Returned by: Ivan Farrera, Venture Capital LLC

Type of Order/Fee: VB fee

Nuisance: unpaid VB fee

Work Order #: 08-191287, Inv # 1400631

Returned Mail?: No

Comments: VB CATEGORY 2 OPENED 11/4/08. WARM AIR, MECH AND ELECTRICAL PERMITS ARE FINALED. PLUMB PERMIT INSPECTED. NO BLDG PERMIT

History of Orders on Property:

Moermond:

I have a name here, Ivan Farrera?

Farrera:

Yes, I have been organizing everything.

Moermond:

And you're at Venture Capital? You are Venture Capital? What's your name?

Raimi:

Shirzad Raimi. S-H-I-R-Z-A-D...last name Raimi R-A I-M-I.

Moermond:

Thank you. All right, gentlemen. Let's get a staff report. Mr. Yannarely, what can you tell me about 943 Earl?

Yannarely:

This was a Category 2 Vacant Building since November, 2008. It just recently, on March 15, received its Code Compliance verification which is four months and change past its anniversary. The Vacant Building fee is ...

Moermond:

When did you say that happened?

Yannarely:

It was received March 15.

Moermond:

March 15. Ok. Thanks.

Yannarely:

So, four months past its anniversary. Cost of the Vacant Building fee is \$2127. Service charge of \$157, for a total of \$2284. There has been, basically, just one SA for snow and ice in the last year, which was taken care of by owner.

Moermond:

All right. Gentlemen, you are appealing this assessment? You are looking for a reduction? Or an elimination? I am putting words in your mouth. Why are you appealing this assessment?

Farrera:

We could not finish on time due to our plumber, I guess he says he was too busy and then [inaudible]. We couldn't do finishing because the rough in wasn't passed by him. Then when he did the rough in. We finished and were ready and the same thing happened. He was giving us stories. Delayed the job by three months. And finally closed it. If there is anything you can do, to get...

Moermond:

OK. Well, I'm looking at 4 1/2 months in the Vacant Building Program, out of 12 billable months. What I will do is get you down to \$500. So, reduce it significantly.

Farrera:

Thank you. I appreciate it.

Moermond:

But not eliminate it. Have a good rest of your day.

Referred to the City Council due back on 3/20/2019

7 RLH TA 19-127 Ratifying the Appealed Special Tax Assessment for property at 1055 FREMONT AVENUE. (File No. J1913A, Assessment No. 198512)

Sponsors: Prince

Approve the assessment.

Referred to the City Council due back on 5/1/2019

- 8** **RLH TA 19-135** Ratifying the Appealed Special Tax Assessment for property at 1055 FREMONT AVENUE. (File No. VB1907, Assessment No. 198806)
(Legislative Hearing continued to March 19)

 Sponsors: Prince

 Reduce from \$2284 to \$500.

 Referred to the City Council due back on 4/17/2019
- 9** **RLH TA 19-142** Ratifying the Appealed Special Tax Assessment for property at 1029 HAWTHORNE AVENUE EAST. (File No. J1913A, Assessment No. 198512)

 Sponsors: Busuri

 Approve; no show.

 Referred to the City Council due back on 5/1/2019
- 10** [RLH TA 19-173](#) Ratifying the Appealed Special Tax Assessment for property at 468 HERSCHEL STREET. (File No. J1913A, Assessment No. 198512)

 Sponsors: Jalali Nelson

 If appellant resolves owner and owner's address with Ramsey County and County records updated by April 23, will recommend deleting the assessment.

 Laid Over to the Legislative Hearings due back on 4/23/2019
- 11** **RLH TA 19-165** Ratifying the Appealed Special Tax Assessment for property at 1014 LEXINGTON PARKWAY NORTH. (File No. J1913A, Assessment No. 198512)

 Sponsors: Brendmoen

 Reduce from \$450 to \$100.

 Referred to the City Council due back on 5/1/2019
- 12** **RLH TA 19-35** Ratifying the Appealed Special Tax Assessment for property at 1264 MARGARET STREET. (File No. J1909A, Assessment No. 198508)

 Sponsors: Prince

 Public hearing continued to September 25 and if no same or similar violation(s), will reduce from \$450 to \$100.

 Referred to the City Council due back on 5/1/2019
- 13** **RLH TA 19-157** Ratifying the Appealed Special Tax Assessment for property at 2000 MARYLAND AVENUE EAST. (File No. J1913A, Assessment No. 198512)

 Sponsors: Busuri

 Public hearing continued to September 25 and if no same or similar violation(s), will reduce from \$442 to \$150.

 Referred to the City Council due back on 5/1/2019

- 14 RLH TA 19-156** Ratifying the Appealed Special Tax Assessment for property at 751 MINNEHAHA AVENUE WEST. (File. J1913A, Assessment No. 198512)
- Sponsors: Thao
- Approve; no show.*
- Referred to the City Council due back on 5/1/2019**
- 15 RLH TA 19-166** Ratifying the Appealed Special Tax Assessment for property at 1129 RANDOLPH AVENUE. (File No. J1913A, Assessment No. 198512)
- Sponsors: Tolbert
- Delete the assessment.*
- Referred to the City Council due back on 5/1/2019**
- 16 RLH TA 19-158** Ratifying the Appealed Special Tax Assessment for property at 1145 SEVENTH STREET WEST. (File No. J1913A, Assessment No. 198512)
- Sponsors: Noecker
- Approve; no show.*
- Referred to the City Council due back on 5/1/2019**
- 17 RLH TA 19-144** Ratifying the Appealed Special Tax Assessment for property at 653 WESTERN AVENUE NORTH. (File No. J1913A, Assessment No. 198512)
- Sponsors: Thao
- Public hearing continued to September 25 and if no same or similar violation(s), will reduce from \$322 to \$161.*
- Referred to the City Council due back on 5/1/2019**

10:00 a.m. Hearings

- 18 RLH TA 19-170** Ratifying the Appealed Special Tax Assessment for property at 892 CONCORDIA AVENUE. (File No. J1914A, Assessment No. 198513)
- Sponsors: Thao
- Public hearing continued to September 25 and if no same or similar violation(s), will reduce from \$450 to \$100.*
- Referred to the City Council due back on 5/1/2019**
- 19 RLH TA 19-123** Ratifying the Appealed Special Tax Assessment for property at 53 COOK AVENUE WEST. (File No. J1914A, Assessment No. 198513)
- Sponsors: Brendmoen
- Approve; no show.*

Referred to the City Council due back on 5/1/2019

- 20 RLH TA 19-130** Ratifying the Appealed Special Tax Assessment for property at 390 GOODRICH AVENUE. (File No. J1914A, Assessment No. 198513)

Sponsors: Noecker

Delete the assessment.

Referred to the City Council due back on 5/1/2019

- 21 RLH TA 19-160** Ratifying the Appealed Special Tax Assessment for property at 934 HAWTHORNE AVENUE EAST. (File No. J1914A, Assessment No. 198513)

Sponsors: Busuri

Approve the assessment.

Referred to the City Council due back on 5/1/2019

- 22 RLH TA 19-146** Ratifying the Appealed Special Tax Assessment for property at 1975 JEFFERSON AVENUE. (File No. J1914A, Assessment No. 198513)

Sponsors: Tolbert

Approve; no show.

Referred to the City Council due back on 5/1/2019

- 23 RLH TA 19-164** Ratifying the Appealed Special Tax Assessment for property at 88 KING STREET WEST. (File No. J1914A, Assessment No. 198513)

Sponsors: Noecker

Public hearing continued to September 25 and if no same or similar violation(s), will reduce from \$322 to \$50.

Referred to the City Council due back on 5/1/2019

- 24 [RLH TA 19-168](#)** Ratifying the Appealed Special Tax Assessment for property at 1577 NEVADA AVENUE EAST. (File No. J1905E, Assessment No. 198304) (Legislative Hearing on March 19)

Sponsors: Busuri

..Tax Assessment Worksheet

Cost: \$122

Service Charge: \$35

Total Assessment: \$157

Gold Card Returned by: Mercy Ajayi

Type of Order/Fee: Excessive Inspection during Aug 22 to Sept 21, 2018

Nuisance: Garage in dispair

Date of Orders: Correction Notice sent 12/12/17

Compliance Date: 5/24/18

Re-Check Date: 8/2/18 (another letter sent), 8/24/18

Date Work Done: Garage abated 10/4/18

Work Order #: 17-058947, Inv # 1391738

Returned Mail?: No

Comments: NOTE: extensions were given 8/11/17, 9/29/17, 11/2/17 on the repair of the garage

History of Orders on Property: Retaining wall started back on July 12, 2017

Approve the assessment. No show.

Referred to the City Council due back on 3/20/2019

- 25 RLH TA 19-159** Ratifying the Appealed Special Tax Assessment for property at 1237 SEVENTH STREET EAST. (File No. J1914A, Assessment No. 198513)

Sponsors: Busuri

Approve; no show.

Referred to the City Council due back on 5/1/2019

- 26 [RLH TA 19-172](#)** Ratifying the Appealed Special Tax Assessment for property at 1624 SEVENTH STREET EAST. (File No. J1914A, Assessment No. 198513)

Sponsors: Prince

Layover to April 2; need information from inspector.

Laid Over to the Legislative Hearings due back on 4/2/2019

- 27 RLH TA 19-171** Ratifying the Appealed Special Tax Assessment for property at 723 SHERBURNE AVENUE. (File No. J1914A, Assessment No. 198513)

Sponsors: Thao

Public hearing continued to September 25 and if no same or similar violation(s), will reduce from \$478 to \$50.

Referred to the City Council due back on 5/1/2019

- 28 RLH TA 19-162** Ratifying the Appealed Special Tax Assessment for property at 674 THOMAS AVENUE. (File No. J1914A, Assessment No. 198513)

Sponsors: Thao

Approve the assessment.

Referred to the City Council due back on 5/1/2019

- 29 RLH TA 19-145** Ratifying the Appealed Special Tax Assessment for property at 441 VIEW STREET. (File No. J1914A, Assessment No. 198513)

Sponsors: Noecker

Public hearing continued to September 25 and if no same or similar violation(s), will reduce from \$508 to \$50.

Referred to the City Council due back on 5/1/2019

- 30 **RLH TA 19-163** Ratifying the Appealed Special Tax Assessment for property at 148 WILDER STREET. (File No. J1914A, Assessment No. 198513)

Sponsors: Jalali Nelson

Delete the assessment.

Referred to the City Council due back on 5/1/2019

- 31 **RLH TA 19-182** Ratifying the Appealed Special Tax Assessment for property at 1925 REANEY AVENUE. (File No. J1914A, Assessment No. 198513)

Sponsors: Prince

Public hearing continued to September 25 and if no same or similar violation(s), will reduce from \$322 to \$100.

Referred to the City Council due back on 5/1/2019

Special Tax Assessments-ROLLS

- 32 **RLH AR 19-22** Ratifying the assessments for Property Clean Up services during December 3 to 14, 2018. (File No. J1913A, Assessment No. 198512)

Sponsors: Brendmoen

Referred to the City Council due back on 5/1/2019

- 33 **RLH AR 19-23** Ratifying the assessments for Property Clean Up services during December 17 to 28, 2018. (File No. J1914A, Assessment No. 198513)

Sponsors: Brendmoen

Referred to the City Council due back on 5/1/2019

11:00 a.m. Hearings

Summary Abatement Orders

- 34 [RLH SAO 19-24](#) Appeal of Jonathan Flynn to a Vehicle Abatement Order at 840 RANDOLPH AVENUE.

Sponsors: Noecker

Appeal withdrawn by owner. Inspector has given 3 weeks extension to bring vehicle into compliance.

Withdrawn

- 35 [RLH SAO 19-23](#) Appeal of Gwynne L. Evans to a Summary Abatement Order at 1405 SUMMIT AVENUE.

Sponsors: Thao

Recommendation is forthcoming.

Laid Over to the Legislative Hearings due back on 4/2/2019

11:30 a.m. Hearings

Orders To Vacate, Condemnations and Revocations

- 36 **RLH VO 19-7** Appeal of Shahid Aziz to a Notice of Condemnation as Unfit for Human Habitation and Order to Vacate at 495 KENNY ROAD.

Sponsors: Brendmoen

Grant to July 1, 2019 for compliance.

Referred to the City Council due back on 4/3/2019

1:30 p.m. Hearings

Fire Certificates of Occupancy

- 37 **RLH FCO
19-34** Appeal of Jake Johnson, Property Manager, on behalf of David Platte and VSM Real Estate, to a Correction Notice-Complaint at 1961 PORTLAND AVENUE.

Sponsors: Jalali Nelson

Grant to May 31, 2019 for compliance.

Referred to the City Council due back on 4/17/2019

- 38 **RLH FCO
19-33** Appeal of Leslie K. Lucht to a Correction Notice-Reinspection Complaint at 681 VAN BUREN AVENUE.

Sponsors: Thao

Grant to May 1, 2019 for compliance with the Orders.

Referred to the City Council due back on 4/17/2019

2:30 p.m. Hearings

Vacant Building Registrations

- 39 **RLH VBR
19-26** Appeal of Jon Oulman to a Vacant Building Registration Fee Warning Letter at 1106 PAYNE AVENUE.

Sponsors: Busuri

Waive the VB fee for 90 days and allow permits to be pulled.

Referred to the City Council due back on 4/17/2019