



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final Legislative Hearings

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651-266-8585

Tuesday, November 4, 2014

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Special Tax Assessments

- 1 [RLH TA 14-606](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1501, Assessment No. 158800 at 1724 BEECH STREET.

Sponsors: Lantry

Phoukhanh Keosongseng, owner, appeared with an interpreter.

Inspector Joe Yannarely:

- annual Vacant Building assessment
- Category 2 VB file opened May 12, 2014
- it was recently sold by HUD to new owner here today, Phoukhanh
- \$1440 + \$155 service charge = \$1595

Mr. Keosongseng:

- asking for the fee to be waived because original, it was a Cat 1 VB online; then, they purchased it in Jun and it was switched to a Cat 2 VB
- Inspector Jim Seeger gave them 2 months to do the work on the property
- after closing, they couldn't get into the property because they had to do the code compliance inspector
- then, it took time to find the right people to do the work on the house
- the plumbing is done and passed
- inspector coming out today for electrical and it should pass
- HVAC was done 1 week ago; inspector will come out on the 18th
- hoping to be all done in a few weeks

Ms. Moermond:

- if you get the code compliance certificate by the end of Nov, she will reduce the VB fee to \$300
 - if you get the code compliance certificate by Jan 7, 2015, she will reduce the VB fee by half
- Reduce from \$1595 to \$300 provided owner gets his code compliance certificate by November 30, 2014. If not and is done by January 7 Public Hearing, will reduce from \$1595 to \$797.50.*

Referred to the City Council due back on 1/7/2015

- 2 [RLH TA 14-621](#) Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1502G, Assessment No. 158701 at 1985 BERKELEY AVENUE.
- Sponsors:** Tolbert
- Delete assessment. Property owner was out of the country and canceled hauler until his return. There was never garbage but complaint said there was no trash service and the container was in the garage. (No hearing was necessary)*
- Referred to the City Council due back on 1/21/2015**
- 3 **RLH TA 14-625** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1501B, Assessment No. 158100 at 594 CASE AVENUE.
- Sponsors:** Bostrom
- Jeff Sutphen, owner, appeared.*
- Inspector Joe Yannarely:*
- boarding requested by SPPD Jul 15, 2014 at 3:45 am for an unsecured Vacant Building
 - there's no emergency boarding fee attached to this
 - cost: \$127.54 + service charge of \$160 = \$287.54
 - VB file opened Jul 23, 2014 and closed Oct 8, 2014 with the issuance of Certificate of Occupancy
- Mr. Sutphen:*
- appealing the assessment
 - appreciates the police efforts to protect this and the service but they put the Vacant Building Notice on it which makes it impossible to protect the place
 - to serve him, a phone call would have taken care of it; they boarded 1 window that was broken to protect from future break-ins and he has had 2 break-ins since after that was done - people were in there with some bedding, smoking, etc;
 - he paid his property manager \$20, who boarded the whole first floor in an hour
 - he would have appreciated just getting a phone call saying that someone had broken a window in his house
 - the whole place was renovated after it was boarded up
 - he feels as though he's been penalized - more like a criminal than a victim of this crime
 - his property manager said that one window had been boarded and he boarded up the rest
 - a Revocation sign was up there and to certain people means that no one is there and they can enter at will
- Ms. Moermond:*
- gave Mr. Sutphen a copy of the boarding contractor's invoice
 - at 3:45 am they went out there
 - has basic information: the report that was called in reads: 3 black males just walked into an abandoned property at 594 Case; complainant is nt ; she doesn't know if they tried to call him or not but there were multiple windows broken and they were responding to this call
 - SPPD cannot leave the scene unsecured
 - usually, if they are called out in the middle of the night, an emergency boarding fee is added; here, it hasn't been attached to the invoice (you got a break)
 - have you gotten a VB fee Notice?

Mr. Sutphen:

- he's gotten his Certificate of Occupancy back; it passed inspection and both units have tenants

Mr. Yannarely:

- the VB fee was cancelled

Ms. Moermond:

- will recommend approval of this boarding assessment; this happened a week before you were put into the VB Program; and the service was performed - this boarding had to happen; it was in the middle of the night

Approve the assessment.

Referred to the City Council due back on 1/21/2015

- 4 [RLH TA 14-634](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1502A, Assessment No. 158501 at 667 COOK AVENUE EAST.

Sponsors: Bostrom

No show; approve.

Referred to the City Council due back on 1/21/2015

- 5 [RLH TA 14-631](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1502A, Assessment No. 158501 at 136 CURTICE STREET EAST.

Sponsors: Thune

No show; approve.

Referred to the City Council due back on 1/21/2015

- 6 [RLH TA 14-614](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1502A, Assessment No. 158501 at 264 EARL STREET (Include same PIN address at 260 EARL STREET).

Sponsors: Lantry

No show; approve.

Referred to the City Council due back on 1/21/2015

- 7 **RLH TA 14-618** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1502A, Assessment No.158501 at 1349 EDGERTON STREET.

Sponsors: Brendmoen

Lois McEwen, owner and John Kellermann, relative owner and homesteader, appeared.

Inspector Paula Seeley:

- Summary Abatement Order for failure to maintain exterior property; it's a

Pre-authorized Work Order

- orders sent Aug 4, 2014; compliance Aug 7
- work done Aug 11, 2014 for a cost of \$336 + \$160 service charge = \$496
- sent to Lois McEwen, 2257 Glenridge Ave, St. Paul; and John Kellermann, 1349 Edgerton
- no returned mail
- in underlined letters: Remove contents of garbage container, rubbish, discarded furniture, recycling materials, household items, tires, etc. from yard areas

VIDEO - removed junk from underneath tree, container, bags, tires, etc.

Ms. McEwen:

- she told her brother to clean it up and when she drove by the next time, it was gone; she assumed that he had cleaned it up
- it's a legitimate bill
- now, it's a Category 2 Vacant Building
- just became involved with this in Aug 2014
- the home is my brother's; he's had some hardships; so, she purchased the house and he was making the payments; now, he lost his job again; she is trying to do what she can to help him

Ms. Moermond:

- will recommend approval of this assessment

Referred to the City Council due back on 1/21/2015

8 RLH TA 14-620

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1502G, Assessment No. 158701 at 1349 EDGERTON STREET.

Sponsors: Brendmoen

Lois McEwen, owner and John Kellermann, brother and homesteader, appeared.

Inspector Paula Seeley:

- Summary Abatement Order for failure to provide trash service
- cost: \$100 + \$160 service charge = \$260
- order sent Aug 4, 2014; compliance Aug 8; re-checked Aug 11; dropped off container (one week service)

Ms. McEwen:

- when she first got that, she called her brother; he's had service for some time and he said that he had ASPEN
- she called Inspector Ed Smith and told him that they had trash service; Mr. Smith said that he had called ASPEN and they had stopped service because the bill hadn't been paid; so she went to pay the bill and assumed everything was fine
- she got a bill saying that she was charged for the city picking up his garbage; she told them that they had ASPEN picking it up
- John said that ASPEN was picking it up but the city had dropped off a container (we don't use that); she did not see the container; assumed city picked it up

Ms. Seeley:

- Aug 4, 2014, Mr. Smith called ASPEN and they said there was no service due to nonpayment of account; that's when Mr. Smith sent the Orders; he went back out Aug 8, 2014 and his notes indicate: No trash service at the property; he sent Work Order to drop off the container
- we need to contact ASPEN and find out exactly when the bill got paid

- the fee is for dropping off the container (\$50); \$50 for 1 week's service and \$160 service charge
- would like to call ASPEN to find out for sure

Ms. Moermond:

- let's find out from ASPEN
- there's a 50-50 chance this is a deletion
- will confirm via Email

Ms. McEwen:

- she needs to clean out the house so that she can sell it; her brother can't help her out and she can't do this on her own; but she can't get in because it's boarded up

Ms. Moermond:

- you can get in - you'll need to call the VB inspector, Tom Friel; he can help you get in and out

Mr. Yannarely:

- read inspector's notes: this is a 2-story wood frame duplex referred by Inspector Sean Westenhofer, Fire; Revoked Certificate of Occupancy; no Revocation placard seen on house or letter in the system; house is occupied; I spoke with tenant; house has broken, defective, missing screens, peeling paint, defective siding, foundation, rotted eaves, etc; detached 2-car garage has been opened; open service doors; yard has discarded.....

Ms. McEwen:

- doesn't know why the house was boarded up
- she wants to get in, get it cleaned out, get it fixed up and sell it
- the building is not occupied
- has received the VB fee letter; has not paid it

Ms. Moermond:

- file an appeal on the VB fee and we can talk about it
 - suggested that she talk with a real estate professional about selling the building as is (Cat 2 VB) or putting money into it
 - you will need to get a code compliance inspection; you will need to pay that fee (\$563)
- Forthcoming: Inspector Seeley to confirm with Aspen when service got paid.

Referred to the City Council due back on 1/21/2015

- 9 RLH TA 14-637** Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1502A, Assessment No. 158501 at 1722 GRAND AVENUE.

Sponsors: Tolbert

John Herbeck, M J Grand LLC, owner, appeared.

Inspector Paula Seeley:

- Summary Abatement Order issued Aug 8, 2014 to remove mattress
- compliance date Aug 12; re-checked Aug 13
- notes: it appears that mattress is leaning against trash container; at first it was in the rear yard; now, it was against the container so he gave another week for re-check, thinking the trash people would take it but a week later, Aug 21, it was still there; sent Work Order
- work done for a cost of \$168 + \$160 = \$328
- no returned mail

- sent to MJ Grand LLC/John Herbeck, PO Box 424, Hopkins, MN; and Occupant
- 10-unit building

VIDEO: city removed a mattress and a ping pong table

Mr. Herbeck:

- did not receive Notice
- he was aware that a mattress was there and they tried to find who put it there; does not know anything about a ping pong table
- he is contesting the assessment because he did not receive Notice

Ms. Seeley:

- the ping pong table was not there at the time of the complaint
- the Work Order said "mattress"
- history: Mar 3, 2014 a snow complaint-done by owner; also snow complaint in 2013

Mr. Herbeck:

- the entire block was reported in Mar 3, 2014; it's a drainage issue in front of the buildings on Grand
- has had no problem with the mail before; has received other Notices from the city

Ms. Moermond:

- will give him the benefit of the doubt and delete the assessment
- because you have a good history and have taken care of things when you received Notice....

Mr. Herbeck:

- asked if Email Notices were in the works to have a faster means of communication; it would be nice to have a better and faster method of communication with the city

Ms. Moermond:

- they are in the process of re-tooling the Information Management System that is used, not a small undertaking
- Delete the assessment.

Referred to the City Council due back on 1/21/2015

10 RLH TA 14-616 Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1502A, Assessment No. 158501 at 605 HYACINTH AVENUE EAST.

Sponsors: Bostrom

Robert Lumsden, owner, Marina Lumsden, daughter and her 3-yr old boy, occupants, appeared.

Inspector Paula Seeley:

- Summary Abatement preauthorized Work Order issued Jul 31, 2014; compliance date Aug 4
- work done Aug 4 for a cost of \$288 + \$160 service charge = \$448
- failure to maintain exterior property; there was quite a bit of garbage, etc.
- she called Aspen Jul 31 - the trash service had been suspended
- there is history here, as well: 5-8-2014 - yard waste, garbage, junk in rear yard (Ms. Lumsden: they did get that taken care of and someone came out to check that; her father talked with him)

Ms. Lumsden:

- her father called Aspen and paid the bill
 - he called an independent person to come and pick it up, which was done before Aug 4

VIDEO - city picked up trash in the yard

Ms. Seeley:

- some of the stuff was gone but there was still more

Ms. Lumsden:

- every Notice that they've received, they have taken care of it
 - there was so much more garbage
 - they called an independent person to haul all of the garbage away

Mr. Lumsden:

- he cleaned out a bunch of trash that had been on the 2nd floor of the house; he called up people to do the job and then, he let the city know that he had called someone to clean it up; he thought that he could settle this thing with a phone call but he got transferred and transferred and transferred to ladies who didn't know, etc., etc....

Ms. Moermond:

- you can't settle this on the phone; once it's gone to assessment, it has to be resolved in this setting

Mr. Lumsden:

- he paid the bill and we had it done on time

Ms. Moermond:

- I'm looking at a full garbage can and 2 big bags beside it

Mr. Lumsden:

- you are charging for something that was already paid for

Ms. Moermond:

- you are getting charged for a trip charge, basically, dispatching a crew
 - you made a good faith effort; she's looking at a picture of it the day the Order was written and there was a lot more there
 - will recommend reducing the assessment to \$150 divided over 2 years
 Reduce from \$448 to \$150 and spread over 2 years.

Referred to the City Council due back on 1/21/2015

11 [RLH TA 14-617](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1502A, Assessment No. 158501 at 723 JESSAMINE AVENUE EAST.

Sponsors: Bostrom

No show; approve.

Referred to the City Council due back on 1/21/2015

12 [RLH TA 14-623](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1501B, Assessment No. 158100 at 750 JESSIE STREET.

Sponsors: Brendmoen

No show; approve.

Referred to the City Council due back on 1/21/2015

- 13 [RLH TA 14-624](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1501B, Assessment No. 158100 at 236 LARPENTEUR AVENUE WEST.

Sponsors: Brendmoen

No show; approve.

Referred to the City Council due back on 1/21/2015

- 14 [RLH TA 14-633](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1502A, Assessment No. 158501 at 661 LASALLE STREET.

Sponsors: Stark

No show; approve.

Referred to the City Council due back on 1/21/2015

- 15 [RLH TA 14-615](#) Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1502A, Assessment No. 158501 at 824 MARGARET STREET.

Sponsors: Lantry

Delete; work order was sent and mail was returned. (No hearing necessary)

Referred to the City Council due back on 1/21/2015

- 16 **RLH TA 14-636** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1502A, Assessment No. 158501 at 2014 MARGARET STREET.

Sponsors: Lantry

Chaim Teitelbaum, Affordable Properties LLC, owner, appeared.

Inspector Paula Seeley:

- Summary Abatement Order for failure to maintain exterior of property issued Aug 4, 2014; compliance Aug 8; re-checked Aug 8*
- work done Aug 12 for a cost of \$160 + \$160 service charge = \$320*
- sent to Affordable Properties LLC, 15511 Afton Hills Dr S, Afton MN; and Occupant*

Mr. Teitelbaum:

- wanted to see what this was about*

VIDEO - removed weeds along the fence line near Ruth

Mr. Teitelbaum:

- he received the Notice and contacted the tenant; assumed it was taken care of
- he sent out one of his guys to make sure and he said it was done
- thinks that they didn't understand that they needed to get the brush along the fence line; the lawn is perfectly kept up

Ms. Moermond:

- the Notice says "Remove weeds from fence line along Ruth." (pretty descriptive)

Ms. Seeley:

- he also received a tall grass/weeds letter sent; they were doing dual diligence by sending a SA too - being specific

Ms. Moermond:

- the lawn was mowed

Mr. Teitelbaum:

- a single woman with 5 kids lives in the house, one of which is severely handicapped; she does the best that she can
- we took care of the tall grass; we made a good faith effort

Ms. Moermond:

- it's descriptive; you got the letter
- she says in all caps: REMOVE WEEDS FROM FENCE LINE ALONG RUTH
- will recommend approval

Referred to the City Council due back on 1/21/2015

17 RLH TA 14-635

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1502B, Assessment No. 158101 at 444 MARYLAND AVENUE WEST.

Sponsors: Brendmoen

Cha Tou Thao, owner, appeared.

Inspector Joe Yannarely:

- Emergency Boarding dated Aug 24, 2014 ordered by SPPD
- cost \$271.95 + \$160 = \$431.95
- happened at 5 am
- secured one opening with one board
- has the police report

Cha Tou Thao:

- 2008 he sold grocery store to one of his tenants
- every time someone has broken in, SPPD has called him; he wondered why they did not call him this time
- his tenant didn't even know about the break in until he opened the store

Ms. Moermond:

- police report: 2 squads arrived because of an alarm at the property; on arrival, they noticed that the front glass door was broken; with the assistance of canines and squad 219, they cleared the interior of the premise; no suspects were located; observed that the cash register was open behind the front counter but it is unknown if any currency was stolen; Dispatch contacted the alarm company and ordered them to make contact with the business owner/key holder but were met with negative results; then, they ordered the board-up crew to come

- there was an effort made to contact someone
- SPPD has a video and they took pictures of the broken door, etc.
- there was a good faith effort made by SPPD to contact
- thinks the insurance company should be covering this
- will recommend approval

Referred to the City Council due back on 1/21/2015

- 18** [RLH TA 14-619](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1502A, Assessment No. 158501 at 1050 PACIFIC STREET.

Sponsors: Lantry

No show; approve the assessment.

Referred to the City Council due back on 1/21/2015

- 19** [RLH TA 14-632](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1502A, Assessment No. 158501 at 702 PREBLE STREET.

Sponsors: Brendmoen

No show; approve the assessment.

Referred to the City Council due back on 1/21/2015

- 20** **RLH TA 14-610** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1501A, Assessment No. 158500 at 929 SIXTH STREET EAST.

Sponsors: Lantry

Vlada Gazalabao, BLM Management Group, appeared.

Inspector Paula Seeley:

- Summary Abatement Order for failure to maintain exterior property sent Jul 10; compliance Jul 15; re-checked Jul 15
- work done Jul 18, for a cost of \$308 + \$160 service charge = \$468
- 7-29-14: emergency abatement done to clean-up the garbage; it was done by owner
- 7-30-14: vehicle orders: cars on grass with expired tabs
- sent to Jacob and Irene Glozman, 696 Shelerud Dr, St. Paul; and Occupant
- SA in bold letters: including mattress in rear yard; loose garbage and wooden bed frame from alley

Ms. Gazalabao:

- the issue is that they have not been receiving the Notices directly; by the time they received them from the owner, it's too late
- they always try to do everything possible to comply with the Orders
- she was here at LH about 4 months ago and brought up the same concern and nothing has changed
- believes that, only recently are they in the system

Ms. Moermond:

- city's legal obligation is to communicate to the owner
- you have a private contractual relationship with the owner to manage the property
- the city is not obligated to communicate to you; if they can, that's fantastic

VIDEO - removed garbage, wood, mattress, etc.

Ms. Seeley:

- thinks that this one wasn't pulling up the C of O responsible party for a while because BLM Management is listed in Amanda - put in Jul 15, 2014

Ms. Moermond:

- there was a good faith effort and you will be going to the property more frequently
- will recommend reducing this by half

Reduce from \$468 to \$234.

Referred to the City Council due back on 1/7/2015

- 21 RLH TA 14-628** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1502G, Assessment No. 158701 at 1120 SIXTH STREET EAST.

Sponsors: Lantry

Appealed by letter.

Inspector Paula Seeley:

- Summary Abatement Order to provide garbage hauling during Aug 6 - Aug 14, 2014
- order sent Aug 5, 2014; compliance Aug 11; re-checked Aug 14 - no change in yard
- there's no indication of trash service
- inspector ordered city service for garbage hauling from Aug 6 - Aug 27
- cost: \$200 + \$160 service charge = \$360
- Aug 14: property owner has set up trash service with Waste Mgmt; have city trash containers removed
- city ended service Aug 28, 2014

Ms. Moermond:

- looked like there was a chronic problem with them being left on the blvd

Inspector Ed Smith:

- believes that their trash service had been suspended for a while
- at the time he sent the hauler order and the work order for the hauler, they did not have trash service; they received service Aug 14 from Waste Mgmt at which time, he had the city containers removed

Ms. Moermond:

- will recommend City Council reduce this assessment from \$360 to \$260; Property owner made somewhat of a good faith effort

Referred to the City Council due back on 1/21/2015

- 22 RLH TA 14-629** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1502A, Assessment No. 148501 at 1120 SIXTH STREET EAST.

Sponsors: Lantry

Appealed by letter.

Inspector Paula Seeley:

- Summary Abatement sent Aug 1, 2014; compliance Aug 5; re-checked Aug 5
- to remove garbage bags from yard areas
- work done Aug 7 for a cost of \$364 + \$160 service charge = \$524
- sent to Whitfield Investment Group MN LLC, 20921 E Greenwood Dr, Aurora CO; John Zydowski, C/O Pro Realty Services, 3570 Lexington Ave N, Ste 202, Shoreview MN; and Occupant
- no returned mail
- SA indicates: Remove improperly stored and accumulated refuse including garbage bags from yard areas

Ms. Moermond:

- photos show raw garbage

VIDEO: many bags in yard

- the city did do the work
- will recommend approval of this assessment

Referred to the City Council due back on 1/21/2015

- 23 RLH TA 14-630** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1501E, Assessment No. 158300 at 1120 SIXTH STREET EAST.

Sponsors: Lantry

Appealed by letter.

Inspector Paula Seeley:

- Excessive Consumption
- Orders mailed Apr 24 and May 2, 2014; compliance dates May 1 and May 9, 2014
- trash containers illegally stored in front yard
- Excessive Consumption fee for \$120 + \$35 service charge = \$155
- sent to Whitfield Investment Group MN LLC, 20921 E Greenwood Dr, Aurora CO
- inspector called trash hauler, Walters
- this is the 3rd incident of Excessive Consumption within 1 year

Inspector Ed Smith:

- this was brought to his attention by the Margaret Block Club

Ms. Moermond:

- will recommend approval of this assessment

Referred to the City Council due back on 1/7/2015

- 24 RLH TA 14-626** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1501B, Assessment No. 158100 at 609 SNELLING AVENUE NORTH.

Sponsors: Stark

Renaë Reed, owner, appeared.

Inspector Joe Yannarely:

- Emergency boarding requested by St. Paul Fire Dept at 3:30 am Jul 29, 2014

- cost: \$369.50 + \$160 service charge = \$529.50
- this is a Category 1 Fire Exempt Vacant Building

Ms. Moermond:

- estimated loss: \$194,000 property; contents: \$218,000

Ms. Reed:

- that is higher than the coverage I have
- the City of Saint Paul did not board this up; her contractor boarded up the house
- she got a call and was there the next morning at 10:30 am
- her nephew actually works for her contractor and it was his crew that boarded up the house

Ms. Moermond:

- she scanned Ms. Reed's paperwork
- the Fire Report doesn't speak to the boarding at all
- if your company was doing the boarding and the city's boarding company, then, the city got billed and should not have been
- if the city's company did the work and your contractor got paid, we also have a problem
- asked Mr. Yannarely to look into this

Ms. Reed:

- someone came by while she was there and had secured the doors; he came back to do the windows and they were already done

Mr. Yannarely:

- this doesn't say anything about boards; it says that they secured 3 openings with 6 clips

Ms. Moermond:

- we need to get some information from the captain / chief at the scene - find out who made the contact to the boarding contractor
- will recommend this assessment be deleted

Referred to the City Council due back on 1/21/2015

- 25** [RLH TA 14-627](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1502A, Assessment No. 158501 at 697 VIRGINIA STREET.

Sponsors: Thao

No show; approve the assessment.

Referred to the City Council due back on 1/21/2015

Special Tax Assessments - Assessment Rolls

- 26** **RLH AR 14-77** Ratifying Property Clean Up services during August 1 to 29, 2014. (File No. J1502A, Assessment No. 158501)

Sponsors: Lantry

Referred to the City Council due back on 1/21/2015

- 27 **RLH AR 14-78** Ratifying Trash Hauling services during August 6 to 27, 2014. (File No. J1502G, Assessment No. 158701)
Sponsors: Lantry
Referred to the City Council due back on 1/21/2015
- 28 **RLH AR 14-79** Ratifying Boarding and/or Securing services during August 2014. (File No. J1502B, Assessment No. 158101)
Sponsors: Lantry
Referred to the City Council due back on 1/21/2015
- 29 **RLH AR 14-80** Ratifying Boarding and/or Securing services during July 2014. (File No. J1501B, Assessment No. 158100)
Sponsors: Lantry
Referred to the City Council due back on 1/21/2015

11:00 a.m. Hearings

Correction Orders

- 30 [RLH CO 14-15](#) Appeal of Dennis Peabody to a Correction Notice at 1751 BUSH AVENUE.
Sponsors: Lantry
Dennis Peabody, owner, appeared.
- Inspector Ed Smith:*
- Oct 14, Inspector James Hoffman did an inspection; had rec'd complaint
 - found illegal parking in the yard; multiple trailers stored in yard
 - have had past Vehicle Abatement Orders for illegal parking of vehicles on an unapproved surface (Nov 4, 2004 and Apr 15, 2009)
 - Oct 20, trailers were still parked there; issued Excessive Consumption
 - photos taken Nov 3 - still parked in yard
 - there's an area in front of the garage that has a combination of Class 5 rock and green growing up thru
- Mr. Peabody:*
- finally got the Oct 14th Notice on Oct 20, 2014
 - called inspector (unable to get a hold of him) to find out what is an approved surface for parking the trailers; no one wanted to talk to him about an appropriate surface for his trailers; he needs the trailers to take materials to the compost site and to haul lawn mowers
 - Oct 27, 2014, he got a bill for \$120 Excessive Consumption
 - at DSI, he was told that you can no longer park on a Class 5 surface
 - he is disabled and retired - on a very fixed income
 - asked if he could park on patio block
- Ms. Moermond:*
- the photo shows a lot of green on his Class 5

Mr. Peabody:

- he sprayed it in Jul; doesn't want to put gasoline on it
- concrete/asphalt is too expensive for his budget; estimate cost for concrete - approximately \$2,000

Ms. Moermond:

- vinegar can be used for the green coming up thru the driveway
- looks like driveway needs an addition of Class 5 that's properly maintained
- for the trailers: patio pavers might work
- talk with the Site Plan Review people at DSI about how much hard surface he can have in his yard and whether patio pavers are OK
- trailers can also be parked in the driveway once more Class 5 is added
- will grant until December 12, 2014 to put in more Class 5 to the driveway and then he can move his trailers onto it. In the meantime, if owner wants to modify the driveway, he needs to submit a site plan to Zoning.

Referred to the City Council due back on 11/19/2014

Orders To Vacate, Condemnations and Revocations

- 31 [RLH VO 14-58](#) Appeal of George Holdgrafer to a Notice of Condemnation as Unfit for Human Habitation and Order to Vacate at 841 MARION STREET.

Sponsors: Thao

George Holdgrafer appeared.

Inspector Ed Smith:

- Oct 21- received notification from Saint Paul Regional Water Services that 841 Marion St was on a Shut-Off list
- he contacted Water to find out the reason why it was shut-off and was told that it was because of the meter; they clarified saying, lack of usage at the property; they required going out to inspect the meter
- he issued Correction Notice Oct 22, 2014; compliance date Oct 26
- he also called and left a message for the property owner to contact Water to get this taken care of
- Oct 27- he contacted Water again and water was still shut-off; he issued Notice of Condemnation with a Vacate deadline of Oct 29, 2014
- Water shut off the service because of lack of usage and to inspect the meter

Ms. Moermond:

- scanned statement provided by Mr. Holdgrafer

Mr. Holdgrafer:

- wants to comply with the Order but needs more time to do it because of his schedule
- is asking for a reasonable extension on the Correction Order and a Stay on the Order to Vacate
- he has a tremendous lack of time
- he is a personal care attendant and also a student so, he is not home very much
- simultaneously, last Dec he had to take his parents things into his own house; he has them in the basement where they are blocking the access to the meter; he believes that the meter is working
- is asking for an extension to Jan 5, 2014; his school will be done Dec 19 and then, he has 2 weeks to take care of getting the boxes out of the way and scheduling an

appointment with Water to get water restored
 - the water was shut-off Mon Oct 13, 2014
 - he received the first Notice from Mr. Smith on Fri, Oct 24 and it was to be complied with by Sun, Oct 26, which was impossible
 - the Notice to Vacate was posted Tue Oct 28 to Vacate Wed Oct 29, 2014
 - there was no communication from Water until Sep, right after he started school (at his most busy time)
 - he is almost never at the house; he went to check mail; he stays at his friends round the clock when he's not at school; so, there's no need to use water at his house

Ms. Moermond:

- she would take a day off work because having water in the house is so central to one's existence

Mr. Holdgrafer:

- it's not just that simple; he also needs to find a place to store his parents' things; he's an only child

Ms. Moermond:

- I would be renting a storage unit right now or getting rid of things
 - there is no more important thing in a house than being able to flush the toilet, in her view
 - no water; no living there
 - you can go to clean, remove items, repair items but you may not live there
 - you will be entered into the Vacant Building Program
 - this Condemnation is appropriate for lack of water service; whether the water should or should not have been turned off is not something she can deal with in this setting; it needs to happen with the water utility itself
 - it would be reasonable in these circumstances that perhaps, the placards could be placed on the inside of the door

Mr. Smith:

- the placards are not easy to remove with their sticky backs; they will tear apart
 - he will post new placards on the inside of the door
 - Mr. Holdgrafer can remove the outside placards
 - will recommend denying the appeal; the property is transferred to Vacant Building Program

Referred to the City Council due back on 11/19/2014

11:30 a.m. Hearings

Orders To Vacate, Condemnations and Revocations

- 32** [RLH VO 14-59](#) Appeal of Delbert Moore to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 134 MARIA AVENUE.

Sponsors: Lantry

Delbert Moore, owner, appeared.
Tenant Edward James, downstairs unit, appeared.
Tenant Robert Daniels, upstairs unit, appeared.

Fire Inspector Leanna Shaff:
 - photos in the system; duplex

- Fire Certificate of Occupancy Revocation / Order to Vacate issued by Fire Inspector Sean Westenhofer
- rec'd complaint Oct 20, 2014 that the property was being used as a triplex
- read Mr. Westenhofer's notes: rec'd info about someone illegally occupying the basement; an illegal car repair in the garage and alley; and that according to the owner's grandson, the property was a triplex (we know that it's supposed to be a duplex); he knocked on the door; tenant allowed access; found an individual sleeping in the SW corner of the basement behind a water heater and furnace; he explained that it was illegal sleeping in the basement without proper egress and that he needs to get himself and all the bedding out of the basement immediately; he contacted Mr. Moore and explained what he found in the basement and how his tenants had allowed someone to occupy the basement; went out and inspected garage and found vehicles, tools and storage inside the garage - looked like an illegal car repair going on; called Mr. Moore again and said that he would be back again the next day to check the basement and garage; the next day, he went out with police assistance; the FORCE Unit officer was already at the property and there were a couple individuals sitting on the ground in front of his vehicle; Mr. Moore arrived and the officer explained that the individuals don't belong at this property; they inspected interior of the house; checked the basement; bathtubs not working -clogged with back-up
- 24 items on deficiency list
- they found drug paraphernalia, spliced wiring, trash, etc. in the garage
- they gave Mr. Moore to do something with the property
- a week later on Oct 28, Insp Westenhofer found that Mr. Moore had done nothing with the property; so, the Vacate was enforced
- at that time, they also found people who didn't live there doing laundry
- seems that Mr. Moore is not paying attention to his property
- according to another person involved with the property said that Mr. Moore will rent to anybody

Ms. Moermond:

- you talked about suspecting illegal car repair; she doesn't see anything called out in the Orders addressing that

Ms. Shaff:

- according to Insp Westenhofer, we can't really say that there is illegal car repair going on; we could not find evidence of that

Mr. Moore:

- knows that the complaints are coming from a woman 2 doors down; she's always calling about something, including the cats and raccoons that get into the garbage cans

Mr. James:

- moved into downstairs unit 4 months ago #1; within 2 weeks of moving in, people from the city were removing material that was being used to repair the unit
- gets up between 6 am and 7 am and picks up the trash that the cats and raccoons mess up (Mr. Moore: he now has put a 3rd trash container out so there should no longer be trash on the ground.)
- there's no trash in his unit
- he is disabled and has been homeless
- he makes sure the lawn is mowed

Mr. Daniels:

- has resided in the upstairs unit for about 3 years
- Mr. Moore doesn't rent to anybody; Mr. Moore has been very good to him;

- has a voice message from Mr. Westenhofer saying that his unit is good; the problem is not in his unit (was played later on)
- he's a stage 4 lung cancer patient and isn't doing anything to lose his home
- they live in a nice, quiet neighborhood and try to keep their house nice; he's in a good place and he wants to stay there
- they will do everything they can to help Mr. Moore so that they don't lose their home
- no one is living in the house who's not supposed to live there; we may have company - people coming by to visit, or come to wash clothes sometimes
- no one has been in the basement since that person was told he could not be there
- the house is up to code and no one's working on cars; sometimes, we may lift up the hood and look under it; he would not allow anyone to work on cars there
- he has been homeless once and he doesn't want to experience it again
- he takes care of shoveling the snow; the grass has always been mowed; has plans to plant flowers next spring
- he intends to help everything get fixed; doesn't want Mr. Moore to lose his property

Mr. Moore:

- Mr. Daniels' niece comes over to visit him sometimes and she has a boyfriend who lives across the street
- when he was at the garage, Mr. Westenhofer said that there was no evidence of drug paraphernalia in the garage; evidence would be a different story
- the garage and the house are 2 different entities; 11 items are written up on the garage (no one is living in the garage; he acknowledges that the garage needs repair; he intends to do a good fix on it next summer-he doesn't like to "patch" something up; there's a hole in the door; the service door operates but is not as good as it should be; he doesn't have deep pockets to be able to pay for everything right away that needs to be done
- vacating the property would affect his income- his available money

Ms. Shaff:

- this last summer, Inspector Westenhofer did a C of O inspection on it; it had a lengthy list but was finally certified with Corrections (needed the residential heating report)

Mr. Moore:

- he painted the garage doors; repaired the service door; he did what the city asked him to do then; he would like to do a thorough job of repairing instead of just patching
- we reading in the paper that Saint Paul is lacking many inspectors; have 6,000 houses that they need to look into and the budget is down
- people are "honking" on me, I guess I'll honk on them: 144 Maria is on a corner; they have a trailer with a boat sitting in the yard; behind the garage, they have all kinds of wood and trash and metal; garage is unpainted; front steps are bad; trash around
- inspectors came out on a Sunday to throw these people out on the street so they have to go down to Dorothy Day; he thinks that is not compassion, whatsoever; and those 2 little kids - it burns him....

Ms. Moermond:

- comments: 1) it doesn't matter who calls it in when; it has to be investigated; inspectors look to see whether the complaint is founded; so, if there's tall grass and weeds, doesn't matter who calls it, they measure the grass and weeds (if there's a lady in the neighborhood giving you grief, which happens all over the city, then make sure that your property doesn't have any code violations); 2) Mr. Moore would still own the property but he would not be allowed to have tenants there until all of the items were corrected; if they're corrected quickly, the tenants can be there; the building is still Mr. Moore's

- she passed out emails that she's received about this property

(LH was paused while everyone read the emails)

- be aware that these are public emails and are attached to the record
- let's deal with what these people said in this setting and let it be; let's not be confrontational about it
- as a public servant, she needs to make sure that there's open communication even if it's bad communication

Mr. Daniels and Mr. James:

- commented on the accusatory emails (attached); they are false
- wants the city to give Mr. Moore a chance to fix the repairs

Mr. Moore:

- talked about the accusations made in the emails (drug house, prostitution, squatters: heavy accusations)
- talked about the woman who ended up in custody (reason for many of the police calls)
- explained that there are no electrical fixtures in the garage
- he has hired someone who is at the house now fixing things
- some items on the list are very frivolous

Ms. Shaff:

- Mr. Moore has a difficult time maintaining minimum code compliance
- it makes a difference that people are sleeping in the basement
- it makes a difference when people are using this house as the neighborhood laundromat

Ms. Moermond:

- explained that the complaint came in; Orders were written Oct 20 and nothing was addressed so, the Revocation was written

Mr. Moore:

- he got the Orders on Oct 27, 2014 and the deadline for compliance was Oct 28; how can he get it all done within 1 day?
- where did they get the idea that this house was a triplex? How did that come into play?

Ms. Moermond:

- the list was given to Mr. Moore and nothing has been done
- there was someone sleeping in the basement; doesn't matter if that was one night or many nights, it's not safe nor legal and does make it look as though the building is being used as a triplex
- the garage? can't have a commercial business in a residential area and a commercial business requires a license; additionally, the garage is part of the rental property
- hasp and lock on a bedroom door in Unit 1 concerns her

Mr. James:

- the lady who previously also lived in his Unit had put the lock on that door to protect her property
- he can take off that lock today; the hasp has been removed

Ms. Moermond:

- it is illegal for a sleeping area to have only one exist out of the room

- there doesn't seem to be a set plan to get this list of items addressed

Mr. Moore:

- he has hired a person at the house who is going through the list and taking care of some of the items, whatever he can
- he has called furnace contractors and someone will be out in a few days
- he certainly plans to address the list that's why he is requesting time
- he will fix the garage when he can; needs more time
- he has taken care of #1
- #3-what is meant by ceiling repair and maintain in an approved manner (unapproved ceiling covers throughout garage)?

Mr. James:

- has taken care of some things already: bathroom and bathtub; #17, #18, #28, #2

Mr. Daniels:

- it's his understanding that these things on the list need to be repaired and everything will be OK (?)

Ms. Moermond:

- there are 2 things going on: 1) getting the C of O reinstated; get this Revocation lifted - then, you could occupy it; 2) if your appeal is denied and the building needs to be Vacated and the Council approves that, then, the natural progression would be that it goes into the Vacant Building Program and need to have a Code Compliance Inspection

Mr. Daniels:

- he wants this cleared up and he wants to work with the city; so, he wants to know what they need to do so that we come into compliance
- they want to keep their home

Ms. Moermond:

- asked Ms. Shaff what parts of the house/garage they did not have access to, per the Orders

Ms. Shaff:

- that's a difficult piece; she saw that in the Orders, too; she will contact Inspector Westenhofer

Ms. Moermond:

- based on the past history here and the current situation, she does not have much faith in Mr. Moore's ability and willingness to take of the problems here
- there are questionable situations - talking about the illegal use of the basement as sleeping space; that situation is totally unacceptable
- with respect to the garage - does not have faith that those issues will be dealt with because Mr. Moore was possibly going to rent it to someone who wanted to use it for car repair; the Zoning Code and Licensing Code do not allow for that
- the question of leases is important to her; whether this is one unit rented by Mr. James or whether there are more leases for the unit (a strange management practice); a history of hasps put on the door is a direct violation of the Fire Code
- thinks that Mr. Moore has the ability to finish to actually do the work but in 2 weeks hasn't taken any action so far; fortunately, your tenant has (also, show poor management)
- will grant until November 7, 2014 for compliance or the property must be vacated
- City Council Public Hearing Nov 19, 2014; can make your case to Council
- in between time, you can call to get an inspection with the Fire Certificate of

Occupancy Program and they can reinstate you if this list is done; you can fix this problem yourself if you get these things done quickly
- referred Mr. James and Mr. Daniels to Southern Minnesota Regional Legal Services (SMRLS)

Grant until November 7, 2014 for compliance or the property must be vacated.

Referred to the City Council due back on 11/19/2014

1:30 p.m. Hearings

Fire Certificates of Occupancy

33

[RLH FCO
14-162](#)

Appeal of Nicholas Davis to a Fire Inspection Correction Notice at 1393 BRED A VENUE. (To be referred back to Legislative Hearing on January 6, 2015 and City Council Public Hearing on January 21, 2015)

Sponsors: Stark

Nicholas Davis, owner, and his wife/counsel appeared.

Fire Inspector A. J. Neis:

- 2 buildings on 1 parcel; owner lives in one of them
- Fire Certificate of Occupancy Correction Notice, dated Oct 16, 2014 by Inspector Lisa Martin
- appealed at 3 orders all related to the upper unit, which is in use as a 2nd unit in the house
- he consulted with Ms. Martin after the inspection and based on his conversation with her, it appears that this house is not a legal duplex
- the records are a little deceiving because there is some acknowledgement that there was a 2nd floor unit in Amanda previously; in speaking with the Appellant, who met with Karen Zacho, Zoning about this; it's really hard to say when it was converted or when it was di-converted
- it's been in the family since 1988; his parents had owned the property
- Appellant has advised him that since 1988, it has always been in use as a duplex or 2 units
- a permit was pulled 2011 and finalized - to repair the rear staircase that accesses the 2nd floor
- Ramsey County tax records say that this is a single family house
- it's hard to say if it was considered a mother-in-law apartment; they used to be allowed
- owners live in the house directly behind this house, same parcel
- we just need to figure out if this is or is not a duplex
- electrical services are accessible to both tenants
- boiler is heating the house

Mr. Davis:

- 2006 - he bought house from his parents
- entered documents and photos
- as of 1988, when parents bought it there was a house in front (duplex) and a house in back (single family)
- house is not a cheap rental; since 2006, he has spent a lot of money remodeling it
- the permit pulled for the staircase was probably for 1395 Breda, not 1393
- showed photo of shared staircase in back of 1393 house which goes to the outside and basement as well as the 2nd floor
- there were no hints that this was anything but a duplex - had inspections, etc., until

a year ago

- looking at records from Karen Zacho, at one point in time, the property must have been considered a triplex (3 living units on the same property)
- the stairwell addition in the back of 1393 has been there since at least the 70's, according to the neighbors, who moved in then
- he had nothing to do with any type of converting to 1393; it has been that way as long as he can remember and then some
- he is appealing the finding that 1393 is a single family house and he should rip out the kitchen and di-convert it, when, in fact, it's been this way
- the property is insured as 3 units
- entered photos of 2nd floor unit; just put new cabinets in the kitchen; tile work in bathroom was done right after he bought it

Ms. Moermond:

- asked what type of research was done by Inspector Martin

Mr. Neis:

- from looking at the file, the research was exactly as we've pointed out - everything points to it being a single-family dwelling with the exception of the time where it mentions "the 3 units which we've discussed"
- if it stood vacant for more than a year or a family had occupied it, it would have lost that legal nonconforming use status; we don't know if/when that happened
- a lot of work has been done recently that would have required permits but he doesn't see any permits having been filed (another red flag)
- because of that he can see why the inspector would have assumed that an illegal conversion might have taken place
- this is an RT-1 nonconforming use; in STAMP, it says 2 single family dwellings on 1 parcel
- he would like to take a personal look at this, maybe with a building inspector
- the recent renovations look very nice and very professionally done

Mr. Davis:

- he assumed that if use the same hole in the wall, you can put in new fixtures
- Ms. Zacho ran the history from 1916 and could not find anything; nothing for the staircase or the aluminum siding

Ms. Moermond:

- OK with Mr. Neis inspecting with a building inspector
- would like building permit history for this house; at some point, it went from being a single-family to a duplex
- will Lay this Over for 2 weeks

Mr. Neis:

- will make a preliminary inspection Thu Nov 6, 2014 at 11:00 am

Laid Over to the Legislative Hearings due back on 11/18/2014

2:30 p.m. Hearings

Vacant Building Registrations

- 34 [RLH VBR 14-84](#) Appeal of Benito Benitez to a Vacant Building Registration Fee at 452 CONCORD STREET.

Sponsors: Thune

Benito Benitez, owner, appeared.

Inspector Matt Dornfeld, Vacant Buildings:

- Aug 19, 2012, Inspector Dennis Senty opened Category 2 Vacant Building; noted house was unoccupied and secured by normal means; found chipped, peeling paint, damaged screen and storm windows, missing shingles, opening in the 2nd floor northside wall; also documented insects and rodents, west side basement egress window blocked shut; took photos and posted VB placards
- there's a current code compliance inspection report on file
- finalized: electrical, mechanical, plumbing permits
- building permit remains open
- city has collected VB fees: 2012-2013 by assessment; 2013-2014 paid by check
- here today to discuss 2014-2015 VB fee that just recently went to assessment Oct 31, 2014

Mr. Benitez:

- the final inspection is scheduled for tomorrow at 1 pm

Ms. Moermond:

- will recommend deleting the VB fee if the inspection clears
- will also ask that the VB fee be waived for another 90 days

Waive the VB fee for 90 days. (Delete the assessment if owner gets code compliance certificate within the 90 days.)

Referred to the City Council due back on 12/3/2014

35 [RLH VBR 14-83](#) Appeal of Sally Higgins to a Vacant Building Registration Renewal Notice at 25 EMPIRE DRIVE.

Sponsors: Thao

Sally Higgins, American Indian Family and Children Services, appeared.

Inspector Matt Dornfeld, Vacant Buildings:

- was made a Category 3 Vacant Building Nov 8, 2012 by Fire Inspection
- noted: hazardous building with serious structural failure - a heavy timber truss slipped from support and is being supported only by interior HVAC duct work; walls on both north and south sides have shifted and are 6-9 inches off at this time, slipping toward the north side; important to note that this is not immediately visible from the exterior of the building; it's a very serious and hazardous condition; no interior operation should be considered until further notice
- the Dept of Safety and Inspections has Condemned the building and posted all placards that say the building is dangerous and Condemned
- in 2012, we issued a 6 month VB fee; it was only partially assessed for \$550
- we also collected the 2013-2014 VB fee
- here to discuss the 2014-2015 VB fee

Ms. Higgins:

- all the trusses have been repaired and the steel beams are in
- two weeks ago, she was told that they'd be in the building in 2-3 weeks - the last she's heard
- still need new furnaces, etc.
- anticipates that they will be done within 1 month; working with the Historical Society, which takes their approval
- she came to say that the building will not be vacant in 2015; therefore, she is asking that the VB fee be waived; that money will go a long way with repairs

Ms. Moermond:

- will recommend waiving the VB fee for 90 days
- if you get the sign-off from Jim Seeger in 90 days, the fee will be gone
- after that, if it's not done, you will be put onto an assessment roll; send in the yellow post card and she can prorate at that point
- this is a very important historic building, a James J. Hill building; a section of the building is an old railroad depot; this was the pattern shop

Waive the VB fee for 90 days.

Referred to the City Council due back on 12/3/2014

- 36 [RLH VBR 14-74](#) Appeal of Jeff Swanson for Havenbrook Construction to a Vacant Building Registration Notice at 870 GALTIER STREET.

Sponsors: Thao

VB file has been closed. Owner in compliance.

Withdrawn

- 37 [RLH VBR 14-87](#) Appeal of Mike Simerson to a Vacant Building Registration Notice at 305 GEORGE STREET WEST.

Sponsors: Thune

Mike Simerson, owner, appeared.

Inspector Matt Dornfeld, Vacant Buildings:

- made a Category 2 Vacant Building by Inspector Dennis Senty Oct 16, 2014 per a Certificate of Occupancy Revocation by Fire Inspector Sean Westenhofer on Oct 8, 2014
- Inspector Senty's notes: house unoccupied; open for work; made agreement with owner to file an appeal to avoid a VB file being opened
- owner did not comply with this agreement; see attached C of O Revocation letter for list of violations
- he attached photos and posted placards; property secured and maintained

Fire Inspector A. J. Neis:

- started from 3 complaints in 2014: 1) vehicles parked in the yard in Jan 2014; Orders issued by Fire; 2) Jun 6, 2014 - gas service shut off by Xcel; 3) cockroach and rat infestation; water leaking from first floor to the basement causing mold smell; Inspector Westenhofer issued Orders
- Sep 8: Inspector Westenhofer did a full C of O inspection; owner did not show, call or cancel; Mr. Westenhofer tried to phone him but the number was out of date; Orders were issued to make repairs
- Oct 8: no call, no voice mail from owner, phone number was disconnected
- found property vacant but maintained
- multiple attempts had been made to inspect
- he found multiple exterior code violations and sent it to the Vacant Building Program

Mr. Simerson:

- apologized to Mr. Westenhofer; Inspector had phone number of the company phone but Mr. Simerson had been laid off in Jul, so, the inspector didn't have number
- Inspector wrote up the stairs
- he had some very bad tenants; had to file unlawful detainer on both

- had to clean out the place; it was totally trashed; he took 25 trailers to the dump; they poured water all over the 2nd floor that ruined all the downstairs ceilings, etc...
- he was working on the interior and wasn't going to work on the exterior until he was ready to rent out the house
- he missed the inspector on the 8th because he thought it was the 9th and Mr. Senty came out and explained about the VB
- he called Mr. Westenhofer and met him the next day, Oct 10; they went through the whole building; he could see all the work that had been done: painting; new carpeting; exterminator for cockroaches; etc.
- got a plan drawn up for the back steps from his brother-in-law; has the wood to repair the front steps; pulled permit for the exterior
- just as he was getting near the end, he got stuck with the VB
- by the time he's done, he'll have invested about \$12,000 in the place
- has owned house for 30 years and never had renters from hell before
- every 10 years he goes through and does the windows; sands down the beautiful woodwork, stain and polyurethane it; etc.
- have had the boilers inspected, as requested; had building permit pulled for stucco - done
- all has just taken longer than he anticipated

Ms. Moermond:

- she does not see a recent interior inspection; #2 in Orders of Sep 12, 2014: "Provide access to the interior, both units."

Mr. Simerson:

- Inspector Westenhofer inspected the interior Oct 10, 2014; Mr. Simerson was there, too; he has not received anything from Mr. Westenhofer after that; he said that he would create a list and send it to him but hasn't so far
- subsequently, he pulled a building permit; Isaac, building inspector went over all of it
- he doesn't understand how he got to where he is with this VB status

Ms. Moermond:

- asked Mr. Neis to tell her about the Oct 10th list

Mr. Neis:

- the list from Oct 10 doesn't appear to have changed; it's hard to say if there were any additional Orders; the only additional letter was the Revocation Notice

Ms. Moermond:

- does it show that there was access to the interior?

Mr. Neis:

- it does not; that Order was never abated; he does not see any other inspection reports although, he is not saying that the inspection didn't happen

Ms. Moermond:

- will recommend that you can be out of the VB Program if you get the Fire C of O reinstated in 60 days
 - she doesn't have any write up of what's going on in the interior; Mr. Westenhofer doesn't appear to have written up a report on that Oct 10th inspection
 - if he didn't write it up, we will get another inspector out there to do the write up
 - you have 2 months from today to get all the items taken care of and get the C of O reinstated
 - after a couple of months, we will revisit the issue
- Change to Category 1 and waive the Vacant Building fee for 60 days to get Fire Certificate of Occupancy reinstated.

Referred to the City Council due back on 12/3/2014

- 38 [RLH VBR 14-86](#) Appeal of Abe Appert and Jack "John" Appert to a Vacant Building Registration Renewal Notice at 694 GRAND AVENUE.

Sponsors: Thune

Jack Appert, one of the owners, appeared.

Mr. Appert:

- Abe Appert and Jack Appert bought this property together, along with other properties in that area

Inspector Matt Dornfeld, Vacant Buildings:

- the Fire Certificate of Occupancy was Revoked by Fire Inspector Lisa Martin in Nov 2013*
- Inspector Dennis Senty made it a Category 2 Vacant Building on Nov 19, 2013*
- currently, there is a team inspection on file, as of Jan 28, 2014; and according to Mr. Senty, rehab is on-going*
- permits still open: warm air, plumbing, building*
- the building is secured and maintained; no problems whatsoever*
- 2013-2014 VB fee paid by check*
- her to discuss 2014-2015 VB fee that is due Nov 19, 2014*

Mr. Appert:

- bought it Jun 2014, so they didn't have it as a Category 2 from the beginning*
- the bank had taken it back from previous owner; it was in disrepair and hadn't been managed properly*
- they put in all new plumbing, new high efficiency boiler, electrical, new roof, redoing all kitchens and bathrooms; put in a lot of money to make it look nice; it's just taken a lot longer than anticipated*
- repairs were based on the Feb Code Compliance list*
- told this morning that plumbing was finalized - the rough-in*
- meeting with Jim Seeger tomorrow*
- then, they will close with sheetrock; paint; install cabinets, do all finishing work*

Mr. Dornfeld:

- plumbing permit, Inspector McMannus on 10-9-14, wrote: "Approved to issue" - still showing open*
- he will check with Mr. McMannus about it*
- mechanical is finalized*
- will be finished by Jan 1, 2015*

Ms. Moermond:

- if you get the C of O issued by Jan 1, 2015, you will not be in the VB Program; your VB fee is waived*
- Waive the VB fee until January 1, 2015 for owner to get Fire C of O reinstated.*

Referred to the City Council due back on 12/3/2014

- 39 [RLH VBR 14-82](#) Appeal of Jamie Thelen, on behalf of St. Paul Old Home Plaza, LLC, to a Vacant Building Registration Fee at 370 UNIVERSITY AVENUE WEST.

Sponsors: Thao

Jamie Thelen, Sands Companies, appeared.

Inspector Matt Dornfeld, Vacant Buildings:

- *St. Paul Old Home building was made a Category 2 Vacant Building Apr 23, 2012; \$550 in VB fees for half a year was assessed then*
- *2013-2014 VB fee had a 6 month waiver in place before it went to assessment*
- *major rehab construction is on-going*
- *according to the building permit, estimated value of the project is close to \$5M*
- *all permits are open*
- *site has not been a problem for DSI; has been maintained and secured*
- *one tall grass/weeds Summary Abatement Order*

Mr. Thelen:

- *building is fully under construction; site is connected to a new construction building also under construction*
- *estimated finish date: end of Nov 2015*
- *staff is on site all the time*
- *site is completely fenced*
- *workers are there everyday*
- *taking longer because working with an historic building*

Ms. Moermond:

- *looking at a whole year until finished*
- *explained that the VB fee is developed by the cost of running the VB Program divided by the number of vacant buildings, so, it's \$1440/building for each VB*
- *this one is costing the city less because you are taking care of business*
- *this property has a perfect history of taking care of things and of being there*
- *the last 2 years you've paid half of the VB fee*
- *is comfortable recommending half a VB fee for the 2014-2015 year, as well*

Mr. Dornfeld:

- *it went to assessment Oct 31, 2014*
- *he will check with Connie Sandberg on where it's at and see if she can get that full assessment halved instead*

Ms. Moermond:

- *if it's too far down the line in terms of generating letters, it will come back here as a VB assessment for \$1400; she will cut it in half at that juncture*
- *if it can be recovered now and changed, they will do that; if not, we'll do it later*

Mr. Dornfeld:

- *he will call Mr. Thelen tomorrow to let him know where we're at*

Ms. Moermond:

Vacant Building fee anniversary date was 4/23/12; DSI staff will process the VB fee for \$720 (half of the year). If the VB fee has already gone into assessment; LHO will prorate the VB fee to half at the assessment hearing.

Referred to the City Council due back on 12/3/2014

40 [RLH VBR 14-89](#)

Appeal of Terrance Luther to a Vacant Building Registration Notice at 125 WINNIPEG AVENUE.

Sponsors: Thao

Terrance Luther, owner, appeared.

Inspector Matt Dornfeld, Vacant Buildings:

- Revoked Certificate of Occupancy by Fire Inspector Sean Westenhofer Oct 23, 2014
- he documented 8 deficiencies at the time of the Revocation
- Vacant Building Inspector Mike Kalis opened a Category 2 Vacant Building Oct 23, 2014
- he documented that the house was occupied; he issued a Summary Abatement Order on materials in the yard
- Oct 27, 2014: he noted that the house appeared to be vacant; the yard was cleaned by owner; VB placard was still posted

Fire Inspector A. J. Neis:

- started after a complaint that said the house was vacant and someone was having a recreational fire on the property; happens frequently when tenants are vacating that they burn their trash
- on the Oct 21, 2014 Inspector Westenhofer went out to investigate; he spoke with Supervisor Leanna Shaff and based on what he found, he sent it to the Vacant Building Program

Mr. Luther:

- he plans to re-rent the house
- he filed an Unlawful Detainer on those tenants; the judge encouraged that we work things out; the plan for them to pay up by Jan 3, 2015 but they weren't going to do that; so, he had to file a written detainer
- he finally got possession of the property on Oct 20, 2014; he secured the property; he cleaned up the yard and the inside of the house

Ms. Moermond:

- being in the VB Program means that you will need to get a Code Compliance Inspection, which will mean a bigger laundry list of things that you will need to do (trades inspections)
- alternatively, she wants to give Mr. Luther a shot at getting his C of O reinstated so that it can be re-rented
- if you can get the C of O reinstated by Jan 1, 2015, you will be out of the VB Program and will be able to rent it again; and there will be no VB fee

Mr. Luther:

- he'd like to have the C of O reinstated by Nov 15, 2014

Ms. Moermond:

- as soon as you can get the inspector out there and he sign's off on things, it will be fine with her
- Change to Vacant Building Category 1 and waive the Vacant Building fee until January 1, 2015 for owner to get Fire Certificate of Occupancy reinstated

Referred to the City Council due back on 12/3/2014

3:00 p.m. Hearings

Other

- 41 [RLH OA 14-30](#) Appeal of William T. Dillon to a Public Works letter denying an encroachment permit for a fence at 1401 ELEANOR AVENUE. (Public Hearing continued from November 19 and December 3)

Sponsors: Tolbert

William Dillon, owner, appeared.

Mr. Dillon:

- *appeal of fence variance denial*
- *it's been confusing; he's been trying to get things worked out*
- *has had some help but also has had a little bit of a breakdown in communication*
- *when they purchased the house at 1401 Eleanor, they wanted to put a fence on the property*
- *while he was getting all the information about that together, he had 2 basic questions going into the permit office: 1) the height of the fence; he has a corner lot and he was confused by some of the fence requirements - the person he spoke with told him that since the back of his lot was an alley way, and as long as he didn't take the fence past the front of his house, the fence could be 6 feet 2 inches; and 2) he had the site plan from the title company but he could not find the "pins" - the survey says that his property is 7 feet out from his house to the property line and his site plan to build the fence was the same; his question was could he count on that being accurate? The guy asked what was next to him; he told him that the sidewalk was next to him; he told Mr. Dillon that the survey was only visual representations; in fact, "your property line is the sidewalk."*
- *Mr. Dillon gave him the site plan and his permit was approved*
- *about 75% thru building the fence, a building inspector, David Tank, came thru and he said that it was wrong; he went back to the office and called me and said, "I can clearly see that there are 2 measurements on here and you are going to have to stop." Mr. Dillon asked what he should do next. He was told that he could file for an encroachment permit; so, he sent a letter to Terri Vasquez, Public Works, in Jun 2014, requesting an application for an encroachment permit. He included all the necessary info and photos (attached)*
- *Jul 1, 2014, he received a letter from David Kuebler, denying his encroachment permit; he knew that was coming because he had called Ms. Vasquez; she said that the City Forestry Dept has protested because there was a tree inside the actual fence line; he thought that was not a big deal - he could just use 2 posts, get the tree outside the fence and it'll be good but he got another denial*
- *he called Ms. Vasquez again; she said to call Mr. Kuebler who said he needed 2 weeks to look thru all of the info*
- *in 2 weeks he called Mr. Kuebler, who said that he needed to communicate with others and asked for another month to consult with others*
- *after 1 month, he called Mr. Kuebler, who didn't return his call; called 3 weeks later; Mr. Kuebler said that a person he needs to talk with was on vacation, he needed a few more weeks - sure*
- *in the meantime, he received a letter from David Tank, dated Oct 1, 2014 saying that he had 30 days to move the fence*
- *subsequently, he went to the Highland District Council meeting, told his story and asked for support*
- *entered photos*
- *permit office told him that the inspector thought there was a blvd there and you don't have a blvd, so, it's a mistake and we're sorry*
- *he relied on the info given to him by the permit office*
- *there are 5 people less than a mile from his house, who have the same type of fence right on the line of the sidewalk*

Ms. Moermond:

- *she has no material from Public Works but there's a particular map that she needs to see*
- *went back to her desk to run that map - visual info*
- *will bring back the last chapter of the building and housing code (encroachment)*

RECESS

- was on the phone with Mr. Kuebler and the building official; thinks that giving the tree a wide berth will work
- asked Mr. Dillon to redraw a site plan and she will have Mr. Kuebler look at it (to be used in an application)
- the tree is right on the line

Mr. Dillon:

- tree is approximately 4 1/2 - 5 ft outside the fence; actually, it's the city's tree

Ms. Moermond:

- will Lay this Over for 2 weeks
- take the re-drawn site plan; she told Mr. Kuebler that you'd re-apply with a new plan; she doesn't think that the engineer understood the original site plan
- re-submit the encroachment permit to Mr. Kuebler
- provided Mr. Dillon with Building Code, Chap 33; Projections and Encroachments, Chap 134
- doesn't think this will be a big deal if she can get fresh eyes on it Forthcoming. Owner to submit revised site plan to Stephen Ubl or David Kuebler.

Referred to the City Council due back on 11/19/2014