



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final

Legislative Hearings

Marcia Moermond, Legislative Hearing Officer
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651-266-8585

Tuesday, December 6, 2016

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Special Tax Assessments

- 1 [RLH TA 16-450](#) Ratifying the Appealed Special Tax Assessment for Property at 81 GERANIUM AVENUE EAST. (File No. J1701E, Assessment No. 178300) (To be deleted.)

Sponsors: Brendmoen

Forthcoming. (No one appeared.)

Referred to the City Council due back on 1/4/2017
- 2 [RLH TA 16-561](#) Ratifying the Appealed Special Tax Assessment for Property at 670 ARMSTRONG AVENUE. (File No. VB1704, Assessment No. 178804)

Sponsors: Noecker

Approve; no show.

Referred to the City Council due back on 1/18/2017
- 3 [RLH TA 16-565](#) Ratifying the Appealed Special Tax Assessment for Property at 992 ARMSTRONG AVENUE (File No. VB1704, Assessment No. 178804). (Layover to February 21, 2017 Legislative Hearing)

Sponsors: Noecker

Matthew Burns, owner, appeared.

Inspector Joe Yannarely, Vacant Buildings:

 - Category 2 Vacant Building file opened Sep 17, 2014
 - annual VB fee \$2085 + \$155 service charge = \$2240
 - electrical permit finalized
 - 2 open permits currently
 - not much history

Mr. Burns:

 - I started this project & lost my job

-plumbing should be done next week
-the general is almost done (end of month)
-HVAC should be done by the end of the month
-90% of the list is completed
-I will be living there

Ms. Moermond:

-sounds like you're close to finishing; I want to create an incentive for you to get those sign-offs; I want to prorate the VB fee according to how fast you can get out of the VB Program
-City Council Public Hearing is Jan 18, 2016; I will ask them to Lay this Over to Feb 21, 2017 LH

To be laid over to Legislative Hearing on Feb 21, 2017.

Referred to the City Council due back on 1/18/2017

- 4 [RLH TA 16-547](#) Ratifying the Appealed Special Tax Assessment for Property at 1034 BEECH STREET. (File No. J1703A, Assessment No. 178502)

Sponsors: Prince

Approve; no show.

Referred to the City Council due back on 1/18/2017

- 5 [RLH TA 16-548](#) Ratifying the Appealed Special Tax Assessment for Property at 1034 BEECH STREET. (File No. J1703G, Assessment No. 178702)

Sponsors: Prince

Approve; no show.

Referred to the City Council due back on 1/18/2017

- 6 [RLH TA 16-556](#) Deleting the Appealed Special Tax Assessment for Property at 1350 BEECH STREET. (File No. J1703A, Assessment No. 178502)

Sponsors: Prince

Delete; Tall, grass & Weeds Letter was never sent to property owner.

Referred to the City Council due back on 1/18/2017

- 7 [RLH TA 16-569](#) Deleting the Appealed Special Tax Assessment for Property at 1183 BUSH AVENUE. (File No. VB1704, Assessment No. 178804)

Sponsors: Bostrom

Cindy Groeneweg, realtor, appeared.

Inspector Joe Yannarely, Vacant Buildings:

-a Category 1 Vacant Building file was opened Jun 23, 2016

-annual fee: \$2085 + \$155 service charge = \$2240

-this needed a Summary Abatement Order for exterior conditions & a Revocation of the Fire C of O

-the house is empty secured by normal means

Ms. Moermond:

-you don't even have to talk

-if the house is secured by normal means, the definition of a Registered Vacant Building says 1 years; if something happens to change that (broken into, things get trashed, major code violations, etc.), that will change the status to a Cat 2 VB

-will recommend deletion

Delete the assessment.Delete the assessment.

Referred to the City Council due back on 1/18/2017

8 RLH TA 16-568 Ratifying the Appealed Special Tax Assessment for Property at 1789 CASE AVENUE (File No. J1703A, Assessment No. 178502).

Sponsors: Bostrom

David Steinberg, owner, appeared.

Inspector Joe Yannarely:

-this is a clean up for tall grass & weeds

-Summary Abatement Order issued Aug 29; compliance Sep 1; re-checked Sep 6

-work done Sep 8 for a cost of \$160 + \$160 service charge = \$320

-this is a Category 2 VB

Mr. Steinberg:

-I did not take possession of the property until Sep 23, 2016 from Affinity Plus Bank

-we are currently in the rehab process with all permits active

-completion date around the first of Jan 2017

-more specifically, I'm here because I was not able to remedy the situation because I was not in control of the property at that time

Ms. Moermond:

-they were supposed to take care of it or tell you about it (disclosure)

-Richard Kappelhoff, previous owner, did get Notice; Mr. Kappelhoff is, presumably, in the process of losing his house to Affinity; and as soon as they got their hands on it, they sell it to Mr. Steinberg

Mr. Steinberg:

-it was a normal Warranty Deed but a drawn out process - waiting for the Cat 2 Sale Review approval; there was a line back-up of Cat 2 properties that they were so far down on the list to get inspected to be approved for sale; it needed a code compliance insp report

Ms. Moermond:

-you're going to have to convince me; talk to your realtor; from what I can tell here, it's Mr. Kappelhoff's property; the foreclosure's not complete; Affinity Plus has the right, under a standard mortgage agreement, to maintain the property to prevent diminishment in it's value prior to sale; they have a history with this particular property in the months coming up to this sale of 6 occasions of not taking care of Orders when the city issued them for really basic things like picking up garbage & mowing the lawn
-right now, it seems like it's a private discussion between the previous private owner, Kappelhoff, Affinity Plus and you about who the responsible party is for maintaining the property

Mr. Steinberg:

-was Affinity notified of the Orders because Mr. Yannarely said that only Mr.

Kappelhoff received the Notice

Ms. Moermond:

*-was Affinity done with the foreclosure process?? Did the 6 month Redemption time period expire or did they inherit a property that had assessments pending on it? and How did that get sorted out? Did legal Notice get provided to the owner of record at the time of their ownership? What I'm hearing is that you don't know the answer to that question; my guess, based on years of experience is that Affinity got this thing off their books as fast as they could possibly do it; but I don't know
-tell me more about why this shouldn't be a private responsibility; why it should be a public responsibility, and I will reconsider my recommendation but right now, it looks like it's a discussion among you 3 private parties*

Mr. Yannarely:

-what does non qualified sale mean when it's in Ramsey County records?

Ms. Moermond:

-non qualified sale is typically, the phrase that they use when it's a short sale or a sale to a relative

Mr. Steinberg:

-this was a full foreclosure; the bank had complete ownership of the property at the time we took possession of it

Ms. Moermond:

-how they got it from Kappelhoff might be part of how it got that definition

Mr. Steinberg:

-I will have to find another means, then, because I don't believe that I should be responsible for something that nobody was notified of...

Ms. Moermond:

-actually, the owner of record that we knew about at the county was notified; at that time period this summer, the county was 5 days behind in changing title; so, if Affinity had filed that they owned it, things were getting processed at lightning speed; and if they have that document, I'm thrilled to look at it and see that they didn't get notification and to work on that but right now, it's incumbent upon them to do the Notice that they are the owner, as well

Mr. Steinberg:

-I will follow up with my title company.....

Ms. Moermond:

*-that's the perfect thing to do
-I need more & better info; I'm not closing it out entirely; you could totally come back with something persuasive but with what I'm looking at now, I would say "No; good luck"*

Approve the assessment.

Referred to the City Council due back on 1/18/2017

9 [RLH TA 16-564](#)

Ratifying the Appealed Special Tax Assessment for Property at 302 COTTAGE AVENUE WEST (File No. VB1704, Assessment No. 178804).

Sponsors: Brendmoen

Approve; no show. (Rescheduled, so recommendation may change.)

Laid Over to the Legislative Hearings due back on 1/3/2017

- 10 [RLH TA 16-566](#) Ratifying the Appealed Special Tax Assessment for Property at 910 COTTAGE AVENUE EAST. (File No. J1703A, Assessment No. 178502)

Sponsors: Bostrom

Approve; no show.

Referred to the City Council due back on 1/18/2017

- 11 [RLH TA 16-550](#) Ratifying the Appealed Special Tax Assessment for Property at 725 FULLER AVENUE. (File No. J1703E, Assessment No. 178302)

Sponsors: Thao

Approve; no show.

Referred to the City Council due back on 1/18/2017

- 12 [RLH TA 16-543](#) Ratifying the Appealed Special Tax Assessment for Property at 847 HUDSON ROAD. (File No. VB1703, Assessment No. 178803) (To be referred back to Legislative Hearing on February 7, 2017)

Sponsors: Prince

Fred Niaz, Auto Sale USA LLC, owner, appeared.

Inspector Joe Yannarely:

-this is a Category 3 Commercial Vacant Building - been in the program since Sep 28, 2001

-annual VB fee: \$2085 + \$155 service charge = \$2240

-located in Dayton's Bluff Historic District

Mr. Niaz:

-purchased it in Jun 2016

-he was working on it with Larry Zangs but the permits expired Oct 27, 2016 and he said that could get an extension but when I applied for an extension, they declined it; they said that could not extend it because they don't know what they are going to do with that area; the city might take it over for more space on the bus line; when I came in to talk with the city planner, he said that they will know for sure in 6 months; they didn't want me to spend any more money on the project until they know for sure

Ms. Moermond:

-asked Mr. Yannarely if there had been an extension of the VB fee for 847 Hudson Road given to the previous owner

Mr. Yannarely:

-the building has not been demolished

Ms. Moermond:

-are you planning to rehab or demolish?

Mr. Niaz:

-I was working on finishing the rehab; I was trying to get a license for car care
-only the city planners knew about this bus line plan that might take place; this property and the one next to it might be used for more space

Mr. Yannarely:

-I have no knowledge about a bus line plan

Ms. Moermond:

-it doesn't have a license right now
-I need to talk with the City Council about how this gets handled; it goes to CC Public Hearing Jan 4, 2017; at that time, I will ask them to send it back to me on Feb 7, 2017 LH; this is a mess and hopefully, things will shake out between now & then about how it gets dealt with
-the annual VB fee is paid forward; so, if you can get out of the VB Program sooner than later, I can decrease that fee back
-it sounds like you're not ready to pull the trigger on re-development yet, which means that the VB fee is more likely to be larger in the future; you might also experience a windfall in that the Met Council might be purchasing that land thru eminent domain for the expansion of transit routes; I don't know but I need to treat this like we do other buildings that are similarly situated; there's just very few bldgs that are similar to this one because this one is an historic district; that will take a little finagaling; and in order to get a grant of time to do the work on this, I believe that there's going to need to be a vote of the City Council to grant you that time if that can't be done within the department, itself but by asking CC to Lay this matter Over, hopefully, it can come back and get sorted thru in the coming weeks/months so that we know how to proceed with your plans to turn it back into a car station if that is still an allowable use; it has also been used for other things
-let's continue this conversation in a couple of months
-keep pursuing what you want to pursue with DSI; if you want to have a business license for that location, then, please apply for that business license and go for it

Mr. Niaz:

-without permits, I cannot pull any permits to work on the bldg
-I did have a team inspection in Sep

Mr. Yannarely:

-\$5000 Performance Deposit was posted; Planning Commission approval for nonconforming auto use has expired; permits cannot be issued; then, they refunded his \$5000 Perf Dep
-so, he really can't do anything

Ms. Moermond:

-and, there's nothing I can do about that
-this is with the Met Council
-you need to work with DSI and Larry Zangs as this goes along

Mr. Niaz:

-the planners told me to wait 6 months to see what they are going to do with that area
-the city is stopping my plans to work on the bldg
-the planners said that this VB fee is not an issue at all; they said that they put a hold on the permit not because of the VB fee; it was because of the plans for that area being up in the air for 6 months

Mr. Yannarely:

-apparently, the Planning Commission had said that this use had expired; perhaps you can get that changed
-call Paul DuBruiel and ask how you can appeal the Planning Commission's decision

Ms. Moermond:

-I will track things down to see what I can find out
-this may/may not work for you but I will do what I can

To be laid over to February 7, 2017 Legislative Hearing.

Referred to the City Council due back on 1/4/2017

- 13 [RLH TA 16-549](#) Deleting the Appealed Special Tax Assessment for Property at 964 IGLEHART AVENUE. (File No. J1703E, Assessment No. 178302)

Sponsors: Thao

Delete; excessive consumption letter was generated but never sent to property owner.

Referred to the City Council due back on 1/18/2017

- 14 [RLH TA 16-563](#) Deleting the Appealed Special Tax Assessment for Property at 1 IRVINE PARK, UNIT 1A. (File No. CRT1702, Assessment No. 178201)

Sponsors: Noecker

Layover to Dec 20. (NOTE: Assessment deleted; DSI records show approved on 5/27/16, but no time or mileage attached to file so it was approved in error).

Laid Over to the Legislative Hearings due back on 12/20/2016

- 15 [RLH TA 16-557](#) Ratifying the Appealed Special Tax Assessment for Property at 695 LAWSON AVENUE EAST (File No. J1703E, Assessment No. 178302).

Sponsors: Bostrom

Donald D Sellers, tax owner, appeared.

Inspector Paula Seeley:

-Excessive Consumption fee due to a Correction Notice I sent out Oct 2015 to repair/replace a deteriorated retaining wall along the public sidewalk; I did give him an extension; my notes Oct 30, 2015: he said that he was working on it with the ESND; so, I waited another year and in Jun 2016, nothing had been done
-the wall is done now and it looks great
-no history

Ms. Moermond:

-fantastic!

Mr. Sellers:

-I have photos; it's a big wall
-I'd like to have the EC fee of \$155 to be waived
-ESND referred me to Song Vang, St. Paul Housing Loan; he sent out a packet of papers to fill out; I filled them out and when I got the Notice in the spring, I checked

back with Ms. Vang to find out, she was on maternity leave and she couldn't find the papers; so, then, I had to file again; in the meantime, I was trying to find contractors; some would show up and give me a bid; I ask them when they'd start and they couldn't give me a date, saying they were 3 months out; I finally found a contractor who was going to do it & as soon as I got him there, he looked at it and didn't come back for another month

Ms. Moermond:

*-will recommend this assessment be reduced by half
-City Council Public Hearing Jan 18, 2017*

Reduce from \$155 to \$75.

Referred to the City Council due back on 1/18/2017

- 16** [RLH TA 16-552](#) Ratifying the Appealed Special Tax Assessment for Property at 547 MICHIGAN STREET. (File No. J1703A, Assessment No. 178502)

Sponsors: Noecker

Approve; no show.

Referred to the City Council due back on 1/18/2017

- 17** [RLH TA 16-555](#) Ratifying the Appealed Special Tax Assessment for Property at 1839 MONTANA AVENUE EAST (File No. J1703A, Assessment No. 178502).

Sponsors: Bostrom

Carla Evans appeared.

Inspector Paula Seeley:

*-Summary Abatement Order issued Aug 25; compliance Sep 1; re-checked Sep 1
-work done Sep 6 for a cost of \$158 + \$160 service charge = \$318
-failure to maintain exterior property - remove bag of trash, provide trash service
-sent to Occupant; and David Huskisson & Huskisson Evans Lettings LLC, both at 5637 Clinton Ave, Mpls
- no returned mail
-Orders sent Oct 24, 2016 for vehicles parked on the grass*

Ms. Evans:

*-I'm the landlord and was on vacation at the end of Aug; I received that Notice when I came back Sep 6 & drove to the property; I looked around the exterior & I didn't see any garbage bags; the Order that I found didn't say where the garbage bags were & I can't see any; I understand that they were on the alley; the tenant said that they weren't her bags; she doesn't leave garbage outside and she didn't know what they were talking about; we looked around the yard & I noticed that she had cleaned up the toys but we didn't know what was being referred to as garbage
-I have copies of texts back & forth; tenant thought maybe it was the neighbor
-my tenant has trash collection - so no reason for that to happen
-also, the tenant tried to contact the city multiple times to find out what was the matter
-I feel like we're being hammered when we try to get help or come here - we had to park; the process is really tricky
-the tenant said that she didn't receive an Order about this when I got in touch
-it's the 21st century; we have emails & texts*

Ms. Moermond:

- the Order was mailed to the Occupant; it was also sent to you*
- the photos show bags of garbage in front of the garage*
- I don't see any container there; do they keep it in their garage?*

VIDEO - crew removed 2 bags in front of the garage facing the alley

Ms. Evans:

- the issue is that I didn't see any garbage the first day that I came out to clear it (Sep 6); it was a 40 mile round trip for me to do that; I didn't see any garbage; must have already been picked up*
- I know that her trash is being collected*

Ms. Seeley:

- if we see garbage & don't see a container, we sent out a hauler Order; we need to verify with Sean about trash service*

Ms. Evans:

- tenant has Highland Service; & she has repeatedly said that the bags weren't hers & that she didn't get a Notice*
- I don't know what more I could have done*
- and 3 bags of garbage for \$300 fine feels very disproportionate to me when I have done everything I could as a landlord*

Ms. Moermond:

- I get that you were on vacation but at the same time, I don't have a high level of tolerance for bags of raw garbage sitting around*
- I see 3 bags in view but see no trash container (could be in the garage)*
- I want staff to follow up with Highland*
- we are moving toward a more public system*

Ms. Seeley:

- I will call Highland to verify trash service at that time*
- we have no separate assessment coming forward for trash hauling*
- had to send TGW on Sep 2 - but was done by owner; we closed file*

Ms. Moermond:

- pondering whether to decrease or not; the work was noticed; work was done by the city; there's no returned mail*
- our legal obligation is to send Notice by mail*
- things were taken care of when they were Ordered previously*

Ms. Evans:

- owned property since Mar 2015*
- provided copies of back & forth emails/texts with tenant*

Ms. Moermond:

Reduce from \$318.00 to \$243.00.

Referred to the City Council due back on 1/18/2017

18 [RLH TA 16-553](#)

Ratifying the Appealed Special Tax Assessment for Property at 846 PIERCE BUTLER ROUTE. (File No. J1703A, Assessment No. 178502)

Sponsors: Thao

Approve; no show.

Referred to the City Council due back on 1/18/2017

- 19** [RLH TA 16-559](#) Ratifying the Appealed Special Tax Assessment for Property at 1235 SCHEFFER AVENUE. (File No. J1703A, Assessment No. 178502)

Sponsors: Tolbert

Approve; no show.

Referred to the City Council due back on 1/18/2017

- 20** [RLH TA 16-558](#) Ratifying the Appealed Special Tax Assessment for Property at 54 SIDNEY STREET EAST. (File No. J1703E, Assessment No. 178302)

Sponsors: Noecker

Approve; no show.

Referred to the City Council due back on 1/18/2017

- 21** **RLH TA 16-554** Ratifying the Appealed Special Tax Assessment for Property at 1002 SIXTH STREET EAST (File No. J1703A, Assessment No. 178502).

Sponsors: Prince

Approve; no show.

Referred to the City Council due back on 1/18/2017

- 22** [RLH TA 16-551](#) Ratifying the Appealed Special Tax Assessment for Property at 1532 ST ALBANS STREET NORTH (File No. J1703E, Assessment No. 178302).

Sponsors: Brendmoen

Approve; no show.

Referred to the City Council due back on 1/18/2017

- 23** [RLH TA 16-546](#) Ratifying the Appealed Special Tax Assessment for Property at 738 THIRD STREET EAST (File No. J1703A, Assessment No. 178502).

Sponsors: Prince

David Epstein appeared.

Inspector Paula Seeley:

-Summary Abatement Order issued Aug 31; compliance Sep 6; re-checked Sep 7

-work done Sep 8 for a cost of \$316 + \$160 = \$476

-remove overflowing garbage containers & furniture on blvd

-no returned mail

-sent to Occupant; Mohican Holdings Inc Trustee, PO Box 18004, St. Paul; and

Sharon Bruestle, also at that address

-Jun 28, 2016 - Orders on mattresses & rubbish on the porch

VIDEO - crew removed overflowing garbage containers & garbage on the ground

Mr. Epstein:

-first of all, the Video didn't really show any garbage on the ground; it showed the garbage containers that were awaiting pick-up

Ms. Moermond:

-that's why I asked to see the Video right away; when they go to see if it's in compliance & whether or not they should send a crew out to do the clean-up, they take a snap shot for the crew; and what I was seeing was that the containers looked like they had been added to since the photo was taken

Mr. Epstein:

-we cleaned this up

-first of all, the tenant there is with Mental Health Resources; they have a Social Worker between the tenant & us; when these problems happen, they want the tenant to take responsibility and clean it up; that was their first line of action; they notified the tenant and Chuck, the person who works over there but that didn't pan out; we had some people over there; we had someone go over on the 6th & clean it up; I was invoiced for a chair & a TV but the garbage was contained; so, he said they picked up what was there

-2 days later, the city went & charged us \$500 & we were wondering why because we thought that we had done what we were supposed to do; that chair, etc, was gone & I have the bill from the transfer station and an invoice from the person who picked those up on Sep 6 (entered them); these guys do a fair amount of hauling for us -we also went back & moved other stuff in late Sep; we try to keep an eye on the stuff & tenants turn over, etc.

Ms. Moermond:

-the law is that the garbage container needs to close flat so that squirrels & rodents can get into it

-I willing to reduce this but not get rid of it

Reduce from \$476.00 to \$300.00.

Referred to the City Council due back on 1/18/2017

- 24** [RLH TA 16-560](#) Ratifying the Appealed Special Tax Assessment for Property at 1146 THOMAS AVENUE. (File No. J1703E, Assessment No. 178302)

Sponsors: Stark

Approve; no show.

Referred to the City Council due back on 1/18/2017

- 25** [RLH TA 16-567](#) Ratifying the Appealed Special Tax Assessment for Property at 601 WESTERN AVENUE NORTH (File No. J1703A, Assessment No. 178502).

Sponsors: Thao

Ameena Samatar appeared.

Inspector Paula Seeley:

-Summary Abatement Order issued Sep 7; compliance Sep 14; re-checked Sep 14
-work done Sep 15 for a cost of \$348 + \$160 service charge = \$508
-Orders on rubbish & cutting tall grass & weeds
-sent to: Alex Jerome, 3036 5th Ave S, Mpls; and Occupant
-SA: cut & remove TGW and rank plant growth from yard, blvd & alley areas; and remove TV on vacant lot
-no returned mail

VIDEO - crew removed TV, mattress, brush, wood, debris, trash on vacant lot

Ms. Moermond:

-VIDEO again: the grass was dead underneath that stuff

Ms. Samatar:

-I cut the grass & clean every week; someone is coming and dumping on it; I never saw that stuff; when people move out of one location, they take their trash & dump it there

-I did not get the Notice to do that work

Ms. Moermond:

-yes; it's obvious that's dumping; at the same time, you are the owner of the property and you are responsible for maintaining it

-there's a note: no mail was returned to the city

-you say you visit the site frequently; however, when I look at the Video, underneath that pile of debris was dead grass while the other grass was green; so, that pile of debris had existed there long enough to kill the grass; so, you had neglected to remove it for a very long time

-the city is required to send the Notices via first class mail to the owner of record at the address of record, which we did

Approve.

Referred to the City Council due back on 1/18/2017

26 [RLH TA 16-570](#)

Deleting the Appealed Special Tax Assessment for Property at 1374 VAN BUREN AVENUE (File No. J1703E, Assessment No. 178302).

Sponsors: Stark

Kin Chee Gigi Yau, owner, appeared.

Inspector Paula Seeley:

-Excessive Consumption fee: \$120 + \$35 service charge = \$155

-Summary Abatement Order issued Jun 22; compliance Jun 26; re-checked Jun 27

-work was done by owner but generated an PAEC because the work wasn't done by the compliance date

Ms. Yao:

-I'm totally surprised

-in May, I contracted with a neighbor's son to help me mow the grass, but that didn't work out, so, I contacted a caretaker from another apartment to come & help me; a No Show also; I'm trying very hard to find people to help me

-I'm a senior so it's hard for me to do heavy work

-the rest of the summer was done right; a young person across the street helped me

-the city crew told me that as long as the grass was cut, even though -----, it was acceptable

Inspector Lisa Martin:

-there's a very long history on this property; a lot of complaints/issues in the last couple of years: TGW; items near the garage; interior issues; on-going

Ms. Yao:

-another reason that I'm surprised by this: I don't get paid; I'm struggling; I'm get food stamps; I'm on medical assistant - have a lot of health issues; very low income & struggling; it's difficult

-also, I might file a lawsuit against the city because they actually removed jewelry, watches, travel items inside my house; they removed those things that were valuable to me; they took advantage of me because I'm vulnerable; I don't have family or money to hire people; so, they target me because I'm vulnerable; I feel pretty sad -from Jun 22 thru Aug, the young person across the street mowed the grass with me; so, it was taken care of around that time; and I have no knowledge of when any inspector actually came to inspect; but they get paid; I don't

Ms. Moermond:

-so what's the history since late Jun?

Ms. Seeley:

-none since Jun

Ms. Moermond:

-if no further violations from now until Jan 18, I'll recommend deletion

-if there is a violation, I can make the charge payable over 3 years

-you'll need to deal with snow shoveling now

Ms. Yao:

-I contracted with the same young person across the street to shovel the snow

Ms. Moermond:

If no same or similar violation(s), will delete the assessment.

Referred to the City Council due back on 1/18/2017

27 [RLH TA 16-572](#)

Ratifying the Appealed Special Tax Assessment for Property at 1466 VAN BUREN AVENUE. (File No. J1703G, Assessment No. 178702)

Sponsors: Stark

F/U from Inspector: Per EME trash service, owner paid for service from 10/1/16 to 9/30/17.

Ellen K Cales, owner, appeared.

Inspector Paula Seeley:

-Summary Abatement Order issued Sep 2, 2016; compliance date Sep 9: extension given until Sep 23 per request, to obtain trash service; re-checked Sep 26 - no container visible; sent Work Order

-this is a charge for city garbage hauling: \$100 (start up \$50 & wkly service \$50) + \$160 service charge = \$260 total

-Oct 5 inspector's notes: garbage service has been provided upon re-inspection; owner has active service with EME Oct 4

-we also have a forthcoming SA that needs to be Deleted because the inspector emailed Parks to remove the containers but Parks did not pick up the container (the

forthcoming one for \$290 should be deleted (J1704G))

Ms. Cales:

*-I understand that my service was lapsed because I wasn't able to pay my bill
-I paid for a full year on Sep 23, 2016
-when I called DSI to tell them that I had paid it, I couldn't find anyone to talk
-I work 80 hours a week
-there were 2 trash cans there the whole time; one from the city & one from EME*

Ms. Moermond:

*-Lisa, could you do a follow up phone call on this to get a confirmation?
-if we don't get the confirmation from EME, we'll let you know; if they confirm, I will go ahead and recommend that it gets deleted*

Forthcoming. Inspector will contact Highland Sanitation & Recycling to see if owner has trash service during the time of the assessment. (NOTE: will delete forthcoming J1704G)

Referred to the City Council due back on 1/18/2017

28 [RLH TA 16-573](#)

Ratifying the Appealed Special Tax Assessment for Property at 474 SHERBURNE AVENUE (File No. J1703E, Assessment No. 178302).

Sponsors: Thao

Duane Pawlitschek, tax owner, appeared.

Inspector Paula Seeley:

*-this is for 3 Excessive Consumption charges: \$395
-Orders sent Jul 15; compliance Jul 25; re-checked Jul 26; and EC was sent; re-checked again Aug 5; EC was sent and again on Aug 9
-the Correction Notice was to remove a pop-up camper & vehicles; also firewood must be elevated off the ground*

Mr. Pawlitschek:

*-the don't know whose camper it was; someone dropped it in the alley so that it was blocking the alley; so, someone pushed it into my backyard; I thought maybe someone's car broke down and that they would come back & get the camper, so I left it there but no one ever came to pick it up; finally, I got the Notice, so, I pushed it out into the street; I just don't know why someone would leave a camper in the alley; I live in an L-alley so, people are constantly dumping bags, furniture, TV's, etc; people used to sit in that alley like cockroaches and drink; the cops didn't do anything about it
-I had an injury and now, I have a memory problem; some a lot of things just don't make any sense; I can read but my mind can't make much sense out of it
-I asked someone what I need for a driveway but I can't get an answer; am I going to get into trouble for parking on my own property? I feel like the city is trying to push me into homelessness; I'm on Social Security; I get \$649/mo but my house payment is \$600; I can't afford to pay for things; I don't even get food stamps; I used to go to the church near my house where I could go eat but they got that closed down; it's not good in the neighborhood for the elderly*

Ms. Seeley:

-we have an open file: no trash service

Mr. Pawlitschek:

-I was sharing trash service with my neighbor but to take care of that, I have my own

trash service now

Ms. Moermond:

-I'm really comfortable with people sharing garbage service; I just look for a letter or some statement from the party who isn't here saying, "Yes, we understand each other; we share"

-is this problem resolved with parking surface

Mr. Pawlitschek:

-the camper wasn't mine; someone picked it up

-when I get groceries, I will pull up to my back door when I get home at 3 am and have no where to park on the street; the Islamic Center has meetings at 3 am - and all hours of the night; I have no other place to park

Inspector Lisa Martin:

-the camper is gone

-his parking surface has not changed at all; I'd be happy to send out site plan information for him to file

-history since 2012; since the last time I was out there, the Fire Inspector said that it's no longer C of O but the property itself was in poor condition back in 2012

Mai Vang:

-he was here in May 2015 for a clean-up

Ms. Moermond:

-I remember a discussion about an L-shaped alley

-the City Council Public Hearing is Jan 18, 2017; at that time, I will ask the Council to continue this to Mar 21, 2017; if Mr. Pawlitschek doesn't have any violations, I will Delete this assessment; so, take care of things

Layover to March 21, 2017 Legislative Hearing and if no same or similar violation, will delete the assessment.

Referred to the City Council due back on 1/18/2017

29 [RLH TA 16-574](#)

Deleting the Appealed Special Tax Assessment for Property at 51 MCKNIGHT ROAD NORTH. (File No. J1703E, Assessment No. 178302)

Sponsors: Prince

James Drontle appeared at the hearing; however, a file was not prepared because he didn't returned the gold card. A file was to put together; however, inspector was not able to find the information (Orders) in the computer for the time period of May 23 to June 22, 2016. Ms. Paula Seeley recommended that hearing officer delete the assessment due to no paper work. Owner was sent home without a hearing.

Note: a file was prepared after the hearing and found that the time period for the unapproved parking surface was during the time period of June 23 thru August 12, 2016. Recommendation was not recanted.

Referred to the City Council due back on 1/18/2017

Special Tax Assessments - ROLLS

30 [RLH AR 16-94](#)

Ratifying the assessments for Excessive Use of Inspection/Abatement

services billed during June 23 to August 12, 2016. (File No. J1703E, Assessment No. 178302)

Sponsors: Stark

Referred to the City Council due back on 1/18/2017

- 31 [RLH AR 16-95](#) Ratifying the assessments for Property Clean Up services during September 2 to 30, 2016. (File No. J1703A, Assessment No. 178502)

Sponsors: Stark

Referred to the City Council due back on 1/18/2017

- 32 [RLH AR 16-96](#) Ratifying the assessments for Trash Hauling services during September 7 to 28, 2016. (File No. J1703G, Assessment No. 178702)

Sponsors: Stark

Referred to the City Council due back on 1/18/2017

- 33 [RLH AR 16-97](#) Ratifying the assessments for Collection of Vacant Bldg Registration fees billed during May 13 to August 19, 2016. (File No. VB1704, Assessment No. 178804)

Sponsors: Stark

Referred to the City Council due back on 1/18/2017

11:00 a.m. Hearings

Summary Abatement Orders

- 34 [RLH SAO 16-48](#) Appeal of Howard Williams to a Summary Abatement Order at 120-122 STEVENS STREET WEST.

Sponsors: Noecker

Howard Williams, tax owner, appeared.

Inspector Paula Seeley:

-our office received a complaint and Inspector Smith went out Oct 4, 2016; issued a Summary Abatement Order to demo the garage with a bad roof; deadline: 1 month

-her concern is the snow load -possibility of roof caving in

-Inspector Smith said that the Appellant had a very expensive car in the garage; I'd want to get it out of there

Mr. Williams:

-the roof isn't going to fall; I've never had a problem; the car is covered; the condition of the garage now is about the same as it was last year; the siding is more deteriorated; I don't care about the garage; I don't want the city to tear the garage down because of the cost; I'd prefer to have it done myself; I will literally have to take the garage apart one part at a time before I can get the car out (so that I don't have a cave in); that's why I want an extension over the winter

-I've ignored the garage because I don't like it; I want to build a new garage; that's

why I want the extension so that I can build a new garage right after I take apart the old one; that's my goal
 -I planned to get more done this year but I had dental surgery done - having implants put in; now, I have a temporary in; the time and the cost is totally different from what the dentist tells you before you start the process; and the pain & suffering....
 -also, it rained a lot this summer which made matters worse

Ms. Moermond:

-good photos; I'm not a structural engineer so I emailed the photos to the city's bldg official with concern towards what kind of danger does this present in terms of collapse & what could happen
 -my concern as a hearing officer from a public perspective would be that squatters, teenagers etc, would be hanging out there & it would suffer a roof collapse

Mr. Williams:

-they can't get in

Ms. Moermond:

-the bldg official, Steve Ubl, said that this is going to collapse into itself

Mr. Williams:

-I know that

Ms. Moermond:

-I will give you until Jun 30, 2017 to remove the structure, so you have time but you have to secure the bldg; I notice that the lower cross panel of the garage door on the left would allow entry; I want the garage buttoned up so that we don't have people getting in; let's not have it open to entry in any way

Grant to June 30, 2017 for removal of the garage.

Referred to the City Council due back on 12/21/2016

- 35 [RLH SAO 16-49](#) Appeal of John Krenik to a Summary Abatement Order at 1270 CLEVELAND AVENUE.

Sponsors: Tolbert

John Krenik withdrew his appeal.

Withdrawn

Correction Orders

- 36 [RLH CO 16-30](#) Appeal of Mary Anne Davis to a Correction Notice at 465 EDMUND AVENUE.

Sponsors: Thao

Mary Anne Davis, owner, appeared.

Inspector Lisa Martin:

-Correction Notice issued Jul 20, 2016 regarding the garage and the garage roof
 -Ms. Davis came in for a previous hearing and explained her situation; we referred her to NeighborWorks; she is here to day to let us know whether or not she was able to find any funding to make those repairs

Ms. Davis:

*-it did not go very well with NeighborWorks; I'm on the waiting list for reconsideration in the future; they told me that would be sometime in May, perhaps; when it got down to my name, they will send me the application and we'll go from there
-I'm not in a position to get a loan right now because I'm doing credit consolidation on what I owe; I'm maxed right now; I checked with several places that do roofs but they want to do both the house & the garage; they won't just do the garage
-now, I just need to wait to see if I'll be chosen; I have no estimates
-the garage roof may look bad but it's not leaking*

Ms. Martin:

*-the concern was that the garage door was not working
-I was out there when the garage door was open; I took a look on the inside; there is no sign of leakage; the shingles do look very poor; I did talk to Steve Ubl; cosmetically, it looks horrible; I did not see any leaking inside and the garage door does close
-so, at this time, I'd say it's substantial compliance; again, it's a cosmetic issue at this point*

Ms. Moermond:

*-OK
-we have signs of significant deterioration; this won't last forever
-I will ask the Council to refer this to DSI again for follow up in 1 year's time
-we'll grant the appeal but I want to see an inspector out there in 1 year; if it's necessary to have the bldg official or structural engineer take a look at it based on what the supporting members of the roof look like, etc, then, the inspector can pull one of those 2 people in*

Ms. Davis:

-I'm going to continue to look for funding because I know that it doesn't last forever; and hopefully, I will be chosen

Grant the appeal noting that an inspection will be made by building and code enforcement inspectors in a year to see how the garage and its roof are. Owner will continue to look for funding to repair the garage and roof.

Referred to the City Council due back on 12/21/2016

37 [RLH CO 16-42](#) Appeal of Wayne D. Brown to a Correction Notice at 1350 SHERBURNE AVENUE.

Sponsors: Stark

Layover so that inspector can provide photos. Owner did not appear.

Laid Over to the Legislative Hearings due back on 12/13/2016

11:30 a.m. Hearings

Orders To Vacate, Condemnations and Revocations

1:30 p.m. Hearings

Fire Certificates of Occupancy

- 38** [RLH FCO
16-190](#) Appeal of Riaz Hussain to a Correction Notice-Reinspection Complaint at 1170 SEVENTH STREET EAST.
- Sponsors:** Bostrom
- Riaz Hussain, tax owner, appeared.*
- Mr. Hussain:*
-I haven't been able to get any bids
-the contractors are so busy that some of them don't even answer their phone
-I've called all over the place; only 1 guy went to look at it on Sun
-all others are so busy finishing up their current work, they can't do any more this year
-I appeal that we continue next year; I'll guarantee that it won't fall down; if it does, I will rebuild it
- Ms. Moermond:*
-we laid this over so you could get estimates
-will grant until Jul 1, 2017 to come into compliance
-you will get a letter from Mai Vang/email
- Fire Supervisor A J Neis:*
-make sure you get your permits and have them finaled
- Ms. Moermond:*
- Grant to July 1, 2017 for compliance of the garage, including permit(s) required.*
- Referred to the City Council due back on 12/21/2016**
- 39** [RLH FCO
16-204](#) Appeal of Bill Wengler to a Fire Inspection Correction Notice at 841 GRAND AVENUE.
- Sponsors:** Noecker
- Rescheduled per owner's request.*
- Laid Over to the Legislative Hearings due back on 12/13/2016**
- 40** [RLH FCO
16-197](#) Appeal of Jessica Hindmarch to a Fire Inspection Correction Notice at 69 SEVENTH STREET EAST.
- Sponsors:** Noecker
- Jessica Hindmarch, Interstate Parking, appeared along with a man.*
- Fire Supervisor A J Neis:*
-Fire Certificate of Occupancy Correction Notice issued by Fire Inspector Kris Skow-Fisk
-appealed: #2: concerning the Main Entrance: Remove unapproved locks from the exit doors. The door must be openable from the inside without the use of keys or special knowledge or effort. (Access control is not approved.)
-the current locking arrangement to a parking garage is access controlled for the

bldg, which is not approved; it is approved for businesses and other types of occupancies; the code specifically eliminates S2's and H's; in this situation, this bldg has access control, which is not permitted under the Fire Code

-I spoke with Fire Safety Mgr and Fire Protection Engineer Angie Wiese and we're not opposed to having them, in this situation with the condos -- to having an access controlled egress with the condition that the access control is compliant as it would be in a business or other types of occupancies; the only thing they need to do is to add a push to exit button (code equivalency)

-the handicapped paddle is not a push to exit button (provided a photo)

-currently, the door itself is accessible from the inside; there's a motion sensor that detects the motion and releases the magnetic locking device so that people can get out; the push to exit button is a default safety mechanism so, in the event that the motion detector is faulty or someone doesn't trigger motion, or if they access it from the side, they can hit that button which will bypass the motion sensor

Ms. Hindmarch:

-the push to exit button is new info; I thought that the equivalent was a handicapped paddle

Mr. Neis:

-if that handicapped button will function the same as the "green" button that I showed you, and it work, then, we'd be OK with just a sign, which just says, "Push to Exit"

Man:

-I don't believe that motion sensor is even activated so, it's just a "free out;" so, is that acceptable?

Mr. Neis:

-if it's a free out, then, it's not access controlled and we have no issue

-you could just put in a push paddle and it'd be fine, too - and by pass the motion sensor; it's the motion sensor that's causing the problem

-you can keep that door locked 24 hours a day; that's not the issue; it's the exiting and the motion sensor is causing the problem

-if you wanted to just put in a plain, old-fashioned mechanic bar there and have a _____ to get in, that's fine

Man:

-well, that's what we do right now

Mr. Neis:

-OK

Ms. Hindmarch:

-that push button will override that motion sensor

Mr. Neis:

-if you can prove that it does, just put a sign above the handicapped paddle bar that says, "Push to Exit" and our office will be fine with it

Ms. Moermond:

-this process makes the equivalency legal

-Mr. Neis, do you need to witness this after 7 pm or is it sufficient for it to be a condition?

Mr. Neis:

-we do need to verify and that needs to be scheduled; I have inspectors who work

evening hours who can take care of that or I could do it next Sat, if someone could get me into that parking garage to take a look after 7 pm
-if they disconnect their motion sensor, they would need to put in a push button panic bar and that would make them 100% compliant with an S-2 occupancy without any code equivalencies

Ms. Moermond:

-and that is the more affordable option, I assume

Mr. Neis:

-if they want to keep their motion sensor, as a code equivalency, we would accept with the condition that it worked, the handicapped panic button with a sign that says, "Push to Exit" (the most affordable)

Ms. Moermond:

-OK

Man:

-we are open to either one
-our big concern was that we did not want to have anyone having access to the facility after hours unless they are a contract customer or a resident and have an access device to get in

Ms. Moermond:

-I will set up an equivalency with the 2nd language that we talked about; if you choose the other option, you're fine - no need for us to do anything on our end - you're set up

Grant the appeal with conditions.

Referred to the City Council due back on 1/4/2017

2:30 p.m. Hearings

Vacant Building Registrations

- 41 [RLH VBR 16-70](#) Appeal of Kenneth Cobb to a Vacant Building Registration Fee at 512 CENTRAL AVENUE WEST.

Sponsors: Thao

Theresa Skarda, City Attorney, was present.

Ms. Moermond:

-Mr. Cobb doesn't want to pay his VB fee; he says that he's almost done with the house
-we were looking for a Power of Attorney because he can't pull permits & move forward until he can prove his ownership position with this; it's kind of complicated

Supervisor Matt Dornfeld, Vacant Buildings:

-I emailed you a copy of the document that he sent to me

Ms. Moermond:

-that document is a Determination of Errors (reviewed it); from this statement, it sounds like he can make decisions about the rehab of the house; I'm not clear if he

can make decisions about the sale of the house

Mr. Dornfeld:

-I think that he would like to legally occupy the house

-we were just looking to grant him permission to pull permits

Ms. Moermond:

-I think this suffices

-Ms. Skarda, what do you think?

Ms. Skarda:

-I would want to see that entire file; there are 9 other items; this is only #10 & #11;

Mai, could you go to the 6th floor and ask for the whole file? If you can't get it, we can

tell him to get the whole file

Ms. Moermond:

-will Lay this Over for 2 weeks to Dec 20, 2016 LH

Layover to December 20. Need complete Power of Attorney document. No one appeared.

Laid Over to the Legislative Hearings due back on 12/20/2016

- 42** [RLH VBR 16-86](#) Appeal of Mitchell Borgen to a Vacant Building Registration Requirement at 310 MARSHALL AVENUE.

Sponsors: Thao

Closed the VB1 file and have informed the appellant that he does not have to attend this afternoon's Hearing.

This is an owner occupied duplex. All building permits have been satisfied per Inspector Palm.

Appeal withdrawn.

Withdrawn

- 43** [RLH VBR 16-85](#) Appeal of Eugene C. Vogl to a Vacant Building Registration Notice at 1048 OXFORD STREET NORTH.

Sponsors: Brendmoen

Linda Vogl, owner, appeared; Eugene Vogl also appeared.

Inspector Matt Dornfeld, Vacant Buildings:

-this was referred to the Vacant Building Program on Nov 14, 2016 by Fire Inspector Grant Heitman, who Revoked the Certificate of Occupancy but he did not have a list of deficiencies; so, Inspector Kalis opened it as a Category 1 VB; Mr. Kalis also did not document any violations; he said that it appeared vacant, it was secured; he made note that the interior was in fair shape

-on Nov 14, 2016, Mr. Heitman spoke with the owner's husband, who said that the house may be vacant for 6 months+ before being sold; he also noted that it was relative homesteaded; owners live in North St. Paul, Roseville and on Nebraska Ave, St. Paul; house was occupied by owner's son and nephew

Mr. Vogl:

-Sandra Thorsen, Audrey McMahon and Linda Vogl are sisters who own this house;

all 3 of them live in different houses

Ms. Moermond:

-asked them to fill out the Certificate of Occupancy Responsible Party form for contact information

-you will not owe the VB fee and as long as the house remains in good condition, there's no reason to put it into the VB Program; a house such as yours - without major code violations, needs to be vacant for a year before it begins to qualify for the definition of a vacant building for the VB Program (Preliminary VB for 1 year)

Mr. Dornfeld:

-we will monitor it for a year to make sure that it's maintained

Ms. Moermond:

Grant the appeal. Inspector will make this a preliminary Vacant Building and will monitor the property as a Category 1 VB; the property must be maintained.

Referred to the City Council due back on 1/4/2017