



Minutes - Final

Legislative Hearings

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Tuesday, November 23, 2021

9:00 AM

Remote Hearing

12 **RLH VBR**
 21-77

Appeal of Malcolm P. Terry, Attorney, representing Rebecca Amidon, to a Vacant Building Registration Fee Warning Letter at 1285 BEECHWOOD PLACE.

Sponsors: Tolbert

Recommendation Forthcoming. Waive Vacant Building fee for 90 days, make property a Category 1 Vacant Building and allow permits to be pulled.

Malcolm Terry, attorney o/b/o of owner, appeared via phone
Rebecca Amidon, owner, appeared via phone

Moermond: you've been through this before, so I'll recap [gives appeals process]. From what staff has told me, Mr. Terry, you came in to further appeal the last assessment related to the Vacant Building registration but it was no longer timely. But it was timely for 2021 to 2022. That's what is in front of me right now. I've been looking over this material carefully and I'm not sure I'll have a recommendation today but I'd like to hear from you and staff and collect information again.

Staff report by Supervisor Matt Dornfeld: has a lengthy story here. June 7, 2018 DSI received a water shut off notification from SPRWS. Inspector Kalis documented there was low usage as of 2013. Because of that and noticing it appeared vacant, opened a Category 1 Vacant Building file. That Category 1 Vacant Building file was appealed in front of you July 17, 2018. You gave 90 days for the appellant to get the water service restored and owner-occupy. October 10, 2018 I note I spoke with Ms. Amidon and SPRWS who confirmed water was restored. Ms. Amidon stated to me the intention was to owner-occupy. At that point on those facts I closed this Vacant Building file October 10, 2018. Approximately 2 years later, October 13, 2020, DSI received a complaint that a lawn service was illegally dumping leaves into street and into sewer and that there was a discarded, likely dumped, sofa on the property. Due to that complaint Code Enforcement Inspector Kedrowski issued orders on the sofa, no notes about the leaves, noted no water service since 2013, or very minimal usage. Noted the first floor appeared to be gutted to the studs. Because of those violations he referred the property to the Vacant Building department. They followed up that inspection and confirmed the violation and opened a Category 2 Vacant Building November 2, 2020. The appellants appealed this enforcement on November 24, 2020. You granted them a 90 day fee waiver and asked for me to meet the property owner at the property to inspect. I did and we then agreed to give them until April 5, 2021 to pull permits and finish the work in the kitchen/dining/living area. Once those permits were finalized by April 5, we would close the Vacant Building file. It is my understanding, there are no

permits in the system, that the work wasn't done and I was unable to close the file. We did receive one more complaint this may about tall grass and weeds, we confirmed and sent orders and the property owner was in compliance upon follow-up. To date, I don't see any permits in the system, but I didn't peek through the windows so I cannot confirm the work isn't done. It does require permits being issued.

Terry: I will give you my view of the ordinance and condition of the property. Mr. Dornfeld I appreciate the background, it was quite succinct. As far as it being on the Vacant Building list. I sent a letter September 14, 2021 to the City Council and emailed it to the email address provided. I assume that is in the file?

Moermond: I do have a copy of that.

Terry: from my looking at the property as it sits now, the chapter 43.02 A through G sets out requirements for house to be deemed abandoned. I won't walk through every one. I did send a copy of 3 houses in a row on that street. I did that to support the position that the property doesn't meet any of the criteria in the ordinance. They do have a lawn service. They have snow blow service. They have a security system. When we look at the A through G the house doesn't fall within those categories. The one category you could argue is G, an order issued to correct nuisance issues. I don't think there's an outstanding order. Whether permits have been pulled or not doesn't constitute a nuisance condition under ordinance. I can't speak to why the lawn service may have dumped it in the street, but I have a suspicion that they may do like at my house, which is put them in the street and then someone comes back to suck them up. Because the property is secured and it doesn't have building code violations nor illegally occupied. The Amidons are planning on occupying. Mr. Amidon has been doing the work in the home. He's been doing that quite some time. With regard to G, again I don't see there is currently an outstanding enforcement officer order to correct a nuisance condition. Because the other criteria aren't satisfied I don't see how it can land on the Vacant Building list and be assessed that \$2,500 fine. With regards to construction and sofa and water issue, I'll let Ms. Amidon speak

Moermond: what unoccupied and multiple building code violations with regards to gutting the interior.

Terry: I am not aware of any. There's a question of construction on inside and any permits being pulled, but I am not aware of any building code violations being issued. I believe permits were originally pulled for the work

Moermond: they wouldn't issue orders it would simply be referred to the Vacant Building program, but I hear what you are saying

Amidon: this is the first I heard about the sofa. As far as I know there never was one on the lawn. I did get the letter about leaves in the street, but our lawn service doesn't do that so I am not sure where that came from. Nothing in the letter about a sofa. The tall grass situation must have come right before the lawn service was there. By the time I got the letter the tall grass was gone.

Dornfeld: those 3 items were all neighborhood complaints. These were not DSI proactively looking for things. Each was its own separate complaint. The department was simply following up on complaints.

Amidon: I had never heard or saw a sofa there.

Terry: you and Mike didn't take a sofa out and leave it out front did you?

Amidon: no, no. mike is out there 4 to 6 days a week. I could ask him if he ever saw a sofa. I never heard about one. Who took the sofa away then?

Dornfeld: I can't speak to where the sofa went. All I know is what the inspector noted. He did issue a Summary Abatement Order. The implication isn't that the owner's left it there, my assumption was it was dumped illegally though I cannot confirm that. Unfortunately if something is on your property it becomes your responsibility.

Terry: it may have been one of the neighbors, they may have left it in your driveway out of the way. If there was a sofa and it just left and they didn't remove it, then whoever did is likely the person who put it there. Either way it was resolved, whether they were aware of it or not.

Moermond: do you have a mailing address different from this one? You receive mail for this property at 1285 Beechwood. Is there a more appropriate address the County should know about?

Amidon: sure.

Moermond: I would encourage you to reach out to Ramsey County property records. It may be a matter of it was delayed so it isn't where you live.

Amidon: it was a year ago. There are neighbors I should be reporting. There are people down the alley who did landscaping work who left boulder rocks in front of our yard for weeks. How come they don't do anything about that instead of harassing me?

Terry: Becky, it isn't material. It may be the same sofa people.

Moermond: you need to call that stuff in.

Terry: can we put that mailing address on the record?

Moermond: you can with us, but the computer system with the City automatically references the address with Ramsey County taxation so you need to change it with them to get it going to the right place.

Terry: understood.

Amidon: 2044 Thure Avenue, St. Paul 55116

Moermond: terrific. If you let the County know it will redirect the mail. Any other comments to share before we wrap up today?

Terry: what is the status of interior construction?

Amidon: it is not done yet. But it is 2 ticks away. I wish he was here. We have permits but now Mr. Dornfeld is saying he doesn't see them. Not sure what that is about. It just needs the cabinets and drywall in. Finishing touches.

Moermond: those are big touches.

Terry: and your understanding is you had the permits?

Moermond: how old are they? They do expire.

Amidon: when we got them permits didn't expire but I think the City's policy changed.

Moermond: they have always expired but the City started doing better follow-up. The problem is whether you are a Category 1 or 2 Vacant Building if you don't get your appeal granted. I'm supporting you're a Category 1 if we end up that route. Any other comments on the record?

[all: none]

Moermond: and any comments about boulders or the like, please call the City so they can take action. They aren't proactively patrolled. We have no way of knowing they aren't your boulders. Mr. Dornfeld can you set it up so if a building permit application comes in it can be processed, so nothing trips them up in finishing?

Dornfeld: and the fee?

Moermond: yes, delay that as well while we sort this out.

FOLLOW-UP: Recommend the Council grant this appeal to remove this property from the Registered Vacant Building Program. Also recommend that under separate resolution, the Council refund the 2020-2021 vacant building fee. -Moermond 12/15/21

Referred to the City Council due back on 12/22/2021