



Minutes - Final

Legislative Hearings

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651-266-8585

Tuesday, May 2, 2023

9:00 AM

Room 330 City Hall & Court House/Remote

9:00 a.m. Hearings

Special Tax Assessments

- 1 **RLH TA 23-179** Ratifying the Appealed Special Tax Assessment for property at 1062 CHATSWORTH STREET NORTH. (File No. J2317A, Assessment No. 238517)

Sponsors: Brendmoen

Approve the assessment.

Lisa Gendzwill, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Joe Yannarely: a Summary Abatement Order to remove snow and ice from the sidewalk on January 6, 2023 was issued. 24-hour compliance. Rechecked January 9 and found in noncompliance. Work order was issued to Parks who did the abatement January 12, 2023 for a total proposed assessment of \$322.

Moermond: why are you appealing?

Gendzwill: there were complaints at this property multiple times and in the past they weren't deemed to be enforceable. I can't prove it, but a neighbor appeared to be racist against my tenant. Immediately upon him moving in. 2022 she called multiple times about him not shoveling, and Code was sent out and couldn't find her complaint. I'd call them after getting the letter and they'd say it was fine, so by the time this complaint rolled around I didn't look too much into it because she had cried wolf so many times and none of them came to anything. She's been a pain in my butt and I'm a landlord who follows fair housing laws and I feel like I'm getting nailed for it, honestly.

Moermond: looking back to 2022, we have two. January 21, the inspector closed the file January 24 because additional snow had fall before he arrived, but after the orders. In those cases, we say it is old snow replaced with new snow so we can't hold the owner accountable. That's what happened January 2022. With respect to the March 2022 complaint March 8 a complaint came in, letter went out and it looks like on March

11, 2022 the inspector went out and found that there was snow and ice packed down and sent a work order and the work order was executed March 17, a week later, they indicate the work was done. That is what happened in those cases. In the second case there were snow and ice, and the first additional snow had fallen. With respect to this case, are you aware of the snow conditions at the time the complaint come into the City?

Gendzwill: it looked like it was shoveled in the photos. I am out of state. I did follow up on both those complaints and they couldn't give me that much detailed. They just said it must have been taken care of since they couldn't enforce the initial complaint.

Moermond: well, I just told you what happened.

Gendzwill: well, we don't know because more snow fell. He may have shoveled.

Moermond: exactly, it is closed to be fair to the owners. I did take a look at the video and photos and I have to say that I don't think anyone shoveled the walk from the last snow fall to the point of the crew showing up. There was 7.5 inches December 20 and no snow between the 20th and January 6. All that packed down snow was from no one having shoveled. Honestly, it was a lot. People are trying to get through, and neighbors do get frustrated having to navigate that. I do see that one of the neighbors had a complaint at the same time as your complaint. You weren't isolated in having a complaint on that date. Sometimes we'll see someone walking down the sidewalk and they get so frustrated they write down the addresses of everyone they are struggling with. I'm not clear on why it wasn't checked or you made sure it was shoveled. How do you manage that?

Gendzwill: typically, I send a message and say there's a complaint, go take care of it, shoot me a pic, and I don't think I did it here because it has been has an issue. This tenant has been a great tenant so I tend to give them the benefit of the doubt since so many other "cry wolf" situations happened.

Moermond: and I don't see any other situations. I do see the City had to do the property management here. I'm not hearing why the other taxpayers should have to take responsibility for shoveling the walk at this property. Do you have one?

Gendzwill: it is May, he has moved out, and it was in the lease that it was his responsibility. I'm not saying he should be charged, but there were many other petty complaints. I received the letter advising of this hearing 2 days after I reissued his deposit return, and five months after the snow removal. Is there a timeline you guys try to abide by in these matters?

Moermond: absolutely, there is the notification that goes out for when the work needs to be done. It isn't the City's responsibility to check on your lease agreement. making sure the nuisance conditions are abated is ultimately your responsibility. Your private contract is not a reason to say all taxpayers are responsible for managing your private lease agreement. This became a pending tax assessment January 19, 2023. A week after the work is done. I'm not sure when the mailing went out, but it wouldn't have been too much longer.

Gendzwill: if your timeline is within six months it sounds like you're in that timeline.

Moermond: the Council's agenda approved issuance of noticed March 22, and the mailing would have followed that. Any other questions?

Gendzwill: no. [hangs up]

Moermond: I recommend approval of the assessment as intimated in the conversation.

Referred to the City Council due back on 6/7/2023

- 2 RLH TA 23-157** Ratifying the Appealed Special Tax Assessment for property at 839 SHERBURNE AVENUE. (File No. J2318A, Assessment No. 238518)

Sponsors: Balenger

Delete the assessment.

No one appeared

Moermond: this is a snow complaint January 10 and it would have been referring to snowfall 3 weeks earlier, December 20th. Between January 10 and when the crew showed up another 3 weeks passed, and in that time an additional six inches fell. It is impossible to figure out what we're talking about here. Probably the Parks crew cleared the snow from after the recheck. Therefore, I have to recommend deletion.

Referred to the City Council due back on 6/7/2023

- 3 RLH TA 23-167** Ratifying the Appealed Special Tax Assessment for property at 767 UNIVERSITY AVENUE WEST. (File No. J2318A, Assessment No. 238518)

Sponsors: Balenger

Delete the assessment.

No one appeared

Moermond: this is a snow complaint January 9 and it would have been referring to snowfall 3 weeks earlier, December 20th. Between January 9 and when the crew showed up another 3 weeks passed, January 23, and in that time an additional 4 inches fell. It is impossible to figure out what we're talking about here. Probably the Parks crew cleared the snow from after the recheck. The parks crew cleared a snow back created from a snowplow, not the snow from the complaint. Therefore, I have to recommend deletion due to the slow reaction and the City's plow creating the bank in the street.

Referred to the City Council due back on 6/7/2023

10:00 a.m. Hearings

- 4 RLH TA 23-153** Ratifying the Appealed Special Tax Assessment for property at 586 BURGESS STREET. (File No. J2307E, Assessment No. 238306)

Sponsors: Balenger

Approve the assessment.

Voicemail left at x5671 at 10:14 am: this is Marcia Moermond from St. Paul City

Council calling you again about your appealed tax assessment for 586 Burgess St. We'll try you one more time this morning.

Voicemail left x5671 at 11:01 am: this is Marcia Moermond from St. Paul City Council calling you again. This is the 4th time we tried calling you. I'll recommend approval of this assessment. There is information on how to contest the assessment on the back of the letter informing you of this hearing.

Referred to the City Council due back on 5/17/2023

- 5 RLH TA 23-174** Ratifying the Appealed Special Tax Assessment for property at 1019 BEECH STREET. (File No. J2307E, Assessment No. 238306) (Public hearing continued to October 11, 2023)

Sponsors: Prince

Continue PH to October 11, 2023 and if no same or similar violations, delete the assessment. If there are violations, reduce assessment from \$159 to \$124.

Saota Xiong Star, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Lisa Martin: Summary Abatement Order issued November 4 to remove plastic bins, car parts, buckets, shovel, and debris from driveway. When it was rechecked on November 14, the car parts were still there. Very clean history on property. Total assessment of \$159.

Star: I was on vacation when this notice was sent. I saw it when I returned and tried to call the inspector in charge of the case multiple times, but I didn't know they only work Thursdays 7 to 9 am so no one ever called me back. I wanted to explain I was gone. I did send a check to pay, but I guess due to the letter it was only a 30-day grace period, in which I was gone again. They sent my check back. Then the \$135 late fee was added. I did everything I could to try to take care of it.

Moermond: one thing Ms. Martin mentioned is that you take good care of your property and I'm much more sympathetic because of it. Do you think you could make it through mid-October without any additional Code problems. Keep the grass mowed, the property picked up, because if it does I'll recommend if you have no other violations that this is deleted.

Star: yes, that sounds good.

Moermond: I'll ask the Council to continue this to October 11, 2023. At the May 17 Council Public Hearing they'll continue it to then and see if there are any violations. If there have been, I'll recommend approval, even if I do recommend approval ill remove the late fee since you tried to pay it.

Star: that sounds good.

Referred to the City Council due back on 5/17/2023

- 6 RLH TA 23-169** Ratifying the Appealed Special Tax Assessment for property at 809 CHARLES AVENUE. (File No. J2301V, Assessment No. 238000)

Sponsors: Balenger

Delete the assessment.

No one appeared

Moermond: we have a Vehicle Abatement Order for this property issued October 3, 2022. The Department is asking for this assessment to be deleted because the orders were issued to the wrong address. The intent was to tow a nuisance vehicle, they never got the letter. Delete the assessment.

Referred to the City Council due back on 6/14/2023

7 [RLH TA 23-171](#) Ratifying the Appealed Special Tax Assessment for property at 602 LAWSON AVENUE WEST. (File No. J2317A, Assessment No. 238517)

Sponsors: Brendmoen

Layover to LH May 16, 2023 at 10 am for further discussion.

Kelsie Bork, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Lisa Martin: December 13, 2022 a Summary Abatement Order was issued to occupant and owner to remove and dispose of mattresses, couch, chairs, electronics from near the garbage bins. Compliance date December 20. Reinspected January 3, not done. Work was done by the crew January 10, 2023 for a total assessment of \$690. Small history at the property, a clothes dryer in the yard, eventually done by the owner so the work order was cancelled.

Moermond: why are you appealing today?

Bork: when I got that letter, the Summary Abatement letter, I think I had a couple of days' notice at that point. None of that stuff was put there by me or anyone living here. It was done by the neighbors and I didn't even know it was my property because I just purchased it in September. There were a huge number of items and there was no way I could move it by the deadline. I tried calling the property management company for the building next door. They said they'd send someone and never did I guess. I just tried calling the inspector on the order and texting him since he left a business card, he never got back to me. I didn't know what to do. There was so much stuff I couldn't possibly move it.

Moermond: is the apartment building at the intersection of Lawson and Dale? On the corner or the other side?

Bork: other side.

Moermond: 594 Lawson?

Bork: I believe so. The recycling bins and stuff placed next to the pile of garbage are the bins for the apartment building. They are on my part of the alley. My bins are in a different area on the other side of my house. I can see how the person who reported it thought it was mine.

Moermond: sure, sure. Ms. Martin, pulling up that neighboring property it looks like the Responsible Party Housing Hub, LLC?

Martin: correct.

Moermond: do you have any contacts there that could help out Ms. Bork?

Martin: I have a Responsible Party listed. I don't know if that would help. We have a history with Housing Hub. The inspector did send over to parks it was a dumping complaint and they said it was the responsibility of the owner of the property. The inspector does appear to try to get it removed.

Moermond: Ms. Bork, who did you reach out to for the neighboring property?

Bork: I called the owners, which I looked up through the property records with the County. They told me they used Housing Hub for property management. I called a couple numbers there and talked to someone and they said they would send a maintenance person out. I also sent an email with no response.

Moermond: do you still have that email?

Bork: yes, I can find it.

Moermond: I think you got an email from Mai Vang, can you reply to that and attach the email from the Housing Hub people?

Bork: yes.

Moermond: I'm trying to balance that we are pretty sure whose responsibility it is and if they overlooked taking care of it they have the opportunity to work with you on this. This goes to Council June 7. We'll look at this and see what we can do. Let's talk in 2 weeks. I'm sympathetic you were dumped on and it was good the Code Enforcement inspector noted that. I'll do some more homework on this and try to come to a conclusion. I just want to see if we can't help you out and still not have all the taxpayers be responsible for what a couple of tenants appear to have done.

Bork: thank you.

Moermond: we'll check in with you then.

Martin: as a note, Dan Hesse was on vacation the entire month of December. If she did send a text, we wouldn't have gotten it.

Laid Over to the Legislative Hearings due back on 5/16/2023

8 RLH TA 23-163 Ratifying the Appealed Special Tax Assessment for property at 1557 MARGARET STREET. (File No. J2308E, Assessment No. 238307)

Sponsors: Prince

Delete the assessment.

No one appeared

Moermond: orders were issued to this property owner to dispose of scrap wood on the

property and those went out November 23. The property actually sold and was closed on 5 days earlier, November 18. So the orders to clean up went to the old owner, not the new one who could take action. Because of the notification issue I'll recommend this is deleted.

Referred to the City Council due back on 6/14/2023

9 RLH TA 23-172 Ratifying the Appealed Special Tax Assessment for property at 828 MOUND STREET. (File No. J2308E, Assessment No. 238507)

Sponsors: Prince

Approve the assessment.

Roxanne Sanchez, owner, appeared via phone

Moermond: I'm calling about two appealed assessments. [Moermond gives background of appeals process]

Staff report by Supervisor Lisa Martin: Nov 17, 2022 a Summary Abatement Order was issued to remove of tables and furniture from the rear of the property. Compliance was November 28. It was rechecked and not removed. An Excessive Consumption was sent to the owner to try and get their attention to remove the items. December 5 the items were still there. A Work order was sent and it was done by Parks on January 12, 2023. No returned mail. The Excessive Consumption fee was \$123, plus the work order of \$344, so at total between the two assessments of \$506.

Moermond: the Excessive Consumption bill went out December 5, the actual cleanup occurred later on January 12. Kind of a long period of time. Looking at the video there was kind of large piece of furniture adjacent to a driveway apron. Looks like a computer table, and that was gone by the time the video happened, but another table was there and the crew went in the backyard.

Martin: yes, that is what I saw as well.

Moermond: why are you appealing?

Sanchez: thank you for your time, we had this desk from the end of the summer that someone was going to pick it up, they never did. Full responsibility, we were lazy and left it. Got the letter, so we took the desk apart and pulled it back in the yard. When it came again we called because we didn't understand because the desk was gone. What was taken from our yard was there all summer and was part of our yard. It was frequently used. If that was part of the problem it wasn't clear to us. The desk in the alley was clearly trash, but the stuff removed was deep in our yard. It was never clear it was an issue. We thought it was stolen, so we wondered for months why someone came into our yard and stole the table. I understand the Excessive Consumption bill and am more than willing to pay that, but I'm hoping to get out of the massive cleanup fee for something that was mistaken, or a miscommunication on what the issue was. It was like they came and took what they thought could be the problem. I feel confident the issue was always the trash desk that we did mishandle.

Moermond: when I look at the photo and description, I'm reading "remove the tables and miscellaneous furniture from rear of the property." I'm hearing you read that in a singular way and the word rear meant the driveway not within the fenced area?

Sanchez: correct. Because our tables in our yard have been there a long time. I saw it as the stuff outside that looked terrible. It wasn't clear the table they took and use regularly was the issue at all. As I said we thought it was stolen until I was on the phone calling about that.

Moermond: we do have an older complaint from February 2022 for some scrap wood. I bring it up because it looks from the notes that a letter went out and you all took care of it. The City didn't clean it up.

Martin: yes and I reviewed the video again but the scrap table was before they entered the yard and the other one doesn't look usable, it does look like scrap as well.

Sanchez: the table they removed?

Moermond: yes.

Sanchez: no, the table removed was usable. It would take two people to move.

Moermond: it doesn't sound like you reached out to staff, you thought you understood the expectations. You addressed it and moved the computer desk and not the other stuff.

Sanchez: right. That desk was so obviously in a bad spot and in the wrong I didn't follow up because I was kind of embarrassed. I apologize I would have followed up had I known it was something.

Moermond: I look at a lot of these and when I see plural tables and miscellaneous furniture I am hearing you heard card tables, not other tables. I'm trying to apply a standard of reasonableness here, because I can also see the crew showing up and seeing a lot of tables. Some which you think should have been removed and some not. I'd like to set this up and I'll recommend the Council approves the Excessive Consumption assessment. With respect to the removal of the other furniture from the yard. I'll recommend this is reduced by half, to \$253 on June 7 and then continue it through October 11 and there are no other violations it is deleted entirely. I see the City's perspective; I see where you are coming from. My goal is that we have no other violations.

Sanchez: this is so embarrassing.

Moermond: don't be, everyone has something that comes up. I'll put that carrot out there and if there's nothing founded it is gone.

Referred to the City Council due back on 6/7/2023

10 RLH TA 23-173 Ratifying the Appealed Special Tax Assessment for property at 828 MOUND STREET. (File No. J2317A, Assessment No. 238517)

Sponsors: Prince

Reduce assessment from \$506 to \$253 and continue PH to October 11, 2023. If no same or similar, delete assessment in full.

Roxanne Sanchez, owner, appeared via phone

Moermond: I'm calling about two appealed assessments. [Moermond gives

background of appeals process]

Staff report by Supervisor Lisa Martin: Nov 17, 2022 a Summary Abatement Order was issued to remove of tables and furniture from the rear of the property. Compliance was November 28. It was rechecked and not removed. An Excessive Consumption was sent to the owner to try and get their attention to remove the items. December 5 the items were still there. A Work order was sent and it was done by Parks on January 12, 2023. No returned mail. The Excessive Consumption fee was \$123, plus the work order of \$344, so at total between the two assessments of \$506.

Moermond: the Excessive Consumption bill went out December 5, the actual cleanup occurred later on January 12. Kind of a long period of time. Looking at the video there was kind of large piece of furniture adjacent to a driveway apron. Looks like a computer table, and that was gone by the time the video happened, but another table was there and the crew went in the backyard.

Martin: yes, that is what I saw as well.

Moermond: why are you appealing?

Sanchez: thank you for your time, we had this desk from the end of the summer that someone was going to pick it up, they never did. Full responsibility, we were lazy and left it. Got the letter, so we took the desk apart and pulled it back in the yard. When it came again we called because we didn't understand because the desk was gone. What was taken from our yard was there all summer and was part of our yard. It was frequently used. If that was part of the problem it wasn't clear to us. The desk in the alley was clearly trash, but the stuff removed was deep in our yard. It was never clear it was an issue. We thought it was stolen, so we wondered for months why someone came into our yard and stole the table. I understand the Excessive Consumption bill and am more than willing to pay that, but I'm hoping to get out of the massive cleanup fee for something that was mistaken, or a miscommunication on what the issue was. It was like they came and took what they thought could be the problem. I feel confident the issue was always the trash desk that we did mishandle.

Moermond: when I look at the photo and description, I'm reading "remove the tables and miscellaneous furniture from rear of the property." I'm hearing you read that in a singular way and the word rear meant the driveway not within the fenced area?

Sanchez: correct. Because our tables in our yard have been there a long time. I saw it as the stuff outside that looked terrible. It wasn't clear the table they took and use regularly was the issue at all. As I said we thought it was stolen until I was on the phone calling about that.

Moermond: we do have an older complaint from February 2022 for some scrap wood. I bring it up because it looks from the notes that a letter went out and you all took care of it. The City didn't clean it up.

Martin: yes and I reviewed the video again but the scrap table was before they entered the yard and the other one doesn't look usable, it does look like scrap as well.

Sanchez: the table they removed?

Moermond: yes.

Sanchez: no, the table removed was usable. It would take two people to move.

Moermond: it doesn't sound like you reached out to staff, you thought you understood the expectations. You addressed it and moved the computer desk and not the other stuff.

Sanchez: right. That desk was so obviously in a bad spot and in the wrong I didn't follow up because I was kind of embarrassed. I apologize I would have followed up had I known it was something.

Moermond: I look at a lot of these and when I see plural tables and miscellaneous furniture I am hearing you heard card tables, not other tables. I'm trying to apply a standard of reasonableness here, because I can also see the crew showing up and seeing a lot of tables. Some which you think should have been removed and some not. I'd like to set this up and I'll recommend the Council approves the Excessive Consumption assessment. With respect to the removal of the other furniture from the yard. I'll recommend this is reduced by half, to \$253 on June 7 and then continue it through October 11 and there are no other violations it is deleted entirely. I see the City's perspective; I see where you are coming from. My goal is that we have no other violations.

Sanchez: this is so embarrassing.

Moermond: don't be, everyone has something that comes up. I'll put that carrot out there and if there's nothing founded it is gone.

Referred to the City Council due back on 6/7/2023

- 11 RLH TA 23-164** Ratifying the Appealed Special Tax Assessment for property at 843 SHERBURNE AVENUE . (File No. J2318A, Assessment No. 238518)

Sponsors: Balenger

Delete the assessment.

No one appeared

Moermond: this is a snow complaint January 10 and it would have been referring to snowfall 3 weeks earlier, December 20th. Inspector went out January 13 and issued the work order, between then and when the crew showed up another 2 weeks passed, and in that time an additional six inches fell. It is impossible to figure out what we're talking about here. Probably the Parks crew cleared the snow from after the recheck. Therefore, I have to recommend deletion.

Referred to the City Council due back on 6/7/2023

- 12 RLH TA 23-166** Ratifying the Appealed Special Tax Assessment for property at 811 UNIVERSITY AVENUE WEST. (File No. J2318A, Assessment No. 238518)

Sponsors: Balenger

Delete the assessment.

No one appeared

Moermond: this is a snow complaint January 9 and it would have been referring to snowfall 3 weeks earlier, December 20th. Inspector went out January 12 and issued the work order. Between then and when the crew showed up another nearly 2 weeks passed, and in that time an additional six inches fell. It is impossible to figure out what we're talking about here. Probably the Parks crew cleared the snow from after the recheck. Therefore, I have to recommend deletion.

Referred to the City Council due back on 6/7/2023

- 13 RLH TA 23-175** Ratifying the Appealed Special Tax Assessment for property at 1307 WHITE BEAR AVENUE. (File No. J2318A, Assessment No. 238518)

Sponsors: Yang

Delete the assessment.

No one appeared

Moermond: this is a snow complaint January 9 and it would have been referring to snowfall 3 weeks earlier, December 20th. Rechecked January 12. Between January 12 and when the crew showed up another 3 weeks passed, and in that time an additional six inches fell. It is impossible to figure out what we're talking about here. I don't think the owner cleared the full width due to the height on the sides, but with the additional 6 inches it is splitting hairs so therefore I have to recommend deletion.

Referred to the City Council due back on 6/7/2023

- 14 RLH TA 23-178** Deleting the Appealed Special Tax Assessment for property at 1885 IVY AVENUE EAST. (File No. J2307E, Assessment No. 238306)

Sponsors: Yang

Delete the assessment.

*Sam Yang, owner, appeared via phone
Mai Vang interpreted*

[Moermond gives background of appeals process]

Staff report by Supervisor Lisa Martin: November 8, 2022 a Summary Abatement Order was issued to owner and occupant at 1880 Ivy Avenue East to remove scrap wood from the rear of the property and driveway. Compliance date of November 15, rechecked November 15 and work was not done so an Excessive Consumption bill was sent. No history at this property, but two Excessive Consumptions for a total assessment of \$159, twice. Two Excessive Consumption bills.

Moermond: Ms. Martin, what were the dates of those two bills?

Martin: November 22 was one of them. November 15 was the other.

Moermond: why are you appealing Mr. Yang?

Yang: if I received the letter I am willing to pay, but is it just me? Or other neighbors, too? I don't like garbage and I would have picked it up. That scrap wood I was going to use. There was a built-in sink in the garage and I didn't like it so I dismantled it and

removed it. There was scrap wood I wanted to use as firewood, so I took those out to use for firewood.

Moermond: the order to remove the wood went out on the 8th. Then a bill on the 15 and 22 for not being done. What happened with you opening those orders and taking a few weeks to address it?

Yang: I didn't receive the Summary Abatement Orders but I did receive the Excessive Consumption bill. It was hard to understand and I didn't understand much, which is why I didn't pay.

Moermond: Ms. Martin you indicated there were no orders since 2016.

Martin: yes, he's always kept it perfectly clean.

Moermond: the orders went out with a photograph on it. You are saying you didn't get the order with the photos?

Yang: I didn't receive the Summary Abatement Order.

Moermond: what I'm noticing when I compare the Summary Abatement Order versus the Excessive Consumption bills. The Summary Abatement Order has a statement in Hmong on how to work with someone on getting it translated, but there isn't that same thing on the Excessive Consumption bills. I'm struggling with the fact two Summary Abatement Orders went to the property, one addressed to the occupant and one to you personally. I'm not sure what to think when two orders went astray, but I do want to work with you. I'll recommend the Council delete both these assessments because they don't include language about translating or interpreting them to say what is going on. This is a one-time deal in the future you need to call the inspector or 266-8989 number to get an explanation.

Yang: I want to thank you, and if I get another order I will understand or call.

Referred to the City Council due back on 5/17/2023

- 15 RLH TA 23-177** Ratifying the Appealed Special Tax Assessment for property at 1885 IVY AVENUE EAST. (File No. J2308E, Assessment No. 238307)

Sponsors: Yang

Delete the assessment.

Sam Yang, owner, appeared via phone
Mai Vang interpreted

[Moermond gives background of appeals process]

Staff report by Supervisor Lisa Martin: November 8, 2022 a Summary Abatement Order was issued to owner and occupant at 1880 Ivy Avenue East to remove scrap wood from the rear of the property and driveway. Compliance date of November 15, rechecked November 15 and work was not done so an Excessive Consumption bill was sent. No history at this property, but two Excessive Consumptions for a total assessment of \$159, twice. Two Excessive Consumption bills.

Moermond: Ms. Martin, what were the dates of those two bills?

Martin: November 22 was one of them. November 15 was the other.

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Moermond: the order to remove the wood went out on the 8th. Then a bill on the 15 and 22 for not being done. What happened with you opening those orders and taking a few weeks to address it?

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Yang: I want to thank you, and if I get another order I will understand or call.

Referred to the City Council due back on 6/14/2023

Special Tax Assessments-Rolls

- 16 RLH AR 23-43** Ratifying the assessments for Collection of Vacant Building Registration fees billed during October 14 to December 22, 2022. (File No. VB2308, Assessment No. 238809)

Sponsors: Brendmoen

Referred to the City Council due back on 6/14/2023

1:30 p.m. Hearings

Other-Denial of Fence Variance

22 [RLH OA 23-1](#) Appeal of Rachael Rivard to a Denial of a Fence Variance at 530 JENKS AVENUE.

Sponsors: Brendmoen

Layover to LH May 23, 2023 at 1:30 pm for further discussion.

Rachael Rivard, owner, appeared

[Moermond gives background of appeals process]

Staff report by Assistant Building Official Nathan Bruhn: the variance of the application November 9, 2022 was denied due to inconsistencies, no complaints about pests or anything of that nature at 526 Jenks' history. Also, no set height for the variance requested, therefore we would automatically deny.

Moermond: there were two fence permits, the one you referenced, and the one in April that was denied.

Bruhn: applied for in November and denied in April.

Moermond: I see a final on one in the folder ending in 5398. Am I not reading that correctly?

Bruhn: that is a zoning permit, an affidavit saying the owner is aware of the St Paul Legislative Code for fences. That was approved and finalized.

Moermond: so we are looking at an application that came in December 29 and a decision from April 20th.

Bruhn: that is accurate.

Moermond: I know there are 3 conditions under chapter 33 you can grant a variance under: terrain, nuisance animals, site conditions. The actual permit application didn't specify height but says "as high as possible".

Rivard: when I spoke to the person at the front desk they didn't know the max height. I'm asking there is a place near the rear with an existing 6' fence and a 4' patio on her side, we can see one another completely and it is a problem as recently as this morning. I would be surprised if you don't have a voicemail complaining about the fence and when it will go up.

Moermond: we have a four-foot deck, and you mentioned in your application here a camera.

Rivard: I mentioned that to staff on the phone.

Moermond: and you have a display here, which Mr. Bruhn can't see.

Rivard: *[shows photos on screen] this is the area we're talking about. The white fence has been in existence, that is 6' tall.*

Moermond: *is that your property?*

Rivard: *the white fence is the neighboring property.*

Moermond: *the corner lot is 526 Jenks.*

Rivard: *the green fence has been there since I purchased the property and was put in by the owner prior to that. That adjoins the 6' privacy fence. What has happened is we're having issues with the neighbor. She wants to tear down the green fence and require me to put a fence on the inside of this. She sees this set up as me trying to take property that belongs to her.*

Moermond: *somehow when the white fence was constructed it was joined to the green?*

Rivard: *they abut one another. So the reason the fence permit is being applied for is because she is demanding the green fence come down, and I have 100 pound dog, which means I need a fence that runs the full length. The area with the gate in this photo is where the location of her patio is. The far side of the gate door. You can see the railing for my exterior door I am facing that patio. She gets extremely intoxicated and yells obscenities and is vile and very upset. She says I stole her property---*

Moermond: *have you had a survey?*

Rivard: *she has had one, but at the time that white fence was put in I'm not sure it was required to be away from the property line. The pink flag is the line.*

Moermond: *so about 8 inches goes over the property line. That's installed with cement base?*

Rivard: *yes. It has been there for a long time. The fence was at one point white [shows old photos]. This is the same fence line from the alley side. It has always been here. She never once attempted to claim the land on the other side. The previous owners planted a slew of lilies. There was never an argument about the fence line. When we purchased the house that changed.*

Moermond: *Mr. Bruhn when I pull up 526 Jenks is that a fence permit was pulled August 2014 and expired in 2020 with no follow up inspection, but that's common for fences. Am I reading that correctly?*

Bruhn: *yes, original permit was August 2014.*

Moermond: *so it likely went up and you have six months generally. Continue Ms. Rivard.*

Rivard: *upon the purchase of the house, given the enclosure that was there, we enclosed the area and didn't run the post all the way to the white fence. We stopped it short and put a board, it doesn't adjoin it. That was for security of the dogs. I can also say in having conversations about the property line she said she wasn't specifically worried about the fence. I offered to move the fence. I offered to pay to move it for her to the line. She wants to reclaim that land. What makes sense to me is moving her*

fence she can utilize the space which you are trying to claim. I'm going to explain that once I put in a fence, there isn't even going to be enough room to maintain it appropriately. I haven't made complaints about the cats because my understanding is she has some sort of "acceptance paperwork". She has numerous cats and they use our yard as a litter box. If it less unattended they will just hanker up in there and I imagine it will be a mess and unmaintainable.

Moermond: rolling back to your fence. We have her fence about six feet in height and fully encloses her back yard, at least as it relates to your yard. She can see into your yard and it contains her cats, more or less. You are looking with this fence to install your own fence which would create two fences separating the properties. Which is fine, that would be within your property boundary. You'll accept the results of her survey it sounds like. I think the pink flag is from the surveyor but there should be actual property pins put in. Mr. Bruhn, are you familiar with surveyor requirements?

Bruhn: unless it is a new lot the pins should have been there before the survey. The pink should have an elevation number and should be on top of the current pin. They wouldn't put a new one in unless the pin was missing.

Moermond: so we have a pin not on the corner of the property, rather 40 or so feet into the lot. That is kind of unusual, at the midpoint.

Rivard: I don't believe he put a pin there, I think she was so adamant about where the property line was at this point because she didn't want us on her side of the line. I don't believe there is a pin there.

Moermond: what bothers me about that is it is a very movable kind of a thing. I'm uncomfortable with using this as a marker. You would hire a fence contractor to place the fence and provide a few inches between the fences, I don't know what will happen in terms of plant growth. You are looking for a height variance and I'm assuming a privacy fence.

Rivard: I want to be clear; my wish is to not install this fence. I don't feel like I have another option. Given the fact she is saying she is going to take this fence down. I would assume she's probably called Mr. Bruhn numerous times. She is relentless. I just want that noted.

Moermond: doesn't matter. She can take up, put down, whatever fence she wants to as long as it is under permit. If she wants to take it down she can. Here you are saying I want a taller one and 6' doesn't cut mustard in terms of privacy. You want more than the allowable 7'. You are making an argument that cats constitute a nuisance animal.

Rivard: that would be the code reason, but the nuisance is the relationship between us.

Moermond: and that isn't something that can be considered for a fence variance. That becomes a police matter.

Rivard: no, but it doesn't because what they do is come out and she is on her own property. If you would be willing, I can play the video of her standing on that porch, while I'm working from home, screaming obscenities and being disrespectful.

Moermond: people can be incredibly obnoxious, creepy—

Rivard: she uses the "N" word.

Moermond: the thing is that follows into an arena that isn't "nuisance" according to Code. It becomes harassment and other things. Nuisances are physical things. Nuisance behaviors are back to police. One of the things I had been trying to put my finger on who the right St. Paul Police officer who works in code. We had a case a few years ago that involved cameras and lighting. As icky as it was, it wasn't against code. It became a police matter. That isn't something we'd look at in terms of the height of the fence, people can just move it higher. Many people look into a Harassment Restraining Order. Using vulgarities in order to disrupt your peace and quiet at your property; while legitimate, isn't something we would look at in terms of the fence height. The Council may look at it differently. I'm reading the Code consistently that it isn't something that constitutes nuisance. It also talks about nuisance animals. That brings us back to the cats. It is most commonly applied to dogs. I would like to look into whether a permit application was made for that household to have more than the allowable number of animals. The City is also prohibited under State law from disclosing complainants. Sometimes it is obvious, but we can't say.

Rivard: she's been doing it on multiple fronts. Calling on cars that haven't moved in 48 hours. This is what she does.

Moermond: I'm seeing a dog and nothing else.

Rivard: she has two dogs.

Moermond: I don't see any other animals mentioned.

Supervisor Leanna Shaff: they can have 3 dogs and 3 cats. But you can't substitute, so not four dogs and 2 cats. 3 and 3 max.

Moermond: and there are more than 3 cats?

Rivard: I believe so.

Moermond: the height of the fence isn't going to really get at the cat issue though.

Rivard: the height of the fence isn't even going to get at her issue. It isn't going to get at the relationship issue. I have to be honest, I'm desperate. I get what you are saying in terms of the Code, but when the St. Paul Police Department come they are clear that this is a civil matter and there is nothing they can do.

Moermond: and that's why I was trying to plug into an officer who works with Code Enforcement. This is the East team. These officers just work with Code Enforcement issues; things like we are talking about today. They do this kind of thing all the time.

Shaff: animal issues would be Animal Control.

Moermond: you did mention security cameras, is there a camera on your property?

Rivard: I have the side between the two areas covered. It went up in place of a light. There's also a camera facing front as well. I have relatively good coverage in that space. A lot of the things that happened at this point, in order for me to capture it appropriately without watching 24 hours a day I have to have a camera in my house. Because she was standing in her doorway on her patio it wouldn't have grabbed that.

She has these huge, large offensive outbursts and I'm not responding the way she wants and then she goes away. However, she's lived here 30 years and there are people who have frosted their windows. She has allegedly poisoned dogs. She is notorious and I know you're working within the code. That's the same thing the police say. Everyone keeps saying there's nothing they can do about a lady harassing me for years.

Moermond: do you have a block club? Have you talked to the District Council? Any kind of a cohesive group?

Rivard: what would the outcome of that be? I'm interested in the fact that I have tried to reach out to people, but when I called the Department of Safety & Inspections about it, I told him she is utilizing their services as a way to harass us. This was Willie Williams.

Moermond: you talked to a Code Enforcement inspector. I hate to put it this way, they have a lower-level ability to interact and are doing so under a different set of Codes. It is a different conversation if there are multiple people willing to have a meeting to problem solve and work with appropriate City participants. Animal Control, Code Enforcement police, trying to problem solve. An extra foot on your fence is probably not going to get you what you want and I'm thinking what can get not only you, but the neighborhood, what you need out of this. When you have owner-occupants it becomes the most intractable to deal with because we don't have landlords and contracts to deal with. Have you talked to a fence contractor?

Rivard: I've talked to several at this point, but because we've been talking about making it bigger, I've postponed purchasing anything. No final decisions.

Moermond: what does their schedule look like?

Rivard: I haven't asked recently. Yes, at one point I was thinking I would hire someone to do the posts and I'd do the panels. I certainly don't want to be responsible for placing the posts since she will be out there doing what she does.

Moermond: do you know where the pins are?

Rivard: yes.

Moermond: that is something the contractor will look for in order to sink the posts. Mr. Bruhn, you work with fence contractors. Tell me what it is they are looking at.

Bruhn: I can speak to how it was in the past. Currently it is just a zoning review permit, so it is up to the owner and company to provide proof the fence is on the correct parcel. Prior to that change in 2014 we would have the pins exposed or a legal survey showing the fence being completely on the correct parcel. That's it, we just sight-line it, put up a string line, call it a day.

Moermond: a reputable contractor would at least go out and check for pins and do a similar kind of thing.

Bruhn: that is accurate.

Moermond: I could make the recommendation to Council you go 7 or 8 or 9 feet, which they may or may not go with. Honestly, the Council looks at situations like this and

hesitate to create what they would call "barricades". That isn't how they want neighborhoods developed, with "barricades" between properties. How do we fence things without creating that. If she is removing hers---

Rivard: she told me she doesn't have plans to, but I imagine she will. If I put one up, she will take hers down.

Moermond: fine, you have what you need then to keep your dogs in. I'm assuming you're going to try and use a material that you can have close to the ground to keep the cats out.

Rivard: we've also had complaints filed about her pouring chemicals under the fence. I'm concerned about my plants and my dog. I am willing to think of other alternatives, but I cannot keep opening that door and having a visual pathway to the back of her porch. It is the first thing I do in the morning and the last thing I do at night when I let out my dog.

Moermond: can I see a picture of your porch and landing? I am just wondering if there is a design solution there.

[Rivard shows photos]

Moermond: please send that for the record. This is a simple porch with a railing, and I believe you need that railing needs to exist if you have more than 3 steps. I'm thinking design-wise there could be a screen put in that wouldn't come under a fence permit. Not unlike you would have for ivy growing.

Bruhn: the guard rail is required for 30" above-grade and have a minimum height, not a maximum height. Plan review would have to consider that it may need to be a fire-rated material, depending on how close it is to the property line. Certain materials wouldn't be allowed per building code.

Moermond: so they would be well-advised to make a permit application and have it looked at to confirm they are using the right materials and approaching it the right way. It is 30" above grade in what appears to me to be a good 3' set back from the property line.

Rivard: I may be able to put up some sort of shade-sail that attaches, isn't permanent, that would just block the visual.

Moermond: I think these are good conversations and I'm trying to picture how it would be different than a business hanging a banner, and they are set up to accept a wind-load without blowing away. This is an area different than tents and accessory structures. Attached at the porch level. Get you a decent 7-foot privacy fence. Figure out a design solution. The City can't design that for you but is perfectly willing to work with you on that.

Bruhn: anything within 5 feet would have to be fire-rated. A wind screen still has to be engineered for the correct wind load, especially if it is fastened to a house. It would also have to ASTM E-84 fire rating.

Moermond: I think it would be good to reach out to your contractor so you can get a sense of what kind of calendar they are working off of, you will get the ability to pull a permit for fence height under the code. You're definitely looking for 7, possibly more,

and is there a difference in terms of scheduling. That puts a timeline on problem solving this.

Rivard: would you permit me to play the video from this morning so you can understand what I'm facing?

[Rivard plays video of neighbor yelling]

Moermond: I'm going to continue this 3 weeks. In the meantime, connect with a contractor and this week touch base with the neighbors who would be willing to engage in a conversation and we'll see what we can do to get Officer Tharalson or a Code Supervisor.

Laid Over to the Legislative Hearings due back on 5/23/2023

Orders To Vacate - Fire Certificate of Occupancy

- 23 [RLH VO 23-19](#) Appeal of Christina Harding on behalf of Lynn Huynh to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 1146 EDGERTON STREET.

Sponsors: Yang

Grant to June 1, 2023 for compliance.

Christina Harding, property manager, appeared via phone

Moermond: we're doing a follow up today from our hearing last Tuesday. I was looking for a plan on how you were tackling the orders and where you were at with them. Didn't get that plan. Can you update me on what is going on?

Harding: I just forwarded it to Joanna.

Moermond: I have a bid from Decks for You.

Harding: he just wrote it on an invoice.

Moermond: on this Decks for you bid?

Harding: he was supposed to have it to me by last Friday.

Moermond: you were supposed to have it to me.

Harding: we totally missed that in the letter.

Moermond: and I still don't have any kind of deadline. I'm being asked to decipher this bid to see if it addresses all the items in the list, which since it was just handed to me, is too much. That is your job. You said some things were done. You said 60 days. You said two weeks. I said give me a plan with benchmarks and I have a contractors bid and not sure what you are providing to me about a plan this is presumably a part of. Or is this your whole plan and I shouldn't expect anything else?

Harding: everything on the interior is done, and all the exterior items should be on what he wrote up. Painting, demo of the deck, exterior of the bedroom. Chipping paint, and

the shingles.

Moermond: lacking any timeline for this I'm going to recommend the Council create a deadline of June 1 for the completion of these items. The Council Public Hearing will be May 17th. There's your deadline.

Harding: so they will meet on May 17th and decide you want a deadline of June 1?

Moermond: my recommendation is a deadline of June 1.

Referred to the City Council due back on 5/17/2023

- 24** [RLH VO 23-20](#) Appeal of John S. Jagiela to a Re-Inspection Fire Certificate of Occupancy With Deficiencies (which includes vacating 2 areas) at 134 MONTROSE PLACE.

Sponsors: Jalali

Layover to LH May 16, 2023 at 1:30 pm (requested to be rescheduled due to length of previous case).

Laid Over to the Legislative Hearings due back on 5/16/2023

2:00 p.m. Hearings

Fire Certificates of Occupancy

- 25** [RLH FCO 23-28](#) Appeal of Linda Kohl and Nick Geng for Bigos Management/On the Park condos to a Correction Order at 380 JACKSON STREET (198 SIXTH STREET EAST).

Sponsors: Noecker

Layover to LH June 13, 2023 at 2 pm for further discussion.

*Linda Kohl, association secretary for On the Park, appeared via phone
Nick Geng, Bigos Building engineer, appeared via phone
Stephanie Simmons, Bigos Regional Management, appeared via phone
Larry Braun, association president of On the Park, appeared via phone*

[Moermond gives background of appeals process]

Moermond: Ms. Kohl is the appellant in the paperwork, are you speaking on behalf of the association, and I assume Bigos Management is Ms. Simmons?

Kohl: either Larry or I could speak on behalf of the association.

Simmons: either me or Mr. Geng can speak for Bigos.

Staff report by Supervisor Leanna Shaff: this is Galtier Plaza. The Northeast corner of the building has On the Park Condominiums. The lowest three levels below ground are parking garage. On the Park has 16 units. There is a north stairwell that services both the parking area and the condominiums. Code requires that at ground floor people have an exit out of the stair tower. There is a door there that between the lobby of

the condominium and the staircase that is locked so that it prohibits people from exiting the staircase to the lobby. People coming down from the condominiums have to exit through a parking garage. That can't happen in an emergency. People coming up from the parking garage couldn't exit at all. In that case we're requiring that door be unlocked from the stair tower and the lobby so that exiting can be achieved. It has been said these doors unlocked upon activation of a fire alarm. The alarm goes off for fire, my question would be if there are other incidents like a shooter or an evacuation for another reason, these doors won't unlock and you'll have people trapped and not able to exit.

Moermond: so this is an emergency egress. It doesn't say fire egress in the code, it says emergency.

Shaff: it says egress basically.

Moermond: egress alone. One of the means of egress from the garage and required means of egress from the tower.

Shaff: we can't design, it has been brought up to Inspector Niemeyer they want to change things. This is a big building, it isn't as simple as putting in a door. They'd have to have an analysis done to see if it can be exited differently. That would be up to the property owners to do that Code analysis. People are worried the unsheltered would get into the elevator access. That could possibly be a key fob so not just anyone could call the elevator. I'm not sure where that is at other than it may be cost prohibitive. It is paramount in a fire in an emergency people are able to exit and not be trapped.

Moermond: you've suggested a couple alternative options for dealing with the unsheltered, but that is up to the building folks to design.

Braun: as far as the condominiums are concerned, there is a south stairway accessible to the four floors. If you are at the south end of the condos it is the most immediate stairway. North end of the building it is half a block away. There is another escape route besides that stairway. From the garage that exit is one of six or 7. This is the way it was done when the building was built. Since the first of December we have had 7 times emergency services called, six were not false alarms because unsheltered people started fires in the stairway. The 7th time they started a fire on the roof and caused \$7,000 worth of damage. If that door is unlocked they have access to the lobby and all the common areas of the building. So the front door of my unit becomes a front door on the street. I would think the City itself would be getting tired of coming here every two weeks because someone started a fire in the stairway. I assume it met code when it was built, and converted to condos in the late 80's. Is it necessary to retrofit to a newer code?

Moermond: I gather he believes the door was a locked door at time of construction and it was an allowable way of the building to be set up. I also heard he believes the south stairway is sufficient to meet egress requirements of the code.

Shaff: if they are looking for something different that would be for their architect or designer to come up with a code analysis to present to the City. That we can give up this exit or stairway or anything like that.

Moermond: so it is required egress and that would have been the expectation at time of construction.

Shaff: that is my understanding, yes.

Moermond: egress codes in general are pretty unchanged over the decades. They are a stable section of the code. This is a knowable kind of thing whether or not it was required egress. With respect to the lock and the idea that this was locked at this level.

Shaff: I have difficulty it would be allowable to be locked at this exit being as it is a marked exit as you come down those stairs. It is identified as an exit. In an emergency this is an exit. If we are looking to change that then we can't just say go ahead, we have to see the analysis that says this is changeable.

Moermond: Mr. Braun, any other comments? Anyone else?

Kohl: as far as we understand this was open when Galtier Plaza opened. We haven't made any changes in egress or the stairwell since then. As Larry pointed out, it must have been approved then or it wouldn't have received the Certificate of Occupancy. We should point out there is an emergency alarm that opens the door in an emergency. It is any kind of an emergency. Theoretically that was part of the code and why it was approved.

Moermond: this has always been a locked door? I thought I was hearing it was now made into a locked door due to the unsheltered access. What are we actually talking about from your understanding?

Kohl: it has always been locked and an integral part of the building's security.

Braun: it has always been locked and unlocked in an emergency. I've lived here since 1997 and it was like that since then. This is not a recent change.

Moermond: what I am trying to connect, you are saying the problem with the unsheltered would be exacerbated?

Braun: once they get into the lobby they can get in and go to any floor they want.

Moermond: so it is fair to say it would exacerbate the problems you are already experiencing with the unsheltered gaining access to the building through the garage.

Shaff: I also believe this is an exit from the parking garage and I heard from Inspector Niemeyer that Bigos, who controls the garage, have an easement through this stairway to exit the building.

Braun: correct.

Kohl: the garage has many other exits. It doesn't need to have the north stairwell.

Shaff: I hear what you are saying but at this point then perhaps you can give a code analysis that you have enough exits that these aren't required.

Geng: we definitely want to come up with a solution. In regard to stairwell A, I believe Stephanie and I have discussed possibly getting an analysis of emergency exit and seeing if it is even necessary. Now the ramp is solely open, not divided like it was in the past. We have to get our engineers involved, but that would be something we'd have to start.

Moermond: we have exiting from the parking area, from the building. The fact that it exists as an exit now it creates an expectation for someone in an emergency they

could go down to get out, then they couldn't actually get out at ground level unless the alarm system functions as it should. I'm struggling, is it an egress, is it not? Going half a block seems like a long way in an emergency. I'm going to ask the building official to look at the code and make a determination of what the situation would have been at the time the Certificate of Occupancy was issued. Then we can move forward from there. I know he is out for 2 weeks so I'm going to move this to June 13 and we can revisit this. in the meantime, if you have more information I'm happy to accept it and put it in the record. While this is under appeal the orders are stayed. I want to make sure we have an answer on that first question since the other issues follow from that.

Laid Over to the Legislative Hearings due back on 6/13/2023