



# City of Saint Paul

15 West Kellogg Blvd.  
Saint Paul, MN 55102

## Minutes - Final Legislative Hearings

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

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Tuesday, November 5, 2013

9:00 AM

Room 330 City Hall & Court House

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### 9:00 a.m. Hearings

#### Special Tax Assessments

- 1 RLH TA 13-678** Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1401E, Assessment No. 148300 at 706 BLAIR AVENUE.

Sponsors: Khaliq

*Delete the assessment as the building is a VB Category 3.*

**Referred to the City Council due back on 1/15/2014**
- 2 RLH TA 13-661** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1401E, Assessment No. 148300 at 1081 CASE AVENUE.

Sponsors: Bostrom

*Delete the assessment.*

**Referred to the City Council due back on 1/15/2014**
- 3 RLH TA 13-632** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1402A, Assessment No. 148501 at 973 CONWAY STREET.

Sponsors: Lantry

*Approve the assessment.*

**Referred to the City Council due back on 1/15/2014**
- 4 RLH TA 13-662** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1401E, Assessment No. 148300 at 373 COOK AVENUE EAST.

Sponsors: Brendmoen

*No show; approve the assessment.*

**Referred to the City Council due back on 1/15/2014**
- 5 RLH TA 13-648** Ratifying the Appealed Special Tax Assessment for Real Estate Project

No. VB1401, Assessment No. at 1023 FARRINGTON STREET  
(Assessment Roll under 1019 Farrington street).

Sponsors: Brendmoen

*Approve the assessment. (Seller already paid at closing)*

**Referred to the City Council due back on 1/2/2014**

- 6 RLH TA 13-663** Ratifying the Appealed Special Tax Assessment for Real Estate Project  
No. J1401E, Assessment No. 148300 at 1110 FOREST STREET.

Sponsors: Bostrom

*No show; approve the assessment.*

**Referred to the City Council due back on 1/15/2014**

- 7 RLH TA 13-664** Ratifying the Appealed Special Tax Assessment for Real Estate Project  
No. J1401E, Assessment No. 148300 at 1048 FOURTH STREET  
EAST.

Sponsors: Lantry

*Reduce the assessment from \$275 to \$155. (DSI staff recommends deleting one of  
the \$120 PAEC assessment)*

**Referred to the City Council due back on 1/15/2014**

- 8 RLH TA 13-656** Deleting the Appealed Special Tax Assessment for Real Estate Project  
No. J1401E, Assessment No. 148300 at 340 FULLER AVENUE.

Sponsors: Khaliq

*Delete the assessment per the recommendation of the legislative hearing officer.*

**Referred to the City Council due back on 1/15/2014**

- 9 RLH TA 13-660** Deleting the Appealed Special Tax Assessment for Real Estate Project  
No. J1401E, Assessment No. 148300 at 570 HALL AVENUE.

Sponsors: Thune

*Delete the assessment; EC fee should not have been assessed.*

**Referred to the City Council due back on 1/15/2014**

- 10 RLH TA 13-665** Ratifying the Appealed Special Tax Assessment for Real Estate Project  
No. J1401E, Assessment No. 148300 at 1147 HAWTHORNE AVENUE  
E.

Sponsors: Bostrom

*No show; approve the assessment.*

**Referred to the City Council due back on 1/15/2014**

- 11     **RLH TA 13-679**     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1401E, Assessment No. 148300 at 861 IVY AVENUE EAST.
- Sponsors:         Bostrom
- Delete the assessment per LHO and DSI staff.*
- Referred to the City Council due back on 1/15/2014**
- 12     **RLH TA 13-643**     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1402A, Assessment No. 148501 at 1252 MCLEAN AVENUE.
- Sponsors:         Lantry
- No written statement sent in by property owner. This is the 2nd time the matter has been laid over and no further continuance will be granted. Owner was informed of this on October 22 per phone conversation.*
- Referred to the City Council due back on 1/2/2014**
- 13     **RLH TA 13-666**     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1401E, Assessment No. 148300 at 1035 MAGNOLIA AVENUE EAST.
- Sponsors:         Bostrom
- Approve the assessment.*
- Referred to the City Council due back on 1/15/2014**
- 14     **RLH TA 13-667**     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1401E, Assessment No. 148300 at 327 MAPLE STREET.
- Sponsors:         Lantry
- No show; approve the assessment.*
- Referred to the City Council due back on 1/15/2014**
- 15     **RLH TA 13-676**     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1401E, Assessment No. 148300 at 675 MARYLAND AVENUE EAST.
- Sponsors:         Bostrom
- No show-approve the assessment.*
- Referred to the City Council due back on 1/15/2014**
- 16     **RLH TA 13-680**     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1401E, Assessment No. 148300 at 1087 MARYLAND AVENUE EAST.
- Sponsors:         Bostrom

*No show-approve the assessment.*

**Referred to the City Council due back on 1/15/2014**

- 17     **RLH TA 13-677**     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1401E, Assessment No.148300 at 65 MONTANA AVENUE WEST.

**Sponsors:**     Brendmoen

*No show - approve the assessment.*

**Referred to the City Council due back on 1/15/2014**

- 18     **RLH TA 13-668**     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1401E, Assessment No. 148300 at 1865 MORGAN AVENUE.

**Sponsors:**     Tolbert

*Approve the assessment. (LHO will grant until May 1, 2014 for owner to come into compliance with the garage provided that there are no violations between November 5 and January 15, 2014)*

**Referred to the City Council due back on 1/15/2014**

- 19     **RLH TA 13-669**     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1401E, Assessment No. 148300 at 886 PAYNE AVENUE.

**Sponsors:**     Bostrom

*Delete the assessment.*

**Referred to the City Council due back on 1/15/2014**

- 20     **RLH TA 13-670**     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1401E, Assessment No. 148300 at 1745 REANEY AVENUE.

**Sponsors:**     Lantry

*No show - approve the assessment.*

**Referred to the City Council due back on 1/15/2014**

- 21     **RLH TA 13-671**     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1401E, Assessment No. 148300 at 1844 SELBY AVENUE.

**Sponsors:**     Stark

*No show - approve the assessment.*

**Referred to the City Council due back on 1/15/2014**

- 22     **RLH TA 13-657**     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1401E, Assessment No. 148300 at 1490 SEVENTH STREET EAST.

**Sponsors:** Lantry

*Delete the assessment per the recommendation of DSI staff. LHO concurs.*

**Referred to the City Council due back on 1/15/2014**

- 23 RLH TA 13-672** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1401E, Assessment No. 138148300 at 1700 SEVENTH STREET EAST.

**Sponsors:** Lantry

*Delete the assessment.*

**Referred to the City Council due back on 1/15/2014**

- 24 RLH TA 13-655** Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1402B, Assessment No. 148101 at 1820 STILLWATER AVENUE.

**Sponsors:** Lantry

*Delete the assessment. (Related File. VBR 13-53: boarding was discussed on October 22, 2013 hearing relating to owner's VB fee. It was at that time that the Leg. Hearing Officer recommended deletion if it comes forward)*

*Minutes from October 22, 2013:*

*Mr. Blair:*

*- noted that he also got a Boarding Fee for \$64 but nothing has ever been boarded up; he sent in the card*

*Mai Vang:*

*- pulled up the record*

*Mr. Singerhouse:*

*- asked if he received a Summary Abatement on the garage door (Mr. Blair: said that he talked to Dave Nelmark about that)*

*Ms. Moermond:*

*- the Boarding Fee hearing is scheduled for Nov 5, 2013 at Legislative Hearings  
- the Vacant Building staff will call the Appellant if they find out anything*

*Ms. Vang:*

*- the note says, "It should not be assessed" by Connie on Sep 5, 2013*

*Ms. Moermond:*

*- it looks like it was process already and maybe it needs to be deleted.*

**Referred to the City Council due back on 1/15/2014**

- 25 RLH TA 13-673** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1401E, Assessment No. 148300 at 623 STRYKER AVENUE.

**Sponsors:** Thune

*Forthcoming; if no there are no violation(s) now and until Jan 15, 2014, LHO will recommend deleting the assessment.*

Referred to the City Council due back on 1/15/2014

- 26    **RLH TA 13-674**    Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1401E, Assessment No. 148300 at 312 SUPERIOR STREET.

Sponsors:        Thune

*Delete the assessment.*

Referred to the City Council due back on 1/15/2014

- 27    **RLH TA 13-675**    Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1401E, Assessment No. 148300 at 1763 THOMAS AVENUE.

Sponsors:        Stark

*No show - approve the assessment.*

Referred to the City Council due back on 1/15/2014

- 28    **RLH TA 13-654**    Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1401E, Assessment No. 148300 at 958 UNIVERSITY AVENUE WEST.

Sponsors:        Khaliq

*Delete the assessment; verbal extension was granted by Inspector Matt Dornfeld. Work Order sent in error.*

Referred to the City Council due back on 1/15/2014

- 29    **RLH TA 13-658**    Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1401E, Assessment No. 148300 at 718 WATSON AVENUE.

Sponsors:        Thune

*Delete the assessment; No EC charge was issued to the property. (no hearing necessary)*

Referred to the City Council due back on 1/15/2014

- 30    **RLH TA 13-659**    Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1401E, Assessment No. 148300 at 1748 YORK AVENUE.

Sponsors:        Bostrom

*Delete the assessment; No EC charge was issued to the property. (no hearing necessary)*

Referred to the City Council due back on 1/15/2014

- 31    [RLH TA 13-683](#)    Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1401E, Assessment No. 148300 at 340 DALY STREET.

Sponsors:        Thune

*RE: 340 Daly Street (Duplex)*

*Jonathan Schulz, owner, appeared.*

*Inspector Scott St. Martin:*

- *Mr. Schulz lives at this property*
- *they had multiple vehicle complaints on this on different occasions*
- *sent Summary Abatement Orders and Vehicle Abatement Orders with compliance for Jul 8, 2013*
- *re-checked Jul 25, 2013; found in noncompliance*
- *have an excessive consumption charge of \$120 + \$35 service charge = \$155*
- *have an on-going issue*
- *also, a new complaint is being investigated for multiple vehicles*
- *previous inspections: Apr 26, 2013; Apr 29, 2013; Apr 8, 2013; also, last year in Feb, Nov and Dec multiples complaints and inspections*
- *there are also exterior violations in Mar and Apr 2012*

*Ms. Schulz:*

- *he owns 2 cars*
- *he came her Apr 19, 2013 for a \$75 assessment*
- *he didn't get any Notices in the mail; then, this showed up and here he is*
- *it's all new to him*
- *he was sent letters in the mail and he did comply and then nothing happened*
- *he is curious because he wasn't notified of any problems*

*Mr. St. Martin:*

- *Orders were sent Jul 1, 2013 to remove improperly stored or accumulated refuse including: garbage, rubbish, discarded furniture, appliances, vehicles parts, scrap wood and metal, recycling materials, household items, building materials or rubble, tires, brush, etc., from yard areas. NOTES: car parts, improperly stored lawn mowers, wood*
- *there are multiple Orders on the property and open Orders now*
- *perhaps, we need to discuss what is needed for compliance and check why he isn't getting this information*
- *there are a lot of outside issues that maybe, Mr. Schulz is not clear on*

*Mr. Schulz:*

- *has had a lot of rental properties over 25 years and he's never had to go through anything like this*
- *he knows that there is a neighbor lady behind him who seems to be obsessed with what's going on at his house and maybe that's where all the complaints are coming from*
- *he has 3 roommates*

*Ms. Moermond:*

- *suggested that this be laid over to allow the inspector to pull this complicated file together*
- *will lay this over for 1 month, Dec 3, 2013 to give Mr. Schulz and Mr. St. Martin time to discuss this*
- *between now and then, Mr. Schulz and Mr. St. Martin will meet*

*Inspector Paula Seeley:*

- *asked Mr. Schulz to provide the names of his roommates to allow them to run the plates on the vehicles*

**Laid Over to the Legislative Hearings due back on 12/3/2013**

32 [RLH TA 13-684](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1401E, Assessment No. 148300 at 640 VICTORIA STREET SOUTH.

Sponsors: Thune

*RE: 640 Victoria Street South (Single Family)*

*Chris Sauro, owner, appeared.*

*Inspector Paula Seeley:*

- *multiple Excessive Consumptions*
- *total cost \$635*
- *on-going file with Inspector Smith*
- *Correction Orders sent May 9, 2013 re container obstruction alley right-of-way*
- *Correction Notice sent May 9, 2013 re ground cover*
- *Summary Abatement Order sent May 9, 2013 re tires, vehicle parts, rubbish in yard; re-checked May 14, 2013 and sent an EC for trash overflowing in alley right-of-way*
- *Excessive Consumption sent May 14, 2013 re tires and auto parts that wasn't in compliance*
- *Excessive Consumption sent May 21, 2013 re container still being in alley*
- *Excessive Consumption sent May 28, 2013 re container obstructing alley*
- *Excessive Consumption sent Jun 3, 2013 re container obstructing alley*
- *Excessive Consumption sent Jul 22, 2013 due to Summary Abatement Order sent again on garbage, rubbish*
- *on-going history*
- *photos*
- *these are from the time frame of Apr 8 - Jul 26, 2013*

*Mr. Sauro:*

- *brought up the paperwork that was sent to him:*
- *EC bill going out Oct 10, 2013*
- *EC bill going out Jul 22, 2013*
- *has owned this property for 26 years*
- *his trash man comes either Weds or Thus*
- *everyone on his street has containers in the alley; everyone has trash*
- *he was told to put his trash out there on Weds, so that's when he puts it out but the trash doesn't always come on Wed; sometimes, he comes on Thu*
- *since he's been getting these letters, he put his container out on Wed morning and if the trash man doesn't come that day, he drags it back into his yard and back out onto the alley Thu a.m.*
- *there's a bar right across the alley from him and they have trash all over the place;*
- *DSI has ignored every complaint that he has made regarding the bar*
- *inspector was at his house yesterday because someone threw a bunch of tires in the alley that were blocking the alley; when he found out, he took a bunch of them and put them into his yard so that no one else would have to move them while they were trying to drive down the alley; the inspector wrote him up for that*
- *last year, the Fire inspector came out and tried to say that this property was a rental, which it isn't and wasn't*
- *he feels harassed*
- *one of his neighbors is an inspector for the city and he doesn't like Mr. Sauro; Mr. Sauro does whatever he can just to please this neighbor/inspector but he still has problems; he is doing the best he can*
- *whenever he is told that he needs to clean-up something, he does it right away*



*Ms. Seeley:*

- noted that a photo taken Nov 4, is just outrageous
- the temporary structure can't be there

*Inspector St. Martin:*

- items in the photo have to be taken care of by the 11th

*Mr. Sauro:*

- he gave me a week
- the junk cart is going today
- he will try to get rid of the tires that he picked up from the alley
- the temporary structure has been there for 6 years; it's on a concrete slab; it's tied down; inspector didn't tell him about that last year
- years ago, he was told to put down class 5 and he could park his trailer, etc. on it
- he had his roof fixed

*Ms. Moermond:*

- a couple of those fees can be deleted because your trash container was right up to the fence; just make sure that it's out there only on the day of pick-up

*Mr. Sauro:*

- he can't control when the garbage man comes
- he has lived there for 26 years, longer than anyone else who lives right around there
- he picks up the trash from the bar every day (Bennett's); they don't do anything about their trash; he has complained about their trash blowing into his yard and house and no one does anything about it; bags, etc., are out in back of that bar all the time; he's called Parking Enforcement because cars from the bar are blocking the alley at times but no one even shows up
- he has people read and explain his mail to him but usually they do it very fast

*Ms. Moermond:*

- he is going to look into these; some will be deleted
- she will also look into the Bennett's situation and will be happy to make a call on that
- the temporary structure has to come down; the concern is wind
- suggested that as soon as he receives mail from the city, he call the inspector to explain to him

*Mr. Sauro:*

- has left messages for his inspector to call him; however, the inspector has never called him back
- Inspector Smith just blows him off

*Mr. St. Martin:*

- re: the parking space: looking at the record, the Fire Inspector never did approve that parking of the trailer; that part of the Order was transferred to Code Enforcement because the house was owner-occupied and Fire could not enforce it anymore

*Ms. Moermond:*

- there's a lot of things going on and she asked for a 1-page summary from staff to sort this out once and for all; let's have Inspector Smith do that summary when he gets back into town

*Mr. St. Martin:*

- the current Order: the vehicle has to be moved; the trailer can't be parked there;

and tires, wood, tarp etc. needs to go by Mon; he will go out to inspect on Tue

*Mr. Sauro:*

- the car is going today and he will take down the temporary structure (his garage) today

*Ms. Moermond:*

- is willing to wait on the vehicles but the tarp needs to go  
 - Ed Smith will provide a summary of everything  
 - Ed Smith will also provide what the Orders should be on this property - 1 coherent set of Orders  
 - she will call about Bennett's to see if the license has any condition that there be segregated garbage areas (Mr. Sauro: the owner of Bennett's said that he would do something about the trash but nothing's been done; in the summer, it just reeks!)  
 - will lay this over for 1 month to Legislative Hearing Dec 3, 2013  
 - to give everyone a chance to meet  
 - she will take away at least 2 of these charges; there are financial issues and she will be able to divide the payments over a number of years  
 - she needs Mr. Sauro to work cooperatively with the inspectors to get this cleaned up

*Mr. St. Martin:*

- he will be able to meet with Mr. Sauro; they'll set something up

**Laid Over to the Legislative Hearings due back on 12/3/2013**

## Assessment Rolls

- 33 RLH AR 13-107** Ratifying Tree Removal services from September 2013. (File No. 1402T, Assessment No. 149001)  
Sponsors: Lantry  
**Referred to the City Council due back on 1/15/2014**
- 34 RLH AR 13-108** Ratifying Boarding and/or Securing services during August 2013. (File No. J1402B, Assessment No. 148101)  
Sponsors: Lantry  
**Referred to the City Council due back on 1/15/2014**
- 35 RLH AR 13-105** Ratifying Excessive Use of Inspection services billed April 8 to July 26, 2013. (File No. J1401E, Assessment No. 148300)  
Sponsors: Lantry  
**Referred to the City Council due back on 1/15/2014**
- 36 RLH AR 13-106** Ratifying Demolition services from August 2013. (File No. J1403C, Assessment No. 142002)  
Sponsors: Lantry  
**Referred to the City Council due back on 1/15/2014**

**11:00 a.m. Hearings****Order to Vacate, Condemnations and Revocations**

- 37 [RLH VO 13-56](#) Appeal of Bee Vue to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 397 CASE AVENUE.

**Sponsors:** Brendmoen

*Deny the appeal.*

*RE: 397 Case Avenue (Single Family)*

*Bee Vue, owner appeared.*

*Ms. Moermond:*

*- part of this record includes a letter from the city's structural engineer and also from Asst. Fire Marshal Owens*

*Fire Inspector Leanna Shaff:*

*- Revocation of a Fire Certificate of Occupancy*  
*- the C of O was granted in error; that inspection was conducted by Inspector Ben Ellis, who had a complaint come in that the building was over-occupied in Jun 2013; Mr. Ellis closed this file with no evidence of over-occupancy upon inspection; the C of O inspection was due, so he scheduled an appointment for Jul 2, 2013 with a subsequent inspection on Aug 2, 2013 at which neither the responsible party nor the owner appeared and the tenant denied access to Mr. Ellis*  
*- Inspector Ellis approved the Fire C of O on Aug 16, 2013 from the office; however, on Aug 16, 2013, he received a complaint about mold in the basement; he went out and took some photos; also wrote extensive Orders with a re-inspection*  
*- meanwhile, in Sep, she received more complaints about this building*  
*- Oct 2, 2013, she went out to look at the building; she took exterior photos and discussed them with the Assistant Fire Marshal*  
*- there was some foundation damage; exterior wall damage, etc.*  
*- this building should have never been certified, especially as an "A" building*  
*- the Assistant Fire Marshal wrote a letter (attached) Oct 11, 2013, basically says the Fire C of O is Revoked and further review is required*  
*- she conducted an inspection at the property on Oct 23, 2013; Brian Karpen, city structural engineer, accompanied her and they took a lot of pictures*  
*- there had been no compliance*  
*- Brian Karpen sent her an email on Oct 23, 2013 about his concerns (attached) re: water infiltration; interior and exterior degradation; entire building leaning toward the east; he recommended that the C of O for this building not be issued without a report from a structural engineer, registered in MN; further, he recommended that all repairs should be completed before re-instating the C of O*  
*- her report with the Revocation has 17 items listed*

*Ms. Moermond:*

*- clearly, the structural concerns are the principal problems*  
*- asked what a principal problem would be related to a Condemnation*

*Ms. Shaff:*

*- structural issues as well as the exterior (photos); the brick fascia on the west side of the building is missing some places; the parapet wall on the east side of the building*

*has problems - far from a professional standard of repair; the foundation wall shows significant degradation; also the ceiling*

- believes that the roof is leaking; there's something growing up there*
- there are window frames that are off-kilter and exterior issues that she believes are also letting in moisture*

*Ms. Moermond:*

- noted that when there is a structurally compromised building, it is a practice of DSI to ask the owner of the property to hire a structural engineer to make a determination about whether or not this is safe; that determination is then reviewed by the city structural engineer*
- to the north, there is a compromised foundation wall*
- the the west is an unbalanced soil load*
- the building is leaning toward the east*
- the upcoming snow load could increase the problems*

*Mr. Vue:*

- this property has gone through extensive inspection in the past; and they did a full compliance; the fire inspector has been out there 3 times*
- some of these issues have always existed since he bought the property*
- he doesn't think that there's a structural problem but is in the process of hiring a structural engineer to take a look*
- he thinks that the compliant may have nothing to do with the property but is being pushed by the neighbors or someone*
- some inspectors said there were no issues at all; it passed the first time without any*
- the tenant was a problem tenant; she didn't pay the rent so, he started the eviction process; she called the inspector to come back out - complained about mold and dampness but there was no relevance to her complaints; her persistence brought the inspector back out*
- on the west, there is an 8 foot high dirt wall; it's always been there; he can see a slight lean to the east but the building has settled and it has been that way for a long time*
- no one is living there at this time*
- doesn't understand how Ms. Shaff can come out (the first time) and not even go into the property, and Revoke the C of O*

*Ms. Moermond:*

- noted that these issues are more than a mold situation; the building is structurally compromised and there's leaking, etc.*
- the photos show that the foundation is crumbling in some places*

*Ms. Shaff:*

- the pictures that Inspector Ellis took in Aug, 2013 clearly show the mold in basement*
- she invited Mr. Vue to look at the photos (Mr. Vue: in Aug, the toilet overflowed and a lot of water went into the basement; it's been taken care of)*
- noted that photos show that the mortar has been washed out in places and there's water infiltration - it keeps washing out and there's sand*

*Ms. Moermond:*

- it sounds as though Inspector Ben Ellis did a pretty bad inspection when he came out; he should not have said it was in good condition; his supervisor didn't agree; brought some facts; took photos; brought the city structural engineer with her*

*Mr. Vue:*

- there have been many inspections by the city; the building has always passed*

- is not upset about repairing any deficiency; he is upset about Ms. Shaff coming out and Revoking the C of O without even stepping into the building
- he will have a structural engineer come out and he will correct the deficiencies
- he is asking that the Revocation be lifted
- he doesn't want the building to be labeled vacant

Ms. Moermond:

- she is not an engineer but by looking at the photos, she can see crumbling and holes in the foundation and exterior walls
- in this case, a structural engineer accompanied Ms. Shaff and noted these things; he, too, determined that the building seemed structurally compromised and needed further review
- she sees a building that's structurally compromised and needs to be fixed

Ms. Shaff:

- Inspector Ellis approved the Fire C of O with those deficiencies, giving it an "A" rating
- when she continued to get complaints about the building, she went out to take photos
- Assistant Fire Marshal made the determination, using Chap 40 to Revoke and set up an inspection
- she set up the inspection for Oct and brought along the structural engineer to verify what she saw in the photos
- all the things just on the exterior are significant code violations that they don't approve a Fire C of O under

Ms. Moermond:

- will recommend denial of this appeal

**Referred to the City Council due back on 11/20/2013**

- 38**     [RLH VO 13-49](#)     Appeal of Wendy Jansen to a Notice of Condemnation as Unfit for Human Habitation and Order to Vacate at 610 ST. ALBANS STREET NORTH.

**Sponsors:**     Khaliq

*Laid over for owner to provide a work plan.*

**Laid Over to the Legislative Hearings due back on 11/19/2013**

### **11:30 a.m. Hearings**

- 39**     [RLH VO 13-53](#)     Appeal of Antonio Chavez to a Notice of Condemnation as Unfit for Human Habitation and Order to Vacate at 951 BRADLEY STREET, UNIT #1.

**Sponsors:**     Brendmoen

*Laid over to 9:00 a.m., Tue Nov 12, 2013 LH.*

*RE: 951 Bradley Street, Unit 1 (Duplex)*

*Antonio Chavez, owner, appeared.*

*Inspector Scott St. Martin:*

- *Notice of Condemnation as Unfit for Human Habitation and Order to Vacate*
- *Orders with a Correction Notice were sent Oct 8, 2013*
- *sent to Antonio Chavez, 951 Bradley St, Unit 1*
- *lack of electricity to Unit 2; lack of natural gas to Unit 1; also, repair windows, defective screens, etc. on house*
- *Condemnation Oct 14, 2013 with vacation Oct 15, 2013*
- *Inspector stated that the electricity was also to be shut off to Unit 1 but Xcel could not access the property because of the dogs*
- *has extensive history; in problem properties file*

*Mr. Chavez:*

- *he lives in Unit 1 and the gas is on in Unit 1 and Unit 2*
- *when he sent in the appeal, he asked the lady why Xcel would say the gas is off when it's on; she said that they send list of gas/electricity that's going to be shut off or if it needs to be transferred into someone else's name; (The unit upstairs was transferred; he was renting to his sister but now, his son has moved in there and they were switching it over; the bill now comes in his son's name although it was never shut off)*
- *the gas had been shut off and a gentleman from Xcel came over and asked if he would like to work on a payment plan (right before the cold weather thing); when he came over, they called Xcel to see what could be set up and then, the gas was turned on again*

*Ms. Moermond:*

- *so, for Unit 1, the gas is on again and the electricity might be shut-off*

*Mr. Chavez:*

- *the dogs are in kennels; he doesn't know why they'd be afraid to come into the yard unless someone was afraid of dogs, period*
- *both units have electricity and it's always been on*
- *he has forced air, natural gas heat*

*(Recess was taken while Inspector St. Martin called Xcel)*

*Mr. St. Martin:*

- *according to Xcel, the gas is still off in Unit 1*
- *file goes back to 2010*

*Ms. Moermond:*

- *Xcel says the gas is not on, so, it could be a mistake that it's on and Mr. Chavez needs to get ahead of this (call and find out what happened to the program)*
- *not happy with the lack of clarity on this*
- *Mr. St. Martin will make a site visit to make a determination after he leaves here today*
- *told Mr. Chavez to file an appeal if Orders come on the unapproved surface, etc.*
- *call Mr. Smith's supervisor, Steve Magner to discuss Mr. Smith's calling Mr. Chavez' work*

*Mr. Chavez:*

- *he works down the block and goes to St. Paul College and had asked for an extension on getting the windows repaired; he got the extension, however, he wasn't able to get to the windows; his work said that they would set up a construction program*

*Ms. Moermond:*

- she will work with the inspector concerning the other violations
- suggested that Mr. Chavez discuss the situation of the criminal citation with Theresa Skarda, 266-8710
- she will also give Ms. Skarda a call
- will lay this over to 9:00 a.m. Tue, Nov 12, 2013

NOTE: Inspector St. Martin emailed Ms. Moermond at 2:53 p.m. on Nov 5, 2013 with the following message:

The gas is on at 951 Bradley. Mr. Chavez did not respond to my phone call.

**Laid Over to the Legislative Hearings due back on 11/12/2013**

**40**     [RLH VO 13-58](#)

Appeal of Colleen Walbran, Southern Minnesota Regional Legal Services (SMRLS), on behalf of Chante McCoy, to a Notice of Condemnation as Unfit for Human Habitation and Order to Vacate at 304 MORNINGSIDE CIRCLE.

**Sponsors:**         Lantry

RE: 304 Morningside Circle (Twinhome)

Colleen Walbran, Southern Minnesota Regional Legal Services (SMRLS), appeared.  
Chante McCoy, tenant, appeared.

Fire Inspector Leanna Shaff:

- Condemnation as Unfit for Human Habitation and Order to Vacate
- inspection by James Thomas Oct 21, 2013; re-inspection Nov 13, 2013
- lack of water
- past water shut-offs: Jul 16, 2012; Jul 13, 2013; Oct 23 and 28, 2013
- pattern of water shut-offs
- this property was not added as a Certificate of Occupancy property until Mar 29, 2012; Fire has never been inside that building

Ms. Walbran:

- Ms. McCoy is responsible for paying the water bill for this 3-bedroom unit
- between Jul 2013 and now, the water bill has accrued to \$3,000
- suggests they pursue remedy action for toilet to be repaired
- she is not familiar with this property owner, Mhired Ketem

Ms. McCoy:

- she has been laid off since Feb 2013 and all the bills have been killing her
- the water was disconnected in Jul for 1 day and again this time
- she called owner, who promised to fix the toilet if she paid the last water bill; however, the owner has not repaired it
- her payment history is good; she's always paid her bills
- doesn't know what to do; she has to get this paid for her kids

Ms. Moermond:

- is floored that Ms. McCoy paid the water bill before
- we need to get an inspector in there
- need to get that toilet fixed immediately
- can't believe that Ms. McCoy paid those bills

Ms. McCoy:

- it's either that or go house to house; we can't even change our clothes

- she reached out to RAP
- she was going to pay it but was told that there is another \$1400 bill waiting to be paid

Ms. Shaff:

- told Ms. McCoy to call the inspector for an inspection ASAP
- need to have that toilet fixed immediately

Ms. Moermond:

- Ms. Walbran can take care of an Emergency Tenant Remedy Action
- she can call the inspector right away
- the water bills can turn into a tax assessment on the property
- Ms. Walbran can talk to the hearing officer who handles water bills - assessment to property; or to the attorney who staffs the water hearing

Ms. Walbran:

- will get a SMRLS attorney to take a look at it to get the water back on

Inspector Scott St. Martin:

- also, contact Inspector David Nelmark, too

Ms. Moermond:

- when a property is Condemned, it automatically is referred to the Vacant Building Program as a Category 1; so, when the water is restored, Ms. McCoy's family can moved right back in again
- will lay this over for one week to Tue Nov 12, Legislative Hearing

**Laid Over to the Legislative Hearings due back on 11/12/2013**

- 41**     [RLH VO 13-57](#)     Appeal of Scott K. VanCleave to a Notice of Condemnation as Unfit for Human Habitation and Order to Vacate at 417 SINNEN STREET.

**Sponsors:**     Lantry

Owner in compliance. Appeal withdrawn.

**Withdrawn**

- 42**     [RLH VO 13-55](#)     Appeal of Letitia Henderson to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 533 SMITH AVENUE.

**Sponsors:**     Thune

RE: 533 Smith Avenue (Duplex)

Letita Henderson, tenant, appeared together with Mr. Clooseny.

Ms. Moermond:

- explained that there was also a second appeal on this property at 535 Smith but they couldn't come today; they will be here next week

Fire Inspector Leanna Shaff:

- Fire Certificate of Occupancy Revocation dated Oct 28, 2013 by Inspector Sean Westenhofer
- 26 items are listed; the biggest one is for noncompliance



- Mr. Westenhofer has been out there a few times and was not able to get in 3 times so, we don't know how the conditions may have changed
- photos are attached: see broken windows; lots of different maintenance issues; etc.
- doesn't believe that this list is inclusive because of lack of entry
- is concerned because this has been going on for a couple of months now

Mr. Kaluzny:

- Ms. Henderson has 4 children and is afraid (city comes in on Fri and pushed her out and she had no place to go)
- he spoke with the owners yesterday and today and they are assuring him that they are going to have all this taken care of by the next inspection on Fri
- they may be motivated by not being able to rent this building; there are workers there today and have been there consistently this past week
- whether Ms. Henderson will need more time really depends on what happens on Fri
- suggests that this appeal be laid over a week to Nov 12, 2013 LH to see if compliance has been met
- if that doesn't happen, she would need more time to move

Ms. Moermond:

- 2 critical things that she sees: 1) remove the hasp and lock from the north bedroom door; and 2) make sure the front door has a working latch (can't lock it)
- those things need to be taken care of by Fri, Nov 8, 2013 and she will grant an extension to Dec 1, 2013

Ms. Henderson:

- she locks her bedroom door when she goes to work so that he kids don't rummage around in her room after school

Mr. Kaluzny:

- the rent is paid up; the rest is in escrow

Ms. Moermond:

- the reason that this is Revoked is to force the landlord to do these repairs
- will lay this over to next Tue, Nov 12, 2013 LH at 11:30 a.m. and the neighbor will be here, too

**Laid Over to the Legislative Hearings due back on 11/12/2013**

## 1:30 p.m. Hearings

### Fire Certificates of Occupancy

- 43 [RLH FCO 13-234](#) Appeal of Bradley Amundson to a Correction Notice - Re-Inspection Complaint at 536 LEXINGTON PARKWAY SOUTH.

**Sponsors:** Tolbert

11/8/13: After receiving my letter, he contacted me by email and stated he forgot the hearing and wishes to be heard. Rescheduled to Nov 12

11-5-13: No show - deny the appeal.

**Laid Over to the Legislative Hearings due back on 11/12/2013**

- 44 [RLH FCO  
13-237](#) Appeal of Douglas Boysen to an Inspection Appointment at 196  
MAPLE STREET.

**Sponsors:** Lantry

*Grant the appeal; no hearing necessary.*

**Referred to the City Council due back on 11/20/2013**

### 2:30 p.m. Hearings

- 45 [RLH FCO  
13-236](#) Appeal of Betty Charles to an Inspection Appointment at 1024  
DAYTON AVENUE.

**Sponsors:** Khaliq

*Grant the appeal; no hearing necessary.*

**Referred to the City Council due back on 11/20/2013**

- 46 [RLH OA 13-68](#) Appeal of Stacy Miller of a Code Compliance Report at 301  
CHATSWORTH STREET NORTH.

**Sponsors:** Khaliq

*Allow to continue occupancy use of the building and grant extensions for the following:*

- 1) garage shingles and roof: inspector will write separate Order and items will be removed from Code Compliance List. Inspector will do a follow-up inspection to make sure they are in stable condition until Spring;
- 2) drainage around garage - July 1, 2014
- 3) interior tuckpointing can be removed from list;
- 3) exterior painting - July 1, 2014 (rotted boards need to be done now)
- 4) interior primer - July 1, 2014
- 5) exterior tuckpointing has been completed (see Ms. Miller's photos)

*RE: 301 Chatsworth Street North (Single Family)*

*Stacy Ann Miller, owner, appeared.*

*Ms. Moermond:*

- has read Ms. Miller's letter
- Ms. Miller says she is living at this house but she is not supposed to be
- would like to figure out a way to get to the other side sooner than later

*Ms. Miller:*

- she understands that now
- she bought the house in Aug 2013 from HUD
- HUD did not do their due diligence in terms of informing her about things, including the fees and assessments that were unpaid
- realized that she should not be living there soon after she moved in
- she has 2 children: 1) one is going to Central; and 2) the other at Ramsey

*Ms. Moermond:*

- the city has a lot of problems with HUD doing this

- this house simply needs to be cleaned-up; it came into the Vacant Building Program last Jul and it was in good shape then; there was a copper theft in Nov 2012; so, it went from an easy property to deal with to being more difficult, which required that it go through a Code Compliance Inspection

- the list:

- will convert shingling the garage roof to a Correction Order, which will separate it from the Code Compliance

- will request from the building official that interior basement wall tuckpointing be taken off the list (contractor provided a bid and said that there were no structural issues with the wall; the tuckpointing would be cosmetic)

Ms. Miller:

- drainage around the house is done (her photos)

- tuckpointing of exterior foundation has been done (her photos)

- the basement is not wet but there was some drywall down there and she thinks that it stored moisture; so, she has removed it and no longer needs to run a dehumidifier down there

- the interior walls have had the wallpaper removed; then, a skim coat of plaster has been applied; it still needs a primer coat before painting; she would like to do the painting of interior walls after the more critical things have been done

Ms. Moermond:

- will need the interior walls primed

- thinks that all the items talked about in the letter can be put on a list of things to be done next spring/summer

Ms. Miller:

- her electrician and plumber will start this week

- she hasn't heard back yet from the heating contractor

- her goal is to get her Code Compliance Certificate by Dec 1, 2013

- it's her understanding with the county is that as long as it's in Category 2 status, she won't be able to get her homestead credit, which is important to her

Ms. Moermond:

- Ms. Miller may want to contact the county assessor, Stephen Baker, 266-2005; and perhaps Chris Samuels, 266-2041, who does homestead work; she needs to ask them if there's a way to get an extension on that from the Dec 1, 2013 timeline; (things are tight)

- if DSI has the electrical contractor coming in to pull the permit and doing the work in a week, we can get that permit finalized

- Ms. Moermond will talk with the building official about this, too

- get the permits pulled and the work underway

- she will switch the rest over to a Correction Order from the Division of Code Enforcement and deadlines will be figured from that into next year

- she is OK with not doing the interior tuckpointing unless someone says something about it

Ms. Miller:

- she did not include the exterior painting on her appeal; however, now, she finds that there are rotten areas that need repair/replacing and it will take longer to do that work than anticipated; she asks that the painting also could wait until spring; the rotted boards are being replaced as we speak

Ms. Moermond:

- exterior painting deadline: Jul 1, 2014

- interior priming deadline: Jul 1, 2014

- will ask the building official to double check the garage roof for deterioration
- will do what she can to support Ms. Miller's efforts to get most done by Dec 1, 2013
- letter will be sent from Mai Vang to confirm what's been said today
- City Council Public Hearing: Nov 20, 2013
- will bring this situation to the attention of interim Councilmember Nathaniel Khaliq
- former Councilmember Melvin Carter has contacts at HUD, with whom the city was working, to try to keep situations like this from happening
- legally, in Saint Paul, HUD is required to provide people with a Truth in Sale of Housing Inspection Report (TISH) - a disclosure; or provide the buyer with a Code Compliance Report

**Referred to the City Council due back on 11/20/2013**