



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final Legislative Hearings

Marcia Moermond, Legislative Hearing Officer
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Tuesday, November 19, 2013

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Special Tax Assessments

- 1 [RLH TA 13-681](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1403, Assessment No. 148202 at 168 ACKER STREET EAST.

Sponsors: Brendmoen

Approve the assessment.

RE: 168 Acker Street East (Duplex)

Gene Tschida, Breme Enterprises LLC, owner, appeared.

Fire Inspector Leanna Shaff:

- *Fire Certificate of Occupancy fee for \$200 + \$155 service charge = \$355*
- *date of Orders: 6/26/2013*
- *compliance date: 7/18/2013*
- *billing dates: 7/22 and 8/21/13*
- *no returned mail*
- *sent to Breme Enterprises LLC, 1721 White Bear Ave, Maplewood*

Mr. Tschida:

- he sent the check about 4 days after an allowable time; DSI called and said that they received the check but they couldn't accept it because it was too late and now, there will be an added service charge on it; he called around and was transferred to 5 different people until it came back to the first person; then he was transferred to a supervisor

Ms. Shaff:

- she explained to Mr. Tschida if it isn't paid within an allotted time, it is sent to assessments with an added service charge

Mr. Tschida:

- when the C of O inspector comes out; they do a very good job of inspecting, but don't they usually make 2 trips out: 1) list of items; and 2) re-inspect; they charged me an extra charge

Ms. Moermond:

- the bill given by Fire C of O staff: \$260; when it gets processed for assessment, they cannot charge the "no entry fee," by law; so, it changes to a \$200 bill plus administrative costs, which equals \$355 (\$200 + \$155 = \$355)
- will recommend approval of this assessment

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

- 2 [RLH TA 13-686](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1401E, Assessment No. 148300 at 974 ARCADE STREET.

Sponsors: Bostrom

Approve the assessment.

RE: 974 Arcade Street (Light Manufacturing-F-Industrial)

Jacqueline Kwapich, Split Rock Properties: Arcade Street LLC, owner, appeared representing her brother, who owned Split Rock.

Inspector Paula Seeley:

- 3 Excessive Consumption Assessments
- Orders sent May 9; compliance May 17
- May 17 - inspector re-checked and cars were still parked on the vacant lot
- May 28 - cars were still there
- sent another EC
- another EC was sent Jun 3
- inspector's comments: he talked with the property owner Jun 7, owner requested an extension until Jul 8; spoke to owner again on Jul 2 - quite late

Ms. Kwapich:

- they don't live in St. Paul so she needs to change the address on this
- we had a bunch of letters and they didn't know what this was about
- they called the inspector who called them back
- they thought they were in compliance and didn't know there was a fee involved
- this all happened before they actually started communication with the inspector
- property is an old building used as a construction building
- are trying to sell the building

Ms. Seeley:

- Ms. Kwapich needs to fill out a Certificate of Occupancy form for change of address in order to get the notifications

Ms. Moermond:

- also change your address at Ramsey County Records and Revenue, 90 Plato Blvd
- will recommend approval of this assessment

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

- 3 [RLH TA 13-690](#) Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1403A, Assessment No. 148502 at 1087 ARUNDEL STREET.

Sponsors: Brendmoen

Delete the assessment due to illegal dumping.

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

- 4 [RLH TA 13-711](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1403, Assessment No. 148202 at 2179 BUSH AVENUE.
- Sponsors: Lantry
- No show - approve the assessment.*
- Referred to the City Council due back on 1/15/2014**
- 5 [RLH TA 13-691](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1403A, Assessment No. 148502 at 402 CLEVELAND AVENUE NORTH.
- Sponsors: Stark
- No show - approve the assessment.*
- Referred to the City Council due back on 1/15/2014**
- 6 [RLH TA 13-692](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1403A, Assessment No. 148502 at 1146 DULUTH STREET.
- Sponsors: Bostrom
- Reduce from \$448 to \$200 and made payable over 2 years.*
- RE: 1146 Duluth Street (Single Family)*
- Hein Teidelbaum, Affordable Properties, owner, appeared, along with the tenant, Ku Her (Mai Vang interprets).*
- Inspector Paula Seeley:*
- *Summary Abatement Order Sep 11, 2013; compliance Sep 17; re-checked Sep 18*
 - *Work Order sent Sep 19 - remove sofa from the blvd*
 - *work done Sep 19, 2013*
 - *no returned mail*
 - *cost: \$288 + \$160 service charge = \$448*
 - *sent to Affordable Properties LLC, 15511 Afton Hills Dr S, Afton; Affordable Properties LLC, 14805 45th St, Afton; and Occupant*
 - *there was also tall grass and weeds Aug 13 done by Parks crew*
- Mr. Teidelbaum:*
- *the addresses were correct*
 - *he was here last month and viewed the VIDEO re: tall grass on the blvd; Ms. Moermond didn't think it was long, just scraggly*
 - *didn't receive any Notice about the previous one nor about this one (Aug and Sep)*
 - *he has no explanation as to why he didn't receive notice*
 - *Ms. Seeley said that the city sent the Notice to his partner's house, to his house and to Ku Her's house, yet they didn't receive it*
 - *Ku Her told him 2 months ago that the couch was stolen; he had put it outside to dry because it had gotten wet; he didn't realize that the city had taken it*
 - *he knows Ku's house; he's been in it several times and Ku is very meticulous; now, he's missing a couch*

Ms. Moermond:

- has a photo of the couch on the blvd; it looks like that it's ready for someone to come and pick it up - a hauler; there are no cushions on it

Mr. Her:

- he bought a new sofa; his 2-year old twins got juice on the cushions; he washed and then air dried the cushions; he took the couch out to dry on the driveway but it didn't get dry there, so, he moved it onto the blvd where there was sun

- when the city came to pick it up, he went out and told them that it was his and he would take it inside but they wouldn't let him take it back

- he didn't receive any Notice

- if he had gotten a Notice, he would have given it to someone to read it for him because he doesn't understand English

Ms. Moermond:

- will reduce the cost from \$448 to \$200 payable over 2 years

- he talked to the Parks crew when they came to pick up the couch

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

- 7 [RLH TA 13-706](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1403A, Assessment No. 148502 at 521 EDMUND AVENUE.

Sponsors: Thao

Owner came to hearing and left during hearing - approve the assessment.

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

- 8 [RLH TA 13-713](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1403, Assessment No. 148202 at 663 FIFTH STREET EAST, UNITS A & B.

Sponsors: Lantry

Approve the assessment. (extension granted for exterior repairs to July 1, 2014)

RE: 663 Fifth Street East, Units A & B (Condominium)

Miranda Foslien, a condo owner, appeared.

Fire Inspector Leanna Shaff:

- there are 2, one for Unit A and one for Unit B

- each is a Certificate of Occupancy Inspection fee for \$170 + service charge of \$155 = \$325

- for both : \$650

- initial inspection Jun 10, 2013

- was approved with Corrections Jul 12, 2013

- billings went out: Jul 16 and Aug 15, 2013

- there was some returned mail in Mar 2013 so, they sent out a second appointment letter to the property address; then, they received an updated address on Apr 29, 2013

- all the Orders and billings went to Delta House Properties, 1245 Minnehaha Ave E, Saint Paul

Ms. Foslien:

- has no problem with the assessment
- has an issue with the last Fire Inspection Correction Notice that she got; it was all exterior issues
- she took care of some of them that were clearly safety issues even though they should have gone through the association (peeling paint, etc.)
- it's located in an historic district and should go through the Condo Association
- she is here to make sure it goes to a different address
- she only owns the condo, not the outside of the building
- this is a converted mansion so there's 2 buildings and there are 6 units altogether
- she gave Inspector Westenhofer the Condo Association's address: 657 5th Street because she doesn't own the outside of the building
- she was unclear about the bill; didn't want to write a check for something that she didn't know was happening
- actually, one of the units is a rental; the other one is not a rental at this point

Ms. Shaff:

- how to get the exterior of the building taken care can be cleared up in the office

Ms. Moermond:

- will try to clear up - that doesn't have anything to do with the bill
- we do have notification for the future so that the Condo Association can be notified simultaneously with the unit
- an administrative fee was added to the bill
- will change the date
- will request an extension to Jul 1, 2014 for the exterior for the Condo Association
- will recommend approval of this assessment

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

- 9** [RLH TA 13-682](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1403, Assessment No. 148202 at 214 FOURTH STREET EAST.

Sponsors: Thune

No show - approve the assessment.

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

- 10** [RLH TA 13-693](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1403A, Assessment No. 148502 at 891 FREMONT AVENUE.

Sponsors: Lantry

Approve the assessment.

RE: 891 Fremont Avenue (Single Family)

Charles Nosie, owner, appeared.

Inspector Paula Seeley:

- Summary Abatement Order sent Aug 30, 2013; compliance Sep 8; re-checked Sep 9; Work Order sent

- work done Sep 11 for a cost of \$288 + \$160 service charge = \$448
- photos in file
- no returned mail
- sent to Charles Nosie, 12200 Upper Heather Ave N, Hugo MN; and Occupant
- quite a bit of history on the property: Oct 24, 2012-garbage; Jun 19, 2013-garbage; this one; and Nov 20, 2013 - open file now with garbage all over in rear yard; Nov 18, another issue

Mr. Nosie:

- trash hauler is Allied Waste
- tenants fill up the container fast
- they have worked with Allied Waste to take any excess garbage for which they are billed separately

Viewed VIDEO - removed garbage near alley

Mr. Nosie:

- there was other garbage back there; someone had dumped a couch, tires, etc; he picked all of that up
- he is a general contractor and he put it into one of his job canisters (has 4 witnesses to attest to that)
- he did the abatement and that's why he's here
- the city picked up 2 bags of garbage and charged him \$288; it was clearly for the garbage service to pick up
- there had been dumping

Ms. Moermond:

- if there's garbage on the ground, there's clearly not enough garbage service to cover the needs
- Mr. Nosie is responsible for providing enough garbage service
- can have a lease arrangement with the tenant
- maybe the tenants need 2 cans
- will recommend approval of this assessment

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

11 [RLH TA 13-694](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1403A, Assessment No. 148502 at 2209 GLENRIDGE AVENUE.

Sponsors: Lantry

Approve the assessment.

RE: 2209 Glenridge Avenue (Duplex)

A woman appeared, representing Greg Fry's company, Oak Knoll Property Management LLC.

Inspector Paula Seeley:

- Summary Abatement Order sent Aug 29, 2013; compliance Sep 3; re-checked Sep 3
- Work Order sent
- work done Sep 5, 2013 for a cost of \$316 + service charge of \$160 = \$476
- no returned mail
- sent to: Oak Knoll Property Management LLC, 2000 Oak Knoll Drive, White Bear Lake; Greg Fry at the same address; and to Occupant

- underlined: contents of overflowing garbage containers, rubbish, scrap wood, charred debris, etc., from yard areas and driveway

Ms. _____:

- is not denying that city came and cleaned it up
- she did not know about it; she found out from the tenant, who called her screaming; she had gone out to talk to the guys who picked up the stuff; they took her own garbage container and they tried to take her fire pit, too

VIDEO

Ms. Moermond:

- will recommend approval of this assessment

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

- 12 [RLH TA 13-695](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1403A, Assessment No. 148502 at 2020 GOODRICH AVENUE.

Sponsors: Stark

11-25-13: Appellant called and wants to be heard. Said she didn't received notice of hearing dates but did received the gold card.

11-19-13: No show - approve the assessment.

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

- 13 [RLH TA 13-687](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1401E, Assessment No. 148300 at 1858 GRAND AVENUE. (To be referred back to Legislative Hearing on April 1, 2014 and City Council Public Hearing on April 16, 2014)

Sponsors: Tolbert

Owner to provide a work plan.

RE: 1858 Grand Avenue (Single Family)

Simone M. Mishulovin and her husband, owners, appeared.

Inspector Paula Seeley:

- this has to do with a Correction Orders, dated Mar 31, 2011 for exterior issues
- roof, exterior walls, windows, doors, roof on garage, etc.
- this is an Excessive Consumption fee of \$155 for multiple violations
- Orders were sent Mar 30, 2011; compliance date Jun 30, 2011 (court ordered deadline)
- re-checked Jul 1, 2013
- Excessive Consumption fee was sent for failure to make repairs/replacements on exterior of house

Ms. Mishulovin:

- they live at this property
- there has been some work on the property
- they have been going through a very difficult time
- they had applied for a home loan through through the city and they were working

with Theresa Skarda; they had no money available to do the repairs

- they scraped the house but they realized that they wouldn't be able to paint it
- they were waiting to hear about the loan; knew they couldn't get it done as another inspection approached
- they are feeling completely helpless in this situation
- they made application to Habitat for Humanity and they did the roof; they are scheduled to paint in the spring of 2014
- although they applied some time ago, they finally heard that they weren't accepted for the home loan
- they haven't been able to pay the property taxes for Oct yet
- they are requesting that the fees be reduced
- house had been all paid off and then their school closed (the school bought a building and then couldn't pay off the payments, then, they came to them and asked if they could use their house for collateral; and they let them do it - thought it would be reasonable for them to pay it off in 2 years; they even extended the time but the school closed and so all of their equity is still tied up in that loan); now, they can't borrow on the house anymore
- \$230,000; the people who ran the school lost their homes
- they did it as a favor; now, there's no where to get any money to pay for repairs

Ms. Moermond:

- explained that Historic Saint Paul may be a resource from which they may qualify for their residential program
- looking at the photos, it's an historic house, a substantial structure, etc., and they do help with these things; usually, they look for some matching funds; encouraged Ms. Mishulovin to contact Historic Saint Paul, 651/222-3049
- another source: Preservation Alliance for Minnesota
- this Excessive Consumption fee is relatively small compared to Contempt of Court
- she is tempted to divide this assessment over a long period of time

Husband:

- they worked on the house in gradual stages; they did a lot of work but he lost his business - he lost everything and is on public assistance; they are raising 8 children
- this is such a humbling experience
- the school was for kids who were in trouble

Ms. Moermond:

- the City Council Public Hearing is Jan 15, 2014
- at that time, she will ask the Council to lay this matter over for 90 days to Apr 1, 2014 Legislative Hearing to give them time to come with a plan of how to approach this (CCPH Apr 16, 2014)
- she would like to use these Excessive Consumption fees as an incentive to get some of this work done; the city will work on the fees if the Mishulovin's work on the plan
- another resource: Community Neighborhood Housing Services

Ms. Seeley:

- they have a new roof; they have scraped the house; it's ready to be painted
- issues left: windows; screens

Ms. Moermond:

- get the plan together
- show her a letter from Brush with Kindness
- show her how they will address the outstanding items
- she will communicate with Theresa Skarda (to coordinate things)
- what ever happens here will not be charged for criminally

- if the plan is followed thru, she will ask City Council to forgive these fees
- she will make sure that the communication is consistent between Theresa and herself
- a letter will be sent confirming this conversation

Referred to the City Council due back on 1/15/2014 (To be referred back to LH on 4/1/14 and CPH on 4/16/14)

- 14 [RLH TA 13-688](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1401E, Assessment No. 148300 at 80 GROTTO STREET SOUTH.

Sponsors: Thune

No show - approve the assessment.

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

- 15 [RLH TA 13-696](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1403A, Assessment No. 148502 at 2016 IDAHO AVENUE EAST.

Sponsors: Bostrom

No show - approve the assessment.

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

- 16 [RLH TA 13-710](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1403G, Assessment No. 148702 at 1069 LAFOND AVENUE.

Sponsors: Thao

No show - approve the assessment.

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

- 17 [RLH TA 13-697](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1403A, Assessment No. 148502 at 1633 MARGARET STREET.

Sponsors: Lantry

No show - approve the assessment.

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

- 18 [RLH TA 13-705](#) Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1403A, Assessment No. 148502 at 719 PAYNE AVENUE.

Sponsors: Bostrom

Delete the assessment.

RE: 719 Payne Avenue (General Retail & Services-B-Commercial)

Terence Longville, a co-owner of the property, appeared.

Mr. Longville:

- they gained ownership of the property early in 2012
- they have been trying to sell it for the past 2 years; have had some showings
- his brother-in-law is Michael Drieling, who received a Notice, told him that he did cut the grass but the day before
- they have been diligent in maintaining the property but as a Vacant Building, it kind of becomes the community dumping ground

Inspector Joe Yannarely:

- tall grass and weeds complaint
- letter sent Sep 17, 2013; compliance 72 hours after postmark; re-checked Sep 20 and found to be in noncompliance
- work order sent
- work done Sep 25 for a cost of \$80 + \$160 service charge = \$240
- sent to 3 people: Laurie Bauer and Michael Drieling, White Bear Lake; and Mustafa on Payne Ave

VIDEO- he notes that the grass has already been cut but there are some long, tall weeds near the gas pumps, curb stops and the building

Ms. Moermond:

- will recommend the City Council delete the assessment
- the Notice talked about garage and alley areas, which don't look like they were addressed; when the grass gets overgrown between the grass and the pavement, it just looks abandoned

Mr. Longville:

- his brother has the lawn mower and he has the weed whacker

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

19 [RLH TA 13-685](#)

Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1401E, Assessment No. 148300 at 1558 POINT DOUGLAS ROAD SOUTH.

Sponsors: Lantry

Delete the assessment; this was a pre-authorized work order and a recheck is not required with this kind of work order so no recheck was done to see if owner was in compliance.

RE: 1558 Point Douglas Road (Single Family)

Katrina Smith, owner, appeared.

Inspector Paula Seeley:

- recommends deleting this assessment because it was a pre-authorized Work Order
- owner has since acquired garbage service with Coolidge

Ms. Moermond:

- will recommend this assessment be deleted

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

- 20 [RLH TA 13-709](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1403A, Assessment No. 148502 at 526 ST. ALBANS STREET NORTH.

Sponsors: Thao

No show - approve the assessment.

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

- 21 [RLH TA 13-699](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1403A, Assessment No. 148502 at 919 ST. ANTHONY AVENUE.

Sponsors: Thao

Approve the assessment.

RE: 919 St. Anthony Avenue (Single Family)

Janet Rockney, owner, and Chris Sargent, future brother-in-law, appeared.

Inspector Paula Seeley:

- clean-up*
- Summary Abatement Order sent Aug 14, 2013; compliance Aug 26; re-checked Aug 27*
- Sep 19 a Work Order was sent*
- word done Sep 23, 2013*
- cost: \$344 + \$160 service charge = \$504*
- sent to Janet Rockney, 919 St. Anthony Ave*
- in bold letters: brush, building materials, rubble, tires, large pile of tree brush and debris in rear yard; compost sites are open to dispose of brush*
- notes: spoke to Chris; house belongs to fiance's sister, who is in Ireland*
- the inspector sent an EC on Aug 26 to get their attention; she rechecked it again on Sep 9 and found a huge pile; tree was still there, so she sent a Work Order*

Mr. Sargent:

- he's a landscaper and had been working 12 hour days in addition, he fixes mowers at the shop after that; he leaves when it's dark and comes home when it's dark; he had been working Sat as well; in addition, they are planning a wedding (Cross Lake/Brainerd area), so they've been driving back and forth to plan; he's been working on the wood pile as he could; that pile was twice a big before the city came to pick it up; he has spent 6-8 hours a day splitting wood and stacking*
- their priority is the wedding; next, is upkeep on the house; then, the fire wood, which was going to be used in the fireplace to keep the house warm*
- he didn't appreciate all the tire tracks the city truck put on the brand new parking pad*

VIDEO

- they never received any letters from the city*
- he called the police and the police person said that the city would not have made those marks on the driveway*
- that tree was dropping black berries on their cars; the neighbors parking pad was stained from all those berries; the neighbor appreciated his dropping the tree; he told the neighbor next door that he could come and get fire wood and they were happy*

Ms. Rockney:

- was out of the country for a few months

Ms. Moermond:

- is glad the immediate neighbors were happy about the tree but someone called it in and if the situation exists, the city has to call it

- a brush pile shouldn't be there anyway and a pretty significant extension had been granted

- will recommend approval of this assessment

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

- 22** [RLH TA 13-698](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1403A, Assessment No. 148502 at 786 SHERBURNE AVENUE.

Sponsors: Thao

No show - approve the assessment.

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

- 23** [RLH TA 13-700](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1403A, Assessment No. 148502 at 2072 THIRD STREET EAST.

Sponsors: Lantry

No show - approve the assessment.

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

- 24** [RLH TA 13-712](#) Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1403A, Assessment No. 148502 at 1660 UNIVERSITY AVENUE WEST.

Sponsors: Stark

Delete the assessment.

RE: 1660 University Avenue West

Frank Petersen, Facility Manager, St. Paul Federal Credit Union

Mr. Petersen:

- the building is vacant and is for sale

- he goes up there at least twice a week

- has talked to one of the inspectors

- the problem is that a lot of people dump there; picked up 15 computers once; usually there's a lot of beer bottles, furniture, etc.

- on this particular day in question, he was up there and picked up trash because he has a dump receipt for Twin Cities Refuse

Ms. Moermond:

- sees an inscription in the Abatement Order that says: around building and parking

lot; it doesn't specific what

VIDEO -

Ms. Moermond:

- does look like a well-maintained lot and what was there was blown in and a cart was left there

- knows that particular area has a lot of cart dumping

- will recommend this assessment be deleted

- suggested that the same color be used to cover up graffiti (no patch work)

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

- 25** [RLH TA 13-701](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1403A, Assessment No. 148502 at 1337 WINCHELL STREET.

Sponsors: Bostrom

No show - approve the assessment.

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

- 26** [RLH TA 13-707](#) Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1401A, Assessment No. 148500 at 82 WINTER STREET.

Sponsors: Thao

Delete the assessment; Summary Abatement issued to cut grass and work order was sent before date on summary abatement. (No hearing necessary)

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

- 27** [RLH TA 13-702](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1403A, Assessment No. 148502 at 1203 WOODBRIDGE STREET.

Sponsors: Brendmoen

No show - approve the assessment.

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

- 28** [RLH TA 13-703](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1403A, Assessment No. 148502 at 1231 WOODBRIDGE STREET.

Sponsors: Brendmoen

Owner to provide documentation from Waste Management Co.

RE: 1231 Woodbridge Street (Single Family)

Leonard Clarin, Juanita Mos, tenants, and Lewis Yang, Responsible Party, appeared.

Inspector Paula Seeley:

- Summary Abatement Order sent Sep 13, 2013; compliance Sep 17
- re-checked Sep 17; and Excessive Consumption was sent instead of a Work Order
- re-checked Sep 20, 2013; Work Order sent
- work done Sep 25, 2013 for a cost of \$600 + \$160 service charge = \$760
- sent to LT & Associates LLC, 8054 Narcissus Ln N, Maple Grove; and Lewis Yang at same address
- no returned mail
- inspector called and spoke with representative party during process 3 times; tenant called after work and wanted to discuss
- Sep 18 - garbage service is now current with Allied Waste; clutter surrounding vehicle moved; vehicle has current tabs and appears operable
- Sep 20 - property re-inspected: electronic and refuse remain on property; Work Order sent
- vehicle abatement order; summary abatement order; trash hauler

Ms. Moermond:

- 3 Orders went out; 2 were addressed; the other one was partially addressed
- there was a lot of material that needed to be taken care of

Mr. Clarin:

- the information he has is that before the city crew came out, everything had been approved; it was signed off on as being passable; after that, the crew came out
- his landlord will come to tell him that he has to take care of something before the city comes out; he is really good about getting on that
- he has a disability so he can't do things like he used to be able to; he has to do things in moderation; he is in pain 24 / 7
- when the crew came out and just began to take things, he didn't understand that; he has just been informed that they passed their inspection
- he is not contesting that the crew came out; nor is he contesting the \$120 charge; he is asking that the city allow him to take responsibility for the mess that he made; he doesn't think that the landlord should be responsible
- he thinks Ms. Moermond should look into when the crew came out; he was in the process of taking care of the problem - he just didn't get it done before they came out

Ms. Moermond:

- Orders went out on the 13th; compliance date was on the 17th; crew didn't show up until the 25th

Mr. Yang:

- it looks as though there were 2 inspectors out there: 1) #328; and 2) #344
- suspects that #344 was there at a later time; she was there when his representative was there, too; she asked about the 2 garbage cans with separate names on them; we told her that they weren't ours - some one mistakenly dropped them off; she also had a question about a Waste Management Baggie (tenants called and scheduled a pick-up day but Waste Management said that they were swamped and would come to pick it up later); inspector #344 said that she would write it off and everything is "fine" now
- the next day or the day after, city crew took the Waste Management Bagster (we thought everything was OK)

Mr. Clarin:

- didn't understand why a city crew would take a Waste Management Bagster

VIDEO

- that stuff accumulated over a period of time
- is new to this; doesn't have knowledge of residential rules but every time it was

brought to his attention to take care of something, he always cooperated

- he spoke with the inspector on the phone 2 or 3 times; he had told him that if they would have had a conversation earlier, it probably wouldn't have gone this far
- Waste Management said that it usually takes 3-5 days to pick up the bagster but when he called to scheduled, they said that they were backed up and it could take up to 10 days (that cost \$115 and he had set aside that money but had to pay a more pressing bill; they live from check to check)
- he is asking that Ms. Moermond consider that they should not be responsible for the full \$760 because they came out after it was supposed to have been approved and it should be documented that it was approved
- he talk with the crew who came out; they were not very respectful; at least one guy - so, he went back into the house
- you buy the Bagster at Menard's and you call the number on the bag, which is Waste Management, and tell them to pick it up
- he did not make the call to Waste Management on his second Bagster because he had to use the \$115 he had set aside to pay for a more pressing bill

Ms. Moermond:

- sees a good faith effort to deal with the problem
- it had been a tremendous mess
- 2 out of 3 Orders were addressed
- wants to give some credit for good faith work on this
- kind of looks like scrapping

Mr. Clarin:

- he doesn't do scrapping any more

Ms. Moermond:

- will think about this one
- get some documentation from Waste Management about the bagsters
- will Lay this over for 2 weeks to Dec 3, 2013
- Appellant can mail the info in or drop it off or come to the Legislative Hearing
- we can call
- will divide the payment over 5 years for whatever it is
- tax assessments go to the property owner

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

29 [RLH TA 13-704](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1403A, Assessment No. 148502 at 1033 YORK AVENUE.

Sponsors: Bostrom

Reduce assessment from \$844 to \$422, payable over 2 years.

RE: 1033 York Avenue (Single Family)

Thomas Schleifer, owner, appeared.

Ms. Moermond:

- the attachment on this is wrong; it's for 1203 Woodbridge

Mr. Schleifer:

- he has owned this property for 20 years by himself

Inspector Paula Seeley:

- Summary Abatement Order sent Sep 4, 2013; compliance Sep 10; re-checked Sep 10
- Work Order sent
- work done Sep 12, 2013 for a cost of \$684 + \$160 service charge = \$844
- remove bags and all garbage from rear yard near alley
- photo
- she is the one who put in the complaint; police keep asking her to get that alley taken care of
- no returned mail

Mr. Schleifer:

- he doesn't understand why he needs to go into the alley; he has a 6-foot privacy fence with no gate access; on the other side of the privacy fence is a chain-link fence and there's no gate in that chain-link fence; those fences have been there since he has been there; for him to go into the alley, he needs to go around the block

Ms. Moermond:

- photo doesn't have a privacy fence; is not sure what's going on there

Mr. Schleifer:

- explained the photo: his garage; the 6-foot privacy fence is in front of the garage; he has no access into the alley unless he goes around the block
- he doesn't drive down the alley (he sees kids throw bottles in the alley)
- he cut the bushes

Ms. Seeley:

- she recommends deleting this assessment; he doesn't go into the alley, so he doesn't see what's there; it's illegal dumping

Ms. Moermond:

- based on staff's recommendation, she will recommend cutting the assessment in half (she won't delete it)
- this is Mr. Schleifer's property and he is responsible for taking care of it
- in the future, get out there and make sure it's clean

Mr. Schleifer:

- he has cleaned up the alley in the past
- he has actually gotten a pick-up load together from the alley and he has to pay for getting rid of it
- a neighbor of his found names and addresses in the dumped bags and called the police; the police told him that there is nothing they can do unless they get caught in the act of dumping
- he doesn't know why he has to pay for someone else's garbage

Ms. Seeley:

- tells people everyday that if they find names in dumped garbage, they should call her and she will make sure that they have trash service but the police won't do anything
- the best thing he can do is to keep those bushes cut back

Ms. Moermond:

- will reduce the assessment by half, payable over 2 years

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

Project No. J1403A, Assessment No. 148502 at 810 BUFFALO STREET.

Sponsors: Brendmoen

Laid over to watch video.

RE: 810 Buffalo Street (Duplex)

David Barlage, owner, appeared.

Inspector Joe Yannarely:

- 2 Summary Abatement Notices for 2 different assessments
- 1) roll #J11402A - SA sent out Jul 19, 2013 for tall grass and weeds, garbage and rubbish; compliance Jul 24
- work done Aug 1, 2013 for a cost of \$160 + \$160 service charge = \$320
- No Video for this SA
- 2) roll #J1403A - SA sent Out Sep 10 for garbage/rubbish; compliance Sep 16
- work done Sep 19, 2013 for a cost of \$130 + \$160 service charge = \$290
- total for both SA: \$610
- both sent to David Barlage at 810 Buffalo St even though it's a Vacant Building
- at present, we have another address

Mr. Barlage:

- this is his homestead
- he was here about 1 1/2 months ago; he never gets correspondence from the city so he gave you all his materials, etc., and he was supposed to hear back from someone but he never heard back from anyone; so, he called and left a message for Mai; Mai got back to him and told him that there were 2 more cases pending but he never got any Notices on them; Mai told him to call Joe and Rich; he called them and left messages

Mr. Yannarely:

- he does have the address information in the system now: 5615 Indiana, Brooklyn Center

Mr. Barlage:

- he has contracts with snow shovelers and grass mowers
- he also does some of that himself
- he goes by every week
- his mail is being forwarded

*ONE VIDEO - shows 2 bags of garbage in back near alley
DO NOT HAVE THE OTHER VIDEO*

Ms. Moermond:

- why isn't the VB registration form in the system?

Mr. Yannarely:

- I remember Mr. Barlage being here previously and we took down his contact information
- he put the new information into the system
- told Mr. Barlage that whenever he gets a different address, he needs to submit a new VB Registration Form

Mr. Barlage:

- he is contesting the whole VB thing because he maintains his property

- he wants to speak to someone about all of that; he takes care of it and doesn't know why he should pay
- he never received a Registered VB form
- he sent a letter back saying that he did not agree with the VB status; that he takes care of the property himself and he did not want to be charged a VB fee - that was years ago

Ms. Moermond:

- what was on the VIDEO looked more like a case of dumping; it was on the alley
- this is a VB but you still are responsible for your property
- we don't have a VIDEO of the other situation; she will need to look at it
- will need to find out when his most recent address was filed in the system
- let gets this registered as a VB
- will Lay this Over to Dec 3, 2013; Mr. Barlage may or may not come; if he wants to see the VIDEO, he should come back

Mr. Yannarely:

- Mr. Barlage also wants to know how he can protest the VB status
- the anniversary date is tomorrow; we sent the form to the old address Oct 21, 2013 and we haven't gotten it back
- there is no Code Compliant Inspection on it

Ms. Moermond:

- asked Mai Vang to print out the most recent VB form
- sent Mr. Barlage to the front desk in Room 310; he wants to appeal the VB status
- file the appeal \$25

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

31 [RLH TA 13-714](#)

Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1402A, Assessment No. 148501 at 810 BUFFALO STREET.

Sponsors: Brendmoen

Laid over to watch video.

RE: 810 Buffalo Street (Duplex)

David Barlage, owner, appeared.

Inspector Joe Yannarely:

- 2 Summary Abatement Notices for 2 different assessments
- 1) roll #J11402A - SA sent out Jul 19, 2013 for tall grass and weeds, garbage and rubbish; compliance Jul 24
- work done Aug 1, 2013 for a cost of \$160 + \$160 service charge = \$320
- No Video for this SA
- 2) roll #J1403A - SA sent Out Sep 10 for garbage/rubbish; compliance Sep 16
- work done Sep 19, 2013 for a cost of \$130 + \$160 service charge = \$290
- total for both SA: \$610
- both sent to David Barlage at 810 Buffalo St even though it's a Vacant Building
- at present, we have another address

Mr. Barlage:

- this is his homestead
- he was here about 1 1/2 months ago; he never gets correspondence from the city so he gave you all his materials, etc., and he was supposed to hear back from someone but he never heard back from anyone; so, he called and left a message for

Mai; Mai got back to him and told him that there were 2 more cases pending but he never got any Notices on them; Mai told him to call Joe and Rich; he called them and left messages

Mr. Yannarely:

- he does have the address information in the system now: 5615 Indiana, Brooklyn Center

Mr. Barlage:

*- he has contracts with snow shovelers and grass mowers
- he also does some of that himself
- he goes by every week
- his mail is being forwarded*

*ONE VIDEO - shows 2 bags of garbage in back near alley
DO NOT HAVE THE OTHER VIDEO*

Ms. Moermond:

- why isn't the VB registration form in the system?

Mr. Yannarely:

*- I remember Mr. Barlage being here previously and we took down his contact information
- he put the new information into the system
- told Mr. Barlage that whenever he gets a different address, he needs to submit a new VB Registration Form*

Mr. Barlage:

*- he is contesting the whole VB thing because he maintains his property
- he wants to speak to someone about all of that; he takes care of it and doesn't know why he should pay
- he never received a Registered VB form
- he sent a letter back saying that he did not agree with the VB status; that he takes care of the property himself and he did not want to be charged a VB fee - that was years ago*

Ms. Moermond:

*- what was on the VIDEO looked more like a case of dumping; it was on the alley
- this is a VB but you still are responsible for your property
- we don't have a VIDEO of the other situation; she will need to look at it
- will need to find out when his most recent address was filed in the system
- let gets this registered as a VB
- will Lay this Over to Dec 3, 2013; Mr. Barlage may or may not come; if he wants to see the VIDEO, he should come back*

Mr. Yannarely:

*- Mr. Barlage also wants to know how he can protest the VB status
- the anniversary date is tomorrow; we sent the form to the old address Oct 21, 2013 and we haven't gotten it back
- there is no Code Compliant Inspection on it*

Ms. Moermond:

*- asked Mai Vang to print out the most recent VB form
- sent Mr. Barlage to the front desk in Room 310; he wants to appeal the VB status
- file the appeal \$25*

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

- 32 [RLH TA 13-716](#) Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1403A, Assessment No. 148502 at 59 CONGRESS STREET EAST.

Sponsors: Thune

Laid over to watch video.

RE: 59 Congress Street East (Church/Synagogue-G-Public and Semi-Public)

Frederico Mobello and another man, appeared.

Inspector Paul Seeley:

- tall grass and weeds Order sent Sep 16; compliance Sep 20
- re-checked Sep 24; Work Order sent
- work done Sep 25, 2013 for a cost of \$160 + \$160 service charge = \$320
- sent to Ed Lopez, 4630 France Ave N, Robbinsdale; Iglesia Ni Cristo Church, 1617 Southgate Ave, Daly City, CA; and Occupant
- no returned mail

Appellant:

- he is head deacon
- they have 2 buildings: one in Robbinsdale and one in St. Paul

VIDEO is not too good

Photos show tall grass and weeds on compliance day

Ms. Moermond:

- showed the Appellant the photos (pretty tall grass/weeds)

Appellant:

- that's not even our property; it's on the other side; he indicated on the photo
- church has 210 members and we have a clean-up once a month

Ms. Moermond:

- would like to get a sense of the property lines (Inspector St. Martin's team)
- talk about the property lines and VIDEO in 2 weeks
- Lay Over until Dec 3, 2013

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

- 33 [RLH TA 13-717](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1402B, Assessment No. 148101 at 1585 CONWAY STREET.

Sponsors: Lantry

Approve the boarding assessment. (Grant the appeal and get the Vacant Building fee deleted.)

RE: 1585 Conway Street (Single Family)

Mike O'Rourke appeared.

Inspector Joe Yannarely:

- this is a boarding assessment

- sent Aug 20, 2013 to secure the garage; re-checked Aug 27, 2013 and found in noncompliance
- Work Order was sent
- RESPRO secured 4 openings with 4 clips on Aug 29, 2013 at 11:30 a.m.
- it was a non-emergency call
- cost \$47.80 + \$160 administrative fee = \$207.80
- this entered the Vacant Building Program Aug 13, 2013

Mr. O'Rourke:

- he represents the owner, who lives in Waco, TX (actually, his wife's aunt, who inherited the property)
- the building wasn't maintained for a while; the aunt contacted Mr. O'Rourke, a real estate agent; and when they discovered that it wasn't being maintained, they paid the Category 1 Vacant Building fee; the building is now being maintained
- it listed this weekend - he would not classify it as a VB now since it's being maintained
- he is looking for some forbearance for paying the VB fee
- seems excessive to spend a couple hundred dollars for someone to run a couple screws through the door of the garage
- it was probably vacant for about 3 months
- there was no one paying the water bill so the water had been shut off; all has been restored and it's ready for sale

Mr. Yannarely:

- it has been maintained for the past 3 months

Ms. Moermond:

- is not convinced that this property meets the definition of a Vacant Building
- the real issue here isn't the securing of the garage, which is valid if the garage is open to entry
- the real deal is the \$1500 VB fee that has already been paid
- this building came in as a Category 1 VB and the way she reads the code on a Cat 1 is that if it's otherwise maintained and in good shape, you have to be an empty building for a year before you would enter the VB Program; it sounds as though you were put into it right away
- she would like to get the VB fee handled; get a staff report on it in a couple weeks
- Mr. O'Rourke will probably get a refund on the VB fee

Mr. O'Rourke:

- he would gladly pay the boarding fee if he could get the VB fee refunded

Ms. Moermond:

- good exchange for you
- she needs a staff report to confirm the details on this

Mr. Yannarely:

- the house looks fine (from picture)
- he will tell the inspector to close the case

Ms. Moermond:

- instructed Mr. O'Rourke to fill out an appeal form at the front desk of Room 310 for the VB fee; through that appeal, she will grant his appeal and get his VB fee deleted
- will approve the boarding fee assessment
- it's not very often that she gets to give people money

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

Special Tax Assessment Rolls

- 34 [RLH AR 13-113](#) Ratifying the assessments for Collection of Certificate of Occupancy Fees billed July 4 to August 1, 2013. (File No. CRT1403, Assessment No. 148202)
Sponsors: Lantry
Referred to the City Council due back on 1/15/2014
- 35 [RLH AR 13-114](#) Ratifying the assessments for Property Clean Up Services from August 30 to September 30, 2013. (File No. J1403A, Assessment No. 148502)
Sponsors: Lantry
Referred to the City Council due back on 1/15/2014

11:00 a.m. Hearings**Summary Abatement Orders (NONE)****Code Enforcement Correction Orders**

- 37 [RLH CO 13-34](#) Appeal of Robin Magee to a Correction Notice at 466 MARSHALL AVENUE. (Public hearing continued from December 18, 2013) (To be withdrawn)
Sponsors: Khaliq
Grant an extension to December 20, 2013 to repair the garage.
RE: 466 Marshall Avenue (Condominium)
Inspector Scott St. Martin:
- he extended her deadline to Dec 20, 2013 to repair the garage
- she had a garage fire and they worked with her on the time to get it done
Ms. Moermond:
- will recommend granting an extension to Dec 20, 2013
Referred to the City Council due back on 12/18/2013

Orders To Vacate, Condemnations and Revocations

- 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

Grant the appeal.

RE: 610 St. Albans Street North (two residences on one parcel) /677 Thomas Avenue

William and Wendy Jansen, owners, appeared.

Ms. Jansen:

- this was laid over to provide a plan*
- brought the original Orders and wrote down what is done and what needs to be done*
- she has been painting the trim on the St. Albans and on the Thomas address; there's a little left to do on St. Albans*
- they had to remove a tree first from one side of the house*
- she just needs to finish picking up the brush and then finish the trim there*
- her husband is working on the windows and screens*
- she would like to get St. Albans done and then work on Thomas instead of going back and forth between the two*

Ms. Moermond:

- have the holes on the exterior of the garage been repaired? #5 in Sep 9 Orders*
- how about the holes and rotting boards on the duplex (Thomas) ?*

Ms. Jansen:

- her husband already repaired the side with the crack and hole; he painted it; the other side is OK but has to be painted one color*
- asking to wait until spring to take care of the holes and rotting boards on the duplex because it will be harder to get to - near the roof*
- the front porch on 610 St. Albans has all been re-done*
- there are no screens/windows missing on 677 Thomas*

Ms. Moermond:

- the broken windows need to be fixed by Jan 1, 2014*
- the rotten open boards on the soffit and fascia need to be fixed by Jan 1, 2014*
- all holes need to be repaired by Jan 1, 2014*
- all the other work can have a deadline of Jun 15, 2014*
- all painting can wait until spring/summer or the boards can be painted before the repairs are done*
- will recommend granting the appeal*
- can take down the Notice to vacate*

Referred to the City Council due back on 12/4/2013

11:30 a.m. Hearings

- 39** [RLH VO 13-60](#) Appeal of Chris Dewberry to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 1940 REANEY AVENUE EAST.

Sponsors: Lantry

Grant an extension on the vacate date to December 15, 2013.

RE: 1940 Reaney Avenue East (Single Family)

Chris Dewberry, tenant, appeared.

Fire Inspector Leanna Shaff:

- this is an appeal of the Revocation and Order to Vacate Dec 1, 2013 (set by City Council)
- Mr. Dewberry is one of the tenants and he bought a house in St. Paul so, he needs a little more time to vacate
- she would recommend to give him more time; closing dates can change
- she does not see any issue with him staying in the house

Mr. Dewberry:

- they started to look for a house right away after they heard from the landlord
- they found a house Nov 2, 2013 and put a bid in on it; they heard back Nov 6 and they signed a Purchase Agreement Nov 7, 2013
- Nov 12, 2013, he spoke with the lender and told him that the vacate date was Dec 1, 2013; he said that the closing could take 20 days or easily up to 30 days
- since then, he spoke with the processor; she sent an email saying that the closing date would be Dec 10, 2013 (speculation on her part)
- the appraisal was set for today, Nov 19; then, it moved to Thu, Nov 21, 2013
- based on that, it looks as though the closing date may be moved to Dec 12, 2013
- they have no family here; families are in TX and CA
- they have a baby and 2 dogs

Ms. Moermond:

- will recommend granting an extension on the vacate date to Dec 15, 2013
- so, you may have to come up with something temporary
- she doesn't feel comfortable going longer than that in this particular situation
- asked Mai Vang to copy Mr. Bernier (owner) on this
- this change in vacate date is only for Mr. Dewberry; it affects no other Orders or the Revocation on the property

Referred to the City Council due back on 12/4/2013

1:30 p.m. Hearings

Fire Inspection Correction Orders

- 40 [RLH CO 13-37](#) Appeal of Ray Moore to a Correction Notice at 710 DESOTO STREET.

Sponsors: Brendmoen

11-22-13: owner called and he said he was told by Paula Seeley that his appeal was denied. He indicated he didn't received notice of hearing. I got a call from Paula Seeley indicating she left appellant a message that the order has been withdrawn. Paula Seeley gave extension until Spring.

11-19-13: Deny the appeal. No show.

Withdrawn

Fire Certificates of Occupancy

- 41 [RLH FCO 13-246](#) Appeal of Robyn Sykes to a Fire Inspection Correction Notice at 100 EMPIRE DRIVE.

Sponsors: Thao

Will recommend to the City Council that for Room 313, they grant a variance of 11 people; recommends that for Room 300, they comply with the Order, which will be re-written with the correct code citations; and grant the appeal for items #4, #7 and #8, provided that the owner put signage on the exit doors, which does not need to be illuminated because the building has a back-up generator with emergency lighting throughout the building.

RE: 100 Empire Drive (C-Office)

*Steve Nelson, Deputy Director, Minnesota Counties Intergovernmental Trust
Gary Lang, Facility Manager, Minnesota Counties Intergovernmental Trust*

Mr. Nelson:

- MCIT is a public entity which owns this 39,000 sq. ft. building just north of the state capitol*
- their mission is to provide property liability and workers' compensation coverage and risk management and loss control services to their membership*
- their membership consists of 81 of the state's 87 counties and all 350 other smaller public entities*
- their facility is used to office their staff and they have a few lessees that are affiliated with their membership; otherwise, their building is used by their members to conduct meetings, business, etc.*
- they had an inspection on Oct 23, 2013; both he and Mr. Lang participated*

Fire Inspector A. J. Neis:

- Fire Certificate of Occupancy Correction Notice*
- inspection done Oct 23, 2013 by Inspector Sebastian Megdahl*
- Orders issued Nov 1, 2013; re-inspection date Dec 3 at 1:30*
- there are 9 outstanding code violations*

Mr. Nelson:

- 2 of the deficiencies relate to an outstanding permit for a construction project*
- appealing 5 items that relate to exit signage on the 3rd floor: Rooms 313 and 300*
- the building was opened in 2001*
- the building is largely used by their membership, which is familiar with the building*
- have been subject to several past inspections but these deficiencies have not been an issue in the past, so, why are they an issue now?*
- perhaps, they should be grandfathered-in*
- introduced photos which show that both rooms are marked with signage*
- introduced diagrams of the 2 rooms that show emergency exits*
- they believe that they are in compliance*
- the letter is dated Nov 1, 2013; they got it Nov 5 and it said they had 10 days in which to become compliant*
- at the time they received the letter, it was an exceptionally busy time for them*
- they checked the statutes and codes that were referenced but were not able to identify them; it is their belief that the codes which are referenced in the letter are either codes that are: 1) not applicable or 2) don't exist; perhaps, there are codes that are correct but these are not and we were not sure what to make of it; so, they decided to exercise their right to appeal*
- their facility has been compliant and it has received certification for the last 11-12 years; they would like that to be considered today*
- the inspector is calling for additional signage but why does the signage need to be changed when the rooms haven't changed use*

Ms. Moermond:

- viewed photos and diagrams of the area in question*

Mr. Lang:

- other deficiency items they are appealing: #4, #7 and #8
- questioning the creation of an exit from Room 300 into a storage room, which is not always orderly and might create some other hazards having people exit through that doorway
- they are more than happy to comply with the occupancy limits
- Room 313: occupancy never goes above 60 (to have that many people in the size of that space is unacceptable for him)
- Dining Room: occupancy at 49 (OK), also exiting into storage room?

Mr. Nelson:

- they are committed to safety of their building because that's what they do; it is appropriately marked with signage
- they are here today to impress upon Ms. Moermond that it is sufficient

Ms. Moermond:

- Fire is asking for additional signage; why?

Mr. Neis:

- apologized for the inspector citing the wrong code sections; they do not apply to this requirement of signage; they will amend the Orders, citing the proper code references
- the occupant load calculations: in inspectors have to abide by the state fire code: certain square footages per occupant
- in this case, the room size equates to more than 49 persons, therefore, a second exit is required
- does not disagree that exiting through a storage room is not the best idea; but from his understanding, when this building was built, it was designed so that this room was designated as vacant space (on plans) and listed as future conference room; they are using it as storage and that's OK but that 2nd exit is required through that space; since it's a required 2nd exit and the building is sprinklered, they are not asking for them to actually make a fire-rated corridor, which theoretically, could possibly be added

Ms. Moermond:

- asked if Mr. Neis had the occupancy based on square footage for each of the 2 rooms in question? (Mr. Neis: Inspector Megdahl only indicated that more than 2 exits would be required)
- she needs to know the numbers if there's going to be a variance; (Mr. Neis will provide)

Mr. Neis:

- the storage room exiting issue is not only for the protection of the occupants, it's also for the protection of any first responders

Ms. Moermond:

- expects that Fire would amend the Orders
- is wondering if the 2nd exit is based on the occupancy load of the room; and if it is, it's important, from her perspective, to distinguish where that threshold is and how far over the line that is drawn; if we are talking about a variance of 5-10 people in a sprinklered building, she doesn't see any issues
- the square footage requirement has been in the books forever; so, why it wasn't caught earlier, she doesn't know; it should have been caught in the plan review
- a safety requirement cannot be grandfathered-in
- she can see her way clear to granting a variance; just needs some concrete numbers from Fire, which aren't in the Orders

Mr. Lang:

- initially confusing was that the Fire Code citation numbers weren't in line; and secondly, they felt really under the gun because they had less than a week to respond; their only alternative was to appeal and come to this hearing; this is their 4th inspection and it has never been called before

Mr. Neis:

- the inspector calculated that Room 313's occupancy load at 60;
- Room 300 appears to be about double the size of Room 313, approximately, so it's occupancy would potentially be well over 100 (potential variance 50)

Mr. Lang:

- Room 300 square footage: thinks it's 1300 sq.ft. (86 people; would be a variance of nearly 40)
- Room 313 square footage: thinks it's 900 sq.ft. (60 people; would be a variance of 11)
- the 3rd space, #7-the Central Conference Room signage
- the building has a back-up generator

Mr. Neis:

- understands that #7 and #8 are tied directly to #4 (simultaneous Order); thinks the inspector was trying to provide clarification of where to place the signage
- #6 and #9 - same situation
- since the building has a back-up generator, they have emergency lighting and won't need to illuminate those signs - just go buy some extra plastic signs

Ms. Moermond:

- will recommend to the City Council that for Room 313, they grant a variance of 11 people; recommends that for Room 300, they comply with the Order, which will be re-written with the correct code citations; and grant the appeal for items #4, #7 and #8, provided that the owner put signage on the exit doors, which do not need to be illuminated because the building has a back-up generator with emergency lighting throughout the building

Referred to the City Council due back on 12/18/2013

42 [RLH FCO
13-243](#)

Appeal of Luke Bickford on behalf of Tareyton Condominium Association to a Fire Inspection Correction Notice at 383 GRAND AVENUE.

Sponsors: Thune

Grant extension until December 1, 2014 for compliance on the driveway.

RE: 383 Grand Avenue (Condominium)

Alicia Bickford, owner, appeared.

Fire Inspector A. J. Neis:

- Fire Certificate of Occupancy Correction Notice
- a complaint came in Jul about a pipe being dug underground which dumped water onto the roadway
- inspector indicated that the Fire C of O inspection was due, so one was scheduled
- this building is a mixture of condo units
- appealed is the issue of the parking spaces;
- there's a class 5 driveway and it's starting to run-off into the public roadway

- inspector wrote Orders to provide an approved parking surface
- photos

Ms. Bickford:

- there are 9 units in the building, Tareyton Condo Association
- in their fall meeting, they discussed paving the driveway, which will be a large financial project for them
- they are planning on completing the driveway in the next couple of years - thinking the summer of 2015
- is asking for an extension

Mr. Neis:

- the drainage pipe goes out about 3 feet, still on their property; you can see the gravel
- he inspected this building in 2009 and doesn't remember if the parking area had asphalt or not

Ms. Bickford:

- they bought their condo late Feb, 2009 and it was gravel then

Ms. Moermond:

- it definitely has a run-off issue
- more than a concern about the gravel moving down, is the concern about retaining water on the parcel on which it lands (basic water conservatorship - expected now, by law)
- need to have a plan that keeps the water on the parcel instead of running-off
- 2015 is too far in the future, considering the amount of run-off
- will grant an extension to Dec 1, 2014 to come into compliance with the driveway

Referred to the City Council due back on 12/18/2013

43 [RLH FCO](#)
[13-245](#)

Appeal of Blake Lehane to a Fire Inspection Correction Notice at 92 MAGNOLIA AVENUE WEST.

Sponsors: Brendmoen

Grant a variance for the small difference in rise in rung that could be accounted for in the age of the building as it has completed a code compliance inspection recently.

RE: 92 Magnolia Avenue West (Single Family)

Blake Lehane appeared.

Fire Inspector A. J. Neis:

- Fire Certificate of Occupancy Correction Notice
- inspection conducted Oct 31, 2013 by Inspector Brian Tonnancour
- re-inspection Dec 6, 2013
- 7 small code violations
- appealed is #1: repair the basement staircase; the stairs are not uniform; the measurements do not meet code
- house was built in 1910
- no measurements in the file
- no photos in the file

Ms. Moermond:

- would need more information from the inspector to support his finding

Mr. Lehane:

- it's a matter of about an inch on a few stairs but the stairs are structurally sound, mostly likely original to the house
- have had several inspections over the years and this has never been a problem
- the staircase doesn't appear to be unsafe to him

Ms. Moermond:

- will recommend granting this appeal
- the Orders were poorly written

Mr. Neis:

- noted that in 2008, this was a Category 3 Vacant Building, which went through a full code compliance inspection and was considered compliant by full team of inspectors
- it again was approved in their office by Inspector Urmann in 2009

Ms. Moermond amended her recommendation:

- will recommend granting a variance for the small differences in rise in rung that could be accounted for in the age of the building as it has completed a code compliance inspection recently

Referred to the City Council due back on 12/18/2013

44 [RLH FCO
13-247](#)

Appeal of Greg Oppgard to a Fire Inspection Correction Notice - Rescheduled Appointment at 667 SURREY AVENUE.

Sponsors: Lantry

Deny the appeal. No show.

Referred to the City Council due back on 12/18/2013

2:30 p.m. Hearings

Vacant Building Registrations

45 [RLH VBR 13-63](#)

Appeal of Craig Cooper to a Vacant Building Registration Notice at 888 CONCORDIA AVENUE.

Sponsors: Khaliq

Rescheduled per owner's request.

Laid Over to the Legislative Hearings due back on 11/26/2013

46 [RLH VBR 13-64](#)

Appeal of Ruzhao Cheng and Jun Xiao to a Fire Inspection Code Compliance Notice Registered Vacant Building - Category 2 at 568 - 570 SNELLING AVENUE / 1566 - 1574 EDMUND AVENUE. (Public hearing continued from December 18 and January 2)

Sponsors: Stark

Owner to provide a work plan or contractor sworn construction statement to address the issues on the Code Compliance Inspection Report.

RE: 568-570 Snelling Avenue North / 1566-1574 Edmund Avenue West

*Jun Xiao and Run Zhao Cheng, owners, appeared. (Jenny and David)
Daisy Hang, Realtor, interpreted.
David Breen, General Contractor, also appeared.*

Fire Inspector A. J. Neis:

- Team Inspection, conducted by Fire Inspection Mitch Imbertson after the Fire Certificate of Occupancy was Revoked and the building was ordered Vacated by Fire Inspector Mike Urmann*
- 117 code violations were found on the property*
- the Fire C of O had been Revoked for long-term noncompliance*
- 2010, their office received a complaint: the roof was leaking causing mold issues*
- Dec 2012, Inspector Lisa Martin filled in for Mike Urmann and found the ceiling in bad shape, leaking water in walls, the ceilings needed to be replaced, concerns with fire extinguishers, etc; she handed over the Orders to Inspector Urmann*
- May 8, 2013, Inspector Urmann did the inspection owners did not show; he sent several appointment letters in an attempt to get these issues resolved*
- next, Inspector Urmann consulted with Inspector Neis as to what to do with this property and requested permission to Vacate the building, which he authorized*
- Aug 29, 2013, Orders were issued with a re-inspection for Sep 27, 2013 to comply with all the Orders or to Vacate the building*
- there had been a family emergency*
- work was being done by unlicensed contractors (is his understanding that they were getting bids from reputable contractors on what needed to be done and they getting non licensed people to do the work, so no permits were being pulled*
- he met with the Appellants' representative later to discuss some of the issues; the representative indicated that there had been a death in the family where Mr. Cheng had to leave the country and work couldn't be done at that point; he advised that they would not grant another extension; told him to obtain a Code Compliance Inspection, which he applied for that day; the result was that another 80 violations were added to the list*
- many of the violations are very severe*
- photos are available*

Inspector Matt Dornfeld:

- he granted a Vacant Building fee extension, which is good through Jan 3, 2014*

Ms. Moermond

- have the Fire Certificate of Occupancy Orders and the Code Compliance Inspection Orders*
- the building was empty; trip out of the country for illness and then, death in the family*
- there have been contractors in there who haven't yet pulled permits for the work that's going on*
- from the appeal, she understands that the Appellant wants to go back to the smaller list but we can't go back; we do need to work off the Team Inspection Code Compliance list*
- hopefully, we can make this situation better*
- Inspector Dornfeld has extended the VB fee for a little longer*

Ms. Hang:

- she is a licensed real estate agent and property owner and property manager of commercial and residential property*
- David and Jenny called her because he had a difficult compliance report and wanted her to take a look at it*
- they have owned this property for over 9 years, and they have a Chinese*

- newspaper called China Tribune, on this site
- Jun 27, 2013, they got an inspection report with approximately 32 "to do" items; all the items could be easily taken care of
 - back in May, 2013, David had to travel back and forth, back and forth to China and he is usually the one who takes care of the building; then, on Jun 22, 2013, she died; he came back after he put his mother to rest
 - they realize that the deficiency list had not been done in a timely manner, so, the building was Vacated and vacant buildings have a lot of problems with vandalism, etc. and it's an eye soar
 - the tenants are waiting to get back into the building
 - David and Jenny have worked very hard to fix a lot of things on the list
 - Jenny went down to DSI to get a building permit several times
 - she introduced David Breen, a general contractor, whom she has worked with for many years; she has asked for his expertise in this matter
 - it was very sad for David to come back after burying his mother to find that all his tenants were gone and the building needed extensive work
 - is asking that Ms. Moermond consider allowing the Certificate of Occupancy to be issued so that the tenants can come back; work can continue to be done for the Code Compliance list
 - Mr. Breen and she have gone through the building with contractors and they have hired an electrician, painters, etc. to do all the work
 - took photos, too
 - want to make sure that all the safety issues are addressed immediately

Mr. Breen:

- he's a general contractor and has been for 12 years; he is also a fire fighter and has been for 22 years
- he was called in to look at this last Fri; he spent 4 1/2 hours inspecting
- has the letter from the 24th and walked through the 117 lines, line by line, in which there are multiple duplications (specific cases and general)
- a lot of primary code violations have already been addressed
- not fixed: plumbing system needs to be vented; it's been that way since 1938 when the building was built, without an issue; however, now, you are saying that it needs to be vented in a different manner; it's not a small item (from the basement through the ceiling and through the roof); if it hasn't been vented that way, how has it worked for the last 60 years?
- he actually found multiple things that aren't on the list: lack of electrical plates and other small items, which have already been taken care of
- the boiler system is dated and needs attention; re-lining of the chimney (is that a Fire Code thing?)
- there are things that can be addressed over time
- no immediate fire hazards exist that he is aware of
- the roof was replaced a couple of years ago; tuckpointing still needs to be done-the issue is that tuckpointers don't want to deal with this at this property because Xcel Energy has wires where the insulation is cracked and it's within 12 inches of the back wall of the building; how does he make Xcel Energy improve their wires between the poles, not to the building, so that the tuckpointers will not be afraid to do that work; this is a 1938 building and if the tuckpointing is not done, it will continue to casue wear and tear on the exterior
- the owners need to be able to make money in order to spend the money to get these things up-to-date
- he thinks that a schedule needs to be set to get the boiler updated in 2014 since it's not an immediate life safety issue
- since the hazards are taken care of, the tenants could move back in and continue their businesses while the rest of the work is done in the coming year
- he thinks there was a communcation disconnect between the fire inspection and the

owners in this case

Ms. Hang:

- another problem was that different people gave Jenney different information when she went down to the DSI office; so, it was very difficult for her; she called Xcel many time with no results
- this is all very hard for them, especially when they are not sure what to do; they're lost; that's why she and Mr. Breen are helping out
- hopefully, somehow the tenants can get back in right away

Mr. Neis:

- responding to Mr. Breen about the plumbing being from 1938, etc., no permit was pulled for the replacement of the roof (Ms. Hang: but it was done by a licensed contractor); and as far as 1938, we don't know if the work was done properly
- basement boilers: great concern #67 - the current test reports are not valid because the test reports were performed by an unlicensed company and the testers information and signatures were forged - so there's major concern on the work; it's hard to tell what's been done correctly or what's been modified and was it done legally or illegally (?)

Ms. Hang:

- address: on the Code Compliance, there's an address of 566 Snelling and they called Terry to update their address; Terry told them that 3 years ago, when they had a computer update, their address was not updated properly (things were kind of lost); Jenny and David have owned the building over 9 years and have always used the same address: 566 North Snelling but somehow now, it says 568 Snelling; the 566 has disappeared, it's gone; so when they talked to Terry at DSI, she said that she would take care of that; she believes that's why some of the communicated information was lost

Mr. Neis:

- he looked at 566, 568, 578 Snelling and 1566, 1568, 1570, 1572, 1574 Edmund and no permits were ever filed
- the Code Compliance was applied for and paid for Oct 1, 2013; inspection done: Oct 10, 2013

Ms. Hang:

- the roof was done by a reputable company; there were paid \$12,000 for a brand new roof
- these are well known companies: Sunberg was the electrician company; they charged Jenny \$3,000 but the permit was for only \$500; Jenny would never know about that or how to deal with that
- how do we know if contractors are legitimate or not?
- believes that Jenny was taken advantage of and she even went down to DSI quite a few times
- the Appellants will need time, money and the tenants to go back in right now
- Mr. Cheng faxed in a request for an extension of time because of his traveling back and forth to China but there was no response and then, he couldn't find the email he sent to the inspector

Ms. Moermond:

- we have a fine mess here
- this was not Condemned; it was Revoked for non-compliance

Ms. Hang:

- when the inspector came on Sep 27, it was a nightmare for Jenny; he went into

each of the tenant's area and kept repeating: You are Ordered to Vacate immediately; the tenants were angry and charged at Jenny and almost killed her; they had to call 911 to come and protect her; it was a very sad day; she begged the inspector to give her one more week; all the while, Jenny did not understand what was going on; she was frightened

Ms. Moermond:

- she can't give the Appellants everything they want but she is willing to do what she can
- there had been multiple fire inspections and because things weren't complied with, the Fire C of O gets taken away; it's the policy of the city to say at that point, if the building's been Vacated, you have to be code compliant to minimum standards before it can be re-occupied and that inspection is different from the Fire inspection; so you applied for that bigger inspection
- if that requirement had been appealed, they could be talking about how to come into compliance with the original set of Orders
- now, we have this bigger set of Orders, which is consistent with the city code
- she will help them do a Work Plan to get the building re-occupied
- she will need the cooperation of the city's building official, Steve Ubl, to be able to make this idea work
- Mr. Breen will be able to help with how to tackle the Work Plan within the timeline
- she will need a way to hold the Appellants accountable for getting the work done
- they will need to get the list done because they will not be able to put people into the building and rent out the building until it is done
- re: the work that's been done without permits: you'll need to call those contractors and tell them to pull the permit for the work they did (the contractors may or may not cooperate); the city will put a double fee on that, which the contractor is responsible for, because they should have known to pull the permit in the first place; you can also put a complaint on the contractor's license
- the thing is that you can't easily get another contractor in there who will pull the permit for work that someone else did; they aren't going to want to put their reputation on the line for someone else's work; they are going to want to redo that work themselves, which can be frustrating and expensive
- city inspectors can provide you will some additional information
- make sure you get all those receipts; get back to the contractors and make them do it
- the city can't count that the works been done unless there's a signed-off permit on it; otherwise, we assume that it wasn't done correctly
- take the list, check off what's already been done and make a plan for what needs to be done; she needs a schedule associated with that (what will be done when); some things will need to be done before the building can be occupied; other things can wait; she needs a schedule for all of it; Mr. Breen can do a construction statement for the Appellants or something to that effect (Work Plan: what are the tasks; who's responsible for doing it; what's the cost of the labor and supplies; what labor and supplies do you have on hand or will be doing yourselves; and a timeline); she needs to get a more specific idea before she can allow you to occupy the building
- as long as there's a waiver on the Vacant Building fee, you can pull permits; the waiver expires Jan 3, 2014 - after that, a bill will be sent for Sep 2013 - Sep 2014; you can pay that when you get it and that's what you'd want to do if you still had permits to pull; you can appeal it; (if the building can be finished in less than 6 months, she will forgive all or a part of the VB fee) or you can wait for it to go to tax assessment and then appeal it
- appealing the bill when you get it or appealing it as a tax assessment will bring you back in front of Ms. Moermond
- start planning quickly; get all those permits pulled before Jan 3, 2014 and you won't need to pay the VB fee

- in the Work Plan state that you won't be able to do the tuckpointing until Xcel energy deals with their wires from pole to pole (she will contact them)
- will lay this over to next week, Tue Nov 26, 2013 to evaluate and negotiate the Work Plan; can email it to her ahead of time

Mr. Neis:

- asked Mr. Breen to highlight the questions he had on the list; Mr. Ubl and Mr. Neis can look them over and provide specific direction

Ms. Hang:

- she likes to do things right the first time; doesn't want to do things 5 times

Ms. Moermond:

- apologized for the Appellant having such a bad experience and feeling threatened with the way the Vacate was handled on the building; that was not OK

Laid Over to the Legislative Hearings due back on 11/26/2013

47 [RLH VBR 13-62](#)

Appeal of Michael Schleisman for Bank of America to a Vacant Building Registration Renewal Notice at 219 WHITE BEAR AVENUE NORTH.

Sponsors: Lantry

Deny the appeal.

RE: 219 White Bear Avenue North (Single Family)

Michael Schleisman for Bank of America appeared.

Inspector Matt Dornfeld, Vacant Buildings:

- this opened as a Category 2 VB on Nov 23, 2011; it was changed to a Category 3 status on Feb 28, 2013
- a code compliance inspection was performed Jul 9, 2013
- property owners posted a \$5,000 performance bond Jul 29, 2013
- as of Sep 18, City Council granted 180 days extension to finish rehabilitation which leaves a compliance date of Mar 18, 2014
- their records show that there hasn't been one permit pulled for any rehab work
- the current 2013-2014 VB fee is due

Mr. Schleisman:

- owners are trying to address all the safety issues of the building and the code violations
- asked that the city waive the VB fee at least until that 180 day period has come and gone

Ms. Moermond:

- is not inclined to make that recommendation to the City Council; they went way out of their way already to grant the additional 180 days to do the rehabilitation
- is concerned that no permits have been pulled in the last 60 days; that doesn't speak well of the initiative to get this project started
- will recommend denying this appeal
- City Council will hear this on Dec 18, 2013

Referred to the City Council due back on 12/18/2013