



# 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, January 21, 2014

9:00 AM

Room 330 City Hall & Court House

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### 9:00 a.m. Hearings

#### Special Tax Assessments

- 1 [RLH TA 14-41](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1404A, Assessment No. 148503 at 89 ATWATER STREET.

**Sponsors:** Thao

*Approve the assessment.*

*RE: 89 Atwater Street (Duplex)*

*Michael Buelow, BB Housing Associates LLC, owner, appeared.*

*Mr. Buelow:*

- has never been here for a clean-up before*
- he purchases vacant properties from the city to rehab them dramatically so, he works with DSI a lot while rehabbing*
- they own about 40 units on the Greater East Side and he is proud to say that their properties are immaculate*
- they irrigate the yards and he has a crew that maintains the properties*
- he got a Notice about a mattress and debris having been put out on the side of the property, which is right on the alley*

*Inspector Paula Seeley:*

- Summary Abatement Order issued Sep 27, 2013; compliance Oct 2; re-checked Oct 2; Work Order sent*
- work done Oct 3, 2013 for a cost of \$280 + \$160 service charge = \$440*
- sent to BB Housing Associates LLC, 1645 Palace Ave; and to BB Housing Associates LLC, PO Box 16183, St. Paul*
- no returned mail*
- SA indicated: including removing box spring and mattress by the trash container along garage*

*VIDEO - also carpeting*

*Mr. Buelow:*

- is not disputing that the city cleaned it up*
- he is frustrated by the fact that the Notice went out Fri, Sep 27, 2013; he was out of town until Tue, Oct 1, 2013; then, he called his sanitation company, Highland Sanitation, to go and pick it up; he has a copy of the email that was returned to him*

from them saying that they got a call from him the week of Sep 30, 2013 to schedule an extra pick-up at 89 Atwater Street (regular pick-ups are Mon; they scheduled an extra pick-up for Mon, Oct 7 but when the driver got there, there were no extra items to be picked up)

- he entered a copy of that email confirmation
- he did not make a call to the inspector
- it's not uncommon to have stuff dumped there; recently, he had 50 computer monitors and towers dumped on one of his properties; they had already been stripped of good metals; two guys loaded up two pick-ups and hauled them to White Bear, which cost him \$200 plus each monitor cost him \$5 or \$10 each
- he thinks that he acted in a reasonable manner as quickly as he could

Ms. Moermond:

- thinks that a call to the inspector was in order in this situation - saying that you had made arrangements to have it taken care of

Ms. Seeley:

- history: a SA was issued for a clean-up Dec 18, 2012; property owner cleaned it up
- inspectors don't know if it's dumping or if the tenants put it out there

Mr. Buelow:

- is not disputing that people dump on his property
- he keeps the site looking immaculately clean
- the VIDEO showed that everything was in great shape and is well taken care of

Ms. Moermond:

- she feels for Mr. Buelow and this dumping situation
- will recommend approval of this assessment
- Councilmember Dai Thao and the City Council could look at this differently
- CCPH Feb 19, 2014

**Referred to the City Council due back on 2/19/2014**

**2**      [RLH TA 14-42](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1404A, Assessment No. 148503 at 942 BEECH STREET.

**Sponsors:**      Lantry

Approve the assessment.

RE: 942 Beech Street (Single Family)

Margaret Uriah, MFO Property Holdings LLC, owner, appeared.

Inspector Paula Seeley:

- Summary Abatement Order sent Oct 3; compliance Oct 9; re-checked Oct 9; Work Order sent
- work done Oct 11, 2013 for a cost of \$290 + \$160 service charge = \$458
- sent to: MFO Property Holdings LLC, 2108 Sugar Woods Dr, Long Lake MN; Hamline Property Management, 501 Dale St N Ste 300; St. Paul; and Occupant
- no returned mail
- a Work Order was done there May 2013
- photos of garbage, pallets, broken furniture, etc.

Ms. Uriah:

- I came to see the photo and the VIDEO
- we had the tenant clean and we cleaned too; and the week before, they had a

*dumpster out there*

*VIDEO - tire, garbage in back yard near alley; trash on the side of the house*

*Ms. Moermond:*

- looked like something that had been broken*
- sees a lot of bags of garbage and wood in the photo*

*Ms. Uriah:*

- the Hamline Office is closed*
- I'm here for MFO*

*Ms. Moermond:*

- will recommend approval*

**Referred to the City Council due back on 2/19/2014**

**3**      [RLH TA 14-43](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1404A, Assessment No. 148503 at 1134 BUSH AVENUE.

**Sponsors:**      Lantry

*Delete the assessment.*

*RE: 1134 Bush Avenue (Single Family)*

*Sherrie Lindsey, tax owner, appeared.*

*Ms. Paula Seeley:*

- Summary Abatement Order issued Sep 27, 2013; compliance Oct 3; re-checked Oct 4; Work Order sent*
- work done Oct 7, 2013 for a cost of \$288 + \$160 service charge = \$448*
- sent to Khanti Properties LLC, PO Box 28658, St. Paul; Sherrie Lindsey, 1134 Bush Ave, St. Paul; and Occupant*
- no returned mail*
- some history: SA 3-11-13 for garbage; in compliance upon re-inspection; 8-21-13 gas shut-off Notice corrected upon re-inspection*
- mattresses, trash, yard areas*

*Ms. Lindsey:*

- received Notice and on that same day, they broke them down and took care of it; we got rid of everything*
- now, the neighbor next door had some people who moved out*

*VIDEO - no mattresses but a little debris*

*Ms. Moermond:*

- will recommend deletion*

**Referred to the City Council due back on 2/19/2014**

**4**      [RLH TA 14-14](#)

Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1404A, Assessment No. 148503 at 1141 DALE STREET.

**Sponsors:**      Brendmoen

*Delete the assessment.*

RE: 1141 Dale Street North (Single Family)

Delaine and Shan Fritz, owners, appeared.

Inspector Paula Seeley:

- clean-up
- 2 separate Summary Abatement Orders: Sep 30, 2013 and Oct 7, 2013
- compliance date Oct 11, 2013; re-checked Oct 11, 2013; Work Order sent
- Sep 30 SA: sofa on blvd
- Oct 7 SA: couch in front yard; refuse in driveway and rear yard
- work done Oct 14, 2013 for a cost of \$298 + \$160 service charge = \$458
- sent to Michael Timothy O'Neal; and to Occupant
- no returned mail

Ms. Fritz:

- never got a Notice
- closed on the property Oct 25, 2013; bought it Contract for Deed
- she didn't own the property at the time; she had just started to move in; we were trying to get rid of stuff that the other people had left
- she is disabled; just she and her son live there
- they moved the other people's stuff onto the front of the property; they intended to get someone to help to move it to the back of the property
- the place was vacated by the other people but it was an horrendous job trying to clean up everything that they had left
- they did get the back cleaned-up but she had a bag of leaves that was nearly full and it was the only thing that disappeared from the back yard

VIDEO

Ms. Friz:

- what's on the VIDEO is not even part of my property; it's the neighbor's yard

Ms. Moermond:

- there's a space in between the garages, so, half of that space is yours
- then there's the space on the alley side of your garage that has items on it

Ms. Fritz:

- those items were not hers and she was not aware that all of that was back there
- she thought that the clean-up was meant for where the parking area was - it was full of trash

Ms. Moermond:

- the Notice went to the previous owner during your period of ownership
- will recommend this assessment be deleted

**Referred to the City Council due back on 2/19/2014**

**5**      [RLH TA 13-557](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1401A3, Assessment No. 148512 at 1039 DESOTO STREET. (Public hearing continued from January 2)

**Sponsors:**      Brendmoen

No show; approve the assessment. (NOTE: Appellant called and stated she missed hearing again. I advised her to attend the City Council meeting if she wants to contest further).

**Referred to the City Council due back on 2/5/2014**

- 6 [RLH TA 14-38](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1404, Assessment No. 148803 at 406 EDMUND AVENUE.

**Sponsors:** Thao

*Delete the assessment; property owner paid the vacant building fee by check to the Department of Safety and Inspection (DSI) on October 31, 2013; the charge should not have been sent to assessment.*

*RE: 406 Edmund Avenue (Single Family)*

**Referred to the City Council due back on 2/19/2014**

- 7 [RLH TA 14-8](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1404A, Assessment No. 148503 at 878 FREMONT AVENUE.

**Sponsors:** Lantry

*Delete the assessment.*

*RE: 878 Fremont Avenue (Single Family)*

*Chuchu Girma, K&C Property Management LLC, owner, appeared.  
Sherry Berry, tenant, appeared.*

*Inspector Paula Seeley:*

- Summary Abatement Order sent Oct 4, 2013; compliance Oct 12; re-checked Oct 21; Work Order sent*
- work done Oct 23, 2013 for a cost of \$386 + \$160 service charge = \$546*
- sent to K&C Property Mgmt, PO Box 1396, Burnsville MN: Chuchu Girma, PO Box 1396, Burnsville MN; and Occupant*
- no mail returned*
- not much history*

*Ms. Girma:*

- owns the property*
- Ms. Berry has been her tenant for almost a year*

*Ms. Berry:*

- her next door neighbors are very rude; the place used to be a duplex and she had known the people who lived upstairs; when they moved out, they didn't take everything; so, the people who bought that building, they put all that stuff behind her garage*
- Ms. Girma called and told me that I needed to move my trash; she told Ms. Girma that she didn't have any trash so, she went to look; she has only 1 garbage can; she had to stop leaving her garbage container back there because the neighbors have 4 garbage cans next door in the back there; when they move out, they put things behind her garage*

*Ms. Girma:*

- she pays for a trash service; she paid \$500 for them to come and take it; then she paid another \$300+ when she came her*
- all the neighbors put trash in that corner*
- I always drive around back there and if I see something, I call Ms. Berry*
- this has to stop; I can't keep paying for this*

*Ms. Berry:*

- we are at the end of the alley
- she had to cut her bushes and trees down because people keep putting stuff there
- this is not her trash; I don't feel that she should have to pay for something that doesn't belong to her
- now, I put my garbage can in my yard

VIDEO - bags of yard waste, junk, loose and scattered, old mattresses, debris, etc.  
date of VIDEO: Oct 11, 2013, the day before the compliance date

Ms. Berry:

- I was in Mississippi at the time

Ms. Moermond:

- did you call the police
- will recommend the assessment be deleted (compliance date: Oct 12; date of VIDEO: Oct 11)
- you need to call the police the next time there is dumping

Ms. Girma:

- she has an attorney

Ms. Moermond:

- suggested that she have her attorney craft a "cease and desist letter" to the neighbor next door (owner)
- she will look for a Police Report
- either the VIDEO was not stamped correctly or the work was done before the compliance date
- she needs to hold Ms. Girma accountable; it will be cheaper to pay to remove the trash than to have the city take care of it

**Referred to the City Council due back on 2/19/2014**

**8**      [RLH TA 14-21](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1404, Assessment No. 148803 at 99 GERANIUM AVENUE WEST.

**Sponsors:**      Brendmoen

*Approve the assessment.*

*RE: 99 Geranium Avenue West (Single Family)*

*No one appeared.*

*Fire Inspector Leanna Shaff:*

- Registered Vacant Building fee assessment
- no access
- conducted Fire Certificate of Occupancy inspection with tenant and wrote Orders
- reviewed file
- tenant is allowed to stay in the building until Aug 1, 2013

*Fire Inspector A. J. Neis:*

- Category 2 VB file opened Aug 6, 2013
- it should not be occupied
- house has gone into foreclosure; owned by Heartland Credit Union
- doesn't believe that anything has been done to the property

*Ms. Moermond:*

- can we get an inspector in there
- need to know if a full Code Compliance is needed or if a C of O inspection would do

Mr. Neis:

- it should have been transferred to the VB Program quite some time ago
- list: window screens, dryer vent, exterior doors, floors, water damaged ceilings
- it was heard several months ago
- believes the Appellant's name was Gladstone Brown and we gave him an extension to Aug 1, 2013; then he had to Vacate; he acknowledged at the hearing that he had been living here rent free trying to find a place to go with his family while he was in school
- property was in disrepair and he had no funds to make the repairs

Ms. Moermond:

- there's a medium level list of items
- there's been noncompliance for an extended period of time
- no real responsible party to take care of repairs
- Mai, write them a letter/email telling them that this will stay in the VB Program
- will recommend approval of the full VB fee

**Referred to the City Council due back on 2/19/2014**

**9**      [RLH TA 14-19](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1404A, Assessment No. 148503 at 226 GROTTO STREET NORTH.

**Sponsors:**      Thao

*Recommendation is forthcoming.*

*RE: 226 Grotto Street North (Half Double)*

*Matt Jackson, owner, appeared.*

Ms. Moermond:

- clean up on a Vacant Building

Inspector Joe Yannarely:

- Summary Abatement was issued upon the opening of the Vacant Building file Oct 16, 2013
- compliance date: Oct 22; re-checked Oct 22 - found in noncompliance
- garbage, rubbish, recycling material
- Parks performed abatement Oct 24, 2013 for a cost of \$288 + \$160 service charge = \$448
- it was Condemned in Sep 2013 by code enforcement

Mr. Jackson:

- this is part of an on-going problem
- he was here last summer getting an extension on a Work Order; unfortunately, that extension didn't help him and the property was declared Condemned
- this is a side-by-side duplex with everything separate except for a shared roof; the Work Order was for a new roof and he can't get the owner, a bank, on the other side to agree to put on a new roof; it has 3 layers so, it needs to be torn off
- he doesn't even know which bank owns it
- he can't do the work until he finds out who owns it and they agree to do it
- he never got these Notices either; he was working with the inspector on earlier Notices
- he has had trash removal

- he thought he could have the recycling containers; he could have put them into his garage had he received the Notice  
- is there any way he can get the patio furniture back (marble & steel)? If he had gotten the Notices, he would have gone over right away and put the patio furniture in the garage

Ms. Moermond:

- give Mr. Jackson a VB registration form to fill out for future contact info  
- Notices were sent to the Grotto address (Mr. Jackson: he moved out way before Oct 2013)  
- looks like you were told to Vacate by Oct 16, 2013 and the property would be in the VB Program

VIDEO - refuse, recyclables, junk, patio furniture

Ms. Moermond:

- she needs to think more about this  
- she will try to see if they can contact the bank or property manager on the other side

Mr. Jackson:

- they tell him that US Bank owns it and gave him an address in Jacksonville, FL; when he looks up that address, it's a Chase Manhattan Bank; there is one realtor, Mary Mensch, who will talk with him but she will not tell him or his lawyer who owns the other side; he will probably have to sue to find out  
- all he knows, is that whoever owns it recently paid the back taxes on it

Ms. Moermond:

- will try to help Mr. Jackson find out some information re: ownership  
- will get back to him by email, perhaps  
- Forthcoming

**Laid Over to the Legislative Hearings due back on 2/4/2014 (STAFF REPORT)**

**10**     [RLH TA 14-48](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1404B, Assessment No. 148103 at 1397 HAZEL STREET NORTH.

**Sponsors:**     Bostrom

Delete the assessment.

RE: 1397 Hazel Street North (Single Family)

Michael Getter, owner, appeared.

Inspector Paula Seeley:

- Emergency Boarding Jan 13, 2014 by the Saint Paul Police Dept; Police Report: remove the storm door; secured 1 opening and the front door; there was a burglary  
- cost: \$320.45 + \$160 service charge = \$480.45  
- no history  
- police report indicated that they did find someone tampering in the house, trying to steal things; they took K-9s into the house; suspect was trying to take things off the walls; finger prints were collected; the male disappeared from the yard off of Sherwood

Mr. Getter:

- I was out of town camping when this happened  
- he got a call at approximately 1:00 a.m. from his alarm system



- typically, they coordinate with the dispatchers and the police follow-up with him directly - they give him a call
- a false alarm happened before
- has lived in this house for 4 years and have always had monitors and a security system; every once in a while, something sets it off; each time he's received a call from his monitoring service or the police, directly
- that night, his car was in the driveway and they were not notified at all
- the dead bolt was not working; the bottom lock worked
- they were less than 1 hour away and they ended up coming back
- they have family living a couple miles away - he could have called them to come over
- there were options to avoid an assessment but he did not receive any information until normal working hours on Mon

Ms. Moermond:

- it's very likely that the security company contacted the police and they had your information; the police are not required to contact you because they are dealing with a crime situation and if they get another police call, they will be moving along; and this is an emergency situation that is sometimes covered by insurance
- the Police Report says that RESPRO was contacted; they were there at 1:28 am
- RESPRO says that they were there at 4 am on their invoice
- if this is an active investigation, SPPD may not be willing to release it to Mr. Getter (protecting information)

Mr. Getter:

- he contacted a Sgt in Burglary and asked if this was normal protocol; the Sgt said that sometimes they do contact the homeowner if they have that information and sometimes they don't; a lot depends upon the situation
- he knows that it's not necessary for SPPD to call the homeowner but it happens that he could have handled it and made sure he took care of his obligations, he just wasn't afforded the opportunity to do it

Ms. Moermond:

- taking all of these things into consideration, she will recommend this assessment be deleted

**Referred to the City Council due back on 3/5/2014**

**11**     [RLH TA 14-39](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1404, Assessment No. 148803 at 732 JESSAMINE AVENUE EAST.

**Sponsors:**     Bostrom

*Delete the assessment.*

*RE: 732 Jessamine Avenue East (Duplex)*

Ms. Moermond:

- Inspector Friel gave extensions for rehab which has been completed
- after consultation, Inspector Friel recommends deleting the assessment

Inspector Paula Seeley:

- Vacant Building file was opened Jul 18, 2011
- all permits are finalized; file is closed
- all was signed off Nov 15, 2012; everything is done

Ms. Moermond:

- this assessment is for 9-7-12 to 8-7-13
- according to her calculations, this fee is for 3 months
- DSI recommended deleting it; she can go along with that
- will recommend deleting this assessment

**Referred to the City Council due back on 2/19/2014**

**12**     [RLH TA 14-45](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1404A, Assessment No. 148503 at 609 MAGNOLIA AVENUE EAST.

**Sponsors:**         Bostrom

*Delete the assessment.*

*RE: 609 Magnolia Avenue (Residential Vacant Land)*

*Kim Rani and Anton Vinson, owner, appeared.*

*Inspector Paula Seeley:*

- Summary Abatement Order was sent Oct 4, 2013; compliance Oct 10; re-checked Oct 10; Work Order sent
- work done Oct 11, 2013 for a cost of \$288 + \$160 service charge = \$448
- no returned mail
- sent: Antoine Vinson/Henrean Vinson, 478 Hazel St N, Apt 304, St. Paul
- indicated: remove furniture at the rear of the lot
- on Apr 8, 2012 someone was dumping on the lot; they dump behind the fence next to the alley

*Ms. Rani:*

- that's the lot that we own; we try to go over there every time the neighbors come and dump stuff behind their property
- they cut the grass and shovel snow; each time they go there, they go around to the rear to check what's been dumped; they just keep dumping stuff there
- they didn't get anything in the mail

*Ms. Moermond:*

- this is a borderline case for her
- Appellants say they didn't receive Notice; staff say they didn't get returned mail
- Appellants are taking care of their property

*Ms. Rani:*

- every time they go over to the lot, they need to go back and check behind the fence and there is always something there to be cleaned up; they take it home and put it into their own dumpster
- a neighbor to this property watches for us and tells us when someone dumps or she sees something back there

*Ms. Moermond:*

- will recommend this assessment be deleted

**Referred to the City Council due back on 2/19/2014**

**13**     [RLH TA 14-6](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1404A, Assessment No. 148503 at 1152 MARION STREET.

**Sponsors:**         Brendmoen

*1/22/14: owner and tenant showed up for hearing; told them they missed the*

legislative hearing on Tuesday. Consulted with Legislative Hearing Officer and she ok'd to reschedule one last time.

1/21/14: No show; approve the assessment.

**Laid Over to the Legislative Hearings due back on 2/4/2014**

14 [RLH TA 14-44](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1404A, Assessment No. 148503 at 817 MARSHALL AVENUE.

**Sponsors:** Thao

Approve the assessment.

RE: 817 Marshall Avenue (Single Family)

Channa and Richard Pittman, tax owners, appeared.

Inspector Paula Seeley:

- clean-up
- Summary Abatement Order issued Aug 22, 2013; compliance Aug 27
- property owner filed an appeal with the date of the hearing scheduled for Sep 3, 2013; property owner did not show for the hearing on Sep 3; the hearing officer gave additional time to Oct 1, 2013 to comply with the Orders; property was inspected Oct 1 and was not in compliance; so, a Work Order was sent to Parks
- work was done Oct 3, 2013 for a cost of \$344 + \$160 service charge = \$504
- no returned mail

Mr. Pittman:

- they were in the process of getting some remodeling (bathroom) and someone was spray painting the deck
- some of these things were items they had in their storage shed, which they took out because the shed was falling apart and needed to be torn down
- everything from the shed was neatly stacked on the side of the deck; the person who was spray painting the deck put all those things into the center of the yard so that they could spray paint; he didn't think that would be a problem because the whole back yard is enclosed with a privacy fence; it is not visible to the public or to the street; the only one who can see it is the person next door

Ms. Moermond:

- there was a lot in the yard
- Mr. Pittman appealed the Order and was given an extension to Oct 1, 2013
- so, he had 6 weeks to take care of it and we talked along the way

Mr. Pittman:

- he cleaned up the yard and he got everything up
- they had to take down the pool; it looked messy because they pulled everything out in order to get to the deck
- normally, they don't keep their yard messy
- they live on the corner and have done improvements to keep it looking decent
- he works 2 jobs; his wife works a couple jobs; his sons went off to college so they didn't get a chance to clean it up
- when they got the extension, he did clean it up
- after it got cleaned up and everything was neatly put away, the city came to pick things up; they didn't take anything except those things that were of value: they took the pool, which was still in good condition; they took the cover for the new snow blower, which was expensive; they took stuff that was of value to them;

- they have a lot of grandkids, so, they had balls and toys, etc. which were taken

Ms. Moermond:

- wondering what was left at the end?

VIDEO, dated Oct 3, 2013

- there still a toilet, sewing machine, junk, bag of garbage, etc.

- all those things should have been gone

Mr. Pittman:

- those were things that had been in our shed which needed to be torn down; we hadn't yet bought a new shed, so, we set it on the side of the deck

- what can they do about the items that the city took that were still good and of value to them

Ms. Moermond:

- will recommend approval of this assessment

- Appellants can go to the City Council Public Hearing Feb 19, 2014

- the Orders say that it's not proper storage; should be indoors

- claim forms are available in Room 310

**Referred to the City Council due back on 2/19/2014**

**15**     [RLH TA 14-40](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1404, Assessment No. 148803 at 1204 SEVENTH STREET EAST.

**Sponsors:**     Bostrom

*Reduce the assessment from \$1595.00 to \$500.00.*

*RE: 1204 Seventh Street East (Three/Four Family)*

*Nicholai Avdulov, Minnesota Builders, appeared.*

*Inspector Joe Yannarely:*

- this was a Vacant Building fee renewal

- VB file opened Sep 29, 2009 and closed Dec 3, 2013 when the Code Compliance Certificate was issued

- 3 months + 1 day after the anniversary date

- recommends prorating the VB fee assessment

Ms. Moermond:

- will recommend the City Council reduce the assessment from \$1495 to \$500

- if Mr. Avdulov wants more, he will need to talk to the City Council directly

- City Council Public Hearing Feb 19, 2014

Mr. Avdulov:

- asked if he could get at least part of the Performance Deposit back

Ms. Moermond:

- suggested that he write a letter to Jim Seeger, the Department of Safety and Inspections (DSI), asking for the deposit to be returned

- there's a fair chance that he would do it

**Referred to the City Council due back on 2/19/2014**

**16**     [RLH TA 14-49](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1401E2, Assessment No. 148304 at 749 MARYLAND AVENUE EAST.

**Sponsors:** Bostrom

*No one appeared; approve the assessment.*

**Referred to the City Council due back on 2/5/2014**

### Special Tax Assessment Rolls

- 17    **RLH AR 13-131**    Ratifying Demolition services from October 2013. (File No. J1406C, Assessment No. 142005)
- Sponsors:**    Lantry
- Referred to the City Council due back on 3/5/2014**
- 18    **RLH AR 13-132**    Ratifying Demolition service from October 2013 at 215 Sherburne Ave . (File No. J1407C, Assessment No. 142006)
- Sponsors:**    Lantry
- Referred to the City Council due back on 3/5/2014**
- 19    **RLH AR 13-133**    Ratifying Boarding and/or Securing services during October 2013. (File No. J1404B, Assessment No. 148103)
- Sponsors:**    Lantry
- Referred to the City Council due back on 3/5/2014**
- 20    **RLH AR 13-134**    Ratifying Collection of Certificate of Occupancy fees billed September 16 to October 4, 2013. (File No. CRT1405, Assessment No. 148204)
- Sponsors:**    Lantry
- Referred to the City Council due back on 3/5/2014**

### Staff Reports

- 21    [RLH TA 14-10](#)    Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1404A, Assessment No. 148503 at 941 CYPRESS STREET.
- Sponsors:**    Bostrom
- Approve the assessment.*
- RE: 941 Cypress Street (Single Family)*
- Ms. Moermond:*  
*- Read Tom Friel's email (attached):*  
*an extension was going to be given if the bags were cleaned up on the property; that clean-up only partially happened; however, the owner got an extension, anyway; the rest wasn't at all touched*
- Referred to the City Council due back on 2/19/2014**

- 22     [RLH TA 14-4](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1404G, Assessment No. 148703 at 1171 LAWSON AVENUE EAST.
- Sponsors:     Bostrom
- Reduce the assessment from \$190 to \$100.*
- RE: 1171 Lawson Avenue East (Single Family)*
- Inspector Paula Seeley:*
- *property owner sent in documentation*
  - *this is where they did not have trash service*
  - *no one called the inspector*
  - *he verified that there was no service so he put out containers*
  - *the very same day that he put the city container out there, they called and got trash service*
- Ms. Moermond:*
- *will recommend reducing the assessment to \$100 because of the timing on this*
- Referred to the City Council due back on 2/19/2014**

### 11:00 a.m. Hearings

#### Orders To Vacate, Condemnations and Revocations

- 23     [RLH FCO 14-7](#)     Appeal of Tsehai Ghebre to a Fire Certificate of Occupancy Approval With Corrections and Fire Certificate of Occupancy Fee Invoice at 331 MCKNIGHT ROAD SOUTH.
- Sponsors:     Lantry
- Appeal withdrawn. Dryer has been removed.*
- Withdrawn**

### 11:30 a.m. Hearings

- 24     [RLH VO 14-3](#)     Appeal of Robert Rani to a Notice of Condemnation-Unfit for Human Habitation-Order to Vacate at 96 MANITOBA AVENUE.
- Sponsors:     Thao
- Continued to Jan 28 at 1:30 p.m.*
- RE: 98 Manitoba Avenue (Two Family)*
- Robert G. Rani, owner, appeared.*
- Mang Xiong, tenant, appeared along with her son, Yeng Her.*
- Mai Vang helped the son interpret to his mother, who is the tenant.*
- Fire Inspector Leanna Shaff:*
- *Jan 6, 2014, afternoon - a complaint came in which said that there's been no heat since yesterday evening; the water is off; pipes are frozen*

- she spoke with the complainant who said that a space heater was brought over but it kept tripping breakers
- this was an extremely cold day - double digits below zero
- she called the property owner and strongly suggested putting the tenants up some place warm
- it's a forced air furnace
- she spoke with Saint Paul Regional Water Services to make sure that there wasn't a break somewhere
- she told the property owner that Fire inspections would be over the next day to Condemn the building
- Inspector Tonnancour went out the next day and was able to access all of the building
- photos
- the 2nd floor Unit has electric heat; the 1st floor Unit was affected by the furnace going out
- neither Unit has water
- Mr. Tonnancour said that upon his inspection, he noticed that the tenants had been heating Unit 1 with the oven and the property owner supplied a space heater and also an open-flame propane heater, which put everyone's life at risk
- Standard Heating had been out there and red-tagged the furnace (major fire and health hazard due to its aging condition); there was no way to fix it any more; it wasn't running at all
- the inspector put the tenants in touch with Southern Minnesota Regional Legal Services (SMRLS) House Calls
- the Upper Unit tenant chose to stay with a relative
- the Lower Unit tenant was being helped by House Calls and SMRLS
- the inspector wrote 24 Orders; there were issues throughout the building; some pretty severe (broken window panes throughout; lack of water and heat; smoke detectors that don't work; clutter; open flame propane heater, etc.)
- because of the severity of the situation, they Ordered an Immediate Vacate (very unsafe conditions)
- referred this building to the Vacant Building Program
- the appeal was filed in the meantime
- the Appellant is asking for occupancy for Unit 2 (Upper); a new furnace was put in; the clutter has all been removed; water service has been restored; smoke detectors and CO detectors have been installed; all this has not yet been verified by Fire
- as of this morning, there is an open gas and an open warm air permit; neither has been inspected
- the warm air permit was applied for until Jan 12 and granted Jan 15, long after the occurrence
- she doesn't see a plumbing permit
- there has been a huge lack of maintenance

Ms. Xiong:

- 3 people live in Unit 2 (Upper); ages: 14; 20; and 40; the 20-year old is in the military
- she is on disability and she needs help
- she has a medical condition

Mr. Rani:

- prefaced by saying that he is not here to antagonize the city, the inspector or to refute the findings; he is actually appalled by some of the findings; it gave him goose bumps listening to some of those findings; definitely, some mistakes were made on their part; and some circumstances seemed to affect their ability to handle the appearance of that property; he has every intention to take care of every violation
- explained that they had a very difficult tenant on the first floor, who caused nothing

but problems: clutter, distraction of the property; threats to himself; an abusive boyfriend, who destroyed the windows, doors, etc; the tenant said that she was going to fix things but... at the same time, the boyfriend, who wasn't supposed to be living there, would continue to threaten him and tell him that he could not come in to do repairs

- the Unit continued to deteriorate; he told the tenant in Unit 1 (lower) that she had to find another place - she was causing them problems and he didn't want to go through an unlawful detainer; she kept saying that she would do that but she never did and things kept getting worse

- by the end of the year, there were broken windows that she said she would repair because she accepted her responsibility; then, there were also issues with the furnace quitting; we'd go and see that the tenants had busted the thermostat, so we'd replace it (all of this was happening in Unit 1);

- he did not realize that there also was an intermittent problem with the furnace; it would work for a while and then it would quit; they thought that they had fixed it; there is no way that they wanted to allow the furnace to not work; it just quit multiple times; they called a specialist, finally; but the place was very cold and they put in some electric space heaters; his brother is helping him with this property; however, he did a very naive thing - he brought in an open flame propane heater; he was trying to do anything to keep the place warm; the contractors were so very busy at that time - most were already booked and could not come right away

- at the same time, a call was made to the city inspector; it was just not safe but they were doing everything in their power to take care of it

Ms Xiong:

- her son, Yeng, was translating for her during this time; both with the landlord and the inspector

Mr. Rani:

- on Jan 5 or 6, they finally got Standard Heating to come over; they were there the same day as the fire inspector (the inspector got there first)

- there was no heat on the first floor, Unit 1 with the forced air furnace; there was electric heat on the 2nd floor, Unit 2

- in addition, there was 1 pipe that was leaking in the first floor; they thought they had a frozen pipe; so, they shut off the water, internally, to address that problem; it turned out the leak was at a pipe near the water heater upstairs

- with no heat; no water plus all the other violations, the inspector made his decision

- he put the first floor tenants up in a hotel until they find suitable living arrangements

- the 2nd floor tenants are living with relatives

- the Plan: he has work to do on the first floor (busted windows, window frames, doors, walls, etc.)

- what he has done, he highlighted on the list

- the purpose of this appeal is to allow partial occupancy for the folks upstairs in their Unit; Ms. Xiong has a medical condition and she has a very limited income; he had addressed the issues and repairs related to the upstairs Unit

- he has also addressed the major issues in the downstairs Unit

- he has not received anything regarding an Emergency Tenant Remedy Action (SMRLS) but he did get a nasty call from an attorney at SMRLS, telling him to provide temporary housing for the tenants

Ms. Moermond:

- she and Ms. Shaff will review Mr. Rani's highlighted list and photos; however, an inspector will need to go have a look to confirm and verify what was done and what is still left to do

- will scan Mr. Rani's document and photos



*Ms. Xiong:*

- she was referred to an attorney but with her income, she wasn't even able to qualify for temporary housing through SMRLS
- she doesn't know anything about the downstairs tenants being represented by an attorney

*Mr. Rani:*

- he was told that the same person who was helping the downstairs tenants was also helping the upstairs tenants

*Mr. Her, son:*

- the fire inspector told them to call House Calls, SMRLS, and Project Hope; he spoke with Mr. Mahoney, who said that he would represent his mom if the landlord wasn't going to do anything and from what he's seen, the landlord has been doing what he can do
- they talked with Project Hope only to find out that his mom's income is far too low for them to finding any housing for her; so, she is living with her aunt's place for the time being; her space is very small, though

*Mr. Rani:*

- he charges \$500 for the upstairs Unit; he was told that Project Hope and SMRLS has a hard time finding another place with rent that they can afford
- he is doing everything he can to get the tenants re-established

*Ms. Shaff:*

- has concerns: Inspector Tonnancour stated that the lower unit tenants hadn't lived there for very long (since Aug or Sep 2013)
- Mr. Tonnancour also said that the property owner knew before that the furnace was failing
- she sees a lot of deferred maintenance as she looks through the photos
- things in the basement are the owners things, not the tenants
- sees that there's no tenant access to the basement (chain and lock)
- there are issues with tall grass and weeds and garbage, etc., annually
- at the same time that this was going on, there was also a Summary Abatement Order for tires on the side of the garage, garbage, etc.
- she is concerned about the property owner stepping up to take care of all the issues

*Ms. Xiong:*

- she has no issue with the 2nd Unit where she lives; she would like to stay there
- she has a very low income - \$415/month; sometimes, her son, in the military, sends money to help her with the bills
- she may not be able to find any other place with such low rent; and
- with her disability, she can't do very much; she cannot lift things (she had surgery on her stomach - she can't do much)
- if it's possible, can you allow her to stay there? It's the cheapest rent she can get

*Mr. Her, son:*

- from what he sees, his mom has a disability and she can't do anything much
- his brother sends money sometimes to help with bills
- currently, he is paying for the car insurance and also for her phone
- the rent is due at the beginning of the month

*Mr. Rani:*

- he has received the Jan 2014 rent from Ms. Xiong and has returned the check to her
- the garbage and tires, clutter, etc. that Ms. Shaff spoke about - there was one

*struggle after another trying to keep up with what the downstairs' tenants created*  
*- they could have done better but these tenants made it an on-going struggle for them to keep up with*  
*- perhaps the upstairs tenant could talk about the high traffic and disturbances from the downstairs tenants*

*Mr. Her, son:*

*- the downstairs tenants always filled up both of the extra large garbage cans; when he lived there with her recently, they would just put their garbage bags on top of the garbage containers*

*Ms. Moermond:*

*- suggested that since the cans are overflowing every week, Mr. Rani needs to order another can*  
*- she will take Mr. Rani's word about the high traffic and disturbances*

*Ms. Xiong:*

*- is concerned that the lower unit's tenants will also fill up a 3rd trash container*  
*- there are people continually coming and going; even in the middle of the night with very loud music playing all the time*  
*- those tenants have also stolen personal belongings of theirs*

*Mr. Her, son:*

*- there is always a ruckus - from 10:00 p.m. to 3:00 a.m.; music is always blaring*  
*- also, there was always the smell of weed or smoke coming from downstairs and she becomes wheezy from it*  
*- there's only 4 people and for 2 containers to be filled plus extra garbage laying around, that's not possible unless there are multiple people coming over; and he has witnessed multiple people coming over, like 5-6 people*  
*- one time during Sep or Oct, the boyfriend was extremely mad at her and broke the window; and another window was broken along with the garage door and the basement door; his mom called SPPD around 11:30 or 12 midnight*  
*- they feel uncomfortable about retaliation after they called the police but when the police came, the downstairs tenant did not admit that her boyfriend had done it; she said that someone had tried to break in*

*Ms. Shaff:*

*- she keeps hearing that the downstairs tenants were very undesirable so, why hasn't the owner done anything about that?*  
*- it's not the city's responsibility to do that*

*Mr. Rani:*

*- he feels very badly*

*Ms. Moermond:*

*- she is very disappointed in Mr. Rani's property management practices*  
*- the problem with the first floor tenants is completely by Mr. Rani's doing; he signed the lease with them and he hasn't filed an unlawful detainer; she doesn't know whether or not he has sought police assistance in this matter; certainly, the other tenants have had to seek police assistance to deal with the downstairs unit; they have needed more garbage containers; they have threatened the upstairs unit's tenants*  
*- she sees a family living in an unsafe circumstance; the safety of the building is compromised and the safety of the windows and doors are compromised; and they are feeling unsafe because if they interact with the police, there's a fear of retaliation*  
*- all of these things make up the definition of having a nuisance property, in a very*

*bad way*

*- she is hearing that Mr. Rani wants income coming back again for the second story and the first floor people are in a hotel and she's not hearing that he wants them back again; by keeping them out and in a hotel and having the city Condemn the first floor, the city is de facto handling his unlawful detainer for him because we're not letting them back in again; and then, SMRLS, will eventually arrange for some other circumstance or perhaps, there's a lawsuit coming*

*Mr. Rani:*

*- he made an agreement with the first floor tenants before the furnace failed and they were going to be leaving by Feb 15, 2014; the tenant had asked him to give her until then because that's when she gets her check from some source - she needed that ..... so, he will pay her hotel bill until Feb 15 (\$70/day)  
- he wants to replace the windows and doors, etc. on the first floor and he is unable to complete the repairs immediately*

*Ms. Moermond:*

*- she thinks that Mr. Rani can hire a carpenter right now, who will go out and complete the windows and the door; if she were a property manager, she could have this done in 2 days*

*Mr. Rani:*

*- he told them that he needed it done right away but they told him that they could not replace the window when it's this cold  
- instead of patching it, it's his intention to completely yank the door and door frame and put in a whole new door; in this kind of weather, it's not the best time to do that but he will do it as soon as it's physically possible  
- he hired a contractor to do the work; he just can't get it done as immediately as Ms. Moermond would like it*

*Ms. Moermond:*

*- is skeptical about Mr. Rani's motives in this circumstance because she knows that she could get this job done and would have already had it done  
- she feels terrible that Ms. Xiong doesn't have anywhere else to go with her child because her rent is cheap  
- the rent is low because Mr. Rani is not taking care of the property*

*Mr. Her, son:*

*- mom has a welfare income of \$415/month only and for her to get help from Project Hope, she needed an income of roughly \$550 or \$600/month  
- the reason that she is living in this house is because the rent is doable for her*

*Ms. Moermond:*

*- these upstairs tenants have been helping out Mr. Rani by finding their own place to live and it's an imposition on their family; they are not receiving a similar recompense as the downstairs tenants*

*Mr. Her, son:*

*- Mr. Rani did give them the option to go into a hotel but mom chose not to go to a hotel; with all her disabilities and the medications that she is taking, it's easier to be at her aunt's; she doesn't want to distract anyone else with the smell of anything that she is taking  
- if possible, they would like to live upstairs while the downstairs is being repaired  
- it's easier for them not to have to keep moving their things in and out of the house*

*Mr. Rani:*

- it's these upstairs tenants who came to him and said that they really felt bad for him; if it were their property that was being mishandled by the tenant like this, they would be very upset; they said that they wanted to help any way they could
- he is not expecting them to do anything

Ms. Moermond:

- Mr. Rani needs to put together a Work Plan on how all of the repairs will be addressed
- she will Lay this Over for 1 week to Tue Jan 28 LH at 1:30 p.m. to see a Work Plan (she and Ms. Shaff will review it for acceptability)
- she wants the permits closed out and a Work Plan created on how the rest will be completed
- wants to see an inspector go back in
- she is comfortable recommending that he get a partial C of O but she will consider the first floor a Registered Vacant Building; a fee is attached to that
- told Ms. Shaff that she needs to make the call on whether this can be re-instated or if it needs a Certificate of Code Compliance Inspection Report

Ms. Shaff:

- she will go back out there Fri, Jan 24, 2014 at 11:00 a.m.

Mr. Rani:

- he will do whatever the city wants him to do

**Laid Over to the Legislative Hearings due back on 1/28/2014**

**25**     [RLH VO 14-2](#)

Appeal of Jerral Murray to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 917 SHERBURNE AVENUE.

**Sponsors:**     Thao

*Grant until February 1, 2014 for tenants to vacate the property.*

*RE: 917 Sherburne Avenue (Single Family)*

*Felicia Murray, Jerral Murray's wife, appeared (tenants).*

*She, her husband, 3 children and her son's girlfriend live there (20, 8, 6)*

*Fire Inspector Leanna Shaff:*

- a Fire Certificate of Occupancy inspection was conducted by Fire Inspector Jeremy Hall
- complaint came in Aug 29, 2013: screen on front porch is broken and flapping in the wind plus more issues
- Inspector Hall transferred it to Fire C of O
- there's a list; have not been able to gain compliance from owner; hence, the Revocation of the C of O
- Philip Black is the property manager
- basically, the work isn't getting done over an extended period of time

*Ms. Murray:*

- Mr. Hall came back to the property 2 days ago; the landlord had lied to him previously and said that he hadn't been in the house to get them out
- Mr. Hall found that some things had been done in the house
- her family has found a place to rent and are able to move in on Fri, Jan 24, 2014; she has a lease
- she did not get the first Notice; she did get the second Notice from Fire, which said that they had until Jan 17, 2014 to Vacate

*Ms. Moermond:*

- will recommend granting an extension to the Vacate date to Feb 1, 2014 to give them time to move things out
- the Certificate of Occupancy is Revoked and the building cannot be re-occupied until the C of O is re-instated

*Ms. Murray:*

- that helps a lot
- she is packed and ready to go but she didn't want to leave the property in shambles from her family

*Ms. Shaff:*

- asked Ms. Murray to call Inspector Hall if she is able to move before Feb 1, 2014

**Referred to the City Council due back on 2/5/2014**

## 1:30 p.m. Hearings

### Fire Certificates of Occupancy

- 26 [RLH FCO 14-8](#) Appeal of Yvonne Arcilla to a Fire Inspection Correction Notice at 789 UNIVERSITY AVENUE WEST.

**Sponsors:** Thao

*Grant 30 days to Feb 21, 2014 to install glow exit signs to replace the current reflective signs.*

*RE: 789 University Avenue West (General Retail & Service-B-Commercial)*

*Yvonne Arcilla, owner, appeared.*

*Fire Inspector A. J. Neis:*

- Fire Certificate of Occupancy Correction Notice Dec 18, 2013 on the re-inspection scheduled for Jan 22, 2014 by Fire Inspector Wayne Spiering
- 5 code violations
- being appealed today is the requirement of providing lit exit signs for the 2 exits on west side of the building
- Order says: Provide lit signs at exit doors along the path of exit travel; must be done by a licensed electrical contractor under permit
- photos in file

*Ms. Arcilla:*

- normal business hours: 10:30 a.m. to 7:00 p.m. M-F; 10:00 a.m. to 6:00 p.m. Sat; and 11:00 a.m. to 5:00 p.m. Sun
- doors swing inward at the main entrance; the side doors swing outward
- the building does not have an emergency generator
- in an emergency, they have a light near the check out, which is near the main entrance at the front
- retail area is approximately 46 x 69 sq. ft.

*Mr. Neis:*

- based on the square footage of the area, it would be required to have 2 exits with illuminated signage, either externally or internally
- a cheaper option is the "glow" style exit signs; they glow at night (\$50-\$60); ACE

Hardware, etc.

- the "glow" signs are reliant on a daytime source of light; it's a tactile sign that holds light in what glow when the power is off

Ms. Moermond and Mr. Neis reviewed the Appellant's photographs

Ms. Moermond:

- both exits are to the front

Mr. Neis:

- they would not need a glow sign at the main door because it swings inward (not required); just at the other 2 doors

Ms. Moermond:

- install the "glow" signs above the register; ("illuminated power free exit sign")

Mr. Neis:

- Google "glow exit sign" for a variety (sees one as low as \$18.50)  
- make sure you get the same size as you have now

Ms. Moermond:

- install "glow" exit signs where you currently have reflective type exit signs  
- will extend the deadline out 30 days to Feb 21, 2014

**Referred to the City Council due back on 2/5/2014**

**27**     [RLH FCO 14-9](#)

Appeal of Michael and Tiffany Roberts to a Correction Notice-Reinspection Complaint at 937 YORK AVENUE.

**Sponsors:**     Bostrom

Grant four weeks to get the electrical panel into compliance.

RE: 937 York Avenue (Single Family)

Michael and Tiffany Roberts, owners, appeared.

Fire Inspector A. J. Neis:

- Fire Certificate of Occupancy Correction Notice generated due to a Day Care inspection conducted by Jim Perucca  
- Order: Restore original fuse box with original equipment or completely replace the electrical panel with UL listed equipment rated for this application; all openings in electrical panels must be sealed in an approved manner  
- he just spoke with Mr. Perucca before this hearing and he indicated that they replaced it with the old type fuses and some type of breaker and that there were some openings in the panel  
- there are no photos

Mr. Roberts:

- he has photos and shared them with staff and explained the inspector's concern and issue  
- he is a licensed electrician  
- he spoke with Mr. Perucca, who said it was OK if he modified this just to cover the portion that was open; this is an old panel and they were not able to find the exact style to fit the opening  
- he will email the photo  
- everything is in fine working condition so he doesn't see a need to take the panel

*out; he trusts fuses over breakers; when they trip, you know which fuse it is and replace it; a breaker can hold the loan, in which case, you can have fires in the wall from overloading it (he's had that happen)*

- they have had the property for 10 years; his wife runs a day care there since 2008*
- as a licensed electrician he doesn't see a need to switch to breakers to upgrade electrical service*

*Mr. Neis:*

- something must have broken in this old bus fuse panel or they modified in some way where they needed to use a breaker for it; because they couldn't use the existing equipment that would have been legal, they rigged it in such a way to make it work; that's where it would not be in compliance and why the inspector is calling for a replacement*
- as Mr. Roberts indicated, they could not find a panel or something to fit because there isn't any; therefore, they had to modify it to make it work*
- Inspector Perucca is not a licensed electrician, however*
- one thing that they would allow in a situation like this is to seal that part of the opening, which can be accomplished with a very small piece of sheet metal or tin metal*

*Mr. Robert:*

- will be able to make that fix*

*Ms. Moermond:*

- will recommend granting an extension of 4 weeks; follow-up inspection will be scheduled 4 weeks out - a fresh appointment letter will be sent*

**Referred to the City Council due back on 2/5/2014**

## **2:30 p.m. Hearings**

### **Vacant Building Registrations (NONE)**