



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

Tuesday, May 6, 2014

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Special Tax Assessments - LAID OVER

- 1 [RLH TA 14-231](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1408, Assessment No.148208 at 2121 UNIVERSITY AVENUE WEST.

Sponsors: Stark

No show AGAIN. Approve the assessment. No further continuance.

Referred to the City Council due back on 5/7/2014

- 2 [RLH TA 14-249](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1407A, Assessment No. 148517 at 698 BRADLEY STREET.

Sponsors: Brendmoen

Approve the assessment but will view video.

Review video and walk had clearly not been addressed prior to City crew arrival.

Referred to the City Council due back on 5/21/2014

- 3 [RLH TA 14-183](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1406G, Assessment No.148705 at 614 JESSAMINE AVENUE EAST. (Public hearing continued from April 16)

Sponsors: Bostrom

Approve the assessment.

RE: 614 Jessamine (Single Family)

No one appeared.

Inspector Paula Shaff:
- I send Ms. Moermond an email that she had a response from Garbage Man that were suspended in Oct; so, that's a done deal

- they were cut off from Garbage Man the day the city sent the Order

Ms. Moermond:

- given that they were still suspended at the time that this came about and the city did the work, she will recommend approval of this assessment

Referred to the City Council due back on 5/21/2014

4 [RLH TA 14-222](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1402V, Assessment No. 148001 at 1203 MARYLAND AVENUE EAST.

Sponsors: Bostrom

Approve the assessment.

RE: 1203 Maryland Avenue East (Single Family)

Heidi Schmidt, owner, and Attorney Todd Horne appeared.

Ms. Moermond:

- Vehicle Abatement

- these vehicles aren't the Appellants; she bought the property and these vehicles needed to be dealt with

- at the first hearing, she determined that the responsibility belonged to the Appellant because the previous property owner incurred the costs and had not notified Ms. Schmidt of this

- Ms. Moermond suggested at the last hearing that Ms. Schmidt could go to small claims court to recoup the cost or to the realtor; perhaps the title/mortgage insurance could help

Mr. Horne:

- two relevant issues:

- 1) the city did not provide Notice to his client nor to the prior homeowner, from his understanding

- 2) the city did not assess the actual amounts owed prior to the actual moving of the previous homeowner

- so there's a legal question as to whether or not the city can actually enforce this

- as for actually getting paid, the title company has agreed that it was a claim that was not disclosed; and they will be pursuing whether or not they need to defend it or whether or not they need to pay

- his question today is does the city really think it's appropriate to assess this when they haven't provided Notice, his client being the subsequent purchaser; and they're assessing under 64.03

Ms. Moermond:

- the Orders were issued to the owner, Glen Heath

- Ms. Schmidt took possession Nov 21; there's a lag time of several months

- the tax assessment goes to the current owner, whoever that owner is

- her understanding of the law is that it is incumbent upon the seller to disclose to the new owner any existing Orders, assessment, and other things

- doing a search on pending assessments is fine for the title company but that does not mean that the seller doesn't have to disclose Orders

Mr. Horne:

- when were the fines actually assessed to the property

Ms. Moermond:

- they haven't been assessed yet; this is a Notification of assessment; they haven't been ratified

Ms. Schmidt:

- she got a letter in Feb

- on the website it shows that the city sent out a Notice to the original owner; he returned the letter saying he wasn't living there but he did live there illegally

Ms. Moermond:

- Ms. Schmidt should have been notified by the seller that these Orders were existing and that this work had been done; if there wasn't that disclosure, that's a private manner

Mr. Horne:

- under what code section is a seller obligated to disclose work done at the property by the city because at the point of sale, the only thing that happened was work done; there wasn't an assessment

- he is unclear as to what section of the code or statute obligates the seller to disclose that there was work done by the city at the property upon the sale

Ms. Moermond:

- it is her understanding that the mortgage agreement itself says this; it's required in a mortgage agreement

- suggested that the remedy falls there

- this cost goes with this parcel

- the previous owner did get Notice and it was not returned

- if you wish to dispute this further, suggested that they go to the City Council Public Hearing

- after that, check out the description for going to district court located on the back of the letter received by Ms. Schmidt

Referred to the City Council due back on 5/21/2014

5 [RLH TA 14-261](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1403E, Assessment No. 148305 at 987 EDGERTON STREET.

Sponsors: Brendmoen

No show - approve the assessment.

Referred to the City Council due back on 6/4/2014

6 [RLH TA 14-290](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1407A, Assessment No. 148517 at 936 FARRINGTON STREET.

Sponsors: Brendmoen

Reduce the assessment from \$320 to \$100.

RE: 936 Farrington Street (Single Family)

Brenda Powers Jaap, owner, appeared along with her sister-in-law

Inspector Paula Seeley:

- *Summary Abatement Snow Removal Order sent Dec 20, 2013; compliance 48 hours*
- *re-checked Jan 3; Work Order sent*
- *work done Jan 7, 2014 for a cost of \$160 + \$160 = \$320*
- *sent to Brenda Powers Japp, 936 Farrington St; Jason Crogerson, Woodbury, MN; and Occupant*
- *no returned mail*
- *has photos*

Ms. Powers Jaap:

- *she was out of town during those days; her father died; she was in Duluth*
- *when she came back, she shoveled and did her best to get up the ice*
- *currently, she is on disability*

Sister-in-law:

- *the family was out of town for quite an extended period of time and by the time she got back, it had already been dealt with*
- *her father died the early part of Dec and his mother, then was up there by herself*
- *she was in Duluth a good portion of Dec*
- *looking for some consideration, not just because she was out of town but also because she is also on a pretty low income*

VIDEO - shoveled full width; salt & sand

Ms. Moermond:

- *Order went out Dec 20, 2013; crew didn't arrive until Jan 7, 2014*
- *there was a snowfall in between; 2.8 inches on Dec 24*
- *there was 1 inch on Dec 16; 2 inches Dec 9*

Ms. Powers Jaap:

- *has lived there for 5 years and never had this problem*

Ms. Moermond:

- *saw approximately 3 inches of snow on the sidewalk*
- *Parks was running way behind this winter*
- *when you're out of town, you need to make arrangements*
- *the snow that was shoveled by the city wasn't the same snow for which Orders were written on Dec 20, 2013*
- *will recommend reducing the assessment from \$320 to \$100*
- *City Council Public Hearing May 21, 2014*
- *within a week or so after that, you will get an invoice and if you don't pay it after the 2nd invoice, it will go onto your taxes for 2015*

Referred to the City Council due back on 5/21/2014

7 [RLH TA 14-264](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1407A, Assessment No. 148517 at 625 GRAND AVENUE.

Sponsors: Thune

No show - approve the assessment.

Referred to the City Council due back on 5/21/2014

-
- 8 [RLH TA 14-265](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1407A, Assessment No. 148517 at 627 GRAND AVENUE.
- Sponsors: Thune
- No show - approve the assessment.*
- Referred to the City Council due back on 5/21/2014**
- 9 [RLH TA 14-266](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1407A, Assessment No. 148517 at 635 GRAND AVENUE.
- Sponsors: Thune
- No show - approve the assessment.*
- Referred to the City Council due back on 5/21/2014**
- 10 [RLH TA 14-252](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1406A2, Assessment No. 148528 at 1071 SHERBURNE AVENUE.
- Sponsors: Thao
- Approve the assessment.*
- RE: 1071 Sherburne Avenue (Single Family)*
- Raymond Vordenbruggen, owner, appeared.*
- Inspector Joe Yannarely:*
- Summary Abatement Order for snow/ice issued Dec 10, 2013; compliance 48 hours
 - re-checked Dec 12; found in noncompliance
 - Work Order sent; work done Dec 13, 2013
- Mr. Vordenbruggen:*
- he'd like to see the VIDEO
 - he has a guy hired to shovel and he asked him how he was doing; the guy said, "I got it all done."
 - he does all the neighbors shoveling, too
- VIDEO - shoveled full width, salt & sand*
- Ms. Moermond:*
- he didn't do a very good job
 - will recommend approval of this assessment
- Referred to the City Council due back on 5/21/2014**
- 11 [RLH TA 14-253](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1406A3, Assessment No. 148529 at 1066 THOMAS AVENUE.
- Sponsors: Thao

Approve the assessment.

RE: 1066 Thomas Avenue (Duplex)

*Jeffrey Davis appeared on behalf of US Bank
Mary Mensch, business partner, appeared.*

Inspector Joe Yannarely:

- Summary Abatement Order for garbage and rubbish; remove couch from blvd and front lawn issued Dec 9, 2013*
- compliance Dec 13; re-checked Dec 17; Work Order issued*
- work done Dec 19, 2013*

Ms. Mensch:

- realtor representing the bank, which did not acquire this property until after this abatement had been levied*
- actually, US Bank no longer owns this property*
- she received a copy of it Mar 24, 2014*

Ms. Moermond:

- US Bank was the owner but they didn't take responsibility*
- proper Notice was provided; it was sent to US Bank*
- will recommend approval of this assessment*

Referred to the City Council due back on 5/21/2014

- 12** [RLH TA 14-254](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1407A, Assessment No. 148517 at 1066 THOMAS AVENUE.

Sponsors: Thao

Approve the assessment.

RE: 1066 Thomas Avenue (Duplex)

*Jeffrey Davis appeared on behalf of US Bank
Mary Mensch, business partner, appeared.*

Inspector Joe Yannarely:

- Summary Abatement Order for garbage/rubbish issued Dec 30, 2013*
- Summary Abatement Order for snow/ic issues Jan 3, 2014*
- re-checked Jan 3; Work Order sent*
- work done Jan 8, 2014 on the garbage; snow and ice Jan 9, 2014*

Ms. Moermond:

- US Bank was the owner at that time*
- will recommend approval of this assessment*

Referred to the City Council due back on 5/21/2014

Special Tax Assessments - NEW

- 13** [RLH TA 14-268](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1408A, Assessment No. 148524 at 400 BLAIR AVENUE.

Sponsors: Thao

Reduce the assessment from \$320 to \$200 and spread the payments over 3 years.

RE: 400 Blair Avenue (Single Family)

Stephanie Bradley, owner, and Chad Markenson appeared.

Inspector Paula Seeley:

- Snow Abatement Order issued Jan 23, 2014; compliance Jan 25; re-checked Jan 29*
- Work Order sent; work done Feb 5 for a cost of \$160 + \$160 service charge = \$320*
- sent to Stephanie Bradley, 400 Blair Ave, St. Paul; and Pang Fang, 6451 Pheasant Hills Dr, Kino Lakes, MN*
- no returned mail*
- inspector comments: also sent to responsible party, Pang Fang; received a phone call from Chad Markenson, husband of the owner, regarding the Snow Order; he said that he shoveled the walk but the crew cleared it anyway. He advised Mr. Markenson that the walk was not in compliance at the time of inspection but if he cleared the walk between the time of inspection and the time when the crew arrived, he may be able to appeal the assessment.*
- Inspector Essling notes: no attempt to clear the last several snow falls*
- there is no history on this property*

VIDEO - one path has been shoveled; crew cleared walk full width, salt and sanded

Mr. Markenson:

- he did respond with what he thought was adequate compared to the rest of the neighborhood*
- in addition, the skidstir tore up the sod along their front yard; the crew's idea of wide enough was excessive*
- they are new to this process since 1 year ago; they were married last summer*
- it's financially a burden; hoping for some help*
- they bought the property Jan 2013*
- he admits that it wasn't cleared full width or salted/sanded but it had been shoveled multiple times*
- being new, they weren't aware of the rules*
- the skidstir brought a response from the neighborhood*

Ms. Moermond:

- the letter itself says, "full length and full width of the sidewalk"*
- looks as though a shovels width had been cleared in front of the house*
- will recommend reducing this assessment by 1/3 (from \$320 to \$200 payable over 3 years)*

Referred to the City Council due back on 6/18/2014

14 [RLH TA 14-269](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1408A, Assessment No. 148524 at 1380 BURR STREET.

Sponsors: Brendmoen

No show - approve the assessment.

Referred to the City Council due back on 6/18/2014

- 15 [RLH TA 14-270](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1408A, Assessment No. 148524 at 416 CHARLES AVENUE.
- Sponsors:** Thao
- No show - approve the assessment.*
- Referred to the City Council due back on 6/18/2014**
- 16 [RLH TA 14-271](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1408A, Assessment No. 148524 at 677 DODD ROAD.
- Sponsors:** Thune
- Approve and spread over 5 years.*
- RE: 677 Dodd Road (Single Family)*
- Jose Antonio Aranda, owner, appeared.*
- Inspector Paula Seeley:*
- Snow Abatement Order issued Jan 27, 2014; compliance Jan 29
 - re-checked Jan 31; Work Order sent
 - work done Feb 5 for a cost of \$160 + \$160 service charge = \$320
 - sent to Jose Antonio Aranda, 677 Dodd Road and to Occupant
 - no returned mail
 - inspector noted: the walk was only partially completed
- Mr. Aranda:*
- during that time, he was in California
 - he did tell his friends to help out but there was a lot of snow
 - he bought the house not too long ago and is still learning the rules
 - it's his first house
 - a lot of snow comes from the plows, too
 - the first letter he got was the one for today
- Ms. Moermond:*
- has a copy of the letter that was sent to Mr. Aranda
 - sees that 5 inches of snow fell Jan 24, Jan 25 and Jan 26
 - another snow fall Feb 4 for 4 inches
 - when she views the Video, she will look for evidence of a shoveling attempt
 - the photo on the day of compliance shows a lot of snow
- VIDEO - shows only partial completion; compacted snow and ice*
- Inspector St. Martin:*
- he walked by this house for 8 years to school and the sidewalk is right on top of Dodd Road; there's really no blvd; the plow always pushes snow onto the sidewalk; it's a bad spot
- Ms. Moermond:*
- will recommend approval of this assessment payable over 5 years
- Referred to the City Council due back on 6/18/2014**

- 17 [RLH TA 14-257](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1408G, Assessment No. 148707 at 1349 EDGERTON STREET.
- Sponsors:** Brendmoen
- No show - approve the assessment.*
- Referred to the City Council due back on 6/18/2014**
- 18 [RLH TA 14-267](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1408A, Assessment No. 148524 at 1290 ELEANOR AVENUE.
- Sponsors:** Tolbert
- Rescheduled per owner's request.*
- Laid Over to the Legislative Hearings due back on 5/20/2014**
- 19 [RLH TA 14-272](#) Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1408A, Assessment No. 148524 at 642 FAIRVIEW AVENUE.
- Sponsors:** Stark
- Delete the assessment.*
- RE: 642 Fairview Avenue North (Duplex)*
- Walter Lockhart, owner, appeared.*
- Inspector Paula Seeley:*
- Snow Abatement Order issued Jan 30, compliance Feb 1
 - re-checked Feb 6; Work Order sent
 - work done Feb 10, 2014 for a cost of \$160 + \$160 service charge = \$320
 - sent to Walter Lockhart, 1671 Blair Ave, St. Paul; and Occupant
 - no mail returned
 - Notes: top layer of loose snow was shoveled but the walk was covered with compacted, uneven snow that was hazardous
- Mr. Lockhart:*
- he had been out of town
 - when he got back, he got the Work Order and went to shovel what he could but it was very difficult; the high that week was 8 degrees
 - he went to Menards and bought the best ice melter that they had - 5 lbs of it and dumped it all so, if city crew was able to move any of the snow, it was because of the ice melt he dumped on it
 - he was waiting for a day when the temperature got up to 10 degrees to work on it
 - wanted to know where he should send the bill for all of the snow he had to move out of the street that the city failed to move this year on his block because they didn't plow the full width of the street - he had to snow blow it
 - this was not a normal winter
 - he responded to the city's letter the best he could do with what he available to him
 - he thinks that this was an improper letter for an improper charge
 - the neighbor didn't do theirs at all and they were the complainants

VIDEO

Ms. Moermond:

- she sees that it had shoveled full width down to the hard stuff
- will recommend this assessment be deleted

Referred to the City Council due back on 6/18/2014

- 20 [RLH TA 14-273](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1408A, Assessment No. 148524 at 680 FAIRVIEW AVENUE NORTH.

Sponsors: Stark

No show - approve the assessment.

Referred to the City Council due back on 6/18/2014

- 21 [RLH TA 14-256](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1408A, Assessment No. 148524 at 854 FOURTH STREET EAST.

Sponsors: Lantry

Reduce the assessment from \$320 to \$100.

RE: 854 Fourth Street (Duplex)

Lee Moua, Property Manager, appeared.

Inspector Paula Seeley:

- Snow Abatement Order issued Feb 7, 2014; compliance Feb 10
- re-checked Feb 11; Work Order sent
- work done Feb 13 for a cost of \$160 + \$160 service charge = \$320
- sent to Julie Miller, 2332 Buffalo St, White Bear Lake, MN; and Yong Yia Vue, 612 Mendota St, St. Paul; and Occupant
- no returned mail
- had a previous complaint Dec 6, 2013 on snow

Ms. Moua:

- when she first got the letter, she went out and did her best to clean it
- her tenants are responsible to take care of the snow around the property

VIDEO

Ms. Moermond:

- she can see that some attempt was made; but no salt or sand
- will recommend reducing the assessment to \$100

Referred to the City Council due back on 6/18/2014

- 22 [RLH TA 14-274](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1408A, Assessment No. 148524 at 856 GERANIUM AVENUE EAST.

Sponsors: Bostrom

Reduce the assessment from \$476 to \$288.

RE: 856 Geranium Avenue East (Duplex)

Jean Habas, owner, appeared.

Inspector Paula Seeley:

- Summary Abatement Order issued Feb 12, 2014; compliance Feb 18; re-checked Feb 10; Work Order sent*
- work done Feb 20 for a cost of \$316 + \$160 service charge = \$476*
- sent to Jean Habas, 856 Geranium Ave E*
- no returned mail*
- Remove furniture from rear/side yard (sofas, mattresses)*
- there is no history at this property*

Ms. Habas:

- it was a couple of chairs; they were in one of those bagsters*
- she was out of the country at the time*
- has lived there for 30 years*
- before she left town, she called Waste Management to pick up the dumpster*
- she is in the process of remodeling the house; she wants to sell the house*
- they said to give them a call when the dumpster was full*
- the dumpster wasn't full before I left town, so I didn't give them a call yet*

Inspector Scott St. Martin:

- the photos they have don't show the bagster*
- she has pictures of the bagster, so she had intentions of getting rid of it and not keeping it in her yard*

Ms. Habas:

- showed her photos to Ms. Moermond*
- the items are in the bagster on private property*

Ms. Moermond:

- you don't have a history*
- an attempt was made*
- will recommend reducing this assessment by half*

VIDEO - couch, 3 chairs in a Waste Management Bagster removed

Referred to the City Council due back on 6/18/2014

23 [RLH TA 14-275](#)

Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1408A, Assessment No. 148524 at 874 GORMAN AVENUE.

Sponsors: Thune

Delete the assessment.

RE: 874 Gorman Avenue (Single Family)

Richard Johnson, owner, appeared.

Inspector Paula Seeley:

- Snow Abatement Order dated Jan 21, 2014; compliance Jan 23*
- re-checked Jan 29; Work Order sent*
- work done Feb 3 for a cost of \$240 + \$160 service charge = \$400*

- note: this is a corner lot; no attempt to clear snow on Gorman side; partial attempt on Annapolis side; compacted snow
 - sent to Richard Johnson, 874 Gorman Ave; and Occupant
 - no returned mail

Ms. Moermond:

- sees that a lot of snow fell between the issuance of the Orders and when the crew got there
 - Jan 19 someone called in to complain about the 4 1/2 inches there; Jan 24, 25, 26 - had about 5 inches total more snow

Mr. Johnson:

- noted that a Notice was sent only to 874 Gorman; it was sent to the address where he gets his tax statements, which is 88 East Belvidere and it wasn't sent to his bookkeeper at 108 11th Ave S, South St. Paul
 - he was in Florida; he had been in a car accident and spent 2 months down there
 - no one who takes care of his paperwork, etc., knew anything about this
 - he is on a corner and has a very narrow blvd (has photos of summertime)
 - the county plow and city plow both bury his sidewalk half the time

VIDEO

Ms. Seeley:

- we can send Orders only to the address that Ramsey County Property Records has on file

Mr. Johnson:

- all his other paperwork goes to E 88 Belvidere, which goes to his bookkeeper

Ms. Moermond:

- looks as though someone was putting forth a good faith effort
 - there's not much of a blvd
 - will recommend deleting this assessment

Referred to the City Council due back on 6/18/2014

- 24** [RLH TA 14-285](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1408A, Assessment No. 148524 at 67 JESSAMINE AVENUE WEST.

Sponsors: Brendmoen

No show - approve the assessment.

Referred to the City Council due back on 6/18/2014

- 25** [RLH TA 14-255](#) Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1408A, Assessment No. 148524 at 973 JESSAMINE AVENUE EAST.

Sponsors: Bostrom

Delete the assessment.

RE: 973 Jessamine Avenue East (Duplex)

David Theobald, owner, appeared.

Inspector Paula Seeley:

- *Summary Abatement Order: failure to maintain exterior property; mattress near alley*
- *sent Feb 14, 2014; compliance Feb 18; re-checked Feb 19*
- *Work Order sent; work done Feb 20 for a cost of \$270 + \$160 = \$430*
- *mail received back to their office Feb 24 with a different address - 1091 Lawson Ave E*
- *note: at the time of Work Order, the recorded owner lived at 848 Cook Ave per Ramsey County Property Taxes*
- *Order sent to David Theobald, 848 Cook Ave E*
- *overflowing trash container and mattress*

Mr. Theobald:

- *they moved Dec 20, 2013 and all mail was forwarded to their new address*
- *he doesn't understand why this letter didn't come to them*
- *the appeal letter made it through to them by forwarding but not the Notice*
- *he lives near 973 Jessamine and is a very proactive landlord*
- *when a letter from the city comes to him, his heart skips a beat, wondering what's in it*
- *he wants to take care of things quickly*

VIDEO- mattress near alley

Ms. Moermond:

- *there wasn't proper Notice*
- *will recommend this assessment be deleted*

Referred to the City Council due back on 6/18/2014

- 26** [RLH TA 14-284](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1408A, Assessment No. 148524 at 691 LAFOND AVENUE.

Sponsors: Thao

No show - approve the assessment.

Referred to the City Council due back on 6/18/2014

- 27** [RLH TA 14-258](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1408A, Assessment No. 148524 at 1264 PAYNE AVENUE.

Sponsors: Bostrom

Reduce the assessment from \$320 to \$100.

RE: 1264 Payne Avenue (Single Family)

Michael Hawes, Lucky Investments LLC, owner, and his nephew, Daniel Bricken, appeared.

Inspector Paula Seeley:

- *2 Snow Abatement Orders: failure to remove snow full width and open crosswalk*

- Orders dated Jan 27, 2014; compliance Jan 29; re-checked Feb 3
- Feb 3 - sent a Summary Abatement Order to open crosswalk; re-checked Feb 7 - still not open - sent a Work Order
- snow letter went out Jan 27; compliance Jan 29; sent SA and gave them until Feb 7 to open the cross walk
- sent to Hamline Property Mgmt, 501 Dale St N; Lucky Investments LLC, 5227 Green Farms Rd, Edina; and Occupant
- no returned mail
- there's been a very long history here (garbage, grass & weeds, etc.)

VIDEO - path but not full width; corner not done properly

Mr. Bricken:

- he broke 2 shovels trying to get through the ice
- he was out there everyday trying to get through on the crosswalk
- everything was completely frozen; was trying to get it as wide as possible; 2 shovel widths on the sidewalk - getting right to where the dirt was
- the plow kept coming and coming and coming on the corner

Mr. Hawes:

- Hamline Property Mgmt is no longer there
- his nephew lives there

Ms. Seeley:

- take Hamline Property Mgmt off the record
- fill out a new Certificate of Occupancy form

Ms. Moermond:

- hears that there's a history of problems
- sees that a decent job was done on the sidewalks
- sees that the corner was still full; it was a hard winter to manage that; temperatures were below 10 degrees most days
- doesn't think that the full width of the sidewalk was done
- will reduce the assessment to \$100

Referred to the City Council due back on 6/18/2014

28 [RLH TA 14-276](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1408A, Assessment No. 148524 at 1024 REANEY AVENUE.

Sponsors: Lantry

Approve the assessment.

RE: 1024 Reaney Avenue (Single Family)

Chue Lo Xiong, owner, appeared.

Inspector Paula Seeley:

- Summary Abatement Order and an Order to provide garbage service issued Jan 30, 2014; compliance Feb 4; re-checked Feb 6
- Work Order sent; work done Feb 6 for a cost of \$344 + \$160 = \$504
- sent to Chue Lo Xiong, 4169 Kaitlin Dr, Vadnais Heights; and Occupant
- no mail returned
- same with the hauler Orders

Ms. Moermond:

- we have 2 things going on but this assessment is only for the clean-up

Ms. Seeley:

- the inspector went out Feb 6 and found a Waste Management container present; he didn't send the hauler; he checked for current service; he sent the Work Order on the rear porch full of garbage

Ms. Xiong:

- appealing because Jan thru Feb 10, 2014, her aunt was sick in Laos and they went back to Laos
- she came back Feb 10, 2014 and saw the letter; she called the tenant and told them to clean up; they said that they would clean it up
- the 2nd letter she got said that the cost was \$504 and she could come here to LH, so they didn't clean it

VIDEO - crew removed all the garbage bags on back porch and the full garbage can

Ms. Moermond:

- the Occupant was notified also
- looks like Waste Management Service had been stopped since the can was overflowing and the back porch was full

Ms. Seeley:

- Jan 30, 2014: inspector indicated - bags of garbage on the back porch; no container visible
- they must have contacted Waste Management in the interim
- right now, this property is under review again for overflowing garbage

Ms. Moermond:

- that was a lot of garbage
- the trash hauler should be in the Appellant's name, not the tenant's
- it's incumbent upon the property owner to pay for trash hauling
- this was a mess
- she has no option but to recommend approval of this assessment
- City Council Public Hearing Jun 18, 2014

Referred to the City Council due back on 6/18/2014

29 [RLH TA 14-262](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1408A, Assessment No.148524 at 537 RICE STREET.

Sponsors: Thao

5/12/14: Owner called, stated child was sick so unable to make hearing. Rescheduled one last time to May 20, 2014.

No show - approve the assessment.

Laid Over to the Legislative Hearings due back on 5/20/2014

30 [RLH TA 14-287](#)

Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1408A, Assessment No. 148524 at 1155 ROSS AVENUE.

Sponsors: Bostrom

Delete the assessment.

RE: 1155 Ross Avenue (Single Family)

Jeffrey Davis, appeared on behalf of his wife, Phu Davis.

Inspector Paula Seeley:

- Summary Abatement Order for snow removal issued Feb 10, compliance Feb 12; re-checked Feb 18; Work Order sent
- work done Feb 19 for a cost of \$160 + \$160 service charge = \$320
- sent to Phu Davis, 925 Fremont Ave; and Occupant
- no returned mail
- photos

Mr. Davis:

- tenants lease was up in Jan 2014 but they asked for a couple of months to move
- he told the tenants to do the snow removal; they said that they broke a few shovels trying to do it
- he went out and bought them a snow shovel to take care of it
- 3 days later, he swung by and it was all clear and he thought that the tenants had done it (they said, yes, we took care of it; thanks for the shovel)
- except for this one incident, the tenants have been really good about doing it

VIDEO- removed snow, ice; salt and sanded

Ms. Moermond:

- that's not a bad job
- there was another 7 inches of snow that fell after that Order was written
- will recommend deleting this assessment

Referred to the City Council due back on 6/18/2014

- 31 [RLH TA 14-277](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1408A, Assessment No. 148524 at 165 SHERBURNE AVENUE.

Sponsors: Thao

No show - approve the assessment.

Referred to the City Council due back on 6/18/2014

- 32 [RLH TA 14-288](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1408A, Assessment No. 148524 at 749 SIMS AVENUE.

Sponsors: Bostrom

No show - approve the assessment.

Referred to the City Council due back on 6/18/2014

- 33 [RLH TA 14-278](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1408A, Assessment No. 148524 at 425 SMITH AVENUE NORTH.

Sponsors: Thune

Reduce the assessment from \$320 to \$160 and spread payments over 3 years.

RE: 425 Smith Avenue North (Duplex)

Mary Oxporough appeared on behalf of Patricia Yankovec, owner.

Inspector Paula Seeley:

- Snow Summary Abatement Order sent Feb 10; compliance Feb 12; re-checked Feb 13*
- Work Order sent; work done Feb 19 for a cost of \$160 + \$160 service charge = \$320*
- sent to Patricia Yankovec, 425 Smith Ave N; and Occupant*
- no returned mail*

Ms. Oxporough:

- Ms. Yankovec is her friend, a single woman with not much family, living in her family home*
- is here for a hardship request; Ms. Yankovec needs help but she is not sure how much help she needs*
- there are several issues with her finances, which Ms.. Oxporough has just learned about*
- she has taken over everything*
- Ms. Yankovec told her that there were mistakes made, etc.*
- would like to see the VIDEO*

VIDEO- one side of house was cleared; the other was not shoveled down to the sidewalk; not done full width and corner not cleared

Ms. Oxporough:

- Ms. Yankovec needs to go in for tests; she is living on nothing; she doesn't belong in the house*
- is asking for mercy*
- many things about this situation are questionable right now*

Ms. Moermond:

- will recommend reducing the assessment by half, payable over 3 years*
- half of the work was done nicely; the other half wasn't done*
- suggested calling Kay Wittgenstein, House Calls Program, Public Health; they are social workers who specialize in housing issues; 651/266-1285*

Referred to the City Council due back on 6/18/2014

34 [RLH TA 14-279](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1408A, Assessment No. 148524 at 421 SNELLING AVENUE SOUTH.

Sponsors: Tolbert

Reduce the assessment from \$400 to \$200.

RE: 421 Snelling Avenue South (Single Family)

Megan Dehn, owner, appeared.

Inspector Paula Seeley:

- Snow Order sent Feb 4; compliance Feb 6; re-checked Feb 7*
- Work Order sent; work done Feb 12, 2014 for a cost of \$240 + \$160 service charge*

= \$400

- sent to Megan Dehn, 421 Snelling Ave S and Occupant
- no returned mail
- inspector notes the walk was very icy and crosswalk not open

Ms. Dehn:

- she got the Notice; she had been gone - travel for work
- she had her neighbor take care of it but his snowblower didn't get all the way down to the sidewalk
- it's been a very bad year, icy, etc.
- she is looking for leniency; it's a lot of money for her

VIDEO - cleared snow and ice full width; opened crosswalk at corner; salt and sanded

Ms. Moermond:

- it was extremely cold during that time period; however, there is no record of snow accumulation during that time
- 2 weeks prior to that there was
- will recommend reducing the assessment from \$400 to \$200

Referred to the City Council due back on 6/18/2014

35 [RLH TA 14-280](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1408A, Assessment No. 148524 at 517 SNELLING AVENUE SOUTH.

Sponsors: Tolbert

Approve the assessment.

RE: 517 Snelling Avenue South (Multi-Family/Condominium)

Adeyinka Tarwo, townhome owner, and Todd Horne, President of the Board of their Association, appeared.

Inspector Paula Seeley:

- Summary Abatement Order sent Feb 6, 2014; compliance Feb 8; re-checked Feb 10; Work Order sent
- work done Feb 12, 2014 for a cost of \$160 + \$160 service charge = \$320
- sent to Pacem Holdings LLC, 517 Snelling Ave S; and Occupant
- no returned mail

Ms. Tarwo:

- she owns the townhome and has a couple who comes out to do the shoveling; she is on the corner of the building

Ms. Moermond:

- we have 2 issues: 1) where the notification goes; and 2) how the assessment gets split
- we need to see what kind of work was done

Mr. Horne:

- Ms. Tarwo did not communicate it to the Board so that they could deal with it
- there is also the issue - the last snow they had was Jan 30, 2014 and the company came out and did it; he suspects, however, that a plow came through between there and filled the crosswalk again

VIDEO - cross walks are filled with plow snow/ice; the sidewalks had already been done

Ms. Moermond:

- the Notice went to Pacem Holdings LLC, 517 Snelling Ave S
- Ramsey County's owner is listed as Pacem Holdings LLC/Lawal Hassan Gummi, 517 Snelling Ave S, St. Paul, MN 55116-1503
- asked about how taxes are handled

Ms. Tarwo: (can't understand what she is saying)

- she pays the taxes; it's an LLC because she bought it in 2008
- the Notice was sent to her - the address that the county has
- the work was done by the company
- she was out of town at the time

Ms. Moermond:

- they did the sidewalk but did not open up the crosswalk; it was piled extremely high

Mr. Horne:

- the problem is that the snow removal company comes out just after the snowfall, once; but the snow plow comes by several times
- no one lives at that site to be able to call the snow removal company when the plow comes through
- we are trying to figure out how to communicate that

Ms. Moermond:

- notification went to the correct party, Pacem Holdings LLC at your address - the address that is filed with Ramsey County
- the work had not been completed
- understands that a company is hired to remove the snow after a snowfall
- Pacem Holdings is still responsible for making sure that the corner is opened up
- will recommend approval of this assessment

Mr. Horne:

- is there a way to change the notification address
- there's a management company that's in charge of interfacing between the residents and the snow removal company

Ms. Moermond:

- the city is going to hold the owner of record accountable
- we don't have a Certificate of Occupancy situation here; these are all condos; she doesn't know of a way that it could be done

Ms. Seeley:

- if DSI has time and a phone number for a contact person for the association, we may pick up the phone and call but we don't always do that
- personally, I'd be telling the snow removal company to come out after the plow comes, too

Referred to the City Council due back on 6/18/2014

36 [RLH TA 14-281](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1408A, Assessment No. 148524 at 290 STINSON STREET.

Sponsors: Brendmoen

Approve the assessment.

RE: 290 Stinson Street (Single Family)

Piper Van Ness, owner, appeared.

Inspector Paula Seeley:

- Snow Order issued Feb 6, 2014; compliance Feb 8; re-checked Feb 11; Work Order sent

- work done Feb 13 for a cost of \$160 + \$160 service charge = \$320

- sent to Piper Van Ness, 1373 Simpson Street; and Occupant

- no returned mail

VIDEO - packed snow/ice; salt and sanded

Ms. Van Ness:

- just came to see what this was regarding

- the tenant is gone now

- the yard is sparkling now

Ms. Moermond:

- will recommend approval of this assessment

Referred to the City Council due back on 6/18/2014

37 [RLH TA 14-289](#)

 Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1408A, Assessment No. 148524 at 429 THOMAS AVENUE.

Sponsors: Thao

Approve the assessment.

RE: 429 Thomas Avenue (Single Family)

Jodell M. Kline, Trustee, appeared.

Inspector Paula Seeley:

- Snow Order sent Feb 7, 2014; compliance Feb 9; re-checked Feb 13; Work Order sent

- work done Feb 14 for a cost of \$160 + \$160 service charge - \$320

- sent to Jodell Kline Trustee, 130 Arion St E, West St. Paul; and Occupant

- no returned mail

- inspector noted: no attempt to clean the walk

Ms. Kline:

- she is the landlord; is here on behalf of the tenant, who works 2 jobs to make ends meet

- didn't really know what this pertained to and is here to find out

- when she spoke with the tenant about this, she said she had taken care of it

- would like to see the VIDEO because she was out of town getting out of the weather

VIDEO - removed snow/ice full width; salt and sanded

Ms. Moermond:

- there was .5 inch of snow fall between the issuance of the orders and the date of

the clean up

Ms. Kline:

- *looks like she made some effort to have it done; before that, she had been keeping up*
- *tenant moved in Jan 1, 2014*
- *tenant is not financially well off and is looking for some reduction*

Ms. Moermond:

- *the city holds the owner/landlord accountable, not the tenant (that's a private relationship)*
- *she saw a sidewalk that wasn't cleared very well*
- *is was quite a long time between the last significant snowfall and when the Order was issued; so, she doesn't think that it was taken care of to begin with*
- *will recommend approval of the assessment*

Referred to the City Council due back on 6/18/2014

38 [RLH TA 14-260](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1408A, Assessment No. 148524 at 1307 THOMAS AVENUE.

Sponsors: Stark

No show - approve the assessment.

Referred to the City Council due back on 6/18/2014

39 [RLH TA 14-282](#)

Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1408A, Assessment No. 148524 at 1316 TOPIC LANE.

Sponsors: Bostrom

Delete the assessment.

RE: 1316 Topic Lane (Single Family)

Byron Borchert, owner, appeared.

Inspector Paula Seeley:

- *Summary Abatement Order issued for failure to maintain exterior property*
- *SA sent Feb 7, 2014; compliance Feb 10; re-checked Feb 10; Work Order sent*
- *work done Feb 12 for a cost of \$794 + \$160 service charge = \$954*
- *sent to Byron Borchert, 312 Co Rd D East, Little Canada; and Occupant*
- *no returned mail*
- *Inspector sent a pre-authorized Work Order to Parks and called the property manager to advise of the issue; Parks had not done the clean-up upon re-inspection*
- *Inspector also issued an Order to provide garbage service on Feb 13, 2014*
- *in Bold letters: overflowing containers and broken furniture on blvd; piles of garbage, appliances and debris by rear porch and driveway areas*
- *photos show the mess*

Mr. Borchert:

- *it was a mess*
- *he didn't receive Notice and his tenants said that they didn't receive Notice*
- *he did get the Notice for this hearing; it was sent to his correct address at 2008 Lee St, Maplewood*

- he was frustrated, too; he had to evict these people; they left this stuff in the snow and it was a terrible mess
- he advised the tenants repeatedly to get that stuff gone in Jan; they said that it was too cold and that they had arranged to have someone pick it up
- he has never had a problem with this property before - in 20 years; he used to live at this address
- at his last inspection at the property, the inspector found some tires and it was taken care of by Mr. Borchert
- it was a horrible situation; he attempted to get it done but was told by the tenants that it would be taken care of
- if he had gotten the Notice, he would have known that it wasn't taken care of it and he would have done it himself

Ms. Seeley:

- Mr. Borchert's address was just recently updated but at the time of these Orders, they were sent to 312 Co Rd E East, Little Canada
- right now, Ramsey County lists Byron Borchert, 2008 Lee St, Maplewood; was modified just recently

Ms. Moermond:

- wishes we could make the county pay for this
- asked about the history

Ms. Seeley:

- a complaint came in today: mold, defective windows (Inspector Thomas)

Inspector St. Martin:

- his Certificate of Occupancy was due Feb 8, 2014; that will trigger a C of O inspection

Ms. Seeley:

- she doesn't understand; DSI had his correct address Aug 17, 2010 at 2008 Lee St, Maplewood
- thinks this should be deleted; he was not notified

Ms. Moermond:

- agrees
- is this a county problem or an inspector error
- will recommend deletion of this assessment

Referred to the City Council due back on 6/18/2014

40

[RLH TA 14-283](#)

Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1408A, Assessment No. 148524 at 526 WINSLOW AVENUE.

Sponsors: Thune

Delete this assessment.

RE: 526 Winslow Avenue (Single Family)

James Boyd, owner, appeared.

Inspector Paula Seeley:

- Snow Order sent Jan 27, 2014; compliance Jan 29; re-checked Jan 31; Work Order sent
- work done Feb 5 for a cost of \$160 + \$160 service charge = \$320

- inspector noted that the sidewalk had not been shoveled for quite some time, possibly all season
- sent to James Boyd, 526 Winslow Ave; and Occupant
- no returned mail
- photos show that the private steps hadn't been shoveled; looks abandoned

Mr. Boyd:

- he, his wife and their son live there
- they went back to Baltimore and Massachusetts for about 19 days during that time
- there's a local kid in the neighborhood who goes around and shovels for people; he had just done that the day before they left; Mr. Boyd asked him to shovel at his property during the time they would be gone for 3 weeks; the kid said that he would; but when they got home, it looked as though it hadn't been touched at all
- the only thing in his mailbox was this letter saying that it needed to be shoveled; so, he went out that night right away and did the best he could; however, the freezing cold weather and snow had really compacted the snow with ice underneath; he even bent his metal shovel; he did his best to, at least, make a pathway through it but he knew that he couldn't get it down to the sidewalk because it was frozen
- he put down 'ice melt' but it was too cold to help
- the city's bobcat couldn't even get it down to the sidewalk

VIDEO - removed snow/ice; salt and sanded

Mr. Boyd:

- they don't have family here that they can rely on to help them out when they are gone
- he understands and wants to take responsibility for what needs to get done
- asked if some of the cost could be reduced

Ms. Moermond:

- will recommend approval of the whole assessment; there was enough work left there to do

Mr. Boyd:

- he brought the amount of snow down to pretty much the same level as the city; but it was impossible to do full width
- showed Ms. Moermond photos on his phone
- it definitely wasn't down to the sidewalk
- he's just a struggling parent asking for some leniency
- he doesn't mind paying \$100 but not \$320

Ms. Moermond:

- leaving this work, this responsibility, in the hands of a child is problematic to begin with
- it was fully 9 days between when the Order was issued and when the work was done

Mr. Boyd:

- he wasn't there
- he was just trying to help the neighborhood - help the kid out

Ms. Moermond:

- this is on you

Mr. Boyd:

- OK; so, I just won't be able to go away in the winter

Ms. Moermond:

- how you manage your affairs is totally up to you
- I'm focusing on this one fact that has to do with "did the snow get removed adequately or did it not"
- she sees from his photograph that there is still some snow piled up; she can see that it was worse before the folks arrived
- she is really frustrated with how Mr. Boyd has handled this
- this condition existed this way for quite a while and some significant snowfalls in the interim
- asked Ms. Seeley if we could do an Excessive Consumption charge or a PAEC
- will recommend that this assessment be deleted; the work was substantially done by owner
- there was a trip made by the inspection that needs to be charged for not having the work complete on the day of the deadline, Jan 31
- we will switch the type of charge to a PAEC: \$155

Referred to the City Council due back on 6/18/2014

41 [RLH TA 14-291](#)

Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1408A, Assessment No. 148524 at 2089 MARSHALL AVENUE.

Sponsors: Stark

Delete the assessment.

RE: 2089 Marshall Avenue (Single Family)

Lue Williams, owner, appeared.

Inspector Joe Yannarely:

- Snow Order issued Feb 5; compliance Feb 7; re-checked Feb 11; Work Order sent
- work done Feb 13 for a cost of \$40 + \$160 = \$200
- sent to Ms. Lue Williams, 2089 Marshall Ave
- no photos

Ms. Williams:

- there was a lot of ice; couldn't get all the way down to the cement; doesn't have a snowblower so, she has to use a shovel
- remembers getting a letter and shoveling the snow
- is not sure what's going on

VIDEO - uneven compacted snow; salt and sanded

Ms. Williams:

- that sidewalk looked the same all the way down
- could not get to the bottom of it all
- salt was not easy to find and was mostly ineffective

Ms. Moermond:

- will recommend this assessment be deleted based on a good faith effort having been made and the fact that Parks and Rec staff did the same as she had done earlier to address the same condition.

Referred to the City Council due back on 6/18/2014

Staff Reports

- 42** [RLH TA 14-117](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1402E, Assessment No. 148301 at 1204 ASHLAND AVENUE. (Amended Project No. J1402E1, Assessment No. 148307)
- Sponsors:** Thao
- Approve the assessment but will grant an extension until October 1, 2014 to get the painting done by Brush with Kindness.*
- RE: 1204 Ashland Avenue (Single Family)*
- Ms. Mai Vang:*
- *Inspector Smith called to say that they may need to re-schedule the hearing; that Brush with Kindness is working with property owner and probably won't start work until Jun or Jul 2014*
 - *Mr. Smith said that he would fax over the Brush with Kindness letter but he never did*
- Ms. Moermond:*
- *will recommend approving the assessment and granting until Oct 1, 2014 to do the work*
 - *send Theresa Skarda an email to that effect*
- Referred to the City Council due back on 5/21/2014**
- 43** [RLH TA 14-259](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1407A, Assessment No. 148517 at 717 FRY STREET.
- Sponsors:** Stark
- Reduce the assessment from \$400 to \$125.*
- RE: 717 Fry Street (Duplex)*
- No one appeared.*
- Ms. Moermond:*
- *the appeal was filled out by the real estate broker*
- VIDEO - clear sidewalk full width; salt and sanded, as needed; corner property - opened up corner*
- Ms. Moermond:*
- *sidewalks around the house were really taken care of*
 - *it was the opening into the street that was problematic*
 - *will recommend reducing the assessment to \$125*
- Referred to the City Council due back on 5/21/2014**
- 44** [RLH TA 14-263](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1408A, Assessment No. 148524 at 867 RANDOLPH AVENUE.

Sponsors: Thune

Approve the assessment and spread the payments over 5 years.

RE: 867 Randolph Avenue (Single Family)

No one appeared.

VIDEO - packed down snow; no attempt had been made; opened full width; salt and sanded

Ms. Moermond:

- owner is appealing by letter

- the letter talks about the Occupant being dependent upon her mother, who is currently not there; noted that the other addresses weren't taken care of any better (she doesn't know about those); here, we are looking at a complaint at this address and it was problematic; it did need shoveling; there is also discussion about how much it costs to do the work and feeling that it was excessive (it's what everyone else is charged); there's mention of disability status, which makes it harder to comply but that's not something that she can look at

- will recommend approval of the assessment payable over 5 years

Referred to the City Council due back on 6/18/2014

Special Tax Assessments Rolls

- 45** [RLH AR 14-30](#) Ratifying the assessments for Property Clean Up services from February 3 to 28, 2014. (File No. J1408A, Assessment No. 148524)

Sponsors: Lantry

Referred to the City Council due back on 6/18/2014

- 46** [RLH AR 14-31](#) Ratifying the assessments for Trash Hauling services from February 5 to 26, 2014. (File No. J1408G, Assessment No. 148707)

Sponsors: Lantry

Referred to the City Council due back on 6/18/2014

- 47** [RLH AR 14-32](#) Ratifying the assessments for Demolition services during December 2013 and January 2014. (File No. J1410C, Assessment No. 142009)

Sponsors: Lantry

Referred to the City Council due back on 6/18/2014

- 48** [RLH AR 14-33](#) Ratifying the assessments for Demolition services during January and February 2014. (File No. J1411C, Assessment No. 142010)

Sponsors: Lantry

Referred to the City Council due back on 6/18/2014

11:30 a.m. Hearings

Orders To Vacate, Condemnations and Revocations

- 49 [RLH VO 14-12](#) Appeal of AAA Midway Inside Storage to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 1400 SELBY AVENUE.

Sponsors: Thao

Grant until September 30, 2014 for compliance. If not in compliance, the vacate date is January 1, 2015.

RE: 1400 Selby Avenue (warehouse - AAA Midway Inside Storage)

David Tomforde, AAA Midway Inside Storage, and Joshua Casper, Legal Counsel, appeared.

Fire Inspector Leanna Shaff:

- *there were repairs that needed to be made to this sprinkler system*
- *the sprinkler inspectors and the contractor have been out and replaced some of the sprinkler heads*
- *the email that she just entered noted that there are some aged heads that are almost done; some piping also needs to be done*
- *DSI's engineering section is OK with re-occupancy on the condition that those items are taken care of after re-occupancy*
- *unfortunately, the Appellant isn't the property owner*
- *although, they may allow re-occupancy, some things need to be in place to force the rest of the repairs in a reasonable amount of time*

Mr. Casper:

- *the owner is not particularly forthcoming with information*
- *he did show up for the re-inspection and hasn't been back at the property since then, as far as he knows*
- *the information he has on what was done came from Ms. Mai Vang*

Ms. Moermond:

- *the sprinkler inspector says that she is comfortable with allowing occupancy while the work is completed*

Mr. Tomforde:

- *he is not the only tenant; the owner has 3 or 4 other tenants in the office spaces upstairs*
- *he is more concerned about his business and keeping is going*

Ms. Shaff:

- *Ms. LaTourno said in her email that they have been through only parts of the building*
- *in the most recent email, Inspector Imbertson reports*
- *the Certificate of Occupancy is for the whole building; each tenant's space needs to be in compliance*
- *she is feeling pretty positive about the inspection report*
- *holding the owner accountable will be a challenge*

Ms. Moermond:

- *will recommend that the City Council allow the building to be re-occupied; the Revocation will be maintained (no new tenants)*

- the required work needs to be done by Sep 30, 2014 or vacated by Jan 1, 2015

Referred to the City Council due back on 5/21/2014

50 [RLH VO 14-14](#)

Appeal of Kimberly Prager to a Fire Certificate of Occupancy Revocation and Order to Vacate at 2093 CALIFORNIA AVENUE EAST.

Sponsors: Bostrom

Grant until June 15, 2014 for tenant to vacate the building.

RE: 2093 California Avenue East (Duplex)

Kimberly Prager, tenant, appeared.

Ms. Moermond:

- the landlord for this property, Tony Seaton, lives in Cook, MN

Fire Inspector Leanna Shaff:

- Fire Certificate of Occupancy Inspection

- started with a complaint last Dec 2013: black mold throughout bedrooms, walkway to exits since Jun 2013

- Inspector James Thomas responded to that complaint

- his notes in Dec 2013: the bedroom floor is a wood floor blew down and water came into the room and the floor had to be repaired

- the property was due for a C of O inspection, which Inspector Thomas started but has had some difficulty

- there are significant water problems; photos show a substance that appears to be mold

- the owner is out of town quite a bit and hasn't addressed several of the problems; he doesn't show up for inspections, making it necessary for Fire to Revoke the Fire C of O for noncompliance

- 1 appointment letter and 4 re-inspection and deficiency letters

Ms. Prager:

- she called in the complaint because she can't get the landlord to do the repairs; she went through the whole winter without heat, sleeping on her couch

Ms. Moermond:

- suggested Ms. Prager talk to Southern Minnesota Regional Legal Services (SMRLS); Ms. Prager said that she probably does not meet the income requirements for legal aid

Ms. Shaff:

- there is heat now but looking at this mold, she has concerns about it being a health hazard if occupancy is continued

Ms. Prager:

- is looking for a way to make the landlord do the repairs

- she, personally tore up the deck and repaired the painting under the deck

- she, personally replaced the sump pump and so water no longer comes in

- she got 4 quotes for him for tearing out and replacing the bedroom walls and floor, which he hasn't acted on

- she works in construction so she has plenty of good contacts

- there usually have issues in the spring; this year they were really bad; the laundry room, the back part of the house where the garage connects is becoming under

water, for which she called Inspector Thomas again

- she was hoping to buy a house this summer; doesn't want to move twice
- she works 4 jobs so for her to take off and try to coordinate moving and finding a place in the meantime is just a huge hazzle
- she doesn't have people over; she lives out of the front room
- it's not worth it for her to have to move twice
- the landlord is the issue but there's nothing that can force him to do the repairs
- she hasn't done anything wrong and it feels backwards that she needs to leave because he won't do what he needs to do

Ms. Shaff:

- they can't force someone to fix the property but they can criminally tag or Revoke the Fire C of O
- water is the biggest enemy of any structure
- looking at the photos, she has some huge concerns

Ms. Prager:

- has lived there for 3 years and was planning to move out Labor Day weekend; she has the summer to choose a house
- when the last inspection was supposed to happen, the landlord did come; Mr. Thomas was sick; the landlord called "Leanne"
- she has had her rent in escrow since Oct 2013; the landlord hadn't discovered that until Apr 2014

Ms. Shaff:

- Inspector Tonnancour was there at 1:30 pm (Ms. Prager: the landlord told her the appointment was for 1 pm; the landlord left at about 1:15 and she left about 1:20 pm)
- she wasn't there so she really doesn't know what happened but Inspector Tonnancour said he was there at 1:30 pm

Ms. Moermond:

- to be out by Labor Day weekend into your own home is an ambitious goal in this real estate market
- she can give Ms. Prager some time but not that long
- normally, she'd say Jun 1, 2014
- she will grant until Jun 15, 2014 for her to Vacate; the landlord will also get a letter
- there are too many questions
- legally, Ms. Prager can get advice to go after the landlord
- suggested that she could file a Tenant Remedy Action, which might get the court to Order that these repairs be done

Ms. Shaff:

- they will do a re-inspection and modify the Orders
- water does extensive damage; landlord will have to do more than just clean and paint over it

Referred to the City Council due back on 5/21/2014

1:30 p.m. Hearings

Fire Certificates of Occupancy

- 52 [RLH FCO 14-32](#) Appeal of Bill Bernier to a Fire Certificate of Occupancy Approval With Corrections at 292 FORBES AVENUE.

Sponsors: Thune

Deny the appeal. Owner needs to go through site plan review.

Previous Class 5 parking surface has degraded significantly and has expanded to cover the entire back yard, thus making the entire area parking surface.

Referred to the City Council due back on 5/21/2014

53 [RLH FCO 14-60](#) Appeal of Benjamin Roberts to a Fire Inspection Correction Notice at 551 AVON STREET NORTH.

Sponsors: Thao

Grant until Sep 1, 2014 for work to be completed or the property vacated.

RE: 551 Avon Street North (Duplex)

Benjamin Roberts, owner, appeared.

Fire Inspector A. J. Neis:

- *Fire Inspection Correction Notice dated Mar 28, 2014 by Inspector Mike Urmann*
- *multiple deficiencies were found*
- *background: inspections started with a complaint Dec 8, 2013*
- *appealed is some plumbing work and a damaged structural member in the basement*
- *photos*
- *notes: the plumbing work must be done in a workman like manner with approved materials*
- *there was a plumbing leak in the basement; instead of fixing it properly, it was piece-mealed together with JB Weld*
- *working with Mr. Roberts for an extended period of time to come up with a deadline*

Mr. Roberts:

- *basically, he needs more time and money*
- *this is a lead pipe running from the lavatory to the kitchen sink and then it drains out; he did repair a leak and at that time, he had requested more time but Mr. Urmann said that he couldn't give him more time but he offered a solution: your appeal time is up; we are willing to work with you; what we'll do is schedule a Certificate of Occupancy appointment; when that comes up, this will be a big part of the Order; you will have a chance to appeal that and it will be left up the hearing officer; she'll grant more time*
- *he doesn't oppose the Order*
- *money is the big problem; it started with a tenant who didn't want to pay rent and decided that she'd found a way out by filing a complaint*
- *he didn't collect rent from Dec 2013 - Mar 2014*
- *he also found a small leak around the toilet and spent \$800 to get it fixed; however, it didn't work; it was hard to tell where the leak was coming from*
- *he got a verbal bid on the joist - approx \$1,000*
- *got a bid from Bonfe Plumbing - \$2,670*
- *got a bid from Northstar Plumbing - \$2,400*

Ms. Moermond:

- *photos: seeing a piece of pipe that appears to cross a joist that is significantly deteriorated (looks like dry rot)*

Mr. Roberts:

- currently, the house is occupied
- there might be some damage to the joist but he doesn't think it's in danger of collapsing (Mr. Neis: under normal load conditions, it may not collapse but under a fire load condition, it would collapse almost immediately; each member is there for a reason)
- he agrees that it needs to be replaced

Mr. Neis:

- at the May 16, 2014 deadline, they will issue 1 more set of compliance Orders in about 2 weeks with a Revocation and Order to Vacate due to noncompliance (vacate date 30 days out from there); probably Jul 1, 2014 deadline - compliance/vacate

Mr. Roberts:

- he can't set a deadline date on something that he can't complete because he doesn't have the money to do so
- a deadline date has never been verbalized to him

Ms. Moermond:

- the first paragraph in the Correction Order is pretty clear: Approval for occupancy will be granted upon compliance with the following deficiency list. The items on the list must be corrected prior to this re-inspection date: May 15, 2014 at 1:30 pm. Things should be done by then and if they are, Mr. Roberts will get the C of O

Mr. Roberts:

- was hoping to get 90 days

Ms. Moermond:

- will recommend granting until Sep 1, 2014 for work to be completed or the property vacated

Referred to the City Council due back on 5/21/2014

54 [RLH FCO 14-65](#)

Appeal of Thomas Yang to a Fire Inspection Correction Notice at 700 BURR STREET.

Sponsors: Brendmoen

Deny the appeal and grant an extension to July 1, 2014 to discontinue the use of the room as a bedroom or owner may remove all screens and storm windows from the porch to be accepted as a bedroom.

RE: 700 Burr Street (Duplex)

Thomas and Nancy Yang, owners, appeared.

Fire Inspector A. J. Neis:

- Fire Certificate of Occupancy Correction Notice dated Apr 7, 2014 by Fire Inspector Brian Tonnancour
- multiple code violations were identified including a basement being used for sleeping without an egress window
- being appealed is #6 - Unit 1 front bedroom (was ordered to provide an approved escape window or discontinue that room for sleeping; windows to the NW bedroom exit into the front porch)

Mr. Yang:

- no one sleeps in the basement; the basement is used only for storage
- the 2 windows in the main floor bedroom go into the front porch; the windows are

wide enough

Mr. Neis:

- the photos show that this is a traditional house that's been converted to 2 units and the main floor living room has been turned into a bedroom
- the porch is enclosed with windows
- possible option: remove all the windows/screens in the porch

Mr. Yang:

- he can't afford to remodel the porch

Ms. Moermond:

- the house was not originally constructed to have this room be a sleeping room
- the Fire Code says that all sleeping rooms must have 2 ways to get out; one of those ways must be directly to the outside; you can't have both exits go into other rooms
- it looks as though the porch was once an open porch
- there are 3 options to remedy this: 1) discontinue using this room for sleeping; 2) cut a window into the wall to go directly outside; or 3) remove the storm windows/screens from the porch
- will recommend granting to Jul 1, 2014 for compliance

Referred to the City Council due back on 5/21/2014

55 [RLH FCO 14-61](#)

Appeal of Brad Manor to a Fire Inspection Correction Notice at 304 EDMUND AVENUE.

Sponsors: Thao

Layover to get site diagram of the lot - parking area. (Diagram was submitted for review on May 8.)

RE: 304 Edmund Avenue (Duplex)

Brad Manor, tax owner/C of O Responsible Party, appeared.

Fire Inspector A. J. Neis:

- Fire Certificate of Occupancy Correction Notice, dated Apr 2, 2014, by Fire Inspector Jeremy Hall
- re-inspection May 9, 2014 at 9:30 am
- appealed is the driveway
- it's a class 5 driveway and the alley is paved
- Appellant states that years ago, inspectors told him to put down class 5 for the parking area, which he did
- Mr. Neis doesn't dispute the fact that years ago class 5 was an approved material
- photos
- this was previously approved by their office in 2011 by Fire Inspector Sean Westenhofer
- this particular Order is many times discretionary by the inspector based on other findings, like the condition of the driveway, how it's existing, how vehicles are being parked and how it's being maintained, etc.
- the photos by Inspector Hall show that the class 5 is degraded and that it way he called this out; also, there are multiple junk vehicles and there are no defined lines of where the parking area begins/ends

Ms. Moermond:

- would like to see a diagram of the lot and where things are placed on it: house,

parking, grass, etc.

- she also looks at the parking surface vs. the alley surface

Mr. Manor:

- there's no grass on the parking lot at all

- downstairs tenants have 3 kids; also, 2-3 brothers/sisters live there and park their cars there

- upstairs tenants just moved out

Mr. Neis:

- looks as though there may have been a garage or a parking pad at some time; the garage pad would have been the parking surface that was approved

- now, they are parking all the way up to the grass, using the entire yard as a parking area

Mr. Manor:

- they are supposed to keep their cars behind the barrier that he put down

Mr. Neis:

- looks the owner put down railroad ties to define that area but now you can't even see definitive lines

Ms. Moermond:

- this area needs to be cleaned up considerably

- is amenable to looking at class 5 as a parking surface or even maintaining the current surface and dealing with a new surface in the future

- Zoning would become involved because there is too much parking square footage on that lot

- is looking for the back yard to have some area that actually looks like yard, some grass, etc. - looks as though an effort had been made but the tenants ruined it

Mr. Neis:

- believes that the back yard might not be much more than 2000 sq.ft.

Mr. Manor:

- entered a black top diagram which he got from a black top contractor

Ms. Moermond:

- asked the Appellant to draw a diagram of the placement of areas, house, etc. on the lot and send it in with all the measurements; also what he is proposing

Mr. Neis:

- recommends that he uses the slab that's there as his guide

Ms. Moermond:

- will LAY this OVER for 2 weeks

Laid Over to the Legislative Hearings due back on 5/20/2014

56 [RLH FCO 14-64](#)

Appeal of Judith M. Tilsen to a Fire Inspection Correction Notice at 1972 MINNEHAHA AVENUE EAST.

Sponsors: Lantry

Laid over for LHO to review MN State Statue and the possibility of leaving the screens on.

RE: 1972 Minnehaha Avenue East (Duplex)

Judith Tilsen, owner, appeared.

Ms. Tilsen:

- entered photos
- bedroom #1 has an outside wall; there's an option
- bedroom #2 has no outside wall
- has been a duplex since 1910; she did not convert it to a duplex
- take out windows on the porch has been suggested but this porch has a wooden floor; if she takes out the windows, she would be creating a serious health hazard (rain, snow, etc.); so, the only option for bedroom #2 would be to remove the porch or to not use that room for sleeping
- converting the porch to make it usable is nearly impossible

Fire Inspector A. J. Neis:

- Fire Certificate of Occupancy Correction Notice dated Apr 10, 2014; re-inspection date May 2, 2014 by Fire Inspector George Niemeyer
- appealed is the Order to refrain from using the sleeping rooms that exit into an enclosed porch
- photos in the file look like these houses were constructed to not use those rooms for sleeping; then, they were converted to duplexes and the living rooms were usually turned into sleeping rooms
- it looks as though the windows to the porch were added along the way; these are not original windows to the house (aluminum storms)
- if the porch had been left in its original state, these rooms would exit directly outside
- many exterior surfaces are wood; most porches, decks, railings that are outside are wood
- on the West Side, especially, it's not uncommon to see open porches with wood floors exposed
- Selby Ave, Hague, Laurel, Summit, etc. open porches with tongue and groove wood floors sloped

Ms. Tilsen:

- she won't take out all the windows on the porch; the floors will be slippery and people could fall; and she doesn't want to get sued
- she would have to remove the entire porch

Ms. Moermond:

- suggested that perhaps she could finish the floors so that they would be slip resistant

Ms. Tilsen:

- this is the original farm house for this part of St. Paul; she doesn't think it has been remodeled but it does have newer windows; this how the original farm house was; it was built before 1910 and converted to a duplex in 1910
- bedroom #2 has no outside wall; the state standard is that there doesn't need to be an egress window if there are 2 forms of escape, which there are; there's doors in either direction to the outside in the hallway either going north or south (Minnesota statute 7511.1026 is referred to in the local statute: regarding emergency escape and rescue)
- she has looked at the St. Paul Ordinance and understands what's being requested; it would require quite a lot of re-construction if she wanted it to look preserve the look of the house

Mr. Neis:

- sees that the porch is at a slope, which only is more proof that this porch was not built as an enclosed porch; so, by taking out the windows, you would be actually making it more original looking
- the knee wall is left in tact and serves as the guardrail; when this home was built, it was built with the knee wall and posts (open)

Ms. Tilsen:

- asked whether it would be OK to have only the screens (without the windows)

Ms. Moermond:

- noted that the code cited in these Orders is the MN State Fire Code 1026.1
- she has 2 questions: 1) what happened with the building permit and approval when it was converted to a duplex; and 2) did it address the layout of the units; looking at the floor plan, she can see where it would have been arranged differently, also; a lot of things can happen in terms of layout of a unit over a hundred year span
- in terms of the state statute, she would like to read that
- she hasn't yet looked at screens only recommendation in these types of situations (is not thrilled because it provides a similar barrier, just not quite as much)
- will think about the screen issue and look at the statute
- will LAY this OVER for 2 weeks and send Ms. Tilsen a letter regarding her recommendation

Ms. Tilsen:

- explained that she has owned this house for only 6 years
- she had an inspection 2 years ago, which she passed
- she has not changed the bedrooms
- she believes that bedroom #1 (with the outside wall) was added by the owner shortly before she bought the house but bedroom #2 has not been changed

Laid Over to the Legislative Hearings due back on 5/20/2014

2:30 p.m. Hearings

Vacant Building Registrations

- 57 [RLH VBR 14-30](#) Appeal of Russell Lucio to a Vacant Building Registration Notice at 994 PALACE AVENUE.

Sponsors: Thune

Grant waiving the Vacant Building fee for 90 days.

RE: 994 Palace Avenue (Single Family)

Russell Lucio appeared.

Inspector Matt Dornfeld, Vacant Buildings:

- a few weeks ago, Mr. Lucio was still dealing with the Sale Review Process
- the Sale Review Process is now complete and the sale is approved
- Code Compliance Inspection Report is on file
- the building permit has been issued
- Appellant is looking for more time to complete the repairs without having to pay for the VB fee
- May 9 is the anniversary date on this

Mr. Lucio:

- a little more time would help him out
- he's not going anywhere for at least 90 days
- everything's going along good
- they are pouring the sidewalk today
- driveway going in tomorrow
- new furnace with AC
- 30 days would help out a lot

Ms. Moermond:

- doesn't see any problem with this
- will recommend granting a 90 day waiver on the VB fee
- if you not done after 90 days, you will get a bill on the assessment
- if you will be done not long after the 90 days, appeal and we can prorate it

Referred to the City Council due back on 5/21/2014

58 [RLH VBR 14-36](#) Appeal of Bee Vue to a Vacant Building Registration Notice at 606 BUSH AVENUE.

Sponsors: Bostrom

5/16/14: File did not make it to Council Agenda. Continue to June 4.

Grant the appeal. Owner will need to call for inspection appointment to get Fire C of O re-instated.

RE: 606 Bush Avenue (Single Family)

Bee Vue, owner, appeared.

Fire Inspector A. J. Neis:

- Notice of Condemnation by Brian Tonnancour
- a complaint came in that the home was gross unsanitary; excessive clutter; filth; cat feces, urine throughout the house
- Inspector Tonnancour inspected and issued Orders to Condemn the house
- photos in file
- has spoken with Mr. Vue, who is in the process of getting the house cleaned out
- the tenant trashed it; tenant is gone
- cats went to the Humane Society
- did go through a full Code Compliance Inspection (had been a Cat 3 VB in 2007); all permits were approved Apr 2009
- Appellant is looking for additional time to get the home fixed and ready for occupancy

Mr. Vue:

- the property was fine but within 1 month, it really went down hill
- the tenant went through a period of time where she was having a problem
- she had a lot of cats; the smell was very bad; and there was clutter all over
- he understand why it was Condemned
- he doesn't think that it's necessary to categorize it as a Vacant Building
- within 1 day after the property was Condemned and put into the VB Program, they went in there and cleaned it all out
- he has photos with dates to prove it
- he talked to the Fire inspector who said to talk to the VB inspector, Rich Singerhouse; Mr. Singerhouse said to appeal and appear before the LH officer and if it's OK with you, they will come back and re-inspect

- he has a report from a private house inspector saying that there's nothing wrong with the property

Ms. Moermond:

- there's plenty of work that needed to be done but the Condemnation had to do with the sanitation issue

- she questioned why this building was turned over to the VB Program in within 3 days

Mr. Neis:

- looking at the Orders, it appears that every item that was written up pertains to the tenant's clutter, cleanliness or animals; the only item that appears to be a violation of the house was: tiles missing on the bathroom floor

Ms. Moermond:

- will recommend that City Council grant this appeal and anticipate that Mr. Vue can get an inspection within 3 weeks after his call for an appointment

Mr. Vue:

- the house is ready now

Mr. Neis:

- call me tomorrow and he'll come out to inspect

- Inspector Tonnancour will no longer be with Fire Prevention after Fri

Referred to the City Council due back on 6/4/2014

- 59 [RLH SAO 14-9](#) Appeal of Robert Fluegel OBO Trikin Properties to a Summary Abatement Order at 696 FIFTH STREET EAST.

Sponsors: Lantry

Owner in compliance.

Withdrawn

- 60 [RLH VBR 14-35](#) Appeal of Robert Fluegel on behalf of Trikin Properties to a Vacant Building Registration Notice at 696 FIFTH STREET EAST.

Sponsors: Lantry

Lay over to get an inspector out to inspect the building.

RE: 696 Fifth Street East (Duplex)

Robert and Jerry Fluegel, on behalf of Trikin Holdings LLC, appeared.

Inspector Matt Dornfeld, Vacant Buildings:

- was referred by Fire Inspector Sean Westenhofer, who Condemned the dwelling for multiple deficiencies (16)

- Inspector Tom Friel opened a Category 2 Vacant Building Apr 18, 2014

- noted: appears vacant; back door opened; front wood steps have loose tread; some detective screens and storms, as well; a large number of deficiencies; detached 3-car garage is secured; has some rotted siding

- issued a Summary Abatement Apr 18, 2014 to have the doors secured

- re-check dated Apr 23, 2014; Work Order to secure doors

- also, a second Summary Abatement was sent that day to board up everything's

- in the meantime, the house became secured by the owners (Restoration Professionals did not ever secure anything)
- there is, however, an outstanding \$50 fee for Excessive Consumption

Fire Inspector A. J. Neis:

- based on the file, Inspector Westenhofer may have been cleaning up; it appears it was a Certificate of Occupancy Inspection that started in Oct 2013 with 23 code violations
- another letter was sent in Nov 2013 to re-inspect Dec 23, 2013; another letter sent Dec 23; another letter sent in Jan 2014
- activity was stopped on the file for some time
- Mar 5, 2014 re-inspection: 8-9 things had been fixed
- Apr- inspector found it vacant; so, he transferred it to the VB Program
- property has had a long history with them; 35-45 complaints from police issues to gross unsanitary since 2010
- building has been problematic for quite some time

Mr. Jerry Fluegel:

- they vacated the building intentionally
- Mr. Westenhofer had rotary cuff surgery in Nov 2013; we re-scheduled and he cancelled on Dec 23
- Mar 1, 2014 - they emailed back and forth with Mr. Westenhofer saying they wanted to vacate both tenants and so they did
- unfortunately, the day they got the last tenant out is when they found out that it was going to be moved to VB; it caught them off guard; Mr. Westenhofer said that someone went over his head; it wasn't him
- they are a little confused about the process
- while there have been problem tenants, they have been evicted; they have had a lot of complaints
- as of today everything is fixed, clean, new, sparkling; the place looks great; the garages are all empty; it's exactly what they told the city they were going to do; then, they got this curve ball - they thought they were on the same page
- they were very new landlords in 2009 and they have over 2000 units; they learned the hard way that the police doesn't notify
- now, they screen the heck out of people

Mr. Neis:

- they had police issues in 2009, Jun 2010; fire in 2010
- the building was inspected and certified by Pat Fish; that bill was paid in 2010
- no bill is generated if a building has a valid certificate; the only way a bill is generated is if he would have approved the C of O; since it went to Revocation, no bill is generated; even if Mr. Westenhofer had been there 10 times and then, the building goes vacant--- once they hit either Revoked or Condemned, those fees go away and the VB Program steps in

Ms. Moermond:

- in terms of being a VB, it sounds like you needed a little babysitting on that to make sure that it was secured
- she's hearing a history of 2 police calls, a fire and scrapping - well over \$1,000 in city services that haven't been billed out
- a lot of inspections took place for which you won't be billed because of the Revocation
- wants to focus on how you can be held financially accountable for some of this (thinks there have been financial abuse of the services); taxpayers should not be paying for this mess

Mr. Neis:

- none of the inspectors prep the bills; they approve the bills; an inspector will never see a bill; once a fee is generated, the clerical staff sends it out; first they are sent off to the supervisors; the majority of the time, Phil Owens reviews them; in his absence, one of the supervisors reviews them; the final OK is put on it and they get mailed to the customer

- Mr. Westenhofer actually did only 1 inspection; Code Enforcement actually went out 30+ times (Excessive Consumption fees would be charged)

Mr. Jerry Fluegel:

- is not arguing any of those fees

- he wants the Certificate of Occupancy re-instated

- they intend to sell the house; this process is actually stopping the sale

- entered photos

Ms. Moermond:

- wants to get a supervisor out there to check this; she doesn't know what's going on with this one

- she is looking for another assessment

- doesn't think this building will benefit from a Code Compliance inspection; she sees standard carpentry kinds of things

Mr. Neis:

- this is Ms. Shaff's district; he will email her and see what she says

Ms. Moermond:

- we'll have Ms. Shaff inspect; needs a second set of eyes

- will Lay this Over for 2 weeks

Laid Over to the Legislative Hearings due back on 5/20/2014

- 61** [RLH VBR 14-33](#) Appeal of Clare Gallagher to a Vacant Building Registration Notice at 897 JESSIE STREET.

Sponsors: Brendmoen

Inspector gave 90 day waiver on the VB fee (fire exempt).

Withdrawn

- 62** [RLH VBR 14-38](#) Appeal of Charles Belcher to a Vacant Building Registration Notice at 507 MINNEHAHA AVENUE EAST.

Sponsors: Brendmoen

Grant the appeal to be out of the Vacant Building Program.

RE: 507 Minnehaha Avenue East (Duplex)

Charles Belcher, C of O Responsible Party, appeared.

Fire Inspector A. J. Neis:

- Revocation of the Fire Certificate of Occupancy / Order to Vacate

- Category 2 Vacant Building registration by Inspector Tonnancour

- asked if Mr. Belcher was the only owner on the property

- Mr. Belcher:

- he is the only owner

Mr. Neis:

- based on the file, he recommends this be removed from the Vacant Building Program
- Inspector Tonnancour sent 3 inspection appointment letters to a Joshua Burbul; each time, he documented that there was a no show
- Apr 21, 2014, the tenants said that they were unaware of the inspection
- it appears that Inspector Tonnancour changed the Orders, realizing that Mr. Belcher was the owner and then Revoked the Certificate of Occupancy and sent it to the VB Program

Ms. Moermond:

- will recommend that this appeal be granted

Referred to the City Council due back on 5/21/2014

63 [RLH VBR 14-37](#) Appeal of Nicole Basta to a Vacant Building Registration Fee at 537 SUPERIOR STREET.

Sponsors: Thune

Grant waiving the Vacant Building fee until the end of August (90 day waiver).

RE: 537 Superior Street (Single Family)

Nicole Basta, owner, appeared.

Inspector Matt Dornfeld, Vacant Buildings:

- Category 2 Vacant Building since Dec 20, 2011
- HUD was the owner until Jan 1, 2014
- Ms. Basta went through the Sale Review process
- they was some delay in getting the Code Compliance inspection due to the HUD ownership
- previously, they extended the VB fee for 90 days
- anniversary date May 29
- some permits have been finalized; some remain open
- Ms. Basta is requesting more time; he advised her to come here
- the VB fee is for the 2014-2015 time period

Ms. Basta:

- it's coming along faster now that the Code Compliance Inspection Report has been completed
- before that, a water main broke during the winter flooding her basement
- she didn't know that the city had turned the water on; she had been told that she could not turn anything on in a house that she did not own
- then, she couldn't get the heat on because her pipes had rot holes in them and needed to be repaired
- she had to wait to get the furnace cleaned out before they would turn the heat on; in the meantime was when the water pipe broke and there was water all over the basement
- then, she had to wait until a new furnace was put in
- now, things are getting done on the Code Compliance Report
- the whole main level has been painted
- all new electric was put in
- new water heater, window frames, plumbing
- they caught the mold growth early while it was still frosted

- all needed to be sanitized and re-painted
- has a new roof; the dormer is up; the siding has not yet put on
- still must paint upstairs and remodeling the bathroom
- her contractor estimates he'll be done mid-June
- the exterior also needs to be re-painted when the weather permits

Ms. Moermond:

- will recommend granting a waiver on the VB fee until the end of Aug 2014

Referred to the City Council due back on 5/21/2014