



# 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*  
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*651-266-8585*

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Tuesday, August 19, 2014

9:00 AM

Room 330 City Hall & Court House

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### 9:00 a.m. Hearings

#### Special Tax Assessments - Fire C of O

- 1 [RLH TA 14-499](#) Deleting the Appealed Special Tax Assessment for Real Estate Project No. CRT1412, Assessment No. 148213 at 551 HAWTHORNE AVENUE WEST.

**Sponsors:** Brendmoen

*Delete the assessment; payment received and processed at DSI.*

**Referred to the City Council due back on 10/1/2014**

- 2 [RLH TA 14-507](#) Deleting the Appealed Special Tax Assessment for Real Estate Project No. CRT1412, Assessment No. 148213 at 675 HOLLY AVENUE.

**Sponsors:** Thao

*Delete the assessment.*

*RE: 675 Holly Avenue (Single Family)*

*Don Buckrey, responsible party, appeared.*

*Fire Inspector Leanna Shaff:*

- Fire Certificate of Occupancy Inspection cost: \$200 + \$155 service charge = \$355*
- appointment letters sent: Jan 6, 2014; Jan 29, 2014; and Feb 24, 2014*
- issued Orders on Mar 5, 2014 with compliance date of Mar 14, 2014*
- billing dates: Mar 18 and Apr 17, 2014*
- sent to Don Buckrey, 7035 Dupre Rd, Centerville, MN*

*Mr. Buckrey:*

- his daughter lives there; she has a job in Mankato*
- he got the first Notice*
- he called Jeremy Hall and told him that this property is no longer a duplex; it's a Single Family home (was changed months ago in city/county records)*
- his daughter owns the property; her name on the deed, Molly Buckrey and she is the owner of record at Ramsey County Property records*
- all they did was take out the upstairs kitchen; there are no renters there; his*

daughter comes home on weekends and stays there

- Mr. Hall knew that before he came out but he came out anyway and looked at the property, which is in excellent condition
- doesn't think he should be billed for something that he doesn't need; Mr. Hall knew that they weren't going to need it

Ms. Moermond:

- whether it's a duplex or single-family home, it doesn't matter for this; it's whether or not it's a rental property (whether or not it's owner-occupied)

Mr. Buckrey:

- the property has been rehabbed to be sold; on the market for about 3 months
- the property was homesteaded 2 years ago

Ms. Moermond:

- will recommend this assessment be deleted

**Referred to the City Council due back on 10/1/2014**

**3**      [RLH TA 14-485](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1412, Assessment No. 148213 at 1315 PAYNE AVENUE.

**Sponsors:**      Bostrom

Reduce from \$555 to \$480.

RE: 1315 Payne Avenue (Duplex)

Hank Cu, owner, appeared.

Fire Inspector Leanna Shaff:

- Fire Certificate of Occupancy Inspection cost: \$400 + \$155 service charge = \$555
- appointment letters sent: Aug 16 and Sep 17, 2013
- deficiency letter sent: Sep 27, Oct 28, Dec 3, 2013; Feb 8 and Mar 17, 2014
- compliance date approved with deficiencies Apr 8, 2014
- billing dates: Apr 10 and May 2014
- no returned mail
- all sent to Payne Rentals LLC, 1119 East River Rd, Mpls, MN
- Hank Trung Cu and Ruby Ngoc Nguyen, PO Box 2341, Mpls MN, owners, according to Ramsey County

Ms. Moermond:

- has a note that the address was changed to that on Sep 28, 2013 on Ramsey County records

Mr. Cu:

- spoke with his wife, who had spoken with Mai Vang and told her that the mail didn't always get to them so they changed it to a PO Box
- my wife sent that information to Ramsey County Property Records via email, which he introduced into the record (Sep 18, 2013)

Ms. Shaff:

- there were calls to change appointment times - a lot of re-scheduling by the wife, who met with the inspector each time

Ms. Moermond:

- will recommend approving the assessment reducing the administrative fee by half = \$480

**Referred to the City Council due back on 10/1/2014**

- 4 [RLH TA 14-486](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1412, Assessment No. 148213 at 956 PROSPERITY AVENUE.

**Sponsors:** Bostrom

*No show; approve the assessment.*

**Referred to the City Council due back on 10/1/2014**

- 5 [RLH TA 14-509](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1412, Assessment No. 148213 at 544 UNIVERSITY AVENUE WEST.

**Sponsors:** Thao

*Approve the assessment.*

*RE: 544 University Avenue West (Retail-Multi-Use Center)*

*Greg Heck, Responsible Party, appeared.*

*Fire Inspector Leanna Shaff:*

- *Fire Certificate of Occupancy for commercial building: \$1297.80 + \$155 service charge = \$1452.80*
- *appointment letter sent May 2, 2014*
- *Orders sent: May 13, Jul 29, Aug 19, Sep 19, Nov 1, 2013; and Jan 14, Mar 3 and Mar 17, 2014*
- *complied with Apr 3, 2014*
- *billing dates: Apr 10 and May 12, 2014*
- *sent to: Mr. Greg Heck Harrington Langer & Associates, 563 Phalen Blvd, St. Paul, MN*
- *there are extensive inspector notes on this with multiple "no shows"*

*Mr. Heck:*

- *is not sure if he is appealing; is not sure what the charge is for*
- *there are multiple tenants there and each tenant has his own issues*
- *asked if there were a charge for each time the inspector came out?*

*Ms. Moermond:*

- *the original inspection and the first re-inspection are part of the standard Certificate of Occupancy fee*
- *when there are re-inspections beyond that, you get billed for each additional inspection*

*Mr. Heck:*

- *he was out there multiple times with Inspector Wayne Spierling; he would give us the list and we would do what he wanted us to and then, he would come up with 5 other things; every tenant said the same thing; it was over and over and over again; that's why there were so many letters*
- *he does not own the bldg; he manages it but the inspections have been handled*

horrendously

- he does not mind paying the bill but he does not like to have this particular building targeted - it goes on forever  
- the bldg has been around for 30 year and one tenant has been there for between 15-20 years; how many times do you think a fire inspection has happened in 20 years?

Ms. Moermond:

- for a commercial bldg, if it's not a hazardous occupancy, the re-inspection cycle would be once every 2 years; and the city can get behind on those from time to time and so you'd have fewer inspections to pay for

Mr. Heck:

- the sprinkler heads for 1 tenant have been that way since inception and now, all of a sudden, they're bad? That doesn't make sense to him  
- for a new tenant, we thought we were all done; did his list; then, he brings out a different inspector so, now, we have a whole new list!  
- doesn't understand how some things are a problem now but they weren't 15 years ago  
- is looking for fairness as to how his building is inspected  
- doesn't mind paying for someone's services but in the end, if he brought all the tenants together and discussed this, it was the most ridiculous, painstaking process they've been through; he's managed the bldg for 10 years and hasn't had a problem like this

Ms. Moermond:

- without looking at past Orders, she knows that there are things that do not get caught for years and then, an inspector with fresh eyes will come in and say, "Why didn't past inspectors call this out? It's obvious to me that this is a violation."  
- she will look at the records on this

Ms. Shaff:

- from what she is seeing, it only happened between the 1st and the 2nd inspections that things were added  
- after the first couple Orders, it seems to get smaller or the same Order over and over and over again  
- codes do change

Ms. Moermond:

- will recommend approval of this assessment

**Referred to the City Council due back on 10/1/2014**

### Special Tax Assessments - Other

- 6 [RLH TA 14-489](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1412A, Assessment No. 148538 at 633 GOTZIAN STREET.

**Sponsors:** Lantry

Approve and spread payments over 3 years. (She will ponder on whether it should be decreased (no violations over the course of a year; she will get back to him on that.)

RE: 633 Gotzian Street (Single Family)

*Placido DonJuan, owner, appeared.  
Laura Carroll interpreted.*

*Inspector Paula Seeley:*

- *Summary Abatement Order sent Jun 19; compliance Jun 24; re-checked Jun 24*
- *work done Jun 26 for a cost of \$316 + \$160 = \$476*
- *no returned mail*
- *sent to Occupant and Placido DonJuan and Claudia Elizondo at this address*
- *in bold: including scrap lumber, old grill, and bags of garbage/recycling from back yard*

*Mr. DonJuan:*

- *he did not receive Notice; was in Mexico during that time*
- *he lives there and no one else was looking after his property while he was gone*

*Ms. Moermond:*

- *a pretty big pile of material was removed from the yard*
- *whether or not one is out of the country, the yard, sidewalks, etc. need to be taken care of*

*Mr. DonJuan:*

- *he was planning to build a small storage unit for that material*
- *he is a first time home owner and he didn't know about that there being a rule about material in the yard*

*Ms. Moermond:*

- *a lot of it looks like plain of junk*
  - *she has to hold him accountable; his not being in town is not a reason that she can use to delete the assessment*
  - *he does have a good history*
  - *there is a financial concern*
  - *will recommend approval divided over 3 years*
- (She will ponder whether it should be decreased (no violations over the course of a year; she will get back to him on that.)*

**Referred to the City Council due back on 10/1/2014**

- 7      [RLH AR 14-65](#)      Ratifying the assessment for Tree Removal services during May 2014 at 521 EDMUND AVENUE. (File No. 1409T, Assessment No. 149009)

**Sponsors:**      Thao

*No show; approve the assessment.*

**Referred to the City Council due back on 10/1/2014**

### **Special Tax Assessments - Vacant Building**

- 8      [RLH TA 14-459](#)      Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1411A, Assessment No. 148535 at 733 CHARLES AVENUE.

**Sponsors:**      Thao

*Delete the assessment.*

*RE: 733 Charles Avenue (Duplex)*

*Karen Bliss, owner, appeared.*

*Inspector Joe Yannarely:*

- *Summary Abatement issued Apr 28, 2014; compliance May 1; re-checked May 1*
- *work done May 7, 2014 for a cost of \$354 + \$160 service charge = \$514*
- *failure to maintain exterior property*
- *no VIDEO here today*

*Ms. Bliss:*

- *put in a bid for property last Dec 2013; vacant house owned by bank*
- *became a Condemned building; then, we had to hold off until code compliance inspection*
- *realtor told her she could not go over to the property to maintain it until she closed*
- *closed on it Apr 24, 2014*

*Ms. Moermond:*

- *these Orders went out Apr 28, 2014 to the previous owner of record, not to you*
- *because Ms. Bliss did not get proper Notice during her period of ownership, she will recommend the Council delete this assessment*

**Referred to the City Council due back on 9/17/2014**

- 9**      [RLH TA 14-477](#)      Deleting the Appealed Special Tax Assessment for Real Estate Project No. VB1411, Assessment No. 148817 at 2039 ITASCA AVENUE.

**Sponsors:**      Tolbert

*Delete the assessment (assessed in error). No hearing necessary.*

**Referred to the City Council due back on 9/17/2014**

- 10**      [RLH TA 14-484](#)      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1412C, Assessment No. 142011 at 1279 MACKUBIN STREET.

**Sponsors:**      Brendmoen

*Approve and spread the payments over 3 years.*

*RE: 1279 Mackubin Street (Single Family)*

*Paul Belmonte, owner, appeared.*

*Inspector Joe Yannarely:*

- *demolition assessment*
- *was a registered Vacant Building from Jun 30, 2010 until recently*
- *got demo bids in the neighborhood of \$7800 and picked the lowest bid with the addition of \$1900 for asbestos removal (\$9,778.65) plus a service charge of \$1,154.34 for a total of \$10,932.99*

*Mr. Belmonte:*

- *is that going to go higher yet (Ms. Moermond: No)*

- he has been working with Matt Dornfeld since it was a VB, why did it take almost 4 years to tear it down? Maybe it would have been more reasonable back then  
- I wanted the city to demo it right away so that it would be done right, so that the city wouldn't come back to me and say it wasn't done right  
- was here Nov 5, 2013 and at that time, the estimate for demo was around \$5,000 because it was so small and it has no basement and no garage; how can it be so much?

Ms. Moermond:

- the extra cost for asbestos removal and the administrative service charge increased the cost  
- will recommend approval of this assessment divided over 3 years

**Referred to the City Council due back on 10/1/2014**

**11**     [RLH TA 14-480](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1411, Assessment No. 148817 at 825 UNIVERSITY AVENUE WEST.

**Sponsors:**        Thao

*Approve and spread payments over 5 years or have Council lay it over.*

*RE: 825 University Avenue (Commercial/Apartment)*

*Eddie Landenberger, Twin Cities Community Land Bank and Caty Royce appeared.*

*Inspector Joe Yannarely:*

- Category 2 Commercial Vacant Building since Apr 20, 2009  
- annual Vacant Building fee \$1440 + \$155 service charge = \$1595  
- has recently been sold to this gentleman from Bee Vue

*Mr. Landenberger:*

- non profit Twin Cities Community Land Bank  
- purchase bldg on behalf of consortium of Springboard for the Arts, Frogtown Neighborhood Association and Preserve Frogtown  
- their role is a strategic acquisition for neighborhood groups to promote development along University Ave  
- want to see if this VB fee can be deferred; they bought this property to put it into a community process to figure out a use for it; this all takes time; also, there's time needed for fundraising and time to put a plan together  
- acquired the bldg in late Mar 2014

*Ms. Royce:*

- their business plan is in draft form, soon to be ratified; scope of work is next

*Mr. Landenberger:*

- will look at emergency repairs in the next few weeks  
- need to do funding to pay for emergency repairs  
- they have an agreement with the community and the consortium to hold the property for 3 years

*Ms. Moermond:*

- sounds like we're looking at a couple of years  
- doesn't have a way to defer the VB fee but what she can do is to ask the Council to lay this matter over, which will delay the billing; she could also ask them to split this fee over 5 years, which is probably the better way to go

Referred to the City Council due back on 9/17/2014

### Special Tax Assessments - Code Enforcement

- 12 [RLH TA 14-487](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1412A, Assessment No. 148538 at 958 ARMSTRONG STREET.

**Sponsors:** Thune

*Approve the assessment.*

*RE: 958 Armstrong Street (Single Family)*

*Denise Motz, niece of Thomas E. Burg, deceased, appeared.*

*Inspector Paula Seeley:*

- Summary Abatement Order for Tall grass/weeds issued May 27; compliance May 31; re-checked Jun 2*
- Work done Jun 4 for a cost of \$160 + \$160 service charge = \$320*
- sent to Thomas E. Burg, 8450 Greene Avenue S, Cottage Grove, MN; and Occupant*
- no returned mail*

*Ms. Motz:*

- 858 Armstrong is her mailing address but she didn't receive anything until Jul 30 when she received 3 letters from the city*
- the house is in the process of being sold, hoping Aug 28, 2014*
- the neighbors have been cutting the lawn for her and billing her; so, she did not know that the lawn had not been mowed*
- she was over there periodically because she had people working there and the grass seemed fine*
- on Jun 26, 2014, she was at the house and the neighbors said that they were no longer going to mow, so, then she was not aware*
- since then, the person who's buying the house has been cutting the grass*

*Ms. Seeley:*

- the Orders she is talking about: Inspector Ross wrote an Order on an abandoned vehicle on Jul 30*
- there's no returned mail*
- there were 2 Orders before that on water shut-off*

*Ms. Motz:*

- she took care of those things; all those letters were dated Jul 30*

*Ms. Moermond:*

- so, you did not receive the mail that was sent out May 27 but you did get the letters that were mailed Jul 30*
- will recommend approval of this assessment*
- Can go to the City Council Public Hearing on Oct 1, 2014*

Referred to the City Council due back on 10/1/2014

- 13 [RLH TA 14-498](#) Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1412G, Assessment No. 148712 at 1795 BLAIR



AVENUE.

**Sponsors:** Stark

*Delete the assessment as the inspector issued orders to the incorrect property. (No hearing necessary)*

**Referred to the City Council due back on 10/1/2014**

- 14 [RLH TA 14-506](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1412A, Assessment No. 148538 at 259 ENGLISH STREET.

**Sponsors:** Lantry

*Owner called and request to reschedule due to illness.*

**Laid Over to the Legislative Hearings due back on 9/9/2014**

- 15 [RLH TA 14-503](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1412A, Assessment No. 148538 at 1623 ENGLISH STREET.

**Sponsors:** Bostrom

*No show; approve the assessment.*

**Referred to the City Council due back on 10/1/2014**

- 16 [RLH TA 14-504](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1412A, Assessment No. 148538 at 568 FARRINGTON STREET.

**Sponsors:** Thao

*No show; approve the assessment.*

**Referred to the City Council due back on 10/1/2014**

- 17 [RLH TA 14-488](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1412A, Assessment No. 148538 at 434 FRY STREET. (Public hearing to be continued to October 15)

**Sponsors:** Stark

*Forthcoming*

*RE: 434 Fry Street (Single Family)*

*Clifford Scott, owner, appeared.*

*Inspector Paula Seeley:*

*- Summary Abatement issued May 13, 2014; compliance May 18; property owner called inspector requesting more time; a week more was granted; re-checked Jun 2, 2014*

*- work done Jun 17 for a cost of \$1,755 + \$160 service charge = \$1,915*

- sent to Clifford E. Scott, 434 Fry St; and Occupant
- no returned mail
- Insp Smith notes: remove improperly stored or accumulated refuse including: carpet, buckets, plastic bins, cardboard, wood, metal, illegal compost bins, logs, brush, etc. from yard areas

Mr. Scott:

- the actual abatement consisted only of fire wood, which he was told had to be stored off the ground; it had been stored off the ground but the city came and took it all which he thinks was unreasonable action; that wood was to be used for heating; at least 2-3 cords stored in a wood shed and wasn't visible to from the outside
- requesting this large sum be dropped considering that he will need to replace the wood

VIDEO - pile of logs too close to the house; more wood on the ground was removed near garage; some wood was stored off the ground and back from the house

Ms. Moermond:

- wants to talk with Inspector Ed Smith regarding the discussion on how wood can be stored
- looks like an extension was granted
- the city left the wood that was stacked off the ground
- will make what is left of the assessment payable over 5 years
- will get back to him regarding her recommendation on the amount of assessment

**Referred to the City Council due back on 10/1/2014**

- 18**     [RLH TA 14-383](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1409B, Assessment No. 148108 at 717 FRY STREET. (Amended to File No. J1409B3, Assessment No. 148114)

**Sponsors:**     Stark

*No show; approve the assessment.*

**Referred to the City Council due back on 9/3/2014**

- 19**     [RLH TA 14-501](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1412A, Assessment No. 148538 at 268 LARCH STREET.

**Sponsors:**     Thao

*RE: 268 Larch Street*

*Brad Holden, branch manager, United Products Corporation, part of Allied Building Products, appeared.*

*Inspector Paula Seeley:*

- Summary Abatement Order issued Jun 6, 2014; compliance Jun 16; re-checked Jun 17
- work done Jun 18 for a cost of \$1080 + \$160 service charge = \$1240
- sent to Rice Street Properties LLC, 15 E Union Ave, East Rutherford, NJ
- no returned mail
- SA in bold letters: **Illegal dumping on Larch in front of gate**

Mr. Holden:

- Allied Building Products is out of Rutherford NJ
- they acquired United Products 3 years ago; previous owner was a private health company, that is still the landlord; they lease the property from them
- Rice Street Properties LLC is not from Rutherford NJ, so there may have been some confusion
- the 268 Larch address - he's not sure where that is - he had this E-mailed to him last week; their address is 200 W Sycamore St
- he googled a map and drove around to where this address is located

VIDEO - removed mattresses, household items, debris, dumping, etc.

Mr. Holden:

- approached Ms. Moermond with googled map - aerial - that showed their fence line; their yard is on the other side of that fence and Xcel's is on the other side of the fence

Ms. Seeley:

- the owner of record at Ramsey County is Rice Street Properties
- sees on GISMO the dumping spot
- who's responsible for this alley right-of-way

Ms. Moermond:

- Do you have an agreement with Rice Street Properties that you assume responsibility on this kind of cost?

Ms. Holden:

- he will need to check with their legal dept as far as that

Ms. Moermond:

- the city is responsible for providing notification to the owner of record at the address that's listed at Ramsey County Property Records
- there's no way to know who the owner has leased the property to (private agreements and city will not involve themselves)
- in the future, fill out a Fire Certificate of Occupancy form so that you will get Notices for those addresses you have leased
- the city will hold Rice Street Properties accountable

Mr. Holden:

- they do not lease property outside the fence

Ms. Seeley:

- owner's are responsible up to the center line of the alley right-of-way
- this dumping is outside the fence

Ms. Moermond:

- wants to talk with Inspector Joel Essling to find out more about this
- asked Appellant to check their lease agreement to find out if they are responsible for this property; looks like it's outside

Mr. Holden:

- United Products has been there over 75 years and they want to be good stewards of the community; have 35 employees, many of whom live in St. Paul
- they want the area to be nice and clean
- just had Mitch come through for the Fire Cert. of Occupancy inspection
- there's over 200 locations for Allied

Ms. Moermond:

- just read an E-mail from Mr. Essling re: his observations on this: he said that it was definitely on the owner's property, leaning up against that fence, not even on the right-of-way; so, there's no question that 268 Larch is responsible
- it's a big mess there
- Notice was provided to the owner of record
- right now, it looks like the property owner is responsible
- signage, lighting, etc. will help to stop dumping

Ms. Seeley:

- looking up Ramsey Co Property taxations for 2013-14; their mailing goes to 200 Sycamore St W (Mr. Holden: that's where I'd like it to go)

Ms. Moermond:

- looks like this went to the wrong address; we will look at this more deeply and will get back to you
- suggested Mr. Holden call Inspector Joel Essling, 266-1904, to see if he could put up a blockade or other ways to help prevent dumping

10/1/14: Rec; reducing fee from \$1240 to \$840 for the fact that it was unclear where there property line was but work was done.

**Referred to the City Council due back on 10/1/2014**

**20**     [RLH TA 14-490](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1412A, Assessment No. 148538 at 994 MINNEHAHA AVENUE WEST.

**Sponsors:**     Thao

Approve and spread payments over 5 years.

RE: 994 Minnehaha Avenue West (Single Family)

Jessi McGehee, owner, appeared.

Inspector Paula Seeley:

- Summary Abatement issued May 29, 2014 for tall grass/weeds; compliance Jun 2; re-checked Jun 9
- work done Jun 10 for a cost of \$160 + \$160 service charge = \$320
- sent to Jessica McGehee, 994 Minnehaha Ave W; and Occupant
- no returned mail

Ms. McGehee:

- was curious as to what exactly this applied to
- her lawn mower was broken down and it needed to get cut
- it did get cut by the city; she is not arguing that
- she thinks that \$320 is very extreme
- is there something else that she is being charged for

Ms. Moermond:

- it's not cheap and they tack on an administrative fee
- will recommend approval of this assessment divided over 5 years; the grass and weeds are really tall

**Referred to the City Council due back on 10/1/2014**

- 21 [RLH TA 14-491](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1412A, Assessment No. 148538 at 683 OAKDALE AVENUE.
- Sponsors:** Thune
- No show; approve the assessment.*
- Referred to the City Council due back on 10/1/2014**
- 22 [RLH TA 14-492](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1412A, Assessment No. 148538 at 885 ROSE AVENUE EAST.
- Sponsors:** Bostrom
- Nemah Jenekan, owner, 2M Enterprises Inc, appeared along with an employee, Thomas Manicuso.*
- Inspector Paula Seeley:*
- tall grass/weeds Order sent May 28, 2014; compliance Jun 1; re-checked Jun 2
  - work done Jun 4 for a cost of \$160 + \$160 service charge = \$320
  - sent to 2M Enterprises Inc, 8317 W 103rd St, Bloomington, MN; and Occupant
  - no returned mail
  - there are no other violations at this property
- Mr. Jenekan:*
- purchased property Mar 24, 2014
  - only received 1 Notice on May 28 for cutting grass
  - admits that the grass was cut when he went there on Jun 1 to cut the grass; he loaded up his own lawn mower from Bloomington
  - he cut the grass and the lady from across the street came over and talked, wondering what was happening here; he told her that he had been out of state for family matters
  - after he cut the grass, he called the number on the Notice and let them know that he cut the grass; and he said, "As long as you took care of it, that's fine."
  - the house had been a foreclosed property; he sunk thousands of dollars into it and he is upside-down on it; losing money
  - multiple times, he has dumpsters on the back alley; the neighbors dumped their furniture into his dumpster
- VIDEO - showed that the city cut the grass too*
- Ms. Moermond:*
- even though you say you cut the grass on Jun 1, the weeds look the same in the VIDEO (Jun 4) as they do in the photo, which was taken Jun 2
- Mr. Jenekan:*
- he honestly did cut it; he had to wash the lawn mower because he didn't want to bring anything to his own house and for that he borrowed the water hose from the lady 2 houses on the right side; she let me use her hose to rinse off the machine
  - he will be selling the house; he did purchase it to make a buck; however, with this house, he is not making a buck
  - after that, he hired Mr. Manicuso to cut the grass every week
  - it is upsetting to him that he is being punished like this when he is bringing value to the neighborhood

- he may be off on the date a little

Ms. Moermond:

- will give him some credit, there are no other abatements, so the property is being maintained, and there is active rehabilitation ongoing

- the dandelions in the VIDEO look the same as in the photo

- will recommend reducing this assessment from \$320 to \$220

**Referred to the City Council due back on 10/1/2014**

- 23     [RLH TA 14-481](#)     Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1412G, Assessment No. 148712 at 1153 SHERBURNE AVENUE.

**Sponsors:**     Stark

*Delete the assessment. Owner has trash service.*

**Referred to the City Council due back on 10/1/2014**

- 24     [RLH TA 14-494](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1412A, Assessment No. 148538 at 358 SMITH AVENUE NORTH.

**Sponsors:**     Thune

*No show; approve the assessment.*

**Referred to the City Council due back on 10/1/2014**

- 25     [RLH TA 14-495](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1412A, Assessment No. 148538 at 362 SMITH AVENUE NORTH.

**Sponsors:**     Thune

*No show; approve the assessment.*

**Referred to the City Council due back on 10/1/2014**

- 26     [RLH TA 14-496](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1412A, Assessment No. 148538 at 378 SMITH AVENUE NORTH.

**Sponsors:**     Thune

*No show; approve the assessment.*

**Referred to the City Council due back on 10/1/2014**

- 27     [RLH TA 14-497](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1412A, Assessment No. 148538 at 384 SMITH AVENUE NORTH.

**Sponsors:**     Thune

*No show; approve the assessment.*

**Referred to the City Council due back on 10/1/2014**

- 28     [RLH TA 14-510](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1412A, Assessment No. 148538 at 300 BANFIL STREET.

**Sponsors:**     Thune

*Scott Seiberlich, owner, appeared.*

*Inspector Paula Seeley:*

- *Summary Abatement Order issued Jun 9, 2014; compliance Jun 16; Re-checked Jun 16*
- *work done Jun 19 for a cost of \$288 + \$160 service charge = \$448*
- *sent to Jeffrey Austin/Scott Seiberlich, 913 Crystal Lake Road E, Burnsville MN; and Occupant*
- *it's a vacant lot*

*Mr. Seiberlich:*

- *he just happened to be gone during this period of time*
- *this vacant lot has a Clear Channel billboard sign on it*
- *Clear Channel is responsible for maintenance of this property (they mow the lawn; shovel sidewalk; etc.)*
- *they never thought that they would be responsible for anything on this property, let alone, for someone dumping their garbage there; so, he did not even consider having someone else look at the property while he was gone*
- *the property's maintenance is covered in the lease with Clear Channel*

*VIDEO - removed couch*

*Mr. Seiberlich:*

- *have not had previous problem with the city*

*Ms. Moermond:*

- *your lease with Clear Channel is a private matter; they have an obligation to take care of the property but Clear Channel did not get Notification of this; the owners of the property receive notification*
- *will have you fill out Fire Certificate of Occupancy form so that Clear Channel is the city's alternate contact on the property; (there's a sign there)*

*Ms. Seeley:*

- *not sure they would accept that for a vacant lot*
- *suggested that Mr. Seiberlich call 266-8989 and speak with Maynard Vinge about the situation*
- *there's no history*

*Mr. Seiberlich:*

- *thinks that they have been good neighbors on this piece of property*
- *it took the city 30 seconds to throw that couch into the back of the truck, sure not worth \$400*
- *he would like to get a little break on the cost; \$400 for not even a whole couch is a little bit ridiculous*

*Ms. Moermond:*

- no history; will recommend reducing this assessment from \$448 to \$348

**Referred to the City Council due back on 10/1/2014**

- 29**     [RLH TA 14-512](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1412A, Assessment No. 148538 at 975 BRADLEY STREET.

**Sponsors:**     Brendmoen

*LO to watch video.*

*RE: 975 Bradley (Duplex)*

*Mark Miller, MJ Miller Construction, appeared on behalf of CEO of MBC Inc.*

*Inspector Paula Seeley:*

- tall grass and weed complaint
- Orders sent Jun 10; compliance Jun 13; re-checked Jun 13
- work done Jun 17 for a cost of \$160 + \$160 = \$320
- sent to State of MN Trust Exempt, PO Box 64067, St. Paul; MBC Inc, 9008 Cold Stream Ln, Eden Prairie, and Occupant
- no VIDEO on this walk in

*Mr. Miller:*

- general contractor, who is currently building a new single family home on this site
- purchased this last May from Ramsey County at auction
- they maintained the property throughout the summer
- the owner received these Notices 3 weeks ago, which would have been after the fact
- the began footing excavations right around Jun 17

*Ms. Moermond:*

- will need to see the VIDEO
- I will check on it and let you know

**Laid Over to the Legislative Hearings due back on 9/9/2014**

- 30**     [RLH TA 14-511](#)     Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1412A, Assessment No. 148538 at 1680 MARSHALL AVENUE.

**Sponsors:**     Stark

*Laid over to watch video.*

*RE: 1680 Marshall Avenue (Two Family Dwelling)*

*Reid Pettersen, tenant, appeared.*

*Inspector Paula Seeley:*

- Summary Abatement Order issued Jun 9; compliance Jun 12
- Pre-authorized Work Order (garbage, trash, other sanitation issues)
- work done Jun 13, 2014 for a cost of \$316 + \$160 service charge = \$476
- sent to Red Head Real Estate LLC, 2556 E Dahl Ave, Maplewood; Red Head, 2641 New Century Pl E, Maplewood; and Occupant
- did get returned Orders from 2641 address



Mr. Pettersen:

- Red Head is the landlord; just moved this summer
- he sent us the Notice; got warning Jun 4; we mowed the lawn Jun 7
- did not get anything else until Jun 12
- all college students and do not live there in summer; try to maintain as much as possible

Ms. Seeley:

- did also get a tall grass and weeds letter sent - waived PAEC- Done by owner
- don't have this walk-in's VIDEO

Ms. Moermond:

- will need to see the VIDEO
- LAID OVER to Sep 9, 2014 to view the VIDEO

**Laid Over to the Legislative Hearings due back on 9/9/2014**

- 31**     [RLH TA 14-513](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1412A, Assessment No. 148538 at 1107 ROSS AVENUE.

**Sponsors:**     Bostrom

*Approve the assessment.*

*RE: 1107 Ross Avenue (Single Family)*

*Mark Miller, MJ Miller Construction, appeared on behalf of CEO of MBC Inc, owner.*

Mr. Miller:

- a permit is completed with plan review
- things are beginning tomorrow(city water, sewer)
- arrangements have been made to do mowing services for several vacant lots owned by MBC Inc.
- believes the grass mowing here is valid
- haven't started to build yet
- he can't argue this assessment
- they sent back gold cards on both the addresses; confused as to why not on the agenda today

Ms. Moermond:

- will recommend approval

**Referred to the City Council due back on 10/1/2014**

### **Special Tax Assessments - Appeals by Letter**

- 32**     [RLH TA 14-500](#)     Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1412A, Assessment No. 148538 at 959 THIRD STREET EAST.

**Sponsors:**     Lantry

*Laid over for STAFF REPORT. Need inspectors notes from caller.*

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Laid Over to the Legislative Hearings due back on 9/9/2014

### Special Tax Assessments - ROLLS

- 33 [RLH AR 14-61](#) Ratifying the assessments for Collection of Certificate of Occupancy fees billed March 13 to April 15, 2014. (File No. CRT1412, Assessment No. 148213)  
*Sponsors:* Lantry  
Referred to the City Council due back on 10/1/2014
- 34 [RLH AR 14-62](#) Ratifying the assessments for Demolition services from May to June 2014. (File No. J1412C, Assessment No. 142011)  
*Sponsors:* Lantry  
Referred to the Charter Commission due back on 10/1/2014
- 35 [RLH AR 14-63](#) Ratifying the assessments for Property Clean-Up services from June 4 to July 1, 2014. (File No. J1412A, Assessment No. 148538)  
*Sponsors:* Lantry  
Referred to the City Council due back on 10/1/2014
- 36 [RLH AR 14-64](#) Ratifying the assessments for Trash Hauling services from June 4 to 25, 2014. (File No. J1412G, Assessment No. 148712)  
*Sponsors:* Lantry  
Referred to the City Council due back on 10/1/2014

### 11:00 a.m. Hearings

#### Orders To Vacate, Condemnations and Revocations, Correction Notice

- 37 [RLH VO 14-34](#) Appeal of Donald J. Klemmer to a Notice of Condemnation as Unfit for Human Habitation and Order to Vacate at 1060 AVON STREET NORTH #1.  
*Sponsors:* Brendmoen  
  
*To allow continue occupancy of Unit 2 through October 31, 2014, owner must not tamper with the electrical service, must have battery operated smoke and carbon detectors in Unit 2, must not use a generator and must not use candles/open flame.*  
  
*RE: 1060 Avon Street North #1 (Duplex)*  
  
*Donald J. Klemmer, owner, appeared.*  
  
*Inspector Steve Magner, Vacant Building:*  
*- received a utility shut-off from Xcel*

- the inspector issued a Notice of Condemnation/Order to Vacate of North Unit #1
- as of this a.m., the power is still off per Xcel

Mr. Klemmer:

- they have an extension from Xcel; there is gas to both units and electric in Unit #2, the unit he occupies
- Xcel gave them until Sep 5, 2014 to pay
- they are working with Kay Witgenstein
- no one lives in Unit #1
- there is separate gas and electricity for each unit

Mr. Magner:

- DSI requests that Unit #1 not be occupied until full power is restored

Fire Inspector A.J. Neis:

- this house was Condemned last year with a power shut-off
- conditions: 1) no electrical tampering; 2) battery operated smoke detectors; 3) no use of candles, gas pumps, generators (no urban camping), no open flames

Ms. Moermond:

- will recommend continued occupancy of Unit #2 through Oct 31, 2014 on the conditions that Mr. Neis enumerated

Mr. Magner:

- DSI also requests that the yard remain clean and maintained; and there be no scrapping or illegal activities at the property

**Referred to the City Council due back on 9/3/2014**

38 [RLH CO 14-9](#)

Appeal of Gennady Lyubeznik to a Correction Notice at 1776 YORKSHIRE AVENUE.

Sponsors: Tolbert

RE: 1776 Yorkshire Avenue (Single Family)

Gennady Lyubeznik and Vera Lyubeznik, owners, appeared.

Neighbor Marco Pavoloni, 1807 Hampshire, appeared.

Wesley Saunders-Pierce, Water Coordinator, St. Paul Regional Water Services, appeared.

David Keebler, Civil Engineer IV, Right-of-Way Management Center, Traffic/Lighting Division, Public Works, appeared.

Inspector Steve Magner, Vacant Buildings:

- brief history: historically, there was a smaller house on this lot; in 2003, a bldg permit was pulled and a new house was built
- 2011: received complaint about sump pump running down a sidewalk down to the neighbor's driveway; did not get good resolution
- May 2014: received complaint about the same thing; DSI issued Orders
- owner informed DSI earlier this year and Mr. Magner and Inspector Smith discussed it with the owner, who indicated that he was trying to alleviate the problem; when the house was built, a sump pump was installed to alleviate water coming into the house and avoid damage to the foundation (water will accumulate around the foundation); the discharge was into the front (west side) of the parcel; from there it goes down a grass hill down to the public sidewalk, cascades along the sidewalk for 15+ feet, then,

gradually goes across the curb into the gutter, then into a catch basin

- this discharge gets algae growth and can be very slippery; on at least 2 occasions, someone slipped and fell on the sidewalk (one person was transported to a hospital)
- owner said that he had talked with PW about a year ago to see if they could get an encroachment permit to go under the sidewalk and into the curb to discharge directly into the catch basin; PW denied that permit application; it's been on-going; DSI has issued Orders again
- Mr. Magner suggested owner talk to Wesley Saunders Pierce to see if he some ideas
- discussions have ensued with Mr. Saunders-Pierce, Mr. Keebler, Inspector Ed Smith and himself; all need to figure out the best resolution for the property owner and the neighbors
- Mr. Smith and Mr. Magner met with owner last week and Mr. Pavoloni
- it's a tough situation; probably not 1 perfect answer
- owner is willing to commit considerable funds to try to address this and reach resolve if he could get an encroachment permit
- some other concerns may come up as part of this process
- would prefer to find a resolve through a creative solution

Mr. Saunders-Pierce:

- he provides technical support and coordinate among departments on issues
- had some phone called with owner and went out to take a look at the situation; discussed potential solutions
- challenge is that there's no clear written guidance for sump pump discharges; no clear direction to the property owner from the city so he struggles with expectations
- initially, he encouraged owner to re-apply for encroachment permit with the misunderstanding of what PWs position is on that
- original application was denied; it was not thorough enough in documenting the circumstances; he misunderstood the reason for denial; there needed to be more evaluation; there were numerous conversations
- result was for him to go back out again with Mr. Keebler and to more clearly articulate the expectations; discuss possible ways to investigate solutions to sump drainage; advised owner to talk to contractors about possible solutions
- the application in 2013 was denied; the application in 2014 had not been acted upon
- recommended they consider a variety of approaches: 1) move sump to other side of driveway; 2) move to rear of property; etc.
- a packet contains a summary of options
- physical location of property is at the low part of the neighborhood; all water moves this way
- there's no alley in the neighborhood
- shallow water table, just directly below the soil surface 10-20 feet: don't have a direct measurement for the water table; know that it fluctuates very greatly; this year had significant snow pack melt; a lot of spring rainfall
- went through the site plan file from 2003; some documentation describes condition of soil and indicates that the drain tile for the house would be placed both on the interior and the exterior of the foundation walls (wet expectations)
- provisions were put in during the house build that made sure the foundation was protected from encroaching waters
- appears there are some additional connections to the sump drain system which is maybe exacerbating the volume of water that's discharged, perhaps roof drain

Mr. Keebler:

- Aug 2013- came to his attention by an encroachment permit that requested draining discharge from sump pump (the discharge, approximately 6 feet behind the back of the sidewalk, under the sidewalk and emptying into the blvd); that permit was denied in part, based on response from their street maintenance division: they stated this is

*not appropriate to have this type of a discharge in the Right-of-Way*

- *since then, there have been different dialogues going on with DSI, his office -- regarding the situation*
- *Jun 19, 2014, another encroachment permit was submitted which requested discharge the water through the curb; this permit was not acted upon because of on-going discussions with the property owner*
- *encroachments into the Right-of-Way: Ordinance Chapter 134 is rather clear-2 conditions need to be met: 1) the encroachment cannot be reasonably accomplished on private property; and 2) vacation of the Right-of-Way has been denied (he is sure that the Right-of-Way for Yorkshire will not be vacated); and up until now, it's been the decision of the Right-of-Way Office, that condition #1 has not been demonstrated at this point*

*Mr. Magner:*

- *summarized: thinks there's a key issue that needs to be addressed; it sounds like that if it's shown that the water cannot be dispersed onto the private property, then, an encroachment permit can be approved (Mr. Keelber: that's a correct analysis); so, if there is enough area on the owner's private property and the conditions are "right" (grade, soils, etc.) to allow the water generated off this site to be dispersed onto that site and not be affecting other structures*
- *some of those issues became very apparent when he went out to look at the sight with Inspector Smith*

*Mr. Lyubeznik:*

- *is looking for obtaining an encroachment permit to go under the sidewalk to discharge water into the street; that would definitively solve this issue; there would be no water on the sidewalk; it's a very easy solution - he doesn't know of any other solution that would definitively solve the problem (his contractors don't see any other solution)*
- *also, he's been told by the city to correct this issue but no one told him how to correct it*

*Mrs. Lyubeznik:*

- *2 things: 1) water discharges from early May - Jul from the hill; and 2) have talked to Tom Beach for 11 years ..... (could not understand her)*
- *so much time has been spent over the years and so much money; also, it has strained our relationship with the Pavoloni family*

*Mr. Pavoloni:*

- *been going on for 11 years and he is still in an amicable relationship with the Lyubezniks, who were not aware that there's an underground stream below their house*
- *every year from Mar on, they have cascades of water running down the sidewalk coming into his property and driveway (photo)*
- *there is algae growth - 2 people fell; one went to the hospital*
- *today, he heard someone say that another solution would be to discharge in the back, which would be more terrible than it is now because his property sits at the very low end; already every year, he has to shovel snow away so that it will not go into his basement when melting; he Mar, he creates a channel; if the sump pump discharges in the back, it would be a catastrophe*
- *the only reasonable and logical solution he can see is to grant Mr. Lyuberznic an encroachment permit that would bring the water under the sidewalk to the catch basin*
- *his driveway has damages but he will not sue his neighbor nor the city; he will redo it himself; however, if this problem persists, he will sue anybody he can get his hands on; they are tired of this problem*

- photos were scanned

Mr. Magner:

- last week, Inspector Smith and he were out there and discussed options; he had met the day before with Dave and Wes, who expressed their concerns;  
1) option - taking discharge pipe coming out in front of the house (west side) and turning it to the east, thru pipe parallel to driveway, down the driveway, over to the sidewalk and out to the curb; Mr. Magner would not recommend that because it takes the problem and just moves it 30 feet to the east; 2) option - re-direct the discharge across the basement, thru the house and bring it out on the far SE corner of the residence and possibly have it go into a rain garden; he looked at that and noted that it's the highest point of his property, which also would not solve the problem because of the volume of discharge, and would overflow would shed water to the neighbor's foundation, creating another problem (not enough grade to get that); 3) option - installing an underground pipe to go across Hamshire; problem - freeze up situations which would create a maintenance issue with still another property involved; 4) option- allow the encroachment permit  
- his business is to stop the nuisance; we have a nuisance condition that needs to be eliminated  
- the city doesn't usually plan to resolve a problem but it seems like the simplest resolve here is to grant the encroachment permit

Ms. Moermond:

- asked staff if the attachments to the appeal were connected to the applications for the encroachment permit (Mr. Keelber: they were not; those attachments to the appeal were generated after Mr. Saunders-Pierce and he met with Mr. Lyubeznik on site and tried to provide information as to the separation of jurisdiction of authority within the city and how they relate)  
- looking at Chap 51, which would cause a simple exemption from Chap 134 if it meets the criteria enumerated; thinks the decision-making happens within Chap 51  
- found that there was no documentation on when the sidewalk was installed (don't see cracks, aging, heaving, etc); wondering if the sidewalk may have been installed on a wet area, exacerbating the problem (?)

Mr. Keebler:

- said he would get an approx date on sidewalk installation  
- contractor bids: would also be looking for a determination from DSI on them and supporting documentation on the contractors

Mr. Sunders-Pierce:

- contractor bids: the outcomes are clear; directing discharge to the street was, in their minds, the only solution; he would disagree that it's the only solution  
- alternatives of raingarden, other re-directions have less certainty in bringing this matter to closure vs. the contractors' position, which most certainly would resolve the problem  
- Right-of-Way Management perspective: putting the sump discharge under the sidewalk to the front would be the most straight forward and have the most certainty to resolve the issue of having water on the sidewalk, it is not necessarily something that they would value as a preferred alternative because of the implications for other sump discharges on numerous other single-family residence properties  
- many commercial properties are allowed this encroachment

Mr. Keebler:

- numerous commercial properties in this position  
- he also staffs the Site Plan Review Committee and private developers are strongly encouraged, if not almost mandated, to locate any and all storm water discharges

*either on site or utilized the existing storm management system*  
*- wondering if there's a creative solution that can combine multiple possibilities to create the desired outcome rather than using a single solution (have these been and explored and to what extent?)*

*Pavoloni:*

*- more solutions would create more dispersion into his backyard; per his photos and his 10 years experience with this, he won't grant a solution that would put his house and his basement at risk*

*Mr. Lyubeznik:*

*- it was mentioned to contact waterproofing and landscaping companies and he did; both said that they don't see any other solution*  
*- all this suggests to him that he should go somewhere to find the solution; however, the city has many experts and it seems that if the city wants him to do something, shouldn't the city tell him what to do*

*Ms. Moermond:*

*- when she listens to staff, she thinks that the possibility of combing solutions might be the way to go but we don't want to exacerbate the neighbor's problems*

*Mr. Lyubeznik:*

*- amount of discharge: sump pump discharges about 5 gallons every discharge; at the peak of the discharging season (May-Jun), the pump works every 10 minutes (5 gallons every 10 minutes) - that's 30 gallons every hour*

*Mr. Pavoloni:*

*- multiple discharges would mean more discharge on his property and more multiple monies, too*  
*- please allow this encroachment to take place*  
*- discharging water that will flow onto his property is not a possibility; he will not allow such a solution, not even partially*

*Mr. Keebler:*

*- appreciates Mr. Lyubeznik getting these contractors out to take a look; appears they have a single solution*  
*- from a discharge standpoint, if allowing encroachment is the position of the hearing officer and staff and the direction from Council, then, it will be*

*Mr. Saunders-Pierce:*

*- he would not recommend a combined solution because the water needs to be controlled by a pipe, whether that goes under the sidewalk or in the backyard on private property, the fact of the matter is that the volume of water is significant and the soils do not support infiltration (engineering report)*  
*- he suggested that the owner re-apply for the encroachment permit*  
*- he has seen how much water is discharged by the pump; he estimates more in the 15-20 gallon range per discharge (interior and exterior of the foundation)*  
*- a rain garden would have only minimal capacity*  
*- another, very expensive, option: connect with a storm manhole just a little to the east of the property in the street (you would not have flowing water in the street or sidewalk); would also open a conversation with another part of Public Works, not yet a part of this conversation*  
*- discharge must remain in a pipe conveyance*

*Mr. Keebler:*

*- other documents needed to be attached to an encroachment permit that they*

currently don't have: wants to see reasons from contractors why other options aren't viable except for their single solution  
- he will discuss this his supervisor

Mr. Magner:

- it's imperative that this issue be resolved prior to this year's freeze-up; (90 days) allowing time for contracts, we need to have a concrete decision in 45 days  
- from experience in the city, he knows that there are a number of parcels, that he's been to personally, where there are similar issues; and we have required them to remove the water (one yard had a 2-foot deep duck pond in their back yard and the foundation was holding out the water); ultimately, that owner was required to re-landscape the property, install some measures - now, that water cascades down between 2 parcels; the difference is that there's no public sidewalk to cascade over

Ms. Moermond:

- asked Mr. Keebler to make a follow-up phone call to the contractors asking them to explain why they are rejecting any other options  
- she wants to discuss this with the City Attorneys Office  
- will Lay this Over for 3 weeks to Sep 9, 2014 LH when we will wrap this up

**Laid Over to the Legislative Hearings due back on 9/9/2014**

**39**     [RLH VO 14-38](#)

Appeal of Keith Hayes to a Correction Notice - Complaint Inspection Notice of Condemnation and Order to Vacate at 318 FRONT AVENUE. (Public hearing held September 3; laid over from September 17)

**Sponsors:**     Thao

Grant until September 5, 2014 to come into compliance or the building must be vacated.

RE: 318 Front Avenue (Single Family)

Keith Hayes, tax owner, appeared along with occupants: Jay Wylie, Peggy Mentzer. Also Delbert Moore

Fire Inspector A. J. Neis:

- Correction Notice Complaint Inspection / Notice of Condemnation / Order to Vacate by Mr. Neis on August 15, 2014  
- received complaint of this being a disorderly house with over-occupancy; the complaint alleged that people were coming and staying; and crawling through where ever they could get through  
- he opened a disorderly house file and went out to investigate  
- he found the house owner-occupied; so, technically, this was a code enforcement property and he contacted Steve Magner, who urged Mr. Neis to continue with the inspection  
- his inspection found multiple code violations: illegal rooms used for sleeping in the basement; overcrowding; missing smoke detectors; blocked egress; unsanitary conditions; open electrical; work being done without permits; poor overall condition of the house; multiple occupants; etc.  
- photos in file  
- lots of activity in the house while he was there  
- cars that were attempting to pull up slowly drove away when they saw Mr. Neis  
- multiple police calls - 11 in the past year  
- numerous code enforcement complaints since Mr. Hayes has owned this house  
- behavioral issue complaints



- complaints date back to 2003 about over-occupancy
- complaint in 2009 about living in basement
- extremely dangerous conditions in a very poorly kept house
- Fire is asking that the house be Ordered to be Vacated immediately and secured

Inspector Steve Magner, Vacant Buildings:

- history and photos are troubling
- DeLisle sold this property to Mr. Hayes on Contract for Deed (which circumvents some of the C of O process where properties are inspected on a regular basis to make sure they're safe for the occupants)

Mr. Hayes:

- sleeping in the basement: a guy came over about 2 months ago and asked if he needed any work in the house; Mr. Hayes said yes, he needed a bedroom and kitchen remodeled but he couldn't pay him cash; however, he could stay there (he said he had no place to go); later he found out, that this guy had built a small room in the basement and was selling drugs from there (most was happening at night); so, he got that guy out of there
- he is in touch with an organization that will come in and help him with the windows, electricity, and other repairs
- Mr. Moore is here to verify that this guy was evicted from his place because he had been selling drugs over there
- police were called because one of the roomers brought over his girlfriend and they got into argument

Mr. Moore:

- he evicted this guy; things didn't look right with him; he was creating problems at Mr. Moore's house, too; then, he moved to Mr. Hayes' place

Mr. Hayes:

- has lived at this property since 1980
- he rents rooms to tenants
- he did not rent out the basement; he was staying down there while he was supposed to be remodeling the bedroom and kitchen
- Mr. Hayes lives in the upstairs to the right of the back door

Ms. Mentzer:

- instead of fixing things, he put up walls and made himself a bedroom downstairs
- she's a recovering addict, so she knows addict activity; they figured out that he was selling; there was no one living in the house who was using
- Kendall was his name; he made threats; she decided to move out
- they have the kitchen just about done; one bedroom is done; materials have moved out of the basement
- Kendall's things were bagged up

Mr. Wylie:

- Ms. Mentzer is his significant other
- he is in the middle of a program
- he would like to make this house a "sober house"
- he can see the signs of drug use
- he's been working for a retired judge; maintenance work; painting, etc.

Ms. Moermond:

- she deals with problems that have to do with the structure itself
- there's a problem with too many people in the house and also a zoning problem

*Mr. Neis:*

- the complaint of people living in this basement has gone for years and years
- overall condition of the house is very poor, which has attracted some nuisance people
- Mr. Hayes is no stranger to drug activity in this house; he continued to allow the repetitive behavior of this illegal rooming and boarding over the years
- the condition of the building is so grave that it has caused a nuisance attraction

*Mr. Magner:*

- Mr. Hayes purchase property in 1980
- how is it that Mr. DeLisle has ownership in the property

*Mr. Hayes:*

- bought house in 1980
- 1986 - Peter Boshier Realtors took it over
- 2005 - the wife and I were in the process of being separated; he was in the hospital with prostate cancer
- foreclosure of house; he filed bankruptcy; foreclosure was stopped in about 2 years
- Peter Boshier Sr, passed away; and Jr was in prison
- instead of his losing the house, he contacted DeLisle Realtors and he rented; then he bought the house again
- he was forced into retirement; kept throwing out his back; so, he ended up losing house again
- DeLisle sold it to Marty
- after 1 1/2 yrs, Oct 2013, he bought it back and has been there since
- he brought up the paperwork for the organization that is going to rehab the house, out of Mpls

*Ms. Moermond:*

- paperwork is from Rebuilding Together Twin Cities, Mpls headquarters; have an Americorps person associated with them
- they are reputable; and Mr. Hayes has been approved

*Mr. Magner:*

- concern: these agencies that provide assistance want to make sure there's a clear ownership; Mr. Magner is a little fuzzy on that
- need to see some ownership documentation
- you can have up to 4 unrelated adults living in the structure; if you are the owner, you can allow up to 3 additional unrelated adults to live there; a monetary exchange is not an issue for 4 unrelated adults; however, more than that is not allowable; you can have 4 people living there sharing expenses but you can't run it like a rooming house

*Mr. Neis:*

- there's a hasp lock on each door
- Mr. Hayes has been less than truthful
- Mr. Hayes knew the basement bedroom was there because he had the keys to that room; additionally, when Mr. Neis first walked in, Mr. Hayes tried to deter him from that area in the basement; he clearly knew that someone was living there

*Ms. Mentzer:*

- they are here because they would like not to be evicted and they would like to keep the house and have time to get it fixed up so that Mr. Hayes doesn't lose the house
- those hasp locks were there to prevent stealing and for security reasons
- there's 4 of us living there and we want to be a sober house

Mr. Wylie:

- Mr. Hayes is a good person; he sees people with his heart; and people take advantage of him
- his daughter was there but she was not supposed to be there; she's using; when he saw her there that day, he took her to her mom's house
- he can't even be her father

Mr. Neis:

- in closing, conditions of house are very poor with poor workmanship; it's not habitable
- all behavioral issues aside, there's still shoddy work with exposed electrical wiring (live and bare hanging from the walls); no permits
- he doesn't think that these people here today are capable of bringing this house back, even to minimum standards
- even without all the behavioral issues, this house would still have been Condemned

Mr. Magner:

- have spiraled into a situation where someone is buying a house on a Contract for Deed, has limited resources, has allowed other people to stay there; and in lieu of rent, they are starting to do the repairs; that's not allowable under the code
- the only person in a residential structure who can pull a permit and actually do the work is the owner himself; if that person isn't capable of doing the work, building code and other attached codes clearly state that you have to hire a licensed professional
- these people cannot come in and do professional work
- in his opinion, it's clear that the property, based on Mr. Neis' evaluation, needs to be vacated
- the city needs to make this a Registered Vacant Building and get a Code Compliance Inspection on it
- the organization Mr. Hayes talked about can bring this building back into compliance; then, can these people move back into it

Mr. Hayes:

- already has bid for the windows
- has an appointment with plumber, electrician this week

Ms. Moermond:

- DSI has proposed that tomorrow as the Vacate date
- is not thrilled about these building conditions; it needs to be fixed
- things need to be fixed under permit; she's not trusting any electrical fixes without having a city electrical inspector sign off on it; is concerned about the quality of work
- will recommend that the building be Vacated Sep 5, 2014
- you can ask Inspector Neis to do another inspection but unless he crosses everything off the list, no one can live there
- the building needs to become a Registered Vacant Building; repairs need to be made while it's empty

Mr. Neis:

- based on Ms. Moermond's decision, he asked that some conditions be placed on it:  
1) no one living in basement; there's no egress; 2) must have working smoke detectors in each room used for sleeping; and CO detectors; 3) unblock the north bedroom egress window; and 4) no more than 4 unrelated adults at any one time

Ms. Moermond:

- you can live there until Sep 5 with the conditions stated by Mr. Neis
- moving forward, we'll need paperwork on ownership

Mr. Magner:  
- will have Inspector Mark Kaisersatt go with Mr. Neis  
**Referred to the City Council due back on 9/3/2014**

### 11:30 a.m. Hearings

#### Orders To Vacate, Condemnations and Revocations

- 40 [RLH VO 14-35](#) Appeal of Brian and MaryClaire Edwards to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 1227 NILES AVENUE.
- Sponsors:** Tolbert
- Owner withdrew Order. The Order is still enforced.*
- Withdrawn**

### 1:30 p.m. Hearings

#### Fire Certificates of Occupancy

- 41 [RLH FCO 14-94](#) Appeal of Angela Laskowski, Riverview at Upper Landing, to a Fire Inspection Correction Notice at 360 SPRING STREET.
- Sponsors:** Thune
- DSI is withdrawing its orders.*
- Withdrawn**
- 42 [RLH FCO 14-122](#) Appeal of Cynthia and Curtis Collins to a Correction Notice - Complaint Inspection at 1477 ARKWRIGHT STREET, UNIT E.
- Sponsors:** Brendmoen
- 8/21/14: An inspection was made even though an appeal has been filed. LHO will hold off on sending file to City Council until inspector makes his inspection on September 8.*
- No show; deny the appeal.*
- Laid Over to the Legislative Hearings due back on 9/16/2014**
- 43 [RLH FCO 14-123](#) Appeal of Waverley Booth to a Correction Notice - Foster Care Inspection at 851 GOODRICH AVENUE.
- Sponsors:** Thune
- Grant the appeal.*
- RE: 851 Goodrich Avenue (Duplex)*

*Waverley Booth, owner, appeared.*

*Fire Inspector A.J. Neis:*

- a foster care inspection Correction Notice conducted by Inspector Perruca, dated Aug 7, 2014
- the inspection was done at the request of Ms. Booth to obtain her foster care license
- a few code violations were identified: provide handrails to the front stairways
- Ms. Booth will be adopting the foster child
- he strongly recommends handrails

*Ms. Booth:*

- they park in the back where there is an approved handrail; that's where they always come in
- unique situation: they are not seeking a long-term foster care license; they were foster care parents for 10 years; they adopted their last 3 foster care children (oldest is 21; youngest is 9); they received a call in Jun from Indiana - they have a full biological sibling of their 9 year old, who was abandoned in their state; they found the Booths through the state of Minnesota and asked if they would take in this little boy who is almost 2 years old (there's no where else for him to go); they agreed to take him, too; and are very excited about this; they will get him to the Booths as a foster child while the adoption goes through the state of Minnesota; the whole process should be done in a year
- she started to look at estimates for the handrails and they would be insanely expensive
- there won't be a lot of people coming and going; and she is not supervising visits in the home

*Ms. Moermond:*

- will recommend that this appeal be granted

**Referred to the City Council due back on 9/3/2014**

**44**     [RLH FCO  
14-124](#)

Appeal of Jeff Detloff for Bank of the West to a Correction Notice -  
Complaint Inspection at 364 SHERBURNE AVENUE.

**Sponsors:**     Thao

*Grant until June 1, 2015 to come into compliance with the driveway issue. (Need to see revised Agreement between the new and adjacent owners.)*

*RE: 364 Sherburne Avenue (Duplex)*

*Jeff Detloff, Bank of the West, owner, appeared.*

*Fire Inspector A. J. Neis:*

- shared driveway issue with 362 Sherburne Avenue
- owner of 362 said she could not repair the driveway without the the owner of 364
- deadlines have come and gone because the owner of 364 was in process of foreclosure at the time of the initial hearing; now, it's fully bank-owned
- the bank is appealing as well

*Mr. Detloff:*

- the bank is trying to sell this property
- property is cleaned up
- an owner-occupant wants to live here
- Aug 27, 2014 is the closing date

- the potential new owner met with city on Mon to go over the code compliance inspection
- Carol Orr and the potential new owner have entered into an agreement regarding the driveway taken care of
- entered bid from contractor and signed agreement
- both parties would like to have a 6 month extension; they would hate to have contractors drive up and down their new driveway while 364 is being re-roofed and remodeled

Mr. Neis:

- as long as both owners can come to terms, he would not be opposed to a 2015 spring extension

Ms. Moermond:

- needs a copy of the agreement signed by the owner rather than the prospective buyer
- the end of Feb 2015 is not realistic
- will recommend extending the deadline to Jun 1, 2015

**Referred to the City Council due back on 9/3/2014**

**45**     [RLH FCO  
14-126](#)

Appeal of Irene McBride to a Fire Inspection Correction Notice at 780 STEWART AVENUE.

**Sponsors:**        Thune

8/21/14: PO asked to reschedule due to scheduling conflict. Learned of this reschedulling on August 21, 2014. mxv

8/19/14: No show; deny the appeal.

**Laid Over to the Legislative Hearings due back on 8/26/2014**

## 2:30 p.m. Hearings

### Vacant Building Registrations

**46**     [RLH VBR 14-62](#)

Appeal of Ashley Whitney for Calhoun Ventures to a Vacant Building Registration Notice at 588 COOK AVENUE EAST.

**Sponsors:**        Bostrom

Change to VB Category 1 and waive the VB fee until September 19, 2014 for owner to get new Fire C of O re-instated.

RE: 588 Cook Avenue (Duplex)

Ashley Whitney, Calhoun Ventures; Marcus Garrett, Equity Plus Home Renovations, contractor, appeared.

Inspector Matt Dornfeld, Vacant Buildings:

- referred to VB Program by SPPD Jul 3, 2014
- found property vacant; issued Work Order to secure entry doors and some windows
- Inspector Tom Friel opened a Category 2 VB file Jul 15, 2014
- notes: 2 story wood frame duplex; vacant and secured; broken, defective missing windows, storms, screens, peeling paint, defective siding, holes in 1st floor interior

walls, etc; dumpster in backyard; bags of refuse, rubbish, broken glass, debris and window frames in yard; lock box on door

- issued Summary Abatement on stuff in yard
- re-checked Jul 24
- received returned mail from one owner with a new address
- re-sent SA Jul 30
- issued Work Order to clean up

Mr. Garrett:

- appealing VB registration requirement
- have started renovation
- plumber pulled permits
- they have the dumpster out there; all trash and debris have been removed; outside grounds have been cleaned-up;
- all windows are being replaced
- will be done with renovation in about 3 weeks - and up to code

Ms. Whitney:

- they are ready to start work; bring it up to rental status
- have owned it for a year or 2

Mr. Dornfeld:

- showing Valentine Homes LLC, 700 E. Main St, Ste 501, Lehi, UT
- also showing Renters Warehouse, 6101 Baker Road #200, Minnetonka, MN
- assumes 1st letter went to Valentine Homes in Utah, came back and was re-issued to Renters Warehouse

Ms. Moermond:

- looks like Appellant's records are not accurate with Ramsey County Property Records; will need to change that
- would like to have better sense of interior

Fire Inspector A.J. Neis:

- if Appellant fill out a Fire Certificate of Occupancy application, they could perform the C of O inspection, which is actually due
- this property has a long history of noncompliance
- could schedule a Fire C of O to give Appellant a compliance list to work from
- scheduled the C of O inspection for 10 am the next day, Wed, Aug 20

Mr. Garrett:

- that sounds like a positive plan for all involved

Ms. Moermond:

- there has been a history of police issues under Appellant's ownership, which is problematic
- looking for documentation that they will do thorough tenant screening and go with the Minnesota Multi-Housing lease suggestions with provisions about behavior and property maintenance. etc.

Ms. Whitney:

- DM Investing, Arizona, owns this property
- Calhoun Ventures manages rehabbing for them

Ms. Moermond:

- will change this to a Cat 1 VB
- will recommend Fire C of O re-instatement with a deadline of Sep 19, 2014
- will waive VB fee for 1 month

Referred to the City Council due back on 9/3/2014

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

**Sponsors:** Brendmoen

*Deny the appeal. (LHO will examine the fees at the assessment appeal.)*

*RE: 897 Jessie Street (Single Family)*

*Appealed by letter.*

*Ms. Moermond:*

*- appeal of Vacant Building registration fee*

*Inspector Matt Dornfeld, Vacant Buildings:*

*- Mar 19, 2014: Inspector Tom Friel opened a Category 1 Fire Exempt file*

*- documented notes: 1 1/2 story wood frame single family house; is vacant and has sustained heavy fire damage*

*- referred to VB by St. Paul Fire Dept*

*- Condemned by Fire Inspector Tonnancour: fire occurred Mar 19, 2014 - north side basement escape window is open and rear porch is open, including stairways; house has multiple broken boarded windows, screens; smoke damage to exterior; back porch is charred and damaged; photos of interior show heavy fire, smoke and water damage to walls, ceilings, etc; large amount of debris, appliances, household items, scrap wood, etc, throughout yard*

*- he issued a Summary Abatement to secure house and to clean-up yard area*

*Ms. Moermond:*

*- Ms. Gallagher, Trustee, refuses to mow the lawn because of the glass in the yard*

*- would interpret letter that they are not going to demolish; they're going to re-build*

*Mr. Dornfeld:*

*- yes but from Inspector Friel's notes, a Work Order was issued Mar 26, 2014 to clean-up said yard; he's assuming that clean-up took care of the glass*

*- he interprets rebuilding, too*

*- she received \$120,000 from the insurance company*

*- they had to issue a Work Order as recently as Jul 10, 2014 to cut tall grass and weeds*

*Ms. Moermond:*

*- let's let the VB fee go to assessment and allow permits to be pulled; the assessment can be decreased accordingly*

*- will recommend appeal on the VB fee be denied*

*- will examine the VB fee assessment when it comes out as an assessment; can prorate if time is reasonable*

Referred to the City Council due back on 9/17/2014

- 48 [RLH TA 14-502](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1412A, Assessment No. 148538 at 897 JESSIE STREET.

**Sponsors:** Brendmoen



*Approve the assessment.*

*RE: 897 Jessie Street (Single Family)*

*Appealed by letter.*

*Ms. Moermond:*

- *Summary Abatement Order issued May 30, 2014*
- *tall grass and weeds; compliance date Jun 3; re-checked Jun 6*
- *work done Jun 9, 2014 for a cost of \$160 + \$160 service charge = \$320*

*VIDEO - grass mowing was done by Parks*

*Ms. Moermond:*

- *clean-up was done*
- *will recommend approval of the assessment*

**Referred to the City Council due back on 10/1/2014**

**49**     [RLH TA 14-460](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1411A, Assessment No. 148535 at 897 JESSIE STREET.

**Sponsors:**         Brendmoen

*Approve the assessment.*

*RE: 897 Jessie Street (Single Family)*

*Appealed by letter.*

*Ms. Moermond:*

- *Summary Abatement Order issued May 22, 2014 for garbage/rubbish*
- *compliance date: May 29; re-checked May 29*
- *work done Jun 2, 2014 for a cost of \$326 + \$160 service charge = \$486*

*VIDEO - Parks cleaned up*

*Ms. Moermond:*

- *clean-up occurred*
- *will recommend approval of the assessment*

**Referred to the City Council due back on 9/17/2014**

**50**     [RLH TA 14-505](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1409B2, Assessment No. 148112 at 897 JESSIE STREET.

**Sponsors:**         Brendmoen

*Approve the assessment.*

*RE: 897 Jessie Street (Single Family)*

*Appealed by letter.*

*Ms. Moermond:*

- *Securing the north side basement escape window after the fire*
- *St. Paul Fire Dept Ordered an emergency boarding Mar 18, 2014*
- *Inspector Tom Friel Orderd a boarding to secure 1 opening on Mar 27, 2014*
- *these 2 boardings; 2 invoices: 44950 for \$479.50 and 44964 for \$21.95 = \$781.45*
- *will recommend approval of these assessments*

**Referred to the City Council due back on 9/3/2014**