



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, September 9, 2014

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Special Tax Assessments

- 1 **RLH TA 14-527** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1412B, Assessment No. 148111 at 30 BAKER STREET EAST.

Sponsors: Thune

Layover to Sept. 23. (STAFF REPORT) only. Will order police report.

RE: 30 Baker Street East (School)

Tom Bravo, St. Public School District Facilities Manager

Inspector Paula Seeley:

- emergency boarding ordered by SPPD Jun 16, 2014 at 11:15 p.m.
- 1 opening was boarded for a cost of \$276.95 + \$160 service charge = \$436.95
- no history
- no police report

Mr. Bravo:

- why were we assessed, when in the past, we asked SPPD to contact us first because we have all the trades available
- he has a copy of their procedure that they gave SPPD
- how do we fix this so that SPPD call us first
- office talked to Sgt. Webb; case #14120927

Ms. Moermond:

- without the police report, she doesn't know what happened that night but sometimes police need to go out on another call and they can't leave the bldg unsecure; so, if they need to deal with another emergency, they will call for the board-up instead of going through the procedure that's been set up
- we'll get that police report and track down the officer, if necessary
- will get back to you about what we find out
- LAYOVER to Sep 23 LH

Laid Over to the Legislative Hearings due back on 9/23/2014

- 2 [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

NEED TO WATCH VIDEO.

Laid Over to the Legislative Hearings due back on 9/23/2014

- 3 [RLH TA 14-482](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1411A, Assessment No. 148535 at 959 BURR STREET.

Sponsors: Brendmoen

No show; approve the assessment

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

- 4 [RLH TA 14-520](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1410A, Assessment No. 148816 at 535-537 CHARLES AVENUE. (To be referred back to Legislative Hearing on October 7 and City Council Public Hearing on October 15, 2014)

Sponsors: Thao

*To be referred back to LH on Oct. 7 and CPH on Oct. 15, 2014. (STAFF REPORT)
Note. LHO stated Oct. 1 but that is Council date.*

RE: 537 Charles Avenue (Single Family)

John Toll, Arnosa Group LLC, appeared.

Inspector Joe Yannarely:

- Category 2 Vacant Building file opened Mar 9, 2009*
- well passed it's anniversary date*
- still does not have a sign-off; per Inspector Dornfeld, the property owner maintains that it's getting close*

Mr. Toll:

- entered a flyer*
- a nonprofit working on a "Stay Sober Community Partnership" in Frogtown*
- have been working closely with the city since they starting working on that property in 2011; they took this on as a community building project 3 years ago*
- in this past year, they brought in approximately 300 volunteers into Frogtown to work in that area*
- understands the need for VB fees, etc. but they would like to ask for an exemption to that as a nonprofit because they are using this as an educational tool*
- work closely with Ward 1 and SPPD*
- have a couple permits to close and they will be finished*
- asking exemption so that the money could go toward building community efforts in Frogtown*
- expects to be finished by the end of this month; they are close to calling in for final inspections*
- need Xcel to come out for new electrical and gas service*
- they have 12 properties in the area - working with the neighborhood*

Mr. Yannarely:

- sees 1 plumbing permit finalized in the system and that's all
- sees 1 permit opened and 1 permit finalized

Mr. Toll:

- has paperwork in his bag to go down to DSI and pull the last 3 permits
- an electrical permit is open right now for Xcel
- noted that there is only 1 address there now; 535 Charles was torn down

Ms. Moermond:

- needs to have more info about this
- she has dealt with this type of situation in the past where rehab is being used as an educational tool (and it's worked); also where rehab is being used as an educational tool and the school associated with it needed to punt because they weren't able to get it together and so there ended up being a demolition of the property; she needs to get a handle on what you folks are up to and how this is being done so she has some confidence that it will get done
- City Council Public Hearing is next Wed Sep 17, 2014 where she will ask them to LAY this OVER to Oct 15, 2014 CCPH
- she will need all the info by Oct 7, 2014 LH when she will make a determination

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

- 5 [RLH TA 14-514](#) Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1411P, Assessment No. 148410 at 83 DOUGLAS STREET.

Sponsors: Thune

Delete the assessment; waiver on file.

Referred to the City Council due back on 10/15/2014

- 6 [RLH TA 14-130](#) Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1406A, Assessment No. 148505 at 310 EDMUND AVENUE. (Amended to Project No. J1406A4, Assessment No. 148531) (Public hearing continued from April 16)

Sponsors: Thao

9/10/14: checked STAMP and per Paula Seeley there are no violations. Rec. delete the assessment.

This was laid over to see if owner have any more violations, if not, then LHO will reco deletion.

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

- 7 [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

Approve the assessment and spread the payments over 3 years.

RE: 259 English Street (Single Family)

Gerald Manthei, owner, appeared.

Inspector Paula Seeley:

- Summary Abatement issued May 16, 2014; compliance May 27; re-checked Jun 12
- delayed enforcement due to an appeal, which was denied
- work done Jun 13 for a cost of \$344 + \$160 service charge = \$504
- no returned mail
- apparently, the appeal was denied because the tenant, Todd Trieboldt, did not show

Mr. Manthei:

- last fall, he and Todd were here before Ms. Moermond
- Mr. Manthei has a disability, OTC Disorder and Chronic Fatigue Syndrome so he needs help from other with a lot of things; at the time, Todd said that he could help Mr. Manthei fix up the house that he had inherited in exchange for free rent; then, he hoped to buy it Contract for Deed
- Mr. Trieboldt, however, did not apply for the proper permits and got him into a lot of trouble
- Dec 2013, they were granted temporary occupancy so that Mr. Trieboldt could stay there
- Todd turned out to be a con artist/scammer, who had brought people into the house as renters who paid him for staying there
- Todd was supposed to be paying utilities; he told Mr. Manthei that he couldn't afford utilities
- the Summary Abatement came out about 1 week before he got into trouble with the police; he brought the SA over to Todd, who was angry about it - said he needed all these materials, etc. for his construction business
- all the stuff in the yard was Todd's; none was Mr. Manthei's
- he got a call from SPPD saying that they executed a search warrant on Todd; they found child porn on his computer; they confiscated his computers; and, at some point, they would arrest him
- an extension of 2 weeks was finally granted
- Todd told him that he had gone to the LH and got an extension, which was not true; there had been a hearing, Todd didn't show up and there was no extension granted
- he sold a lot of this things and got rid of things; although, there were still some things left
- Todd disappeared and the police are looking for him; they want to arrest him
- he left the rest of his mess to be cleaned up

VIDEO - debris on front blvd and back yard

Ms. Moermond:

- so, the work wasn't done; Todd lied to you; Mr. Manthei didn't know at the time that he was lying; it wasn't Mr. Manthei's stuff; in the end, it didn't all get cleaned up

Mr. Manthei:

- he came to the house to look at it and made arrangements with a contractor to clean it up; was going be charged \$100
- the renter that was still at the house said that they city was there with 2 trucks and used 1 (20 minutes); his contractor's truck

Ms. Seeley:

- breakdown of costs: \$260 abatement fee (truck and crew, etc.); general refuse \$84; code enforcement fee \$160

Ms. Moermond:

- bases her recommendation on whether or not proper Notice was given and did the materials need to be cleaned up
- proper Notice was given and the materials did need to be cleaned up
- an additional 2 weeks were given beyond the deadline in the original Orders
- the city did perform the service
- although, it's sad that Mr. Manthei was in this position with someone lying to him, she can't take that into account for the city's part
- will recommend approval of this assessment divided over 3 years

Mr. Manthei:

- is caught in the middle; he has \$2,000 in legal fees; his renters were not paying any rent except for \$100 all summer and he's still paying their utilities; now, he has to evict that one woman, who was a renter that Todd brought in - so, another \$2,000 in legal fees

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

8 [RLH TA 14-521](#)

Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1412A, Assessment No. 148538 at 729 GERANIUM AVENUE EAST.

Sponsors: Bostrom

Delete the assessment.

RE: 729 Geranium Avenue (Single Family)

Ericka Stewart, owner, and Amanda Rondeau appeared.

Inspector Paula Seeley:

- tall grass and weeds Order sent Jun 19; compliance Jun 23; re-checked Jun 24
- work done Jun 27 for a cost of \$160 + \$160 service charge = \$320
- no returned mail
- sent to Occupant and Ericka Stewart at the above address

Ms. Stewart:

- we thought the Notice was about their grass; but they had mowed their grass; so, they mowed it again; then, they came home 3 days later and their wildflower garden was gone; the only thing over 8 inches was the wildflowers
- she brought a list of the plants in their wildflower garden
- there's no grass in the front yard; just wildflowers

VIDEO - city crew mowed the front with all the wildflowers; they left the hostas

Ms. Moermond:

- looking at photo; does not look like the blvd grass was very high at all; the blvd was the only relevant issue here
- she can see where it would have been confusing for a crew, not being familiar with the wildflowers
- in the future, if you get a Notification like this, call the inspector and maybe also put up a sign, "These are wildflowers; do not cut them down"

Ms. Stewart:

- after it happened, she called the inspector 5 times and left messages; she did not get a call back
- was frustrating and did not give her a lot of confidence that her calls would ever be

returned

Ms. Seeley:

- explained that Inspector Hoffman gets all the Tall Grass and Weeds letters on the East Side in his name; there have been interns and others working with him and he hands out the letters for them to inspect so, when he gets a call about an address that he didn't personally inspect, he didn't really know what the call was about; they are down 3 staff people

Ms. Moermond:

- DSI has fewer than half the staff that they normally have
- will recommend deletion of this assessment; and apologizes for the loss of the wildflowers

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

- 9 [RLH TA 14-419](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1410A, Assessment No. 148532 at 875 JENKS AVENUE. (Amended to File No. J1410A1, Assessment No. 148542) (Public hearing continued from September 17)

Sponsors: Bostrom

Forthcoming.

9/10/14: Ms. Vang contacted Ramsey County and staff indicated owner made address change in April 29, 2014 to the Woodbury address.

9/9/14: No show

7/30/14: RC indicates sale on 11/10/09 for \$110,000. RC has used address of 875 Jenks for Kong Vang since that time. It also lists him as the homesteader.

To be referred back to LH on September 9 and CPH on September 17, 2014. LHO will check with Ramsey County Property and Revenue to see when address change was made.

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

- 10 [RLH TA 14-518](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1410A2, Assessment No. 148546 at 1118 MARGARET STREET.

Sponsors: Lantry

No show; approve the assessment.

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

- 11 [RLH TA 14-516](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1412A, Assessment No. 148538 at 1118 MARGARET STREET.

Sponsors: Lantry

No show; approve the assessment.

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

- 12 [RLH TA 14-528](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1412A, Assessment No. 148538 at 134 MARIA AVENUE.

Sponsors: Lantry

Approve the assessment.

RE: 134 Maria Avenue (Duplex)

Delbert Moore, owner, appeared.

Inspector Paula Seeley:

- *Summary Abatement issued Jun 5, 2014; compliance Jun 10; re-checked Jun 10*
- *work done Jun 13 for a cost of \$530 + \$160 service charge = \$690*
- *no returned mail*
- *sent to Delbert Fee Moore/Marion FLorence Moore Trustee, 1276 Macarthur Ave, West St. Paul; and Occupant*
- *SA states: remove all overflowing garbage containers; all garbage from shopping cares; return carts to store; remove all garbage throughout the yard*

Mr. Moore:

- *is not denying it was there but he got caught up in a situation where he had to evict the tenant*
- *the refuse kept piling up; more than he expected*
- *he was putting new trim on the doors and had it setting on the porch - he was going to use that but the city took those things along with the disposals he had in the trailer*
- *he had gathered a lot of that stuff into his trailer to take away*
- *because the city crew took the trim he was going to re-use, he is looking for some reduction in cost*

VIDEO - city took everything - even wood meant for re-use

Ms. Moermond:

- *work partially done is work not done*
- *will recommend approving this assessment*
- *retain the VIDEO*

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

- 13 [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

Delete the assessment.

RE: 1680 Marshall Avenue (Two Family Dwelling)

Ms. Moermond:

- *was LAID OVER to watch VIDEO*
- *report that Notice went out Jun 4; he went and mowed the lawn Jun 7*
- *he got nothing else from city between Jun 4 and Jun 12*
- *Orders say they were issued Jun 9*

VIDEO - showed city picked up 3 bags of garbage and 1 piece of metal

Ms. Moermond:

- Inspector Seeley gave a staff report about the garbage; he responded about tall grass/weeds*
- Ms. Seeley waived the Excessive Consumption fee because that work was found to be done*
- the work in the SA was not done; it was a pre-authorized Work Order (tight turn around) because there were many bags of garbage*
- the photos were not in her file*

Ms. Seeley:

- according to the pictures, city crew didn't pick up very much compared to the photos*
- didn't need to be a pre-authorized Work Order; the bags were yard waste, not garbage*

Ms. Moermond:

- will recommend this assessment was deleted*

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

14 [RLH TA 14-525](#)

Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1411P, Assessment No. 148410 at 471 MARYLAND AVENUE WEST.

Sponsors: Brendmoen

Delete the assessment. A graffiti waiver was filled in hearing.

RE: 471 Maryland Avenue West (General Retail & Service-B-Commercial)

Dang Yang, owner, appeared.

Referred to the City Council due back on 10/15/2014

15 [RLH TA 14-529](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1411, Assessment No. 148817 at 1950 SEVENTH STREET WEST.

Sponsors: Thune

No show; approve the assessment.

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

16 [RLH TA 14-526](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1411B, Assessment No. 148110 at 1145 WOODBRIDGE STREET.

Sponsors: Brendmoen

Need to check to see if owner is being double billed.

RE: 1145 Woodbridge Street (Single Family)

Janice Rios, owner, appeared.

Inspector Paula Seeley:

- garage fire May 5 and St. Paul Fire Dept called RESPRO to set up and secure 1 row of orange snow fence around burnt out garage for a cost of \$78.92 for RESPRO and \$160 for admin fee - \$238.92
- wasn't an actual board up but a fence up

Ms. Rios:

- she called RESPRO
- her insurance paid for RESPRO's bill
- entered her bill and the cancelled check (documents were scanned)
- thinks RESPRO billed both her and the city

Ms. Moermond:

- will ask Inspector Yannarely, who works with the boarding folks, to check this out
- the city is getting a bill; Ms. Rios got a bill; Travelers Ins paid RESPRO
- thinks that Ms. Rios assessment will be deleted but she needs to check this out
- LAYOVER to Sep 23, LH
- will email Ms. Rios with her recommendation

Laid Over to the Legislative Hearings due back on 9/23/2014

- 17 [RLH TA 14-522](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1412A, Assessment No. 148538 at 1217 WOODBRIDGE STREET.

Sponsors: Brendmoen

No show; approve the assessment.

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

Staff Reports

- 18 [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

Delete the assessment.

RE: 959 Third Street E (Single Family)

Mai Vang:

- got email from owner, who said that he called James Hoffman and left a couple of messages but didn't get a return call (attached)
- then, he left messages from Mark Kaisersatt and didn't get a return call
- read email from James Hoffman
- read email from Mark Kaisersatt

Ms. Moermond:

- previously, Inspector Seeley mentioned that there were interns at play and there was a lot of communication at DSI and maybe it wasn't happening in as coherent fashion as would have been liked

Ms. Seeley:

- she gets a lot of calls that Mr. Hoffman is not returning his phone calls
- he has the entire East Side with hundreds of letters going out; thinks that it's overwhelming

Ms. Moermond:

- on balance, she will recommend this assessment be deleted

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

Special Tax Assessments - ROLLS

- 19 RLH AR 14-66** Ratifying Boarding and/or Securing services during May 2014. (File No. J1411B, Assessment No. 148110)

Sponsors: Lantry

Referred to the City Council due back on 10/15/2014

- 20 RLH AR 14-67** Ratifying Boarding and/or Securing services during June 2014. (File No. J1412B, Assessment No. 148111)

Sponsors: Lantry

Referred to the City Council due back on 10/15/2014

- 21 RLH AR 14-68** Ratifying Graffiti Removal services during June 2014. (File No. J1411P, Assessment No. 148410)

Sponsors: Lantry

Referred to the City Council due back on 10/15/2014

- 22 RLH AR 14-69** Ratifying Tree Removal services from July 2014. (File No. 1410T, Assessment No. 149010)

Sponsors: Lantry

Referred to the City Council due back on 10/15/2014

10:00 a.m. Hearings

Summary Abatement Orders

- 23 [RLH SAO 14-33](#)** Appeal of Thomas Rogge to a Summary Abatement Order plus a Letter from Department of Safety and Inspections billing the owner for an inspection at 842 CLEAR AVENUE.

Sponsors: Bostrom

Agreement was made between DSI and owner.

Withdrawn

- 24 RLH SAO 14-17 Appeal of Roger Hodge to a Summary Abatement Order at 642 HALL AVENUE. (Public hearing continued from July 9, August 20 and September 17. To be referred back to Legislative Hearing on January 13, 2015 and City Council Public Hearing on January 21, 2015)

Sponsors: Thune

RE: 642 Hall Avenue (Single Family) and 15 Baker Street West (Duplex)

Roger Hodge, owner of 642 Hall Avenue appeared; Alan King, Mr. Hodge's attorney, also appeared.

Mary Murphy, owner of 15 Baker Street West appeared.

Mr. King:

- *within the past couple of days has been retained to represent Mr. Hodge in this matter*
- *the case went into suit Aug 26, 2014*
- *now that the case is in litigation, there will be some delay in addressing the issues*
- *they will need to retain an engineer, etc, so remediation will not be able to be made in the near term but they hope it can be done*
- *Loucks will be the engineer looking things over; no bid yet*

Ms. Murphy:

- *they were told to get bids on getting the job done; they should get the bids any day now*
- *one company, Goodmanson Construction, also have their own engineer that they work with*
- *the other company, Urban Escapes, is local and they would just pick an engineering company*
- *they have retained an attorney, George LeTendre. Esq.*
- *believes that Mr. Hodge's insurance company will take care of costs*

Mr. King:

- *he spoke with Mr. LeTendre this morning - an initial conversation*

Ms. Moermond:

- *will need to see an engineering study*
- *need a professional opinion that both parties can agree with*
- *she doesn't care who pulls the permit but a permit must get pulled; it's important because of structural concerns with soil support and it's important that city staff reviews the work; (signed-off by the city so that everyone is protected)*
- *was hoping to get this all finished before frost; now, she's concerned about that*
- *she noted that with each rainfall, the condition gets worse; there have been some significant rainfalls this year*

Ms. Murphy:

- *yesterday, they had to tell kids not to run through there*

Mr. Alan:

- *wants to make sure that Ms. Murphy understands (she made a statement about Mr. Hodge's insurance company taking care of costs); he is not here to speak on behalf of Mr. Hodge's insurance company but this is a case of disputed liability and he doesn't think that it should necessarily be taken that it is a certainty; at this point, we will deny liability*

- unfortunately, he doesn't think that this will be resolved before frost
- he requests that nothing be undertaken in terms of doing any work until they have the opportunity to go out there and inspect the premises

Ms. Moermond:

- this situation will only get worse with winter
- suggested that mediation might be a better and simpler way to go and cheaper, too; suggested the Dispute Resolution Center people may be able to help with mediation, an alternate path to be taken simultaneously; if you can solve it at the mediation level, you can drop the suit; if you can't, you would still have the law suit running in parallel

Mr. Alan:

- mediation will be mandated by the court, anyway; however, the mandated one could not occur for several months

Ms. Moermond:

- the Order stands as far as the city is concerned; she needs to put a deadline on it
- the court may act to want to change that deadline
- the City Council making a decision is a quasi-judicial action and so, the proper venue for addressing that would be Appeals Court
- asked Appellants to come up with an end date or she will come up with one, from which noncompliance would result in additional enforcement action or you filing in Appeals Court
- get back to her in 2 weeks with a deadline for getting the work done or she will add one; LH Sep 23, 2014
- City Council Public Hearing Sep 17, 2014; she will ask them to Lay it Over for 1 month

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

- 25 RLH SAO 14-18** Appeal of Mary L. Murphy and Thomas M. Murphy to a Summary Abatement Order at 15 BAKER STREET WEST. (Public hearing continued from July 9, August 20 and September 17. To be referred back to Legislative Hearing on January 13, 2015 and City Council Public Hearing on January 21, 2015)

Sponsors: Thune

RE: 15 Baker Street West (Duplex) and 642 Hall Avenue (Single Family)

Mary Murphy, owner of 15 Baker Street West appeared.

Roger Hodge, owner of 642 Hall Avenue appeared; Alan King, Mr. Hodge's attorney, also appeared.

Mr. King:

- within the past couple of days has been retained to represent Mr. Hodge in this matter
- the case went into suit Aug 26, 2014
- now that the case is in litigation, there will be some delay in addressing the issues
- they will need to retain an engineer, etc, so remediation will not be able to be made in the near term but they hope it can be done
- Loucks will be the engineer looking things over; no bid yet

Ms. Murphy:

- they were told to get bids on getting the job done; they should get the bids any day now
- one company, Goodmanson Construction, also have their own engineer that they work with
- the other company, Urban Escapes, is local and they would just pick an engineering company
- they have retained an attorney, George LeTendre. Esq.
- believes that Mr. Hodge's insurance company will take care of costs

Mr. King:

- he spoke with Mr. LeTendre this morning - an initial conversation

Ms. Moermond:

- will need to see an engineering study
- need a professional opinion that both parties can agree with
- she doesn't care who pulls the permit but a permit must get pulled; it's important because of structural concerns with soil support and it's important that city staff reviews the work; (signed-off by the city so that everyone is protected)
- was hoping to get this all finished before frost; now, she's concerned about that
- she noted that with each rainfall, the condition gets worse; there have been some significant rainfalls this year

Ms. Murphy:

- yesterday, they had to tell kids not to run through there

Mr. Alan:

- wants to make sure that Ms. Murphy understands (she made a statement about Mr. Hodge's insurance company taking care of costs); he is not here to speak on behalf of Mr. Hodge's insurance company but this is a case of disputed liability and he doesn't think that it should necessarily be taken that it is a certainty; at this point, we will deny liability
- unfortunately, he doesn't think that this will be resolved before frost
- he requests that nothing be undertaken in terms of doing any work until they have the opportunity to go out there and inspect the premises

Ms. Moermond:

- this situation will only get worse with winter
- suggested that mediation might be a better and simpler way to go and cheaper, too; suggested the Dispute Resolution Center people may be able to help with mediation, an alternate path to be taken simultaneously; if you can solve it at the mediation level, you can drop the suit; if you can't, you would still have the law suit running in parallel

Mr. Alan:

- mediation will be mandated by the court, anyway; however, the mandated one could not occur for several months

Ms. Moermond:

- the Order stands as far as the city is concerned; she needs to put a deadline on it
- the court may act to want to change that deadline
- the City Council making a decision is a quasi-judicial action and so, the proper venue for addressing that would be Appeals Court
- asked Appellants to come up with an end date or she will come up with one, from which noncompliance would result in additional enforcement action or you filing in Appeals Court
- get back to her in 2 weeks with a deadline for getting the work done or she will add one; LH Sep 23, 2014

- City Council Public Hearing Sep 17, 2014; she will ask them to Lay it Over for 1 month

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

- 26 [RLH SAO 14-32](#) Appeal of Cathy Van Ert to a Summary Abatement Order at 1627 CHAMBER STREET.

Sponsors: Bostrom

Owner in compliance.

Withdrawn

Orders To Vacate, Condemnations and Revocations

11:00 a.m. Hearings

- 27 [RLH VO 14-37](#) Appeal of Elsie Mayard to a Notice of Condemnation as Unfit for Human Habitation and Order to Vacate at 755 MINNEHAHA AVENUE WEST.

Sponsors: Thao

Grant until November 1, 2014 to have power restored or the building must be vacated. (No extension cords, no generator, need furnace check and must have working smoke and carbon monoxide detectors)

RE: 755 Minnehaha Avenue West (duplex)

Elsie Mayard, owner, appeared.

Ms. Mayard:

- Southern Minnesota Regional Legal Services referred her to a law firm who will be helping her, pro bono, to secure her record of payment from Xcel

Inspector Paula Seeley:

*- DSI office received a complaint that the electricity was shut off in Jun 2013
- Inspector went out Jun 17, 2013 and issued an Order to restore the electricity
- it was re-inspected Aug 14, 2013 when both the gas and electric were off; she Condemned the Unit
- the electricity has been off since May 13
- gas and electric were off Jul 29
- Ms. Seeley called Xcel this a.m. to find out that gas and electric are still off
- Xcel said that someone requested last years Xcel bills; so far, they have no record of an agency or anyone calling them to help out with getting the power restored*

Ms. Moermond:

- was and Order to Vacate deadline of Aug 18, 2014, which has come and gone

Ms. Mayard:

*- she met the inspector at the house; she lives there; house has 2 levels
- it's her own house; it has gas and electric
- it's a big mess; Xcel tried to get the city involved; the inspector knows what's going on; knows that there's light and gas at the property*

- it's an old house with 2 meters, upper and lower
- Xcel claims she owes \$10,000; that's why she's requesting the bills; wants to know how the bill could be so much - when it started; but Xcel refused
- Xcel needs to prove to her that she owes \$10,000
- there's back and forth conversation going on between Xcel, the city and here
- legal aid requested the bills
- she went to DSI office to talk with inspector but they don't care what she told them
- she wants the city to stop; this is an outrage! she owns her property
- this dispute with this bill is false and fraud; that's why she got legal aid to take this to federal court for litigation

Ms. Moermond:

- all she can deal with today is the Order to Vacate the property for lack of gas and electricity

Ms. Mayard:

- she has gas and electricity; she lives there; it's on

Ms. Seeley:

- Xcel is telling DSI that the gas and electricity to Unit 1 are off
- it's a duplex; there might be gas/electricity in 1 unit and not the other but we don't want extension cords running from one unit to another

Ms. Mayard:

- what extension cords are you talking about?
- she needs to bills from Xcel so that she can compare the payments she made with their records

Ms. Moermond:

- based on the lack of service from Xcel in Unit 1, the Order indicates that the inspector wants to Vacate the building, not just Unit 1

Ms. Seeley:

- even if there is gas and electric to Unit 2, we don't want them running extension cords (fire hazard) down to Unit 1 or anywhere; City Ordinance can Condemn under lack of basic facilities; it's required that you have water, gas and electric at all times
- maybe the inspector needs to get inside the house to find out what's going on

Ms. Mayard:

- there are no extension cords running anywhere
- there are 2 forced air furnaces

Fire Inspector Leanna Shaff:

- smoke detectors are a concern
- questions what fire separations are there
- also has concerns about frozen pipes, nearing the winter season and the bottom unit is the one without gas/electric

Ms. Moermond:

- had a similar case a few weeks ago and would like to treat this one like she treated that one; there was an owner in 1 unit and gas/electric off in the other unit; she will grant an extension to Nov 1, 2014 with the following conditions
- fresh batteries in smoke detectors and CO alarm upstairs
- no extension cords
- no generators
- have the furnace checked

- either have gas/electric back on again by Nov 1, 2014 or the house must be Vacated to give you a chance to learn more about that bill
- also, wants an inspector to check to see if those things are done in a week or two
- these are fire concerns and Inspector Seeley will check it out; she will send out an appointment letter
- will send a letter confirming this hearing

Ms. Mayard:

- Ramsey Action Program checked the furnace within the past year; she will get a letter from them to verify

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

- 28 [RLH CO 14-9](#) Appeal of Gennady Lyubeznik to a Correction Notice at 1776 YORKSHIRE AVENUE.

Sponsors: Tolbert

Appeal granted.

RE: 1776 Yorkshire Avenue (Single Family)

Gennady and Vera Lyubeznik, owners, appeared.

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

Ms. Moermond:

- will recommend granting the appeal allowing the sump pump discharge into the street/gutter
- doesn't think that Public Works will have an issue with that recommendation
- the Appellants qualify under Chapter 51 as an exception to city rule; and technically, she doesn't think that they will need a permit; however, they have an application in and she expects that they will issue them a permit based on that application because of the resolution that will be put in front of City Council
- she will let Public Works know right away about her recommendation
- resolution will be on the Sep 17, 2014 City Council Public Hearing
- will be able to start work right after Sep 17, 2014 City Council vote or right after PW issues a permit, whichever comes first

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

11:30 a.m. Hearings

- 29 [RLH CO 14-10](#) Appeal of Endriash Hawaz, Ethiopian Evangelical Church, to a Correction Notice at 770 SEVENTH STREET EAST.

Sponsors: Lantry

Owner missed hearing; rescheduled one last time. No more continuance.

Laid Over to the Legislative Hearings due back on 9/16/2014

- 30 [RLH VO 14-42](#) Appeal of Aaron and Mary Durkop to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 727 SIXTH STREET EAST.

Sponsors: Lantry

Grant until October 31, 2014 to get Fire C of O reinstated or property will be transferred to Vacant Building Program.

Note

RE: 727 Sixth Street East (Duplex)

Aaron Durkop appeared.

Fire Inspector Leanna Shaff:

- photos*
- had police issues in Aug 2014*
- they scheduled an Fire Certificate of Occupancy Inspection for Jul 15, 2014 conducted by Inspector Sean Westenhofer*
- he found 17 deficiencies: holes in walls; broken doors and globes; damaged/broken doors; exterior issues (needs to go through Historical Preservation Commission (HPC));*
- Aug 18, 2014, Mr. Westenhofer re-inspected; many Orders still the same; one tenant was out; the other in process of moving out; property is empty now*
- Appellant would like more time*
- lack of communication with staff has been a big issue; no one has met them for an inspection nor has any application been filed with HPC*
- either the Appellant is granted more time or it needs to go to the Vacant Building Program*

Mr. Durkop:

- needs more time*
- have passed the Section 8 inspection for the upper level and someone is prepared to move in*
- they have communicated with the C of O inspector a couple times that they were in the process of evicting; in the packet that he entered are copies of correspondence with the inspector*
- a lot of repairs revolve around problems with the lower level tenant; had to call the sheriff Aug 28;*
- have phone calls into HPC but are not getting timely response*
- he has no argument about the needed repair work*
- have addressed some issues in the upper level and basement*
- basically, the lower level - Unit #1 and exterior are left*

Ms. Shaff:

- they haven't been in the building for 2 months*

Mr. Durkop:

- they were corresponding with Mr. Westenhofer via email; however, he wouldn't respond back*
- by mail, they asked how he wanted to handle the inspection of Aug 18 because of the sheriff being called on Unit #1 tenant*
- they also need to know what to do according to HPC*
- Unit #1 items are not yet done and a lot of exterior work (HPC); haven't yet filed for a permit - not sure of what is expected from HPC; haven't gotten clear direction; have made contact with HPC but have not received an answer regarding application; is being handled by his office*
- the Section 8 tenant is waiting*
- has no problem with allowing inspector access*
- would like to have Unit #2 approved separately from the balance of the building; they won't occupy Unit #1 until the whole list is addressed*

Ms. Shaff:

- looking at the photos of the exterior, they certainly need to make application with HPC; need their OK

- history: 11 complaints in 2014; 5 in 2013

Ms. Moermond:

- the Certificate of Occupancy was Revoked

- you can't put anyone in until either your appeal is granted or the Certificate of Occupancy is re-instated

- she is loathe to allow re-occupation until all the repairs are done

- noted that the windows #4 can be repaired without HPC review; pull a permit on those items

- #2 foundation walls might require HPC review; #10 roof would require HPC review

- Fire Inspectiion would rather put this into the Vacant Building Program and get it all done at once

- she wants to give opportunity to get this C of O re-instated

- Oct 31, 2014 Deadline: get C of O re-instated and the building can be occupied; if not done, it will go to the Vacant Building Program (bad history)

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

31 [RLH FCO 14-78](#)

Appeal of John D. Lenzi to a Correction Notice-Complaint Inspection at 662 PAYNE AVENUE. (Public hearing continued from August 6) (Public Hearing to be continued to October 15, 2014)

Sponsors: Lantry

Rescheduled per attorney's request.

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