



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final Legislative Hearings

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Tuesday, April 7, 2015

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Special Tax Assessments

- 1 RLH TA 15-206** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1508A, Assessment No. 158514 at 1248 ARCADE STREET.

Sponsors: Bostrom

No show; approve the assessment.

Referred to the City Council due back on 5/20/2015
- 2 RLH TA 15-207** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1508A, Assessment No. 158514 at 1100 ARKWRIGHT STREET (ASSESSMENT ROLL IS UNDER 1098 ARKWRIGHT STREET)

Sponsors: Brendmoen

No show; approve the assessment.

Referred to the City Council due back on 5/20/2015
- 3 RLH TA 15-208** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1508A, Assessment No. 158514 at 206 ARLINGTON AVENUE WEST.

Sponsors: Brendmoen

Diana & James Palmer, owners, appeared.

Inspector Paula Seeley:

 - Summary Abatement Order sent Dec 22, 2014; compliance Jan 5, 2015; re-checked Jan 5
 - work done Jan 7, 2015 for a cost of \$316 + \$160 service charge = \$476
 - failure to maintain exterior property Summary Abatement: remove carpeting & padding behind garage next to alley
 - sent to James and Diana Palmer, 206 Arlington Ave W; and Occupant

- comments: Inspector sent initial SA 12-12-14 and gave additional time to remove items by issuing the second SA on 12-22-14
- no returned mail

Mr. Palmer:

- they got only 1 notice; it came at Christmas time (12-22-14) while they were gone; if he would have gotten the notice earlier, he would have removed the items

Ms. Moermond:

- the crew didn't come until 2 weeks after that

Mr. Palmer:

- they were gone during the holidays
- there was no padding; just an area rug and a runner

Ms. Palmer:

- didn't think there was very much to remove for \$476; that cost is ridiculous

VIDEO - removed rolled up carpeting next to shed by alley

Ms. Moermond:

- the cost is a trip charge, basically
- will recommend approval of this assessment

Mr. Palmer:

- after the holidays, he was going to take that rug up to the lake

Ms. Moermond:

- you are welcome to talk with the City Council about a different outcome
- adequate notice was given to get the job done
Approve the assessment.

Referred to the City Council due back on 5/20/2015

- 4 RLH TA 15-209** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1508A, Assessment No. 158514 at 64 ATWATER STREET.

Sponsors: Thao

No show; approve the assessment.

Referred to the City Council due back on 5/20/2015

- 5 RLH TA 15-210** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1508A, Assessment No. 158514 at 1031 BRADLEY STREET.

Sponsors: Brendmoen

Geri Barber, owner, appeared.

Inspector Paula Seeley:

- failure to maintain exterior property
- Orders sent Dec 31, 2014; compliance Jan 5, 2015; re-checked Jan 5
- work done Jan 7, 2015 for a cost of \$316 + \$160 = \$476

- sent to Geri Barber, 1432 Ashland Ave, St. Paul; and Occupant
- no mail returned
- garbage all over the ground

Ms. Barber:

- she called Ms. Seeley but she was on vacation, left a message; she didn't return my call
- she asked her tenants to clean it up
- she had sent a check; called to see if they'd received it and they had; she didn't realize that it was for something different; she assumed it was for the clean-up
- she was out of the country

Ms. Moermond:

- it was but for a different reason

VIDEO - garbage around full containers near garage

Ms. Seeley:

- costs: \$260 trip charge (minimum of 1 hour) + \$56 garbage/cu.yd + \$160 administrative fee = \$476
- Summary Abatement Order issued Mar 2015; another complaint Jul 17, 2014-TV, misc garbage in rear; Nov 18, 2014 chairs, garbage containers full; she doesn't see any of her notes indicating that there was no service

Ms. Barber:

- has some lazy tenants; is not disputing
- asked to be sent the copies of the Orders

Ms. Moermond:

- looks like there's not enough containers there

Ms. Barber:

- she doesn't allow for extras

Ms. Moermond:

- will recommend approval
- Approve the assessment.

Referred to the City Council due back on 5/20/2015

6 RLH TA 15-211 Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1508A, Assessment No. 158514 at 664 CHERRY STREET.

Sponsors: Finney

Ryan Loftsgaarden, owner, appeared.

Inspector Paula Seeley:

- Summary Abatement Order for clean-up sent Jan 6, 2015; compliance Jan 12; re-checked Jan 12
- work done Jan 15 for a cost of \$288 + \$160 service charge = \$448
- sent to: Federal Home Loan Mortgage Corp, 5000 Plano Pkwy, Carrollton TX; Occupant; and Jeffrey & Linda Botkin, 2053 Cottage Ave E, St. Paul
- comments: 4 appliances, all debris in yard, remove and maintain property

Mr. Loftsgaarden:

- purchased property Feb 19, 2015
- didn't own this property at the time of clean-up

Ms. Moermond:

- when the work was done, Fannie Mae owned it; they got the notice to take care of it but they didn't; so, it becomes an assessment on the property, so, whoever owns the property has to pay the assessment
- people in this situation will do one of two things: 1) go to your real estate broker and tell them about this; they may be able to contact Fannie Mae and have you reimbursed for the cost; or 2) talk with your title insurance company; they may be able to work with Fannie Mae and get the money back
- Fannie Mae, the previous owner, should have disclosed this to you at closing; they are required to

Mr. Loftsgaarden:

- at closing, they said that they had paid all outstanding balances and fees

Ms. Moermond:

- there's another provision that says if there are any outstanding Orders or Violations on the property, they are required to disclose that to you, as well
 - the assessment goes with the property, just as unpaid taxes do
 - will recommend this assessment be approved
- Approve the assessment.

Referred to the City Council due back on 5/20/2015

7 RLH TA 15-212

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1508A, Assessment No. 158514 at 315 COOK AVENUE EAST.

Sponsors: Brendmoen

Mohamed Bihi, owner, appeared.

Inspector Paula Seeley:

- Summary Abatement Order issued for failure to maintain exterior of property on Jan 6, 2015; compliance Jan 12; re-checked Jan 13
 - work done Jan 13, 2015 for a cost of \$316 + \$160 service charge = \$476
 - no returned mail
 - sent to: Mohamed Bihi, 315 Cook Ave E, St. Paul; and Mohamed Bihi, 510 Litchfield Ave SW, Apt C3, Willmar, MN
 - underlined: remove improperly stored and accumulated refuse, including garbage and rubbish
- VIDEO - overflowing container on east side of yard and west side of house

Mr. Bihi:

- he hired someone to take care of it; he said that he would pick it up that day
- when he checked the next day, he didn't see anything there

Ms. Moermond:

- noticed a couple of bent boards up against the house and some material behind the garbage container on the right and there's 2 bags of garbage in the black plastic bags on the deck area; when we looked at the clean-up VIDEO, it was apparent that the boards were gone, the material behind the garbage containers was gone, and 2 bags on upper deck
- the Order does say: bags of refuse on west side deck; bags of yard waste in east side yard; and other bags

- your guy just didn't do the whole job; he did some - made a good faith effort
- review VIDEO again

Ms. Seeley:

- it's been a Vacant Building since 2012

Ms. Moermond:

- will recommend deleting 2/3 of the assessment to get it down to \$150
- Reduce the assessment from \$476 to \$150.

Referred to the City Council due back on 5/20/2015

- 8** **RLH TA 15-213** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1508A, Assessment No. 158514 at 757 DAYTON AVENUE.

Sponsors: Thao

No show; approve the assessment.

Referred to the City Council due back on 5/20/2015

- 9** [RLH TA 15-227](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1507, Assessment No. 158807 at 1171 DAYTON AVENUE.

Sponsors: Thao

No show; approve the assessment.

Referred to the City Council due back on 5/20/2015

- 10** [RLH TA 15-189](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1504B, Assessment No. 158815 at 693 DESOTO STREET.

Sponsors: Brendmoen

Rex Hale, owner, appeared.

Mr. Hale:

- he purchased this house Mar 20, 2015 as a Category 2 Vacant Building
- is here to get the annual VB fee waived

Inspector Joe Yannarely, Vacant Buildings:

- was opened as a Cat 2 VB on Oct 11, 2012
- Mr. Hale is the new owner
- there's a valid Code Compliance Inspection Report
- active building and electrical permits
- VB fee: \$1440 + \$155 service charge = \$1595
- VB fee period is from Oct 2014 - Oct 2015

Mr. Hale:

- his HVAC guy should be there right now
- he should have the electrical rough-in done tomorrow
- framing is well underway

- on target to have all the code compliance stuff done and occupancy completed by the end of May

Ms. Moermond:

- the property is already 6 months into the time period for the billing
- if you finish at the end of May 2015; it will have been in the VB program for 2/3 of the year
- she is loathe to decrease it when it's that far into the year
- if you would be done at the 6-month mark, she would cut it in half
- City Council Public Hearing is Apr 15, 2015; you could talk to them about decreasing the assessment at that time

Mr. Hale:

- he did not get a letter; he just purchased the property Mar 20, 2015
 - his agent made a bunch of calls because Mr. Hale was concerned about the VB fee; he found out about this LH and said he had to show up here today and plead his case
- Approve the assessment.

Referred to the City Council due back on 4/15/2015

- 11 RLH TA 15-200** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1508A, Assessment No. 158514 at 759 EDGERTON STREET.

Sponsors: Brendmoen

No show; approve the assessment.

Referred to the City Council due back on 5/20/2015

- 12 RLH TA 15-214** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1508A, Assessment No. 158514 at 42 FRONT AVENUE.

Sponsors: Thao

No show; approve the assessment.

Referred to the City Council due back on 5/20/2015

- 13 RLH TA 15-215** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1508A, Assessment No. 158514 at 99 GEORGE STREET EAST.

Sponsors: Thune

No show; approve the assessment.

Referred to the City Council due back on 5/20/2015

- 14 RLH TA 15-216** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1508A, Assessment No. 158514 at 356 GEORGE STREET WEST.

Sponsors: Thune

Per owner's request, rescheduled to May 5, 2015.

Laid Over to the Legislative Hearings due back on 5/5/2015

- 15 RLH TA 15-217** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1508A, Assessment No. 158514 at 1252 JAMES AVENUE.

Sponsors: Tolbert

No show; approve the assessment.

Referred to the City Council due back on 5/20/2015

- 16 RLH TA 15-218** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1508A, Assessment No. 158514 at 116 JESSAMINE AVENUE EAST.

Sponsors: Brendmoen

Lorraine Chapman, owner, appeared.

Inspector Paula Seeley:

- Summary Abatement Order issued for snow/ice on Jan 12, 2015; compliance Jan 14; re-checked Jan 13*
- work done Jan 15, 2015 for a cost of \$160 + \$160 service charge = \$320*
- sent to: Lorraine Chapman and Occupant at this address*
- no returned mail*
- the inspector went out a day early to re-check*
- VIDEO - shoveled full width; salt and sand*

Ms. Chapman:

- she didn't know that this was for snow on the sidewalk; she thought it was for the garage door that came off it's hinges; she was out of town until the 30th so her son fixed that and put up address numbers; she got a Work Order for the garage*
- she can't do any shoveling any more; is retired; she depends on her kids and grand kids to do the shoveling*
- her son did put salt on the steps for her*

Ms. Moermond:

- people who have physical problems are having difficulty walking down your sidewalk because it hasn't been cleaned; it's up to you to make sure that it's taken care of*

Ms. Chapman:

- if she's not home, her neighbor usually does the sidewalk*

Ms. Moermond:

- suggested that she look into a nonprofit snow shoveling service like Merrick Home Services, at Rice and Arlington; they will do it for minimum cost*

Inspector John Peter Ross:

- there are several locations for Merrick Home Services; phone: 651/771-9339; they may put you in touch with the one closest to you at 957 Payne Ave*

Ms. Chapman:

- she had thought that the neighbor did the shoveling, not the city*

- she can't afford too much
- she doesn't know where she's going to get the money to pay for this assessment

Ms. Moermond:

- notice was given and it needed to be done; the city did the work; it's a legitimate bill
 - 3 inches of snow fell on Jan 9, 2015; the Order went out Jan 12
 - will recommend approval of this assessment
- Approve and spread payments over 3 years.

Referred to the City Council due back on 5/20/2015

- 17 [RLH TA 15-190](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1504E, Assessment No. 158303 at 732 JESSAMINE AVENUE EAST.

Sponsors: Bostrom

No show; approve the assessment.

Referred to the City Council due back on 4/15/2015

- 18 **RLH TA 15-228** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1507, Assessment No. 158807 at 880 MARGARET STREET.

Sponsors: Finney

No show; approve the assessment.

Referred to the City Council due back on 5/20/2015

- 19 **RLH TA 15-219** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1508A, Assessment No. 158514 at 1277 MARGARET STREET.

Sponsors: Finney

Michelle Jackson, owner, appeared.

Inspector Paula Seeley:

- Summary Abatement Order issued for failure to maintain exterior of property on Jan 22, 2015, compliance Jan 27; re-checked Jan 27
- work done Jan 29 for a cost of \$316 + \$160 service charge = \$476
- sent to: Michelle Jackson, 1277 Margaret St
- no returned mail
- in capital letters: remove furniture from rear yard near alley
- no history
- VIDEO - no furniture but a lot of bags

Ms. Jackson:

- a few things: she's a single mom and she goes to school in the evening, full time during the week and she works Mon-Fri, full time
- this letter was written Jan 22; she did not receive it until Jan 24, late in the afternoon; now, she has until Jan 27
- the chair was removed immediately
- her letter says in big, bold letters: REMOVE FURNITURE FROM REAR YARD

NEAR ALLEY and that was taken care of immediately
- no where in the letter does it tell her to remove the leaves that were on the side of her garage on her property; had that been stated, she would also have done that
- she was given a very limited time in which to take care of what needed to be done; the chair was removed right away and that's all she thought

Ms. Moermond:
- read the Order carefully (uncapitalized portion); can understand that Ms. Jackson may not consider leaves as trash but as compost material

Ms. Seeley:
- noted that the compost sites were open 1 weekend per month during the winter
- wishes that the inspector would have indicated 'bags of yard waste on the side of the garage' Order

Ms. Moermond:
- agrees that 'bags of yard waste... should have been indicated on the Order
- will recommend deletion
Delete the assessment.

Referred to the City Council due back on 5/20/2015

- 20 RLH TA 15-199** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1508A, Assessment No. 158514 at 1045 MARYLAND AVENUE EAST.

Sponsors: Bostrom

No show; approve the assessment.

Referred to the City Council due back on 5/20/2015

- 21 RLH TA 15-229** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1507, Assessment No. 158807 at 610 SAINT ALBANS STREET NORTH.

Sponsors: Thao

4/7/15: No show; approve the assessment.

Laid Over to the Legislative Hearings due back on 4/21/2015

- 22 RLH TA 15-220** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1508A, Assessment No. 158514 at 644 SELBY AVENUE.

Sponsors: Thao

No show; approve the assessment.

Referred to the City Council due back on 5/20/2015

- 23 RLH TA 15-221** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1508A, Assessment No. 158514 at 300 STURGIS STREET.

Sponsors: Thune

No show; approve the assessment.

Referred to the City Council due back on 5/20/2015

- 24 RLH TA 15-222** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1508A, Assessment No. 158514 at 821 SYLVAN STREET.

Sponsors: Thao

Delete the assessment; inspector went out too fast.

Referred to the City Council due back on 5/20/2015

- 25 [RLH TA 15-204](#)** Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1504P, Assessment No. 158403 at 2350 TERRITORIAL ROAD.

Sponsors: Stark

Delete the assessment; waiver on file. (No hearing necessary)

Referred to the City Council due back on 5/6/2015

- 26 RLH TA 15-230** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1507, Assessment No. 158807 at 755 THIRD STREET EAST.

Sponsors: Finney

Seng Ly, owner, appeared.

Inspector Joe Yannarely, Vacant Buildings:

- Vacant Building Category 2 file was opened Jan 14, 2010
- this annual fee due is for Jan 2015 to Jan 2016: \$1440 + \$155 service charge = \$1595
- the last fee waiver was from 2013
- the previous year was assessed on Jan 31, 2014

Ms. Moermond:

- looking at the comments: This is a Cat 2 VB, Single Family Dwelling opened Jan 14, 2010. Jan 8, 2014, LHO ordered half fee due and to allow all permits - half fee awarded ONLY if work has finished by Jul 14, 2014. Fee process and assessment will occur as normal; and fee adjustment to be handled at LH after assessment.

Mr. Yannarely:

- building permit is active; electrical is active

Mr. Ly:

- electric and mechanical are 80% done
- he needs more time
- asking to have the VB fee waived; he plans to be done by Jul 2015 and move in
- with all the assessments and property tax for this year, it's already \$5,212 and to add almost \$1600 to it - It's too much for him
- when he bought the house, he thought that he could fix it himself; he didn't know

about all the different categories of VB

Ms. Moermond:

- having trouble with this: you were given a chance last year with your fee; she was going to cut it in half if you finished by Jul but you didn't; so, she's not sure

- at City Council Public Hearing, she will Lay this Over to CCPH Jul 15, 2015; if you are done by Jul 15, 2015, she will recommend that the VB fee be cut in half; if you are not done by Jul 15, 2015, she will recommend that you pay the whole assessment divided over 5 years

To be laid over to July 15 City Council Public Hearing. If appellant is done with the repairs, LHO will recommend reducing the VB fee in half. If not, she will approve the assessment and spread the payments over 5 years.

Referred to the City Council due back on 5/20/2015

- 27 RLH TA 15-224** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1508A, Assessment No. 158514 at 859 TUSCARORA AVENUE.

Sponsors: Thune

No show; approve the assessment.

Referred to the City Council due back on 5/20/2015

- 28 RLH TA 15-225** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1508A, Assessment No. 158514 at 107 VICTORIA STREET NORTH.

Sponsors: Thao

No show; approve the assessment.

Referred to the City Council due back on 5/20/2015

- 29 RLH TA 15-226** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1508A, Assessment No. 158514 at 1187 WOODBRIDGE STREET.

Sponsors: Brendmoen

Don Frable, agent for Selable Purchasing LLC, appeared.

Inspector Paula Seeley:

- Summary Abatement Order issued Jan 16, 2015 for failure to maintain exterior of the property; compliance Jan 20

- Preauthorized Work Order

- work done Jan 22, 2015 for a cost of \$288 + \$160 service charge = \$448

- no returned mail

- Orders were also issued to provide garbage service

- sent to Selable Purchasing LLC, 1045 Woodlynn Ave, St. Paul; Donald Frable, 1045 Woodlynn Ave, Roseville; and Occupant

- in large bold letters: garbage

Mr. Frable:

- got the Notice after it was cleaned-up; he'd been keeping an eye on it because they

were in the process of selling it; Selable was in foreclosure
- the water was in the process of being shut-off; he had spoken with Inspector Perrier about that; the inspection was Fri
- there was no money in Selable so, any money for things was coming out of his pocket
- Inspector Perrier said, "Since Monday's a holiday, I will give you until Tue to make sure the water is turned back on so that you can find out what the inspection is; and if the inspection goes well and the sale is going to go thru, you'll pay the water bill." He decided then not to go over there; he knew there was garbage in the back; the lid was open; the tenant upstairs was in the process of being evicted, so, she was throwing garbage outside of the container; he took the big bags and threw them in the garage on Tue or Wed of the week before and he was going to come back Fri but figured that he'd wait until he got the water turned back on and find out about the inspection; he found out about the inspection on Sat - it was good; by Tue am, he drove over to the property - was there about 10:30 to clean up the garbage that he knew was there even though he hadn't been given a notice from the city - and it was gone; he assumed that Garbage Man had come and taken it away; he got back home at 3 in the afternoon and he had gotten a letter from the city stating that the garbage needed to be removed; the compliance date was that Mon, which was a holiday; he called Joel Essling immediately and told him that he had just received the letter and it was to have been done on a holiday; Mr. Essling said, "It doesn't matter; you had 3 days per city code."
- he called and spoke with Mai, who said that the LHO said he'd have to come here to discuss this

Ms. Moermond:

- assumes that the tight turn around was because it was raw garbage

Ms. Seeley:

- preauthorized work order gives only 4 days; actually, they didn't clean it up until 6 days afterward
- container was overflowing and there were 2 bags on the side of it

Mr. Frable:

- he put 2 bags into the garage at some point

VIDEO - overflowing container and bags on the ground

Mr. Frable:

- the stuff on this side of the garbage can wasn't there when I was there the time before
- his biggest problem was that he didn't get Noticed until after it was done
- after he turned the water on, he went over and was going to put it into his truck and bring it to his house; his pick-up day is Tue

Ms. Moermond:

- the Orders were issued Fri, the 16th; the deadline was Tue, the 20th (Mon was Dr. Martin Luther King Holiday); the clean-up crew didn't show up until Thu, the 22nd; that sounds like enough time to her

Mr. Frable:

- except that he was there Tue morning and the container was completely empty; he went over to clean it up and to make sure the water was back on
- he knows that the upstairs tenant was throwing out a lot because she was moving out
- the 2 bags that he grabbed and put into the garage were on the other side between

the car and the garbage container; they were full of toys they didn't look like the ones in the photo

- is seriously confused

- it was clean on Tue; he thought Garbage Man had come to pick up

Ms. Moermond:

- the photo was taken Fri Jan 16 when the Orders were written

- she will compare the photo with the VIDEO to see about the 2 bags

VIDEO - again; looks the same as the photo to Ms. Moermond

Mr. Fable:

- he understands that it was there and the crew picked something up but when he was there at about 10:30 am on Tues, all was clean; and that was right after he paid the garbage bill; he drove over with his truck to make sure it was taken care of

Ms. Moermond:

- let's get some documentation from the Parks crew; there should be a time and date on something to verify that they did the work

Mr. Fable:

- Christopher Kalina is the new owner; has he been updated? 2407 Greenfield Place; he bought it Mar 3, 2015; at the closing he told him to get garbage service immediately

Ms. Seeley:

- we have 1187 Woodbridge St as Mr. Kalina's address

- file is still open; an additional photo was taken Mar 4, 2015; a letter was sent asking for documentation of garbage service by Mar 10, 2015

- there is still no trash service

Ms. Moermond:

- she will recommend approval if Parks substantiates the time and day; if they don't, she will probably cut the amount but won't delete it entirely

Approve the assessment but LHO is requesting that we get documentation from Parks for when the work is done. There was no date stamped of the clean up in the video.

Referred to the City Council due back on 5/20/2015

30 RLH TA 15-231

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1502V, Assessment No. 158001 at 963 FLANDRAU STREET.

Sponsors: Bostrom

*Thomas Huynh, Panda Home Improvement Group LLC, owner, appeared.
Mee Kue, tenant, appeared along with her son, Leng Han.*

Mai Vang translated.

Inspector Paula Seeley:

- Vehicle Abatement Order issued Aug 8, 2014 by Intern Sarah Sang; compliance Aug 20; re-checked Aug 20

- orders sent to Panda Home Improvement Group LLC, 3007 Valenta Lane, Little Canada; Thomas Huynh, 3007 Valenta Lane, Little Canada; and Occupant

- SPPD towed Red Nissan with expired tabs, open to entry, appeared inoperable,

parked on an unapproved surface

- no returned mail

- cost breakdown: SPPD cost: \$1065 (\$905 tow & storage + \$120 DSI admin fee + \$35 Real Estate fee + \$5 Attorney fee); the \$905 is the cost after the sale of the car (original tow & storage cost: \$1280 - \$373 sale of car = \$905)

Ms. Kue:

- has a lot of children of which only 3 live with her now

- she doesn't drive

- this vehicle belonged to her deceased husband; it was in his name

- only 2 of the children know how to drive; they were busy working and didn't have time to come and take the car

- is looking for a reduction of cost; she doesn't have a job; it's not that she doesn't want to pay; she just doesn't have the money

Mr. Hang:

- by the time their mother told them about this, the car had already been towed; then, they called the city to find out why it was taken; they said that it was towed because it had been parked on gravel but the next door neighbor's car was parked on gravel, too, right next to theirs

Ms. Seeley:

- their were multiple problems: it has expired tabs, was left unsecured and appeared inoperable, too

- they can't tow the other vehicle next to it just because it was parked on an unapproved surface; she doesn't know whether the neighbor was given Orders or not

- there's a history here: May 15, 2014-Orders were issued on mattresses; Aug 7, 2014-Orders issued for garbage; 3 complaints on tall grass/weeds; things are not being taken care of there (all were done by owner)

Mr. Hang:

- the neighbor's car has been there for 10 years

- his mom doesn't know about the laws here; she moved here only 2 years ago

- they don't have the title, the key, or anything and their dad is dead; they couldn't move it

Mr. Huynh:

- he delivered the letter about 3 days later

Ms. Moermond:

- from SPPD, she would like to know when they actually towed the vehicle and how much time it spent at the impound lot (Ms. Seeley: thinks it was there for 2 1/2 months at \$50 per week)

- the cost seems to be exorbitant, to her

Ms. Seeley:

- the car was towed: Oct 3, 2014; it was sold: Dec 19, 2019

Ms. Kue:

- her English is very, very limited; her children read the letters and interpret them for here; and she doesn't read Hmong, either

Ms. Moermond:

- we would have had a problem with the language; however, previous Orders were taken care of

- troubled that there's a history here of Orders having to be written to get things done

- is troubled that SPPD took 6 weeks to get out there to enforce an Order; that leads to confusion; it also took long to auction the vehicle; legally, they have to keep it only 2 weeks

- taking all that into account, she will recommend the assessment be reduced by half, bringing it down to \$500 divided over 5 years

Reduce from \$1065 to \$500 and spread payments over 5 years.

Referred to the City Council due back on 5/20/2015

Special Tax Assessments - ROLLS

- 31 RLH AR 15-22** Ratifying Towing of Abandoned Vehicle services during June to November 2014. (File No. J1502V, Assessment No. 158001)
Sponsors: Lantry
Referred to the City Council due back on 5/20/2015
- 32 RLH AR 15-23** Ratifying Collection of Vacant Bldg fees billed September 4 to December 18, 2014. (File No. VB1507, Assessment No. 158807)
Sponsors: Lantry
Referred to the City Council due back on 5/20/2015
- 33 RLH AR 15-24** Ratifying Property Clean Up services during January 2 to 29, 2015. (File No. J1508A, Assessment No. 158514)
Sponsors: Lantry
Referred to the City Council due back on 5/20/2015
- 34 RLH AR 15-25** Ratifying Trash Hauling services during January 7 to 28, 2015. (File No. J1507G, Assessment No. 158707)
Sponsors: Lantry
Referred to the City Council due back on 5/20/2015

11:00 a.m. Hearings

Summary Abatement Orders

Correction Orders

11:30 a.m. Hearings

Orders To Vacate, Condemnations and Revocations

- 35 RLH VO 15-14** Appeal of Gordon and Nancy Barnes to a Notice of Condemnation Unfit for Human Habitation and Order to Vacate at 1159 PASCAL

STREET NORTH. (To be laid over to Legislative Hearing on May 5;
City Council Public Hearing to be continued to May 20)

Sponsors: Stark

Gordon Barnes, owner, and his daughter, Nancy Barnes, occupant and new owner, appeared.

Ms. Moermond:

- *this is follow-up*
- *there were no photographs last time*

Fire Inspector A. J. Neis:

- *this was laid over from a couple weeks ago to allow them time to secure financing*
- *back taxes have been paid and verified (major hurdle)*
- *they were unable to obtain any funding for the extensive repairs that need to be done*
- *he spoke with the Appellants and they have picked up permit applications to get that process started*
- *still seeking funding for the rehab*

Ms. Moermond:

- *asked about where they were at with the title*

Ms. Barnes:

- *last time we were here, you had indicated that you would expedite that but he has not received that yet*
- *on the 10th, they said it would take 4-6 weeks*

Ms. Moermond:

- *she did make a call; evidently, it wasn't successful; she will make another call*

Mr. Neis:

- *that really impairs their ability to get the repairs going; once that gets taken care, it will be a long process but achievable*

Ms. Moermond:

- *suggested that they work on getting a contractor(s) in to give them a bid(s) to get an idea about how much it will cost; if you pick a contractor, he can put together a plan for addressing this, which will be the information he will need to get a permit*
- *we could look at that plan*
- *it's hard to get an idea of how weak/strong the structural components are without having an assessment by a professional*

Ms. Barnes:

- *she noticed that online, there were contractors who did bids for free*
- *she signed up for a program online where they take your \$50 and indicate every program in your area that is willing and able to help you; so far, she hasn't received anything back*

Ms. Moermond:

- *asked Mr. Neis what he thought about having a structural engineer take a look at it to assess the situation?*

Mr. Neis:

- *he could get a structural engineer, Brian Carpen, to come out without having pulled a permit*

Ms. Moermond:

- let's get Mr. Carpen out there to take a look; Mr. Neis will arrange that
 - this will go to City Council Public Hearing Apr 15, 2015; at that time, I will ask them to send it back to LH, so we can take more time with this
 - will put in another call to Ramsey County
- To be referred back to May 5 LH and May 20 CPH.

Referred to the City Council due back on 4/15/2015

36 [RLH VO 15-16](#)

Appeal of Jennifer Garcia to a Notice of Condemnation Unfit for Human Habitation Order to Vacate at 675 HALL AVENUE.

Sponsors: Thune

Carolyn Curtis and Heather Brody, owners, appeared.

Jennifer Garcia, Appellant/Occupant, appeared.

(Heather and Jennifer are Carolyn's daughters.)

Nathan Brody, Heather's husband, appeared.

Fire Inspector A. J. Neis:

- Condemnation of the Fire Certificate of Occupancy dated Mar 30, 2015 by Fire Inspector Jeremy Hall
- Inspector Hall went out to the property on a routine fire inspection
- initially, an appointment was scheduled for Mar 3, which was re-scheduled because Ms. Curtis was unable to obtain keys to the house
- at that point, there had been some domestic related issues
- Mar 30, Mr. Hall went out to inspect and met with the owner; when he got there, police were on the scene for domestic related concerns
- multiple code violations were found; photos in the file
- Mr. Hall called Mr. Neis out to the property because of all the on-going issues; police were still there
- Mr. Neis went out to assist and to confirm the code violations
- a large part of a second floor wall of lathe and plaster was being held up by a TV
- animal urine permeated the home
- it was in very bad condition: dilapidated and unsanitary
- additionally, he noticed that the yellow tamper tag from Xcel had been cut, so there also was some tampering going on; Mr. Neis called Xcel, who confirmed that there had been tampering with the power; Xcel elected not to go back out and re-shut off the power because of the cold weather but it would be one of the first properties that would be on the "shut-off list" on Apr 15, 2015
- because of the multiple code violations and tampering with the power, he advised Inspector Hall to Condemn the building with an Apr 6 Vacate date

Ms. Moermond:

- doesn't want to go deeply into what's going on within the family but she does need to know about the concerns, which will influence how she will look at fixing the situation
- she will ask each to provide some information but asked that they not jump in and contradict one another

Ms. Curtis:

- she was not aware of the appeal until a couple days ago; she call the office to confirm
- received a letter of the impending inspection the first part of Mar 2015
- she originally bought it for the use of their children; she had to move into it a couple times and when she moved out, all 3 of her children had lived there with their families

at various times; she considered it a family home for whomever might need it

- last year Heather and Nathan lived in the house and were doing foster care for 5 of her grandchildren; the small house was tight quarters for them; the house had been approved, conditionally, for foster care; they lived there and maintained the house until Sep 2014
- Jennifer and Juan had been evicted from their home and had no place to go around Aug 2014; they stored their stuff in her garage and lived in her 2-bedroom apt for a week; it became extensive; Heather & Nathan found a larger place, more suitable for 5 children
- Jennifer & Juan, her developmentally challenged 23-yr old grandson Tomas, grandson Andreus, 16 who attends Humboldt, and Vanessa, 15, who also attends Humboldt moved into her house along with their dog and cat with the understanding that they would pay the house payment of \$572/month and be responsible for everything else; each child was expected to do that when they moved in
- Ms. Curtis lives on disability; her income is \$1000/month; she can't afford the utilities on that house
- Jennifer agreed to give Ms. Curtis Juan's \$750/month card, which she used to pay water and trash service; in Sep when she went to get money off the card, she got only \$680 and Juan was angry that she had gone to get the money out; the 2nd month, she got only \$720
- she found out that there was outstanding utility bills for Water, Xcel and trash; she didn't have the money to pay it; Heather paid \$300 on the water bill and Jennifer and Juan were supposed to pay the trash; so, there was contention every single month about their paying
- one month, Jennifer & Juan opened up her statement from NHS, mortgagor, that lists her payment as \$472 (plus penalties from before) equally \$572; they left \$472 at Heather's house with no explanation
- while they stayed at her townhouse, the police were called 3 or 4 times because of arguments; there are issues of addiction and violence; Tomas is schizophrenic and paranoid; and no boundaries are set on what the children do
- Juan changed the locks on the house and didn't give her a key; she asked 3 or 4 times for a key and she has never gotten one; Juan has called her several times saying that he could not take Jennifer's drug thing anymore so, she went over to help; she had set up a Rule 25 but when she got there, Jennifer didn't want to go because she had a headache; Juan confronted her and accused her of disrespecting him and invading their property; as a landlord, I had to give them 24 hours notice; that's the attitude she has been dealing with since they moved in
- they destroyed the furniture that she had left there; the windows that she had just replaced and everything that had been repaired, now, is in disrepair
- Jennifer has been depressed; she is always in bed, sleeping
- when she calls, no one picks up; she leaves messages and no one returns her calls
- she doesn't want her children and grandchildren to be homeless but they are not changing - not addressing their drug addictions; Juan is violent and abusive to Jennifer and he treats Ms. Curtis with disrespect and all she has ever done has been to help them out
- Heather was kind enough to move out so that Jennifer and her family would have a place to live; they have multiple detainers on their rental history
- Jennifer has worked for many years; now, she's been unable to find a job and depression has set in; drugs have taken over; the kids are not attending school; they are on probation
- she doesn't know what to do; this house has become a curse for her
- she doesn't have the money to fix it; however, her church, Household of Faith, St. Paul Park, is willing to help her with the repairs; most is cosmetic but needs a lot of work
- while she waited at the house for the inspection with Mr. Hall, Juan became verbally abusive so, she called the police

- the house has been a public nuisance for years but it is rehabbable
- she has asked NHS for a rehab loan and she might be eligible if she moves into it; Jennifer believes that Ms. Curtis is arranging this Condemnation to force them out so that she can move in because her lease is up in May but she has had so much pain in that house, she doesn't know if it's a place she wants to live; she feels like she'd like to fix it up and sell it
- Vanessa has 1 more year of school; Tomas needs to be in a group home; he needs to be supervised; his issues have not been attended to properly
- she wants the repairs to be made
- she wants conditions if Jennifer's family is going to stay there; she does not want to deal with Juan, who is violent, abusive, disrespectful and neglectful
- with their tax refund, they bought TV's rather than deal with the 38 bags of trash

Jennifer Garcia:

- she was told before the hearing that this is an attempt to evict them; she suspected it because Ms. Curtis hasn't given them any kind of assistance when they were crying for help; Juan was trying to fix things but he couldn't get the plumbing working
- the trash was not theirs, it was her sister's and other people's belongings
- they need help for her son, who is breaking up the walls; they call the police when he starts to break up the house
- the walls have already been re-done
- the little cosmetic stuff is nothing compared to what they were all dealing with
- she wasn't allowed there during the inspection so she wasn't able to tell the inspector what all was going on
- he mom wasn't helping; she doesn't want to hear anything about the house
- she was paying her mom for trash service but her mom wasn't following thru; they were stuck with all that trash - a nightmare
- at first inspection, her mom told her to turn the water off before the inspector came
- she asked her mom if she wanted them to move and she said, "No Jennifer, I would never put you on the street."
- all is done except for the roof and other major things
- the first inspector said that she would have 90 days to get it all done and mom said, "No. I want them out."
- the second inspector told her mom that he would get them out that day
- they pretty much have done all the repairs in the house, including taking off the plaster and putting on sheet rock; it's in the process of being painted; the little things are done; she thinks the house is safe to live in, for now

Heather Brody:

- she would like her nephew and nieces to have a place to stay but at the same time, Juan tends to make things difficult and uncomfortable at times
- this is hard for her because it's her sister and her mom; she would like to be out of the middle of it
- she does not think that it was her mom's intention to get her sister evicted

Mr. Neis:

- there are some inaccuracies in the Appellant's testimony
- this inspection was not a result of a complaint or anything like that; this was a routine inspection; it was not an inspection to evict
- a formal letter of appointment was sent to the property owner to conduct the inspection
- their office had nothing to do with an eviction process
- checked the computer and found that there has also been a water shut-off Notice dated for Apr 2, 2015 on the property by St. Paul Regional Water Services for nonpayment; the inspector closed that complaint because the house was under Condemnation (Ms. Brody: that bill has been paid)

- he has not yet contacted Xcel to see if there have been arrangements made for the utility to be legally restored this time (Ms. Garcia: there never has been illegal installation of electricity; when an inspector had come out previously, he called DSI Office to verify something about it; he found out that there had been no messing around; she said that she paid the electric bill last month; she may not be up to date but has never been shut off at that house)
- Xcel would not have shut off during the cold weather rule
- noted that there are no permits on file for any repairs that Ms. Garcia says have been made;
- the work that needs to be done there is extensive and would require permits
- his concern now is that the illegal electrical work is covered up (without permits, none inspected and none approved); the Appellants are not licensed contractors
- noted that Juan began to be very hostile and aggressive with Inspector Hall and him while they were out there to inspect; at first, he was very respectful and polite; then, he quickly turned to hostile behavior so they left the area

Nathan Brody:

- talked about the security tag on the meter box: he had noticed it when they moved into the house about 1 1/2 yrs ago, and the utilities were going to be turned back on in his name (Xcel), he noticed that the yellow tag was broken; he called Xcel and told them about it; he didn't want to get into trouble for tampering with the meter box; Xcel told him not to worry about it - all was fine; it's all legal; so, he left it at that; he paid Xcel for almost 1 year with no problems; he doesn't know when it was broken but Xcel was aware of it; there should be a notation on his account that he called about it; his name was taken off that account in Sep 2014

Ms. Curtis:

- she did say that she would evict them after Juan started verbally abusing her and she had called the police; she had no previous intention of evicting them
- she still has no key to the property after Juan changed the locks
- she cannot deal with the circumstances as they are; there would need to be major changes
- re: the yellow tag - she had a renter while she lived there and she had to get an Order For Protection for him; he was using meth; there was evidence that he was stalking the house and he may have cut that tag because that's the type of person he was
- whenever she goes over to the house (Heather will verify); it's her habit to start picking-up and cleaning; do dishes, etc.

Ms. Garcia:

- thinks that when her mom found out that she needed to fix the roof, etc., get a loan and live there, that's when she changed her mind and decided to evict them
- didn't see any electricity or other work on the list that would require a permit; which ones require a permit?
- is really not clear as to what we need a permit for
- all extension cords have been removed

Mr. Neis:

- the repair of the walls would definitely require a permit; the walls are destroyed
- damaged switches require a permit
- there were things obstructing other things that the inspector could not see
- now, if sheet rock has been put up, we don't know what's behind those walls
- and tenants have no authority to repair/replace electrical

Ms. Moermond:

- there are very large openings in the walls - a problem that really should be

investigated with a permit going on
- electrical switches require a permit
- wiring that needs replacing requires a permit
- as a tenant, you are not legally able to do those things; however, an owner occupant could do those things

Mr. Neis:

- photos: shows that the plaster and lathe have been removed from one of the walls; you can see the open and exposed electrical; now, it's covered so there's no way to tell if it's been done properly

Ms. Curtis:

- believes that the house is reparable and her church is willing to help her and she has also gone to NHS
- the only way that she would move into that house is if she can get a rehab loan from NHS because she needs to be an occupant for her to be eligible; personally, she wants to move away from that house
- correction on "turn off the water" - she was referring to turning off the water so that Andy can't take a shower right after Juan fixes it
- re: eviction - she said that only after Juan threatened her verbally; eviction papers have not been filed at this point

Ms. Neis:

- there have been numerous nuisance activities at the house related to fires; on Sep 10, he went out and issued Orders because occupants were burning a couch in the fire pit; there have been other behavioral dangerous fire-related issues as well in the last 12 months

Ms. Moermond:

- this Order to Vacate is not connected to past behaviors; the Order to Vacate is based on the conditions of the structure at the inspection on Mar 30, 2015 by Inspector Hall and the violations he listed

RECESS was taken at 12:27 p.m.

LH RECONVENED at 12:42 p.m.

Ms. Moermond:

- asked Mr. Neis if children were present at the time of his inspection
- asked the ages of the children who live in the house
- asked whether Mr. Neis could schedule a re-inspection soon

Mr. Neis:

- he believes there was a male child there during the inspection; Inspector Hall may have witnessed them
- will do the re-inspection tomorrow, Wed Apr 8 at 1 p.m.; he also needs to coordinate with SPPD; an officer needs to be present

Ms. Garcia:

- Vanessa is 14; Andreus is 16; Tomas is 23; there were all there during the inspection

Ms. Moermond:

- contact information was shared
- obviously, there are bad relationships going on; the house condition seems secondary to the relationship situation in the home; however, all she can focus on is the condition of the house and welfare issues

- the Orders and photos plainly show the extensive dilapidation of the house
- Mr. Neis contacted Xcel and related his findings

Mr. Neis:

- he called Xcel again and asked about the yellow tag; they indicated that the power was dated to Ms. Garcia's home in her name as of Sep 1, 2014; and there have been no payments made to them, which Ms. Garcia said she had done; also, there's a very extensive balance on the account, far beyond the amount that emergency assistance would be able to help with so that a payment arrangement could be made; this is partially due to lack of payment at a previous property at which Ms. Garcia lived; this property is considered a priority for "turn-off" as soon as the cold weather rule is lifted, which is on Apr 15, 2015; they also indicated that they have no contact information for Ms. Garcia; additionally, they said that there have been no attempts by Ms. Garcia to contact Xcel to try to make a good arrangement
- so, even if all the violations were legally fixed, approved and finalized, as soon as the cold weather rule is lifted, the house would again go under Condemnation for lack of basic facilities

Ms. Moermond:

- she stated a follow-up inspection would be best next week, so the information going to Council is current.

Mr. Neis:

- he will be able to do the re-inspection Apr 13 at 10:30 a.m.; that will work for Ms. Curtis

Ms. Moermond:

- Mon Apr 13 at 10:30 the house will be open for re-inspection
 - if there are any violations left on this list, she thinks the Condemnation/Order to Vacate should stand, especially if the Xcel bill hasn't been taken care of by Apr 13; you should be able to show Mr. Neis that it has been addressed and there's an agreement in place
 - basically, everything needs to be done on the 13th, so that when she stands in front of the City Council Apr 15, she can tell them what her recommendation is; right now, she would recommend the house be Vacated effective Fri Apr 17, 2015 close of business
 - she will communicate this to Child Protective Services so that they are aware of the situation
 - police will be present
 - this includes obtaining permits, approval of work and finals
 - please note if the wall is closed
- Grant until April 13, 2015 for compliance on everything or the property must be vacated by close of business on April 17, 2015.

Referred to the City Council due back on 4/15/2015

1:30 p.m. Hearings

Fire Certificates of Occupancy

- 37 [RLH FCO 15-47](#) Appeal of John Hayes to a Fire Inspection Correction Notice at 1765 BEECH STREET.

Sponsors: Finney

John Hayes, owner, appeared.

Fire Inspector A. J. Neis:

- *Fire Certificate of Occupancy Correction Notice dated Mar 17, 2015 by Fire Inspector Jonathan Gaulke*
- *1 item is being appealed: #10 provide and maintain second floor habitable ceiling height of 7 feet over half the floor area; the ceiling height in the upper level is only 6'5" at the highest point*

Mr. Hayes:

- *he wants to continue using the upper level as a sleeping area; the space was there when he purchased the property 5 years ago; tenants have had their bed moved right up against the window (have moved it away from the window); the room is 17' x 11' and has always been used as a sleeping room; the width of the room is the same end to end*
- *there are 2 egress windows on that level*
- *the room in question is on the south side*
- *there are no doors up on that level; people have used it as a Master Suite; to the right on the north side is a room that's not used for sleeping*
- *the wall is probably 4 1/2 feet high*

Mr. Neis:

- *looked at the previous TISH report; the low ceiling height was disclosed*

Ms. Moermond:

- *6'5" is pretty low for a fire fighter to get into that space easily*
- *she doesn't see a square footage problem with the room*
- *the expectation for a ceiling height is 7 feet, which is also the minimum requirement*
- *in many of these older houses, those upper level spaces have been converted into bedrooms over time*
- *she doesn't like what she sees*
- *she will look for a de-conversion time*

Mr. Hayes:

- *their lease expires the end of Aug 2015*

Ms. Moermond:

- *effective Sep 1, 2015, the upper level can't be used as a sleeping area*

Mr. Hayes:

- *there's a dropped ceiling in there and he knows that it could be pulled out; if the ceiling is 6'10", would that make a difference?*

Ms. Moermond:

- *if it were 6' 10", she would look at it differently; it does, however, need to be verified*
 - *the re-inspection will be moved out; get an inspector to do some fresh measurements based on pulling down the ceiling; when she finds that out, she will be able to modify her recommendation accordingly*
 - *there may be need for some ceiling repair*
 - *re-inspection in 4-6 weeks*
- Deny the appeal and grant until September 1, 2015 to discontinue using the room as a bedroom unless the dropped ceiling is pulled and the ceiling meets the minimum height requirement.*

Referred to the City Council due back on 5/6/2015

PAYNE AVENUE.

Sponsors: Bostrom

Mike Hafner, owner, appeared.

Fire Inspector A. J. Neis:

- *Fire Certificate of Occupancy Correction Notice dated May 26, 2015 by Inspector Wayne Spiering*
- *appealed today are items #2, #13, #23*
- *#13: basement being approved for the type of occupancy; now, it's being used as an assembly for a church and youth groups; the inspector is concerned because there is not record of the basement being approved for such use; it may have been approved at some point but he's concerned that it be on record for that use from here on out; Mr. Spiering consulted with building official Steve Ubl and there's no real code violations noted; the emergency lights need to be fixed; it is the sprinklered portion of the building - permits were pulled but some of them weren't finalized*
- *#2: 2nd floor common corridor - to provide and maintain a 1-hour fire rated corridor; Inspector consulted with Steve Ubl in regards to this and it would be required;*
- *#23: the grocery store must obtain a license for selling pre-packaged food items*

Mr. Neis:

- *asked Mr. Hafner how long the 2nd floor had been used by the same occupant*

Mr. Hafner:

- *the 2nd floor was used by the same occupant until about.... it was the East Side Neighborhood Dev Co (ESNDC); then, there were other occupants; in 2002, the whole building was completely gutted - he put \$1M of his own money into the building; he has the plans; the ESNDC leased most of the space but they also sublet some of the space on the 2nd floor; another tenant has taken all the space that the ESNDC had; basically, it hasn't changed except for a chiropractor; the ESNDC occupied that space for only about 1 or 2 yrs and they didn't want to deal with it anymore, so then, Mr. Hafner took it over and it's been that way for the last 10 yrs; there are 3 other tenants other than the chiropractor; there were 4 other tenants other than the ESNDC when they were there*

Mr. Neis:

- *if the occupant was using the entire 2nd floor, even if they sublet, then, that fire separation in the hallway is a moot point*
- *this can all be resolved with the approved plans, then, they would establish a baseline and most likely, Fire would withdraw their Orders*

Ms. Moermond:

- *she and Mr. Neis took a look at the approved plans and Mr. Hafner explained occupants and uses*
- *is there something on these plans that indicates separate tenancy?*

Mr. Hafner:

- *there's nothing on these plans that indicates whether the whole 2nd floor is for a single or multiple tenant(s)*
- *he doesn't remember if the hallway is fire-rated*
- *he has never had an appeal; normally, his crew goes around and does everything before the inspector has to come and look at it and there's nothing written up*
- *when this was built in 2002, the basement was used as a faith-based Hmong School with 160 students and they were there for many years*

Mr. Neis:

- only the basement was sprinklered in 2002, an indication that it was intended to be used for assembly; it had panic hardware, etc.

Ms. Moermond:

- #22- there's restaurant on the 1st floor (Mr. Hafner: the hood has already been serviced)

- #23 - specifically for the grocery license

Mr. Hafner:

- re #23: the inspector asked the woman who was there, "Where's your license?" and She doesn't understand what he's talking about; then, he told her to go the Dept of Ag; so, Mr. Hafner called the Dept of Ag and they didn't answer so he walked down there and told the girl at the desk that he was trying to help out one of his tenants and needed to get a hold of someone about a license; she tried for 30 minutes to get someone to answer the phone and they would not answer; she just got recordings; apparently, the owner of the store is out of the country right now but he has 6 of these stores in the metro area

Mr. Neis:

- he just needs to get that license posted; he will speak with Inspector Spiering

Ms. Moermond:

- #13 - will grant that as long as there are appropriate exit signs

- not sure how #2 is documented; was there a specific violation noted to say that there wasn't a fire separation of 1 hour; she doesn't think we should put the owner, in this case, in a position where he has to demonstrate that he is in compliance when a specific violation wasn't called out; will recommend City Council grant the appeal on #2

- asked Mr. Neis what the enforcement mechanism would be for item #23

Mr. Neis:

- we would forward a licensing issue over to DSI Licensing to look at possible enforcement; if they don't have a license, we tell them that they can't operate

Ms. Moermond:

- let's give them 90 days to give them plenty of time to deal with the licensing issue Grant appeal on Item 2; grant the appeal on Item 13 provided that owner install appropriate signage; and grant 90 days for Item 23 for tenant 110 to obtain the required license to sell prepackaged food items.

Referred to the City Council due back on 5/6/2015

39 [RLH FCO 15-45](#)

Appeal of Peter Edlund to a Fire Inspection Correction Notice at 2238 TILSEN AVENUE.

Sponsors: Bostrom

Peter Edlund, owner, appeared.

Fire Inspector A. J. Neis:

- Fire Certificate of Occupancy Correction Notice, dated Mar 20, 2015 by Fire Inspector Laura Huseby

- appealed today is the inspection, in general

- will be sold in the next few months and Mr. Edlund wishes to have it inspected at that time in lieu of going thru the C of O process

Ms. Edlund:

- single family home; it was his parents' house; they bought it Oct 1958 and had a lot of things done over the last 50 years
- when his mother passed away, the house went to him and now, he has a Purchase Agreement with his youngest son to keep it in the family; closes Jun 30, 2015; title work is done; they can take care of whatever items they need to be taken care of prior to closing
- has a question for Mr. Neis: "What's wrong with the water heater; mom had it put in about 6 years ago and it works fine."

Mr. Neis:

- checking; is not comfortable with the Orders; incredibly vague.. makes it very challenging to answer the Appellant's question
- will Withdraw that Order

Ms. Moermond:

- she is not comfortable with the Orders either; there is no specific violation noted
- that Order is Withdrawn
- re: #4 - what work was being done without a permit?

Mr. Neis:

- again, he's not comfortable with that Order; it's vague and there are no photos
- Jun 30, 2015, it will be owner-occupied
- an issue he sees is caulking the bathtub
- they don't require the smoke detector affidavit nor the heating report for a non C of O building

Mr. Edlund:

- it will be a 20% down conventional sale
- the trim needs paint
- the caulking is done

Ms. Moermond:

- based on all the discussion, she will recommend that the appeal be granted on the items listed and this property is released from the Fire C of O inspection Program
- she will ask DSI to check the property in a year to make sure it's owner-occupied

Mr. Neis:

- Fire will be closing their Orders per today's hearing
 - there will be no follow-up from Ms. Huseby
 - they will just verify the owner-occupancy in a year (Peter J. Edlund III)
- Grant the appeal and release the property from the Fire C of O Program.

Referred to the City Council due back on 5/6/2015

Staff Reports

- 40 [RLH FCO 15-38](#) Appeal of Mark Potter to a Fire Inspection Correction Notice at 1656 CRAIG PLACE.

Sponsors: Bostrom

Ms. Moermond:

- DSI staff was to look for a paper copy of building permit for work done, if any
- follow-up: Laura Huseby reviewed the paper file, old permits from prior to electronic; as of today, 3-26-15, did not find any building permits regarding the basement remodel

- #1 - not a problem; it's simple maintenance
- #2- that's a clear code violation; it has to happen and needs a permit
- either get rid of the fire extinguisher or get it up-to-date
- fix the handles on egress window

No permits on file for the basement remodel; and the wall where the electrical panel is located was done w/o a permit; therefore, it will need a permit.

Deny the appeal.

Referred to the City Council due back on 5/6/2015

- 41** [RLH FCO 15-22](#) Appeal of Steve Shea to a Re-Inspection Fire Certificate of Occupancy with Deficiencies at 849 SEVENTH STREET EAST.

Sponsors: Lantry

Mai Vang:

- owner did not submit photos but there's an email from him dated Mar 26, 2015 noting that Maureen approved the open permits for air conditioning and heating (attached)

Ms. Moermond:

- hasn't heard from Mr. Ubl
 - looks like all permits are finalized in the system
 Grant the appeal as all permit(s) have been finalized.

Referred to the City Council due back on 5/6/2015

2:30 p.m. Hearings

Vacant Building Registrations

- 43** [RLH VBR 15-25](#) Appeal of Viktor Lesnikou to a Vacant Building Registration Fee at 572 POINT DOUGLAS ROAD SOUTH.

Sponsors: Finney

Viktor Lesnikou, owner, appeared.

Inspector Matt Dornfeld, Vacant Buildings:

- Category 2 Vacant Building file opened by Inspector Dave Nelmark Oct 30, 2013; it was a HUD home at that time
 - Mr. Lesnikou went thru the city's Sale Review process and was approved on Aug 7, 2014
 - currently, a code compliance inspection is on file
 - all permits have either been finalized or pulled
 - Inspector Nelmark also issued a Summary Abatement for a small amount of debris Apr 6, 2015
 - thinks we are here to discuss the 2015 -2016 VB fee

Mr. Lesnikou:

- and there are some additional issues
 - when they wanted to purchase the house, there was no indication that it was a HUD house or a Vacant Building
 - he bought it and moved into it with his wife and 4-year old son
 - a week later, they got a letter from the City of St. Paul saying it was a VB and we were illegally occupying it

- as a first time home buyer, he did not know the process so, he never appealed the original VB inspection; they decided to comply
- they were well over their budget
- they passed the mechanical inspection and recently passed the plumbing inspection
- he doesn't think they have an issue with Jim Seeger, who oversees the general building
- they ended up doing a complete tear-off because on Labor Day Wknd last year, a giant willow tree hit the house; the roof was pierced and half of the siding was torn off
- right now, the house has brand new plumbing, new electrical, most of the insulation in new, sheetrock was replaced, all the siding and exterior insulation was replaced; new roof - the only issue they currently have is that it seems that the electrical inspector doesn't like something that they are doing but he doesn't know what it is because Joe Sabansky was filling in for her at the first inspection; he cited some items having to do with the ground-in rod that was missing and he also said that we needed to replace some of the outdated receptacles with the temper resistant one; he told them that once they replaced that, they would pass the electrical inspection; so, they did that and the next time that Peggy came back, she shouted at him (his wife was crying in the room next door); she failed them and said that even though the house was built in 1927 and (later, the electrical panel box was upgraded but still has the old black breakers), she made them replace the circuits with new GFCI breakers, which cost about \$37 each; so, right now, he has a dilemma: buy the GFCI breakers or pay for his son's daycare today; Joe Sabansky previously cited that unless they open up the walls and replace the wiring, we would not be required by code to replace the breakers with the new GFCI breakers
- on the outside, she saw the new ground-in wire they put in and she said that there's a code requirement for homeowners to have 2 ground-in rods separated by 6 feet and it has to be encased in a conduit; when he called the licensed electrical contractors, they said that they had never heard of such requirement; neither did Menards or Home Depot; they didn't have clamps or casings for these wires; they said that we should be fine with one rod, like most houses
- they were able to afford and install 3 GFCI breakers; they are in; not sure if she will call for him to replace all of them, etc....; she said that we were required to call her for a rough-in and .. he is getting a little lost as to what he needs to do for the next inspection; his previous experience with Maureen and Steve _____ is once they inspect a certain area and pass it, when they come back, they start at the point where he failed; they don't re-inspect the house all over again; with Peggy, all 4 or 5 inspection started from start to finish again
- he does the electrical work himself; some work was done by a retired Master electrician, Carl, and he has also employed a handyman
- he has lived in the house since Jan 2015
- he's the only break winner in his family; with each inspection, he has a dilemma, either pay some of his bills, call a roll-off dumpster to get rid of construction debris that's been accumulated, etc.
- there's not much left from the old house that they bought; it's basically brand new

Mr. Dornfeld:

- building and warm air permits have not been finalized, along with electric

Mr. Lesnikou:

- Maureen signed-off warm air a while ago; that's the first inspection that they passed

Ms. Moermond:

- she wants to talk with the building official, Steve Ubl, about this
- she is comfortable right now recommending that the VB fee be Deleted
- her question: "How do we get you out from under this code compliance inspection?"

- we might need to go to the Sr. Electrical Inspection, Dan Moynihan, and ask him to take a look at this and give her a determination

Mr. Lesnikou:

- Jim Seeger came over a couple of months ago to check on the siding, insulation (he had told Mr. Lesnikous to call him before he put the siding up to check on how well he had insulated the house; he also went around to check the foundation, etc. and things that were under general bldg; he said he was fine with all the repairs that they did)
- when he asked Mr. Seeger about a month ago for a conditional pass, he told him that the other permits needed to be finalized before he could do a final but the electrical turned into a closed circuit

Mr. Dornfeld:

- the VB fee went to assessment on Mar 31, 2015

Ms. Moermond:

- she will make sure the VB fee gets deleted

Mr. Lesnikou:

- he got a letter saying the VB fee would go to his property taxes about a week ago

Ms. Moermond:

- she will talk with Mr. Ubl and Mr. Moynihan to get this code compliance inspection straightened out
Grant the appeal and delete the Vacant Building fee.

Referred to the City Council due back on 5/6/2015

44 [RLH VBR 15-23](#) Appeal of Nathaniel A. Khaliq to a Vacant Building Registration Notice at 787 SELBY AVENUE.

Sponsors: Thao

Nathaniel Khaliq, owner, appeared.

Inspector Matt Dornfeld, Vacant Buildings:

- Mr. Dornfeld opened a Category 2 Vacant Building file on this per a Certificate of Occupancy Revocation by Fire Inspector Mitchell Imbertson on Mar 17, 2015
- at the time of his inspection, the house was vacant, secured, maintained; he posted placard on the door
- Mr. Khaliq called him Mar 26 and Mr. Dornfeld explained the situation; advised him to file an appeal

Fire Inspector A. J. Neis:

- there was a change in use of the property
- Nov 2014, Inspector Imbertson spoke with Mr. Khaliq; the property was still unoccupied
- the building had to get re-certified prior to re-occupancy; there was a potential tenant
- Mar 17, 2015, Mr. Imbertson indicated that there was no activity at the building and he hadn't been notified about occupancy, so, he sent it to the VB Program

Mr. Dornfeld:

- noted that there were multiple deficiencies

Mr. Khaliq:

- he had a tenant in there who had a huge vehicle

- it was a C of O property and an inspector came out and said that the business that was in there didn't fit with the code that was required, maybe in Sep or Oct; at the time, the inspector told the gentleman to get the necessary paperwork together; by Nov, the tenant realized that he wasn't able to get whatever paperwork was necessary because of the code; so, he had to move the business; he was in there until sometime in Dec
- the inspector wrote up a list of items; the tenant had hooked up a washer and dryer, etc, but he disconnected everything when he moved out
- they kept the heat on; they did the backflow requirement for the sewer; taxes were paid; he put a vehicle and a boat in there
- he hadn't heard anything from the city since the last conversation he had with the inspector, who was very flexible to work with
- Mr. Khaliz was gone Jan, Feb; when he got back in Mar, he got this letter; he didn't see a placard on the building; we responded when we got the letter from the city
- reading the criteria, he didn't think that they fit any of the criteria to be a Registered Vacant Building
- asked whether they could use the building for their owner personal use, like storage, without it being a VB? Of course, the code needs to be met

Mr. Neis:

- the question the Appellant has raised isn't necessarily out of the question; it's an F-1 occupancy, in which case, storage could mostly likely be an option; should check with Zoning on that first; typically, when they allow an F occupancy, they usually allow storage; if Zoning gave the OK on that, there'd be nothing stopping this from being an S-1 occupancy; it would be a change in use because it would be going from an F1 occupancy to an S1 occupancy; storage and factory are very similar in the code yet different

Ms. Moermond:

- how does Zoning play into this?

Mr. Neis:

- if that district is zoned for storage purposes, then it's fine; that's what we have to check on
- an auto body shop is considered an S-1 occupancy; if Zoning is OK with the S-1 occupancy, then, at least 3, if not 4, of these code violations go away right away

Ms. Moermond:

- will move forward with the understanding that he could use this for storage based on its current occupancy and Mr. Neis will let her know if the case is otherwise; based on that, will recommend that the appeal be granted
- Grant the appeal.

Referred to the City Council due back on 5/6/2015

45 [RLH VBR 15-21](#) Appeal of Susan Lukan to a Vacant Building Registration Renewal Notice at 1338 SIXTH STREET EAST.

Sponsors: Finney

Susan Lukan, owner, appeared.

Inspector Matt Dornfeld, Vacant Buildings:

- made a Category 2 Vacant Building by Inspector Rich Singerhouse Apr 12, 2008
- Ms. Lukan went thru the city's Sale Review process and was approved Jan 2015
- all permits are currently on file
- warm air is finalized

- house has been maintained and is not a nuisance
- here today appealing the VB fee

Ms. Lukan:

- this is her first time rehabbing a property; she's been a stay-at-home mom for 20 years
- applied for the permit Feb 4, 2015 and has had a lot of fun renovating this house
- final inspection for plumbing will take place Fri Apr 17 at 11 am
- final inspection for HVAC with Maureen Hanson is happening Apr 9 for mechanical
- when she bought the house, she was given some information that wasn't completely accurate
- she didn't know that there was a Vacant property issue
- the day she closed, she was told about the code compliance inspection report
- has before and after photos; she has busted her tail to get this done; she never imagined that it would have to be occupied by Apr 12 until she got a letter from the city

Ms. Moermond:

- to put your mind at ease,... you have your final inspections scheduled coming up pretty quickly
- your VB fee would cover from Apr 12, 2015 - Apr 12, 2016, and your not going to be in the VB Program very long, maybe 1-2 months

Ms. Lukan:

- was hoping for a 90-day extension; is not sure what to ask for
- she doesn't want to be surprised anymore, so she has a couple questions
- is there a TISH on this?
- can she start to advertise?... because she's been told that if she advertises without all the code compliance being done, she's doing something against the law and that's the last thing the city is going to catch her doing
- she's had Jim Seeger out a couple of times and he's an absolute "sweetheart"
- the electrician is on a different job for the next 2 weeks; it will, however, be finalized in about 1 month
- originally, she thought that she'd rent it out but the cost of renovation has been about double, so she is going to do a Contract for Deed and potentially, take up to a \$20,000 loss

Ms. Moermond:

- the City Council Public Hearing is May 6, 2015
 - will recommend granting a 90-day fee waiver extension from May 6, 2015
 - get your sign-offs in 90 days from May 6 (Aug)
- Waive the VB fee for 90 days from May 6 City Council Public Hearing.

Referred to the City Council due back on 5/6/2015