



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final

Legislative Hearings

Marcia Moermond, Legislative Hearing Officer
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651-266-8585

Tuesday, April 5, 2016

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Special Tax Assessments

- 1 [RLH TA 16-173](#) Deleting the Appealed Special Tax Assessment for Property at 129 COMO AVENUE (File No. J1608A, Assessment No. 168517).

Sponsors: Thao

Russell Jauhola, owner, and his wife, Carla, appeared.

Inspector Paula Seeley:

*-Summary Abatement Order to remove snow/ice from the public side walk
-sent Jan 6, 2016; compliance Jan 8; re-checked Jan 12
-work done Jan 14, 2016 for a cost of \$160 + \$160 service charge = \$320
-sent to Russ Jauhola, 2843 Merrill St, Roseville; and Occupant
-photos/video*

VIDEO - Parks crew removed snow & ice full width; salted and sanded

Mr. Jauhola:

*-if you look at our property, we own only 40 ft of that stretch from 125 Como towards the west; the rest of the Video showed all the way to the corner of Rice Street, which is the old Stahl House property and they never shoveled even once this year
-my wife noticed that the city had crossed our blvd to get up on the sidewalk and then shoveled the old Stahl House property
-we shovel our sidewalk all the time*

Ms. Jauhola:

-showed where their property was adjacent to the old Stahl House property

VIDEO - viewed again

Mr. Jauhola:

-brought up a photo, showing what they own

Ms. Seeley:

*-they have a very small parcel
-she would recommend deletion*

Ms. Nhia Vang:

-will recommend deleting this assessment

Delete the assessment.

Referred to the City Council due back on 5/18/2016

2 RLH TA 16-177 Ratifying the Appealed Special Tax Assessment for Property at 1022 EARL STREET (File No. J1608E, Assessment No. 168309).

Sponsors: Bostrom

Long Lo, owner, appeared.

Inspector Paula Seeley:

-Excessive Consumption fee for \$120 + \$35 service charge = \$155

-Orders were sent Sep 23, 2015; compliance Sep 30; re-checked Oct 15, Nov 5, Dec 17, Jan 13 and Jan 28, 2016

-commercial vehicle parked on residential property

-EC was sent on Dec 17, 2015

-truck was towed Feb 1, 2016 by SPPD

Mr. Lo:

-his truck has been there with him for 15 years; the law was passed in 2014; he asked Ms. Seeley who was complaining about the truck; she said that it was a neighbor; the 2nd time she came, he asked her who complained; she said that it was a woman

-has talked with District 5; his truck has a license on the back saying, "Non Commercial Truck" - he talked to the state he can use it as a personal truck, not commercial - to keep the law off your back; the state told him that he could park there when he renewed his license

-it used to be zoned residential/commercial; there used to be a store there; his brother bought it and changed it to residential

Ms. Seeley:

-enforcement Notice from Zoning:

-this property is located in a district, which is zoned R-4; the white commercial truck plates: YBG 4243 parked next to the garage; parking a commercial/ overweight vehicle in a residential district while not actively providing a service, is in violation of 157.04 and 165.141 of St. Paul's Legislative Code; the commercial/overweight vehicle must be removed from the property and illegal commercial/overweight vehicle parking must cease and desist prior to Sep 30, 2015; failure to comply with this order or repeat violations will result in further legal action by this office, including criminal citations to all responsible parties and potential summary abatement proceedings

-copies of St. Paul Legislative Code sections were enclosed

-she also told Mr. Lo that Federal Data Practices prohibit her from disclosing who called in the complaint

-Mr. Lo said that he had talked to someone who said that the city was going to allow parking commercial trucks that were associated with the Farmers' Market to park in residential areas (?)

-he has a "YB" plate, which is for commercial vehicles and he switched it to a different plate; but it's the weight, length and height that constitutes a commercial vehicle, not just the plate

Mr. Lo:

-I didn't make the law; the state made it; you can change that for a personal use of a commercial vehicle

Ms. Nhia Vang:

- local government has authority over some state rules; the state allows the city to be more restrictive in their interpretation
- our ordinance indicates that the height, weight and length of the vehicle makes it a commercial vehicle
- RVs are exempt from the zoning code; it's not a commercial vehicle

Mr. Lo:

- my neighbor has an RV and he parks it on the grass all the time; he has 6 cars he parks in the yard- he has proof
- I'm not the only one who owns a truck; he drove around all the East Side and he took pictures of houses with trucks parked
- mine is the only truck in the city pound; that confuses me - I feel as though I'm being harassed by the city; my truck was parked there before your law even passed in 2014

Inspector Lisa Martin:

- if you see other trucks, feel free to call DSI

Mr. Lo:

- he doesn't want to complain about his neighbors; he doesn't want them to be his enemies; he is trying to be a nice guy but this isn't fair for me
- I bought that truck for my personal use; I need one that can do a job and it's my driveway

Ms. Nhia Vang:

- your next step is to file appeal with the Board of Zoning Appeals; it's out of my reach; I can hear only about the noncompliance
- will recommend approving this assessment
- City Council Public Hearing May 18, 2016

Approve the assessment. Approve the assessment.

Referred to the City Council due back on 5/18/2016

3 RLH TA 16-186 Ratifying the Appealed Special Tax Assessment for Property at 25 ELIZABETH STREET (File No. J1608E, Assessment No. 168517).

Sponsors: Noecker

Rosa Lee Dahlheimer appeared.

Inspector Joe Yannarely:

- Category 2 Vacant Building
- snow/ice Order dated Jan 5, 2016; compliance is 48 hours after the postmark; re-checked Jan 8 and found in noncompliance
- work done Jan 11 for a cost of \$160 + \$160 service charge = \$320
- Mr. Dornfeld commented: Issued Work Order to remove snow/ice from sidewalk as it appears to have not been maintained all season; multiple neighborhood complaints

VIDEO - crew removed snow full width; salted and sanded

Ms. Dahlheimer:

- she thought this was for something else

Ms. Nhia Vang:

- will recommend approving this assessment

Approve the assessment.

Referred to the City Council due back on 5/18/2016

- 4 [RLH TA 16-174](#) Ratifying the Appealed Special Tax Assessment for Property at 1231 FARRINGTON STREET (File No. J1608A, Assessment No. 168517).

Sponsors: Brendmoen

Approve; no show.

Owner asked to reschedule due to missed hearing.

Laid Over to the Legislative Hearings due back on 4/19/2016

- 5 **RLH TA 16-179** Ratifying the Appealed Special Tax Assessment for Property at 907 FIFTH STREET EAST (File No. J1608A, Assessment No. 168517).

Sponsors: Prince

Rescheduled per owner's request.

Laid Over to the Legislative Hearings due back on 4/19/2016

- 6 [RLH TA 16-185](#) Ratifying the Appealed Special Tax Assessment for Property at 2135 FIFTH STREET EAST (File No. J1608E, Assessment No. 168309).

Sponsors: Prince

Deanna J. Hartshorn, owner, appeared.

Inspector Paula Seeley:

-Excessive Consumption fee: \$240 + \$35 service charge = \$275

-no returned mail

-one EC was for noncompliance; the other was a PAEC - inspector sent Work Order-

-it was done by owner (2)

Inspector Joe Yannarely:

-added that this was assigned to Ed Smith; SPPD executed a search warrant resulting in the arrest of 2 individuals on Feb 26, 2015

-the yard and driveway is full of garbage, rubbish, materials, etc; Mr. Smith issued Correction Notices on Feb 26 & Nov 20, 2015 for illegal parking in the yard; the 2nd EC was generated in the amount of \$120; Work Order was issued Nov 25, 2015

-history of noncompliance

Ms. Hartshorn:

-she just doesn't understand what she didn't do

-had everything cleaned up after the raid

Ms. Seeley:

-entered photos of vehicles parked on an unimproved surface

-Nov 25, 2015 conducted re-inspection and the cars were still parked in the yard (\$100 EC)

-inspector sent Work Order to remove sofa but the sofa was gone (the trip generated another EC charge)

Ms. Hartshorn:

- those 2 vehicles are parked on my property
- wasn't sent a Notice
- the futon in the front was put out there to be picked up
- the cars were moved a long time ago
- she is appealing because those cars aren't usually there; there just was an excess of cars in the driveway at the time; it's not a permanent parking area and we don't park cars there any more
- we were at my mother's on Nov 25, 2015

Ms. Nhia Vang:

- the futon was removed by owner; it was there to be picked up
- will allow some reduction for the good faith effort on the futon; no reduction for parked cars
- will recommend reducing to \$180

Reduce from \$275.00 to \$180.00.

Referred to the City Council due back on 5/18/2016

- 7 [RLH TA 16-184](#) Ratifying the Appealed Special Tax Assessment for Property at 742 FOURTH STREET EAST (File No. J1608A, Assessment No. 168517).

Sponsors: Prince

Approve; no show.

Referred to the City Council due back on 5/18/2016

- 8 [RLH TA 16-175](#) Ratifying the Appealed Special Tax Assessment for Property at 1234 FREMONT AVENUE (File No. J1608A, Assessment No. 168517).

Sponsors: Prince

Scott Hume, owner, appeared.

Inspector Paula Seeley:

- Summary Abatement Order issued Jan 4, 2016; compliance Jan 8; re-checked Jan 13
- work done Jan 14 for a cost of \$288 + \$160 = \$448
- sent to Megan Marie Hume and Megan M Stanislav, 3824 Upton Ave S, Mpls; and Occupant
- no returned mail
- remove all furniture, boxes and garbage on blvd

VIDEO - work order: remove all wood, garbage, boxes, brush, etc. in rear yard; all was removed

Mr. Hume:

- Megan is his wife
- received the SA the week before Jan 8, 2016 and we talked with the inspector, James Hoffman about what needed to be removed and he said that boxes and furniture needed to be removed from the garbage can area; so, we asked if we could have through the weekend to remove that and he agreed to that; on Sun that weekend, he removed all boxes and furniture from the driveway; then, we received the assessment
- the reason all of that stuff was there is because the property was abandoned by the

previous tenants a few weeks prior
 -when the new tenant moved in, he moved all of the junk by the trash can so that it would be picked up
 -it was his understanding that he had removed everything from the driveway and the tenant assumed that the trash service was going to pick it all up
 -he went over to make sure they were in compliance
 -the "brush" the Video referred to had been the wood pile of the previous tenants; they had used it for 1 1/2 years
 -the boxes and furniture were described to us
 -I removed what was described to be removed: "All furniture and boxes in the trash can area"

Ms. Nhia Vang:

-read the whole first paragraph of the SA Order: "Remove improperly stored or "; all must be removed

Mr. Hume:

-all that had been there a long time because the tenants had been using it; he never even thought that it was an issue; it hadn't been cited before and we had inspectors come through
 -they want to be compliant; he went over to the house and put everything into his car; he removed what he understood was to be removed
 -asked for a reduction

Inspector Lisa Martin:

-usually after a tenant abandons a property, the owner goes over and cleans up... before a new tenant comes in

Ms. Nhia Vang:

-will recommend approval of the assessment

Approve the assessment.

Referred to the City Council due back on 5/18/2016

9 [RLH TA 16-176](#)

Ratifying the Appealed Special Tax Assessment for Property at 558 GROTTO STREET NORTH (File No. J1608E, Assessment No. 168309).

Sponsors: Thao

Eng Ng, owner, appeared.

Inspector Paula Seeley:

-Excessive Consumption fee for failure to maintain exterior property
 -cost: \$120 + \$35 service charge = \$155
 -Orders sent Dec 3, 2015; compliance Dec 11 to remove tarps, wood, straw bales, etc.
 -sent to Occupant; and Eng Ng, 3446 Queen Ave, Mpls
 -the inspector also gave them an extension to Dec 15, 2015; he went back out on Dec 15 and there had been no action to remove hay bales, etc.
 -he issued an EC for noncompliance
 -an appeal was filed Dec 28, 2015; LH took place Jan 5, 2016 at which time, the hearing officer ordered the plastic be removed by Jan 20, 2016; the property was inspected Jan 22, 2016; the plastic around the teepee was gone; Hearing Officer asked to have the property re-checked Apr 15, 2016
 -photos

Ms. Mai Vang:

-the resolution granted an extension to Apr 15, 2016 to remove timbers, teepee structure and other materials

Mr. Ng:

-he rented that vacant lot to a woman; during the winter she set up teepees to honor Native American culture

-the neighborhood doesn't like it; I went out and told her to remove it; she said not to touch it

-she talked with the inspector - he made the decision that it be removed

-I went to the City Council on her behalf; the Council voted to remove all the material from the property

-the plastic was to be removed by a certain date first

-he will clear the lot by Apr 15, 2016

Inspector Lisa Martin:

-explained that the plantings were fine but no more teepees or structures would be allowed; the city will remove them and charge him for it the lot must be cleared by Apr 15, 2016

Mr. Ng:

-he keeps reminding his tenant every 2 weeks that city will remove teepees, structures, plastic, etc.

-the lease will be terminated at the end of Jul

Ms. Nhia Vang:

-asked Mr. Ng if he understood the reason why the city wanted the lot taken care of; this is an empty lot; it doesn't quite look like a garden yet and it will encourage illegal dumping; the lot makes the site unattractive for the neighbors

-will recommend approving the assessment

Mr. Ng:

-he will appeal to the City Council

Ms. Nhia Vang:

Approve the assessment.

Referred to the City Council due back on 5/18/2016

- 10 RLH TA 16-171** Ratifying the Appealed Special Tax Assessment for Property at 732 IGLEHART AVENUE (File No. J1608A, Assessment No. 168517).

Sponsors: Thao

Kathleen Foster, owner, appeared.

Inspector Paula Seeley:

-Summary Abatement issued Jan 12; compliance Jan 20; re-checked Jan 20

-work done Jan 21, 2016 for a cost of #210 + \$160 service charge = \$372

-sent to Kathleen M Foster, 732 Iglehart Ave; and Occupant

-no returned mail

-in bold letters: Remove approximately 8 tires on top of retaining wall near alley

VIDEO - crew picked up tires

Inspector Lisa Martin:

*-she is familiar with this property; it is always very well maintained
-obviously dumping; recommends deleting*

Ms. Foster:

-she called the inspector and told him that she didn't even know those tires were there until she got the letter and that she didn't know how she would dispose of them

Ms. Nhia Vang:

-will recommend deleting this assessment

Delete the assessment.

Referred to the City Council due back on 5/18/2016

- 11 [RLH TA 16-188](#) Ratifying the Appealed Special Tax Assessment for Property at 436/438 PAGE STREET EAST (File No. VB1608, Assessment No. 168808)

Sponsors: Noecker

Approve; no show.

Referred to the City Council due back on 5/18/2016

- 12 [RLH TA 16-182](#) Ratifying the Appealed Special Tax Assessment for Property at 1223 PALACE AVENUE (File No. J1608A, Assessment No. 168517).

Sponsors: Tolbert

Approve; no show.

Referred to the City Council due back on 5/18/2016

- 13 [RLH TA 16-187](#) Ratifying the Appealed Special Tax Assessment for Property at 201 SNELLING AVENUE NORTH (File No. VB1608, Assessment No. 168808).

Sponsors: Stark

Peter P. Nadimi, owner, appeared.

Inspector Joe Yannarely:

-this is a fire exempt building; Category 1 VB file opened Jul 2, 2015; automatically, it gets a 90-day waiver; an additional 90-day waiver was granted Oct 30, 2015; after that 90 days had expired, it moved to a Cat 2 VB

- VB fees were due the end of Jan 2016

-no permits have been pulled

Mr. Nadimi:

-this building was my source of income

-has been involved with the insurance company for 6-7 months

-he is still waiting for approval from the city

-pollution control takes a couple of months -Phase 1

-today, the city is supposed to approve the plan; the original plan needed some adjustment

-we are going to tear the building down but the city has to approve this plan first
-entered documents into the record that had been submitted to DSI
-things take a lot longer than you think; haven't even settled with the insurance yet

Ms. Nhia Vang:

-is not comfortable making a recommendation today; will talk with DSI and the Councilmember from that Ward
-will Lay this Over to pr 19, 2016 LH
-Ms. Mia Vang will send an email

LHO needs to speak with DSI staff or Councilmember.

Laid Over to the Legislative Hearings due back on 4/19/2016

14 [RLH TA 16-165](#)

Deleting the Appealed Special Tax Assessment for Property at 854 TATUM STREET (File No. J1607E, Assessment No. 168308).

Sponsors: Stark

Sharon R. Anderson, owner, appeared.

Inspector Paula Seeley:

-this is an Excessive Consumption fee for \$120 + \$35 service charge = \$155
-Orders sent Jun 20, 2014 to repair a deteriorating retaining wall; compliance Jul 25, 2014
-initial inspection took place 4/29/14; the Correction Notice was not sent to the owner until 6/20/14; property was re-inspected 11/26/14 and an extension was granted to 5/1/15; property was re-inspection 10/26/15 and an EC was issued for non-compliance; property was re-inspection 12/9/15 and another EC was issued for noncompliance; owner contacted the inspector and was granted an extension to 5/1/16 to repair the retaining wall
-photos

Ms. Anderson:

-initially, when she got the Notice, there were 2 walls that needed repair; called and said that she could do the one because it would be the least expensive (\$1300); they gave her 30 days; she questioned the other one because it's 40 feet long and it goes around the corner; it's a concrete wall--she had a mason take a look at it; he said that it couldn't be repaired because the city changed the slope of the street and they changed the pitch of the blvd; the wall had extended over the now existing ground; he said that it had to come down and be replaced, which will cost over \$10,000; when she called the city, she asked if there were city financing available - of any kind and was told that there wasn't any money for retaining walls; so, she called DSI and told them that she would comply with doing the first one (a timber wall)
-the street is flat and she lives on the corner
-the garage is built into the hill and is concrete
-these houses were built in the late 40s; her neighbor's ground behind their lot is all dirt up to the top of the concrete wall; doesn't know if the city intended to go all the way through with the alley (road) because the next houses on the block were built in the 50s and they either have garages if they live on Tatum because they have driveways or if they were on Clayland St, they don't have any garages; many of the houses that were built in the 50s had tuck under garages
-she told DSI that there was absolutely no way that she could afford the \$10,000 for replacing the wall and that eventually, she would sell the house and the wall would be built; she thought everything was OK until she got this \$155 assessment telling her that the wall needed to be done between Jan and Mar, 2015; when she spoke to DSI at that time, she said that there wasn't any company that would erect a wall during

that time period; she asked for an extension - they extended it to May 1, 2016; now, she can take on the \$10,000 expense; she had a contractor lined-up (entered evidence of that); the sooner that they can start the work would be the middle of May, 2016; it would absolutely be done by the end of Jun 2016

-is asking that this \$155 fee be waived since she's been trying to get this going and explained to DSI - went down to their office and sat for 1 1/2 hours; then, was told that they had all gone out on inspection; she was trying to explain all the expenses she has had like the huge tree went down during that time; it cost \$3500 to take out -the contractor said he needed to replace the entire wall - 40 feet one way and 20 feet the other way; the bid came in at \$9600, not including the taxes, taking down a chain link fence, filling in, etc.

Ms. Seeley:

-she would be OK deleting this assessment as long as the debris from the wall is cleaned up

Ms. Nhia Vang:

-will recommend deleting this assessment and grant an extension to the end of Jun 2016 to replace the wall

Delete the assessment provided the owner cleans up the debris; will grant an extension until June 30, 2016 to come into compliance with the retaining wall.

Referred to the City Council due back on 5/18/2016

- 15 [RLH TA 16-178](#) Ratifying the Appealed Special Tax Assessment for Property at 926 THIRD STREET EAST (File No. J1608A, Assessment No. 168517).

Sponsors: Prince

Approve; no show.

Referred to the City Council due back on 5/18/2016

- 16 [RLH TA 16-170](#) Ratifying the Appealed Special Tax Assessment for Property at 606 THOMAS AVENUE (File No. J1608A, Assessment No. 168517).

Sponsors: Thao

Ron Evans, CCLRT Investments LLC, appeared.

Inspector Paula Seeley:

-Summary Abatement Order issued Dec 24, 2015; compliance Dec 30; re-checked Dec 31

-work done Jan 4, 2016 for a cost of \$170 + \$160 service charge = \$330

-sent to CCLRT Investments LLC, 5828 Vincent Ave S, Mpls; Christopher Schoedinger,, 843 Cottage Ave E, St. Paul; and Occupant

-no returned mail

-in bold letters: 4 mattresses/box springs and other refuse in this vacant lot

-there's an open file on a retaining wall

VIDEO - crew removed 4 mattresses/box springs

Mr. Evans:

-those mattresses were dumped there; he routinely has to clear dumping from his lots at his own expense

-in this particular case, the Orders were sent out Dec 24, Christmas Eve and the next

3 days were holidays/weekend; he was out of town visiting his family and got back Jan 4, 2016
 -he did not get any text, phone call or contact
 -he does not know who Christopher is - never heard of him

Ms. Seeley:

-the city sends Orders via first class mail (required by law); if they have time, they will make a courtesy phone call
 -there were plenty of days to comply

Ms. Nhia Vang:

-asked if he had someone who checked his lots when he goes on vacation

Mr. Evans:

-he has a handyman who takes care of properties; when he has an issue, he contacts him but his mail was held by the Post Office; he is the entire company
 -encouraged the city to use the technology that's been in use for the past 20 years to notify people

Ms. Nhia Vang:

-the city did you give enough time
 -will recommend denying this appeal

Approve the assessment.

Referred to the City Council due back on 5/18/2016

- 17 [RLH TA 16-189](#) Deleting the Appealed Special Tax Assessment for Property at 664 YORK AVENUE (File No. J1608A, Assessment No. 168517).

Sponsors: Bostrom

Approve; no show.

On 4/6/16; appellant called and stated she missed her hearing. She questioned what the assessment was for. Ms. Mai Vang stated that the assessment was for snow and ice removal done by City crew. She stated she bought the property in March 2016. She was told that the assessment goes with the property and not the person and that she would need to go back to her title co. to go after the previous owner. Ms. Vang emailed documents to appellant, Yen Chen. She will not be contesting.

4/14/16: checked with Real Estate Office and Ms. Townsend indicated all assessments were paid by Clear Title; therefore the assessment should be deleted.

Referred to the City Council due back on 5/18/2016

- 18 **RLH TA 16-191** Ratifying the Appealed Special Tax Assessment for Property at 2120 CASE AVENUE (File No. J1608A, Assessment No. 168517).

Sponsors: Bostrom

Jasper Johnson appeared.

Inspector Paula Seeley:

-Summary Abatement Order issued for snow Dec 30, 2015; compliance Jan 2, 2016; re-checked Jan 4
 -work done Jan 6, 2016 for a cost of \$160 + \$160 service charge = \$320

-sent to Sara L. Johnson, 2240 Erin Ct, St. Paul; Homestead Plus LLC, 14183 Aspen Ave NE, Prior Lake, MN; and Occupant
-no returned mail

VIDEO - crew removed snow/ice from public sidewalk full width; salted/sanded

Mr. Johnson:

-he and his wife own the property
-he got the Notice and sent it to his property manager so he could clean it up; obviously, he didn't do it; although he said that he did; he's taking him to court for not following up and for not notifying me about the tenant moving out
-he only found out about the assessment when he went to sell the house at the end of Mar 2016

Ms. Nhia Vang:

-will recommend approval

Approve the assessment.

Referred to the City Council due back on 5/18/2016

19 RLH TA 16-192 Ratifying the Appealed Special Tax Assessment for Property at 1326 THOMAS AVENUE (File No. J1608A, Assessment No. 168517).

Sponsors: Stark

William Mellgren, owner, appeared.

Inspector Paula Seeley:

-Summary Abatement Order issued for failure to maintain exterior property on Jan 12, 2016; compliance Jan 19; re-checked Jan 19
-work done Jan 21 for a cost of \$366 + \$160 = \$526
-sent to: MN Superior Exteriors, 1048 Payne Ave #B, St. Paul; Troy D. Olson/William F. Mellgren, 1048 Payne Ave; BMT Properties LLC, 1048 Payne Ave N, Unit B; and Occupant
-no returned mail
-in capital letters: Please remove all furniture from the yard and alley

VIDEO - crew removed furniture from yard & alley

Mr. Mellgren:

-the city uses US mail and we moved the first week of Jan 2016 from 1048 Payne Ave to 474 Minnehaha Ave W; all our mail was forwarded; if you check with the Post Office, it goes from St. Paul to Mpls and the average amount of time it takes to get it back to them is 12 days; they received the Notice on Jan 21, 2016
-that was a long term rental; they've never been a problem; they've always paid their rent
-at last they didn't pay their rent but the property manager did not pick up on that and he didn't go to the house to clean up
-I did not get the letter until the 21st, after the city had been there

Ms. Seeley:

-when we sent the Notice, we had only the Payne address listed

Mr. Mellgren:

-Fire did a C of O in the building when they moved in and we didn't get any of our mail for the first 2 weeks after moving

Ms. Nhia Vang:

*-I can't reduce the cost of the clean-up but I can reduce the service charge
-will recommend reducing the assessment to \$446*

Reduce from \$526.00 to \$446.00.

Referred to the City Council due back on 5/18/2016

Special Tax Assessments - FOR DELETION; NO HEARING NECESSARY

- 20** [RLH TA 16-180](#) Deleting the Appealed Special Tax Assessment for Property at 815 OHIO STREET (File No. J1608E, Assessment No. 168309).
- Sponsors:** Noecker
- Delete the assessment; Owner contacted inspector last fall and owner was also in the middle of a family health crisis at that time.*
- Referred to the City Council due back on 5/18/2016**
- 21** [RLH TA 16-172](#) Deleting the Appealed Special Tax Assessment for Property at 767 UNIVERSITY AVENUE WEST (File No. J1608E, Assessment No. 168309).
- Sponsors:** Thao
- Delete the assessment; code compliance certificate was issued in October. File should have been closed.*
- Referred to the City Council due back on 5/18/2016**
- 22** [RLH TA 16-190](#) Deleting the Appealed Special Tax Assessment for Property at 1541 SEVENTH STREET EAST (File No. VB1608, Assessment No. 168808).
- Sponsors:** Bostrom
- Delete the assessment; document was not generated properly.*
- Referred to the City Council due back on 5/18/2016**

Special Tax Assessments - ROLLS

- 23** **RLH AR 16-21** Ratifying Collection of Vacant Building Registration fees billed during July 2 to December 16, 2015. (File No. VB1608, Assessment No. 168808)
- Sponsors:** Stark
- Referred to the City Council due back on 5/18/2016**
- 24** **RLH AR 16-22** Ratifying Excessive Inspection/Abatement services billed during November 23 to December 18, 2015. (File No. J1608E, Assessment No. 168309)

Sponsors: Stark

Referred to the City Council due back on 5/18/2016

- 25 RLH AR 16-23** Ratifying Property Clean Up services during January 4 to 28, 2016. (File No. J1608A, Assessment No. 168517)

Sponsors: Stark

Referred to the City Council due back on 5/18/2016

- 26 RLH AR 16-24** Ratifying Trash Hauling services during January 6 to 27, 2016. (File No. J1608G, Assessment No. 168707)

Sponsors: Stark

Referred to the City Council due back on 5/18/2016

11:00 a.m. Hearings

Summary Abatement Orders

- 27 [RLH SAO 16-11](#)** Appeal of Western Village LLC to a Summary Abatement Order at 388 WESTERN AVENUE NORTH.

Sponsors: Thao

Earl Cohen, Attorney; and Mr. & Mrs. Nkajlo Vangh, Western Village LLC, owner, appeared.

Mr. Cohen:

-he is here today, representing Mr. & Mrs. Nkajlo Vangh to work with the Council on a solution for the Abatement Order

Inspector Lisa Martin:

-this was a Referral made by Fire Prevention re: a storage container on site; they were doing a Certificate of Occupancy inspection at 400 Western; 388 Western and 400 Western are 2 separate buildings

-400 Western will be moving their sand pipe, which is located at 388 Western and is currently blocked

-she issued Orders on Mar 24, 2016 to the Occupant at 388 Western; owners at Western Village LLC, 388 Western Ave N; and Nkajlo Vangh at the same address for improper storage: immediately remove the shipping container that is blocking the fire department access to the building; comply before Mar 29, 2016

-she spoke with the owner and their attorney and advised them to file this appeal

-she was advised that the container has been there for quite some time

-code enforcement doesn't usually do inspections on commercial property; that's Fire Prevention's role; however, under Property Maintenance Code Chap. 34, #6 is stored material that is unlawful to accumulate and store any type of portable storage container, cargo container or any other containers on the property

-under MN Fire Code Chap 1028.3 Exit Obstruction; and MN Fire Code Chap 912.2.1 you must have visible access to all Fire Dept connections

-the Fire Dept will take care of their issues; this is a dangerous issue if there would be a fire; the Fire Dept could not access their resources if there were a fire in these

buildings

-the parking area where this container is located, along with a truck and a trailer is not an approved parking area according to Zoning, so, the container, vehicles, etc. - anything that's stored is "improper storage" and needs to be removed; this container is very large (there's a phone number on the side of the container; you can call that number to have it removed from the site); this container cannot be on the site at all

Mr. Cohen:

-when the Summary Abatement Order was issued, my clients were out of town; they returned on Sun, Mar 22, 2016 and they contacted me immediately to deal with this matter and I filed this appeal the next day

-background facts: the site consists of 2 buildings as you can see from the photos: #1 and #2; the bottom photo is 388 Western and the building is owned by Sai Thao, Sunrise Homes, is at 400 Western; each of these buildings were built by J.B. Construction, headed by Kou Vang, who is actually here today to possibly speak to some construction issues

-the city approved the "0" lot line buildings - photo #3 where you can also see the hose connection

-building at 400 Western was built first and they believe that this hose connection was in a different location on the north side of this building; there is no connection there, currently, and they believe that it was moved within the last couple of weeks

-building at 400 Western was recently expanded by Shingobee Builders; during the construction/expansion, they believe that hose connection was installed in the location requiring an access; as you can see in photo #3, this hose actually required access over the Vangh's property at 388 Western; this was done without advising his clients; they were very surprised when they learned that this hose connection had been installed in that location (referred to photo #5)

-photo #5 shows the newly installed fire alarm that was installed during that period, as well

-all of this was just discovered when the Vanghs came back into town on Mar 22, 2016

-the hose connection he referred to in the photo requires access through the Vangh's property, owners of 388 Western; the other owner and contractor should have advised the Vangh's in advance of the installation so this could have been addressed in advance; then, we might not be here today; however, they will take that up with the other owner; it's not the subject of this hearing today

-container: it was their understanding that the primary issue here for the city is the fire safety issue; that's what they were prepared to address here today; that container (to be moved) currently is full and it must be emptied and must be professionally moved with special equipment; the Vanghs have contracted with a local contractor, Big Blue Box, for the container to be moved and the earliest that it can be moved is Apr 18, 2016, which is a few days from now; that short delay is really needed to allow the container to be properly emptied

-in the meantime from a practical standpoint, there doesn't seem to be a lack of access to the hose connection with the 400 Western building; there is nothing blocking the hose connection; they agree that it's not a convenient location that requires access to the adjoining property; it means going around that container box but there is really nothing blocking that small area where the hose connection is located

-the newly installed alarm can certainly be seen; it's not blocked by the container

-is asking that they be given an extension of time to move the container until Apr 18, 2016;

-until today, the plan was to move the container to a different part of the parking lot; he understands now from Ms. Martin that there is a concern about having the container on the site at all; with that, he will consult with his client and begin the process of working on an alternate storage area on the site in terms of a city

approved permanent structure - a small shed that the city would approve for their purposes regarding storage; however, they would ask for an additional period of time and for them to come back to Ms. Martin within the coming weeks to talk about the permanent removal of this container; that could take a few additional weeks beyond Apr 18, 2016

-in summary, they would begin emptying the container right away; Big Blue Box would step in with their equipment to move the container to a parking spot on the 388 Western site (temporary); then, they would work on an arrangement for its complete removal from the site

Ms. Martin:

-sounds like a great plan; if we would have known that it would be moved by Apr 18, that would have been acceptable

-advised that they could go through Zoning to apply for a variance to see if you could move the container to another part of the lot; between now and Apr 18, you can find out if you can move it there and if it can stay there; obviously, if it has to be removed from the property, more time can be granted

Ms. Nhia Vang:

-will recommend granting an extension to Apr 18, 2016 to empty and move the container away from the building to another part of the parking lot, if possible; they understand that they need to get a variance if they want the container to remain there

Referred to the City Council due back on 5/4/2016

Correction Orders

- 28 [RLH CO 16-5](#) Appeal of Lejing Wang and Gretchen Vanderlinden Wang to a Correction Notice at 885 CALIFORNIA AVENUE WEST.

Sponsors: Brendmoen

Lejing Wang and Gretchen Vanderlinden Wang, owners, appeared.

Inspector Lisa Martin:

-we were here on Feb 16, 2016

-the owners were to de-convert from a duplex to a single family

-the house has had 2 kitchens for more than 12 years

-she believes that the owners spoke with Jim Seeger this morning

-this residence was never approved to have 2 kitchens

-this is a single family home that's been remodeled

Ms. Nhia Vang:

-so, you have removed the stove?

Mr. Wang:

-referred to the attachments from the Feb 16 LH:

-house was listed as having 2 kitchens in 2002

-there was a code compliance inspection done before they purchased the house

-when they were purchasing the house in Aug 2015, the house had 2 kitchens; we haven't done any structural work, etc.

-the house has passed the last 2 inspections as a single family with 2 kitchens; they figured the mother-in-law apartment was legal

-TISH done Jun 11, 2015 also listed with 2 kitchens; they did not know that if the house is a single-family, you can't have 2 kitchens

-had they known that it wasn't up to code, they would not have purchased it; their

realtor said that it was legal and up to code

Ms. Wang:

-they are not disputing that the house was ever anything but a single family home; what they are disputing is that there is no documentation of their being 2 kitchens and being approved by the city

Ms. Martin:

-realtors are trying to sell the house and don't always tell people what they should know about code compliance
-there was no final inspection by Jim Seeger after the code compliance inspection, so, even though someone is using it and has remodeled it with 2 kitchens does not make it legal
-she would recommend that the city do a final inspection because she has not seen that the 2nd kitchen was removed and that it's being used as a single family dwelling

Ms. Wang:

-at the hearing with the previous hearing officer, we all agreed that we were using the house as our house and a roommate; we were not using it as 2 separate units; we explained that to the hearing officer; we talked about there being no locks on the doors; she agreed with us that we are not trying to mislead anyone

Mr. Wang:

-our friends are ready to move out any time knowing that we are going thru this with the city; she is just renting 2 bedrooms for herself and for her children to come on weekends
-Ms. Martin has all of the photos of the space; we are happy to provide more
-we all share the space; there are no locks

Ms. Nhia Vang:

-will grant the appeal that it remain a single family dwelling
-staff will do a final inspection just to make sure

Inspector Paula Seeley:

-she has dealt with situations like this before and Zoning wants a deconversion; they want you to remove the stove and cap off the gas; you need to remove the sink, everything and all the plumbing needs to be capped. The only thing that can be down there is a refrigerator; she suggests having Mr. Seeger go out to final it or to make sure that it's deconverted

Mr. & Mrs. Wang:

-they removed the stove; it was their understanding from their discussion with Zoning -and in talking with Jerome Benner, he recommended removing the gas stove and capping the gas line; the remaining kitchen can be considered a "wet bar"

Ms. Nhia Vang:

-asked if they had an email or letter from him indicating that it can remain a "wet bar"
-there's an email dated Dec 20, 2015 here from Mr. Jerome Benner to Mr. Wang referencing 60.205
-another follow-up email is dated Jan 19, 2016: provided definition of single family and 2-family dwellings 65.111

Ms. Seeley:

-another thing that they should consider is filing for a variance - a nonconforming use; you need the neighbors to sign a petition

Ms. Nhia Vang:

-the way your building was constructed, it seems like it's 2 separate units

Mr. Wang:

-that's not what the last hearing officer is saying

-the reason why he asked for those definitions was for our information; apparently, we were not disclosed all of the information; that's why he recommended, verbally, to take out one of the stoves and cap the gas line

Ms. Nhia Vang:

-based on that definition, there should be no fridge, no sink, no stove

Mr. Wang:

-in the conversation with Mr. Benner, he said as long as there's no sink and no stove, it can be considered a "wet bar"

Ms. Martin:

-they are not seeing how the area is designed and that's where there's some confusion

-she thinks that Mr. Seeger said that he went out there and did another inspection; she's not sure if he noted that it was capped off..... I don't know what the condition of the property is today

-they could apply for a nonconforming use thru Zoning; that would give them a legal written recommendation from Zoning

-removal of a duplex requires removing the additional kitchen (stove, sink, refrigerator and cabinets); you must then schedule an inspection to verify this thru Zoning; so, you can request a variance thru the Zoning Board of Appeals (266-9080)

-looking at the pictures, that's not considered a "wet bar"

Ms. Wang:

-our understanding was that the property could never qualify as a duplex because of the size of the lot

-our intention is to always keep it as a single family house

Ms. Martin:

-you need to decide which kitchen you're going to keep

-suggested we continue this for 30 days

Mr. Wang:

-we are going to keep the upstairs kitchen

Ms. Nhia Vang:

-her only role today was to verify the status: whether or not it's a single dwelling or a duplex; she understands now that there's more involved - that you can't keep that 2nd kitchen

-will LAY this OVER to May 17, 2016 LH

Continued to May 17 for a STAFF REPORT. YaYa Diatta, Zoning and Lisa Martin, Code Enforcement Inspector will do a site visit and a hearing may be necessary if the 2nd kitchen is not to the satisfaction of the inspectors.

Laid Over to the Legislative Hearings due back on 5/17/2016

David B. Harvieux, owner, appeared.

Inspector Lisa Martin:

-Correction Notice issued Mar 9, 2016

-sent to David B. Harvieux/Kathryn L. Harvieux, 3665 Oakgreen Ave N, Stillwater, MN and Occupant at 597 Blair Ave, St. Paul

-re: parking; the rear of building may have once been paved but has broken down - deteriorated; some class 5 remains; it's not a suitable surface; all residential parking spaces must be paved with asphalt/concrete determined by the Zoning enforcement office; need to provide a site plan with plans for when it will be done

-Mr. Harvieux filed an appeal; photos attached

-this property has a very long history of garbage, rubbish, vehicles, etc.

Mr. Harvieux:

-surprised by Ms. Martin's last statement

-bought property approximately 16 years ago; at that time, the exterior needed a lot of work and he has worked very closely with DSI and Pat Fish, who has since retired, to bring the building into compliance

-his C of O inspections have all gone very well

-re vehicle mentioned: happened a year ago, an inspector filed an Summary Abatement for a different property; it wasn't mine

-re trash and other SA: recently, he had a medium sized container near alley; a lot of friends & neighbors decided to dump their stuff in there

-he takes care of things right away and tries to catch the dumpers

-has talked with Inspector Ross after he received this Order; the reason he file the Correction Notice was due to a complaint from an anonymous person

-many inspectors over the years did not Order a repair on this surface, which is not broken down asphalt; it's Re-Cycled Asphalt and it's been that way since he bought the building; he spoke with the previous owner and he said that it was that way when he owned the building, too, for about 9 years (25-30 yrs, approximately)

-the surface is relatively level, smooth and not muddy; it's compacted and he makes sure to level it each spring so that there's no pot holes

-this parking area is in better shape than the city's alleys

-his relationship with DSI and inspectors has been good; he takes care of things quickly

-the complaints that he has had have usually been from tenants who were being evicted

-his request is to allow it as is and he will continue to maintain it

Ms. Martin:

-suggested that he contact Zoning to see if other surfaces are approved besides concrete, asphalt or crushed asphalt

Mr. Harvieux:

-I maintain it well and it hasn't been a problem for the 16 years that I've owned it; and DSI inspectors have been out there lots of times

-Mr. Ross led him to believe that if I filed the appeal, there was a strong possibility that there'd be no issue

Ms. Martin:

-over 16-25 years, things do disintegrate; and if Mr. Ross didn't think it was an issue, he probably wouldn't have written the Orders

-the photo looks as though it's mud with potholes filled with water

Mr. Harvieux:

-there is an area right by the alley that needs a little freshening up but with the early

spring, he hasn't gotten to that yet; the rest of it looks fine - he hasn't raked it yet

Ms. Nhia Vang:

*-you want to keep it the way it is but the Ordinance lists required materials
-she can grant time so that he can go to Zoning to and submit a site plan; Zoning will tell you what can / cannot be used for a surface*

Ms. Martin:

-you can patch (repair) areas with re-cycled asphalt, too

Mr. Harvieux:

*-that what he normally does
-that photo was taken at the worst time of year with an early thaw; he hasn't yet had time to go out and re-work it*

Ms. Nhia Vang:

-will grant an extension to Jun 1, 2016 for the parking area to be patched with re-cycled asphalt

Deny and grant an extension until June 1, 2016 for owner to add more recycled asphalt to the parking surface where it's needed.

Referred to the City Council due back on 5/4/2016

1:30 p.m. Hearings

Fire Certificates of Occupancy

- 30 [RLH FCO 16-49](#) Appeal of Josephine Macey Daly to a Fire Inspection Correction Notice at 1817 ASHLAND AVENUE. (Public hearing continued to May 18)

Sponsors: Stark

Amend to grant the dumpster issue to April 21. The driveway issue will be written under a new order. The City Council Public Hearing date has been moved to April 20th.

Josephine Macey Daly, owner, appeared.

Fire Inspector Leanna Shaff:

*-Fire inspection Correction Notice, dated Mar 3 for an inspection Mar 2, 2016
-appealed today is #1 - relocate the dumpster at least 5 feet away from combustible walls, openings or combustible eaves & overhangs
-there's a health & sanitation issue with having garbage right outside openable windows
-photos
-re-inspection is Apr 8, 2016
-it is her understanding that the Appellant also owns the building next door; there is space between the 2 buildings; so, the dumpster may be shared; the dumpster needs to be moved away from the building*

Ms. Daly:

-has photo of building taken in 2002; notice that the driveway is right there; there's no place to move the dumpster; my dad bought this building in the 60s and the dumpster

has always been there (came up to show Ms. Nhia Vang); Fairview is very near so the trash company just backs up to empty the dumpster; it's emptied twice a week (it's never overflowing); you can see somebody's car because there's another apartment building on the other side of this driveway
-the cars that are parking there are actually on my land (don't want to get into a big fight); their land extends only 5 feet from the building; so, for the garbage truck to be able to get in there, those cars can't be parked there
-that's the problem; and they are going to have a fit when they no longer can park there

Ms. Nhia Vang:
-that's not your problem; it's their problem

Ms. Daly:
-the deal is - my dad owned this building since the 60s and the other apartment building has always used that area as their parking (kind of grandfathered-in); she has asked them to move those cars, especially when people are moving in and out of her building; then, they are real mean to my tenants

Ms. Nhia Vang:
-you and your father has been generous to the owner of that property but you own that land

Ms. Shaff:
-regardless, looking at these pictures - the inspector erred on a couple things; this driveway needs some attention under the legislative code; it's required to be maintained and have a durable dustless surface; it looks like it's coming apart; and with the neighbors' cars on an unapproved surface, it's gotta go
-you are going to maintain your driveway

Ms. Daly:
-we never use the driveway because they won't let us use our own property; the owner tells his potential tenants that they have an off-street parking spot off of Fairview

Ms. Nhia Vang:
-Ms. Shaff has indicated that they will send out another Order to replace/repair the driveway; you also need to maintain where they've been parking (it will ensure that the neighbors don't park there)
-it's a civil issue between you and your neighbor
-you will need to go through a site plan review; bring a plan to DSI
-you could call for a manager's tow go get those cars off your property so that you can replace/repair/maintain that area (part of it will need to return to grass)
-you own this property; so whether they like it or not, they can no longer park there; if you don't enforce it, the city will
-you are generous and they took advantage of that
-you will need to move the dumpster

Ms. Shaff:
-we will amend the Orders
-regarding the dumpster location, she doesn't see any reason why it can't be moved by the re-inspection date of Apr 8, 2016

Ms. Nhia Vang:
-will deny your appeal; you will need to move the dumpster
-you can appeal my decision at the City Council Public Hearing, which will take place

May 4, 2016 at 5:30 pm

Ms. Daly:

-the rest of the Orders are complete except for the Knox Box; it's been ordered and should be here any day

Ms. Nhia Vang:

Deny appeal and grant until April 8 to relocate the dumpster and come into compliance with the rest of the items. Please note that neighbor can no longer park their vehicle(s) on the unimproved surface. The driveway needs to be maintained.

Referred to the City Council due back on 5/4/2016

31 [RLH FCO 16-47](#) Appeal of Karl Benson, Cooks of Crocus Hill, to a Fire Inspection Correction Notice at 877 GRAND AVENUE.

Sponsors: Noecker

Karl Benson, Cooks of Crocus Hill, appeared.

Fire Inspector Leanna Shaff:

-Fire Certificate of Occupancy inspection Correction Notice dated Feb 16, 2016 by Inspector Wayne Spiering

-Appellant is appealing the requirement for a code compliant hood & fire suppression system

-they've used the same cooking surface and counter in the same manner for more than 20 years

-Inspector Spiering had asked what that cook top was used for and the response was that it was used only for soups, etc; not a big issue; then he spoke with others who said that they used that cooktop also for demonstrations; the demonstrations involve cooking that would emit grease laden vapors, which changes things; grease laden vapors require a different type of hood systems and different suppression

-photos

Mr. Benson:

-they are appealing all items related to the hood and suppression

-they are a cooking school, not a restaurant; have been on Grand Ave for 43 years; moved to current location 27-28 years ago

-there are 2 counters: there's a demonstration counter and an upgrade cooking counter (he showed Nhia Vang on the photos); part of the space hasn't changed in 28 years; they have new walls but the floor is the same; some are original cabinets

-2012, they did a remodel of the space - they needed more space; at that time, they talked to the city, got a permit, etc - did their homework; they upgraded the appliances to commercial appliances except for the at home cooking space at which they are cooking for 6 people; at that time, the city did not ask them to swap out the hoods; and they haven't changed what they do or how they do it for 13 years

-purpose of his appeal: they've been doing this for 13 and have had health inspections, fire inspections, etc. and they clean everything thoroughly often up to the fan; has had a bid of \$60,000; it doesn't make sense to change this out when everything's been fine all along

Ms. Shaff:

-reading some of the inspector's notes: he reviewed his findings with Supervisor Angie Wiese, our Fire Protection Engineer, who advised to Order that suppression be installed in the 2 hoods above the counter ranges; he reviewed the jacketed files and he didn't see any documentation that the in counter ranges have been approved

for cooking that produces grease laden vapors; he see approved plans for the installation of the new kitchen hood system in 2002
-what's difficult for them is that it's incumbent upon the permit holder/applicant to give them the information for plans' examiners in order for it to be code compliant; there's no documentation about what was going to be cooked
-it's also very possible that our inspectors maybe got some wrong information (?)

Mr. Benson:

-he's really not disputing; you can't fry an egg without having some level of grease laden vapors; he fully understands the intent of the code; it's more about the 14 years worth of fire inspections and we haven't changed anything; so, all of a sudden, I need to invest another \$40,000+ and get it done in 10 days; that's what the letter said, "It will be compliant by the next time the inspector comes out."

Ms. Shaff:

-she understands that they are doing all the things that they are supposed to do to keep things maintained and cleaned

Mr. Benson:

-at the time they did the remodel, the powers that be said that they did not have to swap out hoods because we explained all the steps for our cooking school and that they are not a restaurant; and there's no note in the file and we passed every inspection; then, out of the blue.... we run a clean shop!
-he knows that they are going to remodel in the next 3 years; at that time, they could also change out hoods; asked if they could wait until then

Ms. Shaff:

-the code is written to protect people, whether it's a cooking school or a restaurant; people expect it to be safe when they go there

Mr. Benson:

-the run a super tight ship; they clean everything thoroughly; they have professionals come out with their power washers for the hoods; they are doing everything in accordance to code
-everything has worked well and been fine with the city 13 years and then it doesn't work on a Tue morning when a new inspector comes through

Ms. Nhia Vang:

-wants to know what happened in 2012 and why didn't take that into consideration
-would like to talk with Angie Wiese, our Fire Protection Engineer
-knows that he would need time to get this done, if he must get it done
-will Lay this Over until Apr 19, 2016 for Mr. Benson to get estimates and for her to speak with Ms. Wiese

Continued to April 19, 2016.

Laid Over to the Legislative Hearings due back on 4/19/2016

32 [RLH FCO 16-46](#)

Appeal of Steven Thorson, attorney for Patricia J. Jordan, Chief Manager, to a Correction Notice-Complaint Inspection at 2446 UNIVERSITY AVENUE WEST.

Sponsors: Stark

Steven G. Thorson, Attorney representing the building owner; and Patricia J. Jordan, Chief Manager, 2446 University Ave LLC, appeared.

Fire Inspector Leanna Shaff:

*-a complaint inspection was conducted Mar 7, 2016 by Inspector Sebastian Migdal
-deficiency: Ste 104's back exit door must swing in the direction of travel; change the swing of the door work must be done by a qualified contractor under permit; the door must swing outward*

-this particular unit is being used by Meridian Behavior Health LLC with an approved occupancy load of 43 persons or fewer; clearly, the tenant is over occupying the unit when they say that 90 persons have occupied the suite at one time

-it is the responsibility of the building owner to make sure their building is compliant

-it's an issue between the tenant and the owner

-has no issue with giving them a little more time

-the exiting system of any building is paramount

-understands that it would take a lot of construction to change this; however, in the interim, the space needs a reduction in the number of occupants

Mr. Thorson:

-since we appealed, we are getting nowhere with Meridian in getting voluntary cooperation to limit occupants

-they have started an eviction process, served a couple of weeks ago; the first hearing was this morning in district court; and the upshot is that the judge took a look at our case and decided that it would not be a 1-hour eviction hearing; instead, we're looking at a 3-day trial in Jun and it will be complicated

-they had a face to face meeting with Meridian last Thu afternoon for about 1 1/2 hours; in that meeting, the administrator of that clinic operation made the representation that they are, voluntarily, reducing their number to below 40 occupants, which would bring it back into compliance with the occupancy code

-the owner has made a decision that he needs to get them out of there under any circumstances; when the plans were submitted last Jun, a misrepresentation was made to the owner that there would be 42 or fewer people in that space at any given time (a fundamental breach of trust that the owner doesn't want to live with anymore)

-when he heard that the trial wasn't going to be until Jun 2016, he realized that the 30-day request in his appeal is really short sighted; wondering, if they could have an indefinite extension of time to get through the eviction if they got an affidavit from Meridian

-if they evict them, they won't need to do the re-construction work; they won't need to spend \$25,000-\$30,000

Ms. Shaff:

-she is uncomfortable with the "indefinite" period of time; but he is correct, if the occupant load lowers, then there's no requirement for that exit to change

-during the interim, if they go over, we hold the property owner responsible

-would like to see that the property owner is monitoring this

Mr. Thorson:

-they have a maintenance person in the building

-they cannot take any steps that may be regarded, in any way, as discriminatory or harassing

-last Thu, they indicated that they are down to 2 group sessions per day and each session in no more that 43 total; one from 9:00 an - Noon; another from 5:30 - 9:00 pm

-it is awkward for them to take a count of those people without possibly stepping on their rights

-they have had a report from their building manager that he thinks their counts are down

-eviction trial dates are Jun 13, 14, 15 - more than 2 months out

-he also is uncomfortable with an "indefinite" date; they reported this to the owner's

insurance company because they were duped into thinking that they were going to use this for general administrative offices; and here they are running in dozens of people for treatment

-they are basically, in agreement with Inspector Migdal's order but they don't have the right to go in there without re-taking possession unless they have Meridian's permission and they don't have their permission

-looking to work out a time frame that works for the city and works for the owner dealing with a bad tenant

Ms. Shaff:

-this is a tough one

-explained that their action of requirement is separate, although it seems the same as their civil action

-likes the idea of an affidavit (so does Ms. Nhia Vang)

-they have no issue with writing misdemeanor citations

-the people with Meridian would have to understand that once they go over that number, they will take every piece of enforcement action necessary to ensure that, especially vulnerable people, are safe

-they (the city) are enforcing the State of MN Fire Code

Mr. Thorson:

-at settlement discussion with them at negotiation hearing last Thu, 2 alternatives surfaced: one is remodeling of the space, including the fire exit; with remodeling, that side of the building is going to need to be opened up - a lot more work inside the wall - a big vestibule, wheelchair accessible, door openers; will need to take out 1 office space and put in a ramp; it's remodeling or they voluntarily vacate and relocate; they indicated that they wanted 6 months from the day that we sign the settlement document, (meeting with judge and trial dates Jun 13, 14, 15); we will probably need to come back and ask for an extension

-if they are willing to sign the affidavit keeping occupancy below 43, would be the way to go (Stephanie Gillquist, manager of that clinic, would need to sign that affidavit; the citation would go to her, specifically)

Ms. Nhia Vang:

-if you get that affidavit, send it to Ms. Mai Vang - business cards at the table

Mr. Thorson:

-if she refuses to do the affidavit, I will report to you

-I could, possibly, have that affidavit into their attorney's hands by next Mon or sooner

Ms. Nhia Vang:

-will revisit this Apr 19 LH or if it's been dealt with before then, we won't need to meet; this will be a Staff Report

Continued to April 19 for a STAFF REPORT. Legislative hearing officer needs an affidavit by April 11 from Meridian. If the number of occupancy load is below 43, then the appeal is moot and there is no need to change the doors to the direction of travel.

Referred to the Legislative Hearings due back on 4/19/2016

2:30 p.m. Hearings

Vacant Building Registrations

33 [RLH VBR 16-21](#) Appeal of Charles Kirk to a Vacant Building Registration Requirement

at 1089 COOK AVENUE EAST.

Sponsors: Bostrom

Charles Kirk, remodeling contractor, appeared on behalf of Steven Gotham, owner.

Fire Inspector Leanna Shaff:

*-Fire Certificate of Occupancy inspection conducted by James Thomas
-first inspection was scheduled for Dec 14, 2015; however, he did not gain entry;
owner did not show up*

-photos of exterior; they speak for themselves

*-inspector's notes: house has been vacant over 6 months; in Jan, owner call and
said that the house would be sold in the spring; he does not have time to do the
inspection*

*-appointment letters were sent on Nov 19, Dec 14, 2015; Jan, Feb 12, 2016 and
Revoked the C of O on Mar 13, 2016 for noncompliance; buildings non owner
occupied are required to have a C of O inspection*

Inspector Matt Dornfeld, Vacant Buildings:

*-Vacant Building Inspector Tom Friel opened a Category 2 VB on Mar 15, 2016 per
the C of O Revocation*

*-at the time of his inspection, he documented that the garage was open; he issued an
Order to have it secured; there was no compliance as of Mar 23, 2016; he issued a
Work Order to have the garage secured by the city*

Mr. Kirk:

-laid out a time line for Mr. Gotham

*-he bought the property from Dennis Wettrich, whose mother had passed away and it
had problems with the title*

*-he got a TISH in Jun 2015; so, he knew there were problems with the property that
needed to be dealt with; he finally acquired it Dec 21, 2015; then, of course, his tax
season started and he became very busy*

*-Mr. Kirk had done remodeling work for Mr. Gotham before, so he asked him to help
him take care of this; he wants to remodel the building and put it back on the market
for sale as a single family residence*

-he does not want to rent the property

*-in the meantime, I got an existing fuel burning equipment safety test report from a
heating contractor; the furnace needs to be repaired, so they red-tagged it; he got
quotes for a new furnace*

*-Mr. Gotham would like to go ahead with the remodeling but they would like to find
out what it takes to remove the house from the VB list*

Mr. Dornfeld:

-multiple code deficiencies were documented, so it's a Cat 2 VB

Ms. Shaff:

*-the definition of a Cat 2 VB is that it has multiple code violations; there's lots of
deferred maintenance for a very long time; is surprised that it wasn't brought to their
attention earlier*

*-there are building permits still open from 2011 on the roof; never closed - was an
express permit*

Mr. Dornfeld:

*-owner needs to order the code compliance inspection and he could choose to sell it
"as is"*

-the code compliance inspection needs to be done if he chooses to rehab it

-if you complete the code compliance inspection deficiency list to the city's approval,

then, it will be removed from the Cat 2 VB status
-the owner does have to register the building as a VB

Mr. Kirk:

-asked Ms. Shaff if she has copies of the emails between Mr. Gotham and Fire Inspector James Thomas (last one was Feb 4, 2015, when Mr. Gotham said, "I'm not able to meet with you at the property at the scheduled time tomorrow because the tax season has been difficult for me to get away from the office at this time. I would be happy to meet with you at the conclusion of the tax season.")

Ms. Shaff:

-we've been requiring access to this building to do an inspection since last year; our letters are pretty specific; they say that either you or your representative should give us access; but if for months, the owner/representative can't come; the first appointment letter went out Nov 19, 2015; it went to Mary West, the owner at the time and she should have disclosed that information; next one was sent Dec 14 -sent to Mary again; if we don't get a letter back, we assume that you received it; on Jan 15, 2016, it went to Mr. Gotham; another was sent to him Feb 12

Mr. Dornfeld:

-order the code compliance inspection first; he must have the inspection on file and he can sell it "as is"
-the code compliance inspection report will also take the place of a TISH
-we have no time line except for an annual VB fee, which will be assessed to the property taxes if it's not paid within 45 days
-you will not be able to pull permits if the VB fee is not paid; it will show as paid after it does go to assessment

Ms. Nhia Vang:

Deny the appeal.

Referred to the City Council due back on 5/4/2016

34 [RLH VBR 16-20](#) Appeal of Courtney Prescott to a Vacant Building Registration Notice at 925 SYLVAN STREET.

Sponsors: Thao

Appellant arrived one hour late. Rescheduled per her request.

Laid Over to the Legislative Hearings due back on 4/12/2016