



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final - Final-revised

Legislative Hearings

Marcia Moermond, Legislative Hearing Officer
Mai Vang, Hearing Coordinator
Jean Birkholz, Hearing Secretary
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651-266-8585

Tuesday, August 2, 2016

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Special Tax Assessments

- 1 [RLH TA 16-358](#) Ratifying the Appealed Special Tax Assessment for Property at 715 EDGERTON STREET (File No. J1612A, Assessment No. 168530).

 Sponsors: Brendmoen

 Approve assessment; no show

 Referred to the City Council on 9/21/2016

- 2 [RLH TA 16-372](#) Ratifying the Appealed Special Tax Assessment for Property at 291 EDMUND AVENUE (File No. J1612A, Assessment No. 168530).

 Sponsors: Thao

 Approve assessment; no show

 Referred to the City Council on 9/21/2016

- 3 [RLH TA 16-370](#) Ratifying the Appealed Special Tax Assessment for Property at 327 FRONT AVENUE (File No. J1612A, Assessment No. 168530).

 Sponsors: Brendmoen

 Approve assessment; no show

 Referred to the City Council on 9/21/2016

- 4 **RLH TA 16-361** Ratifying the Appealed Special Tax Assessment for Property at 2153 GLENRIDGE AVENUE (File No. J1612A, Assessment No. 168530).

 Sponsors: Prince

 Vatou L Her, owner, appeared.

 Inspector Paula Seeley:
 -Summary Abatement Order for tall grass & weeds issued May 20, 2016; compliance

May 24; re-checked May 25

-work done May 26 for a cost of \$320

-sent to Vatou L /Ying L Her, 108 Battle Creek Rd, St. Paul; Vatou Her, VA Real Estate LLC; at the same address; and Occupant

-no returned mail

-photos

Mr. Her:

-I didn't receive a letter and on May 24th, I was out of the county

-half of the yard belongs to my side-by-side neighbor

VIDEO - crew cut the grass on Mr. Her's side of the house

Mr. Her:

-the lease says that the tenant is supposed to cut the grass

Ms. Moermond:

-arrangements should have been made even though you were out of the country; if your tenant is responsible, that's a private contract between you and your tenant

Mr. Her:

-I will provide my tenant with a copy of the letter & a photo

Ms. Moermond:

-will recommend approval

Approve.

Referred to the City Council on 9/21/2016

5 [RLH TA 16-375](#)

Ratifying the Appealed Special Tax Assessment for Property at 606 LAFOND AVENUE (File No. J1612A, Assessment No. 168530).

Sponsors: Thao

Inho Chang, Chang Properties, owner, appeared.

Inspector Joe Yannarely:

-Summary Abatement Order issued May 19, 2016; compliance May 23; re-checked May 24

-work done May 25 for a cost of \$372 + \$160 service charge = \$532

-remove all shopping carts, furniture, mattresses, wood, metal and recycling from the yard, blvd and alley area

VIDEO - crew picked up shopping cars, boxes, clothes under back steps, cardboard, etc.

Mr. Chang:

-there was a ton of garbage in the yard; I removed all of that; I collected stuff under the steps for the tenants; I arranged shopping carts for Rainbow to pick it up

-I have video, too - to show you how much garbage I removed

-I got the SA and I was in the process of removing them

-before I evicted the tenants, their friends brought more stuff and garbage into the yard; it was the tenants' revenge; he kept saying, "I'm going to condemn this house! I'm going to condemn this house!"

-I waited until I evicted them and then I started to clean-up their mess

-that was just 1/10 of what was there

Ms. Moermond:

*-the Order lists things that aren't in the VIDEO (furniture, mattresses, wood, etc.); it was already gone by the time the crew got there
-you were making a good effort to take control of the situation; then, the question of timing comes in*

Mr. Chang:

*-I was surprised when the carts were gone; I didn't know that the city came over and cleaned it up
-he thought that he had gotten it all cleaned up
-the property is rented again; has a construction worker there, who will make it clean and nice again; but I have a problem tenant upstairs; I filed an eviction for Erica; then the court granted in his favor; the sheriff came out last Fri; then she filed a writ and the judge granted her that motion; will be another month until the next hearing; I was not happy*

Ms. Moermond:

*-the city did go out and do a lot of work
-even though you organized some of this stuff, it's not property storage
-will recommend approval payable over 2 years*

Assessment approved and spread over a two year period.

Referred to the City Council due back on 9/21/2016

6 [RLH TA 16-371](#)

Ratifying the Appealed Special Tax Assessment for Property at 1238 MARION STREET (File No. J1612A, Assessment No. 168530).

Sponsors: Brendmoen

Yan Chen, owner, and Mary Brown, tenant, appeared.

Inspector Paula Seeley:

*-tall grass & weeds letter sent May 5, 2016; compliance May 9; re-checked May 10
-work done May 11 for a cost of \$160 + \$160 service charge = \$320
-sent to Yan Chen and Joachim Mueller, 5509 Morgan Ave S, Mpls; and Occupant
-no returned mail*

VIDEO- city crew cut the grass

Ms. Chen:

*-the letter talked about a garbage issue
-I'm confused*

Ms. Moermond:

*-the assessment letter talks about a clean-up; tall grass & weeds is considered a clean-up
-looking at the photos - shows grass at least 10-12 inches long
-will recommend approval*

Approve the assessment.

Referred to City Council on 9/21/2016.

7 [RLH TA 16-364](#)

Ratifying the Appealed Special Tax Assessment for Property at 1763 MINNEHAHA AVENUE EAST (File No. J1612A, Assessment No.

168530).

Sponsors: Prince

Approve assessment; no show

Referred to the City Council on 9/21/2016

8 [RLH TA 16-274](#)

Ratifying the Appealed Special Tax Assessment for Property at 302 MORNINGSIDE CIRCLE. (File No. J1610A, Assessment No. 168526; amended to File No. J1610A4, Assessment No. 168542) (Public hearing continued from July 20, and to be continued to October 19)

Sponsors: Prince

Lester Moe, owner, appeared.

Inspector Paula Seeley:

-Summary Abatement Order issued Mar 16, 2016; compliance Mar 22; re-checked Mar 22

-work done Mar 23 for a cost of \$228 + \$160 service charge = \$448

-sent to Lester Moe and Occupant at this address

-no returned mail; no history on the property

-re: vehicle parts in driveway

VIDEO - city crew picked up vehicle parts/rubbish next to driveway

Mr. Moe:

-explained that he has an unusual skin condition making it impossible for him to get things done.... that he should get done in a timely fashion; it's a condition from which he is constantly suffering

-he read his letter of explanation; I'm not here to debate the pile of recycled metal on his property; my intention was to get it recycled or sold by my stepson; unfortunately, his truck needed repair and I waited too long for him to get it fixed; I am disabled....because of this .. anything can be an effort that seems unsurmountable at times as the pain can come on by a shift in my existing skin and hair; therefore, even going to the mailbox is difficult at times because of this; in addition to that, I have a phobia associated with going to the mailbox; hence, I lost my job; sometimes, it can take days to get lost job in 2008 and have not been able to find work since; lives on Social Security & retirement money

-it's the matter of the Notices that brings him to this hearing; other folks in the metro area have told him that Notices were placed on their doors with an orange envelop, since he cannot make daily trips to the mailbox and so he missed the time period to remove the metal in his yard; he called the number indicated on the Notice; the person who answered the phone was, in his opinion, rude; he explained that it wasn't the city's fault that I didn't check my mail soon enough; so, I sent in the gold card; in his opinion, a certified letter should be sent; he does agree that it should not have been there in the first place; he thinks that the great City of St. Paul should be treating its land owners and tax payers with more respect in these matters

-some days, I can't walk; I'm bent in a 45 degree angle with pain

-my roommate is the one who goes to the mailbox; at time of this situation, he was working out of town; I didn't get mail for about 5 days

Ms. Moermond:

-the city's legal requirement is to send Notices by first class mail

-you have no violation history here

*-I don't have a way to deal with disability status in this setting
-will Lay this Over to Oct 19 City Council Public Hearing; if there are no more Orders,
she will recommend the assessment be cut in half divided over 3 years*

If no orders by 10/19/16, assessment will be cut in half and divided over 3 years.

Referred to the City Council due back on 8/17/2016

- 9** **RLH TA 16-357** Ratifying the Appealed Special Tax Assessment for Property at 602 PRIOR AVENUE NORTH (File No. J1610P, Assessment No. 168410).

Sponsors: Stark

Delete the assessment, per DSI

Referred to the City Council on 9/21/2016

- 10** [RLH TA 16-322](#) Deleting the Appealed Special Tax Assessment for Property at 586-588 REANEY AVENUE (File No. J1611A, Assessment No. 168527).

Sponsors: Bostrom

Delete the assessment, per DSI

586 and 588 Reaney share a PIN: 292922430101. The assessment roll uses "586," but over the years, orders have been specified for each of the sides of the parcel. Note also, there was an order in April for the 586 side for a toilet by the sidewalk. It was abated and is a separate issue from this assessment. Delete per DSI because of the C of O party didn't get notified.

Referred to the City Council on 8/17/2016

- 11** [RLH TA 16-356](#) Deleting the Appealed Special Tax Assessment for Property at 601 RICE STREET (File No. J1610P, Assessment No. 168410).

Sponsors: Thao

Delete the assessment, per DSI (waiver on file)

Referred to the City Council on 9/21/2016

- 12** **RLH TA 16-374** Deleting the Appealed Special Tax Assessment for Property at 1210 ROSS AVENUE (File No. J1612A, Assessment No. 168530).

Sponsors: Bostrom

Todd Harrington, Kavanagh Company LLC, appeared.

Inspector Joe Yannarely:

-Summary Abatement Order to remove a refrigerator & sofa in back yard issued May 11; compliance May 16; rechecked May 16

-work done May 18 for a cost of \$318 + \$160 service charge = \$478

Mr. Harrington:

-I had one dumpster at the site that each morning for about a 3-week period was filled with items from the neighborhood: couches, tires, TVs, toys; on the last day, he had

needles and bags of blood

-this, I believe was for a refrigerator and a couch that was on the property; I had paid someone to remove those items and apparently, I think the city beat them there to pick that up; I had called that gentleman quite a few times to have items removed; if the city did take care of it, he understands

-he is asking, "What can be done?"

-I have a brand new C of O

-an owner-occupying buyer will be purchasing the property this month

-when we work on these type of properties, we have a budget; the budget that I had was for 2 dumpsters but it really cost me ten times that much, which is extremely difficult for us to improve neighborhoods if that's what we're facing; not only private charge but also assessments

-I didn't get the Notice in the mail

Ms. Moermond:

-you are in luck because the VIDEO record for this particular day is corrupted; so, there isn't sufficient documentation of the clean-up, in her view

Delete the assessment.

Referred to the City Council due back on 9/21/2016

13 [RLH TA 16-373](#)

Ratifying the Appealed Special Tax Assessment for Property at 1633 SAINT ANTHONY AVENUE/372 FRY STREET (File No. J1612A, Assessment No. 168530).

Sponsors: Stark

Approve assessment; no show

Referred to the City Council on 9/21/2016

14 [RLH TA 16-360](#)

Ratifying the Appealed Special Tax Assessment for Property at 454 SMITH AVENUE NORTH (File No. J1612A, Assessment No. 168530).

Sponsors: Noecker

James Sazevich, owner, appeared.

Inspector Paula Seeley:

-tall grass & weeds letter sent May 13, 2016; compliance May 17; re-checked May 18

-work done May 19, 2016 for a cost of \$160 + \$160 service charge = \$320

-sent to Occupant and James A. Sazevich, 454 Smith Ave N, St. Paul

-no returned mail

-years ago, there was a lot of history here; chipped paint on the brick surface of the house

VIDEO - city crew mowed the lawn

Mr. Sazevich:

-I've had the same grass cutter for 25 years; he lives in my neighborhood and walks to my house

-last fall, I planted the north half of my front yard with wild flowers, mostly daisies

-just before this, we had an explosion & fire in the manhole along my house (photos show construction workers there); in the middle of the night, there were all kinds of toxic fumes coming out of that manhole; I called the City, Fire Dept; Xcel Energy came and told everyone to "Stay away; the fire's got to burn itself out;" you saw all

those orange cones lined up on the blvd; that's when my grass got high because it rained during that period; had all of that not transpired, I would have had a beautiful yard and no one could complain about it

-he knows exactly why somebody called, which is one of his other reasons for being here today - it is simply a vendetta - retribution for me supporting an historic preservation project that's going on across the street from me; unfortunately, they took the opportunity of my being out of town for just a few days to make that phone call about my grass being long when they all knew (my neighbors are all objecting to this historic preservation project across the street from me); knowing that the same man has been cutting my grass for 25 years and makes my yard look extraordinary; he cuts it regularly

-in 33 years, I have never had long grass ever

-because that manhole event..... it's an Xcel Energy manhole with a bunch of electrical wires that feeds the Capitol Complex -there was an explosion and fire down there; it's a 90 foot shaft and all the smoke, etc., came out; no one could possibly go down there; so, they advised that everyone just stay away from it because there could be a further explosion/fire

-I asked Carl Benson, the man who's cut my grass for all these years to come today (he rides a 3-wheel bike all over the city and farther; he's a workaholic; he cuts many other people's grass beside his own and works at the school); he is autistic and does not have good communication skills; he asked him to come and told him that he wouldn't have to speak, maybe just say, "Yes" or "No" but he wouldn't come

Ms. Moermond:

-she doesn't know why someone called; she doesn't know if an inspector happened to be driving by and saw how tall the grass was

Ms. Seeley:

-Inspector Rick Gavin did drive by and see; wrote the order

-and we had another tall grass & weeds just a couple of weeks ago

Ms. Moermond:

-the inspector was in the nbhd, drove by your house, saw the code violation and wrote it up; nobody complained about it; it was a "field find"

-staff will make a phone call about the Xcel situation

Mr. Sazevich:

-when I got the letter, I called Carl right away; he came an hour after the city came; the city had cut down all the wild flowers, too; he had't come to cut the grass because the Xcel people said to Stay Away; he didn't want to go near it

Ms. Moermond:

-asked Ms. Seeley/Martin to call Xcel to find out about the situation

-will Lay this Over for 2 weeks to hear back from Xcel

Inspector to contact Xcel regarding a manhole cover and explosion.

Laid Over to Legislative Hearing on 8/16/2016

15 [RLH TA 16-363](#)

Deleting the Appealed Special Tax Assessment for Property at 429 WHITALL STREET (File No. J1610P, Assessment No. 168410).

Sponsors: Bostrom

Delete the assessment, per DSI (waiver on file)

Referred to the City Council on 9/21/2016

Late Additions to Agenda

- 16 **RLH TA 16-378** Ratifying the Appealed Special Tax Assessment for Property at 1005 HUBBARD AVENUE (File No. J1611B, Assessment No. 168111).

Sponsors: Thao

Yan Chen, owner, appeared.

Inspector Joe Yannarely, Vacant Buildings:

-SPPD called for an emergency boarding at 8:30 pm on Apr 11, 2016

-invoice from Restoration Professionals; secured front and rear doors with clips

-cost: \$295 + \$160 service charge = \$455

-doesn't have police report

Ms. Chen:

-a woman was renting; boyfriend moved in too; had nothing but trouble; gave them a month more; there was some drug activity going on and the neighbor complained to me; I filed for eviction but they didn't show up in court; she told me that she'd move by Apr 1

-before that, someone stole my refrigerator

-I changed the locks on Apr 5; I left for a conference; got a call from the neighbor that they had broke into the house; neighbors called SPPD; SPPD came and boarded the house

-afterwards when I came back on Mon, I received a letter from the city inspector; but before that, they had broken in on the weekend

-she has a 12 year old daughter so she cried and apologized, etc; again, I don't know what to do

-doesn't think that she should pay for the boarding up

Ms. Moermond:

-if something like that happened at my house, I would either have to pay the bill or file a claim with my home insurance company

-doesn't think that the rest of the taxpayers are responsible for subsidizing your business loss

Ms. Chen:

-if that's the case, I can file insurance claim

-she did not get any Notice from the city or SPPD; the neighbor called me

Ms. Moermond:

-let's get a police report

-we can email a copy of the police report

-suggested that she get to know the FORCE unit

-also suggested that she get Landlord training

-will Lay this Over for 2 weeks to review the police report

Laid over to 8/16/2016 to review the police report.

Laid Over to the Legislative Hearings on 8/16/2016

- 17 [RLH TA 16-377](#) Ratifying the Appealed Special Tax Assessment for Property at 606 LAFOND AVENUE. (File No. J1612B; Assessment No. J168112)

Inho Chang, Chang Properties, owner, appeared.

Inspector Joe Yannarely:

- boarding was requested by SPPD May 18, 2016 at 11:30 am
- they secured the front door with clips; 2 other doors with screws and 7 windows with screws
- cost: \$400 for the boarding + \$120 administrative fee = \$520
- we do not have the police report

Mr. Chang:

- on May 17, 2016, I evicted him; he moved out around 8 pm and I started to clean-up the unit around 9 or 10 pm that day, May 17 and worked over night; I had some people helping me clean-up; the next day, May 18, SPPD came in and secured the doors/windows; I don't know why they did it; maybe SPPD thought someone had broken in but it was me working

Ms. Moermond:

- wasn't there a police raid having to do with drug dealing?
- I remember the Fire Inspector talking about significant police activity going on

Mr. Chang:

- no, that wasn't a raid; they were kind of a nuisance; these are the people in the lower unit - I evicted them and I was cleaning up after them

Inspector Lisa Martin:

- she was there to assist with SPPD and the Fire Inspector at this property; we had people who were squatting in the property on the first floor; there were people jumping out the windows on the first floor and running out the back and jumping on their bikes; believes that it was that morning
- this was a C of O property
- quite a few people were sleeping in the property after they had already been evicted; we contacted police for assistance and the lower unit was boarded at that time

Mr. Chang:

- I don't know how many people were there but some of the people who were working with me over night

Ms. Martin:

- they can't be sleeping in a property that is condemned and vacant

Mr. Chang:

- we were working over night; and the couple told me that SPPD told them to leave

Ms. Martin:

- none on those people there stated that they were there working; they grabbed their backpacks and clothing and jumped on their 10-speed bikes and left the property

Mr. Chang:

- they were a couple; the couple told me that SPPD said, "Get out of here;" and that's why they left

Ms. Martin:

- there were about 4-5 people; if they were workers, they would have identified themselves as working on the property

Mr. Chang:

- my other concern was that the tenants that he evicted - they might come back and

do the property damage; that's why they were working over night and I had them stay until I came back

Ms. Moermond:

-let's check the police report on this (Mr. Yannarely: I already emailed for the police report on this)

Mr. Chang:

-they boarded up just the lower unit; I worked over night and left between 6 and 7 am the next morning

-I only heard from the couple; police came out and asked them to leave; then, they screwed the doors & windows shut

Mr. Moermond:

-let's get that police report - all the information

Mr. Chang:

-I just got the property back and I was in the process of cleaning and making sure that everything was secure

-dealing with the tenants - and also some people who were not authorized to live there; I made a police call; SPPD came out and they said that this was a tenant-landlord issue, a civil matter, and we cannot do anything about it and left -the dept/state just leaves everything on the burden of the landlord; I wanted to get some help but

Ms. Moermond:

-it's you who got yourself into this business; there systems and rules in which you are operating that I don't have control over; there are ways to help yourself to keep problems from developing or getting worse

Mr. Chang:

-I already went to talk to Officer Graupman about my situation; it was helpful

-I told the police officer that I heard the tenants, who were to be evicted, say that they will take out all the copper pipe from the basement; I asked the officer if there was anything that they could help me prevent that from happening..... and that's why they came out the next day

-I genuinely appreciate the police service but I need them to help me when I need help

Mr. Yannarely

-this was Condemned by Inspector Neis before; Mr. Chang appealed and came before you to work something out

Ms. Moermond:

-we'll get the police report

-recommendation is forthcoming

Laid over to 9/6/2016 to review the police report.

Laid Over to the Legislative Hearings on 9/6/2016

18 [RLH TA 16-365](#)

Deleting the Appealed Special Tax Assessment for Property at 414 SEVENTH STREET WEST (File No. J1610P, Assessment No.168410).

Sponsors: Noecker

Delete the assessment, per DSI (waiver on file)

Referred to the City Council on 9/21/2016

- 19** [RLH TA 16-366](#) Ratifying the Appealed Special Tax Assessment for Property at 1330 SEVENTH STREET EAST. (File No. J1612A, Assessment No. 168530)

Sponsors: Prince

Approve; no show.

Referred to the City Council due back on 9/21/2016

- 20** [RLH TA 16-367](#) Ratifying the Appealed Special Tax Assessment for Property at 194 CESAR CHAVEZ STREET. (File No. J1612A, Assessment No. 168530)

Sponsors: Noecker

Approve; no show.

Referred to the City Council due back on 9/21/2016

Assessment Rolls

- 21** **RLH AR 16-58** Ratifying Boarding and/or Securing services during April 2016. (File No. J1611B, Assessment No. 168111)

Sponsors: Stark

Referred to the City Council on 9/21/2016

- 22** **RLH AR 16-59** Ratifying Graffiti Removal services during April 5 to May 18, 2016. (File No. J1610P, Assessment No. 168410)

Sponsors: Stark

Referred to the City Council on 9/21/2016

- 23** **RLH AR 16-60** Ratifying Property Clean Up services during May 4 to 31, 2016. (File No. J1612A, Assessment No. 168530)

Sponsors: Stark

Referred to the City Council on 9/21/2016

- 24** **RLH AR 16-61** Ratifying Trash Hauling services during May 4 to 25, 2016. (File No. J1612G, Assessment No. 168712)

Sponsors: Stark

Referred to the City Council on 9/21/2016

- 25 **RLH AR 16-62** Ratifying Collection of Vacant Building Registration fees billed during September 10 to December 31, 2015. (File No. VB1614, Assessment No. 168821)

Sponsors: Stark

Referred to the City Council on 9/21/2016

11:00 a.m. Hearings

Summary Abatement Orders

- 26 [RLH SAO 16-23](#) Appeal of Craig Deuth, Manager, to a Summary Abatement Order at 659 MANOMIN AVENUE.

Sponsors: Noecker

Appellant emailed Ms. Vang stating he was unable to make August 2 hearing. Ms Vang was out of the office so his request was not granted. Advised Legislative Hearing officer and she is ok'd with continuance to August 16.

Laid Over to the Legislative Hearings due back on 8/16/2016

- 27 [RLH SAO 16-25](#) Appeal of Beth Woolsey and Arjo Adams to a Summary Abatement Order at 676 WELLS STREET.

Sponsors: Bostrom

Arjo Adams, owner, appeared.

Inspector Joe Yannarely:

-this is a vacant lot; the hillside is eroding onto Aguirre Avenue. Remove & restore eroded material to hillside; install erosion control measures to prohibit further & continued erosion; install proper ground cover throughout the area; comply before Jul 25, 2016

-usually, you can put down seed with netting over it or sod; a lot of dirt has already eroded; if the city were to do it, they will move the dirt back up there

Mr. Adams:

*-that is not dirt; it's sand; if it were dirt, it would hold and I didn't put it there
-presented pictures of what was there - retaining wall; that wall does not exist now; it prevented the erosion and the city took it down; I didn't but that plan didn't work out - most likely, it was improper working with the hill itself; if you were to look to the east, you would see a little bit different swail, done by the Sample Co (Parks & Rec) and that didn't wash away; yet they had the same slope
-this will probably cost another \$5000-\$7000; 3 watersheds come together there; there's an underground creek/river; I spent 27 years moving the water a different way & it worked
-you charged me a lot of money (\$20,000 approx) to take down the house and now you want me to spent another \$6000-\$7000) to erect another wall, etc.*

Ms. Moermond:

-the house was demolished; there was an opportunity to repair it under permit but that didn't happen; we have erosion happening right now; you are saying that it will cost several thousand dollars to fix it and you think it's the city's fault that you have to

*fix it; in that case, you might want to file a claim about that
-in the meantime, we need to take some temporary measure because of the active
erosion going on*

Mr. Adams:

*-he knows how to stop the erosion; he will stop it
-he would just like to hear someone say, "I'm sorry; we probably shouldn't have taken
that down - the wall; & we wouldn't have all this foolishness; but I'll stop the sand*

Ms. Moermond:

-will grant a month, Sep 2, 2016 compliance deadline

Amended to 9/2/2016 to bring the property into compliance.

Referred to the City Council on 8/17/2016

28 [RLH SAO 16-21](#)

**Appeal of Gan Mizrachi-Monti to a Summary Abatement Order at 76
WHEELLOCK PARKWAY EAST.**

Sponsors: Brendmoen

Gan Mizrachi-Monti, owner, appeared.

Inspector Lisa Martin:

*-been going on since Dec 2015; it's a vacant lot
-Appellant is trying to build a home on this lot
-we have plans in right now; looking at Zoning issues; variance issues; possibly
splitting the lot; now of which has been finalized
-all the construction materials, vehicles, as well as a very large semi trailer box are
being stored on the lot; there's also tall grass & weeds
-she understands that it takes some time to get approval for the permits but there's
still nothing finalized
-photos in file from Dec 2, 2015*

Mr. Mizrachi-Monti:

*-they are very close to having the permit issued; they've had to modify the plans a
couple of times because of setbacks; initially, he planned to build a carriage house for
his son, who has HIV, to live in close by
-when he met with Larry Zangs and others, they indicated that the 2-story building
was not acceptable and would be necessary for him to apply for a variance to
mitigate that issue as well as for setback issues
-we took all of Zoning's recommendations and readied all of the materials there to
hasten the construction and begin as soon as the permit was issued
-Mr. Zangs also suggested that we apply for the vacation of the adjacent ROW (that
took a bit of time to get the cooperation of the adjacent property owners; they did
secure the participation and support of the adjacent property owners; and did submit
the petition some time ago - it's in progress)
-likewise, the neighbor to the east has done some clearing on their property recently,
so, they have contributed to the debris; he does not want to make that an issue for
them at all
-we will organize and maintain a clean site; and commence construction just as soon
as they get the go-ahead
-we've adjusted the buildings to meet all the required setbacks that were subject to
preliminary approval
-no variance or lot split is required before they begin construction*

Ms. Moermond:

-did the image of plat map & aerial photo overlaid; quite an unusual juncture
-the trailer & building materials are not really allowed there; what is your plan?

Mr. Mizrachi-Monti:

-all that's required now is to pay the fee & the permit should be issued; then, we can start
-they would like to keep the materials there until they are used
-initially, they intended to have the garage there where the materials would have been immediately stored

Ms. Moermond:

-there is no provision in the code for a trailer on the vacant lot

Ms. Martin:

-once the permit is issued, he can have his fencing & barriers and he can have his construction materials there
-we need a start and finish date for this project
-the preliminary plans that she has seen came in and included the carriage house; as of yesterday, they had not received an application regarding the carriage house to do a split parcel; so, I think there's still some confusion
-the semi-trailer cannot be stored on a vacant lot

Mr. Mizrachi-Monti:

-I can clear that up quickly-the matter of the carriage house; he was asked to show on the proposed vacation area exactly where the building would be; otherwise, within the setback on the actual parcel, there is no carriage house (showed Ms. Moermond)

Ms. Moermond:

-will concern herself about the building permit

Ms. Martin:

-suggested that he go down to DSI Office and ask YaYa Diatta what he needs to get the permit issued

Ms. Moermond:

-she needs to give him a date certain by which he needs to have that permit so that fencing can be installed to separate that trailer and by which time the building materials are put to use or are stored in the interior of a structure
-will Lay this Over for 1 week to get your building permit; then, we'll figure out the next steps

Mr. Mizrachi-Monti:

-he is doing the work himself and with subcontractors
-will finish before the snow flies; at a minimum, so that the materials will no longer be a factor

Ms. Moermond:

-put together a plan for me with timelines, etc; she will consult with the building official on this
-get a building permit within the week; back here Aug 9, 2016

The owner to submit a plan with deadlines on eliminating on-site storage of construction materials.

Laid Over to the Legislative Hearings on 8/9/2016

Correction Orders

- 29 [RLH CO 16-30](#) Appeal of Mary Anne Davis to a Correction Notice at 465 EDMUND AVENUE. (To refer to Legislative hearing on December 6, 2016)

Sponsors: Thao

Mary Anne Davis, owner, appeared.

Inspector Lisa Martin:

*-Jul 18, 2016, we had a storm in St. Paul; there were some branches down in the alley and the garage roof appeared to be in poor condition
-Orders issued Jul 20 to remove branches before Jul 26 (resolved)
-Orders on the garage roof; she stated, "It's not leaking"
-wasn't able to get photo into the system (computer issues); it will be in by this afternoon
-I have photo on my phone; showed to LHO*

Ms. Davis:

-there's no leakage; just had an appraisal about 8 months ago; they did not see a problem with it

Ms. Moermond:

-shingles are curling but we can wait a little longer; they aren't leaking yet

Ms. Davis:

*-right now, I'm in financial hardship; I'm trying to apply for grants, etc. to help finance it
-I'm taking care of 4 grand kids on her salary....the garage is the last thing she's thinking about
-needs time to apply for these grants to replace that roof; already filled out 2 applications
-I just replaced doors on the dwelling and my funds are exhausted*

Ms. Moermond

*-suggested she talk with Neighbor Works
-will ask the City Council on Sep 7, 2016 to send this back to LH in 3 months (Dec 7, 2016 LH) (this should be Dec 6); by then, you may have an answer and we can set a deadline further out from then*

Ms. Davis:

-I had the roof done about 5 years ago; it should not be peeling in 5 years; who ever did it must not have done a good job

Ms. Moermond:

LHO will ask the Council to refer to LH on 12/7/2016 - this is in error. it should be 12/6/16.

Referred to the City Council on 9/7/2016

- 30 [RLH CO 16-32](#) Appeal of Mario Sanchez Marquez to a Correction Order at 1275 FREMONT AVENUE.

Sponsors: Prince

Mario Sanchez Marquez, owner, appeared.
Interpreter appeared.

Inspector Lisa Martin:

-Orders dated Jul 11, 2016 regarding a garage that's defective: siding is rotting; needs to be maintained in a professional state of maintenance; the driveway is in a state of repair; also, a fence needs repairing; compliance Jul 18, 2016
-photo on phone (LHO)

Ms. Moermond:

-photos shows driveway area consists of dirt and old asphalt; also a lot of grass
-the soffit is clearly rotted; boards need to be replaced
-fence: looks like a tree fell on the fence and bent it
-you are looking for more time and insurance doesn't cover any of it
-suggested that he call Daytons Bluff Neighborhood Housing Services
-staff will call Laura Carroll, PED, who is fluent in Spanish and she is fluent in loan programs with local agencies; she might be able to help get an applications in Spanish

Mr. Marquez:

-his friends will help him do the work but he is looking for financial help
-would like to be done with the work in 2 months

Ms. Moermond:

-she will give you until Jan 1, 2017

Mr. Marquez:

-he has a temporary fence so that his dogs don't get out; can he leave that for now?

Ms. Moermond:

-it looks as though the fence is damaged; temporary won't work; a fence needs to be permanent
-Laura Carroll is not available right now to talk with you but we will send you a letter and provide the names/numbers of housing loan agencies: Daytons Bluff Nbhd Hsng Servs; Eastside Nbhd Dev Ctr; Neighbor Works
-you will have until Jan 1, 2017
-asked about his plans for the driveway

Mr. Marquez:

-looking for someone to fix it or to find the right material to try to fix it myself; it's asphalt

Ms. Moermond:

-suggested that he could convert it to Class 5 gravel, which is a lot more affordable; she would recommend that Class 5 be allowed

Owner will have until 1/1/2017 to bring the property into compliance. The LHO will recommend that the owner be allowed to use Class 5 on the driveway.

Referred to the City Council on 8/17/2016

31 [RLH FCO 16-91](#)

Appeal of Dennis Leo to a Correction Notice-Complaint Inspection at 2034 REANEY AVENUE.

Sponsors: Prince

Dennis Leo, owner, appeared along with Chris Boline, attorney, Dudley & Smith Law

Firm.

Ms. Moermond:

-in play now: 1) exterior repairs; 2) whether or not this should be in the Certificate of Occupancy Program; and 3) if it isn't in the C of O Program, should we take the interior items off the list

Mr. Boline:

-update: Mr. Leo has his working step daughter living at the property while she searches for a new place to live; she is the process of applying for an apartment and either tomorrow or Fri, he may be going to co-sign a lease for her, which means that she may be out as early as Sep 9, 2016; if she is out by Sep 9, Mr. Leo would like to start marketing the property; he has 2 realtors coming in; one this week and the other next week

-the situation with his step daughter is for a temporary period only

-asked if we could lay this over to Sep; Mr. Leo will know more

Ms. Moermond:

-I am still concerned about those front steps

-whether or not this is a non-owner occupied property, I want to put together a plan

-I don't want to lay this matter over; I want it to be clear that there's existing Orders; either they are resolved or the person who buys the property is made aware of these repairs; they must be disclosed

Ms. Shaff:

-last time we were here, it was to give everyone involved a full report of what was going on within the building; it was laid over to today to get the attorney here; we didn't get Work Plans 2 weeks ago; so, nothing has changed for us

Mr. Boline:

-we do have an abatement schedule to enter into the record; built into the repair plan would be an extension of time in which we've gone through things that he has completed

Ms. Moermond:

-this is exactly the kind of thing that we were looking for

Mr. Boline:

-it's a tiered approach based upon financial ability and time

Ms. Moermond:

-reviewed the plan

-I'm not satisfied with the situation of repairing the front steps; why doesn't anybody want to do it? I don't get it

Mr. Leo:

-I have a list of 89 people who I have called and I had only 1 bid; and he told me that he wasn't going to get a building permit to work on the steps; some people just came & left; some mentioned the difficulty with the steps being so close to the house/foundation

Ms. Moermond:

-that's unheard of to have a circumstance like this - that no one wants to do it

Mr. Leo:

-I can't do anything until someone says that they'll fix it

Mr. Boline:

-Mr. Leo will be gone out of town most of Aug except for 2 days

Mr. Leo:

-the inspector told me to worry about the inside first; then, get the outside

-I painted the whole exterior

-hoping to have the house sold by the end of Sep

-in Jan 2016, an inspector came out and said everything was fine

Ms. Moermond:

-will recommend granting an extension through Oct 31, 2016

-you should be communicating with the purchaser about these Orders

-City Council Public Hearing Aug 17, 2016

Extension granted to 10/31/2016 to bring the property into compliance.

Referred to the City Council on 8/17/2016

32 [RLH CO 16-31](#)

Appeal of Tom Reid to a Correction Notice at 280 SEVENTH STREET WEST.

Sponsors: Noecker

Tom Reid and Robert Keiffer, 280 Real Estate Holdings LLC, owner, appeared.

Inspector Lisa Martin:

-Orders issued Jan 21, 2016

-RE: temporary storage units have been on the property for more than 6 months and not removed; compliance was Feb 5, 2016

-inspector sent an EC bill Jun 17, 2016; in the meantime, he's been working with Mr. Reid to get this issue resolved

-property zoned T2, which does not allow storage (60.220 Storage)

Mr. Reid:

-they own the building at 258 West 7th Street and they have outgrown the building; they are planning an extension to the back that will measure 30 ft x 80 ft; then, they will have storage space; what's in the temporary storage unit now will be moved into the basement of the new structure

-their goal had been to have this completed by the end of May-early part of Jun 2016; unfortunately, they have not been able to get the permit yet

-in Order to do the expansion, they were required to pick more parking spaces because of the 2 am license; they bought the old Dairy Queen, which was shut down to accommodate those parking areas; with that in mind, they have been buying equipment to be used in the new construction area: coolers, pizza machines, ice cream machines, etc; we bought all that with the pretense that we would have that building started

-their plan is 3-phased: 1) to increase the size of 258 West 7th St; 2) to expand their kitchen at the same address; and 3) to open the old Dairy Queen as a drive-thru and walk-up; it won't be a Dairy Queen but something similar to that because the neighbors have been asking for it

-there was a shed on the DQ property and the back area was a mess: trees, drugs, etc; the neighbors were concerned about that; we tore all that out, built a retaining wall and a fence; they are looking to keep those sheds there until next year; the neighbors have said that they are no problem since all the rest was cleaned out; they

can't do all that now because they are running into the hockey season and are spending over \$500,000 for the expansion; they can't go into the hockey season and lose 2-3 months of operation

-presently, they have a patio in the rear; they put a tent over it to accommodate the overflow and with all that's going on today on West 7th Street, they are expecting a lot more business through the course of the year, with the new hotels and apartments, etc.

-I've been there since 1999; Bob became my partner in 2007 and we've more than doubled our business since then, which is also a benefit to the city

-we are looking for the opportunity to keep those sheds there through the winter-through hockey season; after that, to retain just 1 shed for storage for beer kegs, snow blowers, equipment that we need to operate

Mr. Keiffer:

-the sheds are used for equipment; the biggest issue they had was that they had all their contractors lined up to do a Jun 1, 2016 did and we ran into some issues with the Ramsey House - we had to do some core drillings, etc. and by the time, all that went through different committees and revisions, etc., it was Jul and their contractors said that they were committed to other jobs; we assumed that they were going to have all the stuff in their 30 x 80 basement; the only thing they can't put in the basement is the snow blower

Ms. Martin:

-the sheds that are there are very well maintained... even though they are not allowed; their whole property is very well maintained; we don't have graffiti or tall grass & weed issues

Mr. Reid:

-our operation is set up in 3 phases; and we will need some areas for supplies once we open the ice cream place

-right now, we are just looking for the temporary 2 sheds; once we start digging, at least by Jun 1, 2017, the basement will be poured and we can re-locate the shed items

-the cargo container is gone, now; just 2 sheds remain

Ms. Moermond:

-I will recommend that you be allowed to use these sheds for temporary storage through Jul 1, 2017; and then 1 shed used for storage of outdoor equipment

-from this time forward, we won't have any more Excessive Consumption charges

Assessment charges remain; LHO will recommend that the owner be allowed to use the sheds through 7/1/2017.

Referred to the City Council on 8/17/2016

11:30 a.m. Hearings

Orders To Vacate, Condemnations and Revocations

33 [RLH VO 16-29](#)

Appeal of Charles McCarty to a Fire Certificate of Occupancy Revocation and Order to Vacate at 1734 SEVENTH STREET EAST.

Sponsors: Prince

Fire Inspector Leanna Shaff:

-Revocation of the Fire Certificate of Occupancy for long term noncompliance;
inspection conducted Jul 6, 2016 by Inspector Efrayn Franquiz
-some of these things were ordered a long time ago
-photos; some were emailed today
-read inspector's comments: debris under front porch has not been cleared; the
window screen's been replaced but the framing is still cracked and damaged; the
owner used a foam product to fill the cracks on the parking surface; he said that he
called the owner twice on each of the phone numbers on record; the owner does not
return my calls; I've left messages and there's no response
-it's extremely difficult to contact Mr. McCarty - an on-going issue
-these repairs that have been done were done in less than a professional state of
repair and would not be considered code compliant at all
-we were here on this property earlier this year and the phone number that Mr.
McCarty gave us wasn't correct on the appeal so, he gave me a different one - from
which she still hasn't gotten a returned call
-we can't seem to get this house into compliance

Mr. McCarty:

-#1 exterior garage; why is this cited?; there's no garage there; he got a permit to
have his garage demolished; there are large cracks on the concrete surface; I was
instructed by a different inspector to seal those cracks; I asked if I could use the
expandable and he said that was OK; the building inspector signed off on the parking
surface; and it's not the asphalt surface; that would be my driveway; I don't know
what to do with it; I can't afford to put down new asphalt; it's in good condition; and if
they've been out there so many times, how come they never brought up the issue of
the cracks or the asphalt
-every time I fix something they want, they find something else; I put a screen in
there; now, it's the frame
-it's a lie for her to say that I'm not doing anything
-I have rocks to control erosion where my steps were; the steps deteriorated because
the rain came down there

Ms. Moermond:

-it looks like the rocks are eroding; seems like there needs to be some sort of a
barrier to prevent the rocks from going from here to there

Mr. McCarty:

-the other inspector has no problem getting a hold of me; I don't know what this guy's
deal is
-on Jun 29, I sat there for 2 hours and he never showed up; then, he goes out Jul 6
and inspects -now, I never got a letter saying he was going to go inspect Jul 6; I think
that you're required to tell me that; I don't even know why I'm here; none of these
around to the severity of yanking my C of O and making a single mother of 3
homeless
-I couldn't afford to replace the siding on the garage, so I tore the garage down
-I don't want my C of O Revoked; needs guidance - one inspector tells him the
sealant for cracks is good; then, this inspector says that it's not good enough; what is
good enough? They used it on the Stillwater Bridge, MNDOT and it was good enough
-he will put down anything you want to make you happy
-that slab was approved for parking

Ms. Moermond:

-send a quick photo of the side of the can you used so that Ms. Shaff can see that it's
a product approved for this particular use; there's also a data sheet on line that will
show approved uses

Ms. Shaff:

*-the demolition permit has been closed
-the slab will remain to satisfy the parking requirement; the city requires that you maintain off-street parking*

Ms. Moermond:

*-the asphalt is different; the photos show a washed out area in the middle of the asphalt; you need to repair it with asphalt
-class 5 will not be acceptable for repair
-if you want to pull out the driveway and figure out something else, talk to Zoning about that; but you have to repair like with like*

Mr. McCarty:

*-it's a money issue; that's going to be expensive
-I'm here to nail down exactly what you want; not that you come back and say, "Well, you did most of it but we want you to do more"
-broken panels next to the address numbers/corner panels were done Jun 29 when the inspector never showed up; when I waited 2 hours for him and he decided to go out on Jul 6*

Ms. Moermond:

*-Inspector Franquiz will close this out
-the Orders say reinspection will take place Aug 8
-asked that Ms. Shaff accompany Mr. Franquiz on this last inspection
-let's schedule the reinspection for Aug 31 at 2 pm*

Extension granted to 8/31/2016 to bring the property into compliance.

Referred to the City Council on 8/17/2016

34 [RLH VO 16-34](#)

Appeal of Hugh Wegwerth to a Fire Certificate of Occupancy Revocation and Order to Vacate at 898 SIXTH STREET EAST.

Sponsors: Prince

This file was incorrectly listed on the August 2, 2016 LH Agenda due to a Legistar entry problem.

Laid Over to the Legislative Hearings on 8/9/2016

35 [RLH VO 16-30](#)

Appeal of Al Bernstein and Jeff Bernstein to a Fire Certificate of Occupancy Revocation and Order to Vacate at 1225 WHITE BEAR AVENUE NORTH.

Sponsors: Bostrom

Al Bernstein, owner, and Jeff Bernstein, appeared.

Fire Inspector Leanna Shaff:

*-Fire Certificate of Occupancy Revocation & Order to Vacate issued Jul 11, 2016 by Fire Inspector Efrayn Franquiz; 6 deficiencies are listed; only the parking surface is being appealed
-the city requires you to have off-street parking; you can't lower or get rid of it*

Mr. Bernstein:

-2 weeks ago, I came to talk to someone in the office; I went through the list & she told me to just put the parking surface down as reason for the appeal but I want to

address all of those issues

-history of this - as part of a condemnation, the neighboring property, which we own, we were awarded the house as part of the settlement; and their intention is to redevelop the little corner; they bought a couple adjacent properties and eventually, we will do a redevelopment there; so, when they go that house, they had a tenant for a short period of time; then, it sat vacant for a long time; they had a situation where one of their employees needed a place to live (2012); so, we had it inspected and complied with the C of O: put a roof on plus a number of things but before we made the decision, we considered tearing it down (it was a pretty nice home -so, they didn't want to do it); they called Habitat for Humanity to give the house away but unfortunately, they were not in a position to take it; so, we got the house fixed up and did major Corrections (2013); we went through the process to get it all taken care of; 2nd insp in 2015 created a giant list compared to the 2013 list; working with the inspector, we decided to tear the 2nd story garage down because it would have been too costly to repair; they tore it down, which created the parking issue; we sent in a permit application and we never heard back from the dept; we talked with the Fire Inspector and tried to talk with Zoning (went back & forth; they never made a decision); that's why he's here today - to try to appeal the parking issue; there's an asphalt driveway, which is where the previous owners have parked for the last 30-40 years and where our tenant has parked; we share a driveway with the next door neighbor and that's where they park

-have photos

-we would like to know if we can continue to park there?

Ms. Shaff:

-noted that a permit was pulled 9-28-15 for a demo - HOLD folder; "Permit application in planner review; owner has been notified by Zoning staff to provide site plan and proof for a parking space"

-never issued or approved; person who applied: Mr. Bernstein

Ms. Moermond:

-asked if there were an easement with the shared driveway arrangement

Mr. Bernstein:

-he doesn't believe that it's on record; it doesn't on the survey he brought in today; he did not look at the deed

-he just sent this to Inspector Franquiz

Ms. Shaff:

-but he wouldn't be making that determination

Mr. Bernstein:

-we've been trying to redevelop the corner of White Bear & Maryland; have worked with CVS Pharmacy for 2 1/2 years; we are working with Mid America Real Estate Company right now, working to look at other options for that corner; don't want to put more into that house because that house will be around for only 1 year or less but he understands that he has to do what he has to do

-we already took care of a very long list on this property; we're down to the fence, the railing and the parking surface

-we'd hate to kick that family out of there - a family of five people with young kids but they'll do what they have to do

Ms. Moermond:

-I will not be answering the question on parking right now; it appears to be written under Property Maintenance Code; a legit call; however, the problem is a driveway leading to parking spaces and getting the parking surface solved is a question of

Zoning, DSI; not something in her bag; she will need to split hairs on the part of the question that she can answer and the part that she cannot answer; she will need to consult with those who are actually in charge of that piece of it
-I can't help you with the fact that you have to provide on-site parking but she will check with the attorneys for Zoning & Code Enforcement

Mr. Bernstein:

-on-site parking - there's asphalt parking there; he never mentioned maintenance to us; I would have done whatever it took to maintain that....

Ms. Moermond:

-the inspector was focusing on the tougher nut, which is what the garage used to provide in terms of parking; even if it wasn't used, it was there on site providing parking; removing that garage means that you have to replace the parking; she thinks that was a Zoning Enforcement call; she will leave it open and check on it

Mr. Bernstein:

-contiguous to our lot line, we have improved parking at the neighboring property; we have a parking agreement; I have all the paperwork; it's right at the lot line; the tenants are happy to do that but I don't know if it will pass code; we talked with Insp Franquiz about that, as well

-if it's just a matter of maintaining the driveway, it will get done!

-we submitted the smoke detector affidavit multiple times; I have a copy here; I have all the paperwork; he also had the system checked out by Metro Heating; we submitted it on 7-11-15 and again on 11-4-15; has a copy of the email with attachment

-fence: we took sections out; it isn't our fence; the one on the other side is ours and looks great; the survey shows that it isn't ours; the neighbor claims it's his and has put chicken wire above it; he brought the fence over and attached it to the back of our garage (that portion was on our property); so we removed those sections; he brought the survey along to show that it's not their fence; the neighbor doesn't want us to tear down that fence; some pieces of the fence are growing into a tree; is that what the inspector is referring to? Inspector said that it was still a deficiency

Ms. Moermond:

-I don't know what the inspector meant; she thinks that it's worth a 2nd set of eyes; asked Ms. Shaff to come and take a look at the survey

Mr. Bernstein:

-thinks that the tree is on their property; the part of the fence that was laying down is now gone (photos)

-the Occupant of the house was at the inspection with Mr. Franquiz

Ms. Shaff:

-asked if Mr. Bernstein could be at the inspections

Mr. Bernstein:

-yes, I've been at every inspection except the most recent one

-handrail - we put one up & matched the existing one on the house; it needs a grippable top; we will fix that; they hoping to not have to evict the tenants because of these repairs

-we also repaired the stairs that he requested

Ms. Moermond:

-I will ask the Zoning question and point you in the right direction; will give a reasonable time for compliance

-deadline for everything except the parking: Sep 1, 2016
-City Council Public Hearing: Sep 7, 2016
-will have had a chance to talk with the City Attorney's Office

Ms. Shaff:

-bring that survey with you at the reinspection

Ms. Moermond:

LHO will check with City Attorney's office about the parking issue; extension granted to 9/1/2016 to bring the other items into compliance. The owner should see what can be done about a parking agreement with another property.

Referred to the City Council on 9/7/2016

1:30 p.m. Hearings

Fire Certificates of Occupancy

**36 RLH FCO
16-114**

Appeal of Katie Trunk, Twin Cities Home Rental, to a Reinspection Fire Certificate of Occupancy With Deficiencies at 941 BEECH STREET.

Sponsors: Prince

Katie Thunk, Twin Cities Home Rental, management company, appeared.

Fire Inspector A J Neis:

-Fire Certificate of Occupancy Correction Notice issued by Fire Inspector Efrayn Franquiz

-appealed is the Aug 12 reinspection Notice at 1:45 for additional time

-talking with the inspector and looking at the Orders, we had some issues gaining access; he also included the Order that the occupant has to allow the owner access to make the required repairs

Ms. Thunk:

-the last time, Ben, the repair person, wanted to meet with the inspector to do the inspection; however, the children could not allow them in without them having adult supervision

-they've been trying to get the exterior work done

-asking for an extension of time because of the difficulty gaining access

Ms. Moermond:

-there's quite a bit on the list

Mr. Neis:

-concerns: smoke detector issues; there was a vent in the basement with clothing; there's been a recent fatality in a basement bedroom without a smoke detector

Ms. Thunk:

-we did ask the tenants to put the smoke detectors back up; so, they took care of that

Mr. Neis:

-that could be just lip service, maybe

Ms. Thunk:

-has photos of the roof being done

Ms. Moermond:

-would like to see a Work Plan

-would like to see the inspection on Aug 12 happen

-smoke detectors should not be an issue

-no one should be living in the basement

-she wants to have a complete list of the corrections that we need to be dealing with; when we have that list, you need to develop a Work Plan with deadlines (maybe a high dollar item will be proposed with a later deadline, like Dec or Jan)

-deadlines for all the safety items should be ASAP

-will Lay Over to Aug 16 LH; at that time, bring me a plan to address all of the items on the list; smoke detectors need to be there and the bed needs to be gone (could be emailed before hand)

Mr. Neis:

-drop off a Notice that we're going to be there Aug 12, 2016

A certificate of occupancy inspection should happen on 8/12/2016 with access to the entire building. Smoke detectors need to be in place and bed is to be gone by 8/12/2016. Using the list from this inspection, a work plan with deadlines should be presented at the 8/16/2016 LH.

Laid Over to the Legislative Hearings on 8/16/2016

37 [RLH FCO
16-112](#)

Appeal of Judy Caravalho to a Fire Safety Inspection Appointment at 576 CHARLES AVENUE.

Sponsors: Thao

Judy Caravalho, owner, appeared.

Ms. Moermond:

-as she understands it, 576 Charles is one of three properties that you own; there's one on Lafond, this one on Charles and another next door 578 Charles

Ms. Caravalho:

-I'm here today re: 576 Charles Ave

Ms. Moermond:

-the property on Lafond is where you and your husband live

-578 is a rental property

-576 is a place for your husband to spend time; he has a disability, so it's a good thing for him to have a space of his own for him to be alone

-it is an extension of your household

-will recommend granting your appeal

Appeal granted; property should not be in the certificate of occupancy program.

Referred to the City Council on 8/17/2016

38 [RLH FCO
16-120](#)

Appeal of Kyi Kyi Lwin to a Fire Inspection Correction Notice at 603 MARYLAND AVENUE EAST.

Sponsors: Bostrom

Kyi Kyi Lwin, owner, appeared.
A Keran interpreter also appeared.

Fire Inspector A J Neis:

-Fire Inspector Correction Notice conducted by Inspector Jonathan Gaulke
-#1 is being appealed: the garage is out of plumb/square; Order is to repair/replace the damaged garage doors or tear the garage down

Ms. Lwin:

-we would like to tear the garage down; don't know when; is happy to find someone to help her

Ms. Moermond:

-she did not hear that the garage was in danger of collapse; just out of plumb

Ms. Lwin:

-the doors are not in good shape; don't close easily

Ms. Moermond:

-now, the deadline is Aug 11, 2016 for all these Orders
-she will give you 2 new deadlines: 1) dealing with the garage; and 2) dealing with the rest of the Orders
-complete Orders except garage: Sep 16, 2016; DSI will contact you with a letter and a specific appointment time (probably the week after Fri Sep 16)
-garage deadline: Nov 30, 2016
-will probably cost between \$1000 - \$5000 to demolish the garage; a permit needs to be pulled to demolish the garage
-talk with Inspector Neis about the requirement that you provide parking for your tenant; the garage meets that requirement; however, if you tear it down, you won't meet that parking requirement; that could be as simply as providing a parking pad but you might want to think about that ahead of time

Mr. Neis:

-you can keep the existing concrete slab in the garage if it's in good condition, which can suffice as an approved parking surface; so, you'll want to keep the slab; don't demo it; keep it for parking or you will need to put in a parking area

Ms. Lwin:

-can I put a fence around that parking area?

Mr. Neis:

-a fence would require a permit and a review of property lot lines; so, it needs to go through site plan review & zoning to make sure it would be legal for that space; go to DSI, 375 N Jackson Street

Ms. Moermond:

-there are applications to do that on-line; although, as far as she know, the applications haven't yet been translated to Keran but if she has a request for that, the city would be obliging

Garage has to be removed by 11/30/16. All other items are to be brought into compliance by 9/16/16. There is a requirement that the owner provide parking for the tenant after the garage is demolished.

Laid Over to the Legislative Hearings on 8/17/2016

-
- 39** [RLH FCO 16-115](#) Appeal of Steven Lee to a Fire Inspection Correction Notice at 1836 MECHANIC AVENUE.
- Sponsors:** Bostrom
- Staff noticed that the letter attached to the Application for Appeal was inadvertently not considered at the August 2 Legislative Hearing. Applicant said in that letter he would not be in attendance. This matter is laid over to August 9 for the letter to be considered.*
- Laid Over to the Legislative Hearings on 8/9/2016**
- 40** **RLH FCO 16-118** Appeal of Mark Cemensky to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 2156 SAINT ANTHONY AVENUE.
- Sponsors:** Stark
- Rescheduled at appellant's request*
- Laid Over to the Legislative Hearings on 8/9/2016**
- 41** [RLH FCO 16-97](#) Appeal of Bill Hosko to a Fire Certificate of Occupancy with Deficiencies at 151 SEVENTH STREET EAST.
- Sponsors:** Noecker
- Bill Hosko, Forest Cafe, appeared.*
- Fire Inspector A J Neis:*
- re: fire retardant coating*
 - Mr. Hosko sent one proposed flame retardant to the inspector and gave me a new product proposal today*
 - the 2nd one looks like a possibility*
 - Ms. Wiese hasn't yet looked at it*
- Mr. Hosko:*
- sent info to Ms. Skow-Fiske*
- Ms. Moermond:*
- Kris Skow-Fiske works for Ms. Wiese; the information would be reviewed by Kris; she would send it to her boss and they would review it; Mr. Neis will also review it*
 - will recommend that the Appellant is allowed to keep the dried trees if they are treated with this material (will reserve a few days for Ms. Wiese to call me)*
 - Mr. Neis will talk to Ms. Wiese about it*
- Mr. Hosko:*
- I won't do anything until I hear back*
- Ms. Moermond:*
- Owner is allowed to keep the trees if they are treated with approved flame retardant material. LHO will work with City's fire engineer on what products are approved for this use.*
- Referred to the City Council on 8/17/2016**
-

2:30 p.m. Hearings**Vacant Building Registrations**

- 42 [RLH VBR 16-49](#) Appeal of James Schwartz to a Vacant Building Registration Renewal Notice at 134 CONGRESS STREET WEST.

Sponsors: Noecker

Withdrawn

- 43 [RLH VBR 16-50](#) Appeal of Lang Lang Guo to a Vacant Building Registration Fee Warning Letter at 1606 EDMUND AVENUE.

Sponsors: Stark

Lang Lang Guo, owner, appeared.

Inspector Rich Singerhouse, Vacant Buildings:

- this went through Sale Review in 2015*
- there's a Code Compliance Inspection Report on file*
- all permits are open*
- property has been maintained since Sale Review*
- Vacant Building fee due Jun 25, 2016; was assessed yesterday*

Mr. Guo:

- is asking for another 15-20 days*
- he was in school in Chicago*
- his first plumber quit and he had to get a new one on short notice*

Ms. Moermond:

- I'll give you a 90-day waiver*
- Mr. Singerhouse mentioned that the fee went to assessment; if you get the letter, send in the card and we can talk*

Grant a 90-day waiver on the vacant building fee.

Referred to the City Council on 8/17/2016

- 44 [RLH VBR 16-48](#) Appeal of Chad Unseth to a Vacant Building Registration Notice at 800 ORANGE AVENUE EAST.

Sponsors: Bostrom

Rex Hale appeared on behalf of owner, Chad Unseth.

Inspector Rich Singerhouse:

- the Certificate of Occupancy was Revoked Jul 5, 2016*
- a Category 2 VB file was opened Jul 7, 2016*
- the house was for sale by owner; there is no TISH report or code compliance inspection report on file*

Mr. Hale:

- the owner is in the process of listing it right now; hopefully, it will be listed tomorrow*

-thinks this goes back to the C or O; it was inspected; it had a Class A rating

Fire Inspection A J Neis:

-this was a Revoked C of O

-on Jan 20, 2016, we tried to do an initial inspection; it was requested to be extended because the owner lives in TX; the inspector then set it up for Mar, which was a no show; owner said that he did not get Notice

-on Mar 30, 2016, the owner said that there were keys in the lock box; when the inspector came, there were no keys there

-on Apr 20, 2016, the inspector was allowed access

-on May 23, 2016, another no show

-read inspector Klein's notes on May 23: owner said he was selling property; he didn't think anybody was going to be there today; he started to complain that the City of St. Paul was running landlords out of business; the tenant's brother is in the home now but knows nothing about that inspection - Insp Shaff advised that the bldg should be Revoked with a Jul 5 Vacate date, basically due to extensive long-term noncompliance and no shows; typically, after 3 no entries, we Revoke; we extended this even farther

-on Jul 5, it appeared that the house was unoccupied; Insp Klein spoke with the property owner, who confirmed that the house was vacant and he was not going to make any repairs

-definition of a registered VB means there are multiple violations, it's vacant, we sent it over to the VB Program

Mr. Hale

-we would like the VB status taken off because the house was not vacant; the renter was removed because the C of O was being pulled because of noncompliance; those violations included: 1) caulking around the base of the toilet; 2) a ripped screen; 3) paving the driveway; 4) dryer vent; 5) smoke detector affidavit; and 6) the landlord is required to attend Crime free multi-housing class or a similar training program

-rather than continue as a landlord in St. Paul, he chose to provide Notice to the young family to move out, which they did on Jun 15, 2016; so, he's no longer renting it

-just because he's not renting it doesn't mean it's vacant; he still owns the property; now, his brother lives there; doesn't his brother have the right to live there?--as owner-occupied, really

Ms. Moermond:

-is his name on the title? (Mr. Hale: No, but they are brothers); It's not the same thing as being owner-occupied; he could become part owner; (Mr. Hale: right, but it wasn't vacant); it was being occupied without a C of O

Mr. Hale:

-all of those items on the C of O list were addressed except for the driveway, which is very costly - there's a financial aspect to this and it would kill the tree, etc; after all this happened, I talked him into coming up with the money to put in the driveway; so, he went up to pull the permit, and he wasn't able to pull the permit to put in the driveway because it doesn't meet the specifications for the setback; he can't legally pull a permit to put in that driveway; they even proposed getting rid of the driveway; it's a silly little driveway on the side of the house that nobody else has; we could rip that out and put in grass and it would be great but they said that we can't do that because the curb and gutter is there for a driveway

Ms. Moermond:

-did they explain to you a way to appeal that determination?

Mr. Hale:

-we don't want to pave it; nobody else has those little driveways; there's no need to pave it; it's been that way for 100+ years

Mr. Neis:

-first off, the city did not kick out the family; it was the inaction of the owner which caused the displacement of the family; if the owner had done his proper job as a landlord.....

-the original set of Orders, Apr 20 was very clear; on the bottom it says, "You have a right to appeal these Orders to the LHO; that process alone would have prevented going to a Revocation status; had he done his due diligence in Apr, we would not be here today

-and again, he was sent a letter May 23, "Your C of O is Revoked and you have an Order to Vacate," - "if you get this done by Jul 5, no one has to leave or you can appeal this Order" but after Jul 5, the inspector had no choice but to take enforcement action because he was not getting any cooperation from the landlord
-photos

Mr. Hale:

-but, how do we resolve this is we can't fix the driveway?

Mr. Neis:

-the driveway could have been resolved with 2 earlier appeals; it should never have gotten to this level

Mr. Hale:

-we don't need a driveway; we don't need a variance; we can put grass there; the place is beautiful; will be a great home for someone

-agrees that the landlord did not coordinate well with the inspector

-how do we reconcile this? all of those things have been fixed; they were very minor things

-adding a VB fee to it will add complexity to the sale

Ms. Moermond:

-wants to close this file; DSI can help this happen

-looks like a mud driveway (photos) with an asphalt apron; thinking we can put class 5 over an existing driveway (don't know what's needed); thinks that you might be able to just do it

-the other piece is that the tree has to come out; you can't have a tree in the driveway and you're not turning it back into grass again

-thinks that you need to bring this argument to DSI; I want to use class 5; you need to argue that to your inspector; and your inspector will find out, Zoning wise, if that can work or not; so that we have a nice, neat class 5 driveway with good boundaries on it

-should be able to get your C of O re-instated and the brother can live there; if Zoning says, "No" you might need to go to the Board of Zoning Appeals

-all of this is less than \$2000

Mr. Hale:

-I like your solution

Mr. Neis:

-we can email a C of O form to your cousin; he can designate you as the responsible party and sign off on it

Mr. Moermond:

-and, you can take the Landlord Crime Free Class

-if he sells the property, he will need a TISH Report or you can use a Certificate of Occupancy as a substitute
-contact Karen Zacho in Zoning, DSI, for a site plan review to use class 5 for the driveway
-in terms of getting out of the Registered VB Program, she will put a 90-day waiver on the VB fee; you can pull permits; she will Grant your appeal to be out of the VB Program based on conditions: 1) fix the driveway-class 5 is acceptable, pending Zoning determination; 2) finish C of O inspection; 3) get a new Fire C of O form with you designated as the responsible party; deadline Oct 1, 2016
-if it goes longer than that, it will be subject to a VB fee; it will be a Category 1 Registered VB because it doesn't have major code violations if the driveway is taken care of

Mr. Neis:

-Mr. Hale will need to sign-up for the landlord class a year from now; if it doesn't sell soon enough, he can take the class (up to a year); if it sells, no class needed; then, Mr. Neis can abate the Order

Ms. Moermond:

90 days waiver of the vacant building fee. The new deadline on the certificate of occupancy deficiency list is 10/1/16. The owner can be out of the vacant building program on the following conditions:

- 1) driveway is redone (you will be able to pull permits)
- 2) Class 5 is acceptable pending zoning determination,
- 3) finish items on the deficiency list,
- 4) get a new certificate of occupancy form with Mr. Hale's name on it (signed by Mr. Unseth).

Referred to the City Council on 8/17/2016

45 [RLH SAO 16-26](#) Appeal of Bill Bernier to a Summary Abatement Order at 287 PAGE STREET.

Sponsors: Noecker

Bill Bernier, owner, appeared; also Attorney Ken Schivone.
Attorney Robert Leadman, spoke on behalf of the tenants.

Inspector Rich Singerhouse, Vacant Buildings:

-the Certificate of Occupancy was Revoked on Apr 4, 2016 and a Vacant Building file was opened on Apr 6, 2016 by Inspector Matt Dornfeld

-appeal re: the Revocation was denied May 3, 2016

-Jul 20, 2016, Inspector Dornfeld noted that the house appears occupied; cars in driveway; lights on; toys in the yard; he send a Summary Abatement Order to immediately secure all buildings which are open to unauthorized entry - this is a registered category II vacant building and cannot be legally occupied until a Certificate of Code Compliance has been issued; comply before Jul 27, 2016

Mr. Schivone:

-the house is occupied by people who need housing

-following the Apr 4 determination, Mr. Bernier, who had not been allowed at the property, had made all the repairs on the initial C of O Revocation, and put the property in good condition

-we're at a juncture where the Order to Vacate would be harmful to those tenants and to Mr. Bernier

-if Inspector Singerhouse were to come to the property, he could see that it's in good

condition

-we had argued in the past and continue to argue that the property wasn't unoccupied
-he was there the morning of Apr 4 and the property was secured; the tenants had just left the premises; that was the date that they were supposed to be out and they were out by court order; there was a mess that was cleaned up as quickly as possible and it simply wasn't unoccupied under any definition that he can ascertain
-ask that the Order be stayed until a final determination of any appeals that he may have and that the property be inspected and that these tenants, who are in need of a place to stay can remain there

Ms. Moermond:

-this isn't the 1st, 2nd, 3rd, 4th or 5th time that Mr. Bernier has put the city in the position of handling the removal of tenants because he puts them into properties which have been Ordered Vacated; what you didn't talk about was the question of the duplex usage of the property in counter to the decision that was made by the City Council in respect to the Vacate Order and later, the Order of whether or not this should be a registered Vacant Building; it is your right to appeal that; this is not the correct venue for doing that
-she is looking at the established record and she has to recommend denial of the appeal based upon what she is hearing loud and clear which is, "Yes, this is an occupied property;" believes that it's supposed to go through a code compliance inspection because the C of O has been Revoked; looking why the Summary Abatement Order was written and is hearing that the conditions justify the writing of that Order; and it's terrible that 'here we are' again; she didn't create these circumstances

Mr. Schivone:

-with the VB designation, there would not be an inspection made, correct?

Mr. Singerhouse:

-there was an inspection made prior to this by the Certificate of Occupancy Program in which they Revoked the C of O so, nobody could occupy the building and the file was sent to the VB Program, in which we opened up a Category 2 VB and it will need a Code Compliance Inspection

Mr. Schivone:

-so it can't be checked out before the code compliance inspection (?)

Mr. Singerhouse:

-you see, he needs his Certificate of Occupancy to rent it and in order to get that, as long as it's a vacant building, he has to get his Code Compliance Certificate

Mr. Schivone:

-we don't believe that it meets the definition of a VB

Ms. Moermond:

-if he doesn't pay the VB fees, they will eventually become a proposed assessment, which can be appealed; after time, it becomes an assessment and goes onto the property taxes were he not to prevail
-this is about a code compliance inspection that will lead to a Certificate of Occupancy so that it can become a rental property; if it's almost perfect, that's fantastic! But, that's what needs to happen

Mr. Leadman:

-the tenants, Doreen Day and her sister, Charlene are amazing people; he doesn't want to get into the deadlines that may/may not have been passed; the fact is that

*Doreen and her sister really like this place; it's fixed up very nicely; and they are caught in the middle of this; they don't want to move out
-we're hoping that some compromise can be made to allow them to stay and allow the owner to show the city that he's done a lot of work; this is a nice property; to put them out at this time would be a tremendous hardship for them*

Ms. Moermond:

-she believes that there's some obligation on the part of Mr. Bernier to make sure that they are not 'put out'

Mr. Leadman:

-is hoping that steps can be taken to allow the inspection to take place ASAP

Ms. Moermond:

-there has been no application for the inspection and the information has been available for months

Mr. Leadman:

-just ask the owner and his attorney to do whatever is needed so that Doreen and her sister can stay and not be ordered to Vacate

Ms. Moermond:

*-I sincerely appreciate your coming down; I'm sure they are wonderful people
-if this were case 1 or case 2....you heard me; it's not; this is a pattern of behavior and.....*

-Mr. Bernier, you have to make this right for your tenants

-this is in the control of Mr. Bernier

Mr. Leadman:

-so, is there going to be an Order to Vacate or are we in a situation....

Ms. Moermond:

-right now, they are living in a Registered VB; it's not allowed to be occupied; they were renting a place without a Certificate of Occupancy, which is an illegal act

Mr. Leadman:

-so, my question gets back to, will the city, assuming that this could be done tomorrow or the next day, coordinate an inspection so that the C of O can be reinstated?

Ms. Moermond:

-it can't be done that quickly

Mr. Leadman:

-so, are you issuing an Order or has there been an Order issued that will force my clients to pack up and move out

Ms. Moermond:

-right now, there is an Order to secure the building; and I can't see my way clear to grant an appeal on the Order; we haven't talked yet about a date for this to happen; that's the next question

-Mr. Bernier has put the city in this position too many times

Mr. Leadman:

-he understand that but there are tenants living there right now; and it would be a tremendous hardship for them to move

Ms. Moermond:
-I totally understand

Mr. Leadman:
-so, is there a solution?

Ms. Moermond:
-I don't hold the solution on this

Mr. Leadman:
-so, what will happen going forward, perhaps in the next few days or week or 2 weeks

Mr. Schivone:
-will the Order be enforced without the matter being referred to the City Council?

Ms. Moermond:
-doesn't think that would be appropriate; thinks that CC should hear it before the enforcement
-City Council Public Hearing will take place Aug 17, 2016
-enforcement is stayed during that time

Mr. Leadman:
-perhaps, in the interim, the owner can work with the City and have the city come to inspect... and

Mr. Singerhouse:
-we can set up a code compliance inspection tomorrow if he applied for it

Mr. Schivone:
-there is nothing in the current situation that would cause that to be not done?

Mr. Singerhouse:
-you have to apply for the code compliance inspection; then, the inspectors will come out and do the inspection

Mr. Leadman:
-so in 2 weeks a lot can happen to make it right

Ms. Moermond:
-I will recommend Sep 6 to the City Council

Extension granted to 9/6/16.

Referred to the City Council on 8/17/2016

46 [RLH VBR 16-46](#) Appeal of Bruce Bennett to a Vacant Building Registration Requirement at 1672 THOMAS AVENUE.

Sponsors: Stark

Bruce Bennett, owner, appeared.

Fire Inspector A J Neis:
-was in the Fire C of O Program as a non-owner occupied home
-previously, when Inspector Martin was working under Fire, she had given Mr.

Bennett time to get the building repaired; there is an extensive rehab/remodel going on; in the meantime, Ms. Martin transferred to Code Enforcement; Mr. Neis found that it had been sitting open for a year; work is being done on the house but after it sits for too long, we can keep it open any longer, we have to transfer the file to the Vacant Building Program, according to DSI policy

-are open active permits

-spoke with Mr. Bennett and he is working on the house slowly but steadily as time & money are available

-the exterior is in excellent condition (he went out there); the outside is very well maintained; grass is cut; flowers are blooming; it was hard to tell that the house was unoccupied

-the interior is down to the studs

Mr. Bennett:

-this project is a little bigger than I thought when I bought it

-my initial intention was to either rent it or live in it; I has decided to live in it

-the house was in much worse shape than I thought; the house was owned by a hoarder; we tore out the entire interior - all of it; everything

-as money and time permits, I continue to progress

-all city staff have been more than thoughtful; I appreciate the good will they have provided

-entered a pictorial; hard to photograph framing and not too interesting

-it had 2 separate engineering recommendations for the structure of the house: 1) spring of 2014; and 2) summer of 2015; I adhered to both those recommendations

-Took out the basement floor and installed in-floor heat in the basement

-spent over \$60,000 on the property so far

-is here to appeal the 90 days; I'd like a year to finish this

Ms. Moermond:

-the pictorial will be attached to the record

Mr. Bennett:

-I ordered windows and HVAC system

-I estimated \$60,000-\$70,000

-has the architectural plan that shows the engineering reports, summaries, so the building meets, at least, minimum standards

-as a former city employee and former City Clerk in my younger days, I understand completely what you are trying to accomplish; I endorse that; and I'm uncomfortable asking for special circumstances; on the other hand, the appeals process is wonderful in that it gives us a chance to treat special circumstances

-I am hoping to have a property that is more than adequate

-I'd prefer not to borrow money to finish the rehab; I think that I can do it in a year

Ms. Moermond:

-she wants to position the City Council so that they can create an incentive for the work to be done more quickly; so, if you are done in 6 months time, then half the VB fee goes away

-she has heard good things; this is maintained well and not a problem for the neighbors

-we will put a note in the system that you are allowed to pull permits; we'll let it role into being a proposed assessment and in 3 months, you will have a better idea of where you're at

-the City Council Public Hearing for this will happen in 2017; we will talk again later this year

-wants to encourage you to go more quickly than a year but let's leave the door wide open

Appeal denied; however, owner can pull permits. Note: fee will turn into an assessment and can be appealed at that time.

Referred to the City Council on 8/17/2016