



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, August 16, 2016

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Special Tax Assessments

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

Sponsors: Thao

No one appeared.

Reviewing Police Report only.

Ms. Moermond:
-this police report (attached) is tricky; read out loud:
House should be abandoned, complainant can see an unknown person in the house; can see movement and the blinds moving on the 1st floor; blue house; complainant is watching from her house; complainant cannot describe the suspect; TC called back to get a better address; TC got voice mail; forced entry in rear; need board up crew for front & back doors. Per Paul, Restoration Professionals, crew entered shortly -what she didn't get was the sense that there was an attempt to call anybody; at 7 pm, people are usually accessible

Inspector Joe Yannarely:
-is there a set guideline that the police have for these kinds of things? If not, there should be

Ms. Moermond:
-I agree
-Ms. Chen said that she had left for a conference and wasn't in town; she had gotten a call from the neighbors that they had broken into the house; the neighbors call SPPD
-will recommend approval
-the history shows problems in managing the tenants and managing the house itself

Approve the assessment.

Referred to the City Council due back on 9/21/2016
- 2 [RLH TA 16-360](#) Deleting the Appealed Special Tax Assessment for Property at 454 SMITH AVENUE NORTH (File No. J1612A, Assessment No. 168530).

Sponsors: Noecker

Recommendation is forthcoming. LHO will call Fire Dept for more information.

Ms. Moermond:

-she called Xcel and there were no repairs being done then but there were orange cones around the manhole and Xcel told the owner not to get close to it because there was an underground fire that needed to burn itself out; and there could be explosions

-will LO for 3 more weeks; she will call the Fire Dept

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

- 3** [RLH TA 16-389](#) Ratifying the Appealed Special Tax Assessment for Property at 924 BEECH STREET (File No. VB1615, Assessment No. 168822).

Sponsors: Prince

Approve; no show.

Referred to the City Council due back on 10/5/2016

- 4** [RLH TA 16-380](#) Deleting the Appealed Special Tax Assessment for Property at 500 BUSH AVENUE (File No. J1611P, Assessment No. 168411).

Sponsors: Brendmoen

Delete; waiver on file.

Referred to the City Council due back on 10/5/2016

- 5** [RLH TA 16-387](#) Ratifying the Appealed Special Tax Assessment for Property at 598 CASE AVENUE (File No. VB1615, Assessment No. 168822).

Sponsors: Bostrom

Todd Brazman, owner, appeared.

Inspector Joe Yannarely, Vacant Buildings:

-this is for the annual registered Vacant Building fee; a Category 2 VB file was opened May 14, 2014

-cost: \$2085 + \$155 service chg = \$2240

-code compliance inspection report dated Jan 22, 2016; there are several active permits

Mr. Brazman:

-I'm working on the property

-has an inspection today (1 out of 4)

-I'm leaving town and as soon as I get back, I will be doing the 2nd inspection

-the bldg inspection with Jim Seeger will remain as well as the heating inspection (radiators)

-would like the VB fee waived

-when I bought the house on Apr 20, 2016, I saw that it was a Cat 2 VB and they told me that they had paid or were paying the \$2085 VB fee; later at closing, I found out that either on May 15 or 16, they sent out the letter for the annual renewal; they told me to call someone and tell him what you're doing and see if you can get an

*extension; I called this fellow re this VB fee and he said that.... well, I'm here today
-I have all my permits pulled; I am doing all the repairs
-asked for a break in the cost - half
-hoping I'll be done in Oct 2016 with my wife; I also have a steady job
-asked for what reason he is paying a VB fee*

Ms. Moermond:

-to cover the cost of running the VB Program

Mr. Yannarely:

-it covers responding to complaints about garbage, rubbish, snow on sidewalk, tall grass & weeds, etc; to make sure that it's vacant and secure; we monitor properties that are registered vacant

Mr. Brazman:

*-there were a few boards on the property; he's taken them off and repaired the situations
-I have home owner's insurance; property insurance; so, let's say there was a break-in, I don't see where the city would be responsible for such a thing; I am the owner*

Ms. Moermond:

*-if the house is found open to entry, then the VB Program will go by periodically to make sure that the house is secured; a lot of crime happens inside of Vacant Buildings
-this goes to City Council Public Hearing Oct 5, 2016; at that time, I will ask them to Lay this Over to Oct 19, 2016; if the project is done (permits signed-off), I will cut the VB in half*

Layover to October 19, 2016 Public Hearing and will reduce to half if the repairs are completed.

Referred to the City Council due back on 10/5/2016

6 [RLH TA 16-393](#)

Deleting the Appealed Special Tax Assessment for Property at 910 COTTAGE AVENUE EAST (File No. J1609C, Assessment No. 162012).

Sponsors: Bostrom

Approve; no show.

Referred to the City Council due back on 10/5/2016

7 [RLH TA 16-368](#)

Ratifying the Appealed Special Tax Assessment for Property at 1758 FORD PARKWAY. (File No. CRT1611, Assessment No. 168212)

Sponsors: Tolbert

Approve; no show.

Owner made a 2nd request on August 16 to reschedule again. From looking at the record, owner did not appear on July 19 which was the original hearing date, made no attempt to come on August 2 and wish to reschedule on August 16. Consulted with Legislative Hearing Officer and she denied the request to reschedule. Owner was told to contest at the public hearing on September 7.

Referred to the City Council due back on 9/7/2016

- 8 [RLH TA 16-369](#) Ratifying the Appealed Special Tax Assessment for Property at 1778 FORD PARKWAY. (File No. CRT1611, Assessment No. 168212)

Sponsors: Stark

Approve; no show.

Owner made a 2nd request on August 16 to reschedule again. From looking at the record, owner did not appear on July 19 which was the original hearing date, made no attempt to come on August 2 and wish to reschedule on August 16. Consulted with Legislative Hearing Officer and she denied the request to reschedule. Owner was told to contest at the public hearing on September 7.

Referred to the City Council due back on 9/7/2016

- 9 [RLH TA 16-399](#) Ratifying the Appealed Special Tax Assessment for Property at 327 FRONT AVENUE (File No. J1612A, Assessment No. 168530).

Sponsors: Brendmoen

Joseph Walz, Dreamland LLC, owner, appeared.

Inspector Paula Seeley:

-Summary Abatement Order for tall grass/weeds issued May 6, 2016; compliance May 10; re-checked May 11

-work done May 12 for a cost of \$160 + \$160 service charge = \$320

-sent to: Robert Olson and Occupant at this address; and Dreamland LLC, 708 Lexington Pkwy N

-no returned mail

-no history on the property

Mr. Walz:

-Robert Olson & Phyliss were the previous owners and they owned it for 66 years

-I've owned it since 2013

Ms. Moermond:

-she looked at his letters; Dreamland LLC letter was sent to 708 Lexington Pkwy N, where Mr. Walz lived at one time

Mr. Walz:

-Ramsey County didn't have his correct address; after he got this letter, he changed the address to where he lives now: 3301 1st Ave S #1, Mpls

-I'm Dreamland LLC

-we were noticed by didn't have enough time to remedy the situation

-subsequently, he has purchased an electric mower

Ms. Moermond:

-your Occupant got Notice

Mr. Walz:

-the house is a duplex; the occupant upstairs got the Notice; the one downstairs is responsible for mowing the lawn; the tenant upstairs notified us that someone was outside the property mowing the lawn

Ms. Moermond:

-viewed Ms. Seeley's photos with the Appellant
-the mailing was sent to the address of record with the county; the city did send proper Notice only it went to the wrong Occupant; you learned your address was wrong at the county and changed it
-the grass was too long & shaggy and that's hard on the neighborhood
-you have a good history
-it's a mixed bag for me
-will recommend reducing the assessment by half
-City Council Public Hearing is Sep 21, 2016

Mr. Walz:

-I think that the Notice time is unfair and unjust

Ms. Moermond:

Reduce the assessment from \$320.00 to \$160.00.

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

10 [SR 16-73](#)

Review Request of Owner, Adam Bradley, to a Ratification of Assessment File RLH AR 16-34 Adopted by City Council on July 6, 2016 for Property at 1552 HURON STREET (File No. CRT1609, Assessment No. 168209).

Sponsors: Stark

Adam Bradley, owner, appeared.

Fire Inspector Leanna Shaff:

-Fire Certificate of Occupancy inspection cost: \$196 + \$155 service charge = \$351
-appointment letters were sent: 3/23/15 & 11/6/15
-sent to: Thomas & Nancy Skildum
-Fire C of O invoice was sent 1/4/16 to Thomas & Nancy Skildum
-ownership changed in the Real Estate System on 1/9/16
-Fire C of O invoice was sent 2/3/16 to Thomas & Nancy Skildum
-the responsible party was not changed until 7/27/16 by Fire Inspector A J Neis

Ms. Moermond:

-you are appealing after the fact
-I am reviewing this; it went to City Council on Jul 6, 2016; they adopted it; the next stop is district court
-her understanding is that the bills were sent to the previous owner

Mr. Bradley:

-and they ripped them up

Ms. Moermond:

-then, it turned into an assessment, which attaches to the property

Mr. Bradley:

-at the time, we bought title insurance so we thought that would cover it and they said that they would cover it; then, another bill came with a late fee on it; so, they thought, "This isn't our bill in the first place." But this was done before we moved in; was started Nov 6; and our closing was Dec 30, 2015; I didn't think this was due to us at all
-why is the original owner not responsible for this? I don't get it

Ms. Moermond:

-the Fire Certificate of Occupancy fee is one of several kinds of fees that state law says the city can't attach onto property taxes because the Fire C of O can be construed as a benefit on to the property; so, you have an unpaid bill and the city has the statutory authority to collect that via special tax assessment

Mr. Bradley:

-we are not treating it as a rental property; we are remodeling it right now; may sell or rent

Ms. Moermond:

-whether or not you are using it, it still is considered, under state law, a benefit onto the property

-when you buy a property, you buy the assessments, too

-the seller is responsible for disclosing; your complaint lies with the seller, not with the city

-you bought a Class A bldg; your next inspection is in 6 years

Approve as is. No new resolution is needed.

Received and Filed

- 11 [RLH TA 16-383](#) Deleting the Appealed Special Tax Assessment for Property at 755 JESSAMINE AVENUE EAST (File No. VB1615, Assessment No. 1688220).

Sponsors: Bostrom

Delete; owner received code compliance at time of annual fee due; should have not been assessed.

Referred to the City Council due back on 10/5/2016

- 12 [RLH TA 16-388](#) Ratifying the Appealed Special Tax Assessment for Property at 599 MAGNOLIA AVENUE EAST (File No. VB1615, Assessment No. 168822).

Sponsors: Bostrom

Approve; no show.

Referred to the City Council due back on 10/5/2016

- 13 **RLH TA 16-396** Ratifying the Appealed Special Tax Assessment for Property at 772 MAGNOLIA AVENUE EAST (File No. VB1615, Assessment No. 168822).

Sponsors: Bostrom

Rescheduled per owner's request.

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

- 14 [RLH TA 16-390](#) Ratifying the Appealed Special Tax Assessment for Property at 1202 MARGARET STREET (File No. VB1613, Assessment No. 168815).

Sponsors: Prince

Approve; no show.

Referred to the City Council due back on 9/7/2016

- 15 RLH TA 16-381** Ratifying the Appealed Special Tax Assessment for Property at 1136 MINNEHAHA AVENUE EAST (File No. VB1615, Assessment No. 168822).

Sponsors: Prince

Jay Mitchell appeared.

Inspector Joe Yannarely, Vacant Buildings:

-this is an unpaid VB fee for period Jan 4, to Apr 21, 2016

-Category 2 Vacant Building was opened Apr 22, 2008

-cost: \$2085 + \$155 service charge = \$2240

-there's an active warm air & mechanical permits

-we have a finalized electrical & finalized plumbing

Mr. Mitchell:

-tomorrow, we actually have our warm air & mechanical with Maureen and building with Jim Seeger; we had it scheduled for today but they changed it so that I could come here today; and they go on vacation Thu & Fri

-then, we should get our C of O;

-construction is booming and the inspectors are backed up

Ms. Moermond:

-can you get it done by Sep 1?

Mr. Mitchell:

-as long as I can get a re-inspection by then

-I expect to pass tomorrow but just in case

Ms. Moermond:

-I'm going with 1/3 of the VB fee - \$750 if you're done by Sep 1

-if something comes up, let me know

-explains the timeline of VB fee and assessments

Reduce from \$2240 to \$750 if owner is done by September 1, 2016.

Referred to the City Council due back on 10/5/2016

- 16 RLH TA 16-385** Ratifying the Appealed Special Tax Assessment for Property at 661 ORANGE AVENUE WEST (File No. VB1615, Assessment No. 168822).

Sponsors: Brendmoen

Ed Sarquis, owner, and Jim Seebold, selling agent, appeared.

Inspector Joe Yannarely, Vacant Buildings:

-this is a Category 2 Vacant Building; the file was opened Apr 20, 2016; it was changed to a Cat 1 VB to allow the new owner to rehab; apparently, it has changed hands again; Mr. Magner's position is for it to remain a Cat 1 VB since a bldg permit has already been pulled

-the cost of the annual registered VB fee is \$2085 + \$155 service chg = \$2240

Mr. Sarquis:

*-I am rehabbing the house and appealing the VB fee
-bought the house Jun 27, 2016; he has the Purchase Agreement here; it didn't see any kind of assessments at the time of the title search
-he owned the house for fewer than 30 days when he got the Notification
-we are increasing the value of the house quickly; should be ready to move back in end of Aug or early Sep
-it was shocking to get this Notice; came to find out his options*

Ms. Moermond:

-was there a TISH?

Mr. Seebold:

*-he doesn't recall if there was
-we searched the city website but didn't see anything on the website re this property (Ramsey Co tax assessments and the city website)*

Mr. Yannarely:

-doesn't see a TISH on the record

Ms. Moermond:

*-the fact that this is a Registered Vacant Building should have been disclosed to you; although, the placard on the bldg itself is a big disclosure
-the relevant date to me is Apr 20, 2016, when it entered the VB Program as a Cat 2, which means that it had to sell with a Code Compliance inspection; a TISH is another disclosure document*

Mr. Seebold:

-we asked for a TISH but they would not supply one; it was owned by US Bank & an LLC out of NY

Ms. Moermond:

-I will go with the VB fee that's proportional to the amount of time out of the year that you spend in the VB Program; if you stay in the VB Program thru Oct, 2016, that's 6 months; it will be half the total annual fee

Mr. Yannarely:

-I will refer this to the TISH manager (enforcement)

Mr. Seebold:

-the seller, Castle LLC and Castle 2016 LLC; they were trying to represent it themselves; they hired somebody who said that it wasn't for sale by owner but but we can supply that information

Ms. Moermond:

*-good; that puts people like your client in a horrible position and it is a violation of local ordinance
-City Council Public Hearing is Oct 5, 2016; at that time, I will ask them to Lay this Over to Oct 19, 2016 Public Hearing and reduce the fee if you are finished with the project
-we will check if the bldg is done in our system/the date of the Code Compliance Certificate and prorate your fee accordingly
-we will email you*

Layover to October 19, 2016 Public Hearing; will reduce accordingly when owner is done with the repairs and receives his certificate of code compliance.

Referred to the City Council due back on 10/5/2016

- 17 RLH TA 16-397** Ratifying the Appealed Special Tax Assessment for Property at 719 PAYNE AVENUE (File No. J1609C, Assessment No. 162012).

Sponsors: Bostrom

Abdi Ali, Alka Inc, owner, and another man appeared.

Inspector Joe Yannarely, Vacant Buildings:

-this is the cost for the demolition of the old Marathon Station; the gas station and the tanks needed to be removed

Mr. Ali:

-we are not disputing the dollar amount

-we are moving on to some technical/envirnmental testing; talked with Steve Magner last week

Mr. Yannarely:

-he spoke with the contractor this morning and they are going to finish up this week

Mr. Ali:

-someone told me that we should come to this meeting to talk about the term of the assessment; we'd like 15 years

Mr. Moermond:

-I can give you only 10 years for this type of assessment; that's my limit per code

-I will recommend approval divided over 10 years

Mr. Ali:

-this is a pretty significant cost and we're trying to make it work

-we built 15 years into the development cost

-somewhere along the line, someone led me to believe that we could do 15 years

Ms. Moermond:

-I will call Dan Bayers to let him know that it's 10 years, not 15

Approve and spread payments over 10 years.

Referred to the City Council due back on 10/5/2016

- 18 RLH TA 16-398** Ratifying the Appealed Special Tax Assessment for Property at 719 PAYNE AVENUE (File No. VB1615, Assessment No. 168822).

Sponsors: Bostrom

Abdi Ali, Alka Inc, owner, appeared.

Ms. Moermond:

-will recommend deleting the Vacant Building fee

-there is no building; it has been demolished

Delete the assessment.

Referred to the City Council due back on 10/5/2016

- 19 [RLH TA 16-400](#) Ratifying the Appealed Special Tax Assessment for Property at 863 SIXTH STREET EAST (File No. J1613A, Assessment No. 168531).

 Sponsors: Prince

 Gebi Tufaa appeared at the hearing and stated he is not opposing to the fee but would like to spread the payment over number of years. Ms. Moermond recommends approving the assessment and spreading the payments over 5 years. (No further minutes)

 Referred to the City Council due back on 10/5/2016
- 20 [RLH TA 16-386](#) Ratifying the Appealed Special Tax Assessment for Property at 1109 SIXTH STREET EAST (File No. VB1615, Assessment No. 168822).

 Sponsors: Prince

 Approve; no show.

 Referred to the City Council due back on 10/5/2016
- 21 **RLH TA 16-384** Ratifying the Appealed Special Tax Assessment for Property at 383 UNIVERSITY AVENUE WEST (File No. VB1615, Assessment No. 168822).

 Sponsors: Thao

 Eric Huynh, E-Squared LLC, owner, appeared.

 Inspector Joe Yannarely, Vacant Building:
 -Vacant Building Fee: \$2085 + \$155 = \$2240
 -only 3 months in the program

 Ms. Moermond:
 -will recommend deleting this assessment

 Delete the assessment; only 3 months into the program.

 Referred to the City Council due back on 10/5/2016
- 22 [RLH TA 16-391](#) Ratifying the Appealed Special Tax Assessment for Property at 544 UNIVERSITY AVENUE WEST (File No. J1612A, Assessment No. 168530).

 Sponsors: Thao

 Approve; no show.

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

Special Tax Assessments - ROLLS

- 23 **RLH AR 16-63** Ratifying Collection of Fire Certificate of Occupancy fees billed during March 16 to April 8, 2016. (File No. CRT1612, Assessment No.

168213)

Sponsors: Stark

Referred to the City Council due back on 10/5/2016

- 24 **RLH AR 16-64** Ratifying Collection of Vacant Building Registration fees billed during January 4 to April 21, 2016. (File No. VB1615, Assessment No. 168822)

Sponsors: Stark

Referred to the City Council due back on 10/5/2016

- 25 **RLH AR 16-65** Ratifying Emergency Tree Removal services during December 2015 to May 2016. (File No. J1613A, Assessment No. 168531)

Sponsors: Stark

Referred to the City Council due back on 10/5/2016

- 26 **RLH AR 16-66** Ratifying Demolition services from March to June 2016. (File No. J1609C, Assessment No. 162012)

Sponsors: Stark

Referred to the City Council due back on 10/5/2016

- 27 **RLH AR 16-67** Ratifying Graffiti Removal services during June 1 to 22, 2016. (File No. J1611P, Assessment No. 168411)

Sponsors: Stark

Referred to the City Council due back on 10/5/2016

11:00 a.m. Hearings

Summary Abatement Orders

- 28 [RLH SAO 16-28](#) Appeal of Thomas Rogge to Summary and Vehicle Abatement Orders at 842 CLEAR AVENUE.

Sponsors: Bostrom

Thomas Rogge, owner, appeared.

Inspector Joe Yannarely:

-appeal of a Summary Abatement Order & a Vehicle Abatement Order

-Jul 27, 2016, a commercial vehicle was found parked on this residential property; also, tire, wood, metal siding, aluminum, paint cans, buckets, etc. throughout the property; and trailers parked outside

-inspector notes: property owner said that he will have the yard and contents of the trailers cleaned up soon but would not allow me to enter his property to take photos; all photos had to be taken from the alley and public sidewalk

-photos in file

Mr. Rogge:

-Inspector Ed Smith came back and took photos

-Mr. Smith said the yard was fine

-he & LHO viewed photos; some are prior to the clean-up; he was getting ready for a charity sale; also photos taken of the cleaned-up yard; 2 sets of photos

-the truck is not a commercial truck; it's a 1-ton van; he looked at code and it's under all the size & weight limits; the truck is used as a recreational vehicle; it was parked there 1 1/2 years ago and it wasn't a problem; it's not used for any commercial use; we go camping with it; sometime, we bring some dirt bikes up there to my family's land; he will put windows in it and register it as an RV if he needs to

-the story is that Inspector Seeley drove down my street; she was told 1 1/2 years ago to never go to my property; Ms. Seeley incited this; she went to Steve Wagner; they sent out Inspector Ed Smith; my file was supposed to be closed 1 1/2 years ago but she won't stop coming by my property; Mr. Wagner told me 1 1/2 years ago that Ms. Seeley is not allowed to go near his property; I talked to Mr. Wagner last week and he said the same thing; he said, "I'll make sure that Paula Seeley does not drive down your street;" he said the same thing 1 1/2 years ago when they were supposed to close my file

-we have a charity sale every year around this time; there was stuff: lawn mowers, bikes, etc; I've done it every years for 10 years on my property

-plus, I'm disabled at this point; I have a severe neck and back issues; I'm not even working

-you'll have to talk with Ed Smith to see if it was OK now that I cleaned it up from getting ready for the sale; he was supposed to put a note in there saying that the sale was coming in Aug

-in short, I'm being harassed by Ms. Seeley every year

-none of my neighbors have trouble with my yard or that truck; further more, you can't see into my yard from the street or alley; I have an 8-ft embankment & garden in front; I have a 5-ft embankment in the back; I have fences on both sides; you can't see into my yard from the stret or alley; there was no citizen complaint; this was sparked by Paula Seeley, as usual; after I leave here, I'm going to the Mayor's Office; I'm tired of her; why isn't she here? Ed Smith said that he's been driving by my property for the last 1 1/2 years and has never written up anything; this is upsetting!

-all the stuff is gone

Mr. Yannarely:

-Mr. Smith's notes: there are numerous property is clean and in compliance listed in the file: 7/13, 6/22, 6/1, 5/16, 4/25, 4/14, 3/23, always clean; in compliance

Ms. Moermond:

-asked, "What's the definition of commercial vehicle?"

Mr. Yannarely:

-an over weight vehicle is more than 6000 lbs; is registered for a gross weight of more than 9000 lbs; is greater than 22 feet in length; is 7 1/2 feet in height; this would exclude recreational vehicles

-this truck doesn't have commercial plates; doesn't have RV plates either

Mr. Rogge:

-Ed said that I should probably look into RV plates because that's what it's used for; I told him that I would look into it; also, to put a window in it

-it's a 1-ton van with a box on it; under 22 ft in length; not over width; not over weight restrictions; not used for business now or ever

Ms. Moermond:

*-I will ask traffic people (SPPD) to see how they would interpret it (seeking outside advice on the definition)
-is happy to consider whatever info you can provide
-while this is under appeal, enforcement is stayed*

Mr. Rogge:

*-suggested looking at info on RVs
-asked if she'd consider what he said about Inspector Paula Seeley*

Ms. Moermond:

-I heard what you said and has heard both of them for years; thinks the feeling is mutual and thinks that it's good there's a different inspector; but this personality conflict is a human resource issue that goes to her boss, not to me; I need to focus on the vehicle, the ladders, the wood, etc, on the Orders

Mr. Rogge:

*-1/12 years ago, Ms. Seeley came by the house; she wrote Ed Smith's name on a bogus report; DSI threw it all out and said that they were going to close the book on it
-and, my ladders have always passed every inspection
-thinks she should talk with Ed
-I cleaned up everything on the Order; I want this done; I want this closed
-I have a procedure that will be done on my neck this week; when can I get in front of City Council?*

Ms. Moermond:

*-I will look for that additional information
-City Council Public Hearing Sep 7, 2016
-will send you an email next Tue or Wed with my recommendation*

Recommendation is forthcoming.

Referred to the City Council due back on 9/7/2016

1:30 p.m. Hearings

Fire Certificates of Occupancy

29

[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

Ben Bump, Twin Cities Home Rental, management company, appeared.

Fire Inspector A J Neis:

*-Fire Certificate of Occupancy with deficiencies
-you laid this over to today to get a Work Plan from the Appellant
-On Aug 12, Inspector Franquis went out to verify that the bed was gone & the immediate life safety issues (smoke/CO detectors) were taken care of; if those items were done, the Appellant would provide an approved Work Plan for the remaining items
-items 18, 24, 26, 32, & 33 - DONE; access was allowed to the entire bldg; no additional items were added to the list*

Mr. Bump:

-the Plan - they broke the plan into 3 sections for financial reasons

-1) list to complete with handyman by Sep 15, 2016

-2) concrete items by end of Sep

-3) electrical items by Oct 15, 2016

-that gives us time to select contractors and generate money to pay them because at this time, we are about \$5000 in that we paid for the owner (roof on the garage, etc.)

-as the owner pays it down, we do more work; a lot of money is needed -this is such a large list

-the gas line in the back storage room will be unplugged by Sep 15

Ms. Moermond:

-I'm looking at priority 1 items (safety concerns)

-#11-side entry door knob: is the first one I think should be handled right away; she doesn't want to go out to Sep 15 on this one; I'm going to give you the fast list

Mr. Bump:

-it is hard to get into this building with these tenants; it's been a challenge for the past year; that door goes into the basement; need to get inside

-everything on the exterior has been done

Ms. Moermond:

-I have a problem with door knobs, especially for getting out of a bldg in case of a fire

Mr. Bump:

-this is a side door; there is a front and back door, as well

Mr. Neis:

-a side entry door is not, technically a required exit; in the past, they could screw it shut and we'd be OK with that as long as it's obviously marked, "Door Blocked" or "Door not Accessible;" it's not a required egress so as long as it's rendered inoperable and known to the occupants and fire fighters as non accessible; however, if it's there and the intent for it is to work, then, it has to work; the easiest thing to do is to install a door knob to make it work

-make sure #18, #19 (DONE) and #20 are done:

Mr. Bump:

-I can go over and make sure that #20 is done (gas line near back storage room)

Mr. Neis:

-the ceiling fan is not properly secured; it needs tightening NOW

-there's a lot of property maintenance to be done

Ms. Moermond:

-I want a copy of the Work Plan with 2 changes: door knob & gas line done by Sep 1, 2016

-other deadlines are fine

-City Council Public Hearing Sep 21, 2016

Grant until September 1, 2016 for the door knob and gas line issues to come into compliance; grant compliance deadlines as outlined in the proposed work plan for the rest of the items. Owner to submit a copy of the work plan.

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

DALE STREET NORTH.

Sponsors: Thao

Rescheduled per owner's request.

Laid Over to the Legislative Hearings due back on 8/23/2016

31 [RLH FCO
16-128](#)

Appeal of Casey A. Swaim to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 886 EDMUND AVENUE.

Sponsors: Thao

Casey A Swaim and Terese M Quaale, owners, appeared.

Fire Inspector A J Neis:

-Fire Certificate of Occupancy Correction Notice issued by Fire Inspector Laura Huseby

-Appellant is appealing 2 items: 1) maintain parking surface; and 2) repair the roof/eaves

-photos of parking surface

Ms. Swaim:

-I have photos of my parking area and other parking surfaces around my neighborhood

-the parking area was asphalt; there's a lot to dig up; there's quite a few in the area, including next door, that are in no better shape than that; I don't know why it's such a big deal

-this is an inherited houses that we want to

Ms. Quaale:

-the addresses are on the back of the photos; couldn't get addresses on most of the houses down the alley

Ms. Swaim:

-our ultimate goal is to sell the property to an investor; the repairs will cost more than what we can handle; we can't afford it

-we are really looking to get some kind of extension; this parking thing has really gotten to me

Ms. Moermond:

-asked how much of the back yard is parking; it's looks like a combination of Class 5 and asphalt

Ms. Swaim:

-it was all asphalt; there's a little area of Class 5 that was approved - where the trailer is parked

Mr. Neis:

-that class 5 is maintained very nicely with landscaping timber; looking at the photos, it looks like a lot of the other area ran amouk; some weed killer and more landscaping timber would work

Ms. Swaim:

-there's a metal shed in the corner; outside the chain link fence is parking - pavers up to the back porch and garden behind that thing

-financially, we can't get this done by Sep 15

-our goal is to find an investor, sell it to someone who'd want to assume the repairs

Mr. Neis:

-from the photos, it hard to see how bad the asphalt actually is; weed killer will go a long way to find out what the real condition is; landscape timbers are only about \$2.84 at Home Depot; cleaning the area up will really help

Ms. Moermond:

-concerned that we have to much blacktop surfacing and adding Class 5 is not going to fix this; either you need to do new asphalt or scraping it up and starting with a new kind of surface

-I'm not willing to do a deadline way out into the future; I want something more concrete

-if you don't get an offer that you can accept, you will be holding the bag

-I'd like to see a drawing of the back yard with definite areas outlined

Ms. Swaim:

-we need 2 parking spots for each unit; it's a duplex (4 pkg spots total)

Ms. Moermond:

-we need a plan on how you want to address this

-will Lay this Over for 1 month; during that time, you can take some steps - try some weed killer to see what's underneath for surface (Class 5 or asphalt), landscape timbers, etc.

-in terms of the shingles, eaves, I'm willing to go out to Jul 1, 2017

-want to get something firmer on the parking spaces

Mr. Neis:

-call DSI, 266-8989 and ask for Zoning; they can give you advice on the right depth for a pkg space abutting an alley, etc.

Ms. Moermond:

-Layover to Sep 20 LH; come back with a plan; claim more yard; less asphalt

Layover to September 20 for work plan from owner on how to address the parking surface; grant to July 1, 2017 for compliance on the roof and fascia.

Laid Over to the Legislative Hearings due back on 9/20/2016

32 [RLH FCO](#)
[16-129](#)

Appeal of Zaw Wai to a Correction Notice-Complaint Inspection at 933 FIFTH STREET EAST.

Sponsors: Prince

Zaw Wai, Mon Mon Zaw Htun, owner, appeared.

Fire Inspector A J Neis:

-Correction Notice as a result of a complaint issued by Inspector James Thomas

-4 minor code deficiencies were identified: extension cords, missing cover plates, pest control extermination and repair thresholds

Mr. Wai:

-regarding pest control: before they moved in, we had already cleaned

-they always complain about the rent money and always pay late and not all of it; so, they complain to the city about the house; they make trouble for us because they don't want to pay

-we don't need pest control; we always clean our house each time tenants move

-he brought in examples of the types of pest controls that they use
-really, appealing only the pest control; the other things, he will fix

Mr. Neis:

-the inspector wrote up extermination so, I'm assuming that he found evidence of the need

-another violation identified: leaking water in the basement; there were puddles on the floor; typically, cockroaches are attracted to water sources (moisture, mildew, boxes in the basement)

-the code is not very clear on whether or not a professional is required to do an extermination; and since the house is vacant, there's nothing that would prohibit the owner from making a reasonable attempt to control the pests

Mr. Wai:

-the tenants moved out; no one is there now

-after I used the pest control products, I did not find any evidence of dead pests (roaches) because there were none in the house

Ms. Moermond:

-I almost always push for professional extermination but looking at the products and your not finding evidence of any dead pests, she will recommend granting the appeal

Grant the appeal on the extermination of insects, rodents or other pest issues.

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

33 [RLH CO 16-33](#)

Appeal of Timothy J. Spann to a Correction Notice - Complaint Inspection at 731 VAN BUREN AVENUE.

Sponsors: Thao

Timothy J Spann and Rodney Spann, appeared.

Fire Inspector A J Neis:

-Correction Notice generated by a complaint inspection issued by Fire Supervisor Shaff

-this property does not have a Certificate of Occupancy

-his understanding after speaking with Ms. Shaff today, is that this house was previously owner-occupied; and the owner of record, Annie L Spann, is deceased; the house is currently in some type of probate, where there is no responsible party who can take over the property (tied up in probate; not willed); there are issues with the mortgage company in transferring over the names; at this time, they are not willing to transfer it into the possession of the relatives; so, we are basically dealing with a house without an owner and since there's no owner, we cannot verify that there's a responsible party

-the C of O cannot be applied for the owner cannot sign up to say who they want their responsible party to be

-we have had no access to the building

-now, it's a matter of when the building should be vacated, since there is no owner of record or responsible party

Mr. Timothy Spann:

-his mom, Annie, passed in Oct 2015

-he is an over-the-road truck driver but hasn't been working since last Mar because he was diagnosed with cancer, so he was being treated for cancer; last Fri, he obtained a letter from his Dr. saying he could go back to work

-he was intending to hire an attorney and get the house put into his name but he has

7 siblings (1 in CA; the others live here)

-he and his nephew, Rodney, live in the house; he was not getting an income; his nephew was paying most of the mortgage; he had to even get on welfare; he is pleased to be able to go back to work and he intends to start his own company with his fiancé in fewer than 2 years

-he needs a little more time to get an attorney to put the house in his name

Ms. Moermond:

-you will need to go through probate, which doesn't necessarily translate into putting the house into your name

Mr. Timothy Spann:

-there were also 3 mortgages on the property; my mom was telling him how his uncle got the house for her: when the mortgage was completed, there'd be a balloon payment of \$20,000

-his mom always wanted that house to be for her kids; it meant a lot to her; he decided to fight for the house but as soon as he made that decision, he found out that he had cancer

Ms. Moermond:

-where are the other heirs at with about probate? A lot of you will be affected by probate action; Have you had a family meeting about this?

Mr. Timothy Spann:

-he's talked with just a few of his siblings; will talk with more of them

Mr. Rodney Spann:

-there won't be any problem with the siblings because we are the only ones who want to keep the property; we are paying every month

Ms. Moermond:

-you will need a few grand to get through probate

-and in order to look at the arrangement of not having a C of O... etc, is making her nervous; and I'm not willing to wait for money to come; you will need to work with your siblings, etc....

-use the guidance of your attorney

-what Fire Prevention wants to do is to say that the place should be vacated because there is neither an owner nor a responsible party; so, to allow continued occupancy, I need to know that probate is in progress & I'd want you to get a Certificate of Occupancy inspection

-if you are in the probate process, I can see nursing this through; I can't see waiting; hire a probate attorney - no bargain attorney or you'll never get out of probate

-during this coming probate process and getting back to work, you want to continue to live in this house; and I don't feel comfortable allowing this to go on indefinitely; I need to move this forward

-I will need to see a plan by Sep 6, 2016 LH; meet with an attorney; he can write it up quickly

Appellant to bring a plan to hearing related to the probate situation.

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

2:30 p.m. Hearings

Vacant Building Registrations

34 [RLH VO 16-35](#)

Appeal of Karl W. Jorgenson to a Condemnation and Order to Vacate at 417 JESSAMINE AVENUE EAST.

Sponsors: Brendmoen

Karl W Jorgenson, owner, appeared.

Fire Inspector A J Neis:

-Correction Notice Complaint Inspection that turned into a Condemned Vacant Building conducted Jul 27, 2016 by Fire Inspector Brian Schmidt

-noted that the paperwork on this file is screwed up

-asked Mr. Jorgenson if the power was back on

Mr. Jorgenson:

-the power is back on

Mr. Neis:

-if the utilities are back on, we need to go back out and do a Fire C of O inspection on the bldg

Mr. Jorgenson:

-my appeal is asking for 10 days to comply with the Orders

Mr. Dornfeld, Vacant Buildings:

-we have no problem

-they will unwind the VB status on this property

Mr. Jorgenson:

-the power was shut-off because Xcel claims that he owes them money on the MPLS property; he filed a Public Utilities Commission complaint about that because I don't owe money; so, Xcel asked St. Paul to lean on me

-he is between tenants; he is cleaning/painting; no tenants in the bldg

Ms. Moermond:

- will recommend your appeal on the Condemnation/Order to Vacate is granted as the power has been restored; therefore, you should be released from the VB Program, as well

Grant the appeal on the condemnation and order to vacate as power has been restored. Owner is also released from the Vacant Building Program.

Referred to the City Council due back on 9/7/2016

35 [RLH SAO 16-23](#)

Appeal of Craig Deuth, Manager, to a Summary Abatement Order at 659 MANOMIN AVENUE.

Sponsors: Noecker

Craig Deuth, Manager, appeared.

Matt Dornfeld, Vacant Buildings:

-we received a gas/electrical shut-off complaint from Xcel Energy on Jul 21, 2015

-code enforcement Inspector Kaisersatt investigated and confirmed the shut-off; he issued a Correction Order to restore utilities; there was no compliance as of Aug 10, 2015; all parties were unresponsive

-Inspector Kaisersatt condemned the property and transferred it to the Vacant

Building Program

-Aug 20, 2015, Inspector Dennis Senty opened a Category 2 VB
-Jun 17, 2016, Inspector Gavin noticed a foreign sign in the front yard with a phone number on it; she issued an NCC letter, which says that the property can't be occupied until it has gone through the code compliance inspection process; she tried calling the number on the sign several time but was not allowed to leave a voice message; she noted that the property was vacant and secured
-Jul 1, 2016, Inspector Gavin reinspected the property; documented that it was vacant and secured; the foreign sign was still posted; left message with Deuth Management, stating they need to have a code compliance inspection performed and signed off before occupying
-Jul 15, 2016, Inspector Gavin noted that the house appears to be occupied; VB placards removed; boxes & items inside of house; no answer at the door; Inspector Dornfeld posted letter and tried to contact owner Mon
-Jul 16, 2016, Inspector Dornfeld tried to occupy the property; on numerous attempts, could not touch base with the property owner
-we issued Summary Abatement Order to Vacate and Board

Mr. Deuth, Property Manager:

-I was called by the owner to manage the property
-I did receive a call on the 1st (got the message 3 days later); we had moved someone in on the 1st; I was unaware before; so, I called the owner and told him that he purchased a VB and he called Diane; he also called Jim Seeger and set up an inspection
-on the 15th, the tenant called me and said that there was a Vacate Notice; I called Diane, who was on vacation, so I filed the appeal; I didn't want to the tenants to have to move out - they have 3 kids
-the owner said that he had no idea; the owner, John, seems to be a very good guy
-we had Jim come out, the electrician and the plumber doing work
-we're trying to get the work done ASAP; don't want to tell the tenants they need to leave; they are not being charged rent, obviously
-if the items were hazardous, he'd have no problem moving them out
-owner purchased the property on a sheriff's auction on Nov 12, 2015, so, he did not own the property when it was condemned; he called me after the 6-month redemption period and asked me to shovel snow and mow the lawn until it came out of the redemption period

Mr. Dornfeld:

-we do have a Sale Review process; he wasn't informed of it

Ms. Moermond:

-the owner bought the mortgage certificate Nov 12, 2015
-there should have been a TISH, which is the responsibility of the seller; so, go after the financial institution

Mr. Deuth:

-he bought a sheriff's certificate of foreclosure
-when he called Mr. Seeger, he had a 3 week lag

Mr. Neis:

-would that even require a TISH because it's not a conventional sale (?)

Mr. Dornfeld:

-is not anticipating there being a problem with the property
-Mr. Deuth and I need to communicate

Ms. Moermond:

-it still requires a TISH; the bank is no different from any other owner (except for HUD)

-if you can get your Code Compliance Certificate by Sep 12, 2016, the house will not need to be vacated; if you can't get it by Sep 12, the house will need to be vacated

Deny appeal and grant to September 12, 2016 for compliance.

Referred to the City Council due back on 9/7/2016