



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final

Legislative Hearings

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651-266-8585

Tuesday, October 18, 2016

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Special Tax Assessments

- 1 [RLH TA 16-504](#) Deleting the Appealed Special Tax Assessment for Property at 10 BELVIDERE STREET WEST. (File No. VB1703, Assessment No. 178803)
- Sponsors:** Noecker
- Delete the assessment as the 2016-2017 vacant building fee is not due until October 1, 2016 and the assessment was processed in error. (No hearing necessary)*
- Referred to the City Council due back on 1/4/2017**
- 2 [RLH TA 16-505](#) Ratifying the Appealed Special Tax Assessment for Property at 1386 CHELMSFORD STREET. (File No. J1701A, Assessment No. 178500)
- Sponsors:** Stark
- Cynthia Meyer, owner, appeared.*
- Inspector Paula Seeley:*
- Summary Abatement Order to cut vegetation & cut down tree that's obstructing the public sidewalk sent May 24; compliance Jun 29; re-checked Jun 13 & Jun 29
 - 2 Work Orders: 1) 7th; and 2) 19th
 - 1) to cut vegetation along the sidewalk; and 2) contract to have tree cut down
 - SA states: There are trees, bushes, plantings, vegetation, trees, etc. growing over public sidewalk and/or curb/street. Cut/trim or remove & property dispose of any trees, bushes, plantings, vegetation, trees, etc that are obstructing the alley, public sidewalk/curb/street. Including large tree grown over sidewalk.
 - sent to Cynthia Meyer & Occupant at this address
 - no returned mail
 - cost: \$1374
- Inspector Lisa Martin:*
- looks like a SA was sent out and work was done by owner; I believe that the inspector should not have issued the PAEC for \$120; that should be deleted
- Ms. Moermond:*
- in reviewing this file, there's an Excessive Consumption charge out there; it appears

that charge was because the work wasn't done on time; at the same time, a city crew got sent out to do the cleanup work and you were charged for that; you should not be charged for both things; before we go any further, I would like to see if we can't get that \$120 off you taxes, if it's gone that far; (if it's in billing, we'll figure that out)

*Ms. Seeley:
-it says it's been cancelled*

*Ms. Moermond:
-where does it say that*

*Ms. Seeley:
-when you go into the bill, under the folder, under the fee*

*Ms. Moermond:
-so the worksheet wasn't prepared accurately*

*Ms. Seeley:
-I can't really figure out the cost; I went into everyone of Parks' charges and when I add it up, it comes to \$1414 minus \$160 = \$1254*

*Ms. Moermond:
-so, what are you looking for today?*

*Ms. Meyer:
-ultimately, I'd like the fee waived but what I think would be most fair (gave MM some paperwork); I spoke to Ms. Martin both in person, by phone and we exchanged emails; I told her from the very beginning that I had never received a letter from the city and I haven't gotten any verification that either it's been sent or that I had received it; I told Ms. Martin that I had had Rainbow Tree come out and do work on her house & I have both the estimate and paid bill; and with them, I decided not to have that one particular tree cut down because I didn't think it was problematic; the cost to have that tree cut down would have been \$410 if I had done it at the time; so, ultimately, what I think is fair would be to have me pay that amount of money for what it would have cost me to take down the tree at the time; I had no idea that there was City Order; if I had, I would have done it when Rainbow Tree came out May 19, 2016 (the bill shows)*

*Ms. Moermond:
-looks like the City Order came out May 24, 2016*

*Ms. Meyer:
-I had no idea that there was any City Order; when they came to my house, I saw them outside my house; it was after a big storm and I didn't have any power for a couple of days and I thought it was Xcel Energy out there
-as I mentioned in my statement, Ms. Martin said that people from the City had come out on numerous occasions and nobody dropped off a letter; I never received another Notice; I had no idea whatsoever that this was going on until the crew came out in Jul to cut down the tree
-and separate from that, the crew just cut everything, both on my property and my next door neighbor's property, which made my neighbor extremely angry - we were out there for well over an hour with my next door neighbor getting into this huge argument with the tree people; the tree people threatened to call the Police and have him removed from the property; it was horrible; it was many hours, all of which I assumed I was being charged for*

VIDEO - crew cut tree overhanging the public sidewalk and trimmed back some other trees, too

-they went down the entire row along my property and my neighbor's; they had no idea

Ms. Martin:

-2 letters went out: 1) Ms. Meyer; and 2) Occupant

-no returned mail

-I've met with Ms. Meyer and I believe that it was the same day that the City crew was out there because she and the neighbor were very upset; they didn't think that the way the cut the trees wasn't the correct way to do it; it was going to kill a lot of the growth that was there providing privacy

-we contacted Nate Edwards, who I believe, also came out there

Ms. Meyer:

-what Mr. Edwards said that "This system was developed for properties in Frogtown in which properties have been abandoned; and it's not likely always very effective in alerting home owners who live in properties when problems are noted;"

Ms. Moermond:

-I've been doing this job for many years and I have never heard that before in my life

Ms. Meyer:

-I was shocked! He came out; the dept came out - her neighbor was really angry

-I think that's it's possible that a mistake was made and I really did not receive a letter; and I would have had the tree cut down had I known that it was problematic; it seemed so punitive to not be believed and then, to have a shoddy job done (has photos; looks like branches had just been broken off); Ms. Martin was surprised also -to be charged for that terrible job is adding insult to injury

-the scene was horrible; what happened was horrible; I feels unfair

Ms. Seeley:

-if there were any questions about hurting any of the bushes or trees, I think that Carl Mueller would go out in a heartbeat and say, "No, this is not going to effect the growth of these trees;"

Ms. Meyer:

-I had an estimate (\$410) for what it would cost to have that tree cut down and had I known that the tree was in violation of anything, I would have had the work done at the time

Ms. Moermond:

-and you couldn't have had the Order at this time because the Order issued the week following the work you had with the trees but it does demonstrate that you were taking responsibility for managing the trees on your property

-will Lay this matter Over for a month; I want to talk with Mr. Edwards and I would like to show this VIDEO tape to our Forestry guys just for peace of mind to see if they can tell us anything

-City Council Public Hearing Jan 4, 2017

-I will look at this a little bit more carefully

Layover for Legislative Hearing Officer to talk to Nate Edwards, Forestry.

Laid Over to the Legislative Hearings due back on 11/15/2016

CURTICE STREET EAST. (File No. CRT1702, Assessment No. 178201)

Sponsors: Noecker

Approve; no show.

Referred to the City Council due back on 1/4/2017

4 RLH TA 16-501 Ratifying the Appealed Special Tax Assessment for Property at 991 DAYTON AVENUE (File No. CRT1702, Assessment No. 178201).

Sponsors: Stark

Ruthelle West, owner, appeared.

Supervisor Leanna Shaff:

-Fire Certificate of occupancy

-cost: \$237 + \$155 service charge = \$392

-letters sent out on Apr 28, May 24, 2016 and Jun 15, 2016

-billings sent Jun 17 and Jul 18, 2016

-no mail returned

-all letters & billings went to Ms. West, 916 Hague Ave, St. Paul

Ms. West:

-looking for the dismissal of the administrative fee

-I thought that I had paid it back in Jan; however, I paid for my property at 396 instead

-what happened is that the fire inspector came out on Lexington a total of 3 times and charged me \$70; I wanted to appeal that re-inspection fee; I found out that there was no proper way to appeal that until I got a gold card; so, I was waiting for a gold card for 396 when the gold card for 991 came so, I sent it in

-I should not have paid for 396 but I did

-I also have a bill for the \$70 re-inspection fee

-it's mixed up; I got confused

-I own 4 properties

-I'd like to pay just the \$237

Ms. Moermond:

-the \$70 / 396 are not in front of me today

Ms. West:

-I was waiting for the gold card for 396

Ms. Moermond:

-this bill says it's for 991 Dayton C of O fee

-I can't help you with lowering the bill for this one

-the \$155 is what they are charging to process this as an assessment because it wasn't paid when it was billed

-the city incurred the cost

-your next stop is the City Council public hearing

-follow up with Inspector Neis, 266-8992

Approve.

Referred to the City Council due back on 1/4/2017

- 5 [RLH TA 16-499](#) Ratifying the Appealed Special Tax Assessment for Property at 1455 EDMUND AVENUE. (File No. J1614A2, Assessment No. 168552) (Legislative Hearing on October 18)

Sponsors: Stark

Approve the assessment. Adam Abbajifar stated he won't be attending Legislative Hearing but will attend Public Hearing.

Inspector Lisa Martin:

-Sep 6, 2016 LH; City Council Public Hearing -Oct 5, 2016, which was continued for Moro interpreter

-total cost: \$160 + \$160 = \$320

-gold card returned by Adam Hashim Abbajifar, who appeared Oct 5

-Summary Abatement Order

-nuisance: tall grass & weeds

-Correction letter sent Jun 15, 2016; compliance Jun 19; re-checked Jun 21 and blvd was not cut; so, a SA was sent on Jun 22 with a compliance date of Jun 27

-work done Jun 30, 2016

-no returned mail

-this is a Category 1 Vacant Building since Aug 8, 2016

-has VIDEO

VIDEO - city crew cut the tall grass & weeds

Ms. Moermond:

-please, retain the Video

-will recommend approval of the assessment

Referred to the City Council due back on 10/19/2016

- 6 **RLH TA 16-468** Ratifying the Appealed Special Tax Assessment for Property at 1003 EUCLID STREET (File No. J1701A, Assessment No. 178500).

Sponsors: Prince

Natasha Geilman and Eric, ABC International LLC, appeared.

Inspector Paula Seeley:

-Summary Abatement Order issued Jun 30; compliance Jul 4; re-checked Jul 8

-work done Jul 11 for a cost of \$160 + \$160 service charge = \$320

-for tall grass & weeds

-history: Jun 8, 2015 orders on trash; 7-8-16 orders on a dresser near the garage

-sent to Urban Enterprise (Josh Limberg), 4542 Nicollet Ave S, Mpls; ABC

International LLC, 3818 Brookdale Cir No, Brooklyn Park, MN; and to Occupant

-no returned mail

Ms. Geilman:

-we are not opposing the grass cutting; we are both retired; this rental; we hired BLM and had a letter confirming the contract; they turned out to be real crooks; Section 8 was paying them; they were not paying us; at that time, the owner of BLM was dying; I talked to his wife and she said that they would send someone to cut the grass; Alex went and checked (brought pictures) and the grass wasn't cut; at that time Josh appeared; my email to Josh, who also went and checked; on Jul 2, after we had received the letter, they went bankrupt on Jul 10 and they told us to stop calling them; Josh also sent an email after he went to check the grass and said that it didn't look bad but that it needed to be cut soon; when we found out that BLM hadn't done

anything, we sent another person to do it but it was too late; now, the tenant is requesting the deposit back and we never received it
-it's a very unpleasant story
-asking for understanding; we did what we could; we paid for the grass to be re-cut
-they submitted letters, emails and photos

Ms. Moermond:

-I'm sorry that you found yourself in this position - that the company was less than honest & helpful with you

Ms. Geilman:

-we aren't the only ones

Ms. Moermond:

-I believe that I've heard a little bit about the situation from others
-the city did send a crew out to cut the grass and the city isn't in the business of subsidizing; the city gave proper legal Notice to 3 different parties: Occupant, ABC and Urban Enterprise

Ms. Geilman:

-the address on file for ABC is actually my address and not ABC's address
-Urban Enterprises only came to the scene later

Ms. Moermond:

-ultimately, the job is your responsibility; the grass was over 1 foot tall
-you've got a mess on your hands; I'm sorry
-will recommend approval spread over 2 years

Approve and spread over 2 years.

Referred to the City Council due back on 1/4/2017

- 7 [RLH TA 16-502](#) Deleting the Appealed Special Tax Assessment for Property at 665 MAGNOLIA AVENUE EAST. (File No. VB1703, Assessment No. 178803)

Sponsors: Bostrom

Mario Lopez, owner, appeared. Laura Carroll interpreted.

Inspector Joe Yannarely:

-annual Registered Vacant Building fee
-cost: \$2085 + \$155 service charge = \$2240
-entered VB Program Aug 8, 2013
-Code Compliance Approval received Oct 7, 2016, just 2 months after the anniversary date
-recommends deletion

Ms. Moermond:

-will recommend the VB fee be deleted

Delete the assessment.

Referred to the City Council due back on 1/4/2017

- 8 [RLH TA 16-411](#) Ratifying the Appealed Special Tax Assessment for Property at 665 MAGNOLIA AVENUE EAST. (File No. J1614A, Assessment No.

168537; Amended to File No. J1614A1, Assessment No. 168551)
(Public hearing continued from October 5; Legislative Hearing on
October 18)

Sponsors: Bostrom

*Mario Lopez, owner appeared.
Laura Carroll, PED, interpreting*

Marcia Moermond:

*-a summary abatement was issued to Mr. Lopez and noted a few things: mattresses,
box spring, buckets, junk and rubbish in back by garage/alley with a May 5th
deadline.*

-strange because it's a May 25th order.

*-immediately secure all building - looks like the vacant building got broken into and
doors need to be secured right away*

Laura Carroll:

*-he says all of the trash in the alley was thrown by the neighbor so he had contacted
the police*

*-none of them are his but he has actually cleaned up all of the rubbish left on his
property*

-not a problem since then

Marcia Moermond:

-asking what about the securing the bldg., did someone break in?

Laura Carroll:

No and he has put a light in the alley

Joe Yannarely:

-there had been 20 work orders in 3 years

Laura Carroll:

-he has completed renovation of the house with new windows, air conditioning

Marcia Moermond:

-asking what is the plan?

Laura Carroll:

-he would like to sell the house

Ms. Moermond:

-was he still appealing the the SA order

Laura Carroll:

-yes, but vacant building was the bigger issue but if she can lower it, it will be great

Ms. Moermond:

*-she don't have the video but because of history of 20 work orders to take care of
property, she needs to verify everything. And securing the garage doors, would that
parks or respro*

Mr. Yannarely:

-that would be respro. If they do did it, there would be a receipt. (checking)

Paula Seeley:

-there are photos.

Laura Carroll:

-he bought the house in January so those 20 work orders are not his, he has been taking care of the yards

Mr. Yannarely:

-there has been 2 SAs and 1 Wo since Jan

Ms. Carroll:

-that was due to the neighbor's trash

Ms. Moermond:

-she will ask the video and look at the video. We can call or he can come to the public hearing. If you are going to be selling it, divide over few years but wouldn't be practical because it won't be carried over to the next owner.

F/U: from viewing the video, the items in the video were the same items in the photos: buckets and rubbish in front of the garage (looks like mattresses and box spring mentioned in the SA were not included in the fees here because it was abated). Approve and spread over 2 years.

Referred to the City Council due back on 10/19/2016

9 RLH TA 16-506

Ratifying the Appealed Special Tax Assessment for Property at 1028 MARGARET STREET (File No. VB1703, Assessment No. 178803).

Sponsors: Prince

Brent Molitor, Greystone Construction & Remodeling Inc, appeared.

Inspector Joe Yannarely:

-this is a Category 2 Vacant Building; anniversary date Jun 24, 2016

-Fire Certificate of Occupancy was Revoked

-needs a Code Compliance Inspection Report

-VB fee \$2085 + \$155 service charge = \$2240

Mr. Molitor:

-the building was ready to go but it was a rental property; we had an inspection on May 31 but she wouldn't let us get into the bldg; she didn't move out until Jun 5; then, another inspection came up; we were just going to go in, rehab a little, then sell it
-the C of O was Revoked and it became a Registered VB; that caught me off guard
-as of now, the building is ready to get re-inspected; all the work has been completed
-on May 31, I did call the inspector to apologize why we weren't there

Ms. Moermond:

-I'm more than happy to encourage people to get vacant buildings fixed up and re-occupied as quickly as possible by decreasing their VB fee; so, no fee if you can get & out of a property in 90 days; in 6 months, it's half of the annual fee; you're coming up on that 6 months

-the VB letters that you received told you that this is a Cat 2 VB and you need to get a code compliance inspection; you haven't gotten one of those yet but I heard you say that you were ready for another C of O inspection - wouldn't that be cheaper (?) the problem is that is not what the requirement is at this juncture; you need to get the code compliance inspection done; without the trades inspections, I don't know the condition of your building

-I would like to have Inspector Shaff just take a look at the Fire C of O file and have

her talk to her inspector, then, get back to me; if you've made as much progress as you report, your list may be short; if not, you'll need to get the code compliance inspection

-this goes in front of the City Council on Jan 4, 2016, so we have some time; if this bldg can get re-occupied by then, we can cut that VB fee in half

Ms. Shaff:

-reading inspector's notes: the property manager in May stated that the house is going to be sold so they're not going to do anything about the deficiencies

Mr. Molitor:

-if we're not getting the fees waived, I'd rather just go thru the Code Compliance and pay the fees; and wrap it up as fast as possible

-it was an active decision to let the person move out, then, get it ready because we couldn't be in there while the person was there - that was the active decision

Ms. Moermond:

-you still have the right to go into the building

Ms. Shaff:

-that decision was made by Phil Owens (the Revocation)

-there's been some no shows; a lot of deferred maintenance

Ms. Moermond:

-you've got yourself a code compliance inspection

Approve the assessment.

Referred to the City Council due back on 1/4/2017

10 RLH TA 16-443 Ratifying the Appealed Special Tax Assessment for Property at 1070 MARGARET STREET (File No. CRT1701, Assessment No. 178200).

Sponsors: Prince

Leo Reck, owner, appeared.

Fire Supervisor Leanna Shaff:

-Fire Certificate of Occupancy Inspection cost: \$404 + \$155 service charge = \$559

-appointment letters sent: 12-4-15, 1-7-16

-deficiency letters sent: 2-1, 2-22, 3-8, 3-30 & 4-8-16

-compliance date: 5-4-16

-billing dates: 5-6 & 6-6-16

-no returned mail

-Mr. Reck is the owner

-the letters & billings were sent to the Responsible Party: Renters Warehouse, 6101 Baker Rd, Minnetonka

Mr. Reck:

-Renters Warehouse managed the property at that time

Ms. Shaff:

-Mr. Reck changed himself to the responsible party Apr 30, 2016; it was put into our system by Inspector Brown on 9-15-16

Ms. Moermond:

-the May 6 billing date and the next one went to Renters Warehouse

Mr. Reck:

-I did not receive any bills

-we had an inspection and it didn't pass; then, I terminated my relationship with Renters Warehouse; then, came the next inspection, which we did pass and Renters Warehouse showed up at that inspection even though they were no longer my agent; and I haven't heard anything since

-all I'm saying is that I was not notified about the C of O fee

-after I received a Notice about the assessment, I called Mr. Brown to find out what that was all about; I can't remember exactly what he told me but we had the conversation at that time; then, I contacted Renters Warehouse tobut I terminated Renters Warehouse on Apr 30, 2016 & I never heard again from them or from the city, as far as I know

-I'm asking for a waiver of the administration fee & the real estate administration fee

Ms. Moermond:

-I can't figure out how this fee is the responsibility of anyone else except yours and Renters Warehouse's; you guys need to square it; if they didn't tell you and they had the obligation to, it's on them and they should be paying that fee for you

-will recommend approval of the assessment; it's a private business matter

Approve the assessment.

Referred to the City Council due back on 1/4/2017

11 RLH TA 16-509

Ratifying the Appealed Special Tax Assessment for Property at 258 MARIA AVENUE (File No. VB1703, Assessment No. 178803). (To be referred back to Legislative Hearing on February 7, 2017)

Sponsors: Prince

Andrew Lange, owner, appeared.

Inspector Joe Yannarely:

-this was made a Category 2 Vacant Building Jul 30, 2010

-expired code compliance inspection report from 2011

-annual VB fee is \$2085 + \$155 service charge = \$2240

Mr. Lange:

-I've owned it for a few years

-currently, I'm working with the historic preservation people (HPC) so, as soon as they sign off on the exterior, I'll get it all done before the weather turns bad

-hopefully, I can get it occupied by Jan 1, 2017 or shortly thereafter (our goal right now)

-everything will be brand new in there

Mr. Yannarely:

-you need to get the code compliance inspection before you can get the permits

Mr. Lange:

-there's nothing in there -- whatever I have to do

Ms. Moermond:

-if you are gutting it, then, sometimes they let you do a "building only"

Mr. Yannarely:

-I do see a "building only" code compliance report from 2014; they last 1 year

Ms. Moermond:

-so, you need a fresh "building only;" get the sign off from HPC and you're good to go
-half the year will be gone at the end of Jan 2017
-will Lay this Over to Feb 7, 2017 LH
-call Jim Seeger for your "bldg only" 266-9046
-City Council Public Hearing is Jan 4, 2017 and at that time, I will ask them to send it back to me at LH on Feb 7, 2017; if you are done at that time, I can cut the VB fee in half

Mai Vang handed him the general code compliance inspection application with instructions to write "bldg only" at the top

Ms. Moermond:

To be laid over to February 7, 2017 Legislative Hearing and if the work is done, will cut the VB fee in half. Waiver to allow permits and do a Seeger only inspection.

Referred to the City Council due back on 1/4/2017

- 12 RLH TA 16-488** Ratifying the Appealed Special Tax Assessment for Property at 1406 MINNEHAHA AVENUE WEST (File No. VB1702, Assessment No. 178801).

Sponsors: Stark

Chad Wojtowick, owner, appeared.

Inspector Joe Yannarely, Vacant Buildings:

-this was made a Category 1 Vacant Building in Jun 2015
-multiple TGW complaints; also found a foreclosure notice on the front door; that's why the VB was opened; it appeared to be in fair shape on the exterior
-it went to Fannie Mai; was given a 90-day fee waiver on May 27; now, it's owned by Mr. Wojtowick
-multiple permits pulled

Ms. Moermond:

-the 90 day waiver has elapsed

Mr. Wojtowick:

-obtained ownership Jun 2-3, 2016
-I have been thru a Cat 2 VB prior to this
-I called and was told that it was different from a Cat 2; I didn't have to go thru Reid Soley; so, I pulled the permits and started to rehab but it's taken longer than I expected; I've had difficulty getting a plumber over there
-I've been in touch with Diane; I've called her about mowing the lawn; we've replaced all the windows; the property is not costing the city any money; there haven't been any complaints; I have a dumpster there; people have dumped multiple mattresses, garbage, etc.
-I'm asking to have the fee waived since I'm fixing it and am close to being on schedule; will have it completed fairly sooner
-the VB fee is fairly significant; and I feel that it's a little bit unfair because many properties have been on the market longer than 6 months and they don't become vacant; just because someone isn't getting up there, making breakfast and using the toilet doesn't mean that it's a VB
-asking for leniency so he can get this finished

Ms. Moermond:

*-you are in a unique circumstance; you purchased the property that was Fannie Mai; that comes with 2 presents: 1) that your VB fee is waived automatically for 90 days without having to come see me; and 2) it becomes a Cat 1 VB because it was federally owned and we have had many bad experiences with people picking up these properties- not knowing what they're getting and being stuck with something horrible; for you the benefit was picking up something more affordable than perhaps other properties on the market that would be flippable
-90 days have already been waived on this
-when do you plan to be done?*

Mr. Wojtowick:

*-my deadline with the contractor was Nov 15, 2016
-realistically, I can guarantee Jan 1, 2017*

Ms. Moermond:

If the work is done by January 1, 2017, I will reduce the fee by half.

Referred to the City Council due back on 1/4/2017

- 13** [RLH TA 16-497](#) Deleting the Appealed Special Tax Assessment for Property at 2137 MOHAWK AVENUE. (File No. J1701P, Assessment No. 178400)

Sponsors: Prince

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

Referred to the City Council due back on 1/4/2017

- 14** **RLH TA 16-508** Ratifying the Appealed Special Tax Assessment for Property at 693 MONTANA AVENUE EAST (File No. VB1703, Assessment No. 178803).

Sponsors: Bostrom

Steve Kleist, Healthy Home Construction, appeared.

Inspector Joe Yannarely, Vacant Buildings:

*-was opened as a Category 2 Vacant Building Jul 29, 2015
-it's all up to date now; it appears that he received his Certificate of Code Compliance as of a couple days ago*

Mr. Kleist:

*-actually, our electrician was holding us up
-I had an extension thru Reid, I believe, until Sep 15*

Ms. Moermond:

If the repairs are done in 90 days, will delete the vacant building fee.

Referred to the City Council due back on 1/4/2017

- 15** **RLH TA 16-466** Ratifying the Appealed Special Tax Assessment for Property at 698 ORANGE AVENUE EAST (File No. J1701A, Assessment No. 178500).

Sponsors: Bostrom

Bright Naw, owner, appeared with her daughter Diana Loo, who interpreted (Karen)

Inspector Paula Seeley:

*-Summary Abatement Notice issued Jul 13 and again on Jul 22, 2016; compliance Jul 22; re-checked Jul 26
-work done Jul 27 for a cost of \$316 + \$160 = \$476
-sent: Occupant and Bright Naw at this address
-no returned mail
-note: rubbish inside unsecured shed; remove rubbish and secure shed
-I sent 2 Orders just in case but it was still there
-history: Orders on overflowing garbage & a mattress*

Ms. Naw:

-her understanding was to clean-up the back yard, which she did; she gave the Notice her son who told her what to do

VIDEO - crew removed materials from the unsecured shed

Ms. Naw:

-I need my stuff back

Ms. Moermond:

*-that's probably not going to happen
-she can file a claim against the city saying that the city took things of value if she wants to get money for that value; but that may be tricky because she was sent an Order - #1 -the last sentence in all caps says: rubbish in unsecured shed - remove & secure shed
-animals, homeless people/teenagers could get into that unsecured shed and cause trouble*

Ms. Loo:

*-I moved back with my mother this summer
-the shed was always like that so she thought that it was OK to keep things in there*

Ms. Moermond:

*-I want to help you out but I need to get some assurance that the letters/orders that come from the city are properly interpreted so that action can be taken to fix the problem; or so that you can call the city to get some clarification if you need it
-I don't want you to be missing possessions that are of value and that you are using
-City Council Public Hearing is Jan 4, 2017; at that time, I will tell them that a family member will make sure that the mail will get looked at; and if there's no other cases within the next 6 months, we will Delete this assessment*

Ms. Seeley:

-suggested that they secure the shed with doors and locks

Ms. Naw:

*-so the couch & my clothes are gone
-at first I thought it was a thief but she didn't call because it would cost money*

Ms. Moermond:

*-that isn't true; SPPD charge only if it's a nuisance call (setting off fire crackers; etc.); they won't charge for anything like this; call them; this is exactly the kind of work they need/want to be doing
-if you don't put anything into the shed, you don't need doors/locks*

-keep your things in the house
 -keep your yard clean and make sure you shovel your sidewalk
 -there are some resources & crime prevention people who can walk thru the house with you and advise you on how to make it a safer place to live; will provided contact info

If no same or similar violation(s) by January 4th, will delete the assessment.

Referred to the City Council due back on 1/4/2017

- 16 [RLH TA 16-498](#) Deleting the Appealed Special Tax Assessment for Property at 2203 SCUDDER STREET. (File No. J1701P, Assessment No. 178400)

Sponsors: Stark

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

Referred to the City Council due back on 1/4/2017

- 17 **RLH TA 16-507** Ratifying the Appealed Special Tax Assessment for Property at 24 SUSAN AVENUE (File No. VB1703, Assessment No. 178803).

Sponsors: Tolbert

Michael Folger, owner, appeared.

Inspector Joe Yannarely, Vacant Buildings:

*-annual Vacant Building fee: \$2085 + \$155 service charge = \$2240
 -Category 2 VB file opened Jul 8, 2016 upon Revocation of the Certificate of Occupancy by Inspector Cassidy
 -no code compliance inspection*

Mr. Folger:

*-I allowed a fellow soldier's daughter to move in there with her son because they were homeless; she was taking pretty good care of it until her boyfriend moved in
 -I was in a pretty serious car accident in Apr and I haven't recovered yet
 -I told her that we were going to sell the house and she would have to find some place else; they trashed the place
 -my son-in-law has a construction company; he sent crews over there to get the lawn mowed, etc.
 -I patched all the holes inside and I still need to replace the electrical service*

Ms. Moermond:

-you haven't had a code compliance inspection yet, so they won't let you pull an electrical permit until you do that

Mr. Folger:

-the Ordinance says that you have to pay all the taxes, the utilities, etc; and that's always been paid by me; so, I don't understand....

Ms. Moermond:

*-the definition of a registered vacant building is in Chap 43; and staff made a determination that it's a registered vacant building based on major code violations
 -the lack of utilities does cause problems
 -paid taxes is not on the list; mowed lawn is not on the list
 -if a house is empty, has a lot of code violations, has been Condemned, is dangerous, is it a nuisance - those conditions are used to determine if a house is a*

registered vacant building
-your next step is to get the code compliance inspection report

Mr. Folger:
-I plan to clean it up and sell it

Ms. Moermond:
-put a note in the file that Mr. Folger can apply for a code comp insp and pull permits;
if the house is done by Jan 4, 2017, I will cut the VB fee in half
(Mai Vang gave him an application for the code compliance inspection)

If the repairs are done by January 4th, will reduce the VB fee in half. In the meantime,
allow permits and obtain a code compliance inspection.

Referred to the City Council due back on 1/4/2017

- 18 RLH TA 16-513** Ratifying the Appealed Special Tax Assessment for Property at 750
AURORA AVENUE (File No. VB1703, Assessment No. 178803).

Sponsors: Thao

Jay Mitchell, Plaza 1 Inc, owner, appeared.

Inspector Joe Yannarely:
-Vacant Building fee (Category 3 VB)
-anniversary date is Aug 16
-4 permits pulled
-Mr. Mitchell thinks that he can get it done within 45 days; he's looking for a reduction
in the fee if he gets it done within that time frame
-your recommendation was to grant him 180 days

Mai Vang:
-it was adopted by Council on Apr 6, 2016 to grant 180 days

Ms. Moermond:
-it wasn't done in the 180 days granted (Oct 6, 2016)

Mr. Yannarely:
-he thinks he can get it done in 45 days from now

Ms. Moermond:
-let's see how things look on Dec 20, 2016
-it will be at Council Jan 4, 2017

Layover to see where things are at. (LH on Dec 20, 2016)

Laid Over to the Legislative Hearings due back on 12/20/2016

- 19 RLH TA 16-511** Ratifying the Appealed Special Tax Assessment for Property at 1008
CARROLL AVENUE (File No. CRT1702, Assessment No. 178201).

Sponsors: Thao

David L Goodlow Jr, previous owner, and Edward Owens, occupant, appeared.

Mr. Goodlow:
-the property has been in foreclosure for 2 years; I stopped collecting rent and

stopped paying taxes 2 years ago

Fire Inspector Leanna Shaff:

-Ramsey Co still lists Mr. Goodlow as the owner

-this is a Fire Certificate of Occupancy fee on a single family dwelling: \$340 + \$155 service charge = \$495

-this has been going on since May 2014; appointment letters were sent; no access was gained because they were remodeling in Jun 2014

-Correction Orders sent 7-2-14, 8-4-14 - been going thru foreclosure so everything got put on hold

-Inspector notes: Fire C of O was Revoked 3-24-16; no one showed; called owner of record who stated that it was in foreclosure and he didn't know if anyone was living there; he's looking for bank information; he called St. Paul Regional Water Services and was informed that the bldg was being occupied and he gave him the tenant's number; on 3-30-16, he notes the bank's name, P & C Bank National Association, Cleveland, OH; he notes that the tenant called asking for some info; tenant is willing to take responsibility for the property in writing; property still going thru foreclosure process

-it does have a C of O

-we show the responsible party being Mr. Owens; we show Mr. Goodlow as the owner of record with Ramsey Co

Mr. Goodlow:

-it's not making sense to me because I'm not hearing it clearly

-over a year ago, I informed the Fire inspection people by email that I no longer was the owner of this property and I was not collecting rent or paying taxes or bills; I followed that up with a call; he said that he had received that information; I explained to him that all future transactions were to go to Mr. Owens, who was trying to negotiate with the bank, now that the property was in foreclosure, to try to buy the property; I have not heard anything from the Fire people until about 2 weeks ago; and now, they are saying that I owe \$400+;

-first of all, I've been retired for 16 years and that was my income property for my retirement, which I lost (another story); I can't afford to pay the taxes or \$400+ for some property that I no longer have anything to do with; and if they have a problem with that, why didn't they respond to me after I talked to the inspector and sent them an email explaining that I no longer owned the property; I didn't hear anything until I got the bill less than a month ago; it was my understanding that all Notices, etc, were to go to Mr. Owens and that's why he's here today

Ms. Moermond:

-I think that I can help with that

-when you own a property, you have a mortgage in your case and your title is registered with the county; so when the Fire inspector receives information that you're not the responsible party any more, etc, he has no power at all to change the title or to change what Ramsey Co Taxation has in their records

-when the Fire C of O Insp bill went unpaid, the computer system automatically goes to Ramsey Co Taxation because the state says that the bill can be put onto your taxes - that's why you got the letter; it had nothing to do with an individual; it was an unpaid bill - then checked with the county to see who's name appears; it was your name so you got the letter in the mail

-you can talk with the county about this; they can explain

-2 years is a long time not to pay a mortgage and not to have the mortgage co. choose to foreclose and take that asset back; I don't know why that is; it happens occasionally

Mr. Goodlow:

-what I don't understand is: there were 3 bills on there; why didn't I receive the Notice of the first bill or the 2nd bill - there were 3 or 4 bills that went to Mr. Owens that I never received any info about - that's my basic complaint

Ms. Shaff:

-2 bills went to Mr. Owens; they didn't go to you because you had said that you were no longer the responsible party

Mr. Goodlow:

-so, why then did this one come to me

Ms. Moermond:

-because you own the property (on record with Ramsey Co); it became a proposal to tack onto the property taxes; and that doesn't hurt you if you let the property go; the bill will be paid when the property transfers or sooner; usually the mortgage company pays for it; it's a bill to the property at this point
-this will go to City Council Jan 4, 2017; after that, you'll get an invoice from the Real Estate Office for this amount; you can pay it or it will go to property taxes (one last chance to pay it before it goes to the county)

Mr. Goodlow:

-that's all I wanted to know

Approve the assessment.

Referred to the City Council due back on 1/4/2017

20 RLH TA 16-512 Ratifying the Appealed Special Tax Assessment for Property at 2132 CARTER AVENUE (File No. CRT1702, Assessment No. 178201).

Sponsors: Stark

William Barnett, owner, appeared.

Fire Supervisor Leanna Shaff:

-Fire Certificate of Occupancy fee on a duplex: \$355.50 + \$155 service charge = \$510.50

-appointment letters: 12-31-15

-C of O deficiency letters: 1-27-16 & 3-3-16

-looks like there were a couple reinspections or rescheduled or no shows because there were more appointment letters sent: 4-1 & 4-25-16

-approved: 5-23-16

-billings went out: 5-25 & 6-28-16

Mr. Barnett:

-it was a screw up on my part; I was out of the county at that time; the Notice that I got was about a month ago and said that an inspector would be present to report on what occurred at my property; what I recall from all of that is that I had an inspection and he gave me a laundry list of what needed to be repaired; we met again and there maybe 1 or 2 that sill weren't done, so she had to come back a 3rd time; it was all straight forward and I thought that it had been resolved because she gave me an OK on the things that were done; then, my family went out of the country and when we came back, I apparently, misplaced the bill
-my curiosity is about what the C of O bill is normally; is it that high \$355.50

Ms. Shaff:

-it's \$237 for the 1st & 2nd inspection; every subsequent re-inspection is half of \$237

Mr. Barnett:

-I could probably have resolved this by making a phone call rather than spending 3 hours here but... that's the way you learn about these things
-what is the DSI admin fee about?

Ms. Shaff:

-DSI is the Department of Safety & Inspections and the admin fee is the city charging you for every paper clip, sheet of paper, ink, time, etc. to process this when fees aren't paid

Mr. Barnett:

-OK
-can I just clarify the address too, because, she told me when she came out that I should have a mailbox with my name on it on the property so that I get a bill; I'm sure that I received something at my address in Mpls
-what do you have for my address so that I can make sure that this doesn't happen again

Ms. Shaff:

-Ramsey County has you at 2132 Carter Avenue; but we have you being at 2901 22nd Street East, Mpls
-you may want to fix that with the county

Mr. Barnett:

-right
-I used to live there

Ms. Moermond:

Approve the assessment.

Referred to the City Council due back on 1/4/2017

21 RLH TA 16-510

Ratiofying the Appealed Special Tax Assessment for Property at 1677 JUNO AVENUE (File No. VB1703, Assessment No. 178803).

Sponsors: Tolbert

Rocky Berndt, owner, appeared.

Inspector Joe Yannarely, Vacant Buildings:

-this house was made a Category 1 Vacant Building on Aug 6, 2015
-was made a Cat 1 VB because there was a TGW violation
-since then, there's been 1 snow/ice, a couple TGW Work Orders; recently 4 SAs but they were done by owner
-VB fee: \$2085 + \$155 service charge = \$2240

Mr. Berndt:

-I acquired the property in summer; closed Jun 1, 2016
-permits have been pulled
-the contractor started last week to demo the property; should take another week
-completion date: contractor said 16 weeks

Ms. Moermond:

-City Council Public Hearing Jan 4, 2017; at that time, I will recommend Laying it Over to Feb 1, 2017 and if you're done, I will cut it in half

Mr. Berndt:

-even though there's not even a building anymore, there will still be a fee?
-shortly, there won't even be a building there, so, why a VB fee?

Ms. Moermond:

-what does the demo permit say?

Mr. Yannarely:

-I don't see a demo permit; I see a bldg permit for a single family demo remodel with interior demolition of all floors and other finishes

Ms. Moermond:

-not actually the same thing as a demolition permit for a bldg
-are you sure you have the right permit?

Mr. Berndt:

-that's what the builders told me
-it's costing me somewhere between \$6,000 and \$10,000

Ms. Moermond:

-I'll give David Tank a call

Mr. Berndt:

-I'm putting in roughly about \$300,000

Ms. Moermond:

Forthcoming. LHO to call David Tank about the demo permit.

Referred to the City Council due back on 1/4/2017

Special Tax Assessments - ROLLS

- 22 RLH AR 16-83** Ratifying the assessments for Collection of Fire Certificate of Occupancy fees billed during April 11 to June 20, 2016. (File No. CRT1702, Assessment No. 178201)
- Sponsors:** Stark
- Referred to the City Council due back on 1/4/2017**
- 23 RLH AR 16-84** Ratifying the assessments for Collection of Vacant Building Registration fees billed during April 13 to June 20, 2016. (File No. VB1703, Assessment No. 178803)
- Sponsors:** Stark
- Referred to the City Council due back on 1/4/2017**
- 24 RLH AR 16-85** Ratifying the assessments for Graffiti Removal services during June 20 to August 1, 2016. (File No. J1701P, Assessment No. 178400)
- Sponsors:** Stark

Referred to the City Council due back on 1/4/2017

11:00 a.m. Hearings

Summary Abatement Orders

- 25 [RLH SAO 16-40](#) Appeal of Kimie Clinton Kearney to Summary and Vehicle Abatement Orders at 408 BANFIL STREET.

Sponsors: Noecker

Kimie Terese Clinton Kearney, owner, appeared.

Inspector Lisa Martin:

*-Summary & Vehicle Abatement Orders issued by Insp Mark Kaisersatt
-Summary Abatement Order mailed Sep 28, 2016 for the removal of scrap wood, metal, fencing, concrete block, rubbish in the back yard; compliance Oct 10
-also a Vehicle Abatement Order issued Sep 28, 2016 on 2 vehicles: 1) tan Chrysler; and 2) green Audi; both lacked current tabs and appeared inoperable
-Appellant is looking for a 2 1/2 month extension to abate these situations*

Ms. Kearney:

-the reason I asked for 2 1/2 months is because the cars are broken and I don't own the cars; they are my son's; I asked him to take care of it and he has to get replacement titles; the replacement title he applied for in Aug, we just got and that took about 2 months; that's why I'm asking for 2 months; and no one is going to come to get those cars until he gets the title; I called 3 places

Ms. Moermond:

-you can get a manager's tow

Ms. Martin:

-you can contact Parking Enforcement, SPPD and let them know that the vehicles are on your property without permission; they will tag them & you can call any towing company; they will take them to the impound lot; at that point, the owner of those vehicles will have to provide the title to get the vehicle back or they will auction the vehicle off to cover the cost of storage

Ms. Kearney:

*-but then, ultimately, the cost isn't covered and my son would be responsible
-I know I need the titles to junk the vehicles*

Ms. Martin:

-then, while you are waiting, either store them in a garage or tow them somewhere else

Ms. Kearney:

*-I don't have a garage or somewhere else to store them
-I do want to get rid of them; I've been on him to get rid of them for years
-my son lives with me on & off*

Ms. Moermond:

-it's my understanding that once you have Parking Enforcement tag a car, that any private tow could come and pick it up; it doesn't just have to go to the impound lot or

does it?

-suggested that she call Parking Enforcement to have this conversation

Ms. Kearney:

-the yard is 90% done; I still have some bldg materials to get rid of; will rent a truck next month to do that; so, I'm looking for an extension

-I don't have a garage or shed to store my cedar shakes for my house; can I not store them outside in a plastic tub?

Ms. Moermond:

-I want to know the outcome of your conversation with Parking Enf in order to establish a good deadline; I can't extend that for 2 months; it's much too long

-bldg materials that aren't going to be used soon must be stored inside, basement is good

-let's get a status report on the Appellant's yard next week from Insp Kaisersatt

-we will email you my recommendation

STAFF REPORT: Owner to call office about parking enforcement status and inspector to give staff report on progress of the clean-up.

Laid Over to the Legislative Hearings due back on 10/25/2016

Correction Orders

11:30 a.m. Hearings

Orders To Vacate, Condemnations and Revocations

1:30 p.m. Hearings

Fire Certificates of Occupancy

- 26 RLH FCO** Appeal of Jason Lien, on behalf of Talon First Trust, LLC/Jackson I
16-135 LLC to a Fire Inspection Correction Notice at 180 FIFTH STREET EAST.

Sponsors: Noecker

Jason Lien, Attorney, Maslon LLP and Gary Buckley, Talon First Trust LLC/Jackson I LLC, appeared

Staff: Fire Engineer Angie Wiese; Fire Inspector Leanna Shaff; Building Official Steve Ubl; and Engineer Paul St. Martin, Public Works, also appeared.

Ms. Moermond:

-I have asked some colleagues in different city departments to look more deeply at this appeal; specifically, some of the technical aspects of it; because of that, I won't be able to reach resolution today

-we have a request out to the Met Council, which hasn't been responded to yet

-introduced staff to the Appellant

-asked for staff reports

Mr. Ubl, Building Official:

-there was a review done on the bldg for the Fire Certificate of Occupancy; found were some structural members that were not fire protected in the areaway underneath the sidewalk on the outside of the bldg; I believe there's suppression in those areas; there's steel all along 4th St, for the most part, that needs to have some protection, similarly to the rest of the bldg; it's the type of construction that I think requires 2-R rating on the steel; and the photographs that we've seen to date existing prior to the construction of LR and the re-construction of the areaway show that those structural members did have the same type of protection that the remainder of the bldg has today; so, when the work was done on the areaway, the steel was installed, the sidewalk was installed, suppression went back in but there wasn't any fire protection assembly put on the new steel; so, that came to my attention a few weeks/a month ago; so, a letter was submitted to Met Council asking for some direction; I may add that we have a letter came from Met Council indicating, in their opinion, that the bldg code was satisfied with the completion of the work; and I do not believe that is the case; so, I sent the letter off to a representative at Met Council asking them for support in getting this compliant in the areaway

Ms. Moermond:

-my understanding is that, in the past, the city granted a permit for use of the areaway; as part of that permit, there's a provision that says, "If we need to remove things from the areaway, you will remove them from the areaway;" that occasion arose with the construction of the LRT; everything was removed from the areaway; the LRT was constructed; after the LRT was constructed, it was noticed that the beams that were put into place did not have a coating on them, as did the previous set of beams that were in that space; Mr. Ubl saw photos of those beams; what was code compliant became non code compliant in this process
-if an areaway is in use, it does need to be code compliant; right now, the question is by when?
-we want to assist in having the Met Council get this taken care of; ultimately, the city has 2 choices but to say to the property owner that they're responsible for managing their own individual property
-what from Public Works' perspective do we know about that areaway permit?

Mr. St. Martin, Public Works:

-one of the sections I manage is the mapping record section & I issue encroachment permits; looking thru the file and based on my knowledge of the LR project (I was not directly involved with the LR project), but my understanding is that the Met Council was doing work on 4th St., as part of that work, they would be affecting the areaway; and so, Met Council and the property owner agreed on an areaway
-the areaways are controlled under Chapter 134, and considered an encroachment, so the City Council passed an Ordinance back in 1994, "Encroachment in ROW;" as part of the documentation submitted in 1995, the former property owners submitted an application for an encroachment permit for the areaway on 4th street and all the facilities within the areaway; typically, when we do a project and run across an areaway, our first goal is to get the encroachment out of the ROW; in this case, from my understanding, the property owner at the time, wanted the areaway left in place; there's a memo in you packet from Rich Rovane, Met Council to Judy Bausch, dated Feb 8, 2010 and in the 2nd paragraph, it says, "The project office staff have met with you numerous times over the past year to discuss the plan impacts to the areaway located under this sidewalk; it is our understanding that you as managers of the building at 180 Fifth Street desire to keep the areaway open and in place after construction;" beyond that, I'm not sure what the discussion was about

Ms. Moermond:

-we have a nice set of Orders that are out there and I don't think there's anything under dispute except this particular area

Ms. Wiese:

-only additional thing is that the areaway, currently, still is being used as an extension of their bldg, so, it hasn't been sealed off

Mr. Lien:

-with respect to what Mr. St. Martin said, our understanding of what occurred is that Notice was provided to remove from the areaway; the city and Met Council presented 2 different options: 1) fill it in; or 2) leave it open; when these options were presented, we were fine with filling it in; it was the city that wanted to keep it open because it was substantially less money for the city to pitch in to keep it open as opposed to filling it in; so the share was \$87,000 for filling it in and \$12,000 for keeping it open

-asked to submit evidence

-another point: I don't think it answers the question because under the Ordinance, it says that Met Council, city has the right to tell us to remove our facilities; we did that; then, the work was done, either by the city of Met Council or jointly thru that as part of LRT; no where in Section 134.12 does it say that the bldg owner is responsible for repairing an improvements taken by the city or Met Council; I guess it's an authority question; to me the question is, "Does the city have the authority to issue a Fire Inspection Order to require us to make improvements to property that's not owned by the bldg; it's actually a public ROW;" our position is there is no authority-we're talking about \$100,000 - \$200,000; that's a substantial cost and hardship to the property owner; in addition to that, we're going to have to work with LR to negotiate shutting off the electrical components, street lights; it's a little more complicated that just fire proofing the beams

Mr. Buckley:

-the street lights - the wiring has to be basically, removed; the conduits have to be removed to facilitate the 2-hour rating that Mr. Ubl indicated; that impact relates to the street - aesthetics outside the bldg; there's safety along the LR to consider

Mr. Lien:

-we remain committed to installing the ceiling after the other work is done (fire proofing) but to ask us to actually correct the construction that was performed by Met Council/City, to me, in a public ROW, something that's not authorized in our view by the Ordinance; it would just be unfair

Ms. Moermond:

-I am not authorized to go into that area but asked Mr. St. Martin to get the relevant sections of Chapter 134 and the agreements that were arrived at between the Met Council, the City and in particular, the owners of 180, we can put those into the record; with respect to the authority to inspect an areaway and require it comport with safety codes....deferred to Ms. Wiese

Ms. Wiese:

-thinks that it's tied to the Ordinance about areaways; if there's an encroachment permit where they grant access and rights to use that areaway, it then becomes the responsibility of the property owner; that's how we treat encroachments that are above the sidewalk, too; if someone wants to put a walk-in cooler in the public ROW, you get to that walk-in cooler from the bldg, we inspect that with everything else that's part of that bldg; ramps & stairs are treated the same if they are in the public ROW

Mr. Ubl:

-supports what Ms. Wiese has said about past practice

Mr. Lien:

-my client was provided Notice on 134.12 to remove everything from the areaway; at that point, the encroachment permit is done with; the language of it says, "Without cost to the city, remove your facilities and shall place the street or ROW in the same condition as existed prior to construction or the project or encroachment;" we complied with that - we removed our facilities; the encroachment permit, by the terms of providing that Notice, eliminated.....

Ms. Moermond:

-I don't hear it that way but I appreciate that you do; I think the intent is that the city has the right to tell you to get your stuff out of there because of work to do; and you got you stuff out of there but that doesn't mean the permit had extinguished; it means that it has to be used for a public purpose for a given period of time or purpose; I could be wrong but that can be discussed

Mr. St. Martin:

-the encroachment is the areaway itself; the areaway is still in existence so, the encroachment permit is still in effect

Mr. Lien:

-just because the areaway is in existence doesn't mean that the encroachment permit is still in existence; the areaway is the public ROW

Mr. St. Martin:

*-the encroachment permit is for the areaway that's encroaching on the public ROW
-the encroachment permit was issued to the property owner to allow the property to have that areaway.....?*

Ms. Moermond:

*-asked if the balance of the Orders had been addressed but for the ones related to the areaway?
-can Supervisor Wiese have her inspector go back in again?*

Mr. Buckley:

*-part of them have been completed
-the rest will be done Jan 1, 2017*

Ms. Moermond:

-that's 5 months from when the Orders were originally written; it's an extraordinarily long time

Mr. Buckley:

*-they should be corrected; not arguing that; however, personally, I feel that we've been picked on just a little bit; basically, what has happened here has caused more work for us to become compliant
-please take that into consideration*

Mr. Moermond:

-in your experience with Met Council, Mr. Ubl, how long before we have an answer that's usable?

Mr. Ubl:

-it takes a long time to get them motivated; I'm not quite sure who would have the responsibility for what's taking place right now at Met Council; my thought was to give whomever, (email went to Mr. Soler)-to give them a week and if there's no response, then move it around and up the ladder - keep it going forward; knowing Met Council,

it certainly could take a few months

Mr. Lien:

-they should have some authority, under contract, to encourage that contractor to get it done

Mr. Ubl:

-perhaps the duration of time might be a contractual issue here; nonetheless, accepting the responsibility goes a long way

Ms. Moermond:

*-next LH will be Nov 15, 2016, which is when I would like to wrap things up
-deadline for getting the bldg work done but for the appealed items: Dec 2, 2016*

Grant to December 2, 2016 to get the other items done. The appealed items are stayed until the outcome of the hearing.

Laid Over to the Legislative Hearings due back on 11/15/2016

27 [RLH FCO](#)
[16-159](#)

Appeal of Vincent Hughes to a Fire Safety Inspection Appointment at 1058 SELBY AVENUE.

Sponsors: Stark

Vincent Hughes, owner, appeared.

Fire Inspector Leanna Shaff:

-it's an appointment letter for a fire safety inspection dated Aug 11, 2016 for an inspection Aug 24 by Inspector Jonathan Gaulke; this would be under the safety inspection provisional program

-it's never had an inspection before

-all letters were sent to Vincent Hughes in Louisville, KY

-everything we have tells us that it's not owner-occupied by the owner of record with a primary address of Louisville, KY

Mr. Hughes:

-my mother raised 9 kids in that house; she passed in 2002; I bought it in 2003; I had another house, so my brother lived in this house from 2003 - 2005, when he passed away; then my son lived in the house but he couldn't stay because he was doing wrong; I put him out; my other brother lived there for another year - he was doing wrong, so I put him out; now, my sister lives in the house and she's taking care of it; I come back year about 4 times a year and I stay there; there's a room just for me in that house

-no one from the public will ever live in that house; it's not a rental property; it will never be on the market; my sister is there to protect my property; I've maintained the house ever since I bought it; and everything works

-the house will be passed on to my kids; it has our family history; I believe in passing it down to my family; it's a family house; it's not a rental

Ms. Moermond:

-this is a hard one

-this house is not rental but it's not owner-occupied; and that determines whether or not it needs a Fire C of O

-tell me about your sister

Mr. Hughes:

-MN is my home; I was raised in this house

-I pay all of the bills for this house and my apartment in Louisville, KY; (I do not own a house in KY); but my sister is the first family member who is helping me with paying for things; she's retired now; she worked for Ford Motor for 30 years
 -whatever I buy, I buy here, when I come home; I won't buy things in KY; It's not my home; I'm in KY because I was re-located for my job

Ms. Shaff:

-I understand this is a family house but by definition, it's not an owner-occupied house; is there a way to get your sister on the title/deed for a short period of time or some other.....

-on the other hand, the house sounds as though it would pass the Fire C of O with flying colors, which would cost \$202 for from four to six years; the cost to maintain a Fire Co of O is minimal compared with hiring an attorney

Mr. Hughes:

-I don't think it's right that you can tell me this is what I have to do; I just don't think so; it's totally a family home

Ms. Moermond:

-according to the Ordinance, this situation meets the definition for being in this program - of not being an owner-occupied house; if your sister, who is living there, can get her name added to the title/deed, so that your sister would have a sliver of ownership in the property; it then, would be owner-occupied and would not need a Certificate of Occupancy; could be contracted in such a way, that it would expire; need to talk with an attorney about that

-I wish I had a different answer for you; you can talk with the Councilmember via email

-will recommend to deny your appeal

-City Council Public Hearing is Nov 16, 2016; you can send somebody on your behalf

-we will copy your sister, Deborah Hughs

Deny the appeal.

Referred to the City Council due back on 11/16/2016

28 [RLH FCO
16-177](#)

Appeal of Celeste Yanisch to a Fire Safety Inspection Appointment Letter at 1600 UPPER AFTON ROAD.

Sponsors: Prince

Celeste R Yanisch, trustee, appeared together with her husband.

Fire Inspector Leanna Shaff:

-appealing an appointment letter for a Fire Safety Inspection sent Aug 12, 2016 by Fire Inspector Jonathan Gaulke for Sep 2, 2016

-Celeste lives right next door, 1596 Upper Afton Road

-they don't believe that they should be in the program

Ms. Yanisch:

-actually, it was the inspector who suggested that we appeal; when he saw the property and how close we lived, he suggested we write an appeal letter; we had never heard of this at all; this had never been a rental property

-this is our spare house because my husband has a lot of cars - a retirement project

Husband:

-I have a lot of hobbies

-hoping that when either of our parents can no longer live on their own, they could

*live there; there is furniture there
-the inspector kept asking, "Is everything in there yours?"
-we have a furniture there; and cars in the garage*

Ms. Yanisch:

-we are in the house a couple times a week; it's a nice place for the cars (just one room when they have kittens); we have kids coming from colleges just to play with the cats

Ms. Moermond:

-you have a 1914 farm house; you've worked on it for many years; the people in the house next door passed away

Ms. Yanisch:

*-we purchased this house because we have older parents
-no one else is there now; it's a spare house - right across the driveway*

Ms. Moermond:

*-this looks like an extension of your own home
-will recommend granting your appeal*

Grant the appeal for owners to be released from the Fire Certificate of Occupancy Program.

Referred to the City Council due back on 11/16/2016

29 [RLH FCO
16-172](#)

Appeal of Jesse Williams to a Fire Certificate of Occupancy Approval with Corrections at 263 WESTERN AVENUE.

Sponsors: Noecker

Referred to Building Official for determination.

Withdrawn

2:30 p.m. Hearings

Vacant Building Registrations

30 [RLH VBR 16-68](#)

Appeal of Elizabeth Fish, POA for Duane Fish, to a Vacant Building Registration Requirement at 687 FIFTH STREET EAST.

Sponsors: Prince

Elizabeth Fish appeared. on behalf of Duane Fish, owner.

Inspector Matt Dornfeld, Vacant Buildings:

-DSI received notice of an electric shut off for Unit 2 of 687 5th Street East on Jul 25, 2016

-Inspector James Hoffman followed up and issued Orders to have the basic facilities restored on Jul 27, 2016 -on Aug 2, 2016, gas & electricity still hadn't been restored

-Inspector Seeley sat on that complaint until Sep 19, 2016; she called XCEL Energy for an undate; at that time, the utilities were still off; so, she Condemned Unit 2 and transferred it to the Vacant Building Program

-we opened it as a Category 1 VB

-now, it's been restored
 -it is my understanding that at least Unit 1 is owner-occupied; not sure of occupancy status of Unit 2
 -I was told that both units have power; I confirmed this morning with XCEL

Ms. Fish:

-I attached the Power of Attorney document (Ms. Moermond has a copy)
 -Duane Fish is currently in prison; I am in the process of getting a guardian & conservatorship over him; he has brain injuries; prison is the last stop for her
 -the house will be sold or not
 -the problem is that the person in the unit now is a friend; he will be homeless if I throw him out; he lost his ID over a year ago and is having a terrible time getting Social Services involved; he has both physical and mental health issues

Ms. Moermond:

-you've got your hands full
 -you are probably familiar with all the service resources

Ms. Fish:

-I was given the name of a nonprofit that has documenting services; it sounds like they will write letters to our Senator; I have no rights with this friend
 -Duane is my father

Ms. Moermond:

-the power has been restored; it had been Condemned for lack of power
 -you're out of the VB Program; the Condemnation should lift on its own because the power has been restored

Grant the appeal to be released from the VB Program; the Condemnation is lifted.

Referred to the City Council due back on 11/16/2016

31 [RLH VBR 16-67](#)

Appeal of Laura Orr, SMRLS, obo Charles Bastel, to a Vacant Building Registration Notice at 1372 VICTORIA STREET NORTH.

Sponsors: Brendmoen

Laura Orr, Southern Minnesota Regional Legal Services; Charles Bastel, owner; and Sade Kelly, Social Worker & another woman from Ramsey County House Calls, appeared.

Condemnation/Order to Vacate followed several weeks later by a Vacant Building Registration

Inspector Matt Dornfeld, Vacant Buildings:

-code enforcement received a possible gross/unsanitary complaint and windows covered with newspaper on Apr 28, 2016
 -following the complaint, Inspector Ross went out May 2, 2016 and could not gain entry; he sent an appointment letter; Supervisor Lisa Martin followed up on Inspector Ross' word; she had some interaction with the property owner but was not allowed to inspect the property; she issued some appointment letters and Orders to clean up the yard
 -on Aug 23, Inspector Martin gained access and Condemned the house for gross/unsanitary; she sat on the file for 1 month; then, transferred it to the VB Program

Supervisor Steve Magner, Vacant Buildings:

-in my time, I've been at this property a number of times; I understand that there are some real difficult situations here with the owner and his ability to move forward; I advised Ms. Martin to try her best to work with House Calls; I think that ultimately, we can seek some help for the property owner;

-this is similar to situations that have been before you previously in that this is not a simple case (getting a dumpster and he moves back in); there are a lot of issues surrounding the property and in addition, it's fall

-our goal here, isn't to try to get Mr. Bastel out of the property and tear it down; our goal here is to see if thru this process, we can get Mr. Bastel some help - where ultimately, people can come in to help with the clean-up and the repairs, so that he can return to his property and continue to live there as he has done for many years

Ms. Kelly:

-added there have been some improvements that Mr. Bastel has been trying to make on his own and he has agreed to get some help to do the clean-up; we're hoping that he can get extra time to do that

-if the house got back up to code, I would try to get him some services, as well, for him to help keep the home in order and make sure that he's getting what he needs

-services usually needed include meal delivery coming to the home; homemaker services for basic upkeep of the home; etc.

-all services would be based on whether or not Mr. Bastel is open to them

Ms. Orr:

-there was a referral made to Protective Services on Sep 28, 2016

-I am the sole member of our staff who works exclusively with seniors age 60+ our work is with the specific needs of elderly population rather than the specifics of a particular legal issue; in my role I can provide Mr. Bastel with advice about access to services and areas going beyond the immediate concerns with housing and regaining legal access

-with regards to Mr. Bastel's appearance here today, he identified this juncture and his interactions with the city as a "wake-up call;" one that highlighted his own sense of vulnerability: age, lack of family & social connections

-Mr. Bastel has consented to a referral to the Greater Metropolitan Council on Churches, Veterans' Services, etc.

-we're asking the city if a 90-day waiver of the VB registration to arrange the services to respond to the concern and within that time period, service providers would contact code enforcement for follow up inspections in order to get back to a state where he might re-occupy the home

Ms. Moermond:

-is comfortable doing a 90-day waiver; thinks that it's going to be of limited value to you

-would like to have Mr. Magner or Mr. Dornfeld explain a little bit about the VB Program is going to mean in this situation and what the expectations will be before it becomes code compliant again

Mr. Magner:

-our concern is the conditions of this house after years of neglect; we know from experience that when we have these kinds of conditions going on for a number of years, things break and don't get fixed; today, looking at the photos or going into the bathroom, we can't tell if the toilet flushes or the bathtub works; so this house will need a code compliance inspection/report after the house gets cleaned out so that basic life-safety functions can be corrected; after the inspection is made, if there's a financial issue, we would like to direct them back to PED to see if emergency funds are available for do the fixes, hoping that resources can provide up to \$25,000

-code compliance inspection: 4 trade inspectors will go in and make a list of things

that need to be fixed; the project can then be bid out and rehabbed; this will take time; DSI has no objections to putting the VB fee out but we have concerns about the defects in the plumbing, the extension cord wiring, the condition of the dwelling and what has occurred as far as deterioration

Ms. Moermond:

-the clean out is at the top of the list and it will run several thousand dollars; House Calls can offer assistance in identifying contractors who do that sort of thing and dumpsters

-there may be financing available for the cost of the code compliance inspection report and the repairs that need to follow; talk with Planning & Economic Development (PED), Neighborworks, etc; this will take from 6-12 months rather than 3-6 (her guess)

-will grant the 90-day VB waiver; after that, the VB fee will be hanging out there and eventually, it will turn into a tax assessment, which can be appealed; we will try to keep that VB fee from getting in your way; if you don't get the rehab done within 90 days, she will ask the dept to allow you to apply for the inspections and pull permits without having the fee paid

-4-5 months from now, the unpaid VB fee will become a proposed tax assessment; you can appeal that and I can grant up to 5 years on a payment plan

-in the meantime, check out other kinds of assistance for seniors

Mr. Magner:

-at DSI, we are obviously concerned about safety; my concern is where will Mr. Bastel be residing during this time of clean-out, inspections and rehab?

Mr. Bastel:

-I've been staying with a friend and I can stay there until this is resolved; he lives nearby and he's been helping me with a lot of things; I'm very thankful that I have somewhere to stay

-I am willing to work with Sade; whatever she says, I will eagerly follow; she's the boss; we're working together; I want to get this resolved as fast as possible; winter is coming

Mr. Magner:

-hoping that you won't have a falling out with your friend and then.....you'll think that it won't be a big deal if you spend a night or two at your house and then,,, 3 weeks later, we find you in there; if that happens, Mr. Dornfeld kind of gets crabby if when he's doing his inspections, day or night, he finds someone in a house that no one should be in; I don't like when he's crabby; he will tell me about it and I might get crabby

-we are OK with you at the house from 8 am -8 pm helping the crews or cleaning up but you have to lock the door at 8 pm and leave

Mr. Bastel:

-this is a life long friend; I've known him since I've been a child; he understands that I can't stay in that house but that I can go there during the day and get things cleaned out; I will work with Sade and we'll get it up to code

Mr. Magner:

-we appreciate the cooperation

Ms. Moermond:

Waive the VB fee for 90 days.

Referred to the City Council due back on 11/16/2016