



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Meeting Minutes - Action Only

Legislative Hearings

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

Tuesday, January 3, 2017

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Special Tax Assessments

- 1 [RLH TA 17-5](#) Ratifying the Appealed Special Tax Assessment for Property at 355 BATES AVENUE (File No. J1705A, Assessment No. 178504).

Sponsors: Prince

Danielle D Winner, owner appeared.

Inspector Paula Seeley:

-TGW Order sent Sep 29; compliance Oct 3; re-checked Oct 5
-work done Oct 5 for a cost of \$160 + \$160 service charge = \$355
-sent to: Danielle Winner & Occupant at 355 Bates Ave
-no returned mail
-no history

VIDEO - cut grass

Ms. Moermond:

-can't really see how tall the grass was
-asked if there were photographs

Ms. Seeley:

-it doesn't look 8 inches tall to me

Ms. Winner:

-I came home one day and notices that there was a bunch of stuff cut
-I didn't get the Notice until the day the grass was cut; thinks that was because she was out of town that weekend
-I went down to DSI and got the Work Order; I left a message for the inspector/supervisor but I never got a call back

Ms. Moermond:

-comparing the photo with the VIDEO and I'm not seeing a nuisance
-will recommend Deleting this assessment

Delete the assessment.

Referred to the City Council due back on 2/15/2017

- 2 [RLH TA 17-18](#) Ratifying the Appealed Special Tax Assessment for Property at 1034 BEECH STREET (File No. J1704G, Assessment No. 178703).
- Sponsors:** Prince
- Approve; no show.*
- Referred to the City Council due back on 2/15/2017**
- 3 [RLH TA 17-16](#) Ratifying the Appealed Special Tax Assessment for Property at 1545 CHARLES AVENUE (File No. J1705A, Assessment No. 178504).
- Sponsors:** Stark
- Approve; no show.*
- Referred to the City Council due back on 2/15/2017**
- 4 [RLH TA 17-8](#) Ratifying the Appealed Special Tax Assessment for Property at 713 COMO AVENUE (File No. J1705A, Assessment No. 178504).
- Sponsors:** Brendmoen
- Nancy M Hochschild, tax owner/homesteader, appeared.*
- Inspector Paula Seeley:*
- Summary Abatement issued for failure to maintain the exterior on Oct 18; compliance Oct 25; re-checked Oct 26
 - work done Oct 27, 2016 for a cost of \$308 + \$160 = \$468
 - no returned mail
 - no history
 - 2 mattresses
- VIDEO - crew removed mattress & debris on blvd*
- Ms. Hochschild:*
- those were dumped in the middle of Como Ave; I moved them to the blvd & called SPPD, who gave me a non emergency number to call and had me call another dumping number; they thanked me for pulling them from the middle of the street; and then they became my problem; I didn't know that taking them out of the right-of-way became my problem; so, I learned that I should have left them in the street; when I talked to the officer, who came out he said, "You should leave them in the bike lane but don't tell anybody I told you that;" I didn't take that to heart & now, I know why*
- Ms. Moermond:*
- asked if the non emergency line keeps a record of calls*
- Inspector Lisa Martin:*
- we can check*
- Ms. Moermond:*
- I see a lot of mattresses in my line of work and, in this particular case, what you're telling me does ring true
 - I would like to have that piece of documentation added to the file
 - I will delete this assessment; we'll hunt down that documentation
 - I think that Public Works should have come & got the mattresses; it's a problem of

communication between the city depts; it's not a problem between you & trying to communicate with the city

Delete the assessment.

Referred to the City Council due back on 2/15/2017

- 5 [RLH TA 17-15](#) Ratifying the Appealed Special Tax Assessment for Property at 1089 COOK AVENUE EAST (File No. J1705A, Assessment No. 178504).

Sponsors: Bostrom

Steven Gotham, owner, appeared.

Inspector Paula Seeley:

*-TGW Order sent Oct 7; compliance Oct 11; re-checked Oct 19
-work done Oct 21 for a cost of \$160 + \$160 service charge = \$320
-sent to Steven Gotham, 6428 Cahill Ave, Inver Grove Hts, MN; & Occupant
-history: 3 TGW complaints in 2016
-this is a Vacant Bldg; so, there are no photos*

VIDEO - there's a before Video but no completion of work Video

Ms. Moermond:

*-will recommend deleting this assessment; lack of documentation (no Video; no photos)
-we are getting complaints every month that the grass needs to be taken care of, etc.
-what are your long term plans for the bldg?*

Mr. Gotham:

-I'm going to sell it

Ms. Moermond:

-have you gotten a code compliance inspection report?

Mr. Gotham:

-yes; we have everything under control

Ms. Moermond:

*-the code compliance inspection report is necessary for you to sell a VB of this type (or a TISH)
-no VIDEO; no photos*

Delete the assessment.

Referred to the City Council due back on 2/15/2017

- 6 [RLH TA 17-10](#) Ratifying the Appealed Special Tax Assessment for Property at 210 GRAND AVENUE (File No. J1704A, Assessment No. 178503).

Sponsors: Noecker

Approve; no show.

Referred to the City Council due back on 2/15/2017

7 **RLH TA 17-17** Ratifying the Appealed Special Tax Assessment for Property at 417 GRAND AVENUE (File No. J1703B, Assessment No. 178102).

Sponsors: Noecker

Frank French, managing agent, Professional Real Estate Management LLC, appeared.

Ms. Moermond:

-looks like we're missing some paperwork here; we made the request of the Fire Dept to get it

Inspector Paula Seeley:

-this was an emergency boarding by SPFD at 12:45 am, Aug 18, 2016

-cost: \$275 + \$160 service charge = \$435

-unsecured bldg; boarded door with 2 clips

Ms. Moermond:

-something happened during the wee hours of the morning

Mr. French:

-Mr. Nedorski, owner, told me that there's some history of the mother of the tenant, Apt #4, that every time she couldn't get a hold of her daughter, would call 911; in this instance, they came out and forced their way into the apartment bldg

-as a managing agent, we have plaques inside the doors as well as on the bldg, that have our phone number; so, we would have been there in a heartbeat if we would have had notification

-the resident had no problem, physical or otherwise, and has since moved into a nursing facility

-no notification to use even though there was means to access my company, as well as the owner

-there is a key box

Mr. Seeley:

-from Fire Prevention, it says on Sep 7, 2016, "Old box & new box on bldg needs panel key"

Mr. French:

-that's since been corrected

Ms. Moermond:

-I need to look at the Fire Incident Report to find out what the Fire Dept found in the key box at the time; clearly, it's the fastest thing for them to get into the key box to get into the bldg & apt

Mr. French:

-just the apartment door was clipped

-there were several ways to notify us and we would have had someone there to open that door; and there was no medical emergency or otherwise

-we have a 24/7 answering service

Ms. Moermond:

-I don't know that until I look at the Fire Report

-you can come back here or we can email you the information

Approve the assessment. Medic contacted Management Co.

Referred to the City Council due back on 2/15/2017

- 8 **RLH TA 17-6** Ratifying the Appealed Special Tax Assessment for Property at 825 HARDENBERGH PLACE (File No. J1705A, Assessment No. 178504).

Sponsors: Thao

Approve; no show.

Referred to the City Council due back on 2/15/2017

- 9 **RLH TA 17-1** Ratifying the Appealed Special Tax Assessment for Property at 651 HAWTHORNE AVENUE. (File No. J1705A, Assessment No. 178504)

Sponsors: Bostrom

Approve; no show.

Referred to the City Council due back on 2/15/2017

- 10 **RLH TA 17-14** Ratifying the Appealed Special Tax Assessment for Property at 653 IVY AVENUE EAST. (File No. J1705A, Assessment No. 178504)

Sponsors: Bostrom

Toni Schewe, owner, appeared.

Inspector Paula Seeley:

-Summary Abatement issued Oct 4; compliance Oct 12; re-checked Oct 13

-work done Oct 14 for a cost of \$288 + \$160 = \$448

-sent to: Toni Schewe & Occupant at this address

-no returned mail

-remove tree branch pile in rear yard next to alley

VIDEO - crew removed branch pile next to alley

Ms. Moermond:

-the photo looks like that pile was all on the ally & had been moved to a garden type area because nothing in the video showed the garage door

Ms. Seeley:

-it was on the apron

Ms. Schewe:

-we were out of town when the Order was issued; my best friend was picking up my mail and she called us; I asked her to move it inside our 6 1/2 foot privacy fence until we returned; we got back Thu night and Fri afternoon, when I got home from work, I thought I'd take care of it; I was confused when I couldn't find the pile; I initially, called my friend thinking that she surprised us by taking it all the way to the compost site for us but she had moved it inside the fence

-I spoke with Willy, the inspector; he said that he wasn't there when it was done; I wanted to make sure that it wasn't normal policy to go inside the fence looking for a pile of branches; it made me nervous that all that happened while we were out of town; I do have a Beware of Dog sign on the fence

Ms. Moermond:

-a good faith effort was made

*-the crew made the trip & picked up the pile
-I will get you down to \$100*

Reduce from \$448 to \$100.

Referred to the City Council due back on 2/15/2017

11 RLH TA 17-19

Ratifying the Appealed Special Tax Assessment for Property at 1506 LAUREL AVENUE (File No. J1701C, Assessment No. 172000).

Sponsors: Thao

Tim Ophelan, owner, appeared.

Inspector Paula Seeley:

*-Emergency Summary Abatement for a Demolition issued May 12, 2016
-Immediately remove partially razed house; structure is in imminent danger of collapse
-city's bldg official Steve Ubl deemed it an immediate hazard
-cost: \$1349 + \$160 service charge = \$1509
-Orders sent to: Coleman E Ophelan/Conor J Ophelan/Timothy S Ophelan/Maria H Ophelan, 1886 Summit Ave, St. Paul
-no returned mail
-house brought to the ground to alleviate immediate hazard; owner allowed to finish removal*

Mr. Ophelan:

*-we were taking down a house that we owned since 1978
-I got a phone call the morning of May 9, 2016 from Steve Magner, who said, "We're tearing your bldg down in 10 minutes; I thought I'd give you a call;" and I thought it was a joke, actually; I took off immediately and went over there; we were re-building a house on 1506 Laurel Ave; and we were de-constructing it; we hired a company called Better Futures Minnesota to de-construct the home because the wood, windows, floor boards - that's all re-usable; it would be cheaper for me to demo it; more expensive for me to de-construct it; and Better Futures MN were on the job - working on this project for at least 2-3 weeks, at this point
-the Zoning people knew that we were de-constructing it; we've had many conversations about this whole project; we were taking it down; Better Futures was on the job
-the city people deemed it a hazardous site; however, all these people were wearing their OSHA proved equipment, etc, while taking it apart
-Mr. Ubl made a decision that it was no longer safe and I was given 10 minutes, basically, interject my opinion on the situation before it was torn down*

Ms. Moermond:

*-Steve Ubl made the decision; he is the city's bldg official in charge of all the trades inspections; so, if there's a determination to be made about the safety of the bldg, in any aspect & codes, it comes to him
-Steve Magner is in charge of 2 areas; he's the manager of Vacant Buildings & Code Enforcement, which does include nuisance abatement activities
-Ubl said it was an immediate hazard and gave direction to have it removed to Magner*

Mr. Ophelan:

*-we lost very expensive materials in this project
-Better Futures has met with DSI and the people at DSI admitted that they pulled the trigger too quickly on this*

-what's typically procedure? How much notice should I have been given?

Ms. Moermond:

-if it's considered a very dangerous structure, it could come down and you'd find out afterwards

Mr. Ophelan:

-this particular site had signage saying that it was being de-constructed; if there are any issues, call these phone numbers, etc..... and there was none of that from the city

Ms. Moermond:

-this is a discussion about whether the people who were de-constructing the house did it in a fashion that kept it safe; and the bldg official, upon review of the site, made a determination that it was a hazardous site; that it was a dangerous structure; that it needed to come down immediately; and they razed it

-this cost is normally what I'd see for a small garage coming down; it's cheap; house demolitions can run between \$15,000 and \$20,000

-will recommend approval of this assessment; the work was done; it was done on an emergency basis and your ability to take care of it was limited but the city does have police powers to be able to manage these situations & there was a safety concern

-if you want to go to the City Council and talk to them, you can do so Feb 15

Mr. Ophelan:

-how does the property that I lost inside the bldg come into play here?

-about \$15,000 worth of material that could have been re-used

Ms. Moermond:

-that depends on who you blame

Mr. Ophelan:

-well, the City of St. Paul took it down

Ms. Moermond:

-and the city would probably say, "Your folks made it a hazard"

-you can make a claim against the city; claim forms are in Room 310 & also online; a lot of people begin there; others begin by calling a lawyer

Mr. Ophelan:

-to clarify: so, there's no Notice that has to be given (?) Even though there are phone numbers in front

-I was given no Notice whatsoever to rectify the situation at all

Ms. Moermond:

-this is an emergency situation; the fact that there's a phone number in front does not make it a non emergency

-the bldg official said that these people handled the job in such a way that a hazard & a dangerous structure was created that needed to be dealt with immediately

-this was an emergency Order; and whether or not this was properly deemed to be an emergency is something that could be discussed.....at another venue

-it is an appropriate assessment for the work done; the Order was issued correctly; the costs were incurred

-the losses that you have experienced is the next step to deal with

Mr. Ophelan:

-Steve Wagner called me on the morning 10 minutes before the demo

-so, what documentation do you have of phone calls?

Ms. Seeley:

-Mr. Wagner might have that

-I heard you say that Steve Wagner called you May 9, which would have given you 3 days

-I'm not finding that a phone call was made to Better Futures

Ms. Moermond:

-the Order is dated May 12, 2016; I think that Ms. Seeley is saying that there was a mismatch with the phone call & the demo

-the demo occurred May 12

Mr. Ophelan:

-it was the 12th; I got the phone call the morning of when it was razed

-Better Futures is telling me that they did everything right according to OSHA specs

Ms. Moermond:

-the best way to get all of the information that the city has on this is to file a Minnesota Data Practices Request; & you want to know all of the things that DSI has on this case; that will be everything; that's what I would do if I were you

Approve the assessment.

Referred to the City Council due back on 2/15/2017

12 [RLH TA 17-11](#)

Ratifying the Appealed Special Tax Assessment for Property at 1118 MARGARET STREET (File No. J1705A, Assessment No. 178504).

Sponsors: Prince

Rescheduled per owner's request.

Laid Over to the Legislative Hearings due back on 1/17/2017

13 [RLH TA 17-20](#)

Ratifying the Appealed Special Tax Assessment for Property at 544 MINNEHAHA AVENUE WEST (File No. J1703A, Assessment No. 178502).

Sponsors: Thao

Watch VIDEO - tall grass & weeds issue

VIDEO - city crew cut grass over 8 inches tall

Ms. Moermond:

-will recommend approval; no question about it

Mai Vang:

-garbage clean-up was the next day, Sep 8

Ms. Moermond:

-do we have VIDEO on the garbage clean-up?

VIDEO- crew removed loose & scattered debris in the yard, TV, trash

Ms. Moermond:

-the materials were there; they were picked-up

-recommend approval

Reduce the assessment from 608.00 to \$320.00. (Summary Abatement on garbage was not sent out.)

Referred to the City Council due back on 1/18/2017

14 RLH TA 17-3

Ratifying the Appealed Special Tax Assessment for Property at 1523 SCHEFFER AVENUE (File No. J1705A, Assessment No. 178504).

Sponsors: Tolbert

Suzanne Digney, owner, appeared.

Inspector Paula Seeley:

-Summary Abatement issued Sep 28; compliance Oct 7; re-checked Oct 11

-work done Oct 14 for a cost of \$316 + \$160 = \$476

-remove pile of yard waste from driveway; plastic bags from front yard

-sent to: Suzanne Digney, Occupant & William C Short at this address

-no returned mail

-no history

VIDEO - crew removed pile of straw, dirt, compost debris from driveway

Ms. Digney:

-that was \$400 worth of mulch that the city took from my yard that I was about to put on my garden

-I called & told the city it was mulch & that I was going to put it on my gardens

-now, I'm getting charged \$476 to have it removed by the city plus I had to go out & buy more mulch

Ms. Moermond:

-it looks like you got an extension

Ms. Digney:

-I might have; I was out of town; I covered it with a tarp that was weighted down with cement blocks; my car was, obviously, parked in front of it; I was really surprised that it was gone

Ms. Moermond:

-I'm wondering why you didn't put it into your garden

Ms. Digney:

-I was putting it into my garden and then, I had to go out of town; (I was in Baltimore; my mother has Parkinson's); I called the city about it; & you know, it takes a while to get it all into the garden; that's a lot of mulch

Ms. Moermond:

-the Order was mailed Sep 28; the deadline was a week later and a little more than 2 weeks when it got picked-up

Ms. Digney:

-it wasn't as though it was going to blow around on my neighbors' yards; a tarp was over it & it was weighted down

Ms. Seeley:

-you need to use a compost bin, 6 x 6 cu ft

-no history on the property

Ms. Digney:

-it wasn't yard waste being composted; it had been delivered; it was a weed suppressant - like a cypress mulch; I bought it from Gertens

Ms. Moermond:

-I can see how you & the city were talking past each other

-in your favor, you don't have a history

-will recommend reducing the assessment to \$100 if no same or similar to Sep 21, 2017

-will Lay this Over to Sep 20, 2017

To be referred to September 20, 2017 City Council Public Hearing. If no same or similar at that time, will reduce the fee from \$476 to \$100. (LHO mentioned September 21 but this was in error.)

Referred to the City Council due back on 2/15/2017

15 [RLH TA 17-7](#)

Ratifying the Appealed Special Tax Assessment for Property at 699 SHERBURNE AVENUE (File No. J1705A, Assessment No. 178504).

Sponsors: Thao

Approve; no show.

Referred to the City Council due back on 2/15/2017

16 [RLH TA 16-589](#)

Ratifying the Appealed Special Tax Assessment for Property at 544 UNIVERSITY AVENUE WEST (File No. J1702E, Assessment No. 178301).

Sponsors: Thao

Approve; no show. (Laid over due to a confusion on another property).

Referred to the City Council due back on 2/1/2017

17 [RLH TA 17-9](#)

Ratifying the Appealed Special Tax Assessment for Property at 22 WARREN STREET (File No. J1705A, Assessment No. 178504).

Sponsors: Prince

Delete the assessment; orders were not sent out. (No hearing necessary.)

Referred to the City Council due back on 2/15/2017

18 [RLH TA 16-564](#)

Ratifying the Appealed Special Tax Assessment for Property at 302 COTTAGE AVENUE WEST (File No. VB1704, Assessment No. 178804).

Sponsors: Brendmoen

Juan Castellanos, owner, appeared.

Mai Vang:

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

-goes to Council Jan 18, 2017

-Category 2 Vacant Building file was opened Jun 12, 2014

-code compliance inspection done Sep 7, 2016
-sale review approved Oct 11, 2016
-permits issued: bldg, electrical, plumbing, warm air, mechanical
-this is already at the assessment level

Mr. Castellanos:

-closed Jul 29, 2016
-will be done with rehab within the month; have an inspection today for insulation;
then we can put up sheet rock
-trying to get it done by end of Jan; (just asking for a little more time because
sometimes, it's up to the inspectors, you know); the heating inspector is coming Fri

Ms. Moermond:

-so you get your rough-ins done, then, finishing work - finals
-you didn't deal with the VB fee at closing

Mr. Castellanos:

-they had already paid for last years

Ms. Moermond:

-today's VB bill is for Jun 2016-Jun 2017
-in the closing, the bank didn't pay that bill; they paid the 2015-16 VB bill & left you
with this one

Mr. Castellanos:

-I didn't take over until Jul 29

Ms. Moermond:

-that was a bill that had been sent in May to the bank; was it a HUD house?

Inspector Paula Seeley:

-Fannie Mae; so there was a waiver on it

Ms. Moermond:

-so the bank didn't pay it, actually; the bank never got billed because it was a Fannie
Mae loan; and the city can't bill the federal government; so that fee didn't come into
play at the closing
-we are 7 months into the year & you're not likely to be done until we're 8 months into
the year & I don't recommend that the City Council prorate fees unless things are
done in 6 or fewer months in the year
-you are welcome to go to the City Council and look for a prorated fee from them (Jan
18 at 5:30 pm)

Mr. Castellanos:

-this is my first property in St. Paul and I got a huge code compliance report and we
are way over our budget
-we are going to sell the property
-as soon as I took over, I got a whole bunch of assessment letters
-when we went to the closing, there were no assessments; none showed up

Ms. Moermond:

-the selling is supposed to disclose pending assessments as well as pending Orders
-that's an important question to ask in the future

Approve the assessment.

Referred to the City Council due back on 1/18/2017

- 19 **RLH TA 17-21** Ratifying the Appealed Special Tax Assessment for Property at 948 EARL STREET (File No. J1705A, Assessment No. 178504).

Sponsors: Bostrom

Lorna M Pettis, property manager, appeared.

Inspector Paula Seeley:

-the Summary Abatement Order did not get sent on this one

-I'm very disappointed; I was the inspector

-look at the photos - a lot of stuff

-we need to Delete the assessment (\$448) because the Notice did not get sent

-it was an Amanda problem

Ms. Moermond:

Delete the assessment.

Referred to the City Council due back on 2/15/2017

- 20 **RLH TA 17-22** Ratifying the Appealed Special Tax Assessment for Property at 1375 EDGERTON STREET (File No. J1704G, Assessment No. 178703).

Sponsors: Brendmoen

Lorna M Pettis, property manager, Danmark Properties, appeared.

Inspector Paula Seeley:

-Summary Abatement Hauler Order issued Oct 6; compliance Oct 12; re-checked Oct 12

-work done Oct 12 & Oct 14 for a cost of \$100 + \$160 service charge = \$260

-I was the inspector on this one

-beforehand, we got a complaint that these 2 properties next door were not putting their trash containers back-they were leaving them out all week; I ran trash checks on both & I sent them both documents telling them to push their trash containers back; I believe that the Veola trash container was always out in front for this property; I was able to get the people at 1377 to take care of it - pulling their's back

-all of a sudden, the Veola container was gone; I wondered why not (?) so, I sent a hauler Order and put out a city container; on Oct 5, no container or call; I never got a call from Danmark; I called Veola & they confirmed that she had service; the container was in the back

-so, we'll have to cancel this - DELETE it

Ms. Pettis:

-just so you know, I just took over; they had done things differently before; I'm the new property manager for this company

Ms. Moermond:

-looks like there was confusion between you & the neighboring property

-I will recommend deleting this assessment

Delete the assessment.

Referred to the City Council due back on 2/15/2017

- 21 [RLH TA 17-23](#) Ratifying the Appealed Special Tax Assessment for Property at 1466 VAN

BUREN AVENUE (File No. J1704G, Assessment No. 178703).

Sponsors: Stark

Delete the assessment per the recommendation of the Legislative Hearing Officer. This recommendation was made at the last Legislative Hearing when J1703G was in hearing. Owner has garbage service now. (No hearing necessary)

Referred to the City Council due back on 2/15/2017

Special Tax Assessments - ROLLS

- 22 RLH AR 17-5** Ratifying the assessments for Boarding and/or Securing services during August 2016. (File No. J1703B, Assessment No. 178102)

Sponsors: Stark

Referred to the City Council due back on 2/15/2017

- 23 RLH AR 17-1** Ratifying the assessments for Demolition services from July to September 2016. (File No. J1701C, Assessment No. 172000)

Sponsors: Stark

Referred to the City Council due back on 2/15/2017

- 24 RLH AR 17-2** Ratifying the assessments for Emergency Abatement services during August to September 2016. (File No. J1704A, Assessment No. 178503)

Sponsors: Stark

Referred to the City Council due back on 2/15/2017

- 25 RLH AR 17-3** Ratifying the assessments for Property Clean Up services during September 30 to October 31, 2016. (File No. J1705A, Assessment No. 178504)

Sponsors: Stark

Referred to the City Council due back on 2/15/2017

- 26 RLH AR 17-4** Ratifying the assessments for Ttrash Hauling services during October 5 to 28, 2016. (File No. J1704G, Assessment No. 178703)

Sponsors: Stark

Referred to the City Council due back on 2/15/2017

11:00 a.m. Hearings

Summary Abatement Orders

- 27 [RLH SAO 17-1](#) Appeal of Patrick M. Hill to a Vehicle Abatement Order at 873 HAWTHORNE AVENUE EAST.

Sponsors: Bostrom

Inspector needs to confirm compliance per Racquel Naylor's email.

Laid Over to the Legislative Hearings due back on 1/10/2017

- 28 [RLH SAO 17-2](#) Appeal of William Uhlenkott to a Summary Abatement Order at 529 PORTLAND AVENUE.

Sponsors: Thao

William Uhlenkott, owner, appeared.

Inspector Lisa Martin:

-Summary Abatement Order issued Dec 5; compliance Dec 13 by Inspector Mark Kaisersatt

-sent to Occupant & Mr. William Uhlenkott, 529 Portland Ave, St. Paul

-order: to remove improperly stored accumulated refuse including removing a sink, scrap metal, plumbing fixtures, and all other storage from the area between the garage & rear fence line before Dec 13; and extension was given until Dec 21 by the inspector

Mr. Uhlenkott:

-when I talked to the inspector earlier in the year, he looked everything over and said, "You need to get this organized more;" which I did; he came back and said, "You've done a great job; I can see you've done a lot of work; there's more stuff that should be moved out of the area; just hide it; put it behind the garage, where ever you can find a place for it;" so, that's what I did

-on Dec 5, he sent me a letter saying that it all had to be taken care of or moved; and I said, "But you told me that I should put it behind the garage because you can see anything from the front, back & side of the house;" but the neighbors had complained constantly; I told him that I couldn't get it done by the 5th & he gave me until the 21st and then said, "But I want it done before I go on vacation;" it's raining & cold and I have a health issue that prevents me from working in that kind of weather; he said, "Well, just do what you can; we'll go from there;"

-I told him that it was awfully shor notice & that he could have told me the last time he was out here

-so, I fell like I was kind of set up...and then...

-he brought to Ms. Moermond's attention a document from his Dr.; he has diabetes and he can't go outside in that weather (entered into the record)

Ms. Moermond:

-I will enter your Dr.'s statement into the record

-do you have someone to help you with your yard work?

-you worked with Insp Kaisersatt; got rid of a lot of stuff & he said to hide the remaining stuff, which you did

Mr. Uhlenkott:

-I have it on my answering machine; he said it on my answering machine

Ms. Moermond:

-how did you manage all the beginning stuff & now have the problem that you can't manage finishing but for the weather

Mr. Uhlenkott:
-the weather is not in my favor

Ms. Moermond:
-I'm thinking that the weather will clear before the end of Jun 2017

Mr. Uhlenkott:
-I contacted a number of friends to help me but this kind of weather & the holidays....no one is eager to work outside
-I'm not asking to be relieved of the responsibility; I just need better weather to work in; I know where everything is going to go; I have a plan; a lot of these things are for the restoration of the house

Ms. Moermond:
-I understand your circumstances
-looking at the photo between the garages, asked which garage was his?

Mr. Uhlenkott:
-explained the photo; unless you crawled back in there, there's no way you see all that; it's not very big
-I do a lot of restoration work; I collect a lot of vintage things-iron work
-I live on the property

Ms. Martin:
-history: tall grass, vehicles, garbage

Mr. Uhlenkott:
-I'm willing to comply; asking for an extension to when I can go out into the weather

Ms. Moermond:
-will grant an extension to Apr 30 to have it all gone; those things cannot be stored on the exterior of your property; I know that you're doing salvage work and that it's a hobby but they need to be stored properly within an out building of some sort or in your basement, etc.

Grant until April 30, 2017 to remove all items from the area between the garage and rear fence.

Referred to the City Council due back on 1/18/2017

Correction Orders

29 [RLH CO 17-2](#) Appeal of Blong Vang to a Correction Notice at 38 GERANIUM AVENUE EAST.

Sponsors: Brendmoen

Blong Vang appeared.

*Inspector Lisa Martin:
-Dec 12, Orders issued to Mai See Lor, 38 Geranium Ave E, St. Paul - a Correction Notice referring to a vehicle in the driveway that appeared inoperable; Orders asked that the vehicle be taken care of - Remove by Dec 22
-I went out there last Thu and the vehicle was not in the driveway; the vehicle is gone*

-I left a message for Mr. Vang
-currently, there is no problem

Ms. Moermond:
-the vehicle is gone

Mr. Vang:
-I live here with my parents
-I was confused; I was fixing the car only on our property; the vehicle was not inoperable

Ms. Moermond:

Grant the appeal as it has been abated.

Referred to the City Council due back on 1/18/2017

30 [RLH CO 17-1](#) Appeal of Eric Thompson to a Correction Notice at 956 KENNARD STREET.

Sponsors: Bostrom

Eric C Thompson, owner, appeared.

Ms. Moermond:
-this is a Correction Notice for a vehicle parked on an unapproved surface

Inspector Paula Seeley:
-Sent Correction Notice Dec 8 for parking on an unapproved surface; and to file a site plan
-please remove red Mazda truck off the grass in the rear yard
-sent Dec 8; compliance date Dec 15
-appeal was filed since
-photos
-this is a split lot
-we did not find a site plan for parking; I went way back to see if one had been submitted; none had
-I did an aerial map
-Appellant needs to go down to DSI, 375 Jackson St to submit a site plan for parking

Ms. Moermond:
-at some point, there should have been a site plan for parking submitted; it should have come forward when there was a lot split

Mr. Thompson:
-the parking area is not in the rear; it's on the side; there's gravel down, not a lot but there is gravel (has photo)
-the house has been there since 1947; think this is the only place anyone has ever parked on the site
-it's a strange division of the property; I think the house on Case had 1/2 an acre and it was subdivided in 1947 for my house; and probably in the 60's for my neighbor's house; there's like 4 lots
-there is a thing in MN State law about grandfathering....statute 460.37 that says if there's a variance before the law goes in, it can continue unless there's a fire, unoccupancy for 180 days,.....
-my neighbors are fine with it
-there are other people who park on dirt and they didn't get one of these

-there's a lot down the street that just got razed and it's all dirt right now - about 1/2 acre by the train tracks
-I can't do anything until spring anyway
-what about the state fair - parking on the grass every year - a commercial enterprise
-seems kind of arbitrary for allowing the officer to do "whatever"
- I mow my lawn, I shovel the sidewalk, I pick up trash that blows into my yard & from the kids at the bus stop in my yard, I take care of my place, the neighbors are all good
-it's been this way forever; it just became a problem 2 weeks ago

Ms. Moermond:

-I don't know why it would have become a problem a couple of weeks ago; what was the impetus for this?
-I will look at your phone pictures - that's not a class 5 surface; class 5 is gravel particulate that's between certain sizes, so you won't have the dust in there but this is not worth sweating

Mr. Thompson:

-I'll email the phone photos later today

Ms. Moermond:

-you can keep your gravel but it needs to be maintained; and the gravel should not be the entire side yard or entire back yard; confine the gravel to a defined space; use some sort of edging/boundary
-draw a sketch of the area to show me what you're going to do and send it in (submitted)

Grant an extension to June 2, 2017 for compliance.

Referred to the City Council due back on 1/18/2017

31 SR 17-4

Review Request for Extension of Additional Time for Appeal of Mario Sanchez Marquez to a Correction Order at 1275 FREMONT AVENUE.

Sponsors: Prince

Mario Sanchez Marquez, owner, and an interpreter appeared.

Ms. Moermond:

-we talked about this case some time ago

Inspector Paula Seeley:

-you emailed Inspector James Hoffman to go out & take photos; he took recent photos Dec 14, 2016
-Jul 11, Inspector Hoffman sent a Correction Notice to repair the holes/peeling paint on the garage; remove weeds from driveway; and to remove the chicken wire fence (temporary fencing is not allowed).
-Dec 14, Mr. Hoffman went out; there had been no work done on the garage; he had given Appellant 2 weeks to work on the garage; and the fencing is still up; I spoke with Mr. Hoffman & I have no problem giving the Appellant until spring or Jun 1, 2017 to work on the garage
-there are a lot of weeds growing thru the driveway (no notes on it in Dec)
-now, there's a car with expired tabs

Ms. Moermond:

-Orders last Jul: maintenance on garage siding; driveway was in disrepair; fence was

*in disrepair; at the time, I recommended to City Council that the Appellant get an extension to Jan 1, 2017 on the driveway and to bring the rest into compliance; it's been 6 months since the original Order was written
-I'm looking for some sign that any progress has been made*

*Ms. Mai Vang:
-nothing's been done*

*Ms. Moermond:
-this is a disappointment; the Council had imposed a deadline which was not met; what are the department's obligations?
-I think that there are two: 1) either write an Excessive Consumption; or 2) eventually, a Criminal Citation*

*Ms. Seeley:
-or we would remove the chicken wire fence ourselves; most likely, we write an Excessive Consumption*

*Mr. Marquez:
-of everything that's been asked of me, I've just done the roof; friends were going to help me in Nov with the siding & the floor but something came up -my wife had surgery on Nov 29 (has proof); I don't have a full time job - just my wife has a full time job; &my wife hasn't worked for 2 months; sometimes I work; sometimes, I don't; what little bit of money that we had for the repairs had to be used to pay the bills for the house
-I know what I have to do; I just need some time to accumulate the money & for the snow to go away
-I haven't taken down the fence; it's for my 2 dogs (Labrador & Husky); if I take the fence away, the dogs will leave; they already got away & I had to pay a fine to the city; I want to put some sensors in the ground for the dogs, but I don't have the money yet, so I haven't done it; can you give me more time?*

*Ms. Moermond:
-one problem with the fence is that it's temporary & it's bent down; it should be tight; it's a simple repair that's better than removing it; (asked Mr. Marquez to come up & look at the photos)
-you can't have more than a 6 1/2 ft fence in the back yard & side yards; in the front yard, a fence can be only 4 ft; that fence looks closer to a 10 ft fence (guess)
-I want to fence to be in good shape - solid*

*Mr. Marquez:
-money is the problem
-if I shorten the fence, my dogs are going to leave - jump over
-with the dogs, no one has stolen from me or broke the glass in my car & stole the car's computer; with the garage there, it doesn't let me see*

*Ms. Moermond:
-I want to work with you
-OK; can you have it done by Jul 1, 2017?
-have you called to get financial help?*

*Mr. Marquez:
-I will try to do it by Jul 1
-no, because when you ask for monty, they always look to see if you're working - and we have debts
-my wife started back to work in Dec - a couple of hours*

Ms. Moermond:

-I will give you another resource: Brush with Kindness Program, Habitat for Humanity; I don't think that they have those income issues (Mai will put the phone number in her letter)

-I will talk with Councilmember Prince tomorrow to see if she is agreeable with this plan

-deadline: Jul 1, 2017

A new resolution will be drafted for the February 1, 2017 Public Hearing to grant Owner additional time until July 1, 2017 for compliance.

Received and Filed

11:30 a.m. Hearings

Orders To Vacate, Condemnations and Revocations

1:30 p.m. Hearings

Fire Certificates of Occupancy

- 32 [RLH FCO 17-3](#) Appeal of John Enestvedt & Lara Cavanaugh to a Fire Certificate of Occupancy Correction Notice at 200 AMHERST STREET.

Sponsors: Tolbert

Grant the appeal based on current occupancy and ownership of the property. (No one appeared.)

Referred to the City Council due back on 2/1/2017

- 33 [RLH FCO 17-2](#) Appeal of Leonard Wistrill to a Re-Inspection Fire Certificate of Occupancy with Deficiencies at 714 MINNEHAHA AVENUE WEST.

Sponsors: Thao

Laid over to February 7 for inspector to get a hold of owner so that inspector can contact owner to gain access of interior of property: Ms. Moermond is asking for photos for Items 1 (guardrails) & 4 (gate) on whether the items have been taken care of.

Laid Over to the Legislative Hearings due back on 2/7/2017

2:30 p.m. Hearings

Vacant Building Registrations

- 34 [RLH VBR 17-1](#) Appeal of Josh Limberg to a Vacant Building Registration Requirement at 666 SIMS AVENUE.

Sponsors: Bostrom

Josh Limberg, Urban Enterprises, property manager, appeared.

Ms. Moermond:

- appeal of the Annual Registered Vacant Building fee
- you are coming off a 90-day waiver on the VB fee because of the fire; the code provides that if there's a fire, you will get the fee waived to give you a change to get things under control
- photos from Fire Dept
- the doorway stuff is throwing me; it looks like that's the area of the \$5000 in damage

Fire Inspector A J. Neis:

- Yes; and this one is a little unique
- it had a fire back in Oct 2016; there were multiple violations as with any fire
- I believe that we received a complaint from the property manager or the owner indicating that the tenant in Unit #2 is living there and refused to leave; based on that, we went out there as Fire Certificate of Occupancy in the beginning of Dec; in addition to the fire damage, there was no water, no electricity, no heat to that unit (the other 2 units were vacant); looking for our help to kick the tenants out; Unit #1 had the fire
- based on the living conditions, we Condemned the bldg and vacated the tenant in Unit #2
- this is a Category 1 Fire Exemption VB
- there are active permits - pulled Dec 19, 2016; the work is being done

Mr. Limberg:

- that was me; I'm the property manager
- Unit #1 had not been fire damaged

Ms. Moermond:

- today, we are looking at the VB registration fee
- Condemned for lack of basic facilities, unrepaired fire damage in one unit, which under normal circumstances would mean that unit cannot be occupied

Mr. Limberg:

- initially, you said something about 90 days; it hasn't been 90 days since the fire

Inspector Matt Dornfeld, Vacant Buildings:

- we got the file on Dec 12
- Inspector Tom Friel went to the property Dec 20, 2016
- his notes: this is a 2-story wood frame/brick 3 unit bldg that is vacant & secure; Condemned and referred by Fire Inspector Pettiford; also appears to be moderately fire damaged; it has several boarded windows, cracked bricks, foundation defects, as well as a number of deficiencies listed on the Condemnation letter; there are several open permits on file
- the porch was removed; appears to be work in progress, dumpster in back, some debris; fridge with no door in rear yard; opening Category 1 Fire Exempt VB; issued Orders to have fridge removed; it is now my understanding that the SA on the fridge is now in compliance
- looking at the VB fee and the fire exemption was not entered; the VB fee is looking to be due Jan 21, 2017

Ms. Moermond:

- by my calculations, if we have a fire on Oct 28, an automatic 90-day VB waiver takes us to Jan 28, that's when the bill would go out

Mr. Dornfeld:

- that's fine with me

Mr. Limberg:

-first of all, I didn't know about this 90-day things; I know that we passed the Fire inspection late in 2016 before this fire happened to get the Fire C of O; I know that the whole house will be ready before Jan 28, probably before Jan 21, 2017; so, if we can pass the whole inspection, then my understanding would be that I wouldn't have to register it as a Vacant Bldg because it has a C of O

Ms. Moermond:

-I'd like you to register it as a VB; it is a VB according to our code and, according to the code, the VB fee is waived; the reason to register it, is to get the right contact information into Mr. Dornfeld's hands

-if you can get your C of O re-instated by Mar 1, 2017, there will be no VB fee

-Mai Vang provided the Appellant with the VB registration form

Mr. Limberg:

-the contractors are fighting with the insurance; the insurance says it'll cost \$5000; the contractors say it'll cost \$40,000

-the bldg will be lot better after this

Ms. Moermond:

-if you don't get your C of O by Mar 1, 2017, we will have some sorting to do to figure this out; push them hard to get it done

Mr. Neis:

-you fire inspector would normally be James but he is out for an extended leave at this time

Ms. Moermond:

-this is a post fire issue; let's just give it to Fire Supervisor Leanna Shaff, 266-8980; if she doesn't go, she can send someone; when you're ready for the C of O inspection, give her a call & give her a couple weeks notice

Waive VB fee until March 1, 2017 for owner to get Fire Certificate of Occupancy reinstated.

Referred to the City Council due back on 2/1/2017

35 RLH VBR 17-2

Appeal of Nancy Day to a Condemnation/Order to Vacate and Vacant Building Registration Requirement at 457 TOWER STREET.

Sponsors: Prince

Nancy J Day, owner, appeared.

Inspector Matt Dornfeld, Vacant Buildings:

-the Dept of Safety & Inspections (DSI) received a gross & unsanitary complaint Dec 6, 2016; code enforcement inspector James Hoffman responded to that complaint on Dec 8, 2016 accompanied by SPPD;

there were gross unsanitary conditions throughout the house: he noted garbage, feces, soiled clothing, rotten food; no operable smoke/CO detectors in the home; 5 children were living the house; Child Protection placed kids into care; exterior of the house has garbage throughout the rear yard; there are torn screens;

decking/stairway to rear of yard is very unstable; garage is full of garbage; sent Summary Abatement Order for exterior garbage; also Condemned on site

-Dec 15, 2016: Inspector Hoffman re-inspected - following up of the SA Order and issued a Work Order to have the back yard cleaned up and transferred it to the

Vacant Building Program

*-Dec 20, 2016: VB Inspector Tom Friel opened a Category 2 Vacant Building and noted: 1 story wood frame single family house that appears vacant; it is secured; referred & Condemned by code inspector James Hoffman for gross unsanitary conditions; garage service door is open; there may be a dog inside; can't tell for sure if people are gone; will put a complaint into Animal Control; issued a Summary Abatement Order to secure the garage
-during that time, an appeal was filed; thus, Inspector Friel's enforcement is stayed*

Ms. Day:

-I live there with 5 children; no one else

Ms. Moermond:

-it's been a couple of weeks; what's going on?

Ms. Day:

*-I've cleaned; we had to get a dumpster; House Calls wouldn't respond to me; I've been doing a lot of work inside; I have working smoke detectors upstairs (hard-wired) & down (battery)
-there are a lot of things that I'd like to do but can't because of the timing that I can be there
I would like to go home; I work 9-5 each day
-I do have a dog; it's in foster care right now
-the roof isn't leaking
-a friend of mine will help me on Sat; she submitted a letter*

Ms. Moermond:

-the list seems to be mostly sanitation issues; I'm seeing some exterior repair issues but not too many interior but there are a lot of things on the floor so maybe the inspector just wasn't able to see everything because of the clutter

Ms. Day:

*-I'm a single mom of 5 & have been for a year & working 2 jobs
-kids ages: 14, 11, 9, 7, 1
-just started to get child support in Sep
-my 11 year old is autistic & he started to get Social Security
-my brother thinks that there's just a bolt that needs tightening on the stairway*

Ms. Moermond:

-it says here that the work's going to require a permit

Ms. Day:

-I tried to call Inspector Friel; didn't know he was on leave; if not, he's not responding

Ms. Moermond:

-wants to know that if there's a fresh scene to look at, is this something that would benefit from a Code Compliance Inspection; and if there's been a lot of clean-up, it would be better to assess that; this is kind of Mr. Singerhouse's area, I guess

Mr. Dornfeld:

-we'll get Rich to go out or maybe Rich & I can go together

Ms. Moermond:

-will Lay this Over for 1 week, Jan 10, 2017 at 2:30 pm to get that inspection done to determine whether we need a code compliance inspection or whether this a sanitation issue, only; then, we can decide from there

*-in the meantime, get as much cleaning out done as possible
-if I can get independent confirmation that things are getting cleaned out, I can put you on a Work Plan & get you going so that you can get back in again sooner & cheaper*

Mr. Dornfeld:

*-spend the next days & weekend cleaning so that when we come out next Mon or Tue am, we can give a positive report on Tue Afternoon at 2:30
-we'll be looking for life-safety issues: furnace, electricity on, no open plumbing, all toilets flushing, smoke/CO detectors that are operable, get rid of the clutter
-I think we should put a waiver on the VB fee*

Ms. Moermond:

-yes; I think we can conclude that today, for sure

Ms. Day:

-I need more dumpsters; Sade was supposed to meet me one morning & she didn't show up & the next morning she didn't have the time

Ms. Moermond:

-it was hard to get a hold of people last week

Mr. Dornfeld:

-I will email Sade right now & cc Ms. Moermond

Ms. Moermond:

-you need that dumpster now

Mr. Dornfeld:

*-take a deep breath; I'll get a hold of Sade and call you by the end of the week to schedule a time to come out early next week to look at the house
-in the meantime, 8 am - 8 pm you can be at the house; sleeping there is not legal*

Waive the Vacant Building fee for 90 days. Prior to January 10th hearing, Matt Dornfeld will inspect interior of building and report findings of clean-out. Owner can be at property from 8 am to 8 pm to do clean out and contact House Calls for a dumpster.

Laid Over to the Legislative Hearings due back on 1/10/2017