



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final

Legislative Hearings

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

Tuesday, March 7, 2017

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Special Tax Assessments

- 1 **RLH TA 17-82** Ratifying the Appealed Special Tax Assessment for Property at 962 BAYARD AVENUE. (File No. J1707A, Assessment No. 178506)

Sponsors: Noecker

Approve the assessment.

Referred to the City Council due back on 4/19/2017
- 2 **RLH TA 17-99** Ratifying the Appealed Special Tax Assessment for Property at 442 BEACON STREET. (File No. J1707A, Assessment No. 178506)

Sponsors: Stark

Delete the assessment.

Referred to the City Council due back on 4/19/2017
- 3 [RLH TA 17-86](#) Ratifying the Appealed Special Tax Assessment for Property at 1024 BUSH AVENUE. (File No. J1707A, Assessment No. 178506)

Sponsors: Prince

Approve; no show.

Referred to the City Council due back on 4/19/2017
- 4 **RLH TA 17-95** Ratifying the Appealed Special Tax Assessment for Property at 1802 BUSH AVENUE. (File No. J1706E, Assessment No. 178305)

Sponsors: Prince

Delete the assessment.

Referred to the City Council due back on 4/19/2017

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- 5 **RLH TA 17-92** Ratifying the Appealed Special Tax Assessment for Property at 943 EARL STREET. (File No. VB1706, Assessment No. 178806)
- Sponsors: Bostrom
- Delete the assessment.
- Referred to the City Council due back on 4/19/2017**
- 6 **RLH TA 17-85** Ratifying the Appealed Special Tax Assessment for Property at 1100 FARRINGTON STREET. (File No. J1707A, Assessment No. 178506)
- Sponsors: Brendmoen
- Approve the assessment.
- Referred to the City Council due back on 4/19/2017**
- 7 **RLH TA 17-76** Ratifying the Appealed Special Tax Assessment for Property at 892 FOURTH STREET EAST. (File No. J1707A, Assessment No. 178506)
- Sponsors: Prince
- Delete the assessment.
- Referred to the City Council due back on 4/19/2017**
- 8 **RLH TA 17-80** Ratifying the Appealed Special Tax Assessment for Property at 1221 GALTIER STREET. (File No. J1707A, Assessment No. 178506)
- Sponsors: Brendmoen
- Approve the assessment.
- Referred to the City Council due back on 4/19/2017**
- 9 [RLH TA 17-90](#) Ratifying the Appealed Special Tax Assessment for Property at 1071 HUDSON ROAD. (File No. J1705E, Assessment No. 178304) (Public hearing to be continued to May 17, 2017)
- Sponsors: Prince
- Kathy Huntington, owner & Michelle Ryan, daughter, appeared.
- Supervisor Paula Seeley:
- Excessive Consumption fine
 - Vehicle Abatement Order was sent Sep 16, 2016; compliance Sep 27; re-checked Sep 28; no attempt had been made to update tabs; vehicle seems to be in the same spot as initially inspected; no contact from owner; still in violation; he sent an EC fine
 - sent to Kathrine Huntington & Occupant at this address
 - vehicle was a white Olds that lacked current tabs; was open to entry and appeared inoperable
 - VA said to either update tabs or remove vehicle from back yard
- Ms. Huntington:
- we had put the car there because we had gotten an Order from the city about

garbage dumped near the garage and they were trying to make us pay for the removal of that garbage that was dumped there; I think the city did, finally some to pick it up; consequently, we put the car there so that no one would dump garbage there

-then, we got the Order to remove the car/remove tabs and we removed the car; I don't remember the date

-now, we are still having people dump garbage on our property; that's the problem - that's why the car was there in the first place

-we've lived at this property for almost 30 years

-we've had to move our garbage containers into the garage now because people dump stuff all the time and we have to pay to have other peoples' stuff removed

Ms. Seeley:

-not much history here

Ms. Nhia Vang:

To layover to May 17, 2017 Public Hearing and if no same or similar violation(s); will delete the assessment.

Referred to the City Council due back on 4/5/2017

- 10 RLH TA 17-78** Ratifying the Appealed Special Tax Assessment for Property at 884 HYACINTH AVENUE EAST. (File No. J1707A, Assessment No. 178506)

Sponsors: Bostrom

To layover to September 6 Public Hearing and if no same or similar violation(s), will delete the assessment.

Referred to the City Council due back on 4/19/2017

- 11 RLH TA 17-74** Ratifying the Appealed Special Tax Assessment for Property at 866 JESSIE STREET. (File No. J1707A, Assessment No. 178506)

Sponsors: Brendmoen

Delete the assessment.

Referred to the City Council due back on 4/19/2017

- 12 [RLH TA 17-91](#)** Ratifying the Appealed Special Tax Assessment for Property at 125 MAGNOLIA AVENUE WEST. (File No. J1704B, Assessment No. 178103)

Sponsors: Brendmoen

Approve; no show.

Referred to the City Council due back on 4/5/2017

- 13 RLH TA 17-70** Ratifying the Appealed Special Tax Assessment for Property at 214 MAPLE STREET. (File No. J1707A, Assessment No. 178506)

Sponsors: Prince

Delete the assessment.

Referred to the City Council due back on 4/19/2017

- 14 RLH TA 17-79** Ratifying the Appealed Special Tax Assessment for Property at 1032 MARGARET STREET. (File No. J1707A, Assessment No. 178506)

Sponsors: Prince

Approve; no show.

3/15/17: owner called and stated he missed his hearing. Rescheduled to March 21 per his request.

Laid Over to the Legislative Hearings due back on 3/21/2017

- 15 RLH TA 17-87** Ratifying the Appealed Special Tax Assessment for Property at 525 MARYLAND AVENUE EAST. (File No. J1706E, Assessment No. 178305)

Sponsors: Brendmoen

Rescheduled per owner's request.

Laid Over to the Legislative Hearings due back on 3/21/2017

- 16 [RLH TA 17-73](#)** Ratifying the Appealed Special Tax Assessment for Property at 1335 PAYNE AVENUE. (File No. J1707A, Assessment No. 178506)

Sponsors: Bostrom

Approve; no show.

Referred to the City Council due back on 4/19/2017

- 17 [RLH TA 17-51](#)** Ratifying the Appealed Special Tax Assessment for Property at 756-758 REANEY AVENUE. (File No. J1705A2, Assessment No. 178513)

Sponsors: Bostrom

*Pramol Mathew, Urban Enterprises Inc, property mgr, appeared.
(2 assessments: clean-up J1705A2; trash hauling services J1705G1)*

Inspector Paula Seeley:

*-Summary Abatement Order issued for clean-up Sep 20; compliance Sep 26;
re-checked Oct 5*

-work done Oct 6 for a cost of \$428 + \$160 service charge = \$588

-no returned mail

*-sent to: Occupant; Bretta Hebing, Urban Enterprises, Inc, 4542 Nicollet Ave, Mpls;
and Cerisano Enterprise LLC, 13226 Crusheen Ct, Rosemount MN*

*-in caps: including removal of overflowing trash dumpsters located behind the
garage near the alley*

*-there has to be illegal dumping there; you are a victim & you need to figure out
something to deter it: lights; motion deter; call the inspector if you feel it's dumping*

VIDEO - crew emptied overflowing dumpster near alley; picked up loose & scattered trash on the ground

Ms. Mathew:

*-Coolidge went out of business & became Advanced Disposal
-I hired Aspen in Aug 2016; the trash was being taken out but they didn't come to take the dumpsters & the whole neighborhood started to dump their trash in those dumpsters; we got the Order but we got it on the day that it was supposed to be gone
-then, the next thing, I got one more Notice saying that the city had ordered trash service for the property but I did have trash service & I have proof that I was paying for it (entered); I called the city & told them & they came to take the containers the next day; but I'm getting billed twice for trash service
-we had been making payment to Coolidge and then, starting in Aug, I hired Aspen*

Ms. Seeley:

*-looks like Inspector Williams called Advanced Disposal on Oct 5; they said the service was suspended for nonpayment; then, he sent the Work Order on the clean-up
-OK, we did have a trash hauling from Oct 6 - Oct 12 but the inspector indicates that there was no trash service & that's why he had the city put containers out there; it says: Orders were sent - sending 3 city containers to property
-Oct 7 notes: owner did not call in before the time of re-inspection due date but she has Aspen Service; so, most likely, we'll delete the assessment
-recommended deletion of the assessment for trash hauling, which is J1705G1 (should be J1704G1) for a total cost of \$610
-the property should have called to say she changed service to Aspen
-Coolidge was bought by Advanced*

Ms. Nhia Vang:

-delete the assessment for hauling

Ms. Mathew:

-I did call the inspector after the compliance date

Ms. Seeley:

-that was too late to stop generating this charge

Ms. Nhia Vang:

Delete this assessment.

RE: cleanup J1705A2; we viewed the VIDEO, as noted above

Ms. Mathew:

*-now we put our trash containers in the garage because the neighborhood would fill the big dumpsters with their own trash
-I am not disputing the cleanup*

Ms. Nhia Vang:

-I will approve the assessment for the cleanup, which is \$588

Approve this assessment.

Referred to the City Council due back on 3/15/2017

756-758 REANEY AVENUE. (File No. J1704G1, Assessment No. 178708)

Sponsors: Bostrom

*Pramol Mathew, Urban Enterprises Inc, property mgr, appeared.
(2 assessments: clean-up J1705A2; trash hauling services J1705G1)*

Inspector Paula Seeley:

*-Summary Abatement Order issued for clean-up Sep 20; compliance Sep 26;
re-checked Oct 5*

-work done Oct 6 for a cost of \$428 + \$160 service charge = \$588

-no returned mail

*-sent to: Occupant; Bretta Hebing, Urban Enterprises, Inc, 4542 Nicollet Ave, Mpls;
and Cerisano Enterprise LLC, 13226 Crusheen Ct, Rosemount MN*

*-in caps: including removal of overflowing trash dumpsters located behind the
garage near the alley*

*-there has to be illegal dumping there; you are a victim & you need to figure out
something to deter it: lights; motion deter; call the inspector if you feel it's dumping*

*VIDEO - crew emptied overflowing dumpster near alley; picked up loose & scattered
trash on the ground*

Ms. Mathew:

-Coolidge went out of business & became Advanced Disposal

*-I hired Aspen in Aug 2016; the trash was being taken out but they didn't come to
take the dumpsters & the whole neighborhood started to dump their trash in those
dumpsters; we got the Order but we got it on the day that it was supposed to be gone*

*-then, the next thing, I got one more Notice saying that the city had ordered trash
service for the property but I did have trash service & I have proof that I was paying
for it (entered); I called the city & told them & they came to take the containers the
next day; but I'm getting billed twice for trash service*

-we had been making payment to Coolidge and then, starting in Aug, I hired Aspen

Ms. Seeley:

*-looks like Inspector Williams called Advanced Disposal on Oct 5; they said the
service was suspended for nonpayment; then, he sent the Work Order on the
clean-up*

*-OK, we did have a trash hauling from Oct 6 - Oct 12 but the inspector indicates that
there was no trash service & that's why he had the city put containers out there; it
says: Orders were sent - sending 3 city containers to property*

*-Oct 7 notes: owner did not call in before the time of re-inspection due date but she
has Aspen Service; so, most likely, we'll delete the assessment*

*-recommended deletion of the assessment for trash hauling, which is J1705G1 for a
total cost of \$610*

-the property should have called to say she changed service to Aspen

-Coolidge was bought by Advanced

Ms. Nhia Vang:

-delete the assessment for hauling

Ms. Mathew:

-I did call the inspector after the compliance date

Ms. Seeley:

-that was too late to stop generating this charge

Ms. Nhia Vang:

Delete this assessment.

RE: cleanup J1705A2; we viewed the VIDEO, as noted above

Ms. Mathew:

-now we put our trash containers in the garage because the neighborhood would fill the big dumpsters with their own trash
-I am not disputing the cleanup

Ms. Nhia Vang:

-I will approve the assessment for the cleanup, which is \$588

Approve this assessment.

Referred to the City Council due back on 3/15/2017

19 [RLH TA 17-83](#)

Ratifying the Appealed Special Tax Assessment for Property at 913 SAINT ANTHONY AVENUE. (File No. J1704B, Assessment No. 178103)

Sponsors: Thao

Norma I Gyasi, owner, appeared.

Inspector Joe Yannarely:

-this is an emergency boarding assessment of \$275 + \$160 service charge = \$435
-SPPD report: they found a broken window and called the boarding company on Sep 9, 2016 at 4 am; a possible burglary
-photos
-this property has no recent history

Ms. Gyasi:

-I was renting the bldg to Pastor Jim, Kingdom Pathways to provide a safe place for them to stay; however, there were several behavioral issues during that rental period: 1) entry door locks changed constantly by the pastor without my knowledge; the clients were constantly breaking down the door so, pastor was constantly repairing the door but never giving me the key; I confronted him about that but nothing was ever done; and 2) on Jul 10, I visited the home with a friend who was interested in renting the property; she requested to see the basement; so, we both went downstairs to look at it and there was something/someone moving in black; so, she screamed; we both ran in hysteria, only to find that there were 2 young children sleeping in the basement; at that point, the police were called
-I had evicted the pastor but there was still someone downstairs
-in the attic, the tenants had broken into the door & had stored 2 huge bags full of alcohol, which they weren't supposed to have; they also dismantled the fire alarms in the bldg
-the fire inspector was supposed to come out to inspect & I was very upset, knowing that they had dismantled every single fire alarm in the bldg
-there weren't supposed to smoke, either
-the person who lived downstairs left the back door open so that anyone could come in; I reported that to the police & they gave me Notice to attach to the back door saying, "The building was under surveillance"
-Kingdom Pathways was also notified
-I was afraid; my husband had died 6 months prior to all of this, so, I had to go into

the property by myself to make sure that things were going the way that they supposed to

-on Sep 2, I noticed that someone had broken into the home and had left underwear, food upstairs and they took a hanger to get the door open; I called SPPD & told them that someone had broken in; then, we bolted the doors so that people could not get into the house

-I went away and someone got it; they defecated all along the upstairs in the flower pot, so, I called SPPD on Sep 10 again, because the same squatters who had been in there before smashed a window; I was afraid to go into my own property because I never knew what I was going to find - who was going to be there

-I received a Notice from the city saying they had boarded up the window & I was responsible for paying \$435, which, to me, was an excessive amount, knowing that I was doing the best I can in order to keep up that property; I've had it for nearly 10 years; something always needs to get done; every time I go there, I am surprised & nervous going into my own house

-after Sep 1, 2016, it was unoccupied; one gentleman had been in there in Aug

-the house is a duplex

-I am disputing the cost of the boarding

Ms. Gyasi:

-as a person, I thought that I should call the police because I thought that my life was in danger; and when I got this Notice, I thought that I was the nuisance, calling the police; I don't know what else I could have done

Ms. Nhia Vang:

-were you given an opportunity to secure the bldg yourself?

Ms. Gyasi:

-yes

-the house is still unoccupied

-the fire inspection was done in Jul-Aug; that's when I found out that they had dismantled all the fire alarms; that's when I decided that they had to go because I wasn't going to have tenants in the house when I'm going to be liable when they dismantle the fire alarms

Ms. Nhia Vang:

-I see a note here that you already paid the \$435

Ms. Gyasi:

-yes, I was going to be out of town from the end of Dec to the end of Feb; I just came back a week ago; I spoke to Mai about it and she said that there was nothing they could do in 2 weeks because it was close to Christmas; she said, "Well, there's nothing they can do, so you might as well pay the money;" and I didn't want the city to come to me and say, "You owe use \$435 when I came back at the end of Feb;" I hate owing people money; I wanted to clear it up before I went out of town"

Ms. Mai Vang:

-I don't remember a phone conversation telling her to pay the bill because at that time, it wouldn't have gone to an assessment yet; she would just have gotten an emergency boarding letter

-I don't think that I would ever tell you to pay the bill

-the bill was \$275 at the time (boarding alone)

-once it goes to assessment; a service charge of \$160 is added for administrative costs

Ms. Gyasi:

-I'm appealing because I think this is a high price for me to pay for this

Mr. Yannarely:

-I guess that you will be making a determination of whether or not the Appellant needs a refund

-the facts are that SPPD was called at 3:20 am; they found the bldg open to entry & they called the emergency boarding contractor at 4 am, which is costly; and they performed the service of boarding

Ms. Nhia Vang:

-who called the police?

Ms. Gyasi:

-I was at the bldg at 11 pm - midnight; I called the police and they said that something else had happened, which would delay their coming out; I waited for an hour; the police didn't come; I wasn't going to wait for another 2-3 hours for SPPD to get there; so, when they came at 3 am, I was not there

Mr. Yannarely:

-SPPD found it open and their job is to make sure that the bldg is left secured, which they did

Ms. Nhia Vang:

*-I emphasize with your situation but you did call the police; they showed up later than you expected; they did secure the property before they left; it would have been irresponsible for them to leave the bldg without securing it
-you already paid the \$435*

Ms. Gyasi:

*-I think I should get a refund
-with all of the circumstances that have gone with that property, I've done my utmost best; I think that is a harsh penalty to pay
-I am a responsible person & I've done as much as I can*

Ms. Nhia Vang:

-I can't delete the entire amount but I can delete the administrative fee; so, the city will refund \$160

Reduce this assessment from \$435 to \$275. (City will refund \$160.)

Referred to the City Council due back on 4/5/2017

- 20** **RLH TA 17-75** Ratifying the Appealed Special Tax Assessment for Property at 717 THIRD STREET EAST. (File No. J1707A, Assessment No. 178506)

Sponsors: Prince

Reduce from \$448 to \$288.

Referred to the City Council due back on 4/19/2017

- 21** [RLH TA 17-71](#) Deleting the Appealed Special Tax Assessment for Property at 1578 UNIVERSITY AVENUE WEST. (File No. J1706P, Assessment No. 178405)

Sponsors: Thao

Delete the assessment; no photos taken of the graffiti.

NOTE: No waiver on file; advised property manager to fill out waiver for future purposes.

Referred to the City Council due back on 4/5/2017

- 22 RLH TA 17-94** Ratifying the Appealed Special Tax Assessment for Property at 653 WESTERN AVENUE NORTH. (File No. VB1708, Assessment No. 178808)

Sponsors: Thao

Reduce from \$4265 to \$2132.50.

Referred to the City Council due back on 4/19/2017

- 23 RLH TA 17-100** Ratifying the Appealed Special Tax Assessment for Property at 703-705 BEDFORD STREET. (File No. J1707A, Assessment No. 178506)

Sponsors: Brendmoen

Laurel Hedlund, Bedford Street LLC, owner, appeared.

Inspector Paula Seeley:

*-Summary Abatement Order sent Dec 20; compliance Dec 24; re-checked Dec 27
-work done Dec 29 for a cost of \$344 + \$160 service charge = \$504
-sent to Occupant; EIG Property Management, 3346 Hennepin Ave, Ste 201, Mpls;
and Bedford Street LLC, PO Box 40213, St. Paul, MN
-no returned
-Inspector Ed Smith has an open file on this property - dates back to Sep 2015
-this was on a Problem Properties List before you owned it (Ms. Hedlund purchased in Sep 2016)
-another PAEC is coming: some garbage frozen to the ground; given a week extension to clean up; another Work Order sent Feb 14, 2107
-Inspector Hoffman was out there Mar 6 re: furniture, garbage, household items, rubbish at rear of property; sending SA Order*

Ms. Hedlund:

*-I did not receive the one in Dec, 2016
-there is a serious problem here with dumping
-I have a contract with Junking and just in the last 6 months since I've owned it, I spent \$1500 on hauling away junk
-it seems like I'm not getting all of the Notices; I've received 5 Notices since my ownership; on several instances, I received doubled billing for this because there are 2 addresses; there's 703 & 705; it was originally, a duplex but there's only one PID and there's only one location of where the garbage is; it's only 1 property; I own the whole bldg
-I was double billed: Dec 20, 2016; Sep 26, 2016; and Feb 1, 2017*

Ms. Seeley:

-I think this is going to be complicated; perhaps, we should re-schedule so that we can prepare for the hearing

Ms. Nhia Vang:

-we will Lay this Over for more information; in order to make a recommendation, I need to have the complete history on this

Ms. Hedlund:

-it seems like I'm missing some of this information, too

Ms. Seeley:

-go down to 375 Jackson St and request the Orders

Ms. Nhia Vang:

-will Lay this Over to Tue Mar 21, 2017 at 9 am

Laid Over to the Legislative Hearings due back on 3/21/2017

Special Tax Assessments - FOR DELETION (NO HEARING NECESSARY)

- 24** [RLH TA 17-98](#) Deleting the Appealed Special Tax Assessment for Property at 296 BATES AVENUE. (File No. J1706E, Assessment No. 178305)
- Sponsors:** Prince
- Delete the assessment due to probable illegal dumping.*
- Referred to the City Council due back on 4/19/2017**
-
- 25** [RLH TA 17-81](#) Deleting the Appealed Special Tax Assessment for Property at 1276 HAGUE AVENUE. (File No. J1706E, Assessment No. 178305)
- Sponsors:** Thao
- Delete, excessiv consumption fine was generated in error. The inspector intended to cancel the fine to allow veterans assistance to provide services.*
- Referred to the City Council due back on 4/19/2017**
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- 26** [RLH TA 17-77](#) Deleting the Appealed Special Tax Assessment for Property at 809 LAWSON AVENUE EAST. (File No. J1706E, Assessment No. 178305)
- Sponsors:** Bostrom
- Delete; City records not updated on plat map. Owner did not own the parcel.*
- Referred to the City Council due back on 4/19/2017**
-
- 27** [RLH TA 17-97](#) Deleting the Appealed Special Tax Assessment for Property at 207 MAPLE STREET. (File No. J1706E, Assessment No. 178305)
- Sponsors:** Prince
- Delete; Dadder's Estates, LLC did not own the property when the Summary Abatement Orders were issued so they should have not been issued an excessive consumption.*
- Referred to the City Council due back on 4/19/2017**

- 28 [RLH TA 17-72](#) Deleting the Appealed Special Tax Assessment for Property at 1817 MINNEHAHA AVENUE EAST. (File No. J1706E, Assessment No. 178305)

Sponsors: Prince

Delete; excessive consumption fine was generated in error.

Referred to the City Council due back on 4/19/2017

Special Tax Assessments-ROLLS

- 29 **RLH AR 17-20** Ratifying the assessments for Collection of Vacant Building Registration fees billed during June 6 to October 21, 2016. (File No. VB1706, Assessment No. 148806)

Sponsors: Stark

Referred to the City Council due back on 4/19/2017

- 30 **RLH AR 17-21** Ratifying the assessments for Property Clean Up services during November 30 to December 30, 2016. (File No. J1707A, Assessment No. 178506)

Sponsors: Stark

Referred to the City Council due back on 4/19/2017

- 31 **RLH AR 17-22** Ratifying the assessments for Trash Hauling services during December 7 to 29, 2016. (File No. J1706G, Assessment No. 178705)

Sponsors: Stark

Referred to the City Council due back on 4/19/2017

- 32 **RLH AR 17-23** Ratifying the assessments for Excessive Use of Inspection/Abatement services billed during October 24 to November 18, 2016. (File No. J1706E, Assessment No. 178305)

Sponsors: Stark

Referred to the City Council due back on 4/19/2017

- 33 **RLH AR 17-24** Ratifying the assessments for Collection of Vacant Building Registration fee billed April 1, 2015 and April 1, 2016 at 653 Western Ave N. (File No. VB1708, Assessment No. 178808)

Sponsors: Stark

Referred to the City Council due back on 4/19/2017

11:00 a.m. Hearings

Summary Abatement Orders**34** [RLH SAO 17-12](#) Appeal of Valerie Hoiness to a Summary Abatement Order at 2157 LINCOLN AVENUE.

Sponsors: Stark

Valerie K Hoiness, owner, appeared.

Supervisor Lisa Martin:

-complaint started in Oct 2016 about a semi container in the backyard being used for storage

-inspector sent a Summary Abatement Order Oct 11, 2016 to Bradley D Cripe as well as H Andrew Andersen, 2157 Lincoln Ave, 55105

-on a Correction Notice, it's listed as Bradley D Cripe / Valerie K Hoiness, 2157 Lincoln Ave

-SA: to remove improperly stored or accumulated refuse including removal of the wood debris, shelves, windows, brush & any other garbage/rubbish on the property; also remove trailer from the yard

-Correction Notice: Remove storage container illegally residing on the property; compliance date: Oct 25, 2016

-inspector spoke to owner; she was going to get a storage shed; he granted an extension; on Oct 15, he spoke with owner again; he extended again; on Nov 23, storage container remains on the property; he sends an Excessive Consumption fee -Nov 30, 2016, I spoke with Valerie; she said that the container had been in the yard for at least 2 years; stated that she had ordered a storage shed but it hadn't arrived; she explained that they ordered the wrong shed; I explained that she could have filed an appeal, as the Orders state; the inspector had granted the extension based on the fact that she had ordered a shed and take care of the issue

-Dec 14, 2016, it was still there; re-checked again Dec 21, 2016, he sent another EC

-Jan 5, 2017, I spoke with Valerie re: the EC; I told her that we'd discuss it when she filed her appeal

-Jan 5, 2017, I left a voice message her & told her she could reference: St. Paul Legislative Code 34.08 6 re: stored materials, which clearly states that she cannot have a container or storage pod on the property; I had explained to her previously that she cannot have a carton portable storage cargo container on a residential property; she said that she'd file an appeal but had not

-another EC was sent out; and the file was given to Inspector Ed Smith to monitor; since there was an appeal filed, I got the file back

-Jan 6, 2017, I spoke with the property owner again; she stated that the shed hadn't come; the company hadn't carried what she thought she had purchased; she felt that the inspector didn't tell her to file an appeal; again, it's listed right in the letter

-Feb 17, 2017: insp sent SA to remove the cargo container, as she had agreed to have it gone by Feb 27; I had granted an extension until Feb 27 without sending another EC with the understanding that it would be gone by Feb 27

-on the deadline, the appeal was filed

-photos - show the large cargo container that's still in the backyard

Ms. Hoiness:

-the original shed was ordered from Sears; they had the order filled by a 3rd party; so, a shed was delivered; it was not the size that we ordered or paid for; we contacted Sears & spoke with the seller that they worked with; apparently, that shed was not within Sear's purview to offer; I sent them the screen shot of the order confirmation, which stated the correct size shed that we had ordered; they apologized but we weren't able to obtain that shed

-she entered the receipt for the correct shed that they had ordered; it's taking a long time; the size is 12 x 8; it's for garden tools

Ms. Martin:

-I advised her to check with Zoning; you can have only so many structures on a residential property

Ms. Hoiness:

-I will speak with Zoning as soon as my husband decides which shed to purchase; this is a smaller one

Ms. Nhia Vang:

-speak with Zoning before you order the shed so that you don't waste any more time & money

Some discussion ensued about Leg Code language; the Appellant argued that she didn't see any code language that forbid her from having the cargo container; she asked Ms. Vang to find a definition of anything in Chapter 45 where this is considered a nuisance

Ms. Nhia Vang:

-agreed to look into that
-the city has been more than generous allowing time for compliance and the neighbors have been patient

Grant to March 28, 2017 to remove the cargo container.

Follow-Up: SPLC 34.08 The owner of any premises regulated by this section, as specified in section 34.03, shall comply with the following requirements: ... (6) Stored materials. It shall be unlawful to accumulate and store building material, lumber, boxes, cartons, portable storage containers, inter modal cargo containers or other containers, machinery, scrap metal, junk, raw material, fabricated goods and other items in such manner as to constitute a nuisance or rodent harborage. SPLC 45.02. - Definitions. The following definitions shall apply to this chapter: Attractive nuisance: A condition such as a dangerous structure, an unsecured vacant or condemned building, or other condition which in the opinion of the enforcement officer may attract nonowner(s) or other unauthorized person(s) and which would expose them to risk, peril or danger. -MM

Referred to the City Council due back on 4/5/2017

11:30 a.m. Hearings

Fire Correction Orders

- 35 [RLH CO 17-8](#) Appeal of Lisa Lemke to a Correction Notice-Complaint Inspection (includes condemnation) at 930 MOUND STREET.

Sponsors: Prince

Appearing: Lisa M Lemke, owner; Randall Wick, licensed general contractor & family friend; Kelly Flarity, tenant; and Paul Jiezulewicz, Southern Minnesota Regional Legal Services, (SMRLS)

Fire Inspector Leanna Shaff:

*-the house is owner-occupied; it has a garage out front with an upper level
-code enforcement received a complaint on Feb 21, 2017 that people were living in the apartment above the garage
-Inspector James Hoffman talked with me about the property in Feb and I entered a complaint on Feb 21 because whenever we have a property with 2 separate buildings, not considered a duplex; the one that is not owner-occupied needs a Fire Certificate of Occupancy; so, here, if this apartment above the garage has a tenant, that bldg was being occupied without a Fire C of O
-I sent it to the area inspector, George Niemeyer, to investigate & we don't usually call the owner first; we knock on the door to see if we can have access
-Insp Hoffman met Insp Niemeyer at the property; the tenant provided access & they took photos
-in 2004, there was a BZA request for a variance to make the garage at this property taller, which was denied but in 2005, a bldg permit was pulled for the garage; the permit expired so the work wasn't inspected; the work was built to the specs that had previously been denied by the BZA in 2005
-this is too big; hasn't been inspected; and hasn't been approved to be there; we have an illegal bldg
-there is no Certificate of Occupancy for the dwelling above the garage; all trade work (electrical, plumbing, mechanical, warm air, bldg) that was done, was done without permits; therefore, not inspected/approved
-there is no occupancy separation between the garage & the apartment & there are all sorts of things that are not done correctly and are dangerous to the occupant, like
- the gas line comes up thru the ground
-the change of use for the property has to be approved by the bldg official; that's not something that can be decided in this room*

Mr. Wick:

*-feels that quite a bit of history has been left out
-Ms. Lemke purchased the property in Mar 2014 on an on-line auction where she never spoke with any realtor nor official; she was literally give the code to the front door and said, "This is your new house;"
-we are not disagreeing with anything that the fire inspector has said
-Ms. Lemke was completely unaware of any of this that was going on; she bought the property & never any official anything was done; she wasn't involved in the permitting process*

Ms. Lemke:

*-I received a letter on a Fri from the city inspector, James Hoffman, who said that he'd come out on Tue & didn't give any details about what the inspection was about; I called him back & told him that I couldn't get off work that fast; I left a voice mail asking what this was about; he had said that he would give me more information; he sent out another letter & I called back again & asked again what the inspection was about; we kept missing each other; he called back & left a message saying, "It's come to our attention that the garage is occupied & it's not zoned for occupancy. We have concerns about this;" I called back & said that I'd love to set up a time to meet with you because I'm concerned as well; I have people living there
-I didn't hear anything after the 2nd letter & the 2nd voice mail I left; then, Kelly, who's living in the apartment now called me and my dad and the emergency back-up number and said that there were 2 men coming in to take pictures, "Do you know what this is about?" I didn't; then George Niemeyer got in touch with me after the fact; I got another letter about an inspection on the 15th and that the apartment needed to be vacated because it was zoned for storage in the garage; that's when I found out about all of this; before then, I had no idea about any of this; the garage looked like it had an apartment, and that's why I bought the property; then, I called*

*Randall and asked how I could bring this up to code
-so, I'm not appealing; I was told to come here & put in for a change of use*

*Mr. Wick:
-we just appealing this Correction Notice*

*Ms. Shaff:
-Inspector Niemeyer was pretty clear in his emails about the change of use situation*

*Mr. Wick:
-yes, we do understand the change of use and we agree with that but today we are appealing that all this work has to be done by the 15th?*

*Ms. Nhia Vang:
-this is a Correction Notice*

*Ms. Shaff:
-the Ordinance says that no bldg shall be occupied without a Fire C of O; we also have, what we feel, is a dangerous situation; this bldg cannot be occupied until it's correct & that it's actually recognized as a bldg*

*Mr. Wick:
-read a statement from Inspector Niemeyer, "Due to a lack of occupancy separation, there is to be no parking in the garage while the apartment is occupied"*

*Ms. Shaff:
-I required that because, while we have other things, we do have a Condemnation Notice within this Correction Order; Mr. Niemeyer told you to appeal because rather than vacating this tenant immediately (that very minute), there would be a stay of the Order on the condition that no cars were being parked inside the garage because of the danger*

*Ms. Lemke:
-I immediately removed my car from the garage; Mr. Niemeyer has been great about informing me
-I've been working with Kelly to get her into a new place; I've given her full deposit back so that she can move
-I've had Randall in there to give me a bid to make it safe but that's obviously not going to happen before Mar 15*

*Mr. Jiezulewicz, SMRLS, on behalf the tenant, Kelly Flarity
-we are appealing for a different reason; there are 2 issues: 1) the owners are here about what they need to do to get done; and 2) we're here to ask for a little extra time to vacate
-Mr. Niemeyer originally told Kelly that he'd try to get time to the end of the Mar to move; unfortunately, the Correction Notice gave a deadline of Mar 15 to either be fixed or she needs to be vacated
-is asking this body to extend the vacate date to Mar 31, 2017; she moved in Jul 1 and has paid rent every month; she has given up her dog to her mom, who's in a Senior Living Facility; she has no other family here and she has no where to go; she is not from here; she's from Florida; she came up here when her dad passed before he got treatment
-there is no one parking in the garage right now
-our contention is that the apartment is habitable; the cost of homelessness here is not warranted
-I spoke with Ms. Lemke and she is more than willing to let Kelly stay there until the*

end of Mar even though she is not being paid rent
-the other option here is a Tenent Remedy Action, where we would request a court order to stop the Order to Vacate; however, we came here today, hoping not to have to go through that

Ms. Shaff:

-I was uncomfortable giving it this much time (Mar 15); given the gas line is coming out of the ground being susceptible to impact & other damage; given the lack of clearances around vent piping where it requires a 6 inch through combustible materials (here is about 1 inch); given the furnace, water heater, plumbing, etc. that's incorrectly installed, etc; I'm extremely uncomfortable letting it go any further

Ms. Lemke:

-I'm uncomfortable hearing you talk about it; that was certainly not my intention from the beginning
-I'm wondering if there's any way that she could keep her stuff in there; I'm allergic to cats, otherwise, I would have offered that before - she can keep her animals in there but sleep in my house until the end of the month

Ms. Shaff:

-no one is blaming you

Ms. Flarity:

-and, this is hard for me to hear all that because I did feel safe
-I do feel safer without the car being parked in the garage
-I'm asking for more time because I need time to get approved for my new apartment
-if I have to be out by the 15th, I will; but I have absolutely no where to go
-I'm already at the county asking for emergency assistance to help with the move; I had an injury, too; it's been a hard year & it's hard to hear all of this
-this looks like an apartment & it's been occupied for years & has never had an issue/problem; I never had a problem & I never noticed anything
-my concern is if I wasn't there & there was a fire and the animals were there; it would destroy me but when you have no where to go, what do you do? You take a risk for the extra few days
-my credit went down due to a divorce & I just turned in a car that broke down, I bought one outright so that I wouldn't have so many bills; I don't even have someone to help me move & I have a rotator cuff...so...
-we are trying to find a little bit of leeway - not making her feel like a horrible person because it's not really her fault, intentionally

Ms. Shaff:

-it's sounds like there is some type of solution for the interim
-here's the issue for me, from an inspection's point of view: people tell me all the time, "Well, I've been doing this for 20 years & I've never had a fire;" well, how many does it take? It's that first time
-some of these issues here really scare me; & I can't predict the future but the codes are minimum compliance standards, which are the maximum which we can enforce but I'm seeing this as a code official and it's a very dangerous situation
-the city doesn't have a problem with your belongings being there or your taking time to move; the issue is your being there - living there; I'd prefer the animals not being there

Ms. Flarity:

-my mom is willing to take the dog but she will need to do paperwork which will take about 10 days to go thru
-I don't know about leaving the cat in there

-let's just hope that I get the new place

Ms. Nhia Vang:

-for the rest of the Order other than the vacate date, you will need to talk with the building official, Steve Ubl

Mr. Wick:

-I called George Niemeyer; he told us to speak with him about it; I went down to DSI & tried to get everyone's number & I tried to talk with people; I called Mr. Hoffman, who never responded back

Ms. Shaff:

-typically, what happens.... this is kind of a mess because we have some stuff that happened before Ms. Flarity owned the house; now, we have to weave thru all of that; how do we undo a bldg that was never approved; the variance for the garage was not approved because of the height; but the garage was built that way anyway - without approval; without licensed contractors; without permits and consequently, without inspections; and in my world, it's not OK until it's all inspected; now, we need to work backwards; and we don't even know if the city will continue to let you have it

Mr. Wick:

-there was a permit pulled when they originally did it; the bldg has been standing there since 2005 & the city has had ample opportunities to come and say, "This was not approved; tear it down;"

Ms. Shaff:

-the bldg code says that it's incumbent upon the permit holder to call for inspections... a permit expires after 180 days; it's required of me to get the permit finalized for any work that is done; unfortunately, it's not a proactive code

Ms. Lemke:

-George had mentioned to me that the variance to build the garage in front of the home was approved; and then, there was a variance to make it the height that it is, that wasn't approved

Ms. Shaff:

-yes

Ms. Lemke:

-but that happened before my time

Ms. Shaff:

-it's your house

Ms. Lemke:

-can I file for a change of use?

Ms. Shaff:

-I don't know; first off, make an appointment at 375 Jackson & explain what you have and ask what you need to do to dismantle this & put it back together in a way that is right for all of us - something that you guys will approve; the bldg official does the change of use but will the Board of Zoning Appeals (BZA) approve the variance

Mr. Wick:

*-how am I going to accomplish this task if I don't even get a returned phone call?
-and, when I went down there, I told them that I needed to talk with the bldg official, I*

have this property & explained.... they tried to call him & I called him myself but how can we move forward if we don't get returned phone calls? How can we move forward if we don't even get the right information?

Ms. Shaff:

-the bldg official's designees are the plan examiners - make an appointment with one of them; someone needs check on what's allowed in this particular zoning area; is this use appropriate?; does this meet codes? what do I need to do?

Mr. Wick:

-that's exactly what I did & they haven't helped me at all

Ms. Nhia Vang:

-Ms. Shaff, whom should he contact (name, number, etc.)

Ms. Shaff:

-I'm not going to do a specific name; all the bldg inspectors & the plans examiners - they are all the bldg official's (Mr. Ubl) designees to enforce the bldg code; so, if you make an appointment with the plans examiners, you should get some answers -you need to have a professional work with you

Ms. Lemke:

-when I spoke to George Niemeyer on the phone, he said that I would be working with George not James
-I was also confused because I thought that today, we'd be talking about the change of use; now, I need to file with.....

Ms. Nhia Vang:

-I will refer you to the bldg official as to the change of use and how to proceed - a whole separate area; but all of the people are located at the Dept of Safety & Inspections (DSI), 372 Jackson St; provided the phone number for plans examiners 651/266-9077; tell them exactly what you said today - what happened & what you are trying to do; you don't have a Fire C of O because it was an illegal construct -you'll need professionals to work with you

Mr. Wick:

-I'm trying to do those tasks but I'm not getting answers

Ms. Nhia Vang:

-the tenant & owner will work out living arrangements for the time being

Deny the appeal and grant to March 15 for tenant to vacate the property.

Referred to the City Council due back on 3/15/2017

Orders To Vacate, Condemnations and Revocations

1:30 p.m. Hearings

Fire Certificates of Occupancy

- 36 RLH FCO 17-6** Appeal of Lon LeVitre for ResCare MN to a Correction Notice - DHS Licensing Inspection at 1585 RICE STREET.

Sponsors: Brendmoen

Laid Over to the Legislative Hearings due back on 3/21/2017

- 37 [RLH FCO 17-16](#) Appeal of Jason R. Crowley to a Fire Inspection Correction Notice at 1707-1711 ENGLEWOOD AVENUE.

Sponsors: Stark

Jason R Crowley, owner, appeared.

Fire Inspector Leanna Shaff:

*-we were here at hearing Jan 24, 2017; Ms. Moermond granted item #3; she laid this over for 6 weeks to Mar 7 (today); she also laid over item #4-need clearer measurements of the 3rd floor & proportioned of floor area over 7 ft; grant to Aug 1 for retaining wall; grant to Nov 1 for the roof & grant appeal on CO detectors
-we are here for item #5: ceiling height in Unit 1711
-Insp Huseby went out to re-measure
-she & Mr. Crowley brought up diagrams to show Ms. Nhia Vang; Ms. Shaff noted that all the area in yellow meets the requirement for ceiling height; the bed has been moved to another part of the room; a bed cannot be moved back to the previous area; owner will amend the lease to include that condition*

Ms. Nhia Vang:

-appeal granted for item #5

Grant the appeal on the ceiling height issue in Unit 1711 as the bed has been removed from the floor area.

From previous hearing on January 24 LH: grant an extension to August 1, 2017 for the retaining wall, grant to November 1, 2017 for the roof and grant the appeal on the CO detectors.

Referred to the City Council due back on 4/5/2017

2:30 p.m. Hearings

Vacant Building Registrations

- 38 [RLH VBR 17-4](#) Appeal of Thong Her, Sierra Properties, to a Vacant Building Registration Notice plus Revocation of Fire Certificate of Occupancy and Order to Vacate at 1177 ALBEMARLE STREET.

Sponsors: Brendmoen

Thong Her, Sierra Properties Mgmt, LLC, owner, appeared.

Fire Inspector Leanna Shaff:

*-Inspector Neis wrote Orders dated Mar 3, 2017; she read the remedies of each item:
#1 - Romex wiring improperly attached to knob & tube wiring
#2 - Boiler is not functioning due to cracked pump. Repair the boiler & provide a heating safety test report to this office or replace the boiler under permit
#3 - Replace cracked window panes
#4 - Patch & paint throughout
#5 - Replace floor coverings throughout
#6 - Patch & paint ceiling throughout
#7 - Throughout- repair/replace damaged electrical fixtures; work will require a permit*

(several ungrounded 3-prong outlets; outlet in kitchen over the stove shows hot & neutral is reversed)

#8 - Illegal plumbing connections fire the waste line in the kitchen & bath (rubber fittings); permits are required

#9 - Smoke detector affidavit

-my recollection is that this was from an inspection started by Insp Grant Heitman; the first letter went out Jan 2016; first insp occurred in Aug 2016

-I think that there was some misunderstanding along the way

-we are typically, are looking for a 90-day compliance; this has been somewhat longer

-realistically, there should be a Condemnation on this because of the boiler but there is not

Mr. Her:

-the reason I'm making my case is because I didn't get a list of what to do

Ms. Shaff:

-Ms. Moermond gave him on Jan 24, 2017, 90 days to get his C of O re-instated, which will put it out to Apr 24, 2017

Mr. Her:

-if I had 90 days, then, why was I supposed to come back?

Ms. Nhia Vang:

-you missed your first LH on Jan 10; it got re-scheduled to Jan 24, 2017

Ms. Mai Vang:

-explained that on Jan 24, he got transferred to the VB Program, so, when he filed the appeal, it was for the VB fee; at that time, Ms. Moermond did not think that it should be in the VB Program, so, that's why she waived the VB fee for 90 days and asked that a fire inspector go out to the property again to see if it should remain in the C of O Program or go to the VB Program; Mr. Heitman & Mr. Neis went out and determined that it

shouldn't be in the VB, so, they are giving the opportunity to correct the items on the Fire C of O list

Ms. Shaff:

-here's what Insp Neis' inspection says, "I inspected 1177 Albemarle today at the request for the appeal," dated Feb 22, 2017; "the home is in overall good condition; however, a lot of cosmetic repairs are needed before it can be re-occupied; minor patching/painting/floor coverings/cover plates, etc, he also needs to get the bathroom functional; in addition, the owner has water & heat shut-off to preserve costs; he fully anticipates to have the home ready for occupancy by Jun 1, 2017; I cannot give him a C of O."

-this continues to be confusing to the Appellant

Mr. Her:

-yes; I'm confused because you gave me 90 days, you should have just said I had 90 days to do the first Correction list but instead you guys told me to have the inspector come back out & do another list...

Mr. Nhia Vang:

-you were given a 90-day VB fee waiver...

Mr. Her:

-I'm saying, why didn't you tell me to just go ahead & finish the inspection list instead

of having to wait for all of these inspectors to come out again; that's what I'm saying is not fair - I'm talking about my first hearing here (Jan 24, 2017)

Ms. Shaff:

-Insp Neis writes again Fri, Mar 3, 2017, "I cannot approve the Fire C of O; the owner has the water turned on but the boiler is still not functioning due to a cracked water pump; the owner is making significant progress & is expected to be fully completed by Jun 30, 2017; he will obtain permits for the boiler, plumbing & electrical work that I mentioned ASAP."

-it doesn't meet the definition of a Cat 1 VB; however, it remains in your purview to let it remain a Cat 1 so that he can continue to pull permits because a Cat 2 will require a Code Compliance Inspection; the VB fee has already been waived for 90 days to Apr 24, 2017

Ms. Mai Vang:

-reminded Mr. Her that the 90 days was just for the VB fee waiver; it he is not done, then the fee gets processed

Mr. Her:

-I have permits to do the sheet rock; and plumbing & other contractors are coming out soon; they're lined up

-I just was not aware that the 90 days was concrete & that it was from my first LH date

Ms. Nhia Vang:

-your 90 day VB fee waiver ends Apr 24, 2017

-continue to work off the list

Mr. Her:

-if I get done before, I will call AJ Neis

Ms. Nhia Vang:

VB 2 was changed to VB 1 and Legislative Hearing Officer gave 90 (4/24/17) days from January 24 Legislative Hearing to get Fire C of O reinstated.

Referred to the City Council due back on 4/5/2017

- 39** [RLH VBR 17-16](#) Appeal of Luul Omar, Ilham LLC, to a Vacant Building Registration Notice at 307 PAGE STREET EAST.

Sponsors: Noecker

Appeal withdrawn by DSI staff as owner is now in compliance and is no longer in the VB Program.

Withdrawn

- 40** [RLH VBR 17-19](#) Appeal of Bill Bernier to a Vacant Building Registration Fee Warning Letter at 786 ORANGE AVENUE.

Sponsors: Bostrom

Bill Bernier, owner, and his attorney, Ken Schivone, appeared. Ramsey County sheriff was also present.

Fire Supervisor Leanna Shaff:

-Revocation of a Fire Certificate of Occupancy of this Category 2 Vacant Building
-started Nov 8, 2016 with a referral
-kit sink not attached to the wall; electrical issues; oven is broken; freezer doesn't work; stove is on top of boards, roach infestation, mice, etc.
-Insp Schmidt went out Nov 21, 2016; he immediately transferred it to the Fire C of O program; he found it quite unsanitary with the above stated violations
-it ended up in an appeal from the tenant on Nov 16, 2016
-there was a series of re-inspections; House Calls..., the house was vacated -tenants relocated
-last LH took place Dec 13, 2016, when Ms. Moermond granted the Condemnation/Order to Vacate; the property was referred to the VB Program as Cat 2; and the City Council adopted it on Jan 4, 2017; the Mayor's Office signed Jan 9, 2017

Supervisor Matt Dornfeld:

-Insp Tom Friel on Dec 22, 2016 per Fire Inspection Condemnation opened a Cat 2 VB; he made some notes in the file: 1- story wood frame single family house that's vacant & secured; has a 1-car garage with an open window; was Condemned & referred by Fire Insp Brian Schmidt; also has some exterior defects as well as a number of deficiencies that were listed in the Condemnation Order; debris, household items, TV, etc, in backyard near garage; it appears that someone is cleaning out the house at the time of inspection
-on Jan 9, 2017, Insp Friel notes: bldg appears vacant; garage window remains open; truck parked in back; appears someone is doing clean-up at site; issued Work Order to remove debris, etc....
-Feb 16, 2017, Insp Friel notes: received info that a rental ad was placed for this house for immediate occupancy; stopped to inspect, posted placards on front door; no answer at door; knocked on back door & 2 men were apparently working in the basement; I asked if the owner was here; Mr. Bernier identified himself; he objected to having placards put up; I told him that since he was advertising for renter, it was necessary to put up the placards; he admitted that he had an ad on Craig's List and said that he would pull it off immediately; he seemed agitated & complained about several other city employees, etc; and said that this did not deserve to be a Cat 2 VB; I advised him to file an appeal if he was in disagreement; he said that he'd have his attorney file an appeal

Mr. Bernier:

-they were the worst tenants as far as cleanliness; I've some bad ones but nothing like this
-I had people over there to fix the oven; I dealt with the infestation; they're poor people & humble people-mentally ill, when you talk to her, she can start out screaming; they did pay their rent
-I did file an eviction for nonpayment of rent, that's what started all of this; I knew I had to get them out of there; I've been working on this house for 4 months now; we've cleaned everything up; it's been completely remodeled; the water was off-we didn't run water for the first 2 months while working there for the bugs; we did everything that we could do to get rid of all of the bugs
-the house is almost finished; new tile job in the bathroom; the kitchen is attractive
-I had the furnace checked out and tested yesterday; even got compliments from the inspector; I can't be present now for inspections because I said something that I shouldn't have said & I apologize for that
-entered the Orsat Test; HVAC was taken care of; there's no reason why it can't be occupied
-I want a nice property & I want good tenants and I will get a good tenant here, if I can rent it; it's a nice attractive home

Ms. Shaff:

-this bldg has not had a code compliance inspection, as required as a VB, Cat 2

Mr. Bernier:

-that's the problem; it's a political problem; she's very hard-nosed about these things where I am more practical about the whole process

-I want to make things nice for people to live in instead of having the burden....

Ms. Nhia Vang:

-I want to go back & look at the original Work Order

-so, it is in the VB Program as of Dec 2016; at that time, did you file an appeal, Mr. Bernier?

Mr. Bernier:

-I don't know when I filed the appeal

-when Insp Tom Friel came out, he said that I could appeal it; so, I appealed it -to me, the city has an oppressive approach to bringing the house up to today's standards - that's oppressive; there's a case law....; no utilities were ever shut off; it never was abandoned; after they moved out, I was right there to begin clean up & repairs; I go over there on Sundays a lot after church & pick up papers, etc; there's no slumlord here

-the garage window was fixed about 2 weeks ago

Ms. Nhia Vang:

-I need to think about this some more

-you worked on this without paying the VB fee

Mr. Bernier:

-I don't think that it should be a VB; I oppose the idea of it being a VB; I think that's an extortionary measure

Ms. Shaff:

-on Dec 13, 2016, Ms. Moermond ordered that it should be referred to the VB Program as a Cat 2 (it met all of the criteria); that was also her recommendation to the City Council & that was adopted by the City Council on Jan 4, 2017, signed by the Mayor on Jan 9, 2017

Mr. Bernier:

-what's the sense of making decisions without even observing what is going on with the house; I don't even know what that's like; it's unheard of; how can they judge without seeing?

Ms. Nhia Vang:

-in order for you to move back in now, my hands are tied because the Council has had the final say; they voted on it Jan 4, 2017

Mr. Bernier:

-I appealed the VB fee & the status of the VB

-the Council, common sense wise, come & visit the house

-if you're not going to look at a house, how can you make a decision on it?

-I'm tired of being Condemned for working with houses in St. Paul; I worked on it for 4 months; I put in about \$5000 worth of work; I have pretty cheap labor, fortunately

-correcting the property seems to be the reasonable thing to do; why is there a measure that pushes somebody in the hole when they're kicked out by the tenant?

Ms. Nhia Vang:

-took a short recess to think about this
-you seem to be appealing the VB Cat 2 status along with the VB fee
-decided to go out on a limb for Mr. Bernier and waive the VB fee for 60 days so that you can Order a Code Compliance Inspection Report

Mr. Bernier:
-that's \$1444...

Ms. Nhia Vang:
-that's why I'm waiving the fee for 60 days so that you can use that money to apply for the Code Compliance Inspection

Mr. Bernier:
-why would I want a Code Compliance to bring the house up to brand new codes?

Ms. Nhia Vang:
-you were Condemned & it's a Cat 2 VB

Mr. Bernier:
-that's a poor recommendation; you should give a person a Cat 1 & check every 3 weeks or so to find out...

Ms. Nhia Vang:
-because of the Condemnation & the infestation... because of the situation of your property - that's why you were referred to the VB Program as a Cat 2

Mr. Bernier:
-I understand that but was it taken care of? Yes
-never should have been a Cat 2 to begin with; for that you have to hire all licensed professionals to do the work on the code compliance insp report; will cost about \$30,000 when it really doesn't do anything to improve the property; to force that on someone when it really doesn't improve the property; that's oppressive & I think, illegal
-I'm rejecting your recommendation; it's not fair; it's not practical
-I know other people had chances

Ms. Nhia Vang:
-I've noted that but we don't know what it's like; we haven't had an inspector in there
-the condition of the house & your history are taken into consideration

Mr. Bernier:
-I have some bad history but I have good history too; why don't you look at the good history?
-why don't you come & see it
-I will take this to a federal court

Ms. Nhia Vang:
-I'm looking only at what is presented to me; the history of this property: Condemnation; City Council took action on it recently
-if you are rejecting my offer, I will then deny your appeal

Mr. Bernier:
-I've had this house for 12 years it's been occupied about 92% of that time; I just happened to have bad tenants who had issues; & it got to the point where I had to say, "Enough;" I was very patient with them

3/7/17: Deny the appeal.

3/8/17: Attorney for Mr. Bernier called and wanted to go with the recommendation that Ms. Vang made at the Legislative Hearing which was to waive the vacant building fee for 60 days. After consulting with Ms. Vang, she is willing to go with the recommendation to waive the vb fee for 60 days but Mr. Bernier will need to obtain a code compliance inspection.

Referred to the City Council due back on 4/5/2017