



# 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  
legislativehearings@ci.stpaul.mn.us  
651-266-8585*

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Tuesday, March 21, 2017

9:00 AM

Room 330 City Hall & Court House

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#### 9:00 a.m. Hearings

##### Special Tax Assessments

- 1      **RLH TA 16-573**      Ratifying the Appealed Special Tax Assessment for Property at 474 SHERBURNE AVENUE. (File No. J1703E, Assessment No. 178302) (To Amend to File No. J1703E1, Assessment No. 178306)

Sponsors:      Thao

*This matter was laid over from December 6 Legislative Hearing to check for no same or similar violation(s). From reviewing the record, there are no subsequent violation(s) since the hearing; therefore, Ms. Moermond recommends deleting the assessment. (No hearing necessary)*

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

- 2      **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

*Delete the assessment as there is no evidence of clean-up (bad video).*

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

- 3      **RLH TA 17-110**      Deleting the Appealed Special Tax Assessment for Property at 1012 BUSH AVENUE. (File No. J1705P1, Assessment No. 178408)

Sponsors:      Prince

*Delete the assessment; waiver on file.*

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

- 4      **RLH TA 17-113**      Deleting the Appealed Special Tax Assessment for Property at 512 CENTRAL AVENUE WEST. (File No. VB1706, Assessment No. 178806)

Sponsors: Thao

*Delete the assessment; extension on VB fee not recorded properly. House is now rehabbed.*

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

- 5    [RLH TA 17-118](#) Ratifying the Appealed Special Tax Assessment for Property at 281 CESAR CHAVEZ STREET. (File No. J1707A, Assessment No. 178506)

Sponsors: Noecker

*Approve; no show.*

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

- 6    [RLH TA 17-50](#) Ratifying the Appealed Special Tax Assessment for Property at 2340 CHARLES AVENUE. (File No. CRT1706, Assessment No. 178205)

Sponsors: Stark

*Thor Heinen, owner, appeared.*

*Fire Supervisor Leanna Shaff:*

*-Fire Certificate of Occupancy inspection fee for an office at 2340 Charles Avenue  
-cost: \$180 + \$155 service charge = \$335  
-gold card returned by Mr. Heinen  
-appointment letters: Aug 20 & Sep 7, 2016  
-compliance: Sep 26, 2016  
-billing dates: Sep 28 & Oct 28, 2016  
-no returned mail  
-all mail sent to: T.J. Heinen, 6371 43rd Lane NW, Ramsey MN*

*Mr. Heinen:*

*-the bldg was my parents; my father had passed away; my mother is 74 now and is not understanding how to take care of this; I had to step in; so, we put the bldg in my name and now, I'm trying to take care of everything  
-some of the mail that came to the house got misconstrued; I'm trying to do everything I can to be due diligent to take care of this property; my mom is living with me now  
-it's not cheap to take care of this property  
-found out recently that I've been charge for snow removal on the side of the property, an alleyway next door to us; cost was \$600+ for removing snow*

*Ms. Moermond:*

*-that's appealable the same way that this is  
-did you find out by getting a letter?*

*Mr. Heinen:*

*-no; I did not get a letter; I found out when I paid the property taxes; someone mentioned it; then, one of my guys was at the bldg and.... somewhere along the line, I was informed  
-it's possible that it's still in my mom's name*

*Ms. Moermond:*

*-our inspectors would get a letter out to the owner of record to inform them that there*

*was a problem with snow on the side of the bldg - remove it; if it's not removed, they would send a city crew out to do the removal & the cost would become an assessment onto the property; there are several junctures where mail is being generated*

*Mr. Heinen:*

*-mom may have ignored it thinking, "Well, it's not our property....." or maybe it was a letter to another address, etc; now, I'm going through & getting everything up to par; one hurdle after another  
-what is a graffiti waiver? (Mai Vang gave him an application for a graffiti waiver)*

*Ms. Moermond:*

*-2 of the bills on this would have gone to this address in Ramsey (Sep 28 & Oct 28 bills); when both bills go unpaid, the city proposes it as an assessment onto the property taxes & adds a service charge for making it an assessment  
-will recommend approval of this assessment divided over 2 years (assessment & service charge)*

*Ms. Shaff:*

*-this property is inspected every 3 years*

*Ms. Mai Vang:*

*-some of the letters were sent to the same street address but had Anoka as the city instead of Ramsey  
-the appointment letter, Aug 30, went to Anoka; the 2nd appointment letter went to Ramsey; correction Orders went to Ramsey*

*Ms. Moermond:*

*Approve and spread over 2 years.*

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

- 7      [RLH TA 17-125](#)      Ratifying the Appealed Special Tax Assessment for Property at 123 COLORADO STREET EAST. (File No. VB1707, Assessment No. 178807)

**Sponsors:**      Noecker

*3-21-17: Approve; no show. Appellant showed up after hearing was done; rescheduled to April 4.*

**Laid Over to the Legislative Hearings due back on 4/4/2017**

- 8      [RLH TA 17-107](#)      Deleting the Appealed Special Tax Assessment for Property at 1022 EARL STREET. (File No. J1706E, Assessment No. 178305)

**Sponsors:**      Bostrom

*Delete; computer will not generate the document to view.*

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

- 9      [RLH TA 17-126](#)      Ratifying the Appealed Special Tax Assessment for Property at 53 ELIZABETH STREET EAST. (File No. VB1707, Assessment No. 178807)

Sponsors: Noecker

*Will reduce VB fee from \$2240 to \$1120 if code compliance certificate is issued.*

**Referred to the City Council due back on 5/3/2017**

- 10    [RLH TA 17-115](#)** Ratifying theAppealed Special Tax Assessment for Property at 451 FAIRVIEW AVENUE NORTH. (File No. CRT1707, Assessment No. 178206)

Sponsors: Stark

*No one appeared.*

*Bill is calculated improperly. Deleting 5 reinspections which were charged at \$262 each, plus admin fee of \$155. Legislative Hearing Officer recommends ratifying and reducing from \$3830 to \$2365.*

**Referred to the City Council due back on 5/3/2017**

- 11    [RLH TA 17-68](#)** Ratifying theAppealed Special Tax Assessment for Property at 521 FOREST STREET. (File No. CRT1705A, Assessment No. 178209)

Sponsors: Prince

*Approve; no show twice.*

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

- 12    [RLH TA 17-111](#)** Ratifying theAppealed Special Tax Assessment for Property at 670 HOLLY AVENUE. (File No. J1707A, Assessment No. 178506)

Sponsors: Thao

*Approve; no show.*

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

- 13    [RLH TA 17-101](#)** Ratifying theAppealed Special Tax Assessment for Property at 916 JESSAMINE AVENUE EAST. (File No. J1707A, Assessment No. 178506)

Sponsors: Bostrom

*To continue public hearing to September 20 and if no same or similar violation(s), will recommend deleting the assessment.*

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

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

Sponsors: Prince

*No one appeared twice (3/7/17 and 3/21/17); approve the assessment.*

*3/28/17: Owner, Mike O'Connell, called to reschedule again. Request is denied.*

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*Advised him to go to City Council.*

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

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

**Sponsors:**      Brendmoen

*Approve the assessment.*

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

- 16      RLH TA 17-122**      Ratifying theAppealed Special Tax Assessment for Property at 550 MINNEHAHA AVENUE WEST. (File No. J1707A, Assessment No. 178506)

**Sponsors:**      Thao

*Approve; no show.*

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

- 17      RLH TA 17-123**      Deleting theAppealed Special Tax Assessment for Property at 550 MINNEHAHA AVENUE WEST. (File No. VB1706, Assessment No. 178806)

**Sponsors:**      Thao

*Delete; rehab completed 6 weeks after anniversary date.*

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

- 18      RLH TA 17-121**      Ratifying theAppealed Special Tax Assessment for Property at 544 MINNEHAHA AVENUE WEST. (File No. J1707A, Assessment No. 178506)

**Sponsors:**      Thao

*Approve; no show.*

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

- 19      RLH TA 17-93**      Ratifying theAppealed Special Tax Assessment for Property at 1007 OXFORD STREET NORTH. (File No. VB1705, Assessment No. 178805)

**Sponsors:**      Brendmoen

*Noella Nash Suhfor, owner, appeared.*

*Inspector Joe Yannarely:*

*-this is a VB fee; it was rehabbed & got its code compliance certification 3 months after the anniversary date of Aug 25, 2016*

-they closed Nov 28, 2016

*Ms. Moermond:*

-will recommend reducing the VB fee to \$500 payable over 2 years  
-you are out of the VB Program

*Reduce VB fee from \$2240 to \$500 and spread over 2 years.*

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

- 20    [RLH TA 17-124](#)    Ratifying theAppealed Special Tax Assessment for Property at 784 PEDERSEN STREET. (File No. J1706B, Assessment No. 178105)

**Sponsors:**    Prince

*Approve; no show.*

**Referred to the City Council due back on 5/3/2017**

- 21    [RLH TA 17-88](#)    Ratifying theAppealed Special Tax Assessment for Property at 586 REANEY AVENUE. (File No. J1707A, Assessment No. 178506)

**Sponsors:**    Bostrom

*Approve; no show twice (3/7/17 and 3/21/17)*

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

- 22    [RLH TA 17-112](#)    Deleting theAppealed Special Tax Assessment for Property at 178 ROBIE STREET WEST. (File No. J1706E, Assessment No. 178305)

**Sponsors:**    Noecker

*Delete; PAEC bill not mailed out to the owner and no name was generated on order.*

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

- 23    [RLH TA 17-89](#)    Ratifying theAppealed Special Tax Assessment for Property at 1891 SEVENTH STREET EAST. (File No. J1706B, Assessment No. 178105)

**Sponsors:**    Prince

*Delete the assessment. It was assessed to wrong address. Real Estate or DSI to re-bill to correct address to 1879 Seventh Street East.*

**Referred to the City Council due back on 5/3/2017**

- 24    [RLH TA 17-116](#)    Ratifying theAppealed Special Tax Assessment for Property at 1354 SHERBURNE AVENUE. (File No. J1706A1, Assessment No. 178516) (Public hearing to be continued to September 6, 2017)

**Sponsors:**    Stark

*Maher Safi, owner, appeared.*

*Supervisor Paula Seeley:*

-clean-up assessment  
-Summary Abatement Order issued Nov 9; compliance Nov 16; re-checked Nov 21  
-work done Nov 23 for a cost of \$366 + \$120 = \$526  
-no returned mail  
-sent to: W&W Rental Properties, 7300 France Ave S, Ste 215, Mpls; & Occupant  
-including TV parts, chair, scrap wood, furniture parts, cans, cardboard, tarp, cat litter  
containers near alley  
-photos  
-no history except for a complaint of TG&W in 2015 that was in compliance  
VIDEO - crew picked up stuff in the alley near garage

Mr. Safi:

-I received a letter about this; I called DSI but I didn't keep track of who I spoke to but I told them that someone had dumped this stuff in the alley; I had not owned that TV, etc, & that I had just purchased the property within the last year; the guy told me that this problem is happening in the alleys & that we'll talk to someone to see what they were going to do about it; then, I received this citation  
-I thought that the city would call me back & tell me whether or not they were going to pick it up or not; I never had this issue before so, I didn't know how to deal with it; I just left it there & waited to hear back  
-I've had garbage service since I moved in; I never had an issue in my life  
-my property is behind a gas station

Ms. Moermond:

-are you W&W Rental Properties?  
-are you an owner-occupant?

Mr. Safi:

-no; I never heard of that; maybe that was the previous owner  
-yes; I'm an owner-occupant; I closed on the house in Mar 2016 & moved in Apr 2016

Ms. Shaff:

-one complaint Nov 9, 2016  
-Mr. Gavin put down the day he sent the WO, "No phone contact from owner"

Ms. Moermond:

-for some reason, Ramsey Co Property Records hadn't caught up with this transaction, so the Orders went to the previous owner  
-was there something unique about your transaction? Were you buying on a Contract for Deed? or .....

Mr. Safi:

-no; I purchased it from some an investment company; it was just a regular loan  
-DSI said that they'd let me know but later I just received....

Ms. Moermond:

-in the normal course of events, they would try to figure out who the owner of the property is who was dumped on and they would be clear with you that the responsibility for cleaning it up was still yours  
-Ms. Seeley, what do you normally tell someone when you get a phone call from a property owner saying they were dumped on?

Ms. Seeley:

-for the majority of the time, I tell them that they are responsible up to the center line of the alley; I tell them to put up motion detector lights  
-unless we absolutely know that it's illegal dumping (property has a great history); if it

*doesn't fit with the rest of the property, I usually assume that it's illegal dumping & I send it to Public Works*  
*-I think that this is illegal dumping*

*Mr. Safi:*

*-it's a little chair & a couple of other things; I could have just taken it away but I was waiting for DSI to get back to me*

*Ms. Moermond:*

*-it looks like illegal dumping to me too*  
*-Notices went to another address*  
*-I'm surprised that you were left confused or that the guy didn't follow-up*  
*-ultimately, you are responsible for maintaining your property*  
*-if there are no other violations between now & Sep, 2017, I will recommend deleting this assessment*

*To continue public hearing to September 20 and if no same or similar violation(s), will recommend deleting the assessment.*

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

- 25      [RLH TA 17-119](#)** Deleting theAppealed Special Tax Assessment for Property at 902-904 SIXTH STREET EAST. (File No. VB1707, Assessment No. 178807)

**Sponsors:** Prince

*Delete; rehab completed 9 weeks after anniversary date.*

**Referred to the City Council due back on 5/3/2017**

- 26      [RLH TA 17-106](#)** Ratifying theAppealed Special Tax Assessment for Property at 1563 WYNNE AVENUE. (File No. CRT1707, Assessment No. 178206)

**Sponsors:** Stark

*Approve; no show.*

**Referred to the City Council due back on 5/3/2017**

- 27      [RLH TA 17-108](#)** Ratifying theAppealed Special Tax Assessment for Property at 1426 YORK AVENUE . (File No. J1707A, Assessment No. 178506)

**Sponsors:** Bostrom

*Approve; no show.*

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

- 28      [RLH TA 17-127](#)** Deleting theAppealed Special Tax Assessment for Property at 1026 LAWSON AVENUE EAST. (File No. VB1705, Assessment No. 178805)

**Sponsors:** Bostrom

*Delete assessment; rehab completed on time but VB file remained open by mistake.*

Referred to the Charter Commission due back on 4/5/2017

**Special Tax Assessments - ROLLS**

- 29    **RLH AR 17-25**    Ratifying the assessments for Collection of Fire Certificate of Occupancy fees billed during October 10 to November 5, 2016. (File No. CRT1707, Assessment No. 178206)
- Sponsors:    Stark
- Referred to the City Council due back on 5/3/2017
- 30    **RLH AR 17-26**    Ratifying the assessments for Collection of Vacant Building Registration fees billed during July 22 to November 18, 2016. (File No. VB1707, Assessment No. 178807)
- Sponsors:    Stark
- Referred to the Charter Commission due back on 5/3/2017
- 31    **RLH AR 17-27**    Ratifying the assessments for Boarding and/or Securing services during November 2016. (File No. J1706B, Assessment No. 178105)
- Sponsors:    Stark
- Referred to the City Council due back on 5/3/2017
- 32    **RLH AR 17-28**    Ratifying the assessments for Environmental Service (Interior Clean Up) during June 2016 at 1698 LAFOND AVENUE. (File No. J1708A, Assessment No. 178507)
- Sponsors:    Stark
- Referred to the City Council due back on 5/3/2017

**11:00 a.m. Hearings**

**Summary Abatement Orders**

- 33    [RLH SAO 17-13](#)    Appeal of Bay Bay to a Summary Abatement Order at 274 BURGESS STREET.
- Sponsors:    Thao
- Per Inspector Sean Westenhofer this is a case of illegal dumping and has referred to Public Works for clean-up of the rubbish and debris in the alleyway near the garage.*
- Withdrawn**

**Correction Orders**

**11:30 a.m. Hearings****Orders To Vacate, Condemnations and Revocations**

- 34    [RLH VO 17-4](#)    Appeal of Joseph M. Felt to a Fire Certificate of Occupancy Revocation and Order to Vacate at 96 BATES AVENUE.

Sponsors:      Prince

*Joseph M Felt, LJJ Properties LLC, owner, appeared.*

*Fire Supervisor Leanna Shaff:*

- Revocation of the Fire Certificate of Occupancy/Order to Vacate issued by Fire Inspector George Niemeyer on Feb 28, 2017 (covers the exterior of the property)
- have been unable to gain access to the interior of the property
- the property owner has either failed to show for appointments or has denied us access; we need to access in order to conduct the inspection
- single family rental property
- on Oct 28, 2016, Insp Niemeyer received a request from the property owner for a date change
- on Nov 29, 2016, Insp Niemeyer received an email from the property owner stating that the inspection was against his 4th Amendment rights; the Insp forwarded that email to the City Attorney's Office; she left a voice mail for the property owner that if we were denied access, she would swear out an Administrative Search Warrant to conduct the inspection
- on Nov 30, 2017, Insp Niemeyer attempted to conduct the inspection accompanied by the Police FORCE Unit; no show by the property owner

*Mr. Felt:*

- I did talk with the City Attorney about 5 minutes after she called; I had just missed the call

*Ms. Shaff:*

- on Feb 28, 2017, we attempted inspection; no show by property owner; took photos of all the exterior deficiencies and posted the Revocation placard with 30 days to comply or vacate

*Mr. Felt:*

- read: "The right of the people to be secure in their persons, houses, papers and affects against unreasonable searches and seizures shall not be violated and no warrant shall issue but upon probably cause, supported by oath and affirmation and particularly, describing the place to be searched and the persons or things to be seized." The 4th Amendment. And, this goes completely against the 4th Amendment
- I've been a landlord in St. Paul for about 15 years; I have 4 properties; I'm a small landlord; single family homes & 1 duplex; all of my buildings are A rated
- I've been in the construction business my whole life so I understand probably as good if not better than some of your inspectors about the building codes & things; I do a high end type work; so, my properties are in good condition
- this started with the person I have in this unit; he's lived there for about 7 years; he's a single dad, an Iraqi refugee and at the time of the first inspection, his parents, who come here once a year from Bagdad and spend 3-4 months here (Mayo Clinic, etc.); they were very uncomfortable with the inspection; I've never been happy about the inspections since they started on single family & duplexes (I believe they started after some people were killed in a fire)

-I'm in the construction industry & I've managed jobs so I understand the whole inspection process; and I understand the inspection of apartment bldgs - the larger bldgs that are open to the public and we have to have a reasonable expectation that the bldgs we go into are safe; but this is a single family home and he is very uncomfortable with people coming through his house; and it just made me think a little bit more about how I felt about this; and I just don't agree with it; we call this a safety inspection but I've seen this inspection process change; I'm no lawyer but I'm smart enough to understand why some of these changes have happened; there's really not a safety inspection here because I have to have a certificate from an HVAC company that says the furnace is up to standards; you can call any HVAC company in the Twin Cities and they will tell you that guarantee lasts until the minute they leave (that's as far as it goes); the smoke/CO detectors are not checked by a representative of the city; I have to sign a paper that they are checked; so, what are we really doing in there; we're walking through someone's house; these people live there; if I walked into your house, I could tell a lot of things about you just by walking through your house; some, you don't care if I know; some, that you do - a lot of personal things; it's not fair; I think we're discriminating against our renters by walking through the house; we are also making an assumption that they are not smart enough to be responsible for their own safety; you are responsible for the safety in your home; if something is unsafe, you call somebody; that's what they do with me; we are assuming that they don't have that capacity to determine what's safe for themselves; we all have that ability; I think that we're discriminating against them all the way around; it's not fair that we walk through these peoples' homes; it just isn't -he doesn't like people in there; he grew up in a situation where they had people in their house a lot - they had no privacy; and I have to agree with him; that's why he moved to this country, so, we have things like the 4th Amendment; this is an over reach of the City of Saint Paul

-if the City of Saint Paul wants me to pay a fee to have a license so that they know that this is a rental property, I don't have a problem with that; but to make annual or bi-annual inspections of property for no reason.... and if, again, if he calls the city & says there's a problem; then, I think that you do have a right to go into that house at that time, it says so right here in the 4th Amendment; but until somebody says there's a problem, then you really don't have a right; you don't have a right to his privacy; I feel pretty strongly about that; he's made me feel strongly about that

-if you can convince me that this is really a safety issue and how we are making people safer in the City of Saint Paul, tell me

-another thing about this; this is being fought in municipalities all over the country; and these inspections are being dropped all over the country; right now, this is being heard in the MN Supreme Court; we have a case from, I think Red Wing and one from Golden Valley; the Golden Valley one was challenged by Hennepin County, so, now it's in front of the MN Supreme Court (they're hearing it as we speak); I think that this has to be put on hold until, at least, the state can come up with a legal reason why this is legal; but by the definition of the 4th Amendment, it is not legal

Ms. Moermond:

-In my position as Legislative Hearing Officer, I'm not looking at 4th Amendment issues about you allowing access or not allowing access to the property; you communicated with Theresa Skarda, City Attorney's Office, about that; that's something that she needs to bring to a district court; that is the basis for your argument and that isn't something that I can handle here; I'm here to interpret the city code; I'm not a constitutional lawyer; allowing access in the argument that you're making is something that goes to district court; it's not me

-I would look at the code pertaining to having a Fire C of O in it being a requirement for occupancy of a non owner-occupied dwelling

-you are the owner; you do not live there; and the Saint Paul Legislative Code currently says that this property would require a C of O; it says that all properties

*need to have C of O's unless they are an owner-occupied single family home or duplex*

*-so, I need to say that if it doesn't have that C of O, it can't be occupied and you are not going to get that certificate until you allow access; I don't have much wiggle room on this; Chapter 40, Leg Code, says that you need the C of O; I can't change that*

*Mr. Felt:*

*-I want to see about getting this changed*

*Ms. Moermond:*

*-I can't do that but I can deny your appeal*

*-I will recommend that the City Council deny your appeal*

*-this issue will be on the Apr 5, 2017 City Council Public Hearing Agenda; they will make a decision looking at my recommendation, the local code, etc; they are acting in a quasi-judicial capacity on this; when they make that decision, they're acting as the equivalent of a district court, really, but only on Chap 40 - on whether or not you need the C of O; the issue the 4th Amendment requires that you go to district court, the actual judicial authority; you want to argue the Administrative Search Warrant and I don't imagine that they'll pursue the Administrative Search Warrant until the Council makes its decision on Apr 5, 2017*

*-the venue you'd talk about the long term policy would be the City Council; and, the constitutionality is the district court issue*

*Mr. Felt:*

*-when I spoke to the City Attorney, she was quite adamant that if I didn't show up for that inspection and provide access to the inspector, they would issue an Administrative Warrant immediately*

*-I was in the area, so I saw that the inspector had someone there from FORCE; I also heard reports from my neighbors that there was a cop walking around with a gun, which made my neighbors nervous; I happen to know my neighbors around all my rental properties*

*-I have a feeling that the Administrative Warrant wasn't issued because this is being heard by the MN Supreme Court right now and questioned how legal these things are.....*

*Ms. Moermond:*

*-that's something that you would need to talk about in district court and in arguing the Administrative Search Warrant*

*-I am aware that from time to time, these things are challenged; I know that's been the case for 15 years; thus far, Saint Paul has come out that it is between the yellow lines in the road; that doesn't mean that it'll be the case forever*

*-City Council Public Hearing will take place on Apr 5, 2017, at which I will recommend denial; they will look at whether or not you need to have a C of O & should it be vacated; you can argue your information to them and also about how you disagree with the policy of the city in this case*

*-the Admin Search Warrant is a separate matter and would follow*

*Deny the appeal.*

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

35      [RLH VO 17-3](#)

Appeal of Theresa Salais-Wietzel and Daniel Veesenmeyer to a Notice of Condemnation-Unfit for Human Habitation-Order to Vacate at 171 GRANITE STREET.

Sponsors:      Brendmoen

*Daniel Veesenmeyer, occupant, appeared.*

*Ms. Moermond:*

- we have a new set of Orders from Inspector Sean Westenhofer
- and, we have an update on the existing Orders from Mr. Neis

*Inspector Westenhofer:*

- I sent a Summary Abatement Order for all of the scrap material, wood pile, & all the stuff scattered around the property; I also issued Vehicle Abatement Orders on all the vehicles along the alley, including his trailer
- I talked with Mr. Magner and we haven't written the Correction Notice yet; he wanted me to come here today to figure that piece out just because it is a C of O property
- he provided Mr. Veesenmeyer with the Home Occupations' Guidelines for the City of Saint Paul
- while I & Mr. Neis were out at the property yesterday, we noticed that Mr. Veesenmeyer is bundling up wood to sell
- there was not full compliance yesterday; there was partial compliance (3 of the 4 vehicles were still there; & the majority of items on the SA is still there)

*Fire Supervisor A J Neis:*

- some things have left; however, some other things have appeared
- on the interior, substantial progress has been made; egress was cleared; there was an attempt to clean up the home; it no longer had disorderly storage; however, it was grossly unsanitary; the first thing you notice walking in is the permeating smell of animal urine & feces (there were a couple of pit bulls & a cat or so at the property); our feet stuck to the floors; things were improved but not done
- still no finalized permit for the stove
- updated photos (interior & exterior)
- I looked into the basement and he was not digging out the foundation; the foundation has been there for quite some time; it was laid from the outside; so, he is digging out the area in between the foundation under the house to create space for a workshop; he is building a wall out of green treated material (has photos but was unable to update them at that time); a permit would be required for that; it does not appear that he is touching the foundation itself
- reviewed the photos with Ms. Moermond
- CO detector was still disabled; dryer vent not proper material
- he did have working smoke detectors
- front door was broken; carpeting with a permeating smell (gross unsanitary)
- electrical panel
- substantial progress has been made cleaning out the basement
- picture of what he's doing in the foundation area - digging out dirt & building up an interior wall with tongue&groove green treated lumber (permit is required)

*Ms. Moermond:*

- do the unsanitary conditions rise to the level of Condemnation/Order to Vacate?

*Mr. Neis:*

- if it were just the floors & the sanitation, I would say, "No;" it's the continual & multiple other issues compounded with the gross unsanitary conditions....

*Ms. Moermond:*

- so, it's the breadth of the issues & the duration of time that you spent working on these issues
- was this the beginning of a regular C of O cycle or is this complaint based?

*Mr. Neis:*

-this was a routine, not complaint-based C of O inspection that was conducted (started in Feb 2017); it had been approved in early 2016, I believe  
-the Appellant also admitted to selling wood from the property; he was bundling wood for sale, which is not approved  
-exterior: it's hard to approve the C of O for the bldg with all of exterior violations along with running an illegal business from the property  
-if everything were code compliant except him running an illegal business there, we would Revoke/Condemn for using the property for an unapproved use

*Ms. Moermond:*

-Order from Feb 22: because it's a Condemnation, it automatically Revokes the C of O but there are also complicating factors here which would also make you Revoke the C of O  
-the implication is that the property would need to be vacated at some date certain and enter the Vacant Bldg Program as a Category 2 registered VB because of the Condemnation

*Mr. Veesenmeyer:*

-that's totally unfair; abutting my property is commercial property & I can park my trucks back there; the owner moved the fence so that I had a place to park my trucks  
-the fire wood is on commercial property, too

*Mr. Neis:*

-yesterday, I was at the property between 7-8 pm with SPPD dealing with the property next door; there was a commercial trailer & Mr. Veesenmeyer's dump truck parked in the alley

*Ms. Moermond:*

-you knew from the last hearing that these things needed to be addressed & you always have an excuse or it's done or we're going to do it but the fact is that the deadline was yesterday for these things to be addressed and they weren't

*Mr. Veesenmeyer:*

-there's a lot of clean-up out there; the alley is all cleaned up; the truck is loaded with trash, including my neighbor's; they have an abatement, too & he asked me if I could take his stuff, too; that's why the truck is there; the tabs are on & it's operable; I was cleaning up  
-I've been working my fingers to the bone over there; there's substantial clean-up; I think it looks pretty good  
-the bare area on the right had side of the photo is my garden; my dad & I had a garden there for 40 years  
-I had a lot to do in a week's time but I thought that I could get it all done  
-I want my yard to be nice, too; I've lived on Granite Street for 50 years; I don't have a big retail business there; there were 31 trees there that I cut down & I split them by hand; stacked them; it's a lot of work; it's not a big business; if I can get a couple dollars for my labor, that would be awesome  
-I can get more class 5  
-there are no houses behind me

*Ms. Moermond:*

-but you are in a residential area; it's zoned residential; you are not approved for a home business here  
-Mr. Westenhofer, you can go ahead with the clean-up; what would you all remove?

*Inspector Sean Westenhofer:*

-all the scrap material, debris, etc.

-the wood is not legally stored per code

Mr. Veesenmeyer:

-it was a father-son business & that fire wood is on commercial property, not on my property

Mr. Westnehofer:

-so, you're storing it illegally

Mr. Veesenmeyer:

-I got permission from Tilsner

Mr. Westenhofer:

-we don't have anything in writing; we haven't heard from Tilsner; have seen no agreements about shared parking

Ms. Moermond:

-what is the property line?

Mr. Veesenmeyer:

-we had a survey done; he moved the fence over about 18 feet for me so I had a place to park the trucks

Ms. Moermond:

-so, the Orders for the wood can't be for this property; it has to be for the other property; your wood will remain; the Order is for 171 Granite; the Order isn't for 178 Cayuga

-issue Orders to that property for that wood

-Parks crew will pick up what's on your property on Thu

Mr. Veesenmeyer:

-I'll put some nice class 5 down there & clean-up all the rest of the stuff

-I spent a lot of time all last fall cutting that wood up & making it look nice; cleaned up the whole hill for him

-can you give me a little longer than Thu?

Ms. Moermond:

-I don't know why things are going to be any different 4 days from now rather than 2 days

Mr. Veesenmeyer:

-because I almost have it all cleaned up

Mr. Neis:

-I believe that I commented that there was substantial progress in the last week; that was part of my testimony; however, I also mentioned that it's a perpetuating problem

-at last LH, he was given additional time to deal with the parking spaces & the vehicles & trailer parked in the front yard

Mr. Veesenmeyer:

-there's a parking spot there; there's a driveway entrance there

Ms. Moermond:

-there is no legal parking in the front yard in the City of St. Paul

Mr. Neis:

-there is a curb cut; however, that's different from a parking space; and that was also for a house that used to be there but that does not give it automatically to the 171 Granite property; it was for a former house that was there  
-there is parking in the front allowable on Granite 2 houses down

Ms. Moermond:

-the curb cut is for 173 Granite; it doesn't belong to this property anyway

Mr. Veesenmeyer:

-did it have class 5 on it the last time I was here last year? You told me to go ahead & park there since I put up a retaining wall  
-I owned 173 when they put the apron in; it was a vacant lot; the house wasn't there; they tore that house down 40 years ago;

Mr. Neis:

-I'm going to look to see who owns 173 (Mai Vang brought up the plat map; each has its own pin number)

Mr. Veesenmeyer:

-I do; I owned 173 first; then, 171 became available, so I bought that; the 2 lots were joined into 1 parcel: 171-173, Mr. Richard Berget owns it, now  
-I had the garden there for almost 45 years

Ms. Moermond:

-the 2016 official plat map doesn't show that 171 & 173 Granite are combined parcels; so, there's a mistake along the way in either your understanding or the city and county maps  
-this will go to City Council Public Hearing on Apr 5, 2017; the Council likes to know the current conditions in the house  
-choose those things that you need to move from the exterior and the rest the Parks crew will take on Thu

Mr. Veesenmeyer:

-can I get a few more days to clean-up the exterior; I just had bricks delivered for a job

Mr. Neis:

-Mr. Veesenmeyer, I will be there on Tue, Apr 4 at 9:30 am to inspect the interior; will send you an updated letter today, which includes getting a bldg permit for the work that you're doing in the basement (finalized & approved by Apr 4); you also need a permit finalized & approved for the gas stove in the kitchen  
-he just admitted that he had bricks delivered to his property for a job elsewhere; it's clear that he's running a business out of his home; even if we have compliance with the exterior, by his own admission, I could lift the Condemnation but I can't approve the C of O because he's using the home illegally

Ms. Veesenmeyer:

-could I please have the weekend to do more on the exterior?

Ms. Moermond:

-I'll go to Mon, Mar 27 for the exterior (SA & VA)

Mr. Veesenmeyer:

-I appreciate that

Ms. Moermond:

*Grant to March 27, 2017 to come into compliance with the March 14 Summary Abatement and March 15 Vehicle Abatement Order; grant until April 4 for Fire C of O on the interior. (There will be a follow-up interior inspection on April 4.)*

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

### **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

*Deny the appeal and grant 6 months for compliance on the fire rated doors.*

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

- 37     RLH FCO 17-34**     Appeal of Mary Schwartzbauer to a Fire Inspection Correction Notice at 1353/1355 ARONA STREET.

**Sponsors:**     Stark

*Grant to May 1, 2017 for compliance with the exception of Item #4 which has been abated by Supervisor Neis.*

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

- 38     RLH FCO 17-35**     Appeal of Mary Schwartzbauer to a Fire Inspection Correction Notice at 1364 ASBURY STREET.

**Sponsors:**     Stark

*Grant to May 1, 2017 for compliance; grant on Item 4.*

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

- 39     RLH FCO 17-36**     Appeal of Mary Schwartzbauer to a Fire Inspection Correction Notice at 1422 PASCAL STREET NORTH.

**Sponsors:**     Stark

*Grant to May 1, 2017 for compliance; grant Items 4 and 5.*

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

### **2:30 p.m. Hearings**

#### **Vacant Building Registrations**

- 40     RLH VBR 17-11**     Appeal of Mike Kelleher to a Vacant Building Registration Requirement

and Order to Vacate 2137 WELLESLEY AVENUE.

Sponsors: Tolbert

*Grant 90 days for the principal violations to be completed (Items 1-5); grant until October 1, 2017 for the other violations to come in compliance (Items 6-10 from the Notice of Condemnation letter dated March 20); placard(s) can be removed from the property and owner can only be at the property from 8 am to 8 pm.*

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