



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, August 15, 2017

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Special Tax Assessments

- 1 [RLH TA 17-354](#) Deleting the Appealed Special Tax Assessment for Property at 1089 ALBEMARLE STREET. (File No. J1702V, Assessment No. 178001)

Sponsors: Brendmoen

Brenda Xiong, owner, appeared. (Mai Vang interpreted.)

Inspector Paula Seeley:

-Vehicle Abatement Order issued Mar 22, 2017; compliance Mar 31; re-checked Mar 31

-vehicle was towed by SPPD Apr 2, 2017

-cost: \$365 + \$162 admin cost = \$527

-breakdown of police cost: \$740; vehicle sold for \$375; police assessment \$365; admin cost \$162

-history: Mar 17, 2017 Orders issued on garbage

-sent to: Brenda Yang Xiong, 1089 Albemarle St; & Occupant

Ms. Xiong:

-I called SPPD numerous times reporting that the car was not mine; the car was located next to my garage; there was no response; SPPD never took care of it; I had called the non-emergency number & spoke to a Hmong police officer; I called again at another time & the officer kept saying that they would come to take care of it

Ms. Moermond:

-I will follow up with SPPD; I think that they need to be clear about what the procedure is; I don't think SPPD told her about the manager's tow

Ms. Seeley:

-she should have called the inspector, who would have told her about the manager's tow/tag

-if it happens again, suggested she call the non-emergency SPPD number, tell them about the abandoned vehicle on your property & that the city sent Orders; ask the Parking Enforcement Officer meet you out there

Ms. Xiong:

-SPPD kept saying that they would take care of it

Ms. Moermond:

-how long was the vehicle there and do you know who's it was?

Ms. Xiong:

-I don't know who's it was; it was there more than a month

-I didn't receive any Notice

Ms. Moermond:

-I will look into it; it's looking like I'm going to recommend deletion; we will call you to let you know

Delete the assessment.

Referred to the City Council due back on 10/4/2017

2 RLH TA 17-348

Deleting the Appealed Special Tax Assessment for Property at 31 BELVIDERE STREET. (File No. J1702V, Assessment No. 178001)

Sponsors: Noecker

Tim R. Diedrich, owner, appeared.

Supervisor Paula Seeley:

-Vehicle Abatement Order issued Feb 20, 2017; compliance Feb 28; re-checked Mar 10

-SPPD towed a white Winnebago for a cost of \$205 + \$162 service charge = \$527

-sent to Tim R. Diedrich & Occupant at 31 Belvidere St E

-initially, there were 2 vehicles, the Winnebago & a red Dodge; the Dodge must have been gone

Mr. Diedrich:

-shared his pictures of the driveway (new class 5) with the Winnebago & Dodge parked
-the Dodge was hit over Christmas & was parked perpendicular in front of the van; the bumper was hanging off; it was drivable but not safe; it was the middle of winter & I wasn't going to fix it until spring

-I received the Notice & I pulled it into the garage

-at the time, the inspector saw the expired plates on the Winnebago; normally, I don't _____ the Winnebago until it's the useable season & all RV's plates expire in Jan but I don't think that any reasonable person can look at that vehicle and say, "Yes, that's an abandoned vehicle;"

-after it was towed, I was a little miffed but I went down to the lot & I asked the guy, "What happens if I sign over the title & give you the keys? What do I owe you?" And he said, "Nothing;" I said, "Thank you very much" & walked away; so, I was a little surprised that I got something in the mail for \$367 when the guy I talked to said that I wouldn't owe anything if I signed over the title for them to sell it

Ms. Moermond:

-with respect to whether of not this is an abandoned vehicle, the Vehicle Abatement Order described the deficiencies; you addressed the Dodge; you didn't address what was going on with the Winnebago; you go to the Impound Lot & was given incorrect information

-I want to follow up with the Impound Lot because that isn't correct information

-you weren't able to make an informed decision

-we will call you

Delete the assessment.

Referred to the City Council due back on 10/4/2017

- 3 [RLH TA 17-353](#) Ratifying the Appealed Special Tax Assessment for Property at 1845 BENSON AVENUE. (File No. J1702V, Assessment No. 178001)

Sponsors: Noecker

Approve; no show.

Referred to the City Council due back on 10/4/2017

- 4 [RLH TA 17-285](#) Ratifying the Appealed Special Tax Assessment for Property at 294 CHARLES AVENUE. (File No. J1710B, Assessment No. 178312) (Amended to File No. J1710B1, Assessment No. 178115 and to delete the assessment)

Sponsors: Thao

Mai Vang:

-the Appellant, Alecia Mobley sent an email with a prepared statement (attached); she is unable to attend today due to a scheduled meeting at work that she is required to attend.

Ms. Moermond:

-reviewed the statement:

To Whom it May Concern:

I am unable to attend the hearing today but it is my hope that my written statement will suffice in my absence.

I am & have been a St. Paul resident for close to 15 years. I take pride in the fact that the city I reside in is also the most livable city in America.

In the spring, my family & I experienced something very unfortunate, however. Our home at 294 Charles Avenue was burglarized. My daughters & I arrived home after a long day & a late parent meeting to find our back door opened & several items missing.

We left the area immediately & called 911. Frightened & shaken, we also called friends to be with us during this time as well. Due to another incident in the area, officers were unable to respond to the call right away. We waited for over 50 minutes for a response, fearing that someone may be in the house.

After 3 calls to the police, the girl's grandfather, a retired police officer, arrived (along with their father), swept the house. The police arrived shortly thereafter. The house was cleared again by the officers but the police dogs were unable to be utilized due to the above.

I also walked through the house with the officer to identify missing items & fill out the beginning of the required paperwork. After these things took place, it was close to

midnight. The back door appeared to be jarred open & the door was unable to be secured without assistance.

The officer called someone to secure the property & patiently waited with me until they arrived & secured the door. Quite shaken by the incident, I was relieved that my house was somewhat secured but feared being there with the girls, who were scared, I stayed with a friend.

A few weeks later, I received a bill that referenced a possible abandoned property & the need for boarding. I was taken aback. As I referenced with the city employee I spoke with, I honestly didn't realize that there was such an expensive charge for this service and honestly felt violated again. The officer never mentioned the charge & honestly, I certainly did not ask given the events of the day, the timing & the situation.

Anxious to explain my situation, I returned the card received in the mail & expected to hear back regarding another date. I was made aware that the date was included. The process was not clear to me but was explained after I called. I asked for a hearing again to ensure that I could share my story.

*Although I am unable to attend today, it is my hope to:
Reduce the amount of the charge to a fee more manageable & affordable. I would have asked a friend to perform the same service at a fraction of the cost if I was made aware of the charges that I would incur.*

Ask that others are explicitly made aware of these charges prior to services rendered. I will say that the feeling of violation was revisited by this process.

Relay that I appreciate the offer to mitigate the situation & do not feel it as offered with any mal intent.

The amount charged, for me, is the difference in being able to purchase school supplies, lessons & groceries.

As a hearing officer, I ask that you take these into consideration as you consider my case. Although I am unable to attend in person due to my job, I hope that this gives you a narrative to consider as you hear my case & render a judgement. I am also asking that you place this statement in my file.

Thank you. Alecia Mobley, 294 Charles Avenue, St. Paul

*Ms. Moermond:
-will recommend deletion*

Delete the assessment.

Referred to the City Council due back on 9/6/2017

- 5 RLH TA 17-363 Ratifying the Appealed Special Tax Assessment for Property at 805 HUDSON ROAD. (File No. J1706C, Assessment No. 172005)**

Sponsors: Prince

*Patrick Nseumen, owner, appeared.
Also appearing was a man recording/documenting the hearing.*

Supervisor Joe Yannarely:

-demolition of the building at 805 Hudson Rd on Feb 8, 2017

-cost: \$19,768.07 + \$1,176.44 service charge = \$20,944.51

Mr. Nseumen:

-I've gotten many Notices but I never received a Notice that you were demolishing the bldg; do you have copies of that so that I could get one - the one that actually says, we are going to demo your bldg

-the city showed up on my property; cut the locks that were there; put on it's own locks

-I'm trying to understand - you demoed the bldg with my personal property inside; is that part of the standard process?

Ms. Moermond:

-the Order that was in front of City Council gave you a time period in which to abate the nuisance conditions either by rehabilitating the structure or by removal; the resolves state that if the abatement was not done within the time that was allotted, the city would go ahead & demolish the structure; that Order to Remove/Repair the bldg would have been served upon you in the Notification

-that Order also indicates that when the time elapses & the work isn't complete, the contents of the structure become the property of the contractor, the demolition company

Mr. Nseumen:

-can I get a copy of all that fine print?

Ms. Moermond:

-it's not fine print; it's the Resolution that Council adopted and you were served

Mr. Nseumen:

-again, I need that documentation; I saw none of that; it's pretty egregious from my standpoint

-you were fully aware of the forthright effort I was making on that property; so whoever entered that property saw tools in there; he must have seen the work that was being done; at some point, I will send you pictures; this was not a property sitting there with no work being done

-you sent me a 30-day Notice; I came in within those 30 days to pull permits & was denied; you send me a 30-day Notice; you deny me permits & then, you destroyed my bldg; so, the value of what you're doing completely escapes me; I don't understand how the city can benefit

-you saw the process I went thru; getting in front of City Council; I got neighborhood signatures to save the bldg to turn it into a small cafe; we were in the process of rehab but apparently, it didn't constitute enough progress & you destroyed it

-now, I had to take a contractor shopping for new tools; tools that your contractor stole -none of this makes sense

-I'm trying to understand the simple logic of all of this; is there some benefit to Daytons Bluff for you guys destroying a small family business? I don't understand it; this was in rehab; there were tools in there

-maybe you remember - your office actually called me early in the summer asking, "Can we delay your process?" OK, I will play along

Ms. Moermond:

-I'm not sure what the 30-day Notice is & I

Mr. Nseumen:

-I can send you a copy of it

Ms. Moermond:

-what I'm looking at today is the cost of the assessment

Mr. Nseumen:

-you called to delay the process; then, you say that I'm late in finishing..... and today, I'm looking at the cost of this assessment for a demo

-based on everything that's happened, I look at this fee as a "fricken" Negro fee; this is Negro removal

Ms. Moermond:

-the Council voted on an Order to Remove/Repair the bldg within 15 days

-I do recall that the conditions that are standard for these cases were not met at that time, which is why.....

Mr. Nseumen:

-yes, after you denied my permits and then you knocked the bldg down

-you destroyed a small family business; what value are you adding to the city?

Ms. Moermond:

-Jul 20, 2016 with my recommendation, the Council granted a 90-day extension for you to do the work

Mr. Nseumen:

-I came in within your 30-day Notice & was denied

-Jim Seeger said I had 30 days to complete the work; please catch up on the letter

-the entire place was stripped out

Ms. Moermond:

-what I need to do today is to go to one question: Were the costs incurred by the city in executing a nuisance abatement of this property? I answer, "Yes;" that's under the City Charter on how the city does special assessments

-you can go to the City Council & look for a different outcome; after that, you have the option to go to district court and look for a different outcome, as well

Mr. Nseumen:

-I just need to understand the value that you add by destroying small family businesses and where's this going? I think the people of St. Paul, at some point, are going to want to know what are you doing here?

-this is illegal taxation; this is so discriminatory - based on the history of the previous owner of the bldg, you guys didn't do a f---- thing about that; they didn't do anything to the bldg; you left him alone; you left all the previous owners alone; you guys did nothing but someone actually makes progress towards rehabbing the bldg, you show up, cut the lock; put your own lock in there & destroy personal property; I'm lucky my black ass wasn't in there

-it's ridiculous; it's beyond my comprehension in terms of what is happening here

-it's unfortunate to say the least & very disappointing; I don't understand the benefit

-do what you will; I will figure it out; I will rebuild the small cafe; it's all I can do; all I

can do is rebuild what you spend your days destroying; it's unfortunate, to say the least

-the choice is yours

Ms. Moermond:

-I'm going to conclude by saying I think the choice is yours by not completing the

work during the time the Council granted; the City Council granted you more time than it would have in other cases; you can review.....

Mr. Nseumen:

-the previous owners did nothing and you guys did nothing
-I tried to rehab the property & your knocked it down

Ms. Moermond:

Approve and spread over 10 years.

Referred to the City Council due back on 10/4/2017

6 [RLH TA 17-338](#)

Ratifying the Appealed Special Tax Assessment for Property at 428 JESSAMINE AVENUE EAST. (File No. J1701V, Assessment No. 178000) (Public hearing to be continued to October 4)

Sponsors: Brendmoen

Brandon S. Whynaucht, owner, appeared.

Supervisor Paula Seeley:

-Vehicle Abatement issued Dec 20, 2016; compliance Dec 27; re-checked Dec 28
-SPPD towed Jan 4, 2017 for a cost of \$668 + \$160 service charge = \$840

Mr. Whynaucht:

-first of all, it wasn't a truck; it was only part of truck; no engine, no back half, no tires; it was dropped at my house
-when I got the Order to get rid of it, I put an ad on Craig's List for scrap, etc; it was frozen into the ground & I'm physically, unable to move it by myself; when SPPD came, I let them know that someone was actually coming that day to pick it up but they told me that they could just take it out of there for me since it wasn't mine; I gave them the person's information; very frustrating
-that amount of money to tow something off someone's property is ass___!
-my neighbors drop things onto my property all the time; I've had issues with them; they dropped a boat in my driveway; it started on fire, etc. but there seems to be nothing done on the property next door & Inspector Seeley is well aware of that; and she knows that I live there by myself & that I'm not able to do things myself because of an injury from work - so, I've asked for extensions

Ms. Moermond:

-you can appeal things; this VA Order was an appealable Order & I could have given you more time
-if you aren't having success when you call the inspector, the appeal process is there for you
-you have an on-going situation

Mr. Whynaucht:

-I went down to appeal & they told me that the Work Order was already issued, so an appeal would be worthless

Ms. Moermond:

-I don't know who told you that..
-this sounds like a problem area

Ms. Seeley:

-there's been major issues here since 2014; the next door property, too - constant issues

-Insp Hoffman is the one who towed this vehicle

-last Oct, I wrote several SAs & VAs

Mr. Whynaucht:

*-I got a lot of stuff taken care of before then & didn't ask for an extension because I am one person & have very limited funds & was going thru very interesting things with the neighbors; their dog ripped my dog apart when I was out of work; I had to deal with that; then, they literally, will take my fence down & drop crap in my yard & I can't do anything about it because, I'd have to have proof that somebody did that stuff; SPPD gets called; I've tried talking to Ms. Seeley; she is not really willing to work with me & she is aware of my situation; it's very frustrating
-\$900 for a part of a car that doesn't work at all is insane!*

Ms. Moermond:

-I don't have the date that the work was done - vehicle towed; can we find that out from SPPD?

-I'm also wondering about what makes up that charge

Ms. Seeley:

-I can find that out right now

Mr. Whynaucht:

-the vehicle was also there during the previous abatement when they took my boat off the property but they couldn't take that part of a truck; they took my pottery kennel, which was functional.....they took things that I actually use & destroyed them but they couldn't take a part of a truck; they came back months later & took that

Ms. Moermond:

-I don't have those other Orders in front of me today

-if you a getting a deadline too tight for you to me on an Order, you have to appeal it; calling the inspector is great in the first place but you should appeal it

-I want more information from the Police Dept

Ms. Seeley:

-I have the spreadsheet but there's no date & it doesn't show the cost breakdown so, I'll have to find that out

Ms. Moermond:

-Ms. Seeley will report back on that; we need all those pieces of information

Approve the assessment.

Referred to the City Council due back on 9/20/2017

7 [RLH TA 17-278](#)

Ratifying the Appealed Special Tax Assessment for Property at 2041 LAUREL AVENUE. (File No. CRT1710, Assessment No. 178210) (To be amended September 6)

Sponsors: Stark

Amy Holzman, owner, appeared.

Fire Supervisor Leanna Shaff:

-Fire C of O fee for a duplex: \$237 + \$155 service charge = \$392

-I received an email from Tanya Townsend

-sent appointment letters: 11/26/16

-sent Correction Orders: 12/29/16 - compliance date 1/30/17

-billing dates: 12/1/16 & 3/3/17

-no returned mail

-sent to: Amy Holzman/2041 Laurel Ave LLC at 3329 Glenhurst Ave S, St. Louis Park, 55416

Ms. Moermond:

-when I look at the bill, it's only for the inspection fee itself & service charge

Ms. Holzman:

-I'm appealing the cost above & beyond the inspection fee

-the letters did arrive; however, I wasn't here to receive them; I had been out of state & out of the country so, I was behind on my mail

-I've owned it since 2003; it was my oversight; it was not intended

-I should have known that the bill was coming; I've always paid them in the past

Ms. Moermond:

-I can't do much here; the bill wasn't paid in a timely fashion & the city incurred the cost of processing it as an assessment

-I can spread it over 2 years but I do need to approve it

Approve and spread over 2 years.

Referred to the City Council due back on 9/6/2017

8 [RLH TA 17-356](#)

Deleting the Appealed Special Tax Assessment for Property at 1700 MONTANA AVENUE EAST. (File No. J1710P, Assessment No. 178410)

Sponsors: Bostrom

Delete the assessment; waiver on file.

Referred to the City Council due back on 9/6/2017

9 **RLH TA 17-352**

Ratifying the Appealed Special Tax Assessment for Property at 1185 REANEY AVENUE. (File No. J1702V, Assessment No. 178001)

Sponsors: Prince

Petra Fager, property manager, appeared.

Supervisor Paula Seeley:

-Vehicle Abatement Order issued Feb 3, 2017; compliance Feb 21; re-checked Feb 22

-SPPD towed vehicle on Feb 28 for a cost of \$410 + \$162 service charge = \$570 (police cost: \$710; sold at auction for \$300; admin cost \$162)

-sent to Janet M. Eldred, 1188 Edgerton St; Petra Fager, 2100 Ford Pkwy Ste 201; and Occupant

-no returned mail

-2 vehicles on Order: white pickup truck; and Blue Buick Rendezvous

-only one vehicle was towed:

Ms. Fager:

-I did call yesterday; not sure who I spoke with; we had been in contact with the inspector & I thought that things were taken care of so I didn't know the car had been towed until I got the notice for this hearing

-I'm not here to contradict what is in the record; I'm hoping that we can get more time to pay it

-the tenant's vehicle was parked on an approved surface but it did have expired tabs & we did communicate with them that it would be towed so that they'd take care of it

-I'm not sure what option I have as a property manager to tow someone else's vehicle

Ms. Seeley:

-explained the Manager's Tow/Tag is something you can do; just call the general police number & say that the city issued the Order to have the vehicle towed; can I get a Parking Enforcement Officer meet me at the property & tag the vehicle for me; then, you can call any tow company to tow it; or call the inspector

Ms. Moermond:

-I can have the assessment spread over 3 years

Approve and spread over 3 years.

Referred to the City Council due back on 10/4/2017

10 [RLH TA 17-360](#)

Ratifying the Appealed Special Tax Assessment for Property at 910 SIXTH STREET EAST. (File No. J1706C, Assessment No. 172005)

Sponsors: Prince

Approve; no show.

Referred to the City Council due back on 10/4/2017

11 [RLH TA 17-331](#)

Ratifying the Appealed Special Tax Assessment for Property at 2095 STILLWATER AVENUE. (File No. 1705T, Assessment No. 179004)

Sponsors: Bostrom

Mehm Thi, owner, appeared.

Ms. Moermond:

-removal of a diseased tree

Supervisor Karl Mueller, Forestry:

-this was an 11-inch diseased Elm tree partially located in the front yard at 2095 Stillwater Ave

-Orders were sent: Sep 1, 2016; compliance Oct 17, 2016; re-checked Oct 21, 2016

-work done by our contractors: Jan 20, 2017

-cost: \$165 + \$178 service charge = \$343.02

Mr. Thi:

-I have a little salary and this amount is big

Ms. Moermond:

-asked Mr. Thi if he needed an interpreter

Mr. Thi:

-yes; Burmese

Ms. Moermond:

-asked Mai Vang to set up a language line

-we will come back to your case once the language line is set up

LH continued with the interpreter on the language line.

Ms. Moermond explained the situation.

Mr. Mueller:

-explained that the diseased tree in the front yard is shared with neighbors at 2080 Stillwater Ave

-this assessment is for half the total cost

Ms. Moermond:

-the tree was on the boundary of these 2 properties

-Orders were sent to both property owners to address the tree on the boundary

-this is for half the cost of the removal

-asked Mr. Thi why he was appealing & what he was looking for

-explained when/where the City Council Public Hearing would be held

Mr. Thi:

-at first, I thought the tree was only in my yard

-I did not quite understand at first; I thought this had nothing to do with me

-asked if there were a possibility that he would not have to pay for it

Ms. Moermond:

-when I look at the letter, it says clearly which tree & that it's shared with the neighbor at 2080 & the cost

-asked Mr. Thi how he got his mail interpreted

Mr. Thi:

-friends help us interpret; sometimes, my wife & I try to decipher the letter or my son helps us

-if it is necessary for me to pay the bill, I can't pay it off all at once

-I've owned the property since Jan 2014

Ms. Moermond:

-you have a good history of maintenance; I believe you made a good faith effort to understand the letter; moving forward, make sure you make a good effort to have someone interpret your mail

-will recommend reducing the assessment by half: \$170 payable over 2 years

Approve and reduce from \$343.02 to \$170.00 and spread over 2 years.

Referred to the City Council due back on 9/6/2017

12 RLH TA 17-362

Ratifying the Appealed Special Tax Assessment for Property at 402 UNIVERSITY AVENUE WEST. (File No. J1711P, Assessment No. 178411)

Sponsors: Thao

Layover to 9/5; owner is sending in graffiti waiver.

Laid Over to the Legislative Hearings due back on 9/5/2017

- 13 RLH TA 17-351** Ratifying the Appealed Special Tax Assessment for Property at 509-511 UNIVERSITY AVENUE WEST. (File No. J1711P, Assessment No. 178411)

Sponsors: Thao

Delete the assessment.

Joe Buzicky called DSI staff and said tag above the building is not on his building. After checking with staff, the graffiti was on the building west of 509 University Avenue West.

Referred to the City Council due back on 10/4/2017

- 14 RLH TA 17-361** Ratifying the Appealed Special Tax Assessment for Property at 2137 WELLESLEY AVENUE. (File No. J1702V, Assessment No. 178001)

Sponsors: Tolbert

Michael L. Kelleher, owner, appeared.

Supervisor Paula Seeley:

-Vehicle Abatement Order issued Dec 29, 2016; compliance Jan 11, 2017; re-checked Jan 19;

-SPPD towed vehicle (green Geo) Jan 23, 2017 for a cost of \$455 + \$162 service charge = \$615 (police cost \$605; sold at auction for \$150; admin fee \$155)

-sent to: Michael L. Kelleher, 2137 Wellesley Ave & Occupant

-no returned mail

Mr. Kelleher:

-I did ask for an extension

-it wasn't abandoned; it was on my property

-I realize you guys have a job to do but I think it's a lot of money; a snowbird being towed is a lot cheaper than this is

-I went down to the impound lot; they told me that if I didn't pick it up, they would sell it & I wouldn't owe anything; that's what they told me

-why wasn't this in the first assessment that I had?

Ms. Moermond:

-that was for cleaning up the rest of your yard; they charged the vehicle separately because the police are involved with the vehicles; the other work was done by Parks & Rec staff

Mr. Kelleher:

-it was sent to me Jul 27

Ms. Moermond:

-and the towing happened back in Jan; yes

Mr. Kelleher:

-that's just a lot of money; if I had my car on a public street, it would be cheaper

Ms. Martin:

-I worked on this case & Mr. Kelleher was very nice to work with; he had 2 vehicles that were there; he did take care of 1 of those vehicles; I know that there's been a lot of cost because of the clean up, etc. & we talked that maybe we could extend the payments out to try to assist him

Ms. Moermond:

-are you back in your house - is all the work done now?

Mr. Kelleher:

-no; hopefully, Sat; I still have things to do but heating, plumbing & electricity are just about done

-I would never work with Service Master again; in May-Jun, they didn't do anything

Ms. Moermond:

-this Order is clear; your bill is \$615

-I know there was a lot going on

-I will propose the cost to be divided up over 5 years

Approve the assessment and spread over 5 years.

Referred to the City Council due back on 10/4/2017

15 [RLH TA 17-300](#)

Ratifying the Appealed Special Tax Assessment for Property at 1228 VIRGINIA STREET. (File No. J1710G, Assessment No. 178711) (Public hearing continued from August 16)

Sponsors: Brendmoen

Rosemarie Labrasseur, owner, appeared.

Ms. Moermond:

-garbage hauling assessment

Supervisor Paula Seeley:

-Summary Abatement Order issued Apr 7, 2017; compliance Apr 14; re-checked Apr 24

-no trash service; Order sent to put out a container

-cost: \$262 (drop off fee; 2 weeks of service; pick-up fee)

-long history

-sent to Occupant & Rosemarie Labrasseur at 1255 Marion St, St. Paul MN

Ms. Labrasseur:

-appealing because this is not garbage; I called

-he sent me a letter

-I called Waste Management - they said that they'd deliver a garbage can within 2 weeks; I went over there & there was no garbage can; I called again; they said they were sorry; I got back to David

-so, there was no garbage service done at the property

-when I called him back about this letter I said, "You told me that everything was OK; you told me it was not for garbage; it was for Excessive Consumption"

Ms. Moermond:

- sounds like there's a couple things going on here
- this one today is for garbage hauling

Ms. Labrasseur:

- the inspector said there was no charge for garbage container

Supervisor Lisa Martin:

- there's some misunderstanding because the property has a very long history since 2004; a lot of vehicles in the driveway; seems as though the vehicles are being worked on; there's been garbage issues
- there was a Summary Abatement Order issued Apr 7, 2017 to remove a mattress & trash bags; on that same Order, he said that they were told to provide trash hauler service or the city would provide that

Ms. Moermond:

- is there a note that he delayed this because it looks like there was a 3-week delay between when the Order was written & garbage cans showed up on Apr 25; like he maybe had a conversation with the owner & delayed it for a couple of weeks (?)

Ms. Martin:

- this fee is merely for the garbage hauler, not that they picked up any garbage

Ms. Moermond:

- so, the city dropped off the container & picked it back up & that's what the charge is for because after the extension, there still wasn't a container there from Waste Management

Ms. Martin:

- yes; on May 3, the inspector cleared it - said they were finally in compliance

Ms. Labrasseur:

- the garbage company is the one that was delayed; so, the inspector said there wasn't any fine on my part about the garbage; but there is one for Excessive Consumption; so, this letter is incorrect

Ms. Moermond:

- no; actually, this letter is correct & his statement is wrong
- the letter told you that you needed to have garbage service by Apr 14 & the inspector gave you time
- they city didn't drop off the garbage container until Apr 25
- you, as a landlord are legally obligated to provide garbage service to your tenants; if you delegate that responsibility in your lease agreement or otherwise to the tenant, that's between you & them; the city holds you accountable & gave you an extension; you were not able to meet your obligation
- will recommend approval
- I'm not being sympathetic because of your long history of problems at the property

Approve the assessment. (NOTE: To be laid over to 9/6 City Council Public Hearing; sent to Council on 8/16 in error)

Referred to the City Council due back on 8/16/2017

YORK AVENUE. (File No. J1701V, Assessment No. 178000) (Public hearing to be continued to October 4)

Sponsors: Brendmoen

Pa Nhia Vang, owner, appeared.

Supervisor Paula Seeley:

*-Vehicle Abatement Order issued Jul 21, 2016; compliance Jul 29; re-checked Jul 29
-missing license plates; front end damage; no front tires; parked in the driveway
-SPPD towed is Aug 1, 2016 for a cost of \$735; sold at auction for \$75; service charge of \$160; end cost: \$820
-sent to Pa Nhia Vang, Lee Yang & Occupant at 515 York Ave
-no returned mail*

Ms. Vang:

*-it's not my car; it's my brother's friend's car
-I'm a first time home buyer & I don't know about all of these things
-I don't know anything about this car*

Ms. Moermond:

*-the Order was sent to you, to Lee Yang & to Occupant at this address all telling you there was a junk car on your property
-who opens the mail in your house?*

Ms. Vang:

-maybe my dad opened the mail; I was unaware

Ms. Moermond:

-will recommend approval divided over 4 years

Approve and spread over 4 years.

Referred to the City Council due back on 9/20/2017

Special Tax Assessments-ROLLS

- 17 RLH AR 17-68** Ratifying the assessments for Emergency Property Clean Up service during April 2017 at 890 PAYNE AVENUE. (File No. J1714A, Assessment No. 178524)

Sponsors: Stark

Referred to the City Council due back on 10/4/2017

- 18 RLH AR 17-69** Ratifying the assessments for Demolition services from February to March 2017. (File No. J1706C, Assessment No. 172005)

Sponsors: Stark

Referred to the City Council due back on 10/4/2017

- 19 RLH AR 17-70** Ratifying the assessments for Collection of Fire Certificate of Occupancy fees billed during March 16 to April 3, 2017. (File No. CRT1712,

Assessment No. 178213)

Sponsors: Stark

Referred to the City Council due back on 10/4/2017

- 20 [RLH AR 17-71](#) Ratifying the assessments for Graffiti Removal services during April 25 to June 6, 2017. (File No. J1711P, Assessment No. 178411)

Sponsors: Stark

Referred to the City Council due back on 10/4/2017

- 21 **RLH AR 17-72** Ratifying the assessments for Towing of Abandoned Vehicle services during January to April 2017. (File No. J1702V, Assessment No. 178001)

Sponsors: Stark

Referred to the City Council due back on 10/4/2017

11:00 a.m. Hearings

Summary Abatement Orders

- 22 [RLH SAO 17-69](#) Appeal of Michael Drager and Barbara Osthus to a Summary Abatement Order at 50 BATES AVENUE.

Sponsors: Prince

Laid Over to the Legislative Hearings due back on 8/22/2017

- 23 [RLH SAO 17-70](#) Appeal of Shan Leroy John Fritz & Randy Jennrich to a Vehicle Abatement Order at 1141 DALE STREET NORTH.

Sponsors: Brendmoen

Shan Leroy John Fritz, owner, appeared. Kimberly Buckstein, neighbor at 1039 Barrett, also appeared.

Ms. Moermond:

-in these Orders, I see a Vehicle Abatement Order but the aerial map that you attached makes it look like the vehicles in question weren't parked at 1141 Dale

Ms. Buckstein:

-wanted to clarify: there's no vehicles parked in those spots; they were parked in the front of the garage; those circled spots are empty spots that they'd like to use

Mr. Fritz:

-the comment section should explain

Ms. Moermond:

-you had 2 vehicles; you moved them & you would like to have the option to use the 2 circled spaces

-I need to talk to you about Right of Way (ROW)
-in your appeal, you had asked about conditional use for those 2 spots for community use when there's a need for overflow parking
-asked them to come up & look at the map; and Ms. Buckstein explained
-it's a dead end alley with 2 asphalt parking spots at the end
-that's ROW & the way that ROW works is that it's a public easement onto the property, which means that anyone from the general public can cross over that piece of land like a sidewalk; you own it & are responsible for shoveling it & taking care of it
Discussion with LHO:
-here, the parking spot with the 0 attaches to "this property;" the one where the 2 is attaches to "this property;" so, what could happen is that the person who owns 1149 could say, "I want to buy my half of the alley; I want to vacate the ROW (private);" if they do that, the person who lives at 1145 would get the other piece as their own private property; so I couldn't say that you get to use it; it's either public or it's theirs
-you could talk with your neighbor & discuss a private arrangement about your using it

Mr. Fritz:

-since the neighbor has first rights to that land, can I ask him if I can buy that, instead?

Ms. Moermond:

-for that to happen, to purchase that little piece of land, he would first need to apply to vacate the ROW; he'd need to get signatures from neighbors, which shouldn't be a problem; it's \$100 to file; it's \$500 to purchase the piece of land; if you did all the leg work for him, maybe he would just charge you that cost & let you buy it; you'd need to transfer title for that little piece of land; I know that it's possible but it requires some coordination among the neighbors

Supervisor Paula Seeley:

-talk with Terry Vasquez, Real Estate Office, 651/266-6128

Grant the appeal. The vehicle violation has been abated.

Referred to the City Council due back on 9/6/2017

24 [RLH SAO 17-72](#)

Appeal of Gustavo Lopez to a Summary Abatement Order at 1152 MARYLAND AVENUE EAST.

Sponsors: Bostrom

Gustavo Lopez, owner & his daughter appeared. Spanish interpreter was also present.

Supervisor Paula Seeley:

-we are getting on-going zoning complaints about illegal car repair and illegal sale of cars
-the only cars you can work on are those that belong to people who live in the house
-the issue right now is that they have put gravel on the west & east side of their double driveway; they would need to provide a new site plan in order to increase their parking area; and they can't just put down gravel
-I sent Orders to remove the gravel & replace it with grass
-they would also need to meet the 4 foot setback at the property lines

Ms. Moermond:

-there might be a third issue: too much of the lot being covered with parking surface & buildings

Ms. Seeley:

-even if they filed a site plan to increase their driveway, they'd only be able to go over 2-3 feet on each side; they should probably recognize that before they go through all the trouble

Mr. Lopez:

-I did this because we don't have a parking lot & there's no space in front on Maryland; there are 4 neighbors all with the same problem with parking; when children come to visit the family, there's no place for them to park

-I would like to ask to be allowed to park on the gravel in the back

Ms. Moermond:

-you should not be parking on the grass

Mr. Lopez:

-the neighbors are parking on the grass; we all have the same situation

Ms. Moermond:

-I can talk only about your property; legally, you can't park on the grass

-in some limited circumstances, I can allow class 5 gravel to be a parking surface but you have an asphalt driveway & an asphalt alley; so, if those surfaces are asphalt, the additional surface has to be asphalt, as well; & because you're expanding the parking, you will need to go to the Dept of Safety & Inspections (DSI) & file a plan showing how you want to expand the parking & where you're going to put the new surface; the plan needs to show that you'll have at least 4 feet from the property line that's open; you can't put asphalt directly up to the property line

-is this something that you think you can get done by Nov 1, 2017 or do you want to work on it during next year's construction period?

Mr. Lopez:

-brought up his pictures to view

-what do you recommend that I do?

-and, I need an extension

Ms. Moermond:

-I understand that you need the space

-you need to put down asphalt so you can have a parking area (one solution)

-you need to draw a picture of your lot & the area where you want to add asphalt; need 4 feet between the edge of the property line & the new asphalt; take the plan to the Zoning section, DSI

-will grant an extension to Jun 1, 2018

-additionally, I'm hearing from staff that you might be doing car repair out of your property

Mr. Lopez:

-that was last year; I did one car and my neighbor called; now, even when I'm washing my car, she calls to complain

-I'm not a mechanic

-I need a fence too; people walk through my yard all the time

Ms. Moermond:

-you can repair your own cars - for the people who live there

-added that fences aren't cheap; they need a plan review; talk to DSI about a fence,

too, for what is required

-parking surface must be concrete, asphalt or pavers - talk to DSI

Layover to August 22 to have the Summary Abatement Order withdrawn and re-issue a Correction Notice to grant until June 1, 2018 for compliance on the driveway.

Laid Over to the Legislative Hearings due back on 8/22/2017

- 25 [RLH SAO 17-67](#) Making finding on the appealed nuisance abatement ordered for 1171 MINNEHAHA AVENUE WEST in Council File RLH SAO 17-61. (Legislative Hearing on August 15)

Sponsors: Stark

The vacant lot is clear. The shed is moved to the next door property and the planting beds are removed.

Referred to the City Council due back on 8/16/2017

11:30 a.m. Hearings

Orders To Vacate, Condemnations and Revocations - Code Enforcement

- 26 [RLH VO 17-30](#) Appeal of Geraldine Blackhawk to a Condemnation as Unfit for Human Habitation and Order to Vacate at 1762 REANEY AVENUE.

Sponsors: Prince

Geraldine Blackhawk, owner, appeared.

Gerald Kaluzny, Southern Minnesota Regional Legal Services (SMRLS), appeared.

Erica Minus, The House Calls Program, Ramsey County, appeared.

Supervisor Paula Seeley:

-the inspector wrote that there's been a lot of improvement

-the hallways are clear

-for the most part, the basement is 99% cleared to the floor; there's access to the electrical panel, furnace & water heater

-they have the proper smoke detectors now but still need 2 CO detectors: one on main floor & one upstairs

-there was an attempt to fix the main stairwell but it still needs work

-there are 5 bedrooms in the house

-he did not notice any more exposed wires; still missing some outlet covers

-all rooms are approximately 120 sq.ft; one room is 150 sq.ft.

-he sent photos; they're in the system

-he sent me an email saying that the house could possibly have been a duplex at one time; I forwarded that email to Karen Zacho

Ms. Blackhawk:

-I grew up in the Roosevelt Projects & my dad signed up to get a house; and before we moved into it, it had been a duplex

Ms. Moermond:

-it sounds like tremendous progress is being made

Ms. Minus:

-we're doing great on dumpsters; one was switched out today; they need more & we can bring more out

Mr. Kaluzny:

-I spoke with Al Harris; he was quite impressed with the improvements; gave a very favorable report

-we had a misunderstanding about the number of CO; we need to bring out 2 more

-we want to get some time to find resources because I think they will need a new hot water heater & there's a problem with the stairs

-we definitely got rid of the brothers; we don't even know where some are

Ms. Moermond:

-I will recommend to the Council that they grant your appeal on the Condemnation/Order to Vacate

-we will take the Orders that are left & convert them into regular Correction Orders for your house; you still have things that need to be fixed but we're not going to hang the Condemnation/Order to Vacate over your head

-from what I've heard, I'm satisfied that you took care of the life safety issues but for the CO alarms, which I'd like you to commit to take care of today

-I know that you have a lot to do here but you are working with people & doing the right things

-I think that 90 days will be needed to get financing & complete the repairs

-I will ask DSI to send a list of those items that are left to correct

-keep working with Erica

-Deadline: Nov 15, 2017

Grant the appeal on the Condemnation and Order to Vacate as progress has been made to clean up the property and will grant until November 15, 2017 for compliance for the remaining items which will be re-issued as a Correction Notice.

Referred to the City Council due back on 9/6/2017

1:30 p.m. Hearings

Fire Certificates of Occupancy

- 27 RLH FCO** Appeal of Peter Lin to a Re-Inspection Fire Certificate of Occupancy with
17-140 Deficiencies at 1661 HUBBARD AVENUE.

Sponsors: Stark

Peter Lin, LW Property Management, owner, appeared.

Fire Supervisor A.J. Neis:

-Fire Inspection Correction Notice issued by Fire Inspector Joe Brown

-violation that's being appealed: the building is over-occupied

-the city ordinance is very clear that you cannot have more than 4 unrelated adults in a house unless the building is a licensed Rooming/Boarding House, which this is not

-the bldg is in the Hamline-University area but not in the Student Housing Overlay District

-the bldg appears to be housing students

Mr. Lin:

- the house has 5 bedrooms & 2 bathrooms; it's very spacious; we have 4 students (Hamline & U of M) living there; we've owned it for 8 months now; the utility bill is very costly
- the city wants to build a better city; it wants to be #1; the way to do that is to have good people & good people with money
- we give all students opportunity to grow; we supply scholarships, etc.
- thinks the city should consider being a little flexible
- this house is large & we're losing money; special cases need special consideration
- we would like to have 5 students

Ms. Moermond:

- the key word here is "unrelated" - the Zoning Code says that there can be no more than 4 unrelated adults residing in one house; you will need a variance of the Zoning Code to get out from underneath that
- this house is operating like a Rooming House; maybe you'd want to get a license for a Boarding/Rooming House; or you may want to look into turning your property into a duplex

Mr. Lin:

- this area doesn't allow duplexes, I asked and unless the rules are changed.....
- ...
- questioned why the number was made "4" instead of "5" or some other number; why 4?
- is that based on science, incidence or statistics ?

Ms. Moermond:

- the Zoning Code has been in place with 4 unrelated adults for decades; I don't know why "4" was selected
- you could ask the Board of Zoning Appeals if they would accept 5 unrelated adults; the Board could consider your request & make a decision but I don't have the authority to do that

Mr. Neis:

- a lot of issues are taken into consideration when making such a decision; it has to do with parking; the number of occupants; the overall blithe and the peace of the neighborhood, etc.
- this law was looked at again in 2012 after being in place for decades and they actually made it stricter
- if you were in the Student Overlay district about 1 mile over, you're down to 2 unrelated adults
- you could rent the house to a large family
- you have the right to go to the Board of Zoning Appeals, pay for the application & ask for a variance; you will need to get neighborhood signatures because it's the community that wants this Ordinance in place

Ms. Moermond:

- you are already in compliance with 4 unrelated adults; you can have no more unless you get a variance from the BZA

Mr. Neis:

- check out the city's website where it shows your options for how to occupy a larger house

Ms. Moermond:

Deny the appeal.

NOTE: public hearing has been rescheduled from 9/20 to 10/4. Letter sent to owner regarding this change.

Referred to the City Council due back on 10/4/2017

**28 RLH FCO
17-143**

Appeal of Michael Roberts to a Reinspection Fire Certificate of Occupancy With Deficiencies at 320 JENKS AVENUE.

Sponsors: Brendmoen

Michael Roberts, owner, appeared.

Fire Supervisor A.J. Neis:

*-I had the opportunity to speak with the Appellant before the hearing
-we're dealing with a C of O on 2 on his properties; they're approvals with Corrections
-Mr. Roberts is looking for more time on some exterior violations
-this is scheduled for reinspection Sep 11; it needs scraping peeling paint on trim (the siding is metal) & it needs a new driveway
-he is hoping to get an extension to 2019
-he has put some money into both of these homes in the last couple of years
-a new roof was put on in 2015 (also on Margaret)
-the driveway is a priority but it's shared with his neighbor (concerned about water seeping into his basement)*

Ms. Moermond:

-I'm willing to go out 1 year maximum

Mr. Roberts:

*-specifically for Jenks; I've been working with the neighbors; I've been in contact with the property management before I had my inspection; I've heard nothing back; the driveway is in bad shape; it needs to get done; the exterior is aluminum siding; what needs paint is the fascia, soffit & deck; I can definitely have that done; the interior is done
-the driveway & trim is my goal for next year*

Ms. Moermond:

-did those neighbors get Orders for the driveway too?

Mr. Roberts:

-I believe so, according to Inspector Brian Schmidt; after this inspection, he gave me their phone number; I called & left a message; nobody's gotten back to me

Mai Vang:

-Orders to the neighbors were issued Jul 25, 2017

Ms. Moermond:

-print out those Orders for Mr. Roberts

Mr. Neis:

-read the Orders re: driveway

Ms. Moermond:

-if we give you an extension, the other folks aren't, necessarily, extended; so, we're running you guys on different deadlines to get the same project done together
-to Mr. Neis, how do you want to proceed enforcement-wise?
-the neighbor's deadline is tomorrow to have a reinspection

Mr. Neis:

-obviously, it's not going to be done
-we are still dealing with that retaining wall; we could certainly extend their deadline
-what I would like to do is continue the C of O process as it is - make sure that they get all the other stuff done - let Insp Schmidt run it's course on the other violations to see where things are at - to see how much work has been done on the inside & have a conversation with the property owner on where they're at with the driveway; advise them.....

Ms. Moermond:

-in this next set of Orders for 320 Jenks, can we revise that by Jan 1, 2018, they've arrived at a legal agreement for re-surfacing & repairing the driveway together? some measure of commitment

Mr. Neis:

-I don't have the answer; perhaps, we should seek advise from Theresa Skarda
-funding may fall thru for one or the other; I'm not comfortable making a legal determination

Ms. Moermond:

-it would be best if we had both parties sitting here

Mr. Neis:

-once the enforcement is up at 324, if it's not done, we could move forward with Revoking; usually that puts them in front of appeal; if all the work is done on the inside, I could instruct Insp Schmidt, when he goes out there tomorrow, could inform that his neighbor at 320 Jenks appealed the driveway & LHO gave them this deadline; you better contact him because if your side isn't done by then, you'll probably lose your C of O, criminal citation, some enforcement action - I would strongly encourage you to work with your neighbor.....

Ms. Moermond:

-what if I Lay this Matter over for 3 weeks and the property owner is instructed to file an appeal on the deadline for the driveway so that a negotiated agreement could be reached with the neighbor, who is also under appeal & see if the strong encouragement on the part of the inspector gets that owner in here sooner rather than later

Mr. Neis:

-that's an even better idea & either I or Supervisor Shaff could do that encouragement with the owner of 324

Ms. Moermond:

-I want to make sure that you're in sync with your neighbor on the driveway

Layover to give neighboring property owner an opportunity to appeal the driveway; grant until August 15, 2018 for the peeling paint and exposed wood, holes in the soffit, rotting boards and damaged siding.

Laid Over to the Legislative Hearings due back on 9/5/2017

**29 RLH FCO
17-142****Appeal of Michael Roberts to a Correction Notice-Reinspection
Complaint at 984 MARGARET STREET.**

Sponsors: Prince

Michael A. Roberts, owner, appeared.

Mr. Roberts:

*-for 984 Margaret Street, there's pretty much the same as for 320 Jenks Ave: exterior - fascia & soffit needs painting; it's not terrible
-I just got paperwork telling me to send in a piece of the siding for testing; I was told that it's a product called Masonite, which is not asbestos
-at this property, I own 2/3 of the driveway; I'm looking for a 2018 deadline; I don't want to do half of a repair; water is seeping into the basement; I don't want to put the siding before the driveway & have basement issues*

Ms. Moermond:

*-my standing rule is 1 year out; I won't go any further
-will grant an extension to Aug 15, 2018
-talk to your bank
-City Council may extend further out
-City Council Public Hearing is Sep 20, 2017 at 5:30 pm*

Mr. Roberts:

-I won't be in town Sep 20; I will be here Sep 6

Ms. Moermond:

-we'll see you up for Sep 6, then at 5:30 pm

Supervisor A.J. Neis:

-one of these properties has had a long history; since Mr. Roberts bought it, the problems went away

Mr. Roberts:

*-I've owned it for 17 years; I used to live there; I want to keep it in good shape so, I do want to get it done correctly
-I have 2 foreclosures; the bank can't do anything for me*

Ms. Moermond:

-talk to PED

Mr. Neis:

-programs are coming out for rental property & you might qualify

Ms. Moermond:

*-talk to Patty Lilledahl, 651/266-6519 at PED
-will grant 1 year extension to Aug 15, 2018*

Grant to August 15, 2018 for compliance on the peeling paint issue.

9/11/17: This was scheduled to PH on 9/20 in error. Owner stated he will be out of town but can make the 9/6 hearing which he did not appear. Letter sent in error scheduling owner for 9/20. Layover to PH on Oct 4.

Referred to the City Council due back on 10/4/2017

2:30 p.m. Hearings**Vacant Building Registrations**

- 30** [RLH VBR 17-61](#) Appeal of Alejandro De La Mora to a Vacant Building Registration Fee at 1733 STANFORD AVENUE. (Public hearing to be continued to October 4)
- Sponsors:** Tolbert
- Alejandro De La Mora, owner & Pedro Ayora, realtor, appeared.*
- Supervisor Rich Singerhouse, Vacant Buildings:*
-this was Condemned on May 16, 2016 by Inspector Lisa Martin, Code Enforcement, for gross unsanitary conditions
-subsequently, I believe, it was conveyed to HUD for a little while
-Inspector Kalis, responded to a referral on Aug 4, 2016 & opened a Category 2 Vacant Building file
-anniversary date is Aug 5, 2016
- Ms. Moermond:*
-the VB fee we're looking at covers the period of Aug 5, 2017 - Aug 4, 2018
- Mr. De La Mora:*
-I bought the house Aug 7, 2017 & I wanted to start the rehab right away but this is the first time that I bought a VB & I didn't know about this fee until the day of closing
-a person at PED said that I couldn't pull permits
-we have a construction loan for this property & we have extra money to do a complete renovation: all new plumbing; all new electricity; HVAC; new furnace, AC, etc.
- Ms. Moermond:*
-sound like more than \$50,000
- Mr. De La Mora:*
-about \$60,000
- Ms. Moermond:*
-how long will the rehab take?
- Mr. De La Mora:*
-2 months & 1 week
- Ms. Moermond:*
-I want to waive the VB fee for 90 days & you can pull permits; if you complete the work in 90 days & get your Code Compliance Certificate, you won't have a VB fee at all
-if it takes longer than 90 days, let it go to assessment; you'll get a yellow post card with a letter in the mail; go ahead & appeal it; we can discuss it in hearing & I can prorate the VB fee
- Waive the vacant building fee for 90 days from August 15 to November 15.*
- Referred to the City Council due back on 10/4/2017**

31 [RLH VBR 17-60](#) Appeal of Kenneth O. Doyle to a Vacant Building Registration Notice at 705 SUMMIT AVENUE.

Sponsors: Thao

Kenneth O. Doyle, owner; and Dan Sullivan, acting property manager, appeared.

Mr. Sullivan:

*-entered copies of 3 documents: statement from Mr. Doyle; annotated comments re Orders; smoke detector affidavit
-I've been involved for the past month
-I've been responsible for over seeing the work; making sure that permits were pulled & work done as we understood it needed to be done*

Ms. Moermond:

*-the City Council had already adopted a Resolution on the Revocation on the Certificate of Occupancy on Jul 19, 2017 laying out the condition to keep the building out of the Vacant Building Program: get the C of O reinstated.
-the C of O was not reinstated and that's how you ended up in the VB Program; you want to argue about the C of O reinstatement; I will only entertain that a very little bit because it wasn't reinstated and we already had a hearing and a decision was already made by the City Council; and Mr. Doyle did not ask for an extension & did not ask for any of the other things that were recommended
-today, we are talking about the VB Registration for a property that has no C of O & has been Condemned; so, we will be talking about a Certificate of Code Compliance and the VB fee
-you might persuade me to look at the C of O but I think that conversation has begun & finished with the previous hearing & previous Council decision, which I can't re-do*

Fire Supervisor Leanna Shaff:

*-follow-up report
-Mai Vang read the Resolution: Grant the appeal on the Revocation and Order to Vacate in the Vacant Building Registration if the repairs have been completed by Jul 31, 2017 or the property must be vacated on Aug 1, 2017 and will be placed in the VB Program.
-update: I was at the property on Aug 1, 2017 and before I looked at the property, I looked at the building file & saw that there were permits pulled; however, they have not been accepted; some of those permits were for the very life safety things resulting in the eventual Revocation of the Fire C of O
-upon inspection of the bldg, I found not only things that had been on the list to be repaired but also some new items; photos taken Aug 1 in the system
-in Unit 7, escape windows in bedrooms were not functioning (on the Orders since the beginning)
-ceiling paint incomplete
-occupancy separation issues, especially, in the basement next to the boiler room; in Unit 7; in the storage area
(on Orders since the beginning)*

Ms. Moermond:

-how many inspections did you do on this bldg & were you accompanied by the owner/property representative?

Ms. Shaff:

-most of the inspections were accompanied by Mr. Guns, the caretaker; also by either Officer Tom Ludwig or John _____

-6 inspection dates: Mar 22; Mar 23; Apr 26; Jun 22; Jul 7; and Aug 1, 2017

Ms. Moermond:

-asked Mai Vang to pull up Orders from Apr 26-27, 2017 for a point of reference

Ms. Shaff on photos:

-re gas pipe; there was a permit pulled on it by you can see that the pipe is just punched thru the wall & not supported

-re dryer vent; when I was there in Jul, Mr. Guns was in the process of doing that; he was reminded again that that work requires a licensed contractor; it's been just hanging in the air since then

-smoke detector hanging down in the common area & Unit 7

-a few items for which permits were pulled have been abated:

-bldg permit for re-roof, car port tear off permit finalized on Aug 11 by Inspector Sutter

-plumbing permit is still open

-bldg permit for common area sheet rock, ceiling & misc sheet rock signed off Aug 11; talked with Insp Sutter this morning, who said that he had not been in Unit 7 (there are still occupancy separation issues in Unit 7)

-no venting permit for dryer vent

-most of the Apr list, which had 32 violations, have not been abated; 28 are on the Jul Orders

-not everything in Unit 2 has been taken care of

-some barrel locks were taken care of from Apr & not taken care of by the next inspection; some globes; wall tile; CO alarm comes & goes

Ms. Moermond:

-it's clear from your comments, Mr. Sullivan, that you wanted her to comment on each item as you went thru the bldg

Mr. Sullivan:

-I've done tons of remodeling of houses that I've owned; I know how to do all of these things

-I thought we had done the repairs that were asked for

-the windows that she said didn't work: that was my problem; we had a professional from Andersen Windows come out to repair these casement windows

-we plan to replace the casement with double hung windows because they don't need to be escape windows

-when Insp Shaff came thru, she said that you have to have a window that opens for ventilation; I had the professional come back to explain to me why those 2 windows didn't work and to also make another window work; he did that & also showed me that I had not fully unlatched the windows (I hadn't had experience with casement windows before); so, I didn't realize what you had to do; he showed me that those windows do work

-ceiling paint: Insp Sutter told me that paint is not part of the Fire Code

Ms. Moermond:

-it is part of the property maintenance code

Ms. Shaff:

-there are some instances where painting would be required; in this case, I cited Chap 34 of the Property Maintenance Code where it is definitely required; the bldg code does not address property maintenance; it addresses new bldg or newly remodeled environments; it is silent on existing bldgs

Mr. Sullivan:

-we started the inspection outside; Ms. Shaff thought that work was OK
-then we went to Unit 6 on the 3rd floor; she commented that we hadn't done a good enough job on the floor & she noted that we'd talk about everything at the end of the inspection - that never happened
-re smoke detectors: the one in Unit 7 started to beep & the tenant had just pulled it down to put in a new battery when we walked in
-as far as my oversight, we were sort of hurrying along; when we were in the basement, all of the sheet rock in the common area had been done
-because of his disability, Mr. Doyle can't get around the bldg very well anymore; so, I have to just rely on what was written up
-re the dryer: we spoke with an attorney who said that if we'd remove the dryer from the premises, then, we wouldn't need a dryer vent; Insp Shaff said to cap the gas line; so, I did; the plumber thought it was perfectly fine; happy to show pictures; there is no dryer there
-I went thru the individual Orders and.....

Ms. Moermond:

-I'll leave that to the plumbing inspector to do a follow up on his permit
-this inspection cycle began in Mar 2017 & carried thru to Jul; and I'm looking at, essentially, the same set of Orders throughout; and eventual Revocation for long term noncompliance
-the expectation was complete compliance; there wasn't complete compliance
-Mr. Doyle had an employee, who went thru the bldg with the inspector on at least 3 different occasions - walking thru the bldg & learning what was going on with the violations; so, it's not for a lack of trying to explain the problems - the violations

Mr. Sullivan:

-I was part of the conversation on Jul 7, 2017, when Insp Shaff talked about the basement and she said, "It's the electrical room & the furnace room that have to be sheet rocked with fire separation;" that was all that she mentioned - not the other parts of the basement, including the closet in Unit 7; so, that was one of a few items in which she made any specific comments - that one & 4 & Unit 6 - support that pipe & close the vent - those were the only specific guidances I got; beyond that, I went off of what was written
-at that time, except for the new things, we had completely complied with the Orders of Jul 7

Ms. Moermond:

-OK

Ms. Shaff:

-when Mr. Sullivan talks about specific guidance, I can't be their designer or tell them how to fix things

Mr. Sullivan:

-with the exception of painting that ceiling, everything on this list has been done; there is no more work on this list to be done

Mr. Doyle:

-apologized that he was not getting the full picture from his handyman; regrets not having the right info
-since Mr. Sullivan took over, things have been getting done quickly
-re the police issues: the caretaker rented an apartment to some guy that he knew;

but he started to bring friends over who were real problems; they were partying: drinking/drugs; so, I evicted him & they vandalized the apartment

Ms. Moermond:

-things had really gotten out of control & required a lot of intervention on the part of city staff: police & inspection needed to be present in dealing with things there
-question for me: should your bldg be subject to a code compliance inspection & subsequent certificate prior to re-occupation or would it be sufficient for the C of O to be reinstated upon sign-off of the fire inspection staff? One of those paths will get you out of the VB Program
-the other piece is the annual VB fee; I am more than happy to waive that for 90 days in order to get this resolved

Mr. Sullivan:

-I have the resources to get pretty much anything done in 24 - 48 hours

Ms. Shaff:

-unfortunately, with things constantly changing, I don't trust that anything is accurate anymore

Ms. Moermond:

-we've got an empty bldg right now?

Ms. Shaff:

-no; we don't

Mr. Doyle:

-I appealed

Ms. Moermond:

-the VB Registration has nothing to do with the C of O being Revoked
-this bldg should be Vacated

Ms. Shaff:

-I understand; I was told yesterday that this bldg was occupied

Mr. Sullivan:

-Matt Dornfeld came out & talked to us & said that he was not going to placard the bldg while we were in appeal

Supervisor Rich Singerhouse, VB Program:

-Matt Dornfeld opened up a Category 2 VB on Aug 2, 2017; he might not have placarded it but he did open up a VB file

Ms. Moermond:

-I'm stunned that this continues to be occupied

Mr. Sullivan:

-he told us that we could continue while we appealed

Ms. Moermond:

-no; you can't; the C of O appeal is over & done with; the Council voted on Jul 19 that the C of O was not reinstated & the bldg must be Vacated on Aug 2, 2017
-what you are appealing now is whether you're in the VB Program

Mr. Sullivan:

-I think we're also appealing whether we had, in fact, complied with the Orders as they were written; if there are new problems, give us some new Orders & time to do them; with our understanding, we had met the Council's requirement to satisfy all these deficiencies

Ms. Moermond:

-I'm looking at photos of smoke detectors hanging; I almost don't need to go any further to say that you didn't meet the requirement.....

-I'm seeing windows, holes,..... the work was not done on deadline & the bldg should have been Vacated

-I'm flabbergasted that Mr. Dornfeld made that statement

Mr. Singerhouse:

-it does say here, "At the time of my inspection, I met with property owner Kenneth Doyle and explained to him

VB 2 rules, regulations, fees & the appeal process; Mr. Doyle stated that he intends to file the appeal & also stated that he will have the violations that Insp Shaff called in her Revocation Report in compliance in 2-3 weeks."

-he doesn't say here that he allows occupancy

Mai Vang read from Resolution:

-City Council grants the appeal on the Revocation and Order to Vacate and the VB requirement if the repairs are completed by Jul 31, 2017 or the property must be Vacated by Aug 1, 2017 & will be placed in the VB Program

Ms. Moermond:

-that was the Council decision; the work was not done; you are here appealing the next item on the list, which is the VB Registration itself

-things were not done in a timely fashion

-how many units are occupied?

Mr. Sullivan:

-there are 6 units (there's no #3); they are numbered: 1, 2, 4, 5, 6, 7

-Unit 1 is the owners; there are 5 rental units 2 of which are vacant and 3 are occupied

-it's not like we were cited for hanging smoke detectors; those were new temporary situations

-I don't know why the tenant in #7 decided to, at that moment, to replace that battery

Ms. Moermond:

-I do think that you're making progress; permits are being signed-off; it's feeling very much like a day late & a dollar short

-to Rich: "get Matt on the phone"

Mr. Singerhouse:

-he is out sick today

-Matt hasn't been out there since then & the appeal was also for the VB Order; so, I'm not sure what he thought

Ms. Moermond:

-if Inspector Dornfeld gave _____ approval for continued occupancy, that's one thing; if he did not give _____ approval for continued occupancy, there is no reason why the Council's Order should not have been in play; you did not get your C of O; you could

quibble about that but you did not get it and the bldg needed to be Vacated & wasn't; the enforcement action associated with that would fall in Ms. Shaff's court, so that a Criminal Citation would be issued

Ms. Shaff:

-typically, that citation comes out of the VB Program

Ms. Moermond:

-I'm thinking (I will need to run it by the bldg official) is to have you do a walk thru

-my question: Is there enough in this set of Orders to justify a code compliance inspection?

-having Inspectors Sutter, Shaff, Abramson do a list (?)

Mr. Doyle:

-I hate to keep repeating myself but tell us what you want done & we'll do it immediately; I was getting wrong information

Ms. Moermond:

-I'm thinking - you have limited credibility here

-the letters were coming in the mail listing the problems

Mr. Doyle:

-I was being told that they were done or almost done

-so I was acting in good faith

Ms. Moermond:

-I will discuss this with the building official & get a decision out first thing in the morning

Deny the appeal on the vacant building status but will waive 90 days on the vacant building fee.

Referred to the City Council due back on 9/6/2017