



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final - Final-revised

Legislative Hearings

Marcia Moermond, Legislative Hearing Officer
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Tuesday, August 22, 2017

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Remove/Repair Orders

- 1 [RLH RR 17-35](#) Ordering the rehabilitation or razing and removal of the structures at 1571 CHRISTIE PLACE within 60 days after the September 6, 2017, City Council Public Hearing.

Sponsors: Bostrom

Catherine Scobie and Thomas Rodriguez appeared.

Marcia Moermond:

-we talked yesterday on the phone

-put in a call yesterday about needing evidence of financing. This is standard requirement.

-that wasn't going to be a concern

-had a chance to review the work plan and asked Mr. Magner of same

Steve Magner:

-I have reviewed it and have a concern

-wording from August 14 about siding installed or siding as needed; impression that it was partially sided and sections never finished, specifically the west exposure which was allowing infiltration in over the last couple years. How do you plan on dealing with that?

Mr. Rodriguez:

-gonna pull all sidings from the west side along with the house wrap

-the ones that are exposed we want to make sure there is no penetration inside

-insulation wasn't wet but any drywalls that were wet needs to be corrected

-talked to Jim Seeger about this and he agrees

Mr. Magner:

-asking if they are Klein Group Remodeling

Mr. Rodriguez:

-yes. David and I worked for years and that is when Ms. Scobie called me.

-it came to the attention of how much money to put into it and financing it

-they went out of budget so I told Ms. Scobie we would step in to finish the project

-once sold, we would recover

Mr. Magner:

- this is not the first you have represented yourself in the hearing.
- asking if he was representing a buyer or seller or property manager
- asking was Mr. Rodriguez was part of the group doing the rehab for 129 Jessamine

Ms. Moermond:

- I believe for 129 Jessamine, Mr. Rodriguez came in after the legislative hearing process due to the other developer backing out of the project

Mr. Rodriguez:

- we took over after. Previous contractor initially started and then stopped doing anything
- we are finishing up 129 Jessamine this week
- we knew the owner, Dr Morales, and he hired Klein Group

Mr. Magner:

- asking why Dr Morales went to Gallagher after that

Mr. Rodriguez:

- when we initially started the bid we told him we are not completely open
- we found out a lot of issues there once walls are opened
- he told us to send him the bill which Ms. Scobie had been through the process and saw what happened
- we got towards the end and told him we needed more money
- told us we were over budgeting but there was agreement made and he accepted to pay the additional cost
- we weren't paid for the additional
- just this week we sided the house because it's couldn't be repaired and they haven't paid us
- I just want to be done with the project even if I have to get a discount

Ms. Moermond:

- we received different message for 129 Jessamine
- message was that you were paid but didn't complete the work
- asking if he anticipated in changes for this property

Mr. Rodriguez:

- we are overbudget for this one
- Ms. Scobie has agreed to go out there and do the landscaping to cut down the cost

Ms. Moermond:

- PH on Sept 6
- Need evidence of financing indicating at least \$50,000 for the repairs to complete the project by August 29 (construction loan, line of credit or a personal/business account). This includes an affidavit, if using personal/business bank statement.
- If the condition is met, will grant 2 months for the rehabilitation of the building.
- around October 15, you will get a letter about forfeiting the bond
- DSI can send out the week of October 15
- can't pull permit until financing is in place

A new resolution will go before Legislative Hearing on November 14, 2017 to confirm building rehabilitation is complete with a City Council Public Hearing on November 15.

8/25/17: Wells Fargo Bank Statement was submitted
8/31/17: affidavit of financial was submitted.

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

2 [RLH RR 17-37](#)

Ordering the rehabilitation or razing and removal of the structures at 880 CLARK STREET within fifteen (15) days after the September 20, 2017 City Council public hearing. (Public hearing continued from September 20)

Sponsors: Brendmoen

Greta Bjerkness, Attorney at Wilford, Geske & Cook, representing US Bank

Steve Magner:

-Staff Report: The building is a one and one-half story, wood frame, duplex on a lot of 4,051 square feet. According to our files, it has been a vacant building since July 27, 2016.

The current property owner is US Bank National Association c/o US Bank Home Mortgage.

On June 7, 2017 an inspection of the building was conducted, a list of deficiencies which constitute a nuisance condition was developed and photographs were taken. An ORDER TO ABATE A NUISANCE BUILDING was posted on June 16, 2017 with a compliance date of July 16, 2017. As of this date, the property remains in a condition which comprises a nuisance as defined by the legislative code.

Taxation has placed an estimated market value of \$6,700 on the land and \$68,300 on the building.

Real estate taxes are current.

The Vacant Building registration fees were paid by check on August 15, 2017.

A Code Compliance Inspection was applied for on August 9, 2017 but has not yet been completed.

As of August 21, 2017, the \$5,000 performance deposit has not been posted.

There have been eight (8) SUMMARY ABATEMENT NOTICES since 2016.

There have been eight (8) WORK ORDERS issued for:

- Garbage/rubbish*
- Boarding/securing*
- Grass/weeds*

Code Enforcement Officers estimate the cost to repair this structure exceeds \$40,000. The estimated cost to demolish exceeds \$15,000.

Ms. Moermond:

- asking Mr. Magner what is the time period for those the summary abatement notices*
- asking Ms. Bjerkness about her email for a code compliance inspection report*
- Mr. Magner stated that it's started but not completed yet*

-Looking at the initial repair estimate from MS or TMS Properties. Their thinking it's only \$22,710 to do the work but there is no code compliance yet

Ms. Bjerkness:

-she has indicated to her client that the estimate would be amended once the code compliance is received

Ms. Moermond:

-asking if M.S. Properties is a general contractor. If so, would be looking for bids from the subs.

-they're estimating the electrical work to be \$260 which from my experience that is an optimistic bid so this needs to be updated

-asking with US Bank is in possession of the property

Ms. Bjerkness:

-true but it's in eviction status and my client is required by statute to store personal property until August 31

-my client is tied up in how much they can do at this point

Mr. Magner:

-back to the Summary Abatement dates, we did a boarding on 6/9/17; tgw on 6/8/17; another boarding on 4/20/17 clean up and another work order for boarding on 3/24, another boarding on 1/10/17, tgw from November 2016, Sept and garbage clean up in Sept and Aug and tgw in August. In the last years we have been maintaining

Ms. Moermond:

-When did the Bank took over possession of the property?

Ms. Bjerkness:

-February 16, 2017

Ms. Moermond:

-they need to maintain the property, a lot of things going on and they need to put their act together

-goes in front of City Council on Sept 20

-should be able to get the code compliance inspection done by then

-she will call the building official so information can be revised.

-staff est \$40,000, the bids you submitted needs to be revised with subcontractor bids

Mr. Magner:

-there is a note on the 21st of August from Jim Seeger, attempt to inspect, no entry until interior is cleaned out

-due to no trash out, won't occur until September

Ms. Bjerkness:

-she spoke to Joe Yanarrelly a week ago and discuss the option of transitioning this property back to Category 2 so her client can sell it

Ms. Moermond:

-there is no such thing. An order to abate a nuisance building has already gone out.

-this is to declare a nuisance bldg. It is already a Category 3. They never go the other direction.

Mr. Magner:

-he has not heard of his staff saying that a Category 3 can be sold but will remind staff -once order to abate a nuisance building, there are only 2 ways a sale can be transpired: 1) rare situation is if a purchase agreement pre-dates the Order to Abate which we will allow the property to go through a sale review but would required a performance bond and similar to this which would need to complete within 180 days and if purchase agrmt, then a legislative hearing is scheduled; 2) sale of property to a non-profit entity working in conjunction with HRA. For examples: Historic St Paul or Rondo Land Trust, those are approval sales but they would need to come forward with plans to rehab under the exemption of Chapter 33.

Ms. Moermond:

- 1) the \$5,000 performance deposit must be posted;
- 2) clean out the interior of the property by August 31;
- 3) must provide financial documentation indicating the amount of \$40,000 to do the rehab (line of credit, construction loan, personal bank account);
- 4) must provide an affidavit indicating the dedication of \$40,000 to be used for this project;
- 5) the property must be maintained.

Will get a staff report on September 12 Legislative Hearing.

If the conditions are met, Ms. Moermond will ask the Council to layover the matter to develop a work plan consistent with the forthcoming code compliance inspection report.

Laid Over to the Legislative Hearings due back on 9/12/2017

9:30 a.m. Hearings

- 3 [RLH RR 17-38](#) Making finding on the appealed substantial abatement ordered for 1150 REANEY AVENUE in Council File RLH RR 16-52.

Sponsors: Prince

Jessica Salyers, representing Ditech Financial appeared

Marcia Moermond:

- this is a follow-up. Has DSI staff gone out to take a look at the structure?
- is there a code compliance certificate?
- are there any permits?
- has there been a letter to forfeit the performance deposit gone out?

Steve Magner:

-no to all 3 questions. As to the letter to forfeit the deposit, i will need to check

Ms. Salyers:

-it's on June 20.

Ms. Moermond:

-has there been a follow-up inspection with Mr. Seeger and Mr. Yannarely?

Mr. Magner:

-No, due to no permits

-no scheduled inspection because no response from our 30 day letter
-if there was a response, they would go out to the property to take photos but even if work was done, we would not recognize it due to no permits.
-from Mr. Yannarely's monitoring, no work has started.

Ms. Moermond:

-what about maintenance of the property in 2017?

Mr. Magner:

-as of 8/22/17 boarding, garbage on 7/27, tgw on 6/16, garbage in May, one in March, Feb, one in Nov 2016, Oct 2016 so the City has been maintaining the property during their ownership.
-there was an emergency boarding and a letter was sent to DiTech.

Ms. Moermond:

-what is DiTech's intention with the property?

Ms. Salyers:

-they are indecisive but they have some demolition bids. They may be going towards demolition and if that is the case, they are asking for their performance deposit back.

Ms. Moermond:

-that is not possible.
-there was a performance deposit but no performance.
-in front of Council PH Sept 6.
-my job today is to see if the nuisance conditions were abated or not and the City Council will adopt or not adopt the finding. If the nuisance conditions were not abated; the City Council will authorize the Department of Safety & Inspections to move forward with the 15 days removal or repair. If they reject that finding, then further plans will need to be developed. Your performance deposit will forfeit.

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

11:30 a.m. Hearings

Summary Abatement Orders

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

Sponsors: Prince

STAFF REPORT:

Ms. Moermond:

-I have a letter to put into the record from Public Works, Kathy Lantry, identifying that Public Works will be taking over the maintenance of 18, 44 and 50 Bates on that steep slope. We will be sending that to the owners of those properties and also granting the appeal.

Mr. Magner:

-was there a previous resolution covering one or two of the properties?

Ms. Moermond:

-there was a previous resolution on 44 and they had lost track of that so when the question was brought up in the appeal of this property, the owner at 50 Bates said she was in the hearing room and thought hers was covered, too.
-being present is not the same as appealing but the language in the resolution talks about the slope which might have construed to cover the entire slope and not just the slope of that particular property.
-just talking about the steep slope.

DSI staff will withdraw their summary abatement order and Public Works will confirm by letter that they will take over the maintenance for the three addresses (18, 44 & 50 Bates).

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

- 5 [RLH SAO 17-71](#) Appeal of Meghan Rodriguez-House to a Notice to Cut Tall Grass and/or Weeds at 1477 SAINT CLAIR AVENUE.

Sponsors: Tolbert

Joe House appeared.

Lisa Martin:

-On August 7, 2017 a report came in for tall, grass & weeds.
-automatic letter generated; inspector did not go out there to see that
-instead of contacting the inspector, an appeal was filed
-by the time of this hearing, inspector already closed the file
-owner is in compliance and there is no reason for an appeal.
-it has been abated.

Joe House:

-what does it mean it's abated

Lisa Martin:

-it means the grass has been taken care and looks great.
-someone calls in a complaint and a letter gets generated, 4 days later an inspector goes out
-inspector didn't see a problem

Grant the appeal as the issue has been resolved.

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

- 6 [RLH SAO 17-72](#) Appeal of Gustavo Lopez to a Summary Abatement Order at 1152 MARYLAND AVENUE EAST.

Sponsors: Bostrom

DSI staff will withdraw the Summary Abatement Order and re-issue the abatement as a Correction Order with a deadline of June 1, 2018. In the meantime, they shall discontinue parking on unpaved surfaces. Additional parking may be added pending approval of a site plan and installation of legal parking surface.

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

Orders To Vacate, Condemnations and Revocations - Code Enforcement

7 [RLH VO 17-32](#) Appeal of Theresa Abitong to a Condemnation as Unfit for Human Habitation and Order to Vacate at 882 CLARK STREET.

Sponsors: Brendmoen

Theresa Abitong & Dennis Peabody appeared.

Marcia Moermond:

- we met in an emergency hearing from last week*
- we are doing a follow-up on this*
- it was a pretty big plan for cleaning out the place, for doing multiple dumpsters, getting you into a hotel while this was happening and getting place sanitized*
- want to hear from Laura Lightner, House Calls and Inspector Seeley and talk about where things are at*

Laura Lightner:

- Theresa Abitong has been very cooperative*
- they checked into the hotel the evening after the hearing and that is for 5 days and paid for*
- they provided documentation to receive grant*
- a 4th dumpster is ordered and will be switched out today*
- they have their enterprises at the home this weekend to clean out the basement which got done*
- 3 full dumpsters have been removed from the property*
- some appliances will need to move and we will do that after the 4th dumpster and will have Guardian come out to do some extermination*

Ms. Moermond:

- what is the financial ability to be out of the house until after the sanitation issue*

Paula Seeley:

- it has been done already*

Ms. Moermond:

- will the 4th dumpster do the job of cleaning*
- when anticipated everything will be out of there*

Ms. Lightner:

- yes*

Paula Seeley:

- it's good to live in now*
- they have done extermination themselves but if we can get professional in and to tuckpoint the foundation*
- these mice are coming in*
- poison are out of the house now*

Ms. Moermond:

- I will allow re-occupy and lift the condemnation*
- there may be few items left to be addressed and asks that Inspector Seeley write that up*
- there may be things visible to inspector after the clean out and will have Inspector inspect that*
- no more than 3 cats*

-placard can be taken down

Dennis Peabody:

-the 4th dumpster will be what we need

-underneath the front porch, there are some furnitures from the basement. Once that is out of there, the mice will be gone

Grant the appeal on the condmenation and order to vacate. Inspector Suon will reissue orders to address the remaining items.

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

8 [RLH VO 17-35](#)

Appeal of Joe Schmall to a Notice of Condemnation as Unfit for Human Habitation and Order to Vacate at 1440 ALBERT STREET NORTH.

Sponsors: Stark

Owner, Robert Schmall & Attorney Darcy Erickson of Levander, Gillen & Miller Law Firm

Lisa Martin:

-we rec'd a referral from the Fire Dept to a medical at the end of May

-I tried to go to the home, no one answered

-sent an appointment letter on June 8th to Robert and Janet Schmall with an inspection for June 15; they refused to meet at that time. They contacted me again June 27th and still didn't want to let me in the house to do inspection.

-on July 3rd, I sent another appointment letter to ask for access on July 13th at 10 am
-met with Mr. Schmall.

-Exterior of property is beautiful

-he allowed access and I did a Correction Notice at the time: it says the interior of the house has gross hoarding issue, has to be cleaned out, and please contact House Calls with a phone number.

-gave until July 28th to get a plan in place. The home is filled with a lot of stuff but not garbage.

-spoke with Lauren, House Calls, about getting a dumpster out there and maybe chore services if they need assistance at that time.

-we were hoping for a plan in place but nothing happened. I talked with Char at Chore Services. They refused assistance from them. I finally condemned the property based on no access and it was considered a fire hazard.

-After I posted the condemnation, I received a call from the son and Janet on August 17th

-I talked to Bob on the phone and explained to him that our goal is to get resources they need

-this morning I spoke to Ms. Erickson of Levander, Gillen and Miller who is representing the Schmalls and explained to her our goals along with House Calls to get resources they need. For examples: meals on wheels, dumpsters to clean out. They do have a plan in place. They have one son helping now and another son flying into town Labor Day weekend and they are asking for an extension through end of Sept based upon the State Fair and due to limited parking.

-They have made great progress. The bathroom, kitchen and hallway area in the main floor have been cleared out quite a bit

Ms. Moermond:

-I have photos from July 13. They give me concerns of mobility in the unit and also getting out of the windows

-Windows looks to be problematic
-also seeing piles of stuff around the utility equipment in the basement which is problematic

Darcy Erickson:

-I have photos to show
-Exhibit 1 is the before picture, the 3 after are the conditions of the kitchen.
-family has spent time this past weekend and has been working on the clean out and clearing of the space
-no photos of other areas but Laura Lightner was there over the weekend

Ms. Lightner:

-I was there yesterday and went out with Quick Turn who is one of our sanitation vendors
-I observed the kitchen and bathroom being very clean
-the front room was reduced in clutter
-spoke to Joe and was very stern with him about progress needed to happen and progress was made
-the Schmalls have access to all the living main area
-his wife is disabled with medical conditions. The areas which Ms. Schmall needs is accessible and is acceptable and there is a plan in place
-we can offer QuickTurn if his children don't make progress but QuickTurn can help with egress, fire hazard items.
-I observed around the furnace and water heater that clutter has been taken out. There are still items which need to be addressed but don't see it as a fire hazard.
-it will be hard to get dumpster out there due to the Fair

Darcy Erickson:

-it is a concern that they will only allow parking to one side of the street during the Fair
-difficult to find parking and garage door will be opened
-lot of people coming and going from the area
-John (Texas) and Joe (local) will be helping out
-Janet has issue with getting rid of paperwork but feel best if family members do the clean out
-sons are asking for their parent to be able to stay in the house while this is going on

Ms. Moermond:

-I have a problem with getting the emergency egress addressed. Is there access to the windows? Are there two ways out of the sleeping rooms? Do we have furniture, etc?

Laura Lightner:

-there is a significant decrease in clutter of the bedroom that Janet and Rober uses.
-Joe reduced the clutter from moving them into the garage
-I don't see emergency egress situation
-I can't see putting them into a motel 6 due to Janet's medical condition

Ms. Moermond:

-can we get inspector in there to take photographs?
-need to verify if there is egress out of these sleeping areas.

Lauren Lightner:

-I can get someone out there to take care of the egress.

Mr. Schmall:

- we can make sure the egress and hallway is cleared
- we want to wait for the others

Ms. Moermond:

- I want clear pathways for paramedic
- I want Ms. Martin to go out and take pictures to get confirmation
- Ms. Martin can go out this afternoon at 1:30 p.m.

Grant to September 29 for the remaining items to come into compliance on condition that the immediate egress and ingress are addressed.

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

9 [RLH VO 17-34](#)

Appeal of Richard & Betty Gruber to a Condemnation as Unfit for Human Habitation and Order to Vacate at 671 HAWTHORNE AVENUE EAST.

Sponsors: Bostrom

Richard & Betty Gruber appeared.

Paula Seeley

- I had a call from St Paul Police Dept that there was a gentlemen sleeping in the basement, a guy in the car and a girl
- the police (Officer Koehnen) and I were there, a social worker came after the fact. Paramedic was there, too. -Richard let me in there, went down and found a gentlemen laying there with a big sore on his face, laying on garbage and urine, toilet soiled, buckets of urine, all bunch of combustible in front of the electrical service panel and I couldn't access
- condemned due to these conditions
- one of the conditions was he was not supposed to have someone there

Betty Gruber:

- we called Catholic Charity and a social worker and they are going to help Richard.
- he (guy in basement) is kicked out now
- I cleaned up the place and got stuffs out of there
- clothes from the meter box is gone

Marcia Moermond:

- I am going to concern myself with you two
- so the basement gets cleaned up. This is 4 or 5 days after our hearing.
- I granted your appeal.
- You said we will change the locks and not let anybody live here and take care of business and the next thing I know is you got 2 cars in the driveway with homeless people living in there and a homeless person in the basement using a bucket.
- you told me on 2 separate occasions that you had been diagnosed with dementia by Dr. Anderson.
- I know that a social worker was there.
- I can say and have to say today if the situation is cleaned up, the condemnation will be lifted.
- you have about 10 minutes worth of recall and you circle back and asks the same questions again You have operating a disorderly house. You allow someone to occupy the basement. That is a criminal violation. You are not able to understand that this is a problem. And I don't know if it's safe for you to live on your own. But I am going to have to grant it. I am afraid you are going to burn the house down because

you don't remember what happened.
-you as a family need to figure something for the long term
-Mr. Gruber can't continue to live on his own. We are going to have inspector come by and Lauren Lightner can continue to visit, Elmer Mack with Adult Protection will continue to check on you. I don't have any other authority in this and is very concerned. I don't want this to be a calamity and you being taken advantage of by the same guy who did a meth lab in the garage at your house next door

-grant the appeal if Inspector Seeley or Ed Smith can confirm the basement is cleaned out.

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

Orders To Vacate, Condemnations and Revocations - Fire Inspections

- 10 [RLH VO 17-17](#) Appeal of Kathleen Schmiegl to a Denial of Fire Certificate of Occupancy and Order to Vacate at 422 JESSAMINE AVENUE EAST.

Sponsors: Brendmoen

Kathleen Schmiegl appeared.

Ms. Moermond:
-have you got your deed registered with the County?

Ms. Schmiegl:
-no, there is the tax issue

Ms. Moermond:
-You have not resolved your tax problem; the deed is not registered, you are in the Fire Certificate of Occupancy Program and need to schedule an appointment.

Ms. Schmiegl:
-you got to go what you got to do
-my head is against the wall on this
-I have a document here that I can file to show that I have an interest in the house but it cost me \$46 and won't have that until the 3rd. It's a claim of interest
-I paid lawyers \$1500
-I owe \$9,000 and cannot file the deed until I pay that

Ms. Moermond:
-Deny the appeal.

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

- 11 [RLH VO 17-31](#) Appeal of James Ngene to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 1881 ARLINGTON AVENUE EAST.

Sponsors: Bostrom

James Ngene, tenant, appeared.

AJ Neis:
-revocation Fire C of O and Order to Vacate for August 31st
-revocation for noncompliance. Only a few code violations. One of them is landlord

training. Address numbers on garage, new dryer vent, some multi-plug adapters, co and smoke detectors, affidavit. Very small min work to be done.
-There is an ongoing civil matter between owners and occupant.

Marcia Moermond:

-your name is James Ngene and owner is Martin Onuh
-tell me about your situation, you are buying on a contract for deeds or some kind of a contract?

James Ngene:

-we had a contract stating that he buys the house and I go in and maintain and fix the house until the house is sold.
-I told him that we have other deals we made and he refused to pay me.
-I told him I don't want to use my money any longer.
-I want us to come to the table and get an appraisal and talks about who will pay who.
-he was fine with that
-after the election he said he wants to get whatever he can out of it and leave the country.
-he sends two guys to give me an eviction notice
-we went to court, he lost and the case was thrown out
-judge said we should go to civil crt
-this inspection thing is just another thing to get me out of the property.
-I have been trying to tell the inspector what is going on. I have been begging for the inspection. I am a licensed contractor. I know what needs to be fixed. I told inspector but they keep talking to him and don't want to deal with me.
-he keeps telling them what he wants to do but the only one-time inspection was before the correction notice.
-I was there. He saw everything and the only complaint was the numbers and some extension wire.
-about the dryer vent, it was done properly with metal pipe which was there already but Martin refused to give me the correction notice so I can fix them. He said I wouldn't let him.
-He only let me know about the inspection the day before

Marcia Moermond:

-you have problem with doing the repairs 1) a dryer vent to be done by a licensed contractor
-you don't have a problem with the multi adapters, you met with the inspector on site, no problem with the smoke/carbon monoxide detectors or affidavit.
-only problem remaining is the landlord 101 class and there is a full calendar year and i am thinking that this will have resolved the issue with Mr. Onuh
-he has a year to take the class

AJ Neis:

-permit was pulled yesterday
-if the work is done we have no problem issuing the Fire C of O
-if owner denies you to be at the inspection, we have to deal with the owner
-the certificate will have to go to him

Grant the appeal if the items are completed by August 29, 2017 (with the exception of the Landlord 101 class) which shall be completed within one (1) year.

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

- 12 [RLH VO 17-33](#) Appeal of Jason R. Crowley to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 1707-1711 ENGLEWOOD AVENUE.

Sponsors: Stark

Attorney, Matthew Engel and owner, Jason Crowley appeared.

AJ Neis:

-revocation Fire C of O previously appealed and granted a deadline and the work was all completed. They did one side of the retaining wall. Karpe signed off. Left west side where the steps are done.

-The right side is not yet completed.

-don't necessarily need a retaining wall but can do some type of soil erosion control by either putting down a seed blanket or raking it down. If that is completed, we are good to go.

-reason why we revoked was because it missed the deadline per City Council

Marcia Moermond:

-when looking at the photographs, it doesn't look like there is that much space available between the side front of that staircase and like a direct line to the garage door

-when talking about a seed blanket, it would be at steep slope for a seed blanket

Jason Crowley:

-it's the other side of the driveway, it's the east side or right side.

-we have sheet blankets down.

AJ Neis:

-we are looking at the other side. the west side is done.

Marcia Moermond:

-you are looking at other alternative method of compliance

-seed blanket is alternative method of compliance

-when was the photos taken (photos submitted)

Jason Crowley:

-seed blanket was put in this weekend.

AJ Neis:

-if the seed blanket takes in the erosion, we are good

-some areas may need touch up

Marcia Moermond:

-Grant to November 1, 2017 for alternative method of compliance if the seed blanket doesn't work.

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

1:30 p.m. Hearings

Fire Certificates of Occupancy

13 [RLH FCO](#)
[17-146](#)

Appeal of William Anderson to a Correction Notice - Re-Inspection Complaint at 1067 ENGLEWOOD AVENUE. (Public hearing continued from September 20)

Sponsors: Thao

William & Holly Anderson, owners, appeared.

Fire Supervisor Leanna Shaff:

-this was a follow-up on a Fire Certificate of Occupancy Insp; it was approved with conditions; the inspection process started Sep 2016; was approved with corrections in Nov 2016

-2 items on the list: 1) Landlord 101 class; and 2) parking area

-the Appellant says that it's not a rental property because their daughter lives here; however, Chap 40 of the St. Paul Legislative Code says that a non owner-occupied property must be in the Fire C of O Program; and unless their daughter is on the title or deed.....

Mr. Anderson:

-our daughter lives in this home

-we were going to Las Vegas to take care of my folks; my dad passed in 2015; so, we stayed down there for a while; my mom just passed in Jul

-my daughter has been homesteading this house; we have a cabin where we stay up North & for a few years we were going to care for my folks

-now, all of a sudden, it got into this rental thing; we don't know how it got there

-there was a cement driveway there; it got all broke up, so, we took it out; now, we put grass seed down

-the garage is right next to that parking area

-I don't want to leave the house empty, so my daughter is living there & taking care of it; she is not paying rent; I pay the bills

Ms. Moermond:

-is your daughter dependent on you?

Mr. Anderson:

-no; she just finally started working now; she went to college & she just got her license to teach; she teaches at Central Lutheran School

-the house is in my name; I pay the bills but we found out that she could homestead it; so, that's what she did

-I can put her on the deed if that's what I have to do

Ms. Moermond:

-unfortunately, relative homestead is not the same as owner-occupied

-it would be great if you put her on the deed

Mr. Anderson:

-I can do that

-I will haul in some black dirt & seed where the parking area was

-there is driveway access to the garage - cement

Ms. Moermond:

-if you get your daughter on the title, even a tiny bit, you will be out of the Fire C of O Program

-we will continue this conversation in 90 days so you can put your daughter onto the deed; bring me confirmation of that

-the parking pad is something visible on the exterior & will be followed up by a code enforcement inspector

-add a couple yards of black dirt & seed it nicely by Sep 30, 2017

Ms. Anderson:

-I figured if I paid this, I would be considered a landlord

Ms. Moermond:

-there was an opportunity to appeal that assessment & there was an opportunity to appeal those inspections that you had last year in Oct & Nov; we could have talked about that bill

Ms. Anderson:

-we didn't even know that we were in a program; we did not get any appointment letters

Ms. Moermond:

-the letters would have gone to you in Milltown, WI

Ms. Shaff:

-mail from Aug 2016 went to Holly L. Anderson & William E. Anderson, 1071 Englewood Ave; Ramsey Co Taxation Records

-that's where all the mail went

Mr. Anderson:

-that was a former address

-another thing - they said we didn't have trash service at this house; I showed them the letter saying I do have trash service but the city brought out a trash barrel for one day; picked it up the next day (in 2012) & charged us \$350; I didn't know that we could fight it until the date had passed; that's just wrong; I'm retired living on a fixed income

Ms. Moermond:

-there's appeal language in all of our letters

If owner can provide a copy of a recorded deed that shows daughter is part owner of the property within 90 days, will release the property from the Fire Certificate of Occupancy Program. Grant until September 30 to reseed the area which was parking spaces. This will be inspected by a Code Enforcement inspector.

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

14 [RLH FCO
17-145](#)

Appeal of Nakeela Hall to a Fire Inspection Correction Notice at 607 SAINT CLAIR AVENUE.

Sponsors: Noecker

Nakeela & Mark Hall, occupants, appeared.

Ms. Moermond:

-the Fire C of O letter went to Garnet Real Estate Services in Stillwater

Ms. Hall:

-we rent this house from Charles J. Michel III; he uses Garnet property mgr

Fire Supervisor Leanna Shaff:

-this is a Correction Notice with inspection on Aug 10, 2017 by Inspector Justin

Elvestad

-appealed is #2: all fires on the ground must be a minimum of 25 feet from structures or contained in a grill or outdoor fireplace.

-the Orders say to remove the fire pit from the property next to the house; but it looks like the fire pit is actually on 609 St. Clair, not 607 St. Clair, according to Amanda; the property page lists this lot as Public Works Lighting Feedpoint; they are also storing pallets there

-checked out the aerals

Ms. Hall:

-I looked up 609 St. Clair Ave & there is no 609; we're the last house on the block and there's a freeway entrance next to it & a trail

Mr. Hall:

-we can get rid of the pallets; the fire pit is actually 35 feet from the house; plenty of room around the fire pit; I put it in myself; I dug down & put pea rock down; we've had it there for 4 years; all we burn in the pit is logs & the fire is always contained within the pit

-I know that it's not necessarily ours but we've never been told that we couldn't use that area

Ms. Hall:

-we do maintain the property where the fire pit is; we keep it clean; we rake it; we use it as our space; it looks like out backyard

Ms. Shaff:

-there is a parcel ID on it; it's somebody else's property (Public Works Lighting Feed Point)

Ms. Moermond:

-you have a 25-30 ft lot; printed out an aerial map that shows the property lines on it, the house, trees & everything

-the odd thing about this situation is that if this fire pit is not on your property, then you don't get the Orders for it; Public Works gets the Orders to remove it; now, it's your fire pit so, if you want to keep it, you need to take it

Mr. Hall:

-we built it responsibly; we had a big seafood boil last year

Ms. Moermond:

-I'll have to grant your appeal because this fire pit is not located at 607 St. Clair; the Order isn't directed to the right party; you might lose your fire pit now, though

-have a conversation with PW on it; I'm thinking it may be a liability for PW; talk to them

-that's Right-of-way that you're using but you might have the ability to petition to purchase part of that ROW

Ms. Shaff:

-I'm somewhat reluctant when it's a lighting feed point

Ms. Moermond:

-that's not really our call

-you are renters; if the property owner wanted to purchase a section of that ROW, it's \$100 application fee & \$500 to buy the land

*-it's peculiar; PW will be informed that there's a fire pit on their land & you'll lose it
-provided Ellen Biales email address at PW; explain your circumstance to her - good
place to start*

Ms. Hall:

-#2: we use the pallets for parties; it's a big table stacked up about 6 high

Ms. Moermond:

-no concern with the above ground planters

-you need to remove the pallets; that is improper storage of pallets

-will recommend granting your appeal on the fire pit

-will recommend denying your appeal on the pallets with a deadline of Oct 1, 2017

-the smoke detector is done

-we can copy Cheryl at Garnet on the letter re: this hearing

*Grant the appeal on the fire pit issue as it is located on the adjacent property; deny the
appeal on the pallet storage and grant to October 1, 2017 for compliance.*

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

2:30 p.m. Hearings

Vacant Building Registrations

- 15 [SR 17-95](#) Follow-Up Appeal of Yia Thao, on behalf of Chongkue Yang, to a Vacant Building Registration Notice at 1661 IDAHO AVENUE EAST.

Sponsors: Bostrom

Vacant building file closed. Owner received Fire C of O.

Received and Filed