



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final

Legislative Hearings

Marcia Moermond, Legislative Hearing Officer
Mai Vang, Hearing Coordinator
Jean Birkholz, Hearing Secretary
legislativehearings@ci.stpaul.mn.us
651-266-8585

Tuesday, September 19, 2017

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Remove/Repair Orders

- 1 [RLH RR 17-28](#) Ordering the rehabilitation or razing and removal of the structures at 2096 REANEY AVENUE within fifteen (15) days after the August 2, 2017, City Council Public Hearing. (To be referred back to Legislative Hearing on September 19)

Sponsors: Prince

Laid Over to the Legislative Hearings due back on 9/26/2017

Special Tax Assessments

- 2 **RLH TA 17-379** Ratifying the Appealed Special Tax Assessment for Property at 579 CENTRAL AVENUE WEST. (File No. J1715A, Assessment No. 178528)

Sponsors: Thao

Pam Nelson, President of this Townhome Association, appeared o/b/o Pearlie Powell.

Supervisor Paula Seeley:

-Summary Abatement Order issued May 4, 2016; compliance May 10; re-checked May 11

-work done May 12, 2017 for a cost of \$316 + \$162 = \$478

-overhanging vegetation on sidewalk to west of the property

-mail sent: Pearlie Powell, 579 Central Ave W; & Occupant

-no returned mail

Ms. Nelson:

-I just learned about this the end of Aug

-Pearly had told me she didn't received this in May but then, in talking with the treasurer, she had contacted the treasurer in May about the issue; so, she really did get notified about it

-I guess that I didn't realize this was an appeal; this is assessed to her property; not to the association; I'm here in support of here

VIDEO - cut overhanging vegetation

*-that's not 579 Central Ave W; that's 569 Central Ave W
(the VIDEOS & Addresses were mixed up; the VIDEO for 567 was actually for 579)*

Supervisor Lisa Martin:

*-there was a walking path along the walk
-the branch was up 6 ft; should be 7 ft up; the fence along there is 4 ft high*

Ms. Moermond:

-were there Summary Abatement Orders issued for the other properties, as well?

Supervisor Paula Seeley:

-there was a bunch

Ms. Nelson:

-the other owner did not contact me about that

Mai Vang said that they can't assess the Association; they need to assess the unit

Ms. Moermond:

-will recommend approval

Approve the assessment.

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

- 3 RLH TA 17-405** Ratifying the Appealed Special Tax Assessment for Property at 888 CONCORDIA AVE. (File No. CRT1801, Assessment No. 188200)

Sponsors: Thao

Approve; no show.

Referred to the City Council due back on 1/3/2018

- 4 RLH TA 17-416** Ratifying the Appealed Special Tax Assessment for Property at 541 DALE STREET. (File No. VB1801, Assessment No. 188800)

Sponsors: Thao

If the building is demolished by January 3, 2018, LHO will delete the assessment.

Referred to the City Council due back on 1/3/2018

- 5 RLH TA 17-415** Ratifying the Appealed Special Tax Assessment for Property at 723 FOURTH STREET EAST. (File No. VB1801, Assessment No. 188800)

Sponsors: Prince

Delete the assessment.

Referred to the City Council due back on 1/3/2018

Supervisor Paula Seeley:

-Summary Abatement Order issued Apr 28, 2017; compliance May 5; re-checked May 5

-work done May 24 for a cost of \$186 + \$162 service charge = \$348

-concrete rubble near driveway

-on May 8, 2017, inspector issued an Excessive Consumption due to non-compliance with Orders; he re-inspected May 16 and the pile of concrete by the driveway was still there; inspector called Housing Hub who indicated they would look into it & would get back to the inspector; he re-inspected on May 22 & the pile of concrete was still there; since inspector never heard back from property owner, a Word Order was issued.

Mr. Higgins:

-he thought that this had been taken care of on May 4 but they had done some but not all; it's on him

VIDEO - bad video but the concrete was there at the beginning of the video; on another Video is showed the after (gone)

Ms. Moermond:

-will recommend approval of the Word Order assessment \$348

-will recommend approval of the Excessive Consumption fine of \$157 assessment.

Approve the assessment.

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

18 RLH TA 17-411

Ratifying the Appealed Special Tax Assessment for Property at 1390 PROSPERITY AVENUE. (File No. J1801E, Assessment No. 188300)

Sponsors: Bostrom

Excessive Consumption Fine of \$122 + \$35 service charge = \$157

Chris Higgins, Fair Housing LLC, property manager, appeared.

Supervisor Paula Seeley:

-Summary Abatement Order issued Apr 28, 2017; compliance May 5; re-checked May 5

-work done May 24 for a cost of \$186 + \$162 service charge = \$348

-concrete rubble near driveway

-on May 8, 2017, inspector issued an Excessive Consumption due to non-compliance with Orders; he re-inspected May 16 and the pile of concrete by the driveway was still there; inspector called Housing Hub who indicated they would look into it & would get back to the inspector; he re-inspected on May 22 & the pile of concrete was still there; since inspector never heard back from property owner, a Word Order was issued.

Mr. Higgins:

-he thought that this had been taken care of on May 4 but they had done some but not all; it's on him

VIDEO - bad video but the concrete was there at the beginning of the video; on another Video is showed the after (gone)

Ms. Moermond:

-will recommend approval of the Word Order assessment \$348

-will recommend approval of the Excessive Consumption fine of \$157 assessment.

Approve the assessment.

Referred to the City Council due back on 1/3/2018

- 19 RLH TA 17-421** Ratifying the Appealed Special Tax Assessment for Property at 2079 MARGARET STREET. (File No. J1801E, Assessment No. 188300)

Sponsors: Prince

Approve the assessment.

Referred to the City Council due back on 1/3/2018

- 20 RLH TA 17-422** Ratifying the Appealed Special Tax Assessment for Property at 1823 SAINT ANTHONY AVENUE. (File No. VB1801, Assessment No. 188800)

Sponsors: Stark

If the repairs are done by January 3, LHO will reduce the VB fee in half (\$2284 to \$1142) and spread payments over 2 years. If repairs are not done, approve the assessment and spread over 4 years.

Referred to the City Council due back on 1/3/2018

Special Tax Assessments - ROLLS

- 21 RLH AR 17-79** Ratifying the assessments for Collection of Fire Certificate of Occupancy fees billed during April 6 to May 9, 2017. (File No. CRT1801, Assessment No. 188200)

Sponsors: Stark

Referred to the City Council due back on 1/3/2018

- 22 RLH AR 17-80** Ratifying the assessments for Excessive Use of Inspection/Abatement services billed during April 24 to May 20, 2017. (File No. J1801E, Assessment No. 188300)

Sponsors: Stark

Referred to the City Council due back on 1/3/2018

- 23 RLH AR 17-81** Ratifying the assessments for Collection of Vacant Building Registration fees billed during January 16 to May 18, 2017. (File No. VB1801, Assessment No. 188800)

Sponsors: Stark

Referred to the City Council due back on 1/3/2018

- 24 RLH AR 17-82** Ratifying the assessments for Towing of Abandoned Vehicle services

during April to May 2017. (File No. J1801V, Assessment No. 188000)

Sponsors: Stark

Referred to the City Council due back on 1/3/2018

11:00 a.m. Hearings

Summary Abatement Orders

- 25 RLH SAO Appeal of Frank Adams to a Summary and Vehicle Abatement Orders at
17-75 902 ALBEMARLE STREET.

Sponsors: Thao

Frank Adams, owner, appeared.

Summary & Vehicle Abatement Orders

Supervisor Lisa Martin:

-we received a complaint for 902 Albemarle: the complaint said that it's a vacant lot that has half of a semi-trailer that's been turned into a home; there were steps to a front door; there were also many inoperable vehicles, tires, debris & wood; shelving, folding chair, storage pod & its contents, etc, on the vacant property

-I went out & found a semi-trailer on the property but it was not being used as a home; it does have steps

-I issued a Summary Abatement Order to the owner of the property, Frank Adams; compliance date Sep 20, 2017

-photos

-I issued a Vehicle Abatement Order for the semi-trailer, which is not authorized to be on a vacant property, to be removed by Sep 20, 2017 along with the other items on that property

-when I talked with Mr. Adams, he bought this vacant lot

-last year, I found a tent there; I explained to whoever was on the lot at that time, that you can't have anything on a vacant lot according to our Legislative Code

-my understanding is that Mr. Adams is trying to start a business and maybe he is going to use this trailer for a business office; unfortunately, I checked with Zoning & Licensing, and there's nothing listed with Licensing that's approved on this vacant lot at this time; the lot is Zoned T2

Ms. Moermond:

-a trailer isn't a structure & the bldg official will have problems if it's there for any length of time

Ms. Martin:

-I was trying to get Mr. Adams some information on what he can do with this lot; he mentioned that he wants to start a business

-I did not address all of the vehicles out there at this time

-Mr. Adams has already talked with Zoning & Licensing

Ms. Moermond:

-902 Albemarle runs parallel to Rice to the west; is there an alley?

Ms. Martin:

-on the back side of Rice, 902 Albemarle is at the end of a cul de sac; no alley

Mr. Adams:

-appealing for time; I have a lot of stuff there; I've been running a business there & registered with the State of MN since 2013; I run auto mechanic & recycling; I just found out recently.....

Ms. Moermond:

-where are your business addresses for those?

Mr. Adams:

-902 Albemarle

Ms. Moermond:

-you have a licensed auto business to a vacant lot?

Mr. Adams:

-I was just using the address as a business address

Ms. Moermond:

-you've got your LLC with the State of MN; the business is an auto repair business but you don't have a city license because the city wouldn't license a vacant lot for auto repair

Ms. Adams:

-I was just using the 902 Albemarle as the mailing address; I wasn't using the lot for doing auto repair & recycling; I wasn't doing any work there - strictly as a mailing address

*-when Ms. Martin came along, I was looking on Craig's List for cheap rent; somewhere I can just do my paperwork; I have no where to do the paperwork; so, I purchased the land about a year ago & I've had most of the stuff on the land for about a year; the semi-trailer just got there on Sep 4, 2017 strictly for an office so I can do my paperwork out of it; it's not a mobile trailer or a manufactured trailer; it's a work trailer
*-I think things got misconstrued; some wondered what I was doing there; and I was mostly concerned with the 12 armed officers who showed up with Ms. Martin on my property on Tue more so than the bldg code because I wasn't trying to violate any code; I look at the trailer as a pod; I didn't just want to keep the trailer there forever; I was trying to buy a little time to gain ownership for the trailer - and find a place to move it to in the future**

-all of a sudden, I got raided, basically; I didn't get a warning; she just came up all of a sudden with 12 armed officers;

-the city needs to be aware that I have an on-going litigation with the City of Saint Paul, especially, with the police officers; they're really not my friends, right now; so, for Ms. Martin to show up at that address with so many armed officers; it was real offensive; so, me & her really didn't get a chance to build on the things that I was trying to get her to talk about; Ms. Martin even declined to come inside the trailer; I was trying to get her to take pictures before she falsified her paperwork under the banner of being a live-in trailer; she should have stepped inside & got a good look at it

Ms. Moermond:

-she said in her testimony that nobody was living in the trailer

Mr. Adams:

-but she never stepped inside; if she would have done it properly from the beginning,

then she would never have dubbed the trailer off as being a live-in quarters

Ms. Moermond:

-she didn't

Mr. Adams:

-she did when she filed the paperwork; that what she told me when she came up on the property; and that's what I concluded when I came down to City Hall to visit the Councilmembers Friday; they told me exactly what she filed it up underneath; I said, "No; this ain't what the trailer is; it's not what it's intended for"

-I bought the property because I was planning to put some type of workshop there; something that was in compliance with the code; not just to put a structure there that ain't supposed to be there

-this is what I've been saying about the vindictiveness of SPPD; I felt that they was motivating you to push your way to bring all these fines down upon me without even giving me a warning; I'm an American citizen; I got rights too; I'm not violating any laws; I'm not committing any crime in the neighborhood; and if there's complaints, bring them about because most of the people in the community come & visit me -I've been in this neighborhood since 2012; this is a commercial/residential neighborhood

-I will clean up the lot; I'm not trying to keep the trailer there but the time frame she gave me was ridiculous & not to give me a warning before she violated me I think is also extreme

-listening to the other case, multiple warnings were given to her; I didn't get one of those

Ms. Moermond:

-that's apples & oranges; she was given a chance to appeal, just as you were -the way it works is: Orders are written; you have an opportunity to Appeal; that is due process; you are in the same place now where she was in Dec 2016

Mr. Adams:

-if I would have known that I was in some direct violation--- the trailer was donated to me & I had a lot for it; we put it in to buy some time; I'm not trying to violated any codes; I didn't know.....; if I'd been given a warning, I wouldn't be sitting here right now; I could have had it removed-done

Ms. Moermond:

-they're just saying to take care of business

Mr. Adams:

-I'd like to keep the trailer but first I need to come up with the money to get it moved; then, I need to find a proper place to put it & I don't want to be paying a lot of money for something that's not going to benefit me

-I recently found out about the Neighborhood Development Center; I got a bunch of their paperwork -signed up for what they've got going on

-I'd like to be granted enough time to move the trailer; and I have the stuff for my lawn service there; I don't have any other property to take it to; I can start moving everything else on the lot right away but the trailer will take more time; I have a shed there for some stuff

Ms. Moermond:

-you have building & zoning codes coming at you in your situation

-zoning codes talk about allowable uses for property; a shed is an accessory

structure; it's not a main bldg on the property; you need a main bldg/permanent structure to have an accessory structure; T2 zoning allows some types of businesses but not other kinds

-a trailer won't work for 2 reasons: 1) the bldg code doesn't accept a trailer as a bldg; not even for temporary purposes; and 2) the exterior maintenance code says that you can't have trailers/cargo containers in the city (only for loading/unloading purposes); not for storage or offices, etc.

-the situation with the trailer can't wait until you find a new business location established; so, we need to put a deadline on getting the yard cleaned-up & a deadline on getting the trailer out of there; perhaps, you could donate it as it was donated to you -how long do you think it will take you to move your possessions?

Mr. Adams:

-the land belongs to me & everything on the lot belongs to me; I'm trying to work out a location that's not too far outside the city

-I have a lot of equipment there

-the vehicles are personally licensed on private property; others are from neighborhood

-other cars are on 917 lot (permitted thru court)

Ms. Moermond:

-deadline for having the trailer & the other items gone will be Oct 9, 2017

-LH on Oct 10 on whether or not the work was done

-the City Council Public Hearing day is Oct 4, 2017

-if the things are not gone, DSI will take care of enforcement

Grant an extension to October 9 for compliance.

A new resolution will go to Legislative Hearing on October 10 to confirm whether the nuisance condition has been abated with a City Council Public Hearing on October 18.

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

Orders To Vacate, Condemnations and Revocations - CODE ENFORCEMENT

- 26 RLH VO 17-42** Appeal of Mary Branin to a Notice of Condemnation as Unfit for Human Habitation and Order to Vacate at 1491 LAUREL AVENUE.

Sponsors: Thao

Grant to October 6 to come into compliance or the property must be vacated.

Mary Branin appeared.

Supervisor Lisa Martin:

-Sep 12, 2017, we issued a Condemnation; interior photos on file

-I referred Ms. Branin to House Calls; I believe that Erica is working with her; I think they have a bid to help get the house cleaned out; not sure if any arrangements have been made at this time

-I also sent her to Project Safe Haven, St. Paul Fire Dept to get smoke/CO detectors installed

-I spoke with Ms. Branin's daughter, who's assisting, as well; they are working on taking care of the issues in the home; it will take some time

-with resources, we are trying to help her stay in the home

Ms. Branin:

*-Project Safe Haven did come out & install smoke/CO detectors
 -I started chemo therapy for psoratic arthritis, the same drug they use for cancer
 -I have spinal stenosis; severe arthritis
 -my neighbor wants my house
 -neither one of my daughters wants me to stay with them
 -I want to live in the house; I want to get my most important stuff out; I'm still living there because I need to move my personal stuff
 -my other daughter & son-in-law got a storage unit at 1400 Selby
 -no one helped me pack any boxes; I'm in severe pain; I got some college guys to move a bunch of boxes to 1400 Selby*

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

11:30 a.m. Hearings

Orders To Vacate, Condemnations and Revocations - FIRE INSPECTIONS

- 27 RLH VO 17-40** Appeal of Kong Lee to a Fire Certificate of Occupancy Revocation and Order to Vacate at 364 COOK AVENUE.

Sponsors: Brendmoen

The reinspection date of October 2 at 3:00 p.m. remains and if the items in the Revocation and Order to Vacate Notice is not in compliance, inspector will re-send a revised Order for the balance of the remaining items with a deadline of November 2, 2017.

Minutes pending

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

1:30 p.m. Hearings

Fire Certificates of Occupancy

- 28 RLH FCO 17-147** Appeal of Jose Felix to a Reinspection Fire Certificate of Occupancy With Deficiencies at 1108 WESTERN AVENUE NORTH.

Sponsors: Brendmoen

Grant to October 6 for compliance and if not done, Fire C of O inspector may move forward to revoke the Fire Certificate of Occupancy with a vacate date of November 1, 2017.

Minutes pending

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

- 29 **RLH FCO** Appeal of Cher Lee & Tou Lee to a Fire Inspection Correction Notice at
17-163 399 HOPE STREET.

Sponsors: Prince

Grant owners to be released from the Fire Certificate of Occupancy Program and grant until January 1, 2018 to get the items in the Fire Inspection Correction Notice addressed. This will be referred to Code Enforcement Inspector James Hoffman with assistance from Fire Inspector, Mai See Her for follow-up.

Minutes pending

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

Staff Reports

- 30 [SR 17-133](#) Reviewing Request of Eric Eddy to have Council Reconsider Granting
Additional Extension for Appeal of Eric Eddy to a Fire Certificate of
Occupancy Approval with Corrections at 886 EDMUND AVENUE.

Sponsors: Thao

A new resolution will go to PH on October 18 granting an extension for the roof to come into compliance by December 1. Deny the appeal on the parking issue; however, the issue has been resolved.

Received and Filed

2:30 p.m. Hearings

Vacant Building Registrations

- 31 **RLH VBR** Appeal of Tuan Phan to a Vacant Building Registration Requirement at
17-62 1628 VAN BUREN AVENUE.

Sponsors: Stark

Grant to October 4, 2017 to get electrical permit finalized (Category 1 VB for 90 days)

Minutes pending

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

- 32 **RLH VBR** Appeal of Charles Dexter to a Vacant Building Registration Requirement
17-64 at 949 PAYNE AVENUE.

Sponsors: Bostrom

Grant 90 days to get Fire C of O reinstated (Category 1 VB for 90 days). If not in code compliance, owner will need to obtain a team inspection and building will become Category 2 Vacant Building after 90 days.

Minutes pending

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