



# City of Saint Paul

15 West Kellogg Blvd.  
Saint Paul, MN 55102

## Minutes - Final

### Legislative Hearings

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

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Tuesday, October 3, 2017

9:00 AM

Room 330 City Hall & Court House

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

##### Special Tax Assessments

- 1     [RLH TA 17-410](#)     Ratifying the Appealed Special Tax Assessment for Property at 909 MARGARET STREET. (File No. J1801E, Assessment No. 188300)  
  
         **Sponsors:**     Prince  
  
         *Approve; no show.*  
  
         **Referred to the City Council due back on 1/3/2018**
  
- 2     [RLH TA 17-433](#)     Ratifying the Appealed Special Tax Assessment for Property at 933 BEECH STREET. (File No. J1801A, Assessment No. 188500)  
  
         **Sponsors:**     Prince  
  
         *Mai Yia Vang, tax owner, and her husband, Seng, appeared.*  
  
         *Supervisor Paula Seeley:*  
         *-Tall grass & weeds Order issued May 31; compliance Jun 4; re-checked Jun 9*  
         *-failure to cut grass; photo*  
         *-work done Jun 9 for a cost of \$160 + \$162 service charge = \$322*  
         *-there's a forthcoming one for clean-up on Jul 27, 2017*  
         *-sent to Occupant; State of MN Trust Exempt; & Mai Yia Vang, 762 Jessie St*  
         *-no returned mail*  
  
         *Ms. Vang:*  
         *-I set my mower pretty high so it may look like it's not cut*  
  
         *Ms. Moermond:*  
         *-the grass looks 12 inches high; shared photos*  
         *VIDEO - crew cut grass/weeds; can't tell how tall it was*  
  
         *Mr. Seng:*  
         *-I don't think we received a letter from you guys; I'm a contractor; we always cut right away; we have many properties*  
  
         *Ms. Moermond:*

*-the photos are quite telling about the height of the grass; I can see the height against a retaining wall & against a ruler  
-I will recommend approval*

*Approve the assessment.*

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

- 3      [RLH TA 17-435](#)      Ratifying the Appealed Special Tax Assessment for Property at 1354 BIRMINGHAM STREET. (File No. J1802E, Assessment No. 188301)

**Sponsors:**      Bostrom

*Approve; no show.*

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

- 4      [RLH TA 17-444](#)      Ratifying the Appealed Special Tax Assessment for Property at 673 BURR STREET. (File No. J1801A, Assessment No. 188500)

**Sponsors:**      Brendmoen

*Approve; no show.*

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

- 5      [RLH TA 17-428](#)      Ratifying the Appealed Special Tax Assessment for Property at 1165 BUSH AVENUE (File No. J1801A, Assessment No. 188500).

**Sponsors:**      Bostrom

*Christina Harding, Harding Garibay Enterprises LLC, appeared.*

*Supervisor Paula Seeley:*

*-Summary Abatement Order sent Jun 2; compliance Jun 6; re-checked Jun 6*

*-work done Jun 8 for a cost of \$402 + \$162 service charge = \$564*

*-no returned mail*

*-sent to: owner Konrad N. Lightner, 10707 Camarillo St Apr 203, Toluca Lake CA; WYYC Property Management LLC, 44349 Brookside Ave So, St. Louis Park; & Occupant*

*-Comments: the SA Orders were mailed to Konrad Lightner in Toluca Lake, CA; WYYC Property Management LLC in St. Louis Park; and to the Occupant. The property manager, Christina Harding came to DSI after the owner received Notice of the hearings & wanted to know what occurred at the property. Looking at the Notices, it was discovered the former property manager received the Notice instead of the current manager. C of O responsible party records have not been updated for this property*

*Ms. Harding:*

*-you probably don't remember me from last time; I've been having a huge issue with updating my address; I've changed the address several times; all my property addresses are mixed up; I emailed to Ms. Shaff after the last hearing & she assured me that everything was going to get straightened out; I'm still getting wrong addresses  
-we just updated it again when I came down to the bldg*

*-I thought the maintenance guy had picked this up as I had told him to do; he even billed me for it*

Ms. Moermond:

-so, your address is currently correct as the Fire C of O Responsible Party

VIDEO - crew removed a pile of garbage, furniture, mattress, couches, trash, debris, etc.

Ms. Harding:

-the owner works for Disney & travels all the time; he just sent me the letter of ratification; he claims that he never got this

Ms. Moermond:

-if his address isn't correct, he needs to change it at Ramsey Co Property Tax Records  
-It's our duty to send it to the owner of record; also to send to Occupant; we use Ramsey County Records

Ms. Harding:

-I changed it on at least 4 different occasions & I don't know why the city can't get it right

-we evicted that guy; he cost us over \$8000

Ms. Moermond:

-this was a huge clean-up & it's city code to send the letter to the owner  
-I'm sorry that your contractor charged you for what the city did

Ms. Seeley:

-breakdown of the cost: mattresses: \$30; refuse: \$112; Code Enf fee: \$162; garbage abatement fee: \$260

Ms. Harding:

-brought up her photos with dates on them (scanned)

Ms. Moermond:

-I have pictures from Jun 6

-I will ask for a Staff Report from Fire C of O about what's going on & have that attached to this record

-I see a couple more cushions piled up

Ms. Harding:

-it was scattered all over the place; people added more; we had it all together so he could easily get it into his trailer

Ms. Moermond:

-it also looks like it's configured differently - piled up more when city showed up

-I have hardly no latitude at all on this one

-we will send an email about your address problem to Leanna Shaff, Fire Supervisor; we'll ask for a response & put it in the record that goes before City Council; leave your email address & we'll send it to you, as well

—  
Forthcoming

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

**Sponsors:** Brendmoen

*Approve; no show.*

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

**7**      [RLH TA 17-439](#)

Ratifying the Appealed Special Tax Assessment for Property at 1073 EDMUND AVENUE. (File No. J1801A, Assessment No. 188500)

**Sponsors:** Thao

*Oscar Cendejas, owner, appeared.*

*Supervisor Paula Seeley:*

*Cost: \$158*

*Service Charge: \$157*

*Total Assessment: \$320*

*Gold Card Returned by: Oscar Cendejas called*

*Type of Order/Fee: SA*

*Nuisance: broken furniture along alley*

*Date of Orders: 06/19/17*

*Compliance Date: 06/26/17*

*Re-Check Date: 06/26/17*

*Date Work Done: 06/27/17*

*Work Order #: 17-054176*

*Returned Mail?: No*

*Mr. Cendejas:*

*-this stuff is not mine; at that time, I'm going thru divorce so, I wasn't at the house but this furniture was dumped; maybe it was the neighbors, I don't know*

*-now, I'm divorced already & I kept the house, so I'm there; my dad lives there, too*

*-all I can say is that it's not mine*

*Ms. Moermond:*

*-any history?*

*Ms. Seeley:*

*-no history at this property; look like dumping*

*Ms. Moermond:*

*-looks like dumping to me, too; a box spring & a TV randomly placed there*

*Delete the assessment.*

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

**8**      [RLH TA 17-437](#)

Ratifying the Appealed Special Tax Assessment for Property at 2 GEORGE STREET EAST. (File No. J1801A, Assessment No. 188500)

**Sponsors:** Noecker

*Collette L. Peterson, Trustee, appeared.*

*Supervisor Paula Seeley:*

*Cost: \$144*

Service Charge: \$162  
Total Assessment: \$306  
Gold Card Returned by: Collette Peterson  
Type of Order/Fee: Summary Abatement  
Nuisance: Failure to maintain exterior; remove debris from public sidewalk: leaves, sand, gravel  
Date of Orders: 5-26-17  
Compliance Date: 6-2-17  
Re-Check Date: 6-2-17  
Date Work Done: 6-6-17  
Work Order #: 17-046055  
Returned Mail?: No

Ms. Peterson:

-the letter was sent to 2021 George; I don't know why; we've lived at 2 E George for the last 31 years; I don't think there is a 2021 George (?)  
-I got the letter anyway only because the postman knows me

Ms. Moermond:

-not to my knowledge  
-call Ramsey Co Tax Records, 266-2000 & give them the correct address; make sure that your record is cleaned up

Ms. Peterson:

-I lived here 31 years; during those 31 years, I can remember only one other time that we got a letter from the city; it was the erosion on Humboldt St driveway; we've been good; we've improved that property  
-what's happened now is that I lost my husband to cancer 1 1/2 years ago; within the last years, I've gotten 3 letters from the city about the ice on the sidewalk on the corner in the winter; it was 20 minutes worth of work; I should have been on it but I wasn't in the right state of mind; I'm sorry; but this letter, I did not get; and I am being targeted & I'd like to tell that story: when my husband was diagnosed with Stage 4 cancer, his brother & his wife came with a big camper & they thought that they could park it on the side of our house; we've got 150 feet in the front & 200 ft on the side; we were told that the camper couldn't stay there even 1 night; so, last winter, there was a big old camper parked between 4-5 weeks about 5-6 feet south of my driveway; it was a danger & I have to back up my truck in the winter; it's dangerous when you can't see; someone was going to get hurt, eventually; so, I called & they said that they'd take care of it; the snow plow had gone by; I called 2 weeks later with license plate number (I didn't want them to get a ticket; I said, "Could you please just call & have them move the camper because I can't see up & down my driveway?") The next day, there was a ticket & the camper was moved but ever since that, I've been getting letters about things that I should have taken care of - not real big stuff; for 15-16 years, my husband with his bobcat would plow nearly the whole neighborhood in the winter; everybody knows us - born & raised on the West Side  
-I swear to you that I did not get the 2nd letter

Ms. Moermond:

-I'm familiar with your house; I know that you maintain it perfectly; it's neat as a pin

Delete the assessment.

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

HANCOCK STREET. (File No. J1801A, Assessment No. 188500)

**Sponsors:** Prince

*Approve; no show.*

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

**10**     [RLH TA 17-430](#)

Ratifying the Appealed Special Tax Assessment for Property at 1134 JESSIE STREET. (File No. J1801A, Assessment No. 188500)

**Sponsors:** Brendmoen

*Approve; no show.*

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

**11**     [RLH TA 17-441](#)

Ratifying the Appealed Special Tax Assessment for Property at 16 KING STREET EAST. (File No. J1801A, Assessment No. 188500)

**Sponsors:** Noecker

*Willard C. Hodge, owner, appeared.*

*Supervisor Paula Seeley:*

*-Summary Abatement Order for tall grass/weeds issued Jun 7; compliance Jun 11; re-checked Jun 13*

*-work done Jun 13 for a cost of \$160 + \$162 service charge = \$322*

*-no returned mail*

*-sent to: Occupant; Willard Hodge, 21 Elizabeth St E; & Linda Hodge, 16 King St E*

*Mr. Hodge:*

*-I received a letter Jun 8, Thu & I called Inspector Torrie Hansen at 7:50 am; I asked her about the letter; all my grass had been cut & the blvd & she said that she didn't know*

*Ms. Moermond:*

*-because the system, automatically, generates those letters*

*Mr. Hodge:*

*-I told her that I'd call back; I'd like to get some information on why this letter was sent & what it pertains to*

*-I called her back Jun 9 Fri; I called her again - I told her there's a vacant lot next door - taxation keeps changing it's address; it was 0 King St; then it was 20 King St; now, it's 0 King St*

*-I've owned 0 King St for almost 50 years & where they cut has never been cut; I had 13 elm trees there that I had to cut down (photos); he explained the hill, woods, etc.*

*-I wanted to know from Torrie what the letter was about because my grass was cut; Torrie told me, Just cut what you've always cut & there won't be any problem (Jun 11); she said not to cut any city property except the blvd; to the west is an unmaintained city alley*

*Ms. Seeley:*

*-I know that he owns 16 & 20 King St*

*-Torrie put in her notes: owner called on Mon; left no phone number*

Ms. Moermond:

- we want to follow up with Torrie (she's a intern)
- this kind of overgrowth is not garden; it's just run amuck

VIDEO - slopes; the WO says to cut slopes on both sides of the house & cut entire property (already cut on lot with the house & blvd)

Ms. Moermond:

- I'd like to retain the VIDEO on this one
- I'll run a plat map to check who owns what & compare it with the Video
- I will probably end up splitting the costs on this

Mr. Hodge:

- there are holes from the trees that were cut down

Ms. Moermond:

- we will need some kind of landscaping solution; right now, let's figure out who owns what; I want to understand this better; you were talking to an intern, who is not the best informed

Mr. Hodge:

- after the city had cut it down, I called Torrie back, she referred me to a Bill, 266-1942; I called him & explained it all to him; he said that the inspector had just come in & he'd call me but I never got a call from him

Ms. Moermond:

- leave your contact information (he doesn't have email); we'll get back to you
- can I meet with the inspector out there; I'm retired; It's hard to explain here
- after not getting a call from the inspector, I called Steve Magner Jun 16; the voice mail said that he was gone; he'd be back on Mon & I called back Tue; the voice mail said that Steve would be gone for the rest of the week
- then, I called Racquel, she said she'd send me a gold card for this meeting
- I called Kayla, Rebecca's aid
- I got a call back from Travis, Deputy Director, DSI; he didn't think I'd have a problem with this since it's been that way for so many years
- I got a call from Mai Vang, who wanted to know the file number (Jun 28); I thought everything was ready to go
- 29, I got another letter that the city was going to go out today & cut it down again

Ms. Seeley:

- letter dated Sep 28

Ms. Moermond:

- can that inspector or Lisa Martin meet Mr. Hodge out at the property?
- we will get the inspector to meet you out at the property & talk about what things need to look like

Ms. Seeley:

- I will send the inspector an email on this to try to stop the work crew

Ms. Moermond:

- you might have to fill out an Appeal Form; stop at Rm 310; file it today
- we might set you up for a hearing in order to resolve this

Forthcoming.

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

- 12     [RLH TA 17-434](#)     Ratifying the Appealed Special Tax Assessment for Property at 876 LAWSON AVENUE EAST. (File No. J1801A, Assessment No.188500)

**Sponsors:**     Bostrom

*Approve; no show.*

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

- 13     [RLH TA 17-424](#)     Ratifying the Appealed Special Tax Assessment for Property at 1021 MINNEHAHA AVENUE EAST. (File No. VB1713, Assessment No. 178819) (Amended to File No. VB1713A, Assessment No. 178826)

**Sponsors:**     Prince

*Rescheduled to 10/17 LH per owner's request. (Council date October 18)*

**Referred to the City Council due back on 10/18/2017**

- 14     [RLH TA 17-450](#)     Ratifying the Appealed Special Tax Assessment for Property at 1729 OLD HUDSON ROAD. (File No. J1801B, Assessment No. 188100)

**Sponsors:**     Prince

*Delete the assessment. Per police department, there were no calls for that address on that date.*

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

- 15     [RLH TA 17-447](#)     Ratifying the Appealed Special Tax Assessment for Property at 1014 PACIFIC STREET. (File No. J1801A , Assessment No. 188500)

**Sponsors:**     Prince

*Approve; no show.*

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

- 16     [RLH TA 17-427](#)     Ratifying the Appealed Special Tax Assessment for Property at 1877 RANDOLPH AVENUE. (File No. J1801A, Assessment No. 188500)

**Sponsors:**     Tolbert

*Theodore Kvasnik, Kvasnik Properties LLC, & Elaine Kvasnik, appeared.*

*Supervisor Paula Seeley:*

*Cost: \$158*

*Service Charge: \$162*

*Total Assessment: \$320*

*Gold Card Returned by: KVASNIK PROPERTIES LLC*

*Type of Order/Fee: SUMMARY ABATEMENT*

*Nuisance: FAILURE TO MAINTAIN EXTERIOR PROPERTY*

*Date of Orders: 6-12-17*

*Compliance Date: 6-19-17*

Re-Check Date: 6-19-17  
Date Work Done: 6-21-17  
Work Order #: 17-051766  
Returned Mail?: NO  
History of Orders on Property: 5-9-16 ORDERS ON RUBBISH  
-photo

Mr. Kvasnik:

-this is one of 35 properties that we have in St. Paul; I have 5 guys & 2 trucks; if I had received a piece of mail, I would have immediately sent someone over; I'm very meticulous  
-I believe that we're talking about a couch in the alley & a 4-plex; I did not receive a letter  
-I have removed items from all kinds of properties & the city never knows about that  
-I did not receive a letter for this  
-I brought her (Elaine) to testify that we never received any letter at 1245 Knollwood Lane; I never received anything at 2190 Marshall Ave, the office  
-I did get this - that they charged me \$320

Ms. Kvasnik:

-you said that a letter was sent to 3 addresses but no address received a letter  
-had one been received, we would have acted immediately  
-we've heard a lot of people say today that they had not received a letter, too; we did not receive it

Mr. Kvasnik:

-I went thru my records/files & nothing  
-it could have been the next door property

Ms. Seeley:

-I spoke to Inspector Martin; she said definitely it was this property

Ms. Moermond:

-let's chat with Lisa about this

Ms. Seeley:

-I'll send Lisa an email now

Ms. Moermond:

-we'll let you know what she said

Delete the assessment.

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

**17**      [RLH TA 17-440](#)

Ratifying the Appealed Special Tax Assessment for Property at 682 ROBERT STREET. (File No. J1801A, Assessment No. 188500)

**Sponsors:**            Noecker

Lori Kustritz, EMK Holding Co, LLC, owner, appeared.

Supervisor Paula Seeley:

Cost: \$158

Service Charge: \$162

Total Assessment: \$320  
Gold Card Returned by: EMK Holdings LLC  
Type of Order/Fee: Summary Abatement  
Nuisance: Failure to maintain exterior  
Date of Orders: 5-26-17  
Compliance Date: 6-2-17  
Re-Check Date: 6-2-17  
Date Work Done: 6-6-17  
Work Order #: 17-046054  
Returned Mail?: No

Ms. Moermond:  
-is Trikin still around?

Ms. Kustritz:  
-I feel like my story's already been told  
-Trikin is still around  
-I've had 2 occasions that had other properties' letters in my letter; I immediately called one of the inspectors & told them that I had this other letter that's not my property; I did not get any letters on this one  
-I have no doubt that you picked up the chair; I just know we didn't get a letter on it  
-were they all generated at the same time?

Ms. Moermond:  
-they were all generated in the same month

Ms. Kustritz:  
-I sat down with A.J. last year with my property address list; we went thru it to make sure they were all correct; we had vacant properties & properties that had nothing to do with Trikin were getting sent to Trikin  
-Trikin was moving at the time; now, Trikin has like 5 properties

Ms. Moermond:  
-this particular chair was dumped between the street sign & the corner; clearly illegal dumping; it could have been dragged from the street; because of the location of the chair; I'll recommend deletion

Delete the assessment.

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

**18**      [RLH TA 17-429](#)

Ratifying the Appealed Special Tax Assessment for Property at 1523 SCHEFFER AVENUE. (File No. J1801A, Assessment No. 188500)

**Sponsors:**      Tolbert

Suzanne Digney, owner, appeared.

Supervisor Paula Seeley:  
Cost: \$80  
Service Charge: \$162  
Total Assessment: \$242.  
Gold Card Returned by: SUZANNE DIGNEY  
Type of Order/Fee: SUMMARY ABATEMENT  
Nuisance: GRASS NOT CUT

Date of Orders: 5-24-17  
Compliance Date: 5-28-17  
Re-Check Date: 5-31-17  
Date Work Done: 6-2-17  
Work Order #: 17-044642  
Returned Mail?: NO

Ms. Digney:

-when I received this Notice, I called right away & talked to someone named Lisa May 29; I told her that I started cutting the grass & the lawn mower broke; I was getting a new lawn mower & was going to cut it Jun 2; & it looked like someone had come & cut the grass for me; they also came thru & weed-whacked my gardens & took out all my fall flowers & all my ground cover; those were pretty clearly marked with fences; so, I was surprised that they went in & did that; the whole thing was rather distressing to see the gardens.... there was no need to go in & do that

VIDEO - the crew mowed the yard

Ms. Moermond:

-had you cut it all in 2017?

Ms. Digney:

-yes; I did cut it before

Ms. Moermond:

-that was like 1 1/2 ft tall

Ms. Digney:

-the Video doesn't show most of the property; I had partially complied; I cut the sides & most of the back area; it was long; I don't disagree; that's why I called & asked for additional time to get the mower fixed

-Lisa had said that there was nothing she could do & she didn't tell me who I could talk to about getting a little more time to comply

Ms. Moermond:

-there's a statement in the letter on the appeal's process....

-I have photos of other parts of the property

-the grass was very, very tall; doesn't look maintained at all

Approve and spread over 2 years.

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

**19**      [RLH TA 17-446](#)

Ratifying the Appealed Special Tax Assessment for Property at 999 SUMMIT AVENUE. (File No. J1801P, Assessment No. 188400)

**Sponsors:**      Thao

Delete the assessment; waiver on file. (On Agenda in error. Should be on the October 17 Legislative Hearing)

**Laid Over to the Legislative Hearings due back on 10/17/2017**

**20**      [RLH TA 17-425](#)

Ratifying the Appealed Special Tax Assessment for Property at 634 VAN BUREN AVENUE. (File No. J1801A, Assessment No. 188500)

**Sponsors:** Thao

*Approve; no show.*

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

**21**     [RLH TA 17-442](#)

Ratifying the Appealed Special Tax Assessment for Property at 419 WHITALL STREET. (File No. J180A1, Assessment No. 188500)

**Sponsors:** Brendmoen

*Morgan Okney o/b/o Phalenview Real Estate LLC, owner, appeared.*

*Supervisor Joe Yannarely:*

*Cost: \$288.00*

*Service Charge: \$162.00*

*Total Assessment: \$450.00*

*Gold Card Returned by: Morgan Okney obo Phalenview Real Estate LLC*

*Type of Order/Fee: Summary Abatement Order*

*Nuisance: Garbage/Rubbish*

*Date of Orders: 06/01/17*

*Compliance Date: 06/06/17*

*Re-Check Date: 06/06/17*

*Date Work Done: 06/07/17*

*Work Order #: 17-047017*

*Returned Mail?: No*

*Comments:*

*History of Orders on Property:*

*Ed Smith's Problem Property*

*Ms. Moermond:*

*-what's Wyberila up to these days?*

*Mr. Okney:*

*-the same thing that he's been up to for the last several decades; he's treating the vacant lot like it's his own private dump yard*

*-we've cleaned up a lot including vehicles; we've been trying to work with DSI, SPPD to help keep the property empty but they just have no respect for trespassing rules or the rule of law in general*

*-the only option that we've been presented is to build a fence; only we've not allowed to build a fence that covers the entire property; and it is everyone's opinion that any fence that gets built is likely to be torn down & scrapped by him; it's in his past*

*-we routinely receive assessments & abatement Orders for vehicles parked there; when we show up to have them removed, the vehicles are gone*

*-essentially, there's almost no way for us to prevent Wyberila from spilling debris over a fence & littering the property*

*-at the end of the day, there's very little that my client can do to curtail the behavior of Wyberila*

*-I understand the city showed up to clean this up; in the last month, we spent \$1000 on a guy cleaning up the property*

*-there's no electricity on the lot*

*-he moves everything under the cover of night*

*Supervisor Paula Seeley:*

*-I went by there yesterday; it's bad; Steve Magner said the best thing to do would be to*

fence it up

-Inspector Smith needs to go out there on a weekly basis; he's scrapping

Mr. Okney:

-Mr. Frisch sat down with Steve Wagner about it.... I don't think that Brendmoen is involved yet

-almost none of the vehicles have his name on them

Ms. Moermond:

-the neighbor on the west might allow a camera on his fence

-what's the threshold for the police to write a tag for dumping & get this thing in court; it will be greater evidence - criminal behavior

-on a hand shake, will you try to get a camera set up?

Mr. Okney:

-I will do my best

Ms. Moermond:

-you're going to take that action to stop this from happening in the future

Mr. Okney:

-I'm going to leave my card if you can get it to Ed Smith

Ms. Moermond:

Delete the assessment.

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

**22**      [RLH TA 17-443](#)

Ratifying the Appealed Special Tax Assessment for Property at 419 WHITALL STREET. (File No. J1802E, Assessment No. 188301)

**Sponsors:**            Brendmoen

*Morgan Okney obo Phalenview Real Estate LLC, owner, appeared.*

*Supervisor Joe Yannarely:*

*Cost: \$366*

*Service Charge: \$35*

*Total Assessment: \$401*

*Gold Card Returned by: Morgan Okney obo Phalenview Real Estate LLC*

*Type of Order/Fee: Excessive Inspection between May 22 to June 21, 2017*

*Nuisance: Remove barrel, wood, cardboard, etc., from the vacant lot*

*Date of Orders: 06/01/17 - Found barrel, wood, cardboard, etc., on the vacant lot -*

*photos taken for SA and \$122 EC Code M. Vehicles, boat and trailers illegally parked on the vacant lot - send Correction Notice.*

*Compliance Date: 06/06/17*

*Re-Check Date: 06/06/17 - No change to property - photos taken for work order and*

*\$122 EC; 06/15/2017: \*Recheck - Found two vehicles and a trailer illegally parked on*

*the vacant lot - photos taken for \$122 EC Code N. 06/22/2017: \*Recheck - Vacant lot is clean. Found one vehicle illegally parked on the vacant lot - photo taken for \$122 EC*

*Code N.*

*Date Work Done: NA*

*Work Order #: 15-175282, Inv # 1310689, 1311971, 1313766*

*Returned Mail?: No*

*VIDEO - crew removed scrap wood, cardboard, etc. from vacant lot*

*Ms. Moermond:*

*-what's Wyberila up to these days?*

*Mr. Okney:*

*-the same thing that he's been up to for the last several decades; he's treating the vacant lot like it's his own private dump yard*

*-we've cleaned up a lot including vehicles; we've been trying to work with DSI, SPPD to help keep the property empty but they just have no respect for trespassing rules or the rule of law in general*

*-the only option that we've been presented is to build a fence; only we've not allowed to build a fence that covers the entire property; and it is everyone's opinion that any fence that gets built is likely to be torn down & scrapped by him; it's in his past*

*-we routinely receive assessments & abatement Orders for vehicles parked there; when we show up to have them removed, the vehicles are gone*

*-essentially, there's almost no way for us to prevent Wyberila from spilling debris over a fence & littering the property*

*-at the end of the day, there's very little that my client can do to curtail the behavior of Wyberila*

*-I understand the city showed up to clean this up; in the last month, we spent \$1000 on a guy cleaning up the property*

*-there's no electricity on the lot*

*-he moves everything under the cover of night*

*Supervisor Paula Seeley:*

*-I went by there yesterday; it's bad; Steve Magner said the best thing to do would be to fence it up*

*-Inspector Smith needs to go out there on a weekly basis; he's scrapping*

*Mr. Okney:*

*-Mr. Frisch sat down with Steve Magner about it.... I don't think that Brendmoen is involved yet*

*-almost none of the vehicles have his name on them*

*Ms. Moermond:*

*-the neighbor on the west might allow a camera on his fence*

*-what's the threshold for the police to write a tag for dumping & get this thing in court; it will be greater evidence - criminal behavior*

*-on a hand shake, will you try to get a camera set up?*

*Mr. Okney:*

*-I will do my best*

*Ms. Moermond:*

*-you're going to take that action to stop this from happening in the future*

*Mr. Okney:*

*-I'm going to leave my card if you can get it to Ed Smith*

*Ms. Moermond:*

*Delete the assessment.*

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

- 23     [RLH TA 17-448](#)     Ratifying the Appealed Special Tax Assessment for Property at 427 WHITALL STREET. (File No. J1802E, Assessment No. 188301)

**Sponsors:**     Brendmoen

*Approve; no show.*

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

- 24     [RLH TA 17-449](#)     Ratifying the Appealed Special Tax Assessment for Property at 1378 WOODBRIDGE STREET. (File No. J1802A, Assessment No. 188501)

**Sponsors:**     Brendmoen

*On October 3 in error.*

**Laid Over to the Legislative Hearings due back on 10/17/2017**

- 25     [RLH TA 17-451](#)     Ratifying the Appealed Special Tax Assessment for Property at 717 HOPE STREET. (File No. J1802E, Assessment No. 188301)

**Sponsors:**     Prince

*Robert A. Richie, owner, appeared.*

*Supervisor Paula Seeley:*

*Cost: \$122*

*Service Charge: \$35*

*Total Assessment: \$157*

*Gold Card Returned by: Robert Richie*

*Type of Order/Fee: Excessive Inspection*

*Nuisance: TGW*

*Date of Orders: June 8, 2017*

*Compliance Date: June 12, 2017*

*Re-Check Date: June 12, 2017*

*Date Work Done: June 16, 2017 -done by owner but it generated a PA EC due to owner not in compliance by deadline*

*Work Order #: 17-048093, Inv # 1314001*

*Returned Mail?: No*

*History of Orders on Property: April 2016, lots in 2014-2015; nothing else in 2017*

*Mr. Richie:*

*-I got the letter; I've had an extension cord issue - that's what this was written about; it was a 3 sq.ft. part of the blvd that I couldn't reach with my extension cord; I everything with electric; my cord was stolen in between mow*

*-when I opened the letter, I went right out to mow it; so, I don't see how I didn't make that deadline*

*Ms. Moermond:*

*-you did make the deadline*

*Mr. Richie:*

*-I should have been done on the 12th - way before*

*-I did the entire yard again*

Ms. Moermond:

-did you own the property back in 2014-2015

Mr. Richie:

-no; I didn't own; it's my father's place since the 1960's; I've been working on it most of my life

-I am there now; this is causing a big split in my family; father is 95

Ms. Moermond:

-things were looking pretty rough back in 2014-2015 with city Orders, etc; then in 2016-2017, it looks like things turned around

Ms. Seeley:

-we don't have tenants now; I'm still there; the upstairs is vacant; 3 tenants moved because of fire inspections

Mr. Richie:

-dad put a lot of money into the upstairs; there was a fire before I came on the scene

-my brother died in 2004; mom in 2010

-dad put me on the title; he does not live there; he lives part time in MN; part time in WI

Ms. Moermond:

-normally, I'd say if no same/similar violation for a certain period of time, I'll delete the assessment; but we're at the end of the tax year right now; I have no time to work with  
-I will recommend deletion; you've had a clean record in 2017; keep it clean

Delete the assessment.

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

**26**      [RLH TA 17-452](#)

Deleting the Appealed Special Tax Assessment for Property at 930 CALIFORNIA AVENUE WEST. (File No. J1802E, Assessment No. 188301)

**Sponsors:**      Brendmoen

Richard J. Graff, owner, appeared.

Supervisor Joe Yannarely:

Cost: \$122

Service Charge: \$35

Total Assessment: \$157

Gold Card Returned by: Richard Graff

Type of Order/Fee: Excessive Inspection

Nuisance: TGW

Date of Orders: May 19, 2017

Compliance Date: May 23, 2017

Re-Check: May 25, 2017

Date Work Done: NA

Work Order #: 17-040960, Inv # 1310723

Returned Mail?: No

Mr. Graff:

-I closed on the purchase on May 3, 2017; we moved into the house between May

10-14; I received the Notice May 22 or 23 that inspection would take place 5 days after the date of the letter, May 19; on May 23, I purchased a lawn mower from Menards; I didn't have one before that; unfortunately, it did not work; I went to Menards & they told me that I could not return/exchange lawn mowers; it needed to go to authorized service first; they gave me a list of service people; I called 3 of them-they said it would take at least 2 weeks to repair

-according to my records, it wasn't until May 25 that the city lawn team arrived while I was home; they also came to do the neighboring house at 934 which was also on the market for sale at the same time as mine; it was unoccupied then & is still unoccupied; they had much longer grass;

-I met the inspector out front & I think his name was Richard; I explained the situation to him that I had a lawn mower out back that I purchased with the express purpose of complying with the city & it's not working; I showed him the lawn mower; he was sympathetic & said, "I'll give you one more week & we'll come back to check;" my idea to borrow a lawn mower fell thru, so on May 30, I bought another lawn mower at Sears; I mowed all the front & back grass on May 30-31; then on Jun 1, I saw the city inspection truck & trailer stop across the street for a couple of minutes & then drive away; I received no further mailings, letters or Notices about this issue until Sep16-17 - to notify me of a public hearing on the 3rd

Ms. Moermond:

-do we have VIDEOS from that day?

Mr. Yannarely:

-it was done by owner

Ms. Moermond:

-the inspector said that he'd give Mr. Graff another week (that's what the owner understood)

Mr. Graff:

-I had no Notice, bill or anything; I thought I complied according to the verbal agreement, until I received this Notice of public hearing with the fines; I called the city the day after I received that, left a message; they returned a call the next day; the next day, I returned their call & spoke with a woman & explained my situation; she looked at the file; she gave me the inspector's name, Sean, & told me that I needed to speak with him because the inspector can compose a resolution to delete the assessment order, if he sees fit; if not, I should return the Gold card & appear here; she transferred me directly to Sean; I left a voice message for Sean

Ms. Moermond:

-who would say that? that's completely inaccurate; whoever told you that doesn't know what their talking about

Mr. Graff:

-at any rate, I left the message for Sean, not realizing that this was not the inspector who actually came; it couldn't be; I received no return call; I filled out the return request to appeal & mailed it; on the Sep 26, I called Sean again & left a voice message; on Sep 28, I received a voice message from Sean, left his number in the field & just yesterday, Oct 2, I called him again & finally reached him & spoke with him & then we determined that he wasn't the inspector that came to my house; he mentioned 2 other names, one was Richard; Sean said there was nothing he could do about it; he told me to go to the hearing & that the inspector's supervisor would be at the hearing & he would look at the records he could fine & call me with any info that he might have

*about my hearing*

*Supervisor Seeley:*

*-TGW letters go out with .....*

*-there's no history on this property*

*Ms. Moermond:*

*-you've had a clean record in 2017; will recommend deletion*

*Delete the assessment.*

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

**27**     [RLH TA 17-453](#)

Ratifying the Appealed Special Tax Assessment for Property at 762  
MAGNOLIA AVENUE EAST. (File No. J1802E, Assessment No. 188301)

**Sponsors:**         Bostrom

*Carol Maier, mother of owner, Melissa Maier, appeared.*

*Supervisor Paula Seeley:*

*Cost: \$122*

*Service Charge: \$35*

*Total Assessment: \$157*

*Gold Card Returned by: Melissa Maier*

*Type of Order/Fee: Excessive Inspection*

*Nuisance: Garbage/Rubbish*

*Date of Orders: May 31, 2017*

*Compliance Date: June 5, 2017*

*Re-Check Date: June 5, 2017*

*Date Work Done: June 6, 2017*

*Work Order #: 17-044196, Inv # 1312091*

*Returned Mail?: No*

*History of Orders on Property: 1/25/17 and 2/26/16*

*Ms. Maier:*

*-Melissa Maier is my daughter & I used to own this property; my daughter was in India  
from Jun 12-Jul 13, 2017; she assumed that the property manager, Simply Residential  
Property Mgmt, would check on things & also, the tenant*

*-this is rental property*

*Ms. Seeley:*

*-history of improper storage in rear yard*

*Ms. Maier:*

*-I went over there to see but I didn't see anything*

*-we've had some tenants who were not very good, I will admit that*

*-the tenants now are good*

*Ms. Moermond:*

*-Notice was sent to the right person; she happened to be out of the country & her  
backup systems didn't work but that doesn't make it the responsibility of everybody  
else*

*Ms. Maier:*

*-this assessment has been paid, by the way; do I have to worry about any other thing after this meeting here today?*

*Ms. Moermond:*

*-it's been paid?*

*Ms. Maier:*

*-it's been paid*

*Ms. Moermond:*

*-OK; so; sounds like we're good*

*Approve the assessment.*

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

#### Other

- 28**     [SR 17-101](#)     Review the substantial progress for an appealed tax assessment for the costs and fee associated with Collection of Vacant Building Registration Fee billed during April 13 to June 20, 2016 adopted by City Council on June 14, 2017 for 847 HUDSON ROAD. (File No. VB1703A, Assessment No. 178809). (Legislative Hearing on October 3, 2017)

**Sponsors:**     Prince

*Nuisance was not abated. (No show)*

#### **Received and Filed**

- 29**     [SR 17-137](#)     Review request of Deborah Moriarty, owner, to a Ratification of Assessment File RLH AR 17-59, adopted by City Council on September 6, 2017, for property at 1199 REANEY AVENUE (File No. J1713A, Assessment No. 178523).

**Sponsors:**     Prince

*Deborah M. Moriarty, owner, appeared.*

*Ms. Moermond:*

*-this is a courtesy hearing; it already has been adopted by the City Council; we are looking at it again*

*Supervisor Paula Seeley:*

*-Summary Abatement Order issued Apr 6, 2017; compliance Apr 13; re-checked Apr 13*

*-work done Apr 17 for a cost of \$144 + \$162 service charge = \$306*

*-remove car seat, bags with soda cans in rear/side yard*

*-sent to Deborah Moriarty, 1199 Reaney Avenue & Occupant*

*Ms. Moriarty:*

*-it seems like once you get something on your property, you keep getting something  
-when I first bought the property almost 20 years ago, the person hadn't paid rent & they turned me in & had the inspectors throughout my whole house; I did everything that was supposed to be done*

-the last time, I just had enough; I resided my garage - had taken the numbers off; there were high numbers on the front of my house; the order said that I didn't have reflective numbers; I put them on & I asked my neighbors if they got any order; my neighbors didn't even have an address on their house at all; they hadn't gotten any order

-I talked to the inspector & it finally stopped & haven't gotten an Order for a long time

-then, .... my son is about 600 lbs & I had a seat for him in the yard; it was part of a sectional; I had it stored for winter under the some steps with the other furniture; it wasn't a car seat - it was part of a sectional

-I got hurt at work & I wasn't collecting my mail; they used to give us 3 weeks to get our stuff up

-finally, I went back to work & I opened this letter at work; it said they were coming for a bag of cans: I had a couple of garbage cans that I saved recycling in; and something about a car seat (?) (I was thinking about a baby car seat - (?))

-before I got this letter, my son had said something to an inspector about they were not supposed to go into somebody's yard & ever since then, I've been getting Notices again - I'm being targeted; even though, the neighbor's yard is a disaster & the stuff between the garages is their stuff

-I called my daughter's boyfriend; he went & picked up all the garbage cans & put them in the garage

-all they took was..... I want to see the tape because. ....

Ms. Moermond:

-I don't know that they have it.....they didn't grab it at the office

Ms. Moriarty:

-the only thing they took was that seat that I have for my son that was underneath my steps for storage; my son can't sit in the yard without having something strong like those seats - they hold up to 1000 lbs

Ms. Moermond:

-staff doesn't have the VIDEO along today

-go to 375 Jackson Street; park in the 6th St pkg lot

-I'm looking a photos of cans strewn throughout the yard, dumped garbage cans, plastic garbage cans, cooler, pavers, car seat, scrap metal that wasn't written up

Ms. Moriarty:

-I've seen those pictures and all that was taken care of

-the seat was stored underneath the steps; I don't know why they took it

Ms. Moermond:

-because that's not actually legal storage spot for furniture

-I'm wondering why you didn't come to your regularly scheduled hearing

Ms. Moriarty:

-I got that paper; it said if you want to appeal, send in the yellow thing; I sent it in but I never got anything back about when the hearing was but when I came in here last week to find out about it, they said the date was on the paper with the yellow thing

-I talked to the inspector that morning & I told him that I didn't have anything like a car seat & he said, "Well, it's kind of like a red bean bag;" and I said, I don't know of any red bean bag; I had called that morning to say that it was all picked up - they didn't need to waste a trip; they said that someone would come by & if it was all picked up, they wouldn't do anything; so, I felt confident because I didn't have any car seat or red bean bag in my yard & I didn't know that you couldn't store anything on your property

*-I can show you pictures of the neighbor's yard; the city didn't clean up their yard*

*Ms. Moermond:*

*-if you have concerns about your neighbors yard, call 266-8989 to complain*

*-will recommend cutting the assessment in half payable over 2 years; I think that you could have been confused; I think that there could have been better communication*

*Will do a new resolution to amend adopted resolution by City Council on September 6, 2017.*

*Will go to City Council on October 18.*

**Received and Filed**

### **Special Tax Assessments-ROLLS**

- 30**     [RLH AR 17-83](#)     Ratifying the assessments for Property Clean Up services during June 1 to 30, 2017. (File No. J1801A, Assessment No. 188500)

**Sponsors:**     Stark

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

- 31**     [RLH AR 17-84](#)     Ratifying the assessments for Trash Hauling services during June 7 to 28, 2017. (File No. J1801G, Assessment No. 188700)

**Sponsors:**     Stark

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

- 32**     [RLH AR 17-85](#)     Ratifying the assessments for Boarding and/or Securing services during June 2017. (File No. J1801B, Assessment No. 188100)

**Sponsors:**     Stark

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

- 33**     [RLH AR 17-86](#)     Ratifying the assessments for Excessive Use of Inspection or Abatement services billed during May 22 to June 21, 2017. (File No. J1802E, Assessment No. 188301)

**Sponsors:**     Stark

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

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

#### **Correction Orders**

- 34**     [RLH CO 17-32](#)     Appeal of Hayley (Thomas) Ball and Emerson Ball to a Correction Notice at 1253 ALAMEDA STREET NORTH.

**Sponsors:** Brendmoen

*Hayley (Thomas) Ball & Emerson Ball, owners, 1253 Alameda Street North, Appellants, appeared.*

*Also appearing were Ray & Kristin Coyle, adjacent property owners at 1255 Alameda Street North, regarding shared retaining wall.*

*Supervisor Paula Seeley:*

*-this is a deteriorated retaining wall*

*-civil matter; we have a survey stake; thinks there's some contention about whose wall it is*

*-survey*

*-thinks the Coyles should also get an Order*

*Moermond:*

*-appears to be a low retaining wall*

*Ms. Ball:*

*-entered the survey; Ms. Moermond is reviewing it*

*-a small portion of the wall is on our property; the rest is on the neighbor's*

*-we are the higher elevation*

*-she entered photos; (photos, survey were copied/scanned)*

*Ms. Moermond:*

*-looking at the survey & it says, "Concrete wall and sidewalk crosses over a property line"*

*Ms. Ball:*

*-the majority of the wall is on the neighbor's property*

*Ms. Moermond:*

*-Hayley & Emerson Ball at 1253 Alameda St provided a copy of a survey document & photographs*

*-the Balls received a Correction Notice to repair the retaining wall; you are saying that it's not on your property*

*-the survey shows the concrete wall & sidewalk crosses over the property line (fuzzy); there's picket fence*

*-the Balls' property elevation is 2 ft higher at that section*

*-you believe, that because the bricks fall on the Coyle's side of the property line, that it's their responsibility to maintain that wall*

*Mr. Ball:*

*-for some time we've been talking with them about the fact that it is unclear as to whose wall it is; we are trying to figure out how to work it out together; it felt like we were reaching an end point - that's when the complaint came..... we thought that we were just about at the conclusion*

*Ms. Coyle:*

*-we prepared some items to discuss the appeal & what they put into the appeal*

*-the first statement is about that it's not on their property; however, the survey does indicate that portions of it cross the property line; we have a Jul 17 email from them that says that they initially thought it was theirs*

*-picture: we connected the survey stakes with a string to get a more visual idea of how it's crossing over in the back*

- I also contacted Mary Lanke, whose father built the home in 1920; she lived in that home her entire life; first with her parents & then, with her husband until late 1990; she told me that she remembers when the wall & the fence went up because Mr. Butler put it there so that his dog would stop coming over to her yard & poop because she had kids playing & she didn't want the dog waste; she told me that it was built by the property owners of 1253 Alameda

-we've lived in our home for 15 years; we didn't build the wall; it was there before our time

-the other point, as you can see in some of the pictures, the wall, the fence, the step, the sidewalk - they are all structured exclusively to the property at 1253; they physically connect with each other, as well as the return back to the house - they are all in a straight line & they connect to other structures on their property; add more photos

-they say that we've been talking since Feb 2017; we've actually been talking to them since May 2016; they approached us the day before Mother's Day; they had a contractor give them a bid about the wall when they thought it was their wall entirely; at that time, they were talking about bringing a bobcat onto our property to get access to the wall - taking out our raspberry bushes.... it was a conversation

-they say that we've been removing pieces of the retaining wall, which is not true; we've been placing them back on the wall so that the concrete doesn't damage the lawn mower; we never disposed of them, especially now knowing there's a contentious question about it; we left it as it is

-the biggest chunk that fell down was the result of a surveyor trying to put in a pin

-the next statement says that we have provided unreasonable conditions for the contractor to work; they specifically asked us in email (provided) to send them our concerns as they went to get contractor information; so, we sent over our concerns - never did we say, "shall, must, we expect;" we say, "we would like; we hope; we'd like to work collaboratively with you; please let us know if there are any concerns;" and the response email we got back was, "Thank you;" then, we didn't hear anything until this past summer when the gas lines were being marked & I asked the gas line worker, "What's going on;" and he said, "They're marking them for a new wall;" they had never said that they were just going to replace 3/4 of the fence & leave this retaining wall & fence; they just went ahead & replaced the 3 sides

-the first time we heard that our concerns were unreasonable was when it was written into this appeal

Mr. Coyle:

-they've said those exact same concerns, almost verbatim, with bullet points back to us stating that if we decide to have something done, this is how they want it - they want it under these conditions

Ms. Coyle:

-the survey came back & she handed us the survey & said, "Well, it looks like it's your wall;" so, from that point, I got 3 bids from 3 reputable contractors in the city: Blume Brothers; Murphy's Lawn & Landscaping; and Premier - this past summer; we reviewed all of them & we presented the one from Premier & we offered to pay half of this bid; we went with Premier because 1) they were the lowest bid; and 2) they had done a very nice wall for our neighbor down the street

-when we offered the 50%, they came back & said that they'd pay 25% & it had to be moved 100% onto our property with the following conditions, which were almost verbatim with our original concerns; when we got that response back, we felt pretty offended; so, I called the Mediation Services of Saint Paul & requested a mediation; then, I submitted the complaint because I felt like we had broken down; Mediation Services sent us both an email to meet; the Balls did not want mediation; they wanted to put the money towards their property

-by offering to pay half, we are not saying that we feel that this wall is ours but we are trying to be neighborly

Ms. Ball:

-we did decline Mediation Services

-back in Jul, we did indicate in an email that we were putting in a fence

Mr. Coyle:

-when you see that it's all the same block; it's all the same construction material; the return goes to their house; it was built to support their dirt; it's connected to the steps, which are connected to the sidewalk

Ms. Moermond:

-I feel like I have a good handle on this

-I deal in property lines; your problem is the law isn't going to work for you (speaking to the Balls) in this case; there's something called the Doctrine of Lateral Support; it means that you, the higher elevated property, are legally obligated to retain the soils of your property on your property & not to allow them to erode onto the neighbor's property; the retaining wall performs that function, right now; it is on their property; they can remove; if those soils move & they will, that's your problem & you will have to put the retaining wall onto your property & cut away soils that currently you have the right to use; it looks like, probably, a good 12 inches worth of land; you're the higher property; the obligation is on you; if they take you to court, that is the doctrine; it applies 95% of the time

-I want to be honest with you about what your true position is on this case; broken down retaining wall's on their property; they can pick up the pieces & throw them in the garbage & charge you for it whatever they want to do in Small Claims Court; they don't have an obligation to have a wall on their property at all; you have an obligation to retain the soils on your property; this is a mediation situation if I ever heard one; this is a situation where parties are best served working together

Ms. Balls:

-we were given the deadline of Oct 31, 2017

Ms. Moermond:

-I can work with you on a deadline change unless there's a dangerous situation

-another Order could be sent to the Coyles because the wall sits on their property; it's up to DSI if they want to do that; that's just looking at property lines; it's not looking at responsibility; it's a good reason to talk this things out & figure out what would be a durable, attractive, agreeable, affordable solution for the parties involved

-comfortable extending the deadline to Jun 1, 2018

-Insp Seeley, I will leave it to your discretion if you want to issue another set of Orders with that deadline to the neighboring property as well

-it's all up to you guys - whatever you agree to

Grant to June 1, 2018 to comply with the retaining wall.

**Referred to the City Council due back on 10/18/2017**

## Staff Reports

- 35      [RLH SAO 17-78](#)      Making finding on the appealed nuisance abatement ordered for 1990 HOYT AVENUE EAST in Council File RLH SAO 17-74.

**Sponsors:** Bostrom

*The nuisance has been abated.*

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

## 1:30 p.m. Hearings

### Fire Certificates of Occupancy

36

[RLH FCO](#)  
[17-164](#)

Appeal of Greg Ryan to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 505 AVON STREET NORTH.

**Sponsors:** Thao

*Greg Ryan, owner, appeared.*

*Fire Supervisor A.J. Neis:*

*-Fire Inspection Correction Notice*

*-inspection started in Apr 2017*

*-there were multiple code violations on the property; the only remaining item is the garage*

*-owner is debating whether to repair/remove it; he needs additional time*

*-Inspector Elvestad encouraged Mr. Ryan to appeal*

*-the garage has been secured since those photos were taken*

*-it is not a structural hazard; we have no structural concerns*

*Mr. Ryan:*

*-I need more time to come up with the money*

*-it used to be a flat roof, which has rotted away; the exterior walls are wood & are very solid; the siding is stucco*

*-the garage was never used*

*-estimate to repair/replace the roof is \$3500*

*-estimate to demolish the garage is \$1200-\$1500*

*-now, contractors are too busy; they said that they were doubling their prices because they could not keep up with the work*

*-6 months or spring 2018*

*Ms. Moermond:*

*-the garage needs to be structurally sound & secured for me to consider a long extension*

*Mr. Ryan:*

*-it's boarded shut*

*-I have a graffiti waiver*

*Ms. Moermond:*

*-will recommend granting an extension to Jun 1, 2018*

*Grant to June 1, 2018 to remove or replace the garage.*

**Referred to the City Council due back on 11/1/2017**

37 [RLH FCO](#)  
[17-170](#)

Appeal of Francis W. Crowley to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 2001 BREWSTER STREET.

**Sponsors:** Stark

*Francis W. Crowley, owner, appeared.*

*Fire Supervisor A.J. Neis:*

*-2001 Brewster Street has already been appealed; it was denied the variance request by the Board of Zoning Appeals (BZA)  
-it was built as a single family dwelling & illegally converted to a duplex with no permits on file; it does not meet the setbacks*

*Ms. Moermond:*

*-when I received the appeal, I had a chance to talk with Mr. Crowley; I explained that, although we are happy to take the appeal here; we can look only at the Revocation of the Fire Certificate of Occupancy as a tool for the enforcement of the decision of the BZA; we're not re-visiting their decision  
-we can look at the deadline  
-you have had a couple of chances to talk with the BZA & haven't had any luck*

*Mr. Crowley:*

*-yes but now, Zoning thinks that I can get that alley vacated; it's not being used anyway; so, I'm applying for that  
-the reason I converted it in the first place is because my cousin really needed a place (she is disabled); she'd never be able to get a roommate because she does some strange things (she's burned the carpet with her iron; she ruins dishwashers; etc.); she's moved downstairs (bottom floor) so that she doesn't have all the "stuff" but she needs her own kitchen; the house is built on a hillside  
-I rented to students before my cousin needed this; she makes only \$10/hour; she can't really afford an apartment & I don't want to put her out; I don't know where she'd go  
-the inspector wants the refrigerator & stove taken out*

*Ms. Moermond:*

*-yes; no kitchen; no wet bar downstairs*

*Mr. Crowley:*

*-that's going to be hard on my cousin, I guess  
-there's a lady living upstairs with her brother*

*Ms. Moermond:*

*-so, you're treating it like a rental duplex  
-you need the BZA to approve it or you need to appeal to the City Council & have them say that you can have the duplex; those are your only 2 choices*

*Mr. Crowley:*

*-I've applied to vacate the alley; don't know how long that will take; several people have to sign off on it*

*Ms. Moermond:*

*-I will focus on the timing  
-by Jan 1, 2018, you will: 1) have the BZA appeal say that you can keep using it as a duplex; 2) have the complete building emptied; or 3) have it de-converted to a single family use, which means removing that kitchen and making sure that there is no lock*

*separating the upper & lower levels with no renters living in a separate dwelling unit  
-the one option that will, for sure, mean that your cousin with disabilities continues to be there is removing that wet bar & getting rid of the renters  
-you're rolling the dice with getting the BZA to approve your use as a duplex; you've been denied twice  
-one of those 3 things has to happen by Jan 1, 2018 or these guys are going to show up & you'll have to vacate the building*

*Mr. Neis:*

*-no permits were ever obtained when he converted it to a duplex*

*Ms. Moermond:*

*-so, he needs more than the BZA approval; he needs to have permits pulled to make sure....*

*Mr. Neis:*

*-correct; we inspected it as a single family home & as an illegal duplex; therefore, we said to de-convert; make it a single family home; however, if it becomes a legal duplex, we'll be doing an inspection for a duplex & more things will need to be done (fire separation; CO/smoke alarms; different doors to be added, a second heating system; separate electrical; etc.); there will be a lot of extra costs in addition to getting that zoning approval; I want you to be aware*

*Ms. Moermond:*

*-put a note into the record that if the BZA does approve this as a duplex use, it will necessitate pulling permits & making sure that the occupancy is structured appropriately*

*-I think that a Fire inspector could do a "walk-thru" and determination about what needed to happen to make sure it was a legal duplex*

*Mr. Neis:*

*-absolutely*

*Deny the appeal and grant to January 1, 2018 to have the BZA approved this as a duplex or the building must be emptied or de-converted to a single family by removing the kitchen and the locks between the two units. Owner must make all necessary changes (example: fire separation, smoke alarms, two furnaces/electrical services, etc) to make it a duplex and pull the appropriate permits to do the repairs.*

**Referred to the City Council due back on 11/1/2017**

**38**      [RLH FCO](#)  
[17-172](#)

Appeal of Matt Jackson to a Fire Inspection Correction Notice at 529-531 LAUREL AVENUE.

**Sponsors:**      Thao

*Matt Jackson, owner, appeared.*

*Fire Supervisor A.J. Neis:*

*-Fire Certificate of Occupancy Correction Notice conducted by Inspector Jonathan Elvestad with re-inspection Oct 23, 2017*

*-appealed is the dryer vent & a couple of bedrooms where it appears the escape windows egress into an enclosed stairway*

*-in the appeal, it said that the basement dryer vent was rebuilt in the year for the fire inspector; however, I looked through all of the previous fire inspection reports and the*

*last time any dryer vent had been called on this bldg was is 2005-06; nothing was done at our request in the last year*

*Mr. Jackson:*

*-we for sure rebuilt it; I think the inspector's name was Jeremy Hall; there was like a flex-tube thing going out; he said that he wanted the actual piping; I know we did it for him but I couldn't find it on the list either*

*Mr. Neis:*

*-re escape windows: I'd like to go out personally to take a better look at this  
-I question whether that staircase was always enclosed; was it open at some point?*

*Mr. Jackson:*

*-my best guess is that it was an open staircase at some point; it's been enclosed for decades*

*Ms. Moermond:*

*-describe how the 4 units are laid out*

*Mr. Jackson:*

*-it's a big square house  
-there's 4 separate doors in the back with the stairs going up  
-if they went out the windows, they would be outside their unit door but they'd be inside the main back door  
-each unit has 2 bedrooms; the units are identical  
-it was my dad's place; no fire inspector ever said anything about that*

*Mr. Neis:*

*-my concern on something like this is that if the egress area has a fire, people have no way to get out*

*Ms. Moermond:*

*-I'd like Supervisor Neis to take a look at these  
-Mr. Jackson, do a sketch of the unit layout; we'll touch base in 2 weeks*

*Mr. Neis:*

*-the gas dryer looks like it has too many bends; typically, with a gas dryer, they allow only two 90 degree turns*

*Mr. Jackson:*

*-I'll have to move the dryer to shorten the distance  
-can you have a dryer plugged into a power strip?*

*Mr. Neis:*

*-not a power strip; but I would be open to allow a heavy duty UL listed appliance extension cord (can buy them at ACE Hardware)  
-a mechanical contractor will need to pull a permit for the dryer vent*

*Mr. Jackson:*

*-the exterior trim & some of the sills are in rough shape; the inspector was concerned about the flakey paint  
-we are going to replace all the sills & most trim; the permit has already been applied for; he said that he'd start within a week of getting the permit; by the time that's done, we'll probably be into Nov; we really don't want to be painting this year*

-asking to replace the wood this fall & scrape & paint in spring

Ms. Moermond:

-deadlines: repair by Jan 1, 2018; painting by Jun 1, 2018

-will lay this over to Oct 17 LH

Inspection to occur to take a look at the escape windows inside the enclosed stairway; deny the appeal on the dryer vent but owner reached an accommodation to come into compliance; grant to January 1, 2018 to repair the rotten wood trim and grant o June 1, 2018 for the exterior painting.

**Laid Over to the Legislative Hearings due back on 10/17/2017**

**39**      [RLH FCO](#)  
[17-169](#)

Appeal of Brett Ripley to a Correction Notice-Reinspection Complaint at 1685 TAYLOR AVENUE.

**Sponsors:**          Stark

*Brett Ripley, owner, appeared.*

*Fire Supervisor A.J. Neis:*

*-noted that Supervisor James Perucca is also here today*

*-complaint inspection: building is illegally occupied; 1685 Taylor Ave used to be a legal nonconforming 4-plex*

*-as zoning rules had changed, the previous owner had decided to use 2 of the units for herself for over a year; it became a triplex; now, it's a legal nonconforming triplex; it's in a district that doesn't allow multi-family housing*

*-the Appellant purchased the property & was aware that it was going to be used as a triplex; the Appellant lived in the home so it was not subject to a fire inspection; since he has moved into a different home, the property is still being used as a triplex*

*-there was some confusion on the inspector's part because he wasn't quite clear on the occupancy rules*

*-the Appellant had been renting out the 4th unit illegally for Airb&b for additional income, thinking that he was compliant because it wasn't "technically" occupied; he was also using it for his parents' holiday visits, etc, which would have been fine had he lived there (it would have been part of his unit)*

*-the kitchen needs to be taken out of the 4th unit; if removed, it's back to a legal nonconforming triplex*

Ms. Moermond:

*-and that space could be added to an adjacent unit*

*-so, you abated the Orders for the removal of the kitchen back in 2012 ....*

Mr. Neis:

*-I believe that was under the previous ownership; the owner had agreed to use that all as one space; they were going to use it as an entertainment area*

*-there is no code requirement that says a single family home can not have 2 kitchens; if they agreed to use that & it was owner-occupied.... we would allow that*

Mr. Ripley:

*-we have a 4-plex that's zoned as a triplex*

Ms. Moermond:

*-I think it's zoned as a duplex and you have a legal nonconforming triplex*

Mr. Ripley:

-the option of combining it doesn't make economic sense & so, we have an extra unit  
-it seems a bit wild that we own this building & our parents can't stay/live there  
-we live 2 blocks away

Ms. Moermond:

-have you considered filing for an appeal with the Board of Zoning Appeals (BZA)?

Mr. Neis:

-the BZA denied it

Mr. Ripley:

-we got all our neighbors' signatures; we really tried to do this the right way  
-I figured that I could find some way to use this space; the lower unit has just 1 bedroom

Mr. Neis:

-you knew this when you bought it; you knew it was a triplex  
-we do sympathize; the space is safe; habitable; it's just the zoning

Ms. Moermond:

-I can't change the BZA's decision  
-City Council Public Hearing is Nov 1, 2017

Deny the appeal.

**Referred to the City Council due back on 11/1/2017**

### 3:30 p.m. Hearings

#### Summary Abatement Orders

- 40     [RLH SAO 17-84](#)     Appeal of Justin Johnson to a Summary Abatement Order at 1167 MINNEHAHA AVENUE WEST.

**Sponsors:**     Stark

Justin Johnson, homesteader, appeared.

Supervisor Joe Yannarely:

-Inspector Martin issued 2 Summary Abatement Orders: 1) vehicles; and 2) construction debris (windows, tarp, wood) on Sep 21, 2017; compliance Sep 27 for both  
-the vehicle in question is a red 2-door car; license 495 CJP expired Jun 13, 2013; lacks current tabs, open to entry-unsecured, missing vital parts/dismantled, appeared undrivable & inoperative  
-1997 Mitsubishi Eclipse

Ms. Moermond:

-the appeal was only for the vehicle

Mr. Johnson:

-re: license plates/tabs - that is completely untrue; I have collector plates for the vehicle; they don't give them to you at the DMV; they mail them to you; they print off a

*piece of paper to put into your back window until the plates arrive in the mail; that piece of paper was in the back window; Ms. Martin failed to see it; I have pictures of it with me; it has been there since Jul 2017*

*Ms. Moermond:*

*-send that picture via email so that we can attach your photo to the record*

*-I would also like to see the photo now*

*Mr. Johnson:*

*-I leave my vehicle unlocked because it's a convertible; if they wanted to break into my car, they could cut the convertible top very easily; it would cost over \$2000 to replace the convertible top; I have nothing of value inside my car; I'd much rather have them open up the car door if they're looking to take something inside; does that make sense to you guys?*

*Ms. Moermond:*

*-it does but there's reasons other than that for the law being in place - people steal cars; not just what's inside*

*Mr. Johnson:*

*-either way, I'd much rather have them open up the car door; and they can't steal the car; the car is blocked in by a couple of my trucks; there's no possible way they could get the car off the property*

*-I just don't want my top cut into*

*Mr. Yannarely:*

*-does the car run? Is it drivable?*

*Mr. Johnson:*

*-yup; I have a video of it starting & running that I took this morning; he brought it over for Ms. Moermond & Mr. Yannarely to see*

*-the tires are not flat; that's just the way those tires are*

*Mr. Yannarely:*

*-did you have a conversation with Ms. Martin about this?*

*Mr. Johnson:*

*-I called her more than 20 times last week - had to leave a voice mail; called Steve Magner also about 20 times; no one returned my calls*

*-watched his video*

*Ms. Moermond:*

*-so the car is running*

*-I'm not thrilled about the open to entry & we didn't get to see it drive*

*Mr. Johnson:*

*-I'm not sure what else I have to do*

*Ms. Moermond:*

*-I saw the picture where the front bumper was off*

*Mr. Johnson:*

*-in order for me to get it in & out of my property, the front bumper has to come off*

*-I have "No trespassing" signs on my property; I'm not sure why, without a warrant, why*

*an inspector would be on our property*

*-I also was told that my neighbor has been complaining about the car, which I think is untrue because from where the car sits, it can't be seen by my neighbors*

*Ms. Moermond:*

*-the pictures look like they were taken from a distance*

*Mr. Yannarely:*

*-that might be why Ms. Martin didn't see the paperwork in the window*

*Mr. Johnson:*

*-I called Lisa Martin more than 20 times & left her more than 4 voice messages; I left Steve Magner about 20 calls & a handful of messages -.....*

*Ms. Moermond:*

*-since you had a hearing scheduled, they often will leave things to be discussed at the hearing*

*Mr. Johnson:*

*-the hearing wasn't scheduled until Fri; I wasn't aware of this until Fri am*

*-I didn't want to have to have a hearing; I wanted to set up a time for them to come.....*

*I didn't want to have to pay \$25 for a hearing; I also missed school, as well; this was not my choice; this was something they told me that I had to do otherwise, they would have towed my vehicle away*

*Ms. Moermond:*

*-I will Lay this Over for 1 week; you will need to demonstrate that this is a drivable vehicle*

*Mr. Yannarely:*

*-if you're around tomorrow; I'll come over & you can demonstrate for me*

*Mr. Johnson:*

*-I take my daughter to school around 8:30; so, any time after 8:30*

*Mr. Yannarely:*

*-I'll stop by around 9 am tomorrow*

*Ms. Moermond:*

*-I need to know that it's drivable; if it can't get out of 1st gear, I don't know that it's drivable*

*-keep it locked*

*Mr. Johnson:*

*-I've had the car locked since then*

*Ms. Moermond:*

*Inspection to occur to verify if the vehicle is drivable.*

*Supervisor Yannarely verified that the vehicle is drivable.*

**Laid Over to the Legislative Hearings due back on 10/10/2017**