



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final

Legislative Hearings

Marcia Moermond, Legislative Hearing Officer
Mai Vang, Hearing Coordinator
Jean Birkholz, Hearing Secretary
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651-266-8585

Tuesday, November 21, 2017

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Special Tax Assessments

- 1 [RLH TA 17-484](#) Ratifying the Appealed Special Tax Assessment for property at 616 CASE AVENUE. (File No. J1801A, Assessment No. 188500)
- Sponsors:** Bostrom
- Need to watch the VIDEO.*
- Ms. Moermond:*
-Mr. Phillip Black was here; we didn't know he was coming last time; so the Video wasn't here
-the original hearing was for Oct 3, 2017; he re-scheduled it to Nov 7
-TGW & also SA Order for garbage/rubbish
-Mr. Black said that he thought he took care of the TGW & the little bit of garbage that was there; he cleaned up a whole bunch of garbage on Jul 2, 2017 that was left from people moving out
-we looked at some photos of a ton of garbage
-we watched the Video of TGW; that assessment was approved
-our goal was to view the Video to see just how much garbage/rubbish was remaining of the clean up in the SA
- Supervisor Lisa Martin:*
-we have no VIDEO for Jun 26
- Ms. Moermond:*
-but we do have a photograph of was existing on Jun 26
- Ms. Moermond:*
-the garbage cleanup occurred on Jun 26
-I find it implausible that the photo taken Jun 26 is much different from the cleanup that would have happened on the same day; so, I will recommend approval of the assessment
- Approve the assessment.*
- Referred to the City Council due back on 1/3/2018**

2 RLH TA 17-517 Ratifying the Appealed Special Tax Assessment for property at 1047 BEECH STREET. (File No. J1802V, Assessment No. 188001)

Sponsors: Prince

Xiaoqiao Wei's (owner) wife appeared.

Supervisor Lisa Martin:

Cost: \$352

Service Charge: \$162

Total Assessment: \$514

Gold Card Returned by: XIAOQIAO WEI

Type of Order/Fee: VEHICLE ABATEMENT

Nuisance: FAILURE TO REMOVE ABANDONED VEHICLE

Date of Orders: 7-7-17

Compliance Date: 7-14-17

Re-Check Date: 7-14-17

Date Work Done: TOWED 7-24-17

Work Order #: 8209

Returned Mail?: NO

History of Orders on Property: 8-26-16 SA ON GARBAGE, 3-16-17 SA ON GARBAGE

Ms. Wei: the tenant said received a letter Jul 9; the car was parked by the garage door in the back alley; the tenants rarely go to that area; her husband always takes care of taking the garbage outside but he got sick; he had chemo therapy for several months during that time; so, she is quite burnt out; when she received the letter, she went out to look at the area to find the car but the car was gone; that car was not theirs; it was someone else's; the letter said the car needed to be removed by Jul 14; on Jul 15, they said, the car is back; at this time, I didn't assume that the car was abandoned; if it comes & goes, it's probably friendly parking by the neighbors; so, I had no idea about when the city came to tow the car; we had no control of when that car comes & goes; as far as I know, by Jul 14, the car was not there; it was gone; so.....

Ms. Martin: on Jul 14, there's a photograph of a vehicle missing a window & a tire; it doesn't appear to be drivable & it has expired tabs; it was not towed until Jul 24; she showed that photo to Ms. Wei

Ms. Wei: it doesn't belong to us or to the tenant

Ms. Moermond: but, it's on your property

Ms. Wei: yes; on Jul 15, I got the notice that the car came back; the garbage in Aug 2016 & Mar 2017 belonged to the neighbor; they dumped it; it was not my tenants; we have no control of the dumping; so sad

Ms. Moermond: did you let SPPD know that someone was parking there without permission?

Ms. Wei: I told the tenants to call the police; after Jul 15, I was in Taiwan with my son for 1 month; the tenants have no time to call SPPD & wait; they have work; I need to do that

Ms. Moermond: the police weren't called; there wasn't follow-up that the vehicle was there & it didn't belong to the tenants; if that's happening, the inspector needs to know

what's going on; so, reluctantly, if there are no problems from now until Oct 3, 2018, I will recommend the Council cut the assessment in half; if we do have future Orders on anything, I will recommend approval of all of it; the city shouldn't have to send a letter to make sure that trash & garbage is picked up on the property; you guys need to take care of that on your own

To continue public hearing to October 3, 2018 and if no same or similar, will reduce in half from \$514 to \$257.

Referred to the City Council due back on 1/17/2018

3 RLH TA 17-528 Ratifying the Appealed Special Tax Assessment for property at 1530 CHARLES AVENUE. (File No. J1802C, Assessment No. 182001)

Sponsors: Stark

Maxwell Holdhusen, owner, appeared.

Supervisor Joe Yannarely:

Cost: \$15,215.63

Service Charge: \$1123.08

Total Assessment: \$16,338.71

Gold Card Returned by: Maxwell Holdhusen

Type of Order/Fee: Demolition (ordered removed by City Council Oct 5, 2016)

Nuisance: removal of structures (fire on property)

Date of Demolition: June 1, 2017

PO #: 9926

Returned Mail?: No

Comments: Council resolution adopted on October 5, 2016 to remove w/in 15 days.

Ms. Moermond: attached to the record is the information on the demolition contract & invoices, etc. (the info was provided to the Appellant)

Mr. Holdhusen: during my closing with Coldwell Banker Burnet & Title One Company, I read through the agreement pretty thoroughly & had my real estate agent do the same & nothing really caught our eye; the cost of this demolition was not included; the title company actually said that the owners paid past due taxes & assessments; so, we assumed that everything was all paid; nothing was in the record; I checked the record fairly recently & I noticed that something was added on Aug 14, 2017; I was shocked by that

-a 2nd point: both Ramsey County Property Records & the City of Saint Paul had my previous address so I did not receive any notification about this hearing or any DSI complaints, etc; I called Ramsey County Property records in Oct, when I realized that the map had the wrong address - to get them to update that; they said that they'd update it; I checked again last week & it wasn't updated; so, I emailed them again

Ms. Moermond: perhaps, Coldwell Banker's attorney should take a look at your situation; it sounds as though you want to build on the parcel; is that your plan?

Mr. Holdhusen: yes; I'm from St. Paul & I bought the parcel for myself - to build my house on it (my goal is 2019)

Ms. Moermond: I seriously think that you are not responsible for this assessment but it goes with the property; if you run into a failure with Coldwell Banker Burnet & the title company, that it would be a private legal matter to go after them & the seller; I gave

*you a couple of names of the attorneys who represented the seller in this process;
some employers have employee assistance programs that could help with a few hours
of free legal work*

Approve & spread over 10 years.

Referred to the City Council due back on 1/17/2018

4 RLH TA 17-524 Ratifying the Appealed Special Tax Assessment for property at 675 EDMUND AVENUE. (File No. J1803A, Assessment No. 188502)

Sponsors: Thao

No one appeared.

Therese Griffith, Bedrock Real Estate Inc, wrote a letter o/b/o Justine D. Tucker.

Supervisor Lisa Martin:

Cost: \$216

Service Charge: \$162

Total Assessment: \$378

Gold Card Returned by: Therese Griffith called o/b/o Justine Tucker

Type of Order/Fee: Summary Abatement Order

Nuisance: overgrown vegetation and brush

Date of Orders: 07/24/17

Compliance Date: 07/31/17

Re-Check Date: 07/31/17

Date Work Done: 08/01/17

Work Order #: 17-065059

Returned Mail?: No

Comments: Owner may send in written statement for appeal

Photo of a trees in alley that would brush a car/truck as it passed

VIDEO - crew trimmed/removed tree branches stretching out over alley

Ms. Moermond: read statement from realtor asking that the assessment be decreased; the property had been neglected because the owner, Melisande Charles, was not living in her home; she was dying of cancer; she had fallen & was living in an assisted living facility; she died Sep 2, 2017; her mail was forwarded to her daughter, Justine, who was stressed out dealing with her mother's end of life issues & Rachel, the other daughter did not understand the Orders; the property will go on the market in Dec 2017

Approve the assessment.

Referred to the City Council due back on 1/17/2018

5 RLH TA 17-529 Ratifying the Appealed Special Tax Assessment for property at 1887 LACROSSE AVENUE. (File No. CRT1803, Assessment No. 188202)

Sponsors: Bostrom

Teng Yang, owner, appeared.

Fire Supervisor Leanna Shaff:

Cost: \$ 309

Service Charge: \$ 155
Total Assessment: \$ 466
Gold Card Returned by: Teng Yang, PO
Type of Order/Fee: FC of O, sfd
Nuisance: Unpaid FC of O fees
Date of Orders: Appointment letters: 03/01 and 03/20/2017, Correction letters: 04/07, 05/05, and 06/01/2017.
Compliance Date: Approved with corrections 07/03/2017
Billing Dates: 07/05 and 08/04/2017
Returned Mail?: No
Comments: All mail sent to Teng Yang, 1324 Wilson Ave., St. Paul, MN 55106; I spoke with Mr. Yang on the telephone a couple days ago; he informed me that he had received all the letters with the exception of the bills

Mr. Yang: I'm still waiting for the bill

Ms. Moermond: what you're saying isn't making sense to me or do we have a language difficulty?

Mr. Yang: I will pay the bill but they came into my house 3 times..... ?

Ms. Moermond: I have 2 bills in front of me; it looks like they gave you your Fire C or O on Jul 3 and they mailed the first bill out on Jul 5; then, because you didn't pay the first one, they mailed another bill on Aug 4

Mr. Yang: I'm still waiting for the Certificate

Ms. Moermond: well, you got your Certificate; you did have to pay for an extra inspection; normally, the charge is \$206 - because they had to make another appointment, they are charging you an extra \$103

Ms. Shaff: when the entire bill is paid, you will receive your Certificate

Ms. Moermond: will recommend approval

Approve the assessment.

Referred to the City Council due back on 1/17/2018

6 [RLH TA 17-500](#)

Ratifying the Appealed Special Tax Assessment for property at 890 MARGARET STREET. (File No. J1803A, Assessment No. 188502)

Sponsors: Prince

Mary Kou Vang, owner, appeared.

Supervisor Joe Yannarely:
Cost: \$160
Service Charge: \$162
Total Assessment: \$322
Gold Card Returned by: MAY KOU VANG
Type of Order/Fee: GRASS ORDER
Nuisance: FAILURE TO CUT GRASS
Date of Orders: 8-2-17
Compliance Date: 8-6-17

Re-Check Date: 8-9-17

Date Work Done: 8-10-17

Work Order #: 17-067937

Returned Mail?: NO

History of Orders on Property: 5-5-17 ORDERS ON BRUSH AND TRASH ON BLVD

-there's No VIDEO; we didn't know you were coming; we have a photograph

Ms. Vang: I was out of town when the letter was sent out; I have a lease agreement (has copy) with my tenant; he is responsible for taking care of the lawn & the snow; I thought he had taken care of it; in Nov, I received this assessment

Ms. Moermond: the lawn looks like it was growing for a very long time (showed her on Joe's laptop); no one's been maintaining the yard; you got a letter in the mail to take care of it & you didn't; there was a week between when the letter was mailed & when the crew did it; it's over a foot tall in the photo

Ms. Vang: if I had been home that week, I would have taken care of it

Ms. Moermond: do you go by there at all?

Ms. Vang: every 2 months or so, I drive by

Ms. Moermond: that's just terrible; this is your property; you're responsible for managing it & you don't know that the lawn hasn't been mowed; the city sent the letter; you happened to be out of town; you have a private arrangement with your tenant; will recommend approval

11/7/17: approve; no show.

11/21/17: approve the assessment.

Referred to the City Council due back on 1/17/2018

- 7 [RLH TA 17-530](#) Deleting the Appealed Special Tax Assessment for property at 873 MARION STREET. (File No. J1803A, Assessment No. 188502)

Sponsors: Thao

Delete the assessment; no summary orders were ever sent.

Referred to the City Council due back on 1/17/2018

- 8 [RLH TA 17-523](#) Ratifying the Appealed Special Tax Assessment for property at 1630 MARION STREET. (File No. J1802V, Assessment No. 188001)

Sponsors: Brendmoen

Approve; no show.

Referred to the City Council due back on 1/17/2018

- 9 [RLH TA 17-522](#) Ratifying the Appealed Special Tax Assessment for property at 1572 MINNEHAHA AVENUE EAST. (File No. J1802V, Assessment No. 188001)

Sponsors: Prince

Abraham Escobar, tenant, appeared; Miriam Escobar, his sister-in-law, interpreted in Spanish

Supervisor Lisa Martin:

Cost: \$242

Service Charge: \$162

Total Assessment: \$404

Gold Card Returned by: TROY OLSON

Type of Order/Fee: VEHICLE ABATEMENT

Nuisance: FAILURE TO TAKE CARE OF ABANDONED VEHICLE

Date of Orders: 6-23-17

Compliance Date: 7-10-17

Re-Check Date: 7-10-17 EC SENT THEN RECHECKED 7-21-17 STILL HERE AND TOW SENT

Date Work Done: 7-23-17

Work Order #: 8213

Returned Mail?: NO

Comments: POLICE COST \$542, SOLD FOR \$300, POLICE COST \$242 ADMIN COST \$162 IS \$404

Ms. Moermond: summarized

Ms. Escobar: he lives at 1572 Minnehaha Ave E; owner of house is Superior Classic Inc; owner didn't tell him about this; he just sent letter that says he needs to pay \$122; he wrote a check for \$122

Ms. Moermond: the owner of the house is Troy Olson; a letter went out to Troy Olson, Superior Classic Inc, 474 West Minnehaha Ave; one also went to Occupant, 1572 Minnehaha Ave East

Mr. Escobar: it was my car under my dad's name

Ms. Moermond: the property owner is responsible for maintaining the property & this sounds like a communication problem between the owner, Mr. Olson, & Mr. Escobar; the city attempted to send a letter directly to Mr. Escobar as the Occupant of 1572 Minnehaha Ave East but the city told Mr. Olson the work needed to be done; but he didn't make sure that it did get done; he didn't communicate adequately with his tenant

Ms. Escobar: maybe it's about the language; sometimes, it's hard to communicate even when they pay the rent

Ms. Moermond: the city gave proper Notice & gave enough time to get it done; the breakdown was in the communication between Mr. Olson & Mr. Escobar; there's a definite language issue but Mr. Olson is ultimately responsible

Ms. Escobar: the owner is supposed to be here; he told us he would be here

Ms. Moermond: we can wait for a while to see if Mr. Olson comes but the way it looks right now is that I would recommend that the Council approve the assessment because the problem is on the landlord's end; the owner will get a bill at the end of Jan-early Feb 2018; I can divided over 5 years

Approve & spread over 5 years.

Referred to the City Council due back on 1/17/2018

- 10 [RLH TA 17-525](#) Deleting the Appealed Special Tax Assessment for property at 534 SELBY AVENUE. (File No. J1803B, Assessment No. 188102)
- Delete the assessment; property owner stated they are being billed twice for same event (there was a previous event billed). Police report with referenced case number does not correspond with billing.*

Referred to the City Council due back on 1/17/2018

- 11 [RLH TA 17-531](#) Ratifying the Appealed Special Tax Assessment for property at 694 SHERBURNE AVENUE. (File No. J1803B, Assessment No. 188102)

Sponsors: Thao

Approve; no show.

Referred to the City Council due back on 1/17/2018

- 12 [RLH TA 17-532](#) Ratifying the Appealed Special Tax Assessment for property at 1001 THOMAS AVENUE. (File No. J1803B, Assessment No. 188102)

Sponsors: Thao

Joe Schaak, Left Bank Property LLC, owner, appeared.

Supervisor Joe Yannarely:

Cost: \$470

Service Charge: \$162

Total Assessment: \$632

Gold Card Returned by: Left Bank Property LLC

Type of Order/Fee: Boarding Up

Nuisance: Boarding (called in by St. Paul Fire Dept responding to a gas leak)

Date of Orders: NA

Compliance Date: NA

Re-Check Date: NA

Date Work Done: 08/29/17

Work Order #: Inv # 56197

Returned Mail?: No

Comments: Emergency boarding due to gas leak. This is a Category 2 Vacant Building; code compliance inspection done Apr 3, 2017; several permits have been pulled

Ms. Moermond: someone broke in & stole the copper; gas filled the house; there was an emergency response to get into the house quickly

Mr. Schaak: I bought the Cat 2 VB to rehab; it's the 3rd I've done this year; my HVAC guys had just installed the new boilers & run all the copper, etc; I'm assuming that whoever broke in was watching that happen because it was just a day or 2 after they finished, that the vandalism occurred; they took the copper (\$150-\$200 worth of copper); luckily the electricity was off; there was no source of power -I happened to come by that afternoon & found out from the neighbors... I hadn't heard from the police yet; they explained the situation; I called SPPD back out to make sure I filed a report

-I'm asking for a reduction or elimination of some type; there was no negligence or intent on my part

*Ms. Moermond: you are clearly a crime victim
-the city got the bill from the boarding contractor to cover the costs of securing the building; this is probably below your deductible but this cost is an individual property responsibility rather than a city wide responsibility; the Council could look at this differently; they could shave down part of it*

Approve the assessment.

Referred to the City Council due back on 1/17/2018

13 [RLH TA 17-526](#)

Deleting the Appealed Special Tax Assessment for property at 329 WHEELLOCK PARKWAY EAST. (File No. VB1802, Assessment No. 188801)

Sponsors: Brendmoen

Delete; Owner was in the program for one month during 2017. Category 2 opened July 2, 2014 and owner received code compliance letter on August 11, 2017.

Referred to the City Council due back on 1/17/2018

14 RLH TA 17-535

Ratifying the Appealed Special Tax Assessment for property at 970 WOODBRIDGE STREET. (File No. J1801C, Assessment No. 182000)

Sponsors: Brendmoen

Nay Lin, owner, appeared.

Supervisor Joe Yannarely:

Cost: \$36,694.00

Service Charge: \$162.90

Total Assessment: \$36,856.90

Gold Card Returned by: NAY LIN

Type of Order/Fee: DEMOLITION COSTS ASSOCIATED WITH AN EMERGENCY SUMMARY ABATEMENT NOTICE RESULTING FROM FIRE DAMAGE.

Nuisance: DWELLING IN IMMINENT DANGER OF COLLAPSE AS THE RESULT OF FIRE DAMAGE

Date of Orders: EMERGENCY SUMMARY ABATEMENT ORDER ISSUED JANUARY 26, 2017

Compliance Date: Immediate

Date Work Done: COMMENCED JANUARY 26, 2017

Mr. Lin: I bought the house in May 17; they didn't tell me anything about this; I had a realtor in the transaction; (Remax); he told me nothing about this; I paid \$8000 for this land; this isn't fair; they didn't tell me; I looked online & there was nothing about this

Ms. Moermond: you are not the only case like this today; the fire happened in Jan 2017; it's a big fire & requires an immediate demolition of the property; it's that bad; when there's an immediate demolition & it's an emergency situation, as this was, the assessment is going to be higher; if 970 Woodbridge had been demolished in a planful way, the contractors would have been able to separate out the hazardous materials like asbestos bathroom tiles, etc; and the demolition cost would be between \$12,000 -

\$15,000; in a big fire like this, there's no way to separate what's hazardous from what isn't hazardous, so they have to landfill all of it in a more expensive way, assuming that it's contaminated

-first your realtor needs to go to his broker; a broker should be involved; the attorney for Remax could come in on your side; you should be talking to the title insurance people; we can give you all kinds of information/documents, and we will; at the end of the day, it's the responsibility of the seller to disclose to the buyer all Orders & pending costs including this demolition

-you bought a parcel for \$8000 which is worth \$8000; you just didn't know that there was this big assessment on it

Mr. Lin: if I had know that, I wouldn't have bought it

Ms. Moermond: Mr. Yannarely, could you pull together some information for Mr. Lin? We can give him my packet if Mai agrees to reprint the materials that we had prepared for today; you will have some time to sort this out; this is in front of the City Council on Jan 17, 2018 & I will recommend that it be approved; the first bill would come out late Jan - early Feb 2018; if it goes unpaid, it will roll onto the 2019 taxes, which gives you time to work this out; that previous property owner should have told you about this; that Emergency Order should have been disclosed to you (estimate \$35,000); the assessment attaches to the property, not to a person; they violated the law & you will have to pursue it as a private party (realtor, broker, title company, private attorney); the city won't litigate that for you

-Mr. Yannarely's # 651/266-1920 - he's in the office at 6:30 am; he is a Supervisor in the Vacant Building Program; Joe, get the Fire Report for him; I will attach it to the record, too

-I will send this forward just as one bill at \$36,000, thinking that breaking it into payments isn't going to be sensible in your situation; if you think that brealing it down into annual payments would be sensible & something that you're looking for, let me know

Approve the assessment.

Referred to the City Council due back on 1/17/2018

Special Tax Assessments-ROLLS

- 15 RLH AR 17-95** Ratifying the assessments for Collection of Fire Certificate of Occupancy fees billed during June 8 to July 8, 2017. (File No. CRT1803, Assessment No. 188202)

Sponsors: Stark

Referred to the City Council due back on 1/17/2018

- 16 RLH AR 17-96** Ratifying the assessments for Towing of Abandoned Vehicle services during May to June 2017. (File No. J1802V, Assessment No. 188801)

Sponsors: Stark

Referred to the City Council due back on 1/17/2018

- 17 RLH AR 17-97** Ratifying the assessments for Demolition services from May 2017. (File No. J1801C, Assessment No. 182000)

Sponsors: Stark

Referred to the City Council due back on 1/17/2018

- 18 RLH AR 17-98** Ratifying the assessments for Demolition services from May to July 2017. (File No. J1802C, Assessment No. 182001)

Sponsors: Stark

Referred to the City Council due back on 1/17/2018

- 19 RLH AR 17-99** Ratifying the assessments for Boarding and/or Securing services during August 2017. (File No. J1803B, Assessment No. 188102)

Sponsors: Stark

Referred to the City Council due back on 1/17/2018

11:00 a.m. Hearings

Summary Abatement Orders

- 20 [RLH SAO 17-98](#)** Appeal of Xao Yang to a Summary Abatement Order at 685 GERANIUM AVENUE EAST.

Sponsors: Bostrom

Withdrawn by owner.

Withdrawn

Correction Orders

- 21 [RLH CO 17-44](#)** Appeal of Sue Hang to a Correction Notice at 1805 COTTAGE AVENUE EAST.

Sponsors: Bostrom

Deny the appeal; no show.

Referred to the City Council due back on 12/6/2017

- 22 [RLH FCO 17-212](#)** Appeal of Kong Sue Xiong to a Correction Order at 1325 REANEY AVENUE.

Sponsors: Prince

Kong Sue Xiong, owner, appeared.

Supervisor Leanna Shaff:

-on Oct 5, 2017, we received a referral for a shed not painted with no proper roof & not 4 feet from the property line; Inspector Smith went out & wrote Orders for the exterior: move shed from at least 3 feet from the property line into the back yard or remove the

shed; photos in file

-on Oct 26, Inspector Smith wrote that the shed was painted & a roof was installed onto the shed; the shed was moved to the back yard but was still on the fence line

Ms. Moermond:

-asked Mai Vang to bring up the aerial map

-on the original photo, it is not abutting the garage; in the 2nd photo, it's on the other side of the tree from the garage

Mr. Xiong:

-I permitted my tenant to build a 3 x 5 shed because she needed proper storage; she asked me to cut a 100 yr old tree; I did & planted another tree; the neighbor said that the shed was in violation so, I should move it; so, I moved it to a new location, the back yard; I measured the same distance as the garage is to the property line; if the city wants me to move my shed; then the neighbor should have to move his garage first; inspector said that the law only applied to me; I brought the photo to prove to you; the inspector took the photo from a different angle

Ms. Moermond:

-a properly marker is the only true way to know where the property line is

-asked Mr. Xiong to email his photo to her office

-you are assuming that the fence is on the property line

-this seems to be a very mobile shed

Ms. Shaff:

-the pictures are dated Nov 17; I was actually out there Nov 16

Ms. Moermond:

-has the shed been moved since last Fri?

-from where did the inspector measure?

Mr. Xiong:

-no; nothing was moved

Ms. Moermond:

-when you look at the photos now, Ms. Shaff, would you consider the shed to be in compliance?

-I'm wondering what the line is

Ms. Shaff:

-I don't know from where the inspector measured; we don't know where the line is; we don't determine where the line is

Ms. Moermond:

-aerial & plat lines - it looks like the edge of the neighbor's garage roof is almost exactly on the property line; it's probably the best representation we have without a survey

-so, your shed needs to be located 4 feet from the edge of the neighbor's garage; to me, it looks like you don't have a problem; it looks like your shed is 4 feet from that roof

*Grant the appeal as the shed is 4 ft from the roof edge of the neighbor's garage.
(Inspector to confirm.)*

Referred to the City Council due back on 12/6/2017

23 [RLH CO 17-43](#) Appeal of Mark Nalipinski to a Correction Notice at 408 VIEW STREET.

Sponsors: Brendmoen

Mark Nalipinski, owner, appeared.

Supervisor Lisa Martin:

*-tent structure: Nov 2, 2017, a Correction Notice was issued; a tent is not approved as an accessory structure & must be removed by Nov 17, 2017 or file an appeal
-I'm not sure if Ms. Vang received the photo that I tried to send; I have it on my phone*

Ms. Moermond:

*-I don't have the photo in the record; let's see your phone; email that in
-we have a tent on supporting poles*

Mr. Nalipinski:

*-I'm here because I'm trying to protect an investment; in the picture you can see that I just bought a 2017 Ford Escape; if I can, I would like to come to some type of resolution to protect my investment on my property
-they say that's not an accepted structure; I can see that it's a temporary structure; I would like to know if there's anything that I can do to protect my investment on my property, that's why I had a driveway put in many years ago; the City argued with me & said that I couldn't do it; I threatened a law suit & it didn't take long until the city came back & said, "Yes; you can do that"*

Ms. Moermond:

*-I can help you a little bit; I can't help you a lot
-the rule is that temporary structures can remain for 6 months; it was identified & Orders were written by city staff on Nov 2, 2017 & I can give you 6 months from Nov 2 & then, you'll need to remove it; beyond 6 months, I don't have any authority*

Mr. Nalipinski:

-I disagree that it's a tent; it's a canopy

Ms. Moermond:

*-it falls under the same definition
-there's permanent structures, which are covered under the Building Code; then, there's temporary structures, under which this falls
-after you take down the canopy, you will need a building permit to put up any structure that will hold a vehicle; go to the Dept. of Safety & Inspections (DSI) & talk to them about about what you plan to do; they will need to see your specific plans; they can give you advice about what would & what wouldn't be acceptable in that area
-for this, I will give you to May 2, 2018*

Grant to May 2, 2018 to remove the tent structure.

Referred to the City Council due back on 12/6/2017

11:30 a.m. Hearings

Orders To Vacate, Condemnations and Revocations

24 [RLH VO 17-50](#)

Appeal of Aaron Livingston to a Notice of Condemnation as Unfit for Human Habitation and Order to Vacate plus Summary Abatement Order at 1124 MATILDA STREET. (Public hearing continued from December 6)

Sponsors: Brendmoen

Danielle Sobaski, owner, appeared.

Ms. Moermond: Since we last spoke, when there was physical things going on, the house was full of things and dirty; I understand there's been a water shut off?

Supervisor Lisa Martin: Yes, it's been shut off. Do we have a mailing address for you?

Ms. Sobaski: I don't have one. I've been staying at my uncle's in north branch.

Ms. Martin: We've been trying to reach her since she's the owner of the home. This is the first time she's appeared to have interest in the property. She met with Aaron Livingston yesterday, won't make decisions without wife Danielle being there. Some issues there. Water shut off yesterday, fridge in back yard, 3 vehicles in back and 2 of them were filled with scrap. So, I tried to talk to him to explain we needed to have verification on what's been done; wasn't comfortable allowing me access to the home. There's really been nothing more we can do. House calls has been trying to assist.

Erica with Ramsey county House Calls: He's reached out to me several times; he has a deep fear of Danielle and that is what has stopped him from receiving help. It sounds like he wants the help, but said he can't make decisions w/o Danielle. I started reaching out to her October 30th from the number he gave me. He needs a lot of services. He won't let me into property, he speaks with me outside.

Ms. Sobaski: I can't get access, he changed the locks. I even bought carbon monoxide smoke detectors and didn't get to install them, he pushed me back out the door.

Ms. Moermond: There's mutual fear here.

Ms. Sobaski: I'm generally not afraid of him until—he says he can do it and it escalates and yelling. He won't let me do anything. I tried to bring him here, I stopped by the house.

Ms. Martin: there are other issues in the home, lots of other people staying there. The only income in the home happens to be Aaron's income (SSI/disability). There was 5 people named living there, as of yesterday there were 3 vehicles along with vehicles in the front. Again, we weren't allowed access. My understanding is that Ms. Sobaski served some legal paperwork on Mr. Livingston recently. I referred him to Southern Metro Legal Services (SMRLS) and talked with Mr. Jerry Kalusny. I encouraged Mr. Livingston to fill out the paperwork.

Erica, RCHC: He called me about the water being shut off, xcel will be shut off soon too. Trying to give him resources to assist with that.

Ms. Sobaski: You can call him every day, and he may not remember. I can't get access into my own property, we have to get the stuff removed. He won't let me help.

Ms. Martin: we offered dumpsters

Ms. Sobaski: Yeah, because I don't trust him to throw my stuff away.

Ms. Martin: At last hearing we asked to see your work plan, where is that?

Ms. Sobaski: He said DSI was at the house and said there was no hearing. So the work plan, there were certain items I needed more time on, like eaves and soffits and ceiling. I need access. The exterior garage door cause its winter. I called K&J flooring for bids, there were some items that I left for Aaron to get more clarification. What combustibles exactly are, the electricity and the extension cords "temporary lighting", the furnace works so I don't know what that issue is, and plumbing is operational besides water being shut off. I left them with him, ask DSI for clarification.

Ms. Moermond: If you're not allowing access to the house then how would they be able to provide that direction.

Ms. Sobaski: I'm not not allowing access.

Ms. Moermond: The house obviously can't be painted right now, but there's a huge list of indoor corrections, and I'm not seeing an end game. He's not competent to manage it, not allowing access. You're not exercising your legal rights. I'm not seeing steps being taken to get this addressed. It is lingering and I have an unsafe house. If things have improved there's no way to know because there hasn't been access.

Ms. Sobaski: I don't know what to do. Never called police to come with.

Erica, RCHC: gives advice on process with police.

Ms. Moermond: This is not a one off where the police can stay with you to do these fixes. This is the third time I've had this in front of me, trying to see if something can be put in place and I have real low confidence in the situation. The inspectors said they thought a 10 day vacate order was appropriate given conditions.

Ms. Martin: since last hearing, you told her to reach out to me, which hasn't happened and quite frankly financially I don't think she is able.

Ms. Sobaski: There are small items. It's a matter of access.

Ms. Moermond: I have no evidence of work plan or financing to do the work. This is an unsafe house that needs to be vacated. Recommend Nov 27th Vacate date, with Dec 5th council hearing. I think this is an emergency situation, since we don't know what's going on inside. If you have a plan bring it to the City Council and tell them, and I would recommend that it go into Vacant building program and be repaired properly. I haven't seen you step up to the plate to manage it properly. Legislative hearing update on Tuesday December 28th.

Amending extension from December 11 to November 28, 2017 to have the property vacated based on lack of access to the building.

Referred to the City Council due back on 12/6/2017

Occupancy and Order to Vacate at 1150 BURR STREET (and 1152 BURR STREET).

Sponsors: Brendmoen

Jorge Lopez, appellant and renter, Carolyn Brown, Advocate with Community Stabilization Project, appeared.

Ms. Moermond: This isn't the first time I've heard an appeal on this property, I previously heard one from Mr. Stein in July about a basement bedroom. At that point in time it was a matter of the furnace and water heater being in the exit.

Supervisor Leanna Shaff: Council ratified to either vacate the bedrooms, or figure out something. You also said that it needed to be done by Nov 1 for compliance. We're here today because there is not compliance on all the other orders for the basement. When inspector Schmidt went back to the house, the basement bedrooms weren't vacated, and came back later same day. That was abated. Come November 1st, technically everything should be done, but it's not. Also, Mr. Stein the property owner, has a contractor without a permit, have the wall taken apart from a bedroom downstairs.

Ms. Moermond: So this opens it up completely to the furnace area?

Ms. Shaff: yeah, he opens it up, there was work in the wall between the bedrooms and the utility area. Enlarging area for both units, permits had not been opened. We still have vent fans, floors carpeting, damaged flooring, garage ceiling that's supposed to be occupancy separation. He didn't get it done, he then hired a contractor that doesn't have a permit and didn't complete the work. Mr. Lopez wasn't informed of any of this. I spoke with him about enforcement action against Mr. Stein.

Ms. Moermond: We need to get the place fixed, or we need to get you out and into someplace else, and we want to do that in a least disruptive way. Fixed means landlord does it or another means (court action). No matter what, no one can sleep in the basement. This applies to both units.

Mr. Lopez: My plan is to find a new place and move out, this has been psychologically damaging to my wife and daughters. Has been almost 5 months, Stein wouldn't tell me anything, just shows up on date of inspection. I've lived there for 8.5 years, I've seen tenants come in and somehow city got notice of this. I had junk in backyard, the min Mr. Stein pointed it out I cleared it all out. I work in construction, so I'll have leftover materials I can reuse. I come home from work a week ago we find the notice on the door about property being vacated. Little by little most of the fixes in our unit I've done myself, but he wouldn't give me the whole list of what was needed. Inspector Schmidt got upset about work in bedroom basement. The neighbors threw away their bed and wouldn't let him go in. I was complying.

Ms. Moermond: 1152 is the legal address.

Ms. Moermond: I'm hearing you want to move out, what kind of time do you need to be able to do that?

Mr. Lopez: it isn't easy, especially in the middle of the month. Everything is rented a couple months in advance. It's difficult for us at this time.

Ms. Moermond: Ms. Brown, what's out there for resources?

Ms. Brown: Told him to put money in escrow to make repairs. DSI Money for each party to complete repairs. Both tenants should continue to pay their rent.

Ms. Shaff: the other issue is, there are some things you can't do, and they need licensed contractors.

Ms. Moermond: One thing is for sure, if there's an order to vacate, state law provides you don't have to pay rent, that gives you money to use for 1st months' rent. That is important. This order was written Nov 8th, I don't know if it will be prorated for one week of the month. I would have loved if Mr. Stein said that he doesn't have the money, but he hasn't done that and I don't know that the prognosis is good.

Mr. Lopez: He's stubborn and negligent. I used to take care of that, that's why my unit is better than next door. We never received no income from it at all. We got \$100 month deduction in rent. The repairs were higher than this.

Ms. Moermond: If SMRLS wants to go ahead with the tenant remedy action to undertake the repair there is time for them to do that. I will put a vacate date to Jan 1, 2018 so you have time and money for new rent for a deposit on a new place. If the court comes in and repairs get done, you can't continue to be there; but if that doesn't happen you need to be out by Jan 1st. Choose a plan after consulting with CSP and SMRLS, and plan accordingly. Dec 11th for other unit, so they have time to talk to Council if they want to.

Grant to January 1, 2018 for the unit at 1150 Burr to vacate; grant to December 11, 2017 for the other unit at 1152 to vacate.

Referred to the City Council due back on 12/6/2017

26 [RLH VO 17-56](#)

Appeal of Anna Hofschulte to a Condemnation as Unfit for Human Habitation and Order to Vacate at 1251 BARCLAY STREET.

Sponsors: Bostrom

Anna M. Hofschulte, owner, appeared; Emily Thorsen, The House Calls Program, also appeared.

Supervisor Lisa Martin:

-Nov 14, 2017, we issued a Notice of Condemnation/Order to Vacate

-the #1 issue is a fire hazard; there's unsanitary conditions & 5 other items that need to be addressed; photos in the file

-House Calls was contacted to work with the owner; inspector has not been back inside the house but, I believe that Ms. Thorsen would be able to let us know the status of the interior; the owner is hoping to get back in, so there's been a lot of corrections made

Ms. Hofschulte:

*-we've got the basement totally cleaned out; my daughter-in-law & my grandchildren have been helping me; I haven't allowed anyone in my home for a couple of years because I didn't want to impose on anyone to help me but now, I have no choice & I realize that not only should you help people, you should also let people help you
-I'd like to go home because of my health; if you put me in a shelter, exposing me to*

all sorts of things, I have no antibodies to fight that stuff off
-I was staying in a hotel until yesterday; I don't want to impose on my daughter-in-law; I spent last night there; she's been trying to help me the best she can; I won't really have anywhere to go; I helped 2 friends get into Assisted Living; my other friend is in a Nursing Home; so, I really don't have anywhere to go
-I plan to go back home; the basement is now sanitary; this week, we'll be working on the kitchen; the living room is pretty cleared out; I need to re-arrange my bedroom; I have one cat
-the people whom I helped disrespected me so they can no longer stay there; my grandson comes just to visit but he can't bring any of his friends there
-I just want to be able to go home; I have a lot of people waiting to help me
-I'm applying for an emergency loan so that I can these things done; everything's moving in the right direction
-I'm asking to be able to go home

Ms. Moermond:

-was an inspector there yesterday? Were you there yesterday? Do we have up-to-date information?

Ms. Thorsen:

-I don't have up-to-date information regarding the interior condition of the house at this point
-we've filled one dumpster for her

Ms. Hofschulte:

-I never really was what you'd call a "hoarder;" things just got cluttered up; I've been trying to get rid of stuff; I have no problem throwing anything away; I just want to keep what I need
-this is a 1-story home
-my grandson will take out extra furniture from my bedroom tonight & set up the bed that was given to me; I will be throwing away my old furniture in the living room; I have a new love seat, chair & desk

Ms. Moermond:

-do you think you have enough stuff to fill a 2nd 40-yard dumpster?

Ms. Hofschulte:

-I don't think so; maybe half that amount
-Safe Haven will come out to put up new smoke detectors & CO alarms
-I have someone to replace 2 light fixtures in the basement

Ms. Moermond:

-when I look at your situation, the things that I'm listening for are for those smoke/CO detectors to be there

Fire Supervisor Leanna Shaff:

-explained where to install those alarms & how to get out of the house without fighting the fire on your own; the most important thing is that you get out of the house
-talked about the stove top fire stop-held up by magnets

Ms. Moermond:

-I'd like to get you back in the house as soon as possible; my requirements are these:
-get those detectors installed; clear pathways--should be 4 feet wide; complete a Work Plan to get everything else done on a longer term basis

-I'm not comfortable letting you back in there to sleep if we can't get you out in case of an emergency

Ms. Hofschulte:

-my living room is completely clear; my bedroom can be done in a couple of days; there's a clear path to the back door

Ms. Moermond:

-I'd like to get an inspector take a look in a day or two; this order was written by Inspector Suon

Ms. Martin:

-I can have someone over there tomorrow

-suggested that Ms. Hofschulte go right from here to the Fire Headquarters on Randolph, fill out the form for Project Safety & try to get it scheduled right away; Emily can call me to let me know that you've done that

Ms. Moermond:

-when you go down there today, tell them that getting this taken care of & getting clear pathways is what's keeping you from being able to move back in because you've got a Condemnation/Order to Vacate on your house; that will move you to the top of their list; they can also advise you on any other questions you may have

Ms. Hofschulte:

-I can stay at my friend's over night tonight

Ms. Martin:

-we'll be back at your house tomorrow

Ms. Moermond:

-get your family to move that furniture out

-get the Fire Dept over there ASAP

-if the inspector says you can move back in tomorrow, they'll take away the Condemnation/Order to Vacate & they'll give you a fresh list in the form of a Correction Order

-tomorrow, I want to see clear pathways; installed smoke/CO alarms

-City Council Public Hearing is Dec 6, 2017

-we will follow-up with a staff report next Tue, Nov 28 LH

Grant the appeal to re-occupy the property as there are proper working smoke detectors, carbon monoxide alarms and clear egress pathways of at least 4 ft wide through the hallways and bedrooms to doors and windows. Inspector will re-issue a Correction Notice to address the remaining items and owner needs to provide a work plan with timelines to address those deficiencies.

Laid Over to the Legislative Hearings due back on 11/28/2017

1:30 p.m. Hearings

Fire Certificates of Occupancy

27 [RLH FCO](#)
[17-227](#)

Appeal of Robert Leibman to a Fire Inspection Correction Notice at 1679 TAYLOR AVENUE.

Sponsors: Stark

Robert Leibman appeared.

Fire Supervisor A.J. Neis:

-Fire Certificate of Occupancy Correction Notice

-this is a Class B bldg with minimum code violations; very well maintained property
-appealed: bedroom egress exits onto an enclosed porch; the code is clear that emergency escape window must exit directly outside; you can see the reason why this appeal has been filed

-based on the photographs, I think this house may have been configured this way for a long time but not built this way; the room that is now a bedroom may originally have been a living/dining room & the porch was open instead of enclosed (slopes)

-photos not very good but Mr. Leibman has excellent photos

-house was inspected previously as a triplex

Mr. Leibman:

-distributed his photo pack to Ms. Moermond & Mr. Neis; entered his diagram with dimensions

-the large L-shaped porch is enclosed with glass/screen windows; there's 2 doors

-there are 3 windows in the bedroom; 2 windows face south (front); 1 window in wrap-around

-Photo #1: overview; each of the 3 floors has it's own separate address

-Photo #2: shows porch area & 2 of the 3 bedroom windows that open to the porch; front door

-Photo #3: same thing from a different angle

-Photo #4: 2 storm doors leading to the street (front of porch)

-Photo #5: in L-shaped area of porch (3rd window & brown door that leads to a little lobby area & to a back hall, which also leads to a side entrance)

-there are multiple ways of getting out of the building

-Photo #6: a view from that door going south

-Photo #7: side entry door that gives tenants multiple exits

-it's my position that, while the code may say that the windows should open to the outside, this is virtually like opening to the outside; it is not opening to an interior area, which I think the code was meant to prohibit; I don't think that the code was meant to prohibit something like this; it is better to exit onto a porch than to have to drop down from a window opening directly to the outside; it's free & open access; lots of light; porch is spacious: 7 feet wide in front; 5 feet wide in wrap-around; lots of windows; lots of doors; it's not a fire hazard; asking that item #1 be waived

Mr. Neis:

-if a fire started on the front porch, how would tenants get out of that bedroom/apartment safely?

Mr. Leibman:

-each apartment has 2 ways to get in/get out; in this case, they could go out the back
- they would go thru the kitchen, thru the lobby hallway (vestibule), out that side door

Mr. Neis:

-which door do the tenants use as their primary entry door? (kitchen or front porch)

Mr. Leibman:

-if they park in back, they use the side door shown on page 7
-if they come in from the street, they come in thru the front porch, photo #1
-we are in full compliance with smoke/CO alarms; they are not inside the bedrooms

Ms. Moermond:

-after some serious thought..... will grant appeal

Grant the appeal as there are two separate and remote means of egress from the bedroom.

Referred to the City Council due back on 12/20/2017

2:30 p.m. Hearings

Vacant Building Registrations (NONE)