



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final

Legislative Hearings

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

Tuesday, January 9, 2018

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Special Tax Assessments

- 1 [RLH TA 18-9](#) Deleting the Appealed Special Tax Assessment for property at 1162 ARUNDEL STREET. (File No. VB1802, Assessment No. 178801)

Sponsors: Brendmoen

Delete the assessment.

Opened Cat 2 vacant building on 7/21/15. Code compliance approval letter on 8/30/17. 1 month into the program for this year cycle.

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

- 2 [RLH TA 18-8](#) Ratifying the Appealed Special Tax Assessment for property at 1251 BARCLAY STREET. (File No. 1801T, Assessment No. 189000)

Sponsors: Bostrom

Anna M. Hofschulte, owner, appeared.

Karl Mueller, Forestry:

Cost: \$2,617.00

Service Charge: \$156.18

Total Assessment: \$2,773.18

Gold Card Returned by: Anna Hofschulte

Type of Order/Fee: Notice

Nuisance: Dangerous Tree

Date of Orders: June 23, 2017

Compliance Date: July 10, 2017

Re-Check Date: July 10, 2017

Date Work Done: July 24, 2017

Work Order #: Contract #17-1130

Returned Mail?: No

-I spoke with Anna about the tree & she wanted our contractor to do it

Ms. Hofschulte: I would like to have payments; something reasonable

Ms. Moermond: I can divide it over 10 years

Approve and payable over 10 years.

Referred to the City Council due back on 2/28/2018

- 3 **RLH TA 18-14** Ratifying the Appealed Special Tax Assessment for property at 925 COOK AVENUE EAST. (File No. J1801B, Assessment No. 188100)

Sponsors: Bostrom

Rescheduled per owner's request.

Laid Over to the Legislative Hearings due back on 1/23/2018

- 4 [RLH TA 18-15](#) Ratifying the Appealed Special Tax Assessment for property at 940 EDGERTON STREET. (File No. J1803G, Assessment No. 188702)

Sponsors: Bostrom

Approve; no show.

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

- 5 [RLH TA 18-16](#) Ratifying the Appealed Special Tax Assessment for property at 940 EDGERTON STREET. (File No. J1804G, Assessment No. 188703)

Sponsors: Bostrom

Approve; no show.

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

- 6 **RLH TA 18-17** Ratifying the Appealed Special Tax Assessment for property at 940 EDGERTON STREET. (File No. J1805G, Assessment No. 188704)

Sponsors: Bostrom

Approve; no show.

Referred to the City Council due back on 2/28/2018

- 7 **RLH TA 18-1** Ratifying the Appealed Special Tax Assessment for Property at 1790 HAMPSHIRE AVENUE (File No. VB1805, Assessment No. 188804).

Sponsors: Tolbert

Delete the assessment. A Cat 1 vacant building file was opened on 8-31-17 and was closed on 12-7-17. The inspector had requested the fee be waived; however, it had already been sent to assessment on 10-31-17.

Referred to the City Council due back on 2/28/2018

- 8 [RLH TA 17-553](#) Ratifying the Appealed Special Tax Assessment for property at 908

JEFFERSON AVENUE. (File No. J1804A, Assessment No. 188503)

Sponsors: Noecker

Christopher Conner, owner, appeared.

Supervisor Paula Seeley:

Cost: \$5344

Service Charge: \$157

Total Assessment: \$5506

Gold Card Returned by: Email from Parks

Type of Order/Fee: Summary Abatement Order

Nuisance: Garbage/Rubbish and dead trees from north side of property

Date of Orders: 8/10/17

Compliance Date: 8/23/17

Re-Check Date: 09/06/17

Date Work Done: 09/07/17

Work Order #: 17-076784; 07-07685

Returned Mail?: No

Comments: COST BREAKDOWN: Garbage Abatement Hrs: 6, General Refuse (cu. yds.): 100

Home Appliances: 1, TVs: 1, Car Batteries: 3, Auto Tires: 20, Roll Off Truck Hrs: 6, Other Charge: 60, Other Charge Descr: 3 propane cylinders, 5 camp canisters, 100lbs of ballast disposal fee, Car Battery Fee : \$30.00. Home Appliance Fee : \$30, TV Fee : \$50, Other Charge Fee: \$60, Auto Tire Fee : \$200, Roll Off Truck Fee: \$270, Garbage Abatement Fee: \$1,560, General Refuse (cu. yds.) Fee : \$2,800

History of Orders on Property: long history

Ms. Moermond: we have an email from Nate Edwards, Parks & Rec, provided some costs & indicated that there were 60 yards worth of material, 5 hours; set-up, dump, back to site, emptying trucks, - he subtracted the amount of money the city got from the dump, which gave the city a check for some of the scrap metal: \$181

Ms. Seeley: I don't have that in my records but I do remember them discussing that

Mr. Connor: I'm not here to appeal the assessment; the city did the work; I'd like to discuss the Administrative Search Warrant that was served for the last abatement that took place on Nov 30, 2017

Ms. Moermond: no; we can't; all that I have in front of me today is what happened on Sep 7, 2017 & then, the 2 Excessive Consumption fees

Mr. Connor: Isn't there supposed to be an Administrative Hearing before they issue that Administrative Search Warrant, which was never given to me; I did get the Abatement Notice though

Ms. Moermond: I have nothing to do with the issuance of the search warrant that was used to gain access to your property; the process with dealing with that is separate; the search warrant itself would probably describe what any appeals or objection process would be

-what I have is the results of the clean-up & the costs incurred by the city; the next step for you is the City Council Public Hearing on Jan 17, 2018; after that, would be district court, if you'd wish to object to the clean-up costs further

Mr. Connor: I wasn't really here to discuss that even though; there are actually some

bigger issues that I thought we could discuss today but

Ms. Moermond: I'm only dealing with the cost of the Sep 7 clean-up; then, I have 2 Excessive Consumption assessments for multiple events within a 12-month time period

-the cost of the clean-up is \$5500; is that something you'd like to have divided over time?

Mr. Connor: no; I'm going to have the whole thing taken care of; I have a claim in with the City of Saint Paul; there have been no neighborhood complaints; this is all about DSI initiated events over a 4-year period since I bought the home in 2014

VIDEO - a large city crew, headed by Supervisor Steve Magner, cleaned up a yard totally packed with materials of all kinds

Mr. Connor: this is an Administrative Warrant & you don't need the probable cause that you would with a Criminal Warrant but I think everything else is the same, as far as returning the warrant to the Judge with the inventory of the items you've taken -no neighborhood complaints ever; I get along very well with my neighbors; I take care of the alley; no testing has ever been done in the yard - just accusations from DSI; they did the same thing in Jan 5, 2016 without a warrant; it looks like a mess but no one sees that; it was completely closed off until DSI opened the fence & took everything away

Ms. Moermond: if the city does have a complainant, it is illegal for the city to disclose that to you under Minnesota law

-the concern is whether or not this constitutes a violation of exterior maintenance standards & is a nuisance condition that needs to be abated

-you are saying that the condition exists but it's behind a privacy fence & you have concerns about the Administrative Search Warrant; I can ask the City Attorney's Office to prepare something for me to give me some background; your public hearing is scheduled for Jan 17, 2018 at 5:30 & I will have that background material before then

-I am looking at what I believe to be a violation of exterior maintenance standards & what I believe does constitute a nuisance condition that needs to be abated; I would like a little more information from the City Attorney's Office; & from my understanding, having an Administrative Search Warrant served does provide access to the yard to do the work that was ordered in the SA; we will retain the VIDEO for City Council

-I have committed to talk to the City Attorney's Office

-my recommendation is forthcoming pending that conversation; you've heard that I'm inclined to recommend approval of the assessment payable over 1 year; we're retaining the Video to show City Council

Mr. Connor: how they just broke into the property is kind of unusual; they ripped the fence apart; then, they ran into both fence posts when they were driving; the skid steer slammed into the posts & knocked the posts out of the ground; when they left, they just took a stick & propped it up to hold up the fence - very insecure; I don't think they did a very good job of securing the place when they left; we have Video of all this too; & there was no communication with me about this while they were removing items; did not appreciate the way he was treated during this whole thing

Follow-up:

Ms. Moermond:

-I had a chance to talk to City Attorney and owner raised a concern about the administrative search warrant. -the administrative search warrant was an ex parte warrant and there is no requirement that owner be notified and have an opportunity to be heard
 -the due process component in the summary abatement order was to appeal the order itself
 -there was no appeal of that order so no issue there
 -I asked the City Attorney's Office to scan the petition to the Court for the warrant and will attach to record
 -I will recommend approval of this clean-up assessment

Approve the assessment.

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

9 [RLH TA 18-18](#)

Ratifying the Appealed Special Tax Assessment for property at 908 JEFFERSON AVENUE. (File No. J1803E, Assessment No. 188302)

Sponsors: Noecker

Christopher Connor, owner, appeared.

Supervisor Paula Seeley:

..Tax Assessment Worksheet

Cost: \$244

Service Charge: \$35

Total Assessment: \$279

Gold Card Returned by: Christopher Conner called

Type of Order/Fee: Excessive Inspection during 6/22/17 thru 7/21/17

Nuisance: Remove meta, wood, appliances, machinery, TV set, cardboard etc from trailer and driveway

Date of Orders: SA on 7/5/17

Compliance Date: SA Compliance date 7/12/17; 2 EC Letters sent 07/5/17 & 7/19/17

Re-Check Date: 07/12/17 & 7/19/17

Date Work Done: NA

Work Order #: 15-176964

Returned Mail?: No

-I cannot find a Summary Abatement for 7/19

Ms. Moermond: how much would be taken off from the \$279? Let's go ahead & subtract \$122 from the total, which would bring the total down to \$157

-and, this is more than 2, so what were the other 2 that we're talking about?

Ms. Mai Vang: listed the following Excessive Consumption dates: 6/23, 6/14, 6/7, 5/16, 4/5, 3/9, 2/22, 2/1, etc.

Ms. Moermond:

Reduce from \$279 to \$157.

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

10 [RLH TA 18-19](#)

Ratifying the Appealed Special Tax Assessment for property at 908 JEFFERSON AVENUE. (File No. J1804E, Assessment No. 188303)

Sponsors: Noecker

Christopher Conner, owner, appeared.

Supervisor Paula Seeley:

Cost: \$366

Service Charge: \$35

Total Assessment: \$401

Gold Card Returned by: Christopher Conner called

Type of Order/Fee: Excessive Inspection from 7/23/17-8/18/17

Nuisance: Garbage Rubbish

Date of Orders: SA 08/02/17 - EC sent on 8/2 and 8/10

Compliance Date: SA 08/09/17

Re-Check Date: Correction Notice 8/10/17

Date Work Done:

Work Order #: 15-176964, Inv # 1321547, 1323096, 1324401

Returned Mail?: No

*Comments: *THERE WAS A PA EC LETTER GENERATED ON 7/28/17 NOT ABLE TO OPEN IN STAMP AND NOT LOCATED IN AMANDA*

History of Orders on Property:

-work was done by owner which generated a PAEC; I suggest deleting \$122 from \$401 because I cannot find that PAEC bill anywhere in Amanda

Ms. Moermond: I agree; so recommended

Reduce from \$401 to \$279.

Referred to the City Council due back on 2/7/2018

11 RLH TA 18-2

Ratifying the Appealed Special Tax Assessment for property at 1531 MARGARET STREET. (File No. 1801T, Assessment No. 189000)

Sponsors: Prince

Delete the assessment; property was assessed in error because the work was done by the property owner.

Referred to the City Council due back on 2/28/2018

12 [RLH TA 18-10](#)

Deleting the Appealed Special Tax Assessment for Property at 1708 MARSHALL AVENUE (File No. VB1802, Assessment No. 188801).

Sponsors: Stark

Delete the assessment. VB waiver on file.

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

13 [RLH TA 18-6](#)

Ratifying the Appealed Special Tax Assessment for property at 2235 MARYLAND AVENUE EAST. (File No. 1801T, Assessment No. 189000)

Sponsors: Bostrom

David Kuschel, owner, appeared.

Karl Mueller, Forestry:
Cost: \$504.00
Service Charge: \$169.38
Total Assessment: \$673.38
Gold Card Returned by: David Kuschel
Type of Order/Fee: Notice
Nuisance: 2 Dutch Elm Diseased trees in back yard
Date of Orders: July 7, 2017
Compliance Date: August 4, 2017
Re-Check Date: August 7, 2017
Date Work Done: September 15, 2017
Work Order #: Contract #17-1137
Returned Mail?: No

Mr. Kuschel: I'd like to see the Video

Ms. Moermond: we don't have videos for tree removals

Mr. Kuschel: there's a gap between my garage & a fence in my neighbor's yard about "this" wide; it took me about 5 weeks to locate these trees because they're so weirdly located; I finally found them between the fence & my garage; but you'd have to have someone drop down in there to get those trees out

Ms. Moermond: asked him to come up & look at the photo

Mr. Kuschel: that is not correct at all; in fact, that is my neighbor's yard; these are the trees right here.... this is a horrible photograph; absolutely horrible; this is my garage; there's the fence line right here.... that you do not see; these are the trees in here (this little tree right here is the one you tagged; & only 1; I didn't see 2); there's like about 1 foot between this garage & the fence line that you don't see on this horrible photograph; so, you're asking me to get on top of the garage roof; drop down in this one area & somehow get the tree out; I don't have any of this type of equipment; so, I asked my father-in-law (once I located the tree) to come down from northern WI - he's got some equipment to help me do this

Ms. Moermond: it took you 5 weeks to go between your garage & the fence? This letter says, "Please remove the 2 trees located on the northwest corner of the property adjacent to the alley in between the shed & the fence;" so, you couldn't find that?

Mr. Kuschel: No; I could not; it's an awful photograph; it is not fair that you're going to assess everything based on that photograph; I wish I could have took my own photograph; that would have been fair; in fact, I called up here & asked if I should take a photograph & they said, "No; we already have one;"

Ms. Moermond: you're welcome to submit a photograph; I will Lay this Over so you can submit a photograph & I'll ask for an aerial map; if it is your property that we're talking about, I don't care if you got your fence set up so that you have a 6 inch opening between your garage & your fence..... it's your responsibility if it's on your property whether or not it's easily accessible; so, we'll Lay this Over for 2 weeks to give you a chance to take a photo of the area to show me where those trees were

Mr. Kuschel: I can't control Dutch Elm disease --- & all this craziness --- I don't deserve this

Layover to Jan. 23. Owner will provide additional photos and inspector will provide aerial map and measurement of the property line.

Laid Over to the Legislative Hearings due back on 1/23/2018

- 14 RLH TA 18-5** Ratifying the Appealed Special Tax Assessment for property at 544 MINNEHAHA AVENUE WEST. (File No. J1804B, Assessment No. 188103)

Sponsors: Thao

Approve; no show.

Referred to the City Council due back on 2/28/2018

- 15 RLH TA 18-7** Ratifying the Appealed Special Tax Assessment for property at 1662 MINNEHAHA AVENUE EAST. (File No. 1801T, Assessment No. 189000)

Sponsors: Prince

David Schell, owner, appeared.

Supervisor Karl Mueller, Forestry:

Cost: \$3,220.50

Service Charge: \$209.88

Total Assessment: \$3,430.38

Gold Card Returned by: Louis Knippenberg

Type of Order/Fee: Notice

Nuisance: Diseased Trees

Date of Orders: July 7, 2017

Compliance Date: August 4, 2017

Re-Check Date: August 7, 2017

Date Work Done: September 29, 2017

Work Order #: Contract #17-1137

Returned Mail?: No

Comments: Property ownership changed sometime in 2017

History of Orders on Property: 3 tall grass/weeds complaints in 2017

-letter was sent to North River Homes, James Gilbert

Mr. Schell: we purchased the lot from the previous owner, North River Homes LLC; we had no idea that there were Orders written on the property; Louis Knippenberg was planning to build, so he had estimates to have the trees removed because they were in the way of the building & they would have been removed but we had no idea about the Orders

Ms. Moermond: Ramsey County records the sale as having happened on Sep 11, 2017 for \$22,000

-I see that the Orders went to the previous owner on Jul 7; staff went out to check if Orders had been complied with by Aug 4; they didn't have a private contractor go out & address the situation until Sep 29, 2017 (your period of ownership); the previous owner did not disclose to you that these Orders existed; the previous owner should have told you that there were these outstanding Orders; under MN State Law, it's incumbent upon them to do that

Mr. Schell: there was no realtor involved; I haven't talked with the previous owner but I will; I know Mr. Gilbert so, we can talk about it; the estimate we had to removed the 2 trees was \$1400; so, I'm asking to get this bill adjusted somehow

Ms. Moermond: James Gilbert knew & didn't tell you & the city is sending out it's lowest bidder on this; evidently, it's not the better bid; you got the better bid but the city wrote that check; I'm not inclined to recommend an adjustment because the Notice was sent to the previous owner; they knew that they were supposed to do it but they didn't do it & that's why the city contractor got involved in the first place; the city paid the \$3400 bill & the rest of the taxpayers are not responsible for paying this bill; Mr. Gilbert is; it's a private matter now between you & Mr. Gilbert

Approve the assessment.

Referred to the City Council due back on 2/28/2018

16 [RLH TA 18-11](#)

Ratifying the Appealed Special Tax Assessment for property at 880 SELBY AVENUE. (File No. J1804A, Assessment No. 188503)

Sponsors: Thao

Jim Sullivan, son of deceased owner, appeared.

Supervisor Paula Seeley:

Cost: \$364

Service Charge: \$162

Total Assessment: \$526

Gold Card Returned by: Jim Sullivan Jr called of James Sullivan (deceased father)

Type of Order/Fee: Summary Abatement Order

Nuisance: garbage/rubbish-mattress, sink, buckets, wood, misc items in alley abutting property

Date of Orders: 08/04/17

Compliance Date: 08/15/17

Re-Check Date: 08/29/17

Date Work Done: 09/01/17

Work Order #: 17-074858

Returned Mail?: No. SAO were mailed to James Sullivan, 880 Selby Ave, St Paul, 55104; James Sullivan, 431 Nahua St #1109, Honolulu HI 96815, Norman J.

Nielson/Nielson, 882 Selby Ave, St Paul MN 55104

Mr. Sullivan: my father passed away Apr 10, 2017; Aug 14, we sent out all the Notices of Probate; I am the executor & all mailings come to my address; we've been cleaning out the building, readying it for sale; I drive thru the alley about once a month; I did not see any mattresses, etc, & I don't have the dates of when I did drive thru; the neighborhood likes to use it as a dumping point; I've been picking things up & getting rid of them (tires, desk, concrete blocks, mattresses, etc)

-the building is built right to the property line so anything that's left there is in the alley

-the reason I'm here is when I do check the mailbox, we did not receive any Notice to pickup/cleanup from the city; we really don't have any mail going there any more; when I check the box, it's always empty

-all mail is supposed to go to 531 Brainerd Ave (it's been corrected at Ramsey County)

VIDEO - crew picked up sink, mattresses, pallets

Mr. Sullivan: it's used as a dumping ground

Ms. Moermond: it might help to get rid of the volunteer tree growth

Mr. Sullivan: that is all gone; it's a commercial bldg & is basically used for storage right now; my father bought it in 1974; since about 1990 he started renting it out - for about 10 years; it's been storage since 2000; Norm Nielson was the previous owner; he owned it since 1954 (father bought it on a contract for deed)

Ms. Moermond: what I need to deal with is whether or not Notice was sent to the owner of record; and notice was sent to the owner of record

Mr. Sullivan: there was nothing in the 880 Selby mail box

Ms. Moermond: I don't know what to tell you about that; there wasn't any returned mail; it's a problem of the estate, not of the city; the estate needs to keep the county up-to-date on where these bills need to go

Mr. Sullivan: we have taken care of any kind of debris/trash/etc at our expense

Ms. Seeley: this came in as a dumping complaint; in 2015, a SA went out & they took care of it

Mr. Sullivan: we plan to sell the property

Ms. Moermond: I'll go down the middle on the assessment; will decrease it by half

Reduce from \$526 to \$263.

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

- 17** **RLH TA 18-3** Ratifying the Appealed Special Tax Assessment for property at 1890 STILLWATER AVENUE. (File No. J1805G, Assessment No. 188704)

Sponsors: Prince

Delete assessment.

Owner had service with Advanced Disposal but didn't call the inspector and let him know so City put out container for one week.

Referred to the City Council due back on 2/28/2018

- 18** [RLH TA 18-4](#) Ratifying the Appealed Special Tax Assessment for property at 1493 UNIVERSITY AVENUE WEST. (File No. J1804A, Assessment No. 188503)

Sponsors: Stark

Approve, no show.

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

- 19** **RLH TA 18-20** Ratifying the Appealed Special Tax Assessment for Property at 937 YORK AVENUE (File No. VB1805, Assessment No. 188804).

Sponsors: Bostrom

Approve; no show.

Referred to the City Council due back on 2/28/2018

Special Tax Assessments - ROLLS

- 20 RLH AR 18-1** Ratifying the assessments for Boarding and/or Securing services during September 2017. (File No. J1804B, Assessment No. 188103)
- Sponsors:** Stark
- Referred to the City Council due back on 2/28/2018**
- 21 RLH AR 18-2** Ratifying the assessments for Trash Hauling services during October 4 to October 25, 2017. (File No. J1805G, Assessment No. 188704)
- Sponsors:** Stark
- Referred to the City Council due back on 2/28/2018**
- 22 RLH AR 18-3** Ratifying the assessments for Tree Removal services from May to September 2017. (File No. 1801T, Assessment No. 189000)
- Sponsors:** Stark
- Referred to the City Council due back on 2/28/2018**
- 23 RLH AR 18-4** Ratifying the assessments for Demolition services from August 2017. (File No. J1804C, Assessment No. 182003)
- Sponsors:** Stark
- Referred to the City Council due back on 2/28/2018**
- 24 RLH AR 18-5** Ratifying the assessments for Collection of Vacant Building Registration fees billed during June 7 to September 21, 2017. (File No. VB1805, Assessment No. 188804)
- Sponsors:** Stark
- Referred to the City Council due back on 2/28/2018**

11:00 a.m. Hearings

Summary Abatement Orders

- 25 [RLH SAO 18-1](#)** Making finding on the appealed nuisance abatement ordered for 373 ARLINGTON AVENUE WEST in Council File RLH SAO 17-101.
- Sponsors:** Brendmoen

No one appeared.

Supervisor Lisa Martin: there is no change; the vehicles are still not in compliance; they are in the driveway; there is a dumpster out there this morning, which is from Ramsey County House Calls, I'm assuming

Ms. Moermond: the nuisance condition has not been abated; DSI is authorized to take action

Nuisance not abated.

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

- 26 [RLH SAO 18-2](#) Making finding on the appealed nuisance abatement ordered for 1400 ARLINGTON AVENUE EAST in Council File RLH SAO 17-100.

Sponsors: Bostrom

No one appeared.

Ms. Moermond: referring to an email from Supervisor Paula Seeley, Paula says the commercial truck is gone; so, the nuisance condition has been abated; the matter is closed

Nuisance is abated.

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

- 27 [RLH SAO 18-5](#) Appeal of Kenny Luk to a Summary Abatement Order at 666 SIMS AVENUE.

Sponsors: Bostrom

Appeal withdrawn by Appellant.

Withdrawn

Correction Orders

- 28 [RLH CO 18-1](#) Appeal of Nancy Mork and Amy Mork to a Fire Inspection Correction Notice and Correction Notice at 601 CALIFORNIA AVENUE EAST.

Sponsors: Bostrom

Amy Mork, daughter of owner, appeared.

Fire Supervisor Leanna Shaff:

-Fire Certificate of Occupancy inspection conducted by Daniel Klein (1st inspection in this cycle); there are 14 items on the list

-appealed: shed painting; dryer vent; permit for boiler; may have been done by prior owner but Orders follow the building

Ms. Mork: the boiler was an unexpected emergency repair that just happened; the reason that it's not finalized is because the work was just completed

Ms. Shaff: the permit was pulled 11-22-17

Ms. Moermond: let the fence permit go

Ms. Shaff: we need a new permit for the dryer vent

Ms. Mork: I did call the inspector but I did not receive a call back; I left a voice mail Jan 3, 2018; the dryer vent permit was from 2010; how do I get somebody out to inspect?

Ms. Shaff: Insp Klein's notes say that the dryer is connected to a non code compliant dryer vent; it needs to be connected to the code compliant one next to it that was done under permit in 2010

Ms. Mork: when these things are completed, who do I call to final?
-I just moved here 2 years ago from Chicago and my mom purchased this house last year; so, how do we get these permits finalized that we had nothing to do with in the first place?

Ms. Moermond: who is the contractor? Do we have that in the record from 2010?

Ms. Shaff: Benjamin Stern Heating & Cooling, 651/764-1236

Ms. Moermond: you need an extension

Ms. Mork: the shed is repaired; it was just off the hinges; there was never paint on the fence; the camper is removed; I need to move the trailer; I'm working to get the scooter out of the ground; we did not anticipate all of this; 50% if this can be done by Jan 19 without a problem

Ms. Moermond: will grant an extension to May 1, 2018 for re-inspection & Jun 30 for painting exterior items

Grant to May 1, 2018 for compliance, except for the exterior painting which is granted to June 30, 2018.

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

11:30 a.m. Hearings

Orders To Vacate, Condemnations and Revocations

- 29 [RLH VO 17-64](#) Appeal of Robert Stein to a Fire Certificate of Occupancy Revocation and Order to Vacate at 1150-1152 BURR STREET.

Sponsors: Brendmoen

No one appeared.

Fire Supervisor Leanna Shaff: all of the items have not been addressed
-owner met Inspector Schmidt at the property Jan 5
1150 - basement mechanical room -provide an approved dryer vent under permit by a licensed contractor - not addressed
1150 - basement mechanical room -washer/dryer in front of the escape window - not

addressed

1150 - there was a motorcycle in the basement with gas in the tank

cleaning gutters - not addressed

smoke detector affidavit - not addressed

1152 - someone was sleeping in the basement family room

-it's obvious that Mr. Stein continues to not manage his property

Ms. Moermond: you can't have anyone sleeping in this basement unless you separate the utility area & open up the bedroom wall

-based on the staff report, the appeal is denied

Deny the appeal.

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

30 RLH VO 18-1

Appeal of Tou Lee to a Notice of Condemnation-Unfit for Human Habitation-Order to Vacate and Vacant Building Registration Notice at 1042 BURR STREET.

Sponsors: Brendmoen

Tou Lee, C of O responsible party, appeared.

Supervisor Leanna Shaff:

-Fire Certificate of Occupancy Condemnation inspection conducted over the New Year's weekend; fire crews were called out for a carbon monoxide issue resulting in a condemnation of the building; a malfunctioning boiler was emitting CO into the bldg plus many other code violations

-Fri, I received an email from Inspector Neis that St. Paul Plumbing & Heating had pulled permits to install a new boiler but ran into some other issues; not only was the boiler an issue but all the radiators froze & are now damaged beyond repair & need to be replaced; there's asbestos in the bldg & the crews would not work until the units were cleared out; permits are still open; we still have no heat; we're waiting for it to be totally cleaned up & repaired

Mr. Lee: entered a letter from Dudley & Smith, attorneys representing Tou Lee

Ms. Moermond: this is a letter from Dudley & Smith; it says that they represent Tou Lee & Yer Moua, owners; Mr. Lee contacted their office to attend the hearing; it was very short notice; they ask to continue the matter to an available time & date in the next 2 weeks for the hearing (scanned)

-I will continue the matter to next Tue, Jan 16, 2018 at 11:30 am to give your attorney the chance to be present

-this is a very serious matter; I'm wondering why you are appealing the Condemnation

Mr. Lee: we don't want to replace the boiler; we will put in a heater (furnace); we will remove all the boiler items

Ms. Moermond: when was the last full C of O inspection on this property?

Ms. Shaff: in 2012 & it was a Class A bldg; it is due for the next full C of O insp in Jun 2018

Ms. Moermond: I am going to ask Fire Inspections to schedule you for that routine full C of O inspection earlier than Jun 2018 because you've had this significant problem;

I'd like that inspection to happen before I make any further decisions on this; I have significant concerns about the conditions of this building because the CO detectors were broken or missing throughout the bldg; that makes me question whether other maintenance has been neglected; we need to have it inspected in the next couple of weeks

*Ms. Shaff: It looks like Inspector Neis did a pretty complete inspection; he has Orders on interior & exterior
-we'd like to have things functioning when we do a full C of O inspection; either way, it's going to need a full inspection*

*Ms. Moermond: let's see if we can get your attorneys in here next week; it cannot be occupied in the meantime
-I'm wondering whether the Certificate should be issued & the Condemnation lifted before all of these items have been addressed*

Ms. Shaff: I would say that it shouldn't be

Ms. Moermond: my concern - if we're dealing with an appeal now, which puts off the VB Registration, then, getting this list taken care of would be sort of a substitute for a code compliance inspection requirement

Ms. Shaff: right

Ms. Moermond: keep doing the work; it can't be occupied in the meantime; we'll talk again next Tue; if your attorney can't make it then, we'll sort it out at that point

Laid Over to the Legislative Hearings due back on 1/16/2018

1:30 p.m. Hearings

Fire Certificates of Occupancy

- 31 [RLH FCO 18-4](#) Appeal of Alyssa Nimmo to a Correction Notice - Re-inspection Complaint at 1745 GRAHAM AVENUE, #130.

Sponsors: Tolbert

Alyssa Nimmo, property manager for Gateway Senior LP, (apartments) appeared.

Fire Supervisor Leanna Shaff:

-Date/Time of 1st LH: January 9, 2018; 1:30 p.m.

-Purpose of Appeal: Re: Flooring in Unit #130. tenant caused the damages to the flooring and should be responsible for the cost of repairs. Damage is well beyond normal wear and tear.

-Date of Order(s) Under Appeal: December 21, 2017

-Inspector/Key Staff: Mike Cassidy

-Legislative Hearing Staff Comments: referral came in Sep 27, 2017 for low pressure in the toilet, tile replacement in bathroom but walls not finished; tile is coming up; carpeting coming out of bathroom & living room; oven doesn't heat; Insp Cassidy responded on the 3rd; went back on 10-30; no work was done; went back again on 11-22; the manager states that the damage was caused by the tenant -they will not repair it; Insp Cassidy advised that they may wish to appeal the Orders

-photos attached to the file

Ms. Nimmo: there's 121 units in that particular bldg; in the total complex, there's 579 units

-that tenant came to us about some of the items; typically, our maintenance team will take care of lights that are out, toilets not flushing, etc, typical maintenance items
-this is a senior rental bldg under an affordable program for independent living
-Mr. White came to us with complaints of the flooring (carpet & vinyl flooring in bathroom); we'd have to call out a vender; we took photos; I approached Mr. White & said that per his lease, this is something that we wouldn't consider regular wear & tear in the apartment; & he would be held financially responsible for the repairs because that would be considered damage in the apartment; he said that he would not pay for it & has gone to the city with it

Ms. Moermond: these are code violations & he is completely within his rights; when I look at the photos, I see a doorway where there's worn carpet on the threshold of the doorway; I'm seeing a photo of a seam in a carpet in the middle of the hallway & the carpet seams to be separating at the point of the seam, which is not the greatest carpeting in my understanding of carpet laying; it's supposed to be a continuous piece of carpeting; not with a seam in the middle of a hallway; that's a set up for a problem to happen

Ms. Nimmo: it depends on the situation; it is my understanding that the carpet had been replaced in his hallway in 2014; I'm not sure of the circumstances

Ms. Moermond: ..just not the whole hallway... you cheaped out it; that's not how professionals lay carpet; running a vacuum cleaner over it would start to lift it up one side or the other; that's a recipe for a problem; he had an extra seat for support that goes over the toilet, which may have worn a hole in the linoleum

Ms. Nimmo: the subflooring is actually crumbling, which is totally unusual for us to see in an apartment

Ms. Moermond: & you don't want to do the repairs (?)

Ms. Nimmo: it's not that I don't want to do the repairs; we're perfectly happy doing the repairs; our concern is that with this tenant & this type of damage is just going to happen over & over & over again

Ms. Moermond: so, what are you looking for today?

Ms. Nimmo: we're asking him to either perform the repairs or to be granted permission to defer the repairs until the time that the tenant moves out of the apartment

Ms. Moermond: I recommend the Council denies your appeal; you figure out yourself with your tenant on your own; these are code violations that need to be addressed

Ms. Nimmo: it obviously didn't look like that when he moved in....

Ms. Moermond: I don't care; that's not the city's problem; it's a code violation that way it is; it's your job to get it fixed unless you want the apartment to be eventually vacated because you haven't complied

-I don't agree with your assessment that this is not normal wear & tear; I think that worn carpet on the threshold of a doorway is normal wear & tear; I think that bad repairs or whatever happened in this hallway is set up for there to be lifting up of the

carpeting, which is what I see in the photo; & if there's a debate of the floor tile in the bathroom because he has supportive seating & it's in senior housing, we have one tile, then, that is possibly debatable about who is ultimately responsible

Ms. Nimmo: it's vinyl flooring; it's not tile; so, we can't just replace one tile

Ms. Moermond: that's up to you & how you settle things with your security deposits but it doesn't mean that you get to keep it in this condition; I'm kind of surprised that a professional management organization such as yourself would show up here to talk about these things; this isn't just normal course of business

-Please send the minutes & the letters to the tenant, as well: Mr. White, #130

Deny the appeal.

Referred to the City Council due back on 2/7/2018

32 [RLH FCO 18-1](#)

Appeal of Jessica L. Teske, J T Enterprises, to a Fire Inspection Correction Notice at 548 SIMPSON STREET.

Sponsors: Stark

Jessica L. Teske, J. T. Enterprises LLC, owner, appeared.

Fire Supervisor Leanna Shaff:

-Date/Time of 1st LH: Tuesday, December 26, 2017, 1:30 p.m.

-Purpose of Appeal:

-#6 - I have had no repairs to the basement waste lines in the time I have owned the property. These repairs have been present through 2-3 other inspections and have not been written up. They are working just fine & I would like to not have to pay to re-do them until they are an issue.

-#9 - I believe the dryer vent was completed per a previous CO inspection at the property.

-#11 - the upstairs toilet is not rocking or sliding. I will double check this and bring a video to the appeal.

-Date of Order(s) Under Appeal: December 8, 2017

-Inspector/Key Staff: Laura Huseby-Fire C of O insp

-Legislative Hearing Staff Comments: Photos, especially of the basement waste lines and dryer venting, would be helpful. (photos added today)

-first process of the inspection cycle; Insp Huseby found 11 violations; appealed #6, #11

-#6 basement waste line; provide an approved number & type of toilet fixtures; repairs with rubber fittings are noncompliant; repair to code; contact a licensed plumber to make repairs under permit (photo)

-#11- 2nd floor toilet - repair/replace; maintain all parts of plumbing system to an operational condition; toilet is rocking, sliding; secure toilet; should also be caulked in place to help secure the stool

-Insp Huseby said the toilet was moving

Ms. Teske: #9-dryer vent; I'm not sure about it; the dryer vent in this property is metal bore; I mentioned that to Ms. Huseby; she said that she checked the permit & there wasn't any record; I think at some point, this has been written up before because I've had this property since 2004; I believe that this is my 4th inspection

Ms. Shaff: looking at the photo; looks like it's corroded (?); Ms. Teske took a look and said, "That's not the dryer vent; my dryer vent is smoother & shinier than that;" she

brought up her photo

Ms. Moermond: that's a different vent; it's an air vent; Ms. Teske's photo looks fine but it doesn't show how it connects to the outside or to the appliance; 2 more pictures would make that complete; we can have the inspector take a look; we're stuck with the photo of the vent that the inspector did take a picture of

Ms. Shaff: that one concerns me

Ms. Teske: I don't know what that is but it looks too old to be from 2004 when the furnace was installed; the air conditioner was just replaced last summer

Ms. Shaff: looks like it's leaking above that vent

Ms. Teske: I couldn't figure out the basement waste line

Ms. Shaff: showed photo - the rubber fitting is incorrect

Ms. Teske: the only other thing that I had emailed Ms. Vang yesterday & this morning was just the way that things were written up - not necessarily that the work needs to be done but what some of this language means, like the point system; it doesn't show me how many points I'm losing for each line item that's a violation

Discussion ensued re: points of some of the items, noting that this is a "C" bldg; your total is 52 pts divided by 3

Ms. Shaff: looking at these pictures I see a lot of deferred maintenance; globes not on light fixtures; major holes in the walls, etc.

Ms. Teske: I & my contractor went thru & we did not see the missing globe
-#11 - showed Video of toilet & the toilet is not moving (4 pts); we could not get it to move

Ms. Moermond: OK; I'll give you that if you caulk it
-by virtue of being a Class C bldg, you do qualify for rental rehab money; I think it's up to \$30,000... 0%; check city website: Rental Rehabilitation Loan Program - lists staff people
-#9 - dryer vent - it's not conclusive as to why that deficiency was called; there's not adequate documentation; I will recommend that your appeal on the dryer vent be granted (6 pts)
-#6 - was repaired with rubber fitting; it's not compliant; get a plumber to fix it
-based on this conversation, how much time do you need?
-re: the corroded item: we will have Insp Huseby & Supervisor Neis tell us what that is & we'll have a clear Order; we will attach it to the record; will email/mail it to you

Ms. Teske: I'd prefer to do the windows (#1, #3, #8) in the spring

Ms. Moermond: I'll go with #1 & #3 but not #8; that's the sash (could be a fire problem)
-I trust that you'll make the window stay open so someone can get out; I trust that you will ensure that shoveling is going on; & get that light taken care of
-I will recommend until Apr 1 to complete the list

Grant the appeal on Item 9 (dryer vent); grant the appeal on Item 11 (2nd flr toilet)

provided owner caulk the toilet and grant to April 1, 2018 to comply with the remaining items.

Referred to the City Council due back on 2/7/2018

**33 RLH FCO
17-230**

Appeal of Jack Hurley, Champion Apartments, to a Correction Notice-Reinspection Complaint at 200 WINTHROP STREET SOUTH.

Sponsors: Prince

Staff Report only. No one appeared.

Ms. Moermond: the sprinkler deal

-in reviewing this, there was a follow up email between our sprinkler inspector, Jeff Hemingway & someone at Viking, Tyler Williams; & the only thing we got in writing as the result of their conversation & inspection was an agreement of the number of sprinkler heads being 2042; that doesn't tell me if they are all side wall mounted ones that needed to be replaced; they were asked but didn't provide any more specific information that would have allowed me to tailor the timelines

Fire Supervisor Leanna Shaff: in the email, Tyler says, "Hello, Jeff, when you met with them, we looked at a few different ones..... I used an average head per unit to get my total head count; 1 bedroom = 7 heads x 110 units = 770 heads; 2 bedrooms = 10 heads x 62 units = 620 heads; 3 bedrooms = 14 heads x 44 units = 616 heads; laundry rooms = 2 heads x 6 units = 12 heads; storage units = 4 heads x 8 units = 24 heads. Please feel free to call with questions"

Ms. Moermond: that doesn't give me a sense of whether or not every single head needs to be replaced based on the Dyne test

-not knowing whether or not every single head needs to be replaced, I'll grant 180 days to replace the heads & come into compliance with the Orders

Grant 180 days to comply with the sprinkler head issue.

Referred to the City Council due back on 2/7/2018

2:30 p.m. Hearings

Vacant Building Registrations

34 [RLH VBR 18-1](#)

Appeal of Bryndee Barton/Our Flipping Family to a Vacant Building Registration Fee Warning Letter at 445 MOUNT IDA STREET.

Sponsors: Brendmoen

DSI staff and owner have reached an agreement on the fees. Appeal withdrawn.

Withdrawn

35 [RLH CO 18-2](#)

Appeal of Linda Cerreno to a Correction Notice at 670 SIMS AVENUE.

Sponsors: Bostrom

Rescheduled per owner's request.

Laid Over to the Legislative Hearings due back on 1/16/2018