



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, March 6, 2018

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings (VB, B & C)

Special Tax Assessments

- 1 [RLH TA 18-121](#) Ratifying the Appealed Special Tax Assessment for property at 485 BLAIR AVENUE. (File No. VB1807, Assessment No. 188808)

Sponsors: Thao

Approve; no show.

Referred to the City Council due back on 4/18/2018

- 2 [RLH TA 18-97](#) Deleting the Appealed Special Tax Assessment for property at 1232 HUBBARD AVENUE. (File No. VB1806, Assessment No. 188805)

Owner called; he will not be attending

Supervisor Joe Yannarely: Vacant Building fee

Cost: \$2127

Service Charge: \$157

Total Assessment: \$2284

Gold Card Returned by: MATTHEW ZINSER

Type of Order/Fee: VB FEE

Comments: CAT 1 VB THAT HAS 3 OPEN PERMITS.

History of Orders on Property: 11/18/2016 Tall Grass WO created: PA 16-100320; Cut and remove tall grass, weeds and rank plant growth from yard, blvd, and alley areas.

PA EC Printed: 11/22/2016. SA Printed: 12/14/2016. OFS Payment on 02-23-17.

03/14/2017 Snow Walk Complaint Received. Vicki Sheffer: Email from Wells Fargo (4/6/17) requesting de-registration of property.

SA Printed: 07/25/2017. 12/15/2017 Snow Walk Complaint Received. 01/02/2018 Snow Walk Complaint Received.

-all of the permits were finalized as of last Fri, Mar 2, 2018

-we closed the VB file today

-anniversary date Nov 10

-owner called me yesterday & requests some consideration of prorating the assessment

Ms. Moermond: I'll recommend that the fee gets deleted

Delete the assessment.

Referred to the City Council due back on 3/21/2018

- 3** [RLH TA 18-84](#) Ratifying the Appealed Special Tax Assessment for property at 1080 LAWSON AVENUE EAST. (File No. VB1806, Assessment No. 188805) (Amend to File No. VB1806A, Assessment No. 188813)

Sponsors: Bostrom

Dai Bui, Dream Houses LLC, owner, appeared.

Supervisor Joe Yannarely:

Cost: \$2127

Service Charge: \$157

Total Assessment: \$2284

Gold Card Returned by: Dream Houses LLC

Type of Order/Fee: VB Fee

Nuisance: unpaid VB fee

Date of Orders: Renewal Letter sent 09/27/17, Warning letter sent 10/27/17

Work Order #: 16-093257, Inv # 1332648

Returned Mail?: No

Comments: Category 2 VB opened 10/27/16; there are active warm air, 2 bldg permits, electrical permits. Transferred to VB due to revocation order by Fire.

-entered the VB Program Oct 27, 2008

-in the last 2 years, we've had 5 complaints (a snow complaint Feb 27, 2018); 3

Summary Abatement Notices

-code compliance inspection

-final plumbing permit; open warm air, building, electrical

Ms. Moermond: when will you finish?

Mr. Bui: electrical will be closed within 2-3 weeks; warm air mechanical is all done & ready for inspection; I talked with Jim Seeger; I need a little more time to finish the landscaping around the house; the ground needs to get softer

Ms. Moermond: how long until you finish you other permits except for the landscaping?

Mr. Bui: about 3 weeks

Ms. Moermond: the annual VB bill in front of me goes from Oct 27, 2017 - Oct 27, 2018; currently, you're 4 months into the year; so on Apr 18 when this goes to City Council, we'll be about 5 months into the billable year; what I'd like to see, except for the building permit, to have all your other permits closed; if you have them all closed, I'll get you down to \$250, understanding that the bldg permit will have a couple more warm weather items on them; I think that Mr. Seeger will allow occupancy without having those things done & then come back after the weather has cleared to do those things; I'll check on Apr 16, if your permits are all closed except for landscaping, I'll get you down to \$250; if they're not, I'll want to continue it a little bit to see if you can get it done before the 6-month mark

If on April 16, 2018 the permits are finalized and code compliance certificate is issued,

will reduce from \$2284 to \$250. If not done by April 16 but done by mid-May, will reduce in half.

Referred to the City Council due back on 3/21/2018

4 [RLH TA 18-116](#) Ratifying the Appealed Special Tax Assessment for property at 358 MARIA AVENUE. (File No. VB1806, Assessment No. 188805)

Sponsors: Prince

Sheyte F Kidane, tax owner, appeared.

Supervisor Joe Yannarely:

entered VB Program in May 7, 2008

Cost: \$2085 (2017-18 annual VB fee)

Service Charge: \$157

Total Assessment: \$2242

Gold Card Returned by: Sheyte Kidane

Type of Order/Fee: VB Fee

Nuisance: unpaid VB fee

Date of Orders: Warning letter sent 11/21/17 and Renewal Letter sent 12/4/17

Work Order #: 08-071122 Inv # 1287561

Returned Mail?: No. Mail was sent to State of MN Trust Exempt; Sheyte Kidane, 1121 Skillman Ave W, Roseville MN 55113

Comments: There is a pending VB file under File No. VB1808 scheduled for April 3, 2018 Legislative Hearing. VB CAT 2 with all active permits.

History: long history of Orders, etc.

-there is a code compliance inspection

-permits: warm air mechanical, building, electrical & plumbing - all open

Ms. Kidane: I bought this at a county auction in May 2017; interior is 80% done; I'm asking for time to finish it up; what kills my time is that it's in an historic district & they have only 3 staff

Mr. Yannarely: there was a fee waiver on Mar 1, 2017; custom waiver thru Nov 2017

Ms. Moermond: how are things working out with the Historic Preservation Staff now?

Ms. Kidane: they have me on a waiting list

-this is an investment property; I plan to sell or rent it

Ms. Moermond: I'm stuck with this VB fee from May 6, 2017 - May 6, 2018; you're 10 months into a 12-month billing cycle; hopefully, you'll finish it pretty quickly; the next VB fee billing is coming up (May 7, 2018-May 6, 2019) & I would be able to waive that for 90 days, which give you May, Jun & Jul in which to finish; when you get that bill, appeal it & we can deal with it

-will recommend approval divided over 5 years

Approve the assessment divided over 5 years.

Referred to the City Council due back on 3/21/2018

5 [RLH TA 18-120](#) Ratifying the Appealed Special Tax Assessment for property at 602 ORANGE AVENUE EAST, (File No. J1805C, Assessment No. 182004)

Sponsors: Bostrom

3/6/18: Approve; no show.

3/15/18: Owner called, missed hearing. Rescheduled to April 3 @ 9 am.

Laid Over to the Legislative Hearings due back on 4/3/2018

- 6** **RLH TA 18-83** Ratifying the Appealed Special Tax Assessment for property at 1978 PALACE AVENUE. (File No. VB1807, Assessment No. 188808)

Sponsors: Tolbert

Discussion:

Mai Vang: he sent along letter; he's at the St. Joseph Chemical Dependency unit & he said in his letter that he wasn't sure of the hearing date; I kept reminding him; we kept going back & forth on hearing dates; he kept saying that it's in his mom's name; his mom is going to give it to him; the Quit Claim Deed was bought filed in Aug & it went to Serenity Holdings (sister-in-law)

*Ms. Moermond: once they get it sorted out who owns the property, they will get the VB fee; the fee goes with the property; not with the owner
-the VB file was opened Nov 9, 2017*

Supervisor Joe Yannarely: this is a Category 2 Registered Vacant Building; there's no code compliance inspection report

Supervisor Leanna Shaff: I forwarded you some letters from him in the past

Ms. Moermond: will recommend approval; whoever has the title gets the VB fee

Approve; no show.

3/23/18: Rescheduled to 4/3 @ 9 am. Mr. Stochl called.

Laid Over to the Legislative Hearings due back on 4/3/2018

- 7** [RLH TA 18-74](#) Ratifying the Appealed Special Tax Assessment for property at 168 FORBES AVENUE. (File No. J1805B, Assessment No. 188104)
(Amend to delete the assessment)

Sponsors: Noecker

Rex King, owner, appeared.

Supervisor Joe Yannarely:

Cost: \$275

Service Charge: \$162

Total Assessment: \$437

Gold Card Returned by: REX KING

Type of Order/Fee: BOARDING

Nuisance: UNSECURED BUILDING

Date Work Done: 10/8/17 AT 1 AM REQUESTED BY SPPD

Work Order #: 56552

Returned Mail?:

Comments: POLICE REPORT REQUESTED

*Ms. Moermond: police report said that the complainant heard glass breaking within the last 5 minutes & found glass front door broken; unknown if anyone inside; not seeing anyone inside or outside house; complainant has owner info if officers need it; not on Reg VB list; contacted Restoration Professionals to board; no entry was made; front door still locked; observed rock on inner stairs; appeared to be cdp. board up crew called to secure front door; non-emergency
-so, somebody threw a rock through the glass front door*

Mr. King: this is news to me; the reason I came here today is that the person who owned this property at that time contacted us in mid-Oct 2017 & said that he was looking to sell the bldg; he had talked about this incident but he didn't know of any fees; we bought the property on Nov 8, 2017; our closing company did a title search Nov 6, 2017; it didn't show this; this, apparently, went pending Nov 7, 2017 so there's no way for us to have known about it; I do have our title search; I also have the paperwork from the seller that he signed at closing - that he was not aware of any pending assessments, which I understand because it happened the day before closing but there was no way for us to know about it; it happened before we bought it -we have permits on the property; we are renovating it to rent out; we're just finishing up, hopefully, within the week

Ms. Moermond: the report says that it's non emergency (?)

Mr. Yannarely: when they call someone at 1 am, they're charging an emergency fee; there seems to be a lack of understanding....

*Ms. Moermond: I'm not reading that an effort was made to contact the owner; even if there was a phone call & nobody answered, it would be an effort to call the owner to deal with the emergency situation; if there had been a phone call, I would be recommending approval of this
-it happened during the other person's period of ownership; so, whether they understood it was a pending assessment or not, there would be culpability on the part of the seller to deal with you on that; was this owner given an opportunity to take care of it ? - no; and because of that I'm going to recommend that this gets deleted*

Delete the assessment.

Referred to the City Council due back on 3/21/2018

8 RLH TA 18-127 Ratifying the Appealed Special Tax Assessment for property at 1681 MONTREAL AVENUE. (File No. VB1807, Assessment No. 188808)

Sponsors: Tolbert

Jeremy Charles appeared.

Supervisor Joe Yannarely, Vacant Buildings:

Cost: \$2127.00

Service Charge: \$157.00

Total Assessment: \$2284.00

Gold Card Returned by: Jeremy Charles

Type of Order/Fee: VB fee

Nuisance: unpaid VB fee

Date of Orders: Letters sent 11/13/17 and 12/13/17

Compliance Date: NA

Re-Check Date: NA

Date Work Done: NA

Work Order #: 13-256524, Inv # 1341471

Returned Mail?: No

Comments: Opening a VB2 file per a referral by Code Insp/Sup St Martin. At the time of my inspection the dwelling was vacant, open to entry (basement window and garage service door), several exterior maintenance issues (peeling paint on trim, rotted window frames, broken windows, snow/ice on walk and large pile of tree brush in rear.) Issuing s/a to secure and to remove snow ice from walk and tree branches from rear. Photos. Placarded

Category 2 Vacant Building file opened in Dec 2013

-have final warm air mechanical; open electrical; open plumbing

Mr. Charles: there's a long & tainted history of this property, most of which I have not been involved with

-I acquired this property around Mar 21, 2017; from there, we added a 2nd story (took off the roof & added another story); we're just about done - maybe 2 weeks away from putting it up for sale

-I'm here because I don't know why the VB fee is assigned but during the time of our renovation, we have taken care of the property completely; and now, we're going to be selling it; it's a beautiful home now

-we added about 500 sq.ft. of living space & doubled the size of the garage - did a lot of work

Mr. Yannarely: it's assigned because during the last 5 years, we've been out there doing Work Orders....

Mr. Charles: but since I've taken over ownership, things between me & Jim Seeger have been very smooth; I thought he was going to be here

Ms. Moermond: he's the building inspector; he deals with building permits

-here, we're talking about the Vacant Building Program itself; they're driving by there every 2 weeks to make sure that things are kosher

-the VB fee here covers the time period from Dec 2017 - Dec 2018

-how soon will you be done? perhaps I can prorate the fee

Mr. Charles: right now, electrical & plumbing permits will be closed in the next 7 days; the bldg permit might take 2 weeks; we're nearly ready to paint; we're re-sanding the hardwood floors starting today; still to do are counter tops & carpet; exterior is totally complete; we're about 95% done

Ms. Moermond: City Council Public Hearing will be Apr 18, 2018

Mr. Charles: it'll be done way before that

Ms. Moermond: if you're done & you have your permits signed-off, I'll recommend that this goes away; we'll check the file a day or two before then to make sure all permits are closed

Mr. Yannarely: you'll need to have your code compliance certification

Ms. Moermond:

If the work is done by April 18, will delete the assessment.

Referred to the City Council due back on 4/18/2018

10:00 a.m. Hearings (CRT, G, T & V)

- 9 [RLH TA 18-117](#) Ratifying the Appealed Special Tax Assessment for property at 351 BATES AVENUE. (File No. CRT1806, Assessment No. 188205) (To refer to Legislative Hearing on May 1, 2018)

Sponsors: Thao

To be referred back to LH on May 1 at 10 a.m.

Referred to the City Council due back on 4/18/2018

- 10 [RLH TA 18-82](#) Ratifying the Appealed Special Tax Assessment for property at 572 DESNOYER AVENUE. (File No. CRT1805, Assessment No. 188204) (To be referred back to Legislative Hearing on May 1) (Amend to File No. CRT1805A, Assessment No. 188210)

Sponsors: Henningson

To be referred back to LH on May 1 at 10 a.m.

(Owner came late to the meeting & was re-scheduled.)

Referred to the City Council due back on 3/21/2018

- 11 [RLH TA 18-115](#) Ratifying the Appealed Special Tax Assessment for property at 808 EDMUND AVENUE. (File No. CRT1806, Assessment No. 188205)

Sponsors: Thao

Approve; no show.

Referred to the City Council due back on 4/18/2018

- 12 [RLH TA 18-106](#) Ratifying the Appealed Special Tax Assessment for property at 38 GERANIUM AVENUE EAST. (File No. J1804V, Assessment No. 188004)

Sponsors: Brendmoen

Approve; no show.

Referred to the City Council due back on 4/18/2018

- 13 **RLH TA 18-103** Ratifying the Appealed Special Tax Assessment for property at 852 JENKS AVENUE (File No. J1807G, Assessment No. 188706)

Sponsors: Bostrom

Delete. Waste Management Co. gave wrong information to inspector. Owner does have trash service.

Referred to the City Council due back on 4/18/2018

14 RLH TA 18-105 Ratifying the Appealed Special Tax Assessment for property at 1166 JENKS AVENUE. (File No. CRT1806, Assessment No. 188205)

Sponsors: Bostrom

No one appeared.

Fire Supervisor Leanna Shaff: Jason Frey sent a letter in lieu of attending (attached)

Ms. Moermond: re letter from Mr. Frey, owner of KBD Investments LLC; they got the bill on Oct 30, 2017; they bought it in Mar 2017; received a Notice of inspection in Jun 2017; received an assessment ratification for fee billing during the time from Sep 12 - Oct 5, 2017; they're saying that they didn't own it at the time; we shouldn't have to pay the fee

Ms. Shaff:

Cost: \$ 202.00

Service Charge: \$157.00

Total Assessment: \$ 359.00

Gold Card Returned by: email from Mai Vang

Type of Order/Fee: FC of O

Nuisance: Unpaid FC of O fees

Date of Orders: Appointment letters: 11/3, 11/28 and 12/16/2016, 1/2, 2/8, 3/2, 4/14, 6/8, 6/27, and 9/6/2017

Compliance Date: 09/26/2017

Billing Dates: 9/28 and 10/30/2017

Returned Mail?: no

Comments: First seven appointment letters sent to previous owner: Richard M Weigel in Holyoke MA. Last three appointment letters and billings sent to: KDB Investments 356 Arlington Ave W. Saint Paul, MN 55117-4334. Per STAMP: updated owner info on 04/26/17. Responsible party information updated on 06/08/2017. Original bill was \$693.00. This included: two provisional fees equaling \$203.00 and four no entry fees totaling \$288.00. Provisional fees and no entry fees cannot be assessed.

History of Orders on Property:

-another case of the fees go with the property

Ms. Moermond: this is an investment company; they're treating this as a rental property; it will turn into an owner-occupied property; the fees go with the building & it looks like the previous owner had a bunch of fees on the bill that can't be assessed -will recommend approval; we can respond via email to the Appellant

Approve the assessment.

Referred to the City Council due back on 4/18/2018

15 RLH TA 18-108 Ratifying the Appealed Special Tax Assessment for property at 1697 MARGARET STREET. (File No. CRT1806, Assessment No. 188205)

Sponsors: Prince

Lauren Rose Balland, owner, appeared.

Fire Supervisor Leanna Shaff:

Cost: \$206.00

Service Charge: \$157.00
 Total Assessment: \$363.00
 Gold Card Returned by: email from Mai Vang
 Type of Order/Fee: FC of O, SFD
 Nuisance: Unpaid FC of O fees
 Date of Orders: Appointment letter 08/03/2017, Deficiency letter 08/29/2017
 Compliance Date: 09/29/2017
 Billing Dates: 10/03 and 11/02/2017
 Returned Mail?: No
 Comments: All letters and bills sent to property owner, Lauren Balland, 1141 Margaret St, St Paul MN 55106
 History of Orders on Property:

Ms. Moermond: something that I noticed is different - the bill that you sent out includes \$105 for a provisional Certificate of Occupancy fee, then \$206 is for a Certificate of Occupancy that you would normally charge for a regular C of O fee

Ms. Shaff: correct

Ms. Moermond: but, when you process it as an assessment, you don't process the provisional fee so that \$105 went away as soon as you processed it; but then you introduced \$157 to process it as an assessment

Ms. Shaff: correct

Ms. Balland: I'm not actually trying to appeal; when I got this letter, I tried to call the City of St. Paul to just pay the fee and I was basically transferred around & around & finally then, I emailed my councilmember to look into it because I didn't understand what this was; she basically said to show up & come talk to you -I was deployed & rented my house during the year; my mail was all being forwarded to 1141 Margaret; unfortunately, somehow I didn't get sent these particular fees that we're talking about now; I'm fine with paying it; -I just want it to be known that I'm no longer renting my house; it was just for that year that I was gone -I am living in the house now; I moved back in Jan

Ms. Moermond: the difference between this proposed tax assessment & the bill that you got is \$52 extra; I'll split that in half to reduce your bill to \$337

Reduce from \$363 to \$337.

Referred to the City Council due back on 4/18/2018

- 16 RLH TA 18-109** Ratifying the Appealed Special Tax Assessment for property at 280 STINSON STREET. (File No. J1807G, Assessment No. 188796)

Sponsors: Thao

Jose Flores appeared.

Supervisor Lisa Martin:
 Cost: \$200.00
 Service Charge: \$162.00
 Total Assessment: \$362.00
 Gold Card Returned by: JOSE FLORES
 Type of Order/Fee: GARBAGE HAULER

Nuisance: FAILURE TO OBTAIN TRASH SERVICE (no proof provided to this point)

Date of Orders: 11-28-17

Compliance Date: 12-5-17

Re-Check Date: 12-5-17

Date Work Done: 17-219125 12/7/2017

17-223662 12/27/2017

17-219659 12/14/2017

17-221733 12/20/2017

Work Order #: SEE ABOVE DATES 4 WEEKS OF TRASH SERVICE

Returned Mail?: NO

Comments:

History of Orders on Property: J1808G (April 3, 2018 LH; May 16, 2018 PH)

Type (Levied/Pending): P

Improvement Desc: Trash Hauling

01/02/18-01/31/18

Pending Date: 01-FEB-18

Amount: 190

-I just found out that Mr. Flores no longer lives at this property; it has been rental property since Apr 2017

Mr. Flores: I have proof (a bill) that the tenant has trash service; she has had it since she moved in; I asked her to send proof

Ms. Moermond: you need to change your address with Ramsey County Property records saying that you don't live there any more and you haven't yet got it inspected to be a rental property; it's not in the Certificate of Occupancy Program

Supervisor Leanna Shaff: we talked about that before you came in, Ms. Moermond

Mr. Flores: I didn't know that there were so many processes; I will talk with Ms. Shaff after the hearing to see what I need to do to get it inspected

Ms. Moermond: I'd like to see the documentation of the garbage service

Mr. Flores: brought up a photo of the Waste Management bill

Ms. Moermond: so, on 12-29, she got a bill that would provide her garbage service thru Mar 1, 2018

*-I need proof during the month of Dec 2017 & we'll share it with code enforcement
-the garbage company could provide documentation of that; I will reduce the assessment if you can get me that documentaion*

Ms. Martin: we still have garbage service there

Ms. Moermond: get me that bill, the one that pays for garbage Mar, Apr, May 2018 & the one covering Dec 2017 & we can start to reduce these assessment; the sooner, the better

Ms. Mai Vang: there's a pending garbage hauling for Apr 3; then, there's a clean-up coming Mar 20; so, I combined the 2 for Apr 3, 2018 LH

Ms. Moermond:

Forthcoming. Appellant needs to provide proof of trash service for the month of December.

Referred to the City Council due back on 4/18/2018

Special Tax Assessments-ROLLS

- 17 **RLH AR 18-17** Ratifying the assessments for Collection of Vacant Building Registration fees billed during January 27 to November 20, 2017. (File No. VB1807, Assessment No. 188808)

Sponsors: Brendmoen

Referred to the City Council due back on 4/18/2018

- 18 **RLH AR 18-18** Ratifying the assessments for Boarding and/or Securing services during November 2017 (File No. J1806B, Assessment No. 188105)

Sponsors: Brendmoen

Referred to the City Council due back on 4/18/2018

- 19 **RLH AR 18-19** Ratifying the assessments for Demolition service from October 2017 at 602 Orange Ave E. (File No. J1805C, Assessment No. 182004)

Sponsors: Brendmoen

Referred to the City Council due back on 4/18/2018

- 20 **RLH AR 18-20** Ratifying the assessments for Demolition services from October to November 2017. (File No. J1806C, Assessment No. 182005)

Sponsors: Brendmoen

Referred to the City Council due back on 4/18/2018

- 21 **RLH AR 18-21** Ratifying the assessments for Collection of Fire Certificate of Occupancy fees billed during September 12 to October 5, 2017. (File No. CRT1806, Assessment No. 188205)

Sponsors: Brendmoen

Referred to the City Council due back on 4/18/2018

- 22 **RLH AR 18-22** Ratifying the assessments for Trash Hauling services during December 4 to 28, 2017. (File No. J1807G, Assessment No. 188706)

Sponsors: Brendmoen

Referred to the City Council due back on 4/18/2018

- 23 **RLH AR 18-23** Ratifying the assessments for Abandoned Vehicle services during September to November 2017. (File No. J1804V, Assessment No. 188004)

Sponsors: Brendmoen

Referred to the City Council due back on 4/18/2018

11:00 a.m. Hearings

Correction Orders

- 24 [RLH CO 18-8](#) Appeal of Michael Capistrant to a Correction Notice at 1620 DAVID STREET.

Sponsors: Bostrom

Rescheduled to March 13.

Laid Over to the Legislative Hearings due back on 3/13/2018

Orders To Vacate, Condemnations and Revocations

- 25 [RLH VO 18-8](#) Appeal of Eugene Schwalbe to a Notice of Condemnation as Unfit for Human Habitation & Order to Vacate at 65 WINIFRED STREET WEST.

Sponsors: Noecker

Eugene Schwalbe, Appellant, living in 65 Winifred St W, appeared.

Donald E Schwalbe, owner, Eugene's brother, living in 67 Winifred St W appeared.

Tyler Martin, Friend, also appeared.

Supervisor Lisa Martin: Condemnation & Order to Vacate

-Mar 2, 2018 Notice of Condemnation/Order to Vacate was issued to Mr. Don Schwalbe, 67 Winifred St W & Occupant at 65 Winifred St W; this is regarding the address at 65 Winifred St. W

-the Condemnation: Immediately discontinue the illegal use of commercial space as a living area & remove all bedding & personal belongings; other items were listed in the Condemnation; this looks to be an accessory structure right behind 67 Winifred St W (photos)

-the Vacate date was for Mar 2, 2018

Ms. Moermond: this commercial space was converted to a living space (no permits for the conversion)

Eugene: the night before they came with the Condemnation Order, they had given me this paperwork that had all of the problems with the interior; he said, "What you gotta do right now because I'm going to be coming back tomorrow - you gotta go get a CO & smoke detector up;" so, I did that, he came back the next day & gave me this with a whole bunch of the problems; so, I immediately started to correct all of those problems: slats missing in the bannister; so, that's been repaired (photos); I was planning to move out of there in the next 2 months anyway; get a full time job - trying to get into the Post Office; so, I was collecting boxes, etc - now, all that is gone; I removed the gas can; loose light socket-taken care of; basically, everything on this for the interior has been corrected (photos); storage from ceiling has been corrected; the place is cleaned up as good as I can make it;

Ms. Moermond: this is not a residential space; it's a commercial space - that's the

crux of the matter; have you been living there for a while?

Eugene: I've been living there for a couple years, at least; I didn't know about the zoning on it; another reason why I needed to stay for a while longer is that my brother & I both have alcohol problems; he's been trying to kill himself with alcohol; I've had to help him into bed; then, the road crew found him in the street; he quit drinking before that for 4 days, then went into some sort of shock; so, the road crew found him in the street, called an ambulance; he was in a coma for 5 days with a ventilator; he spent 10-14 days in the hospital; now, he's trying to recover from that but he got frost bite; that's nother reason why I think I should be allowed to stay there for 60-90 days, if I could; a waiver, maybe

Ms. Moermond: I'm wondering why you don't move into the house with your brother?

Eugene: he's got a roommate, who has cats & I'm severely allergic to cats

Mr. Martin: the place is set up like a mother-in-law cottage; it has all the facilities

Ms. Moermond: I've got photos taken Mar 2, 2018; it's a mess

Eugene: it's not a mess now; I cleaned it up; I have photos of the repairs & how it's cleaned-up; it's not a mess any more; I've been cleaning since this happened

Ms. Moermond: I'm happy to look at your pictures along with Supervisor Martin but I need an inspector to take a look at the place because people tend to take photographs of what makes it look good compared to the place in its totality

Ms. Martin: in this situation, he mentioned that he did not know the zoning requirements, this has been converted to living quarters yet there's no permits filed for any of that conversion work (full kitchen with gas stove, light fixtures, plumbing); no permits for any of those things that have been installed

Eugene: there was electric in there before; there's a fuse box; all that is there

Ms. Moermond: the electrical connections weren't make by an electrician & the bathroom & kitchen weren't installed under permit; so, we don't know if they are safe installations because of that

Ms. Martin: it looks like you've extended a lot of the electrical work; these fixtures are not original fixtures; this is a converted space that does not meet zoning or safety requirements

Mr. Martin: you need permits & have it inspected (?) How do you backwards doing something like that?

Ms. Moermond: the first thing is that this isn't a residential space

Eugene: that's the upstairs space; it's a little messy but..... it's not like dangerous or anything

-I did everything that I could do at that point

-I am trying to find somewhere to go; I am trying to be a good citizen of Saint Paul here but at this point, I really have nowhere to go

Mr. Martin: I'm curious about rezoning it; how does someone do that?

Ms. Moermond: an application needs to be made to rezone & I don't know if this even qualifies as a separate living space; if it's in an area where it's allowed, you'd need to make sure that this was rezoned legally

Mr. Martin: when it was originally built, it was a butcher shop

Donald: I didn't change the zoning because I figured I'd be using it commercially; the property is zoned both commercial & residential; so, I could use the whole property for anything I wanted

Ms. Moermond: it's zoned B2 residential

-if you build a house as a house, there are codes that go with that

-if you build a commercial bldg, there are codes that go with that, specific to the type of commercial use

-what we have here is a building that was built to be a commercial bldg being used as a residence; so, we're quite sure that it doesn't meet the expectations that a residential bldg would have; on top of that, we have a zoning problem with somebody living in a commercial bldg & we have a bldg in pretty bad condition for someone to be living in

Eugene: I don't see it as dangerous at all & I was misinformed: an inspector from the city came out about 1 1/2 years ago because we had too much inside furniture outside & too much stuff in the back yard & he went through the whole inside of the structure & he said that he didn't see any reason why someone couldn't live in there; you got 2 exits; he didn't see any problem with me living there

Ms. Martin: there's a back yard clean-up in Mar 2015; it might have gone to Parks; there was a vehicle, too; 2008, there's a vehicle & exterior sanitation; 2007, tall grass & weeds; 2006.....

Ms. Moermond: what was that previous inspector's name back in 2015?

Ms. Martin: Mark Kaisersatt

Eugene: I'd rather just have a nice apartment; that's why I'm trying to get a full time job; right now, I can't go anywhere

Mr. Martin: basically, we're looking for time; 90 days of something

Eugene: I've been trying to get things in order & get out of there; but him, (Don) being in his condition & trying to come out of the problems that he's had-- he physically can't get out there & chip ice, etc; his roommate can't either; so, they do need me there for a while; so he can get recovered enough to perform those duties on his own

*Ms. Moermond: there are 2 pathways: 1) make this bldg a residential bldg & for that you need a code analysis done; you need to hire an architect to tell you what you need to do; he will also tell you that the bathroom & kitchen need to be re-done; I think that this is more expensive than what your budget will allow right now; maybe, in the long run; or 2) they wanted you to move out immediately - they gave you no time all, which is an indication of how serious they thing the problems were
*-I can give you some time; I can't give you 90 days**

Eugene: I really do need 60 days--if you could go that far (?)

Donald: I have space in my attic that he could use

Eugene: it would be a little like winter camping but.....

Ms. Moermond: I'm going to say Apr 1, 2018 - your vacate date; the attic may be a good solution for a while

-City Council Public Hearing is Mar 21, 2018; you can ask them for a longer time

Grant an extension to April 1, 2018 to vacate the property or come into compliance.

Referred to the City Council due back on 3/21/2018

Summary Abatement Orders - Making Finding

- 26 [RLH SAO 17-107](#) Making finding on the appealed nuisance abatement ordered for 1936 CHELTON AVENUE in Council File RLH SAO 17-94. (Legislative Hearing on March 6, 2018)

Sponsors: Stark

No one appeared. Staff report was given.

Lisa Martin:

-file closed, issue taken care of

-Nuisance condition is abated and the matter is resolved.

-will amend the resolution for tomorrow

Referred to the City Council due back on 3/7/2018

- 27 [RLH SAO 18-4](#) Making finding on the appealed nuisance abatement ordered for 642 IGLEHART AVENUE in Council File RLH SAO 17-103.

Sponsors: Thao

Staff report given:

Lisa Martin:

-file is closed and resolved.

Ms. Moermond:

-Nuisance condition is abated and the matter is resolved.

Referred to the City Council due back on 3/14/2018

- 28 [RLH SAO 18-7](#) Making finding on the appealed nuisance abatement ordered for 798 IGLEHART AVENUE in Council File RLH SAO 18-6.

Sponsors: Thao

No one appeared. Staff report was given.

Marcia Moermond:

-too hard to tell whether or not the pallets have been abated from behind the vehicles because of the current weather condition

-layover for a week at City Council tomorrow

*-will pull back into our Agenda
-double check on March 13*

Continue public hearing to March 14.

Referred to the City Council due back on 3/7/2018

11:30 a.m. Hearings (NONE)

1:30 p.m. Hearings

Fire Certificates of Occupancy

- 29** [RLH FCO 18-15](#) Appeal of Rob Langford to a Fire Inspection Correction Notice at 682 CANTON STREET.

Sponsors: Noecker

Robert K Langford, owner, appeared.

Ms. Moermond: Follow-up hearing

Mr. Langford: the tenant moved to the upstairs; he is the only person living in the building

Fire Inspector Leanna Shaff: I don't know that we have any follow-up on our end; it was left that if the tenant moved to the actual sleeping room.....

-the code's been very clear that access needs to go directly outside & not pass through another room

Ms. Moermond: I pulled the code compliance inspection report & there's no mention of bedroom space on the first floor

Mr. Langford: I don't want to take out the windows from the porch; for the time being, the tenant is content using the upstairs bedroom; in the future, I'd like to put in a window into part of the area that's the closet

Ms. Moermond: if you want to rent again, modifications should be made; you'll have all the time you need as long as this room is not used as a sleeping room

Deny the appeal, noting the owner is in compliance with the front bedroom by having the tenant move to another sleeping room.

Referred to the City Council due back on 4/11/2018

- 30** [RLH FCO 18-27](#) Appeal of Pastor Jonathan Proctor to a Fire Inspection Correction Notice at 956 FOREST STREET.

Sponsors: Bostrom

Pastor Jonathan Proctor, Holy Trinity Orthodox Church, appeared.

Pastor Proctor introduced a photo Exhibit

Ms. Moermond: this inspection was done by commercial staff for an assembly use, Supervisor James Perucca

Supervisor James Perucca: the inspection was done Feb 15, 2018 by Inspector Dave Bergman; he called out 3 things: 1) posting the occupant load 198; 2) provide self-illuminated exit signage for the required second exit, which is located just off the altar towards the right; and 3) provide annual fire alarm testing -it had been the policy of DSI not to call out exit signage in A3 Assemblies if the occupant level were under 300; since that time, the fire marshal who enacted that policy has left, even though the code doesn't make a provision for that, it has been a long standing practice; having said that, it is an area that is obstructed; we could look at some other provisions, but the code does require the second exit to be illuminated

Pastor Proctor: provided a large photo Exhibit of the area in question, noting that this is an Eastern Orthodox Church (Russian & Greek); it's kind of a cultural & historical treasure of the city; it's iconography is everywhere, where traditionally it would be ceilings, walls & rooms; the exiting question - the photo gives you a sense... you can see the top of the stairs that go down to a door that leads to the loft; so, the concern is certainly legitimate & appreciated; I have a vivid memory of an inspector looking at this & giving us at least a verbal exemption, only because that he found nothing on the record; I've been there 27 years so I'm part of the furniture; we have had the same concern, & in fact, this staircase was a ladder; it was a trap door in the floor with a ladder going down & roughly, 15 years ago, we got permission to put the stairs in; there's not enough room to make them completely code in terms of rise & thread but they're much, much safer; there's a bannister; the problem that this particular exit poses is that it's right above "this icon here" (he points to); it would be a fairly large & illuminated exit sign; aesthetically, there's a problem and then we have kind of a religious practice difficulty with it; our major services in the week are Sat evening & Sun morning; Sat evening, much like the Jewish daily cycle, has the sun setting so, it's done in natural light - candle light in the winter; just twilight & so, the church is largely dark; so, you'd have this big, clanging exit sign staring at you; pointing to 2 large doors on the Exhibit; the Mass involves 2 ritual actions called the Little Entrance & the Great Entrance, procession with the Gospel Book & later with the chalice & the ____; they come out from the altar area, which is behind the screen into the church & they return; they are called the Liturgical Entrances; they bring a real focus to these doorways & it's really dissonant to be doing that with a Big Red Sign that says, "Exit;" there's a symbolic value to the altar area in terms of an entrance into a space; these doors - nobody goes thru them, not even clergy, unless there's a particular....; it's a highly symbolized space, so, it's difficult for us to contemplate this, so aside from the question which has now been answered about what might have been the history of that exemption, other observations I've made to our inspector were that it's a church; it's not like a restaurant where there's a new population there every time; we come because of the nature of the church; we don't do concerts or speeches; it's a liturgical space; it only has the congregation in it; being that it's a stable congregation, it seems that a better solution might have been to allow us to do an annual drill or even pay the fire dept to do an annual drill where the whole congregation exited this way so everybody just knew it was an exit because in normal practice, nobody goes behind the altar except certain people; in my mind, that would be an adequate alternative & probably more effective, in fact, than putting that big illuminated sign right there because of the aesthetics & then the intrusion into the religious use of that doorway -we do not contest the logic; it's just that it conflicts with the religious practice -it's all standing area; we don't have pews in Orthodox churches (traditionally) -there are no handouts -outside of the worship area is a new space; about 3 years ago, we enlarged/added a

whole new entrance area so that it could occupy an elevator

Ms. Moermond: is there a way to do signage in the ante room area, the entrance area, that would be a reminder to people that they don't just have the doors they came into to leave but that there's an alternate exit, as well?

Pastor Proctor: that's a possibility; I'm wondering what it would say (?)

Ms. Moermond: could be like an interior map, showing where you are & where the emergency/alternate exit is located

Pastor Proctor: yes; that's certainly possible

Inspector Perucca: actually, a map is part of the emergency plan that we discussed

Pastor Proctor: and we would be happy to help develop that written emergency plan

Ms. Moermond: I'm more concerned that the leadership is ready to provide clear direction than there be practice or drills among the congregation
-and I completely support your thinking that having an illuminated sign within the iconography would be detrimental - that there's got to be other solutions that wouldn't involve doing that

Grant the appeal with the condition of signage in entrance area and volunteer training discussion with Fire Inspectors.

Referred to the City Council due back on 4/11/2018

31 [RLH FCO 18-25](#) Appeal of Michaelene Colestock to a Correction Notice - Complaint Inspection at 884 HYACINTH AVENUE EAST.

Sponsors: Bostrom

Michaelene Colestock, C of O Responsible Party, appeared.

Supervisor Leanna Shaff:

-Fire Certificate of Occupancy complaint; the inspector is George Niemeyer
-basically, we have a house that is over-occupied & was Ordered to reduce the number of occupants; there are 6 adults & 2 children living in the house; the code says no more than 4 unrelated adults
-we are told that this is going to be a Sober House; the operator of a Sober House needs to have a Fire Certificate of Occupancy & apply for Reasonable Accommodations under the Zoning Code; yes, an application for Reasonable Accommodations was received by our office on Feb 12, 2018; it was accepted; our office has 60 days to either approve or deny; the hard part with this one is that there are 2 children living in the home, as well; typically, a Sober House doesn't allow children to live in a Sober House; I made a lot of calls & talked to a lot of people about what that means; this is the first that anyone has really heard of that; we went to Peter Warner, City Attorney, who handles zoning issues & his opinion is that having children in a Sober Home does not meet the intent of the Sober House Ordinance
-we would require that the number of adults be reduced to 4 or fewer
-in the application for this appeal, they were under the impression that the currently active _____ was sufficient but found that a new fire inspection must be completed for Sober Houses; what I found difficulty with is that we have on record that the operator here was on a different property, 903 Beach Street

-as far as we're concerned, this is not a Sober House & needs to reduce the number of occupants living there

Ms. Moermond: this does not have Zoning approval?

Ms. Shaff: correct

Ms. Moermond: do we have any measurements?

Ms. Shaff: we haven't been over there; we haven't been in there to do all the steps that it would have to take in order to become a Sober House; with 903 Beach, it's very clear to contact me, specifically, in order for it to be inspected before final approval is granted

Ms. Moermond: how many bedrooms in this house & how many adults live there?

Ms. Colestock: there are 4 bedrooms; & now there are 5 adults (one of the girls moved out with her child)

-could I explain.....

-this is my first encounter with Reasonable Accommodations since the Beach House in Sep

-the owner of the house is Green Jacket LLC; the owner said that he filled out that application & sent it in last week

-I own & operate transitional houses, 3 in St. Paul; I started working with Green Jacket LLC in Sep 2017, I'm renting from them & subletting as Sober House; my first experience for Reasonable Accommodations was for the house on Beech St; I must not have looked closely at the paperwork- that my job was to contact Ms. Shaff; I was under the impression that the Fire C of O that the owner provided me when I was renting the house was a Fire C of O; I didn't know that there was a special one for Sober Houses vs. just a rental property

-Insp Niemeyer came to 903 Beech on a complaint from the previous tenant; he said, "Hey, you are supposed to have this other Fire C of O at this house;" I said that I wasn't aware of that; can we get that scheduled; he said no problem, we'll get it scheduled; during that conversation, I told him that I just opened up another house at 884 Hyacinth (that was the compliant); & can we get an inspection for this house, too, because I started renting it Feb 1, 2018; I am worried because I have pregnant women & some women with children who live in the Sober House

-you are correct that Sober Housing for women with children is fairly unheard of; I'm one of the first people to be doing it in St. Paul & it's a great need; most Sober Houses are just for single adults; then, there are these women out there who have absolutely no place to go & re-unify with their children; my understanding is there weren't any specific rules about women & children or pregnant women - that it was just a forum for adults; if you wanted more, the children can go with the mother as part of the family; apparently, I'm wrong about that, so, I'd love to know about how to be in compliance; in this matter, I now have 5 women living there; their rent is paid & I didn't want to have to kick somebody out who's going to then, be homeless while I was waiting for an inspection to happen that I felt would be pretty straight forward about getting the Reasonable Accommodations approved

-I'm used to the GRH Process, which is a Dept of Health license; I don't get Reasonable Accommodations with that; I have to get conditional use permits, if I want more than 4 people

Ms. Shaff: In speaking with both MASH & New Way, there are available rooms for women out there, at this point

Ms. Colestock: *but not any other houses that take women & children*
-I work with New Way, hand in hand; they are excited about what I'm doing because they have a lot of women who have children & don't have housing for them
-during the day, the children go to day care
-mostly, women meet the income threshold guidelines for poverty, so they get childcare assistance through the county, food stamps, etc; because they actually attend treatment at New Way for about 20 hours a week

Ms. Shaff: *is there a reason that you didn't go GRH with this one also?*

Ms. Colestock: *a lot of the GRH houses actually don't allow women with children either*
-I don't own these 2 homes & in order to get the GRH is a little more of a process; so I thought I'd try this route instead, knowing that if it works out, maybe I'll just keep going this route
-the owner had told me that he wanted to be there for the inspection so he'd know if any changes needed to be made; so I should schedule a re-inspection - contact George?
-if I need to move one of the women to be in compliance, I can figure something out; I have 5 properties

Ms. Shaff: *yes; call Inspector Niemeyer*
-suggested that she obtain a MASH membership & attend their meetings

Ms. Moermond: *an application for Reasonable Accommodations was made on Feb 12, 2018; the city has 60 days in which to respond to that application or it can ask for an extension for another 60 days, which is automatically granted under state law; it would simply send you a letter saying they're looking for another 60 day extension*
-one of the things that comes up with your application that's obviously different is that you would like to include children of the residents in the Sober House as a part of your plan & will require some additional legal analysis
that it isn't consistent with the way this has been interpreted thus far but we don't have a written legal opinion on that either; & we don't have a Zoning Board decision on it; there isn't a point of reference to say whether or not this is going to work; so, right now, you could expect it to be the full 60 days for the process to shake itself out & they might push it out another 60
-in the meantime, we need to get this down to 4 unrelated adults
-I would look for compliance with that on Mar 26, 2018; I will recommend that City Council
-if you get your Reasonable Accommodations, then, you'll get your ability to do more; we will take the record of this hearing & forward it to Karen Zacho in DSI, who is processing your application; she will consult with her counsel regarding children
-the Zoning Code, as it's written for everyone in single family homes, says that you can't have more than 4 unrelated adults; the Special Accommodations for Sober Housing says that Sober Housing is it's own unique thing & it's reasonable that up to 6 unrelated adults can be there
-there's an appeal process for disagreeing with the Zoning decision

Grant an extension to March 26, 2018 to reduce the number of occupants to 4 unrelated adults.

Referred to the City Council due back on 4/11/2018

2:30 p.m. Hearings

Vacant Building Registrations

- 32 [RLH VBR 18-12](#) Appeal of Jason Anderson to a Vacant Building Registration Requirement at 723 EDGERTON STREET.

Sponsors: Brendmoen

No one appeared.

Supervisor Matt Dornfeld, Vacant Buildings:

-the is a Category 2 VB, close to being finished; all permits are pulled

-the fee went to assessment Feb 15, 2018

Ms. Moermond: let's send a letter to Mr. Jason Anderson indicating that his appeal is denied on the VB Registration, letting him know that this is being processed as an assessment; he is invited to appeal the assessment & consideration will be given as to whether he has completed the project & the amount of the assessment, if any

Deny the appeal, noting the fee has gone to assessment.

Referred to the City Council due back on 4/11/2018

- 33 [RLH VBR 18-11](#) Appeal of Marjorie Pitz to a Vacant Building Registration Notice at 664 PLUM STREET.

Sponsors: Prince

Marjorie E Pitz, owner, appeared.

Supervisor Matt Dornfeld, Vacant Buildings:

-DSI has been monitoring this since Dec 18, 2015 as a preliminary Vacant Building

-recently, we were advised to go through our prelim VB stock older than 1 year & entering them into the VB Program; this one fell into that category (been vacant for 3 1/2 years)

-we've had to issue 1 Summary Abatement in 2016-junk/refuse; tall grass/weeds last May; no Work Orders

-Inspector Rick Gavin changed this from a prelim VB to Cat 1 VB in Feb 2018

-there's chipped, peeling paint on the exterior; have had to issue a couple maintenance SAs over the years

-I have personally, not been there

Ms. Pitz: it has vinyl siding with aluminum trim, so there's no chipped, peeling paint

Mr. Dornfeld: I will make note of that

Ms. Pitz: some of the objects we removed when we just had the auction the first week in Aug; the next one was the debris in the driveway when we were emptying all the garbage material that one of the former owners had stuffed under the porches - we were digging all of that out in order to repair the foundation; we stockpiled it in the driveway; instantly, a complaint was raged against us; we hired someone to haul it away right away; there is no grass in the front yard at all; the previous owner had planted flowers & woodland type ground cover

Ms. Moermond: you are doing a ton of work on this property; when will you be coming to conclusion on fixing the place up?

Ms. Pitz: the urgency for us has increased; the road block has been not to get finalized on some things, which we have to have before we can engage with other contractors

-I haven't totally resolved which plan I'm going to use; I haven't yet sat down with city planners

-& I want to get the right contractors & some of them are booked far into the future but we want it done this year

Ms. Moermond: suggested she get on the phone with contractors now; I do have the ability to do waivers on the VB fee for a certain length or time; and then, I can prorate them

-suggested that she talk to Jim Erchul, Dayton's Bluff Neighborhood Housing Services; ask Jim if he has a list of contractors who he has worked with because he would have worked with a variety of people who work on existing housing, not new construction; you can tell him that I recommended that

-John Vaughn, would be my second stop; he's at East Side Neighborhood Development Company; he too, may have a list of contractors with whom he's worked

Waive the vacant building fee for 180 days.

Referred to the City Council due back on 4/11/2018