



# 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*

*legislativehearings@ci.stpaul.mn.us*

*651-266-8585*

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Tuesday, June 18, 2019

9:00 AM

Room 330 City Hall & Court House

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#### Special Tax Assessments

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

- 1     **RLH TA 19-451**     Ratifying the Appealed Special Tax Assessment for property at 1193-1195 ARONA STREET. (File No. J1920A, Assessment No. 198549)

Sponsors:     Jalali Nelson

*Approve; no show.*

**Referred to the City Council due back on 8/7/2019**
- 2     **RLH TA 19-441**     Ratifying the Appealed Special Tax Assessment for property at 1043 BEECH STREET. (File No. J1920A, Assessment No. 198549)

Sponsors:     Prince

*Approve; no show.*

**Referred to the City Council due back on 8/7/2019**
- 3     [RLH TA 19-452](#)     Deleting the Appealed Special Tax Assessment for property at 1739 CARROLL AVENUE. (File No. J1920A, Assessment No. 198549)

Sponsors:     Jalali Nelson

*Delete the assessment.*

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*Gholamreza Ashrafzadehkian appeared.*

*Lisa Martin, Staff:*  
*Cost: \$160*  
*Service Charge: \$162*  
*Total Assessment: \$322*  
*Gold Card Returned by: Gholamreza Ashrafzadehkian*  
*Type of Order/Fee: Summary Abatement Order*  
*Nuisance: Snow & Ice*

*Date of Orders: February 25, 2019  
Compliance Date: 24 hours  
Re-Check Date: March 1, 2019  
Date Work Done: March 4, 2019  
Work Order #: 19-015271  
Returned Mail?: No  
History of Orders on Property: 6/19/18 vehicle*

*This is a Summary Abatement order for snow and ice.*

*Moermond:*

*This is a snow and ice and you're Mr. Ashrafzadehkian?*

*Gholamreza Ashrafzadehkian:*

*That's correct.*

*Moermond:*

*Tell me a little about why you are appealing and what you are looking for.*

*Ashrafzadehkian:*

*It was an interesting year for snow. I shoveled myself. So much snow, I'm not sure.*

*Moermond:*

*Let's look at the video.*

*[video plays before and after views]*

*Ashrafzadehkian:*

*The neighbors?*

*Moermond:*

*Usually, they just go right down the street, because somebody has called in, like all the houses. It's not usually just the one house that got called in, it's usually everybody and the video guys will just go right down the block, shoveling, bobcatting, or whatever.*

*Here's what I am looking at in your particular case, though, is that the orders were written February 25, and coming up on February 25, there hadn't been a lot of snow. But after February 25 and before the crew showed up, there was six inches of snow. What the order was written on was not there by the time the crew got there. So, I will recommend that this gets deleted, but you know to get it down to the cement.*

*Ashrafzadehkian:*

*Thank you.*

**Referred to the City Council due back on 8/7/2019**

- 4**      [RLH TA 19-469](#)      Deleting the Appealed Special Tax Assessment for property at 1944 CARROLL AVENUE. (File No. J1920A, Assessment No. 198549)

**Sponsors:**      Jalali Nelson

*Delete the assessment.*

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*Robert Jensen appeared.*

*Lisa Martin, Staff:*  
Cost: \$160  
Service Charge: \$162  
Total Assessment: \$322  
Gold Card Returned by: Robert Jensen  
Type of Order/Fee: Summary Abatement  
Nuisance: Failure to shovel snow/ice  
Date of Orders: 2-22-19  
Compliance Date: 2-26-19  
Re-Check Date: 2-27-19  
Date Work Done: 2-27-19  
Work Order #: 19-014454  
Returned Mail?: No  
History of Orders on Property: No History

*Robert Jensen:*  
Basically, you know, it's the same situation for me. It snowed three or four times. I shoveled my sidewalk at least three or four times between the time they actually did the removal. I thought the removal was March 5, you are saying it's the 27th?

*Moermond:*  
Yes. Why did you think March 5?

*Jensen:*  
I don't know, I called it and tried to get some information on it.

*Moermond:*  
OK. Let's take a look at the video.

*[video plays before and completion views]*

*Jensen:*  
I guess I'm just saying the original event that was the result of the complaint, you know, I shoveled it several times. I've got pictures on March 10; every property in the neighborhood had snow on the corners. There was so much snow, there was no place to put it; it was all you could do to get a path out to the street. So, I'm no different than any other resident in the neighborhood. I've got pictures of every corner in our block and every one of them has snow on the corner. There's no place to put it. We had snow emergency on February 24, we had another one on Feb 1.

*Moermond:*  
I am looking at the snowfall totals. And it would appear that for the February 22 call in, it was likely in reference to the 9" snowfall two days earlier. But on the 23 and 24 we have another 2", 2.5". on the 26th and 27th, another inch, 1.5 inches. And so on.

*Jensen:*  
I was getting it off as fast as I could.

*Moermond:*  
Here's where I am at moving forward. The full width is important and it is you got to have it clear so if there's somebody with mobility issues, they can manage that. I saw you had been making an attempt to keep it clear. It looked like it was two shovel widths.

Jensen:

*I can show you pictures. When they cleared it, they actually went about half a foot onto my grass.*

Moermond:

*I'm not surprised when I see they bring out the heavy equipment.*

Jensen:

*They tore up my grass. I understand about having the corner cleared, but having the corner is difficult. You shovel and then the plows come through.*

Moermond:

*I understand.*

Jensen:

*Mounds of dirt and it's really hard to manage.*

Moermond:

*I want to be considerate of that. They did remove a ton of snow and ice from the corner, which was nice for the rest of the winter, trying to keep that under control.*

Jensen:

*Yup. But at the end of the day, that was the only corner that was cleared. Well into March, so...*

Moermond:

*I am looking at circumstances similar to the previous hearing. I am going to recommend that it gets deleted. I am more sympathetic with the corners as long as there's something punched out. The sidewalks, I would say watch those edges. It's terrible when it snows a lot. I snowblow and shovel, too. We will delete this one and just moving forward, you have the idea on the other.*

Jensen:

*Thank you.*

**Referred to the City Council due back on 8/7/2019**

- 5      [RLH TA 19-470](#)      Ratifying the Appealed Special Tax Assessment for property at 956 CHARLES AVENUE. (File No. J1920A, Assessment No. 198549)

**Sponsors:**      Noecker

*Approve; no show.*

**Referred to the City Council due back on 8/7/2019**

- 6      [RLH TA 19-466](#)      Deleting the Appealed Special Tax Assessment for property at 1342 CHARLES AVENUE. (File No. J1920A, Assessment No. 198549)

**Sponsors:**      Jalali Nelson

*Rescheduled per owner's request.*

**Laid Over to the Legislative Hearings due back on 7/9/2019**

- 7 [RLH TA 19-436](#) Ratifying the Appealed Special Tax Assessment for property at 1031 FOURTH STREET EAST. (File No. J1920A, Assessment No. 198549)

**Sponsors:** Prince

*Approve; no show.*

**Referred to the City Council due back on 8/7/2019**

- 8 [RLH TA 19-435](#) Ratifying the Appealed Special Tax Assessment for property at 792 MARYLAND AVENUE EAST. (File No. J1920A, Assessment No. 198549) (Public hearing to be continued to October 9)

**Sponsors:** Busuri

*Public hearing continued to October 9, 2019 and if no same or similar violation(s), will reduce from \$322 to \$200.*

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*Huseng Yang, tenant, appeared.*

*Paula Seeley, Staff:*

*Cost: \$160*

*Service Charge: \$162*

*Total Assessment: \$322*

*Gold Card Returned by: CHRISTINA DUONG*

*Type of Order/Fee: SNOW ORDER*

*Nuisance: FAILURE TO REMOVE SNOW FROM PUBLIC SIDEWALK*

*Date of Orders: 3-8-19*

*Compliance Date: 3-12-19*

*Re-Check Date: 3-13-19*

*Date Work Done: 3-13-19*

*Work Order #: 19-018499*

*Returned Mail?: NO*

*History of Orders on Property: 2-26-18 GARBAGE ORDER*

*Moermond:*

*Let's look at the video.*

*[video plays before and after views]*

*You are appealing this. Tell me why.*

*Huseng Yang:*

*Well, we live on Maryland which is very busy and we get dumped on every time the plows go by and it's very hard to keep up. I work. Breakfast, morning, and lunch. I am an addictions counselor, so I am there late hours, so it's hectic. It's hard to come back and clean up after the City, you know.*

*Moermond:*

*What I saw didn't look like the result of a plow going by. Usually when a plow goes by and throws, you can see that part of the sidewalk is covered and it comes down at an angle. That isn't what I saw.*

Yang:

*There's increments of the snow piling up and ice, you know. It's hard to keep up with the plows, you know?*

Moermond:

*You didn't keep up with the plows. I saw ice that was 4" deep.*

Yang:

*We just continue cleaning the top of it.*

Moermond:

*Ice is a problem in addition to snow.*

Yang:

*Yes, well my neighbors were doing the same thing. We were all at fault. I'm taking responsibility for it, you know.*

Moermond:

*What are you looking for today?*

Yang:

*Just a busy street, on Maryland, getting dumped on all the time.*

Moermond:

*I am looking at that but what I was seeing wasn't the result of plows. What I was seeing was the result of ice buildup and not maintaining on that. I was seeing really bad edges on both sides, telling me that it hadn't been properly cleared in a long time. I also look at this and I think, major street, meaning there's a lot more pedestrians going by, that could get hurt. The liability insurance that I presume you carry renter's or the property owner carries. Getting sued for somebody falling on all that treacherous ice would be a concern.*

Yang:

*I try to salt it; you see the salt on ...*

Moermond:

*What I saw was really bumpy ice; I didn't see salt.*

Yang:

*There was salt sitting on my porch, if you didn't see it in the video.*

Moermond:

*Well, salt sitting on your porch isn't ice cleared off the front of the property. And I do see you have garbage order. Were you there in February, 2018?*

Yang:

*No.*

Moermond:

*When did you move in?*

Yang:

*March, 2018.*

Moermond:

OK. There was some snowfall in between when the orders were written and the crew showed up. What I was seeing was longer term buildup, though, than what that would have provided for. So, I'm not as sympathetic as I was in the previous cases. Ice accumulation is really the worst. I'm going to recommend that, if there is no same or similar violations, through October 9 of this year, we will cut it to \$200. Take \$122 off.

Yang:

OK. When do I pay it?

Moermond:

This has a public hearing on August 7. I will ask them to continue it for a couple of months. On October 9, when the Council looks at it, I will tell them if there have been any violations between now and then. If there have been, I will recommend approval. If there haven't been, the \$122 goes away. The owner would receive an invoice within a week of that hearing. Probably in the third week in October.

Yang:

Thank you.

**Referred to the City Council due back on 8/7/2019**

- 9 [RLH TA 19-447](#) Ratifying the Appealed Special Tax Assessment for property at 658 MINNEHAHA AVENUE WEST. (File No. J1920A, Assessment No. 198549)

**Sponsors:** Thao

Approve the assessment.

\_\_\_\_\_  
Preston Crews appeared.

Paula Seeley, Staff:

Cost: \$160

Service Charge: \$162

Total Assessment: \$322

Gold Card Returned by: Preston Crews/Sharon Collins

Type of Order/Fee: Summary Abatement

Nuisance: Failure to remove snow

Date of Orders: 2-25-19

Compliance Date: 2-28-19

Re-Check Date: 2-28-19

Date Work Done: 3-1-19

Work Order #: 19-014968

Returned Mail?: No

History of Orders on Property: June 2018-Tall Grass/April 2018/Garbage

Moermond:

I am guessing if we look at the video, we are going to see snowfall. Let's look at that.

[video plays before and after views]

OK, it looked to me like all there was a narrow footpath that hadn't been shoveled, just what people had tromped down on their way through. Did you see anything other than

that?

Preston Crews:

No, that was resident's, we, ah, we usually hire somebody, it's a duplex, we usually hire somebody, or I do it myself, but with the Minnehaha going by, buses, and all that traffic. It was snowing. I know the day plows came by; it was Friday. And I was there there when they came by, but, I am weary of snow shoveling and I know that our guys wouldn't come out and do it. They waited until the snow ended to do it and then come out the end of the next day. My point is...

Moermond:

I don't know what you mean by that.

Crews:

OK, if they're going to come out when they come out. And if they see it's going to snow the next day, they say well we'll come out after it snows.

Moermond:

I wish that it was that organized, but it's not.

Crews:

I agree. Well, we said, it's snowing now, it's Friday afternoon around 5 o'clock. I remember when they came by. I also had to go upstairs to make sure it said property clean up and I had to make sure that it was sent to the right address, that it was us, it's bad, I say bad but I just did half. We thought if we were just going with the blocks and the other houses, we would plow it half until we could get it widened. It was frozen, it was pretty bad this winter, of course. I think we kept up pretty good for the last 10, 11 years and salt and sanded. Also it said there's a sidewalk ramp to the street and I want to make sure they were talking about us...

Moermond:

Let's look at that video again, please.

[video plays before view]

Crews:

If you notice, that was in front of 656. That's where the opening...

Moermond:

They are the grey house?

Crews:

They are the grey house. Actually, it was a blessing because they came in with this front end loader and they opened this bid, wide swath. But it wasn't in front of our house. It was in front of...

Moermond:

Your house, the grey house, wasn't shoveled out, though.

Crews:

Correct, it's the narrow path there. I am coming today to ask for a deletion only because it was done all the time. I think we have a 2/28 notice...

Moermond:



*When I look at that, it doesn't appear to me to be done all the time. If you received a notice on February 28, in the preceding week there would have been 6 or 7" and it doesn't appear there was any effort to remove any of that. I am going to recommend approval of the assessment. You are welcome to talk to the City Council about a reduction.*

Crews:

*OK, but one thing more, did they come out on March 1, the next day?*

Moermond:

*They came out on March 1.*

Crews:

*Are we got the notice on the February 28th.*

Moermond:

*The notice was mailed on the 25th, from the City. The law states it needs to be cleared within 24 hours from the conclusion of the previous snowfall and it looks like we have a number of snowfalls that would have concluded before March 1 and none of them have been cleared. You are welcome to talk to the City Council about it.*

**Referred to the City Council due back on 8/7/2019**

**10**     [RLH TA 19-453](#)

Ratifying the Appealed Special Tax Assessment for property at 575 NEBRASKA AVENUE EAST. (File No. J1920A, Assessment No. 198549)

**Sponsors:**         Busuri

*Approve the assessment.*

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*Ahmed Kian, property manager, appeared.*

*Paula Seeley, Staff:*

*Cost: \$160*

*Service Charge: \$162*

*Total Assessment: \$322*

*Gold Card Returned by: Kambiz Taghizadeh*

*Type of Order/Fee: Summary Abatement Order*

*Nuisance: Snow & Ice*

*Date of Orders: 2/25/19*

*Compliance Date: 24 hours*

*Re-Check Date: 2/27/19*

*Date Work Done: 3/1/19*

*Work Order #: 19-014631*

*Returned Mail?: No*

*Comments:*

*History of Orders on Property: 9/4/18 TGW & Garbage and Vehicle (abated by owner)*

*Ahmed Kian:*

*I think, similar situation, so much snow, I mean, the tenant was doing the best to get ahead of the snow.*

Moermond:

*Let's take a look.*

*[video plays before and after work completion]*

*Kian:*

*It is snowing, right?*

*Moermond:*

*Yes, it is snowing. What I am seeing is a lot of snow that exists beneath that snow that is coming down. So, what I was looking at isn't just the current snow coming down. And that side of the property hadn't been done at all, just a footpath. This side had some effort. Looked like two shovel widths. Maybe, historically, but...it did look like the work needed doing, particularly on the side. And even setting aside the corner issue, it's a legitimate charge.*

*Kian:*

*I think she tried her best*

*Moermond:*

*Well, you are the property manager. You can have a contractual arrangement with the tenant to provide for that.*

*Moermond:*

*I am going to recommend approval on this assessment.*

*Kian:*

*Thank you.*

**Referred to the City Council due back on 8/7/2019**

- 11**     [RLH TA 19-442](#)     Ratifying the Appealed Special Tax Assessment for property at 1393 PROSPERITY AVENUE. (File No. J1920A, Assessment No. 198549)

**Sponsors:**     Busuri

*Approve; no show.*

**Referred to the City Council due back on 8/7/2019**

- 12**     **RLH TA 19-476**     Ratifying the Appealed Special Tax Assessment for property at 1125 SEVENTH STREET WEST. (File No. J1920A, Assessment No. 198549)

**Sponsors:**     Noecker

*Rescheduled per owner's request.*

**Laid Over to the Legislative Hearings due back on 7/23/2019**

- 13**     **RLH TA 19-475**     Ratifying the Appealed Special Tax Assessment for property at 1445 SEVENTH STREET WEST. (File No. J1920A, Assessment No. 198549)

**Sponsors:**     Noecker

*Rescheduled per owner's request.*

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Laid Over to the Legislative Hearings due back on 7/23/2019

- 14 **RLH TA 19-477** Ratifying the Appealed Special Tax Assessment for property at 1734 SEVENTH STREET WEST. (File No. J1920A, Assessment No. 198549)

**Sponsors:** Noecker

*Rescheduled per owner's request.*

Laid Over to the Legislative Hearings due back on 7/23/2019

- 15 [RLH TA 19-449](#) Deleting the Appealed Special Tax Assessment for property at 2056 SUMMIT AVENUE. (File No. J1920A, Assessment No. 198549)

**Sponsors:** Brendmoen

*Delete the assessment.*

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*Dallas and Luanne Laurents appeared.*

*Lisa Martin, Staff:*

*Cost: \$320*

*Service Charge: \$284*

*Total Assessment: \$604*

*Gold Card Returned by: Dallas and Luanne Laurents*

*Type of Order/Fee: Summary Abatement (s)*

*Nuisance: Failure to maintain snow and ice*

*Date of Orders: 3-1-19 and 3-11-19*

*Compliance Date: 3-5-19 and 3-12-19*

*Re-Check Date: 3-7-19 and 3-12-19*

*Date Work Done: 3-8-19 and 3-14-19*

*Work Order #: 19-016858 and 19-018370*

*Returned Mail?: No*

*History of Orders on Property: No*

*Moermond:*

*Let's take a look at the first video.*

*[video plays]*

*I am going to recommend that this one gets deleted. Although I did see ice accumulation, it was about 1", nowhere near as deep as the previous property.*

*Let's look at the second video.*

*[video play]*

*I am going to recommend this one gets deleted.*

*Dallas and Luanne Laurents:*

*Thank you. Appreciate it.*

**Referred to the City Council due back on 8/7/2019**

- 16 [RLH TA 19-478](#) Ratifying the Appealed Special Tax Assessment for property at 369 VIEW STREET. (File No. J1917A, Assessment No. 198535; amend to File No. J1917A1, Assessment No. 198565) (Public hearing to be continued to October 9)

**Sponsors:** Noecker

*Public hearing continued to October 9, 2019 and if no same or similar violation(s), will reduce from \$472 to \$236.*

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*Shalisa Wilson appeared.*

*Paula Seeley, Staff:*

*Cost: \$310*

*Service Charge: \$162*

*Total Assessment: \$472*

*Gold Card Returned by: Shalisa Wilson*

*Type of Order/Fee: Summary Abatement Order*

*Nuisance: Garbage/Rubbish*

*Date of Orders: 1/25/19*

*Compliance Date: 2/1/19*

*Re-Check Date: 2/1/19*

*Date Work Done: 2/7/19*

*Work Order #: 19-007892*

*Returned Mail?: No*

*History of Orders on Property: Nothing since 2014*

*Moermond:*

*So, we've got ourselves a television set here, looks like a huge one.*

*Shalisa Wilson:*

*Yes. I purchased the property in December. I noticed that television set and a piece of gate or something. But again, once it started snowing and me dealing with moving in the home, there was a lot of things going on. I was told it was the previous occupants and I don't know what situation they had going on, renters or home owners, but it was there when I purchased it and within that month, getting settled in and with the snow built up around it, it was hard to be able to remove it and I didn't really know it wasn't something that wouldn't get picked up by the garbage.*

*Moermond:*

*You received a letter in the mail?*

*Wilson:*

*Yup.*

*Moermond:*

*And it told you to take care of it?*

*Wilson:*

*Yeah, but the snow...it's like frozen in there.*

*Moermond:*

*Did you call the inspector and say it's frozen in there?*

Wilson:

*I did leave a voicemail for somebody. Again, this is my first house, first time dealing with it. I did leave a voicemail for somebody just to understand is this my responsibility, I don't really know what the process is. It wasn't until they came out that I was able to talk to somebody.*

Moermond:

*You could have filed an appeal. That's also in the letter you got, that would have been a venue for you to talk about it, get an extension, work with the inspector.*

Wilson:

*Yeah, it's just that I was, my first house, and*

Moermond:

*It looks like it was a month after...if you bought it in December and the order went out at the end of January, then you had been moved in.*

Wilson:

*Yeah, yeah. And when they came out, they hadn't picked up the rest of the stuff.*

Moermond:

*What other stuff are they supposed to pick up? They wrote an order on the television set; that was all they wrote an order on.*

Wilson:

*When they were there, they said they had a hard time getting it out because it was frozen solid.*

Moermond:

*Could we see the video?*

*[video plays]*

Wilson:

*Originally that TV was stuck against...*

Moermond:

*I can see in the order that the TV was standing upright and when the crew showed up it was on its back. So it was movable when the order was written, because it was moved.*

Wilson:

*It was always standing up. I think they recorded it after they moved it? You can see the garage open, I came out there, I didn't know what was going on. They were in the back. said they were going to have to come back. I guess I assumed they were getting the rest of the rubbish that was recorded on there. But, I'm asking if it could be deleted. It's my first time being in a property and I am unfamiliar with the situations and I know I would never leave my trash out there.*

Moermond:

*And yet, when you buy a property, it is yours.*

Wilson:

*Well yeah, I didn't understand that. Their personal trash was mine as well.*

*Moermond:*

*It's on your property. Here's this huge television set, you get a letter telling you to get rid of it. It's in one position with the order is written, it's in a different position when the crew shows up. You are telling me the crew moved it and then they videoed it. I don't know why that would happen, but OK. Let's say it did. Either way, they were able to move it. You didn't appeal. There is responsibility with owning property.*

*Wilson:*

*I get that. It was four weeks into moving in. Moving from one house to another, getting settled in, the legalities and all of that. .*

*Moermond:*

*Well, you are not going to get it deleted, I will tell you that right now. Removing a television set is not a cheap thing, the City has to pay a fee. I got rid of a TV and it seemed every place in Ramsey County charged \$50, no matter where I was going to take it to. That was a modest set, this is a huge set.*

*I will ask the City Council to continue the case to October 9. If, on October 9, there's been no same or similar violations, I will ask them to get you down to \$300. Reduce by \$172. You are welcome to go to the Council and ask...*

*Wilson:*

*Can I ask why they didn't finish? The letter said rubbish.*

*Moermond:*

*It lists a ton of things, yes.*

*Wilson:*

*Can they come back and finish the job they said they weren't able to complete because it was frozen in. I wish I had a video to show you what I have.*

*Moermond:*

*What was the work order for? That is all the video; you saw what there was.*

*What happens is that the inspector goes back on the deadline or soon thereafter to see what's been taken care of...*

*Seeley:*

*"Please remove the TV from the alley side of the garage"*

*Moermond:*

*So that's all they work ordered.*

*Lisa Martin, Staff:*

*Right, so if there's other things, there, they obviously should have been removed already by the property owner.*

*Moermond:*

*I didn't see other things in the video.*

*Seeley:*

*I saw a little bit of brush or something.*

Moermond:  
Yeah, I saw the brush.

Seeley:  
Could it have been underneath the brush?

Moermond:  
One more look at it.

[video plays again]

Seeley:  
Some vines, guess it wasn't brush. I didn't see anything else.

Wilson:  
There was some metal, like a gate, that the TV was laying against, not just brush.  
They tried to get it out and they said it was frozen solid.

Moermond:  
It wasn't in the work order for them to do that. Or in the order itself.

Wilson:  
on its side. There's no way I would let it lay against the alley.

Moermond:  
Nope. It is upright in the work order itself and the...all right, I will go for a little bit lower. I will go no same or similar through October 9 and we will cut it in half. You are welcome to go to the public hearing which is July 10 and is in your letter, if you want to look for something else.

**Referred to the City Council due back on 7/10/2019**

- 17     [RLH TA 19-444](#)     Ratifying the Appealed Special Tax Assessment for property at 1358 YORK AVENUE. (File No. J1920A, Assessment No. 198549) (Public hearing to be continued to October 9)

**Sponsors:**     Busuri

*Public hearing continued to October 9, 2019 and if no same or similar violation(s), will reduce from \$322 to \$161.*

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*Michael Arrigoni appeared.*

Paula Seeley, Staff:  
Cost: \$160  
Service Charge: \$162  
Total Assessment: \$322  
Gold Card Returned by: MICHAEL ARRIGONI  
Type of Order/Fee: SNOW ORDER  
Nuisance: FAILURE TO REMOVE SNOW FROM PUBLIC SIDEWALK  
Date of Orders: 3-7-19  
Compliance Date: 3-11-19  
Re-Check Date: 3-11-19

*Date Work Done: 3-12-19  
Work Order #: 19-017656  
Returned Mail?: NO  
History of Orders on Property: NO*

*Moermond:  
Let's take a look at what we have here.*

*[video plays before and after work completion]*

*OK, two observations, the corner didn't look like it had been popped out and it looked like the snow shoveling or snow blowing, in your case, was one pass wide and not the full width of the sidewalk.*

*Michael Arrigoni:  
I was out of town at the time and I'm 85 and can't handle it anymore. My son is taking care of it. I really don't know, you know.*

*Moermond:  
The fact that they took the snow blower down the path is good. Not having it be wide enough is not at all good. I can't know how two people could pass each other.*

*Arrigoni:  
There's two people that walk on that, you know, day. Not even at the same time. Two people during the day, that'd be a miracle. There's only one person that walks on that and that is the mail carrier.*

*Moermond:  
You still need to have it full width. No history of orders on the property. There was a fair bit of snow that needed to be removed. There was at least an effort made to have some of it cleared. Taking that into account, I will say, if there's no cleanups between now and October 9, I will go down to half on it. If you want to talk to the Council about it, that's fine.*

*Arrigoni:  
I didn't understand.*

*Moermond:  
Your public hearing on this is scheduled on August 7, and because you have a good history and there had been some effort to clear it, I'm going to say, if, by October 9, you don't have any other violations, I will say to the Council, cut it in half. Would it be useful for me to say cut it in half and make it payable over two years? That's also an option I have. You could also say to the Council, delete it outright.*

*Arrigoni:  
I think it should be deleted outright.*

*Moermond:  
I understand. You should talk to the City Council about that then. Because I am going to recommend half.*

*Arrigoni:  
Where would I file a complaint about the trash in my neighbor's yard?*



Moermond:  
Write down this number. Call 266-8989.

Arrigoni:  
OK. Thank you.

**Referred to the City Council due back on 8/7/2019**

- 18     [RLH TA 19-482](#)     Deleting the Appealed Special Tax Assessment for property at 253 WARWICK STREET. (File No. J1920A, Assessment No. 198549)

**Sponsors:**     Noecker

Delete the assessment.

---

Heddi Keenan appeared

Paul Seeley, Staff:  
Cost: \$160  
Service Charge: \$162  
Total Assessment: \$322  
Gold Card Returned by: Heddi Keenan  
Type of Order/Fee: Summary Abatement Order  
Nuisance: Snow & Ice  
Date of Orders: 2/28/19  
Compliance Date: 48 hours  
Re-Check Date: 3/5/19  
Date Work Done: 3/6/19  
Work Order #: 19-016408  
Returned Mail?: No  
Comments: change of address per RC 4/20/19  
History of Orders on Property: Nothing since 2005

Moermond:  
Why 48 hours?

Mai Vang:  
I put that, just put it wrong. Usually 24 hours.

Seeley:  
We usually wait three days.

Vang:  
But the inspector would inspect 48 hours.

Moermond:  
Previous snow order violation. Because that's usually the reason they would do it that quickly.

Lisa Martin, Staff:  
The usual is 24 hours.

Moermond:  
Basically, I've just looked at a ton of cases here where people have been given more in

*the range of five days.*

*Seeley:*

*Usually, we wait at least three days, and generally it's the fourth day, even though the order says 24 hours.*

*Moermond:*

*Right. So if you mailed an order February 28, the deadline would be March 1 or second and then you wouldn't show up until the 5th or 6th. Let me just quick check the snowfall here. March 1, we are looking at 6". Whatever the phone call was, there was about 6" over those several days. So, let's see the video and see if we are talking about a fresh 6" or an old foot of snow.*

*[video plays before and after work completion]*

*In the scheme of things, I did see a lot worse this morning. What I did see I observed that there was some ice and that the edges weren't great. But we have no history here; we don't have much of a buildup and I would say the 6" that fell prior to the order being written had to have been addressed based on what I saw. So I am going to recommend this gets deleted.*

**Referred to the City Council due back on 8/7/2019**

**19**     [RLH TA 19-448](#)

Ratifying the Appealed Special Tax Assessment for property at 887 WATSON AVENUE. (File No. J1920A, Assessment No. 198549)

**Sponsors:**        Noecker

*Approve the assessment.*

---

*Heddi Keenan appeared.*

*Paula Seeley, Staff:*

*Cost: \$160*

*Service Charge: \$162*

*Total Assessment: \$322*

*Gold Card Returned by: Heddi Keenan*

*Type of Order/Fee: Summary Abatement Order*

*Nuisance: Snow & Ice*

*Date of Orders: February 25, 2019*

*Compliance Date: 24 hours*

*Re-Check Date: March 1, 2019*

*Date Work Done: March 5, 2019*

*Work Order #: 19-015394*

*Returned Mail?: No*

*History of Orders on Property: nothing since 2013*

*Moermond:*

*There were 4" prior to the orders being written. Since the orders were written, another 9" fell. I will be looking at that.*

*[video plays]*

*One more time for the video, please.*

*[video repeats]*

Ok. Can you tell me why you are appealing this one?

*Heddi Keenan:*

*Yes. I don't dispute that at all. But, I was getting divorced and I didn't live, I didn't get any notification at all to my new address so I would act and then my wife is still live there and never sent it to me. It was a nasty divorce and so, if I would have had any notification, it would have act right away and I never had, in the past, any problem, and now I got that house. That house has been sold and I paid the money. The closing company by the way, I didn't know nothing about it. But I went to walk in to the closing company and they told me they took \$392 out of that because of the...I didn't have no idea that I have this deal. That house was vacant and was listed for last eight months for sale. Then I did have a problem for the garbage. I had to bring it to your attention as well because I didn't like what I see. I have two other properties in St Paul. That house, nobody live there, so they keep charging me for...*

*Moermond:*

*I can't talk to you about garbage today.*

*Keenan:*

*No no. However, the intention was to do. I called the City of St Paul and they said call the garbage company.*

*Moermond:*

*Sir, I say again, I cannot talk to you about garbage today. I am only going to talk to you about the assessment that is in front of me today and right now what I am looking at is the mailing went to you in Sunfish Lake and your wife at Sunfish Lake and also the occupant at this property. And you are saying your wife didn't tell you, but both you and your wife are listed as owners and legally, the notification was sent to the owner of record, which was you two.*

*Keenan:*

*You are absolutely right. But she knew I going to get this property out of the settlement. She never tell me anything. She just did that.*

*Moermond:*

*It sounds like a private dispute between the two of you, though. Not that the City is in any way involved in that. And the City cannot subsidize your private proceedings. I'm sorry, I am going to recommend approval of this. Notification was sent and there was a problem*

*Keenan:*

*Will I get a notification?*

*Moermond:*

*On August 7, you are welcome to talk to City Council and ask for them to reduce it. Otherwise my recommendation to them is to approve it.*

*Keenan:*

*And the other one?*

*Moermond:*

*The other one I am recommending it be deleted.*

*Keenan:*

*And I get a notification?*

*Moermond:*

*What will happen is you won't get a bill.*

*Keenan:*

*I never been here, I don't know.*

**Referred to the City Council due back on 8/7/2019**

**20**     [RLH TA 19-486](#)

Deleting the Appealed Special Tax Assessment for property at 752 MARYLAND AVENUE EAST. (File No. J1920A, Assessment No. 198549)

**Sponsors:**         Busuri

*Delete the assessment.*

---

*Geneva Whetham appeared.*

*Paula Seeley, Staff:*

*This is a snow order. Orders were sent March 8 with a compliance date of March 11. It was rechecked on March 11, the snow was not removed. The work order was sent. The work was done March 13 for a cost of \$322. Orders were sent to Leslie Whetham and Geneva Whetham, PO Box 6877 in St Paul. No mail returned. On 2/6/18, we had garbage orders on the property as well.*

*Moermond:*

*One thing I notice, and I will be looking for when we look at the video, is whoever called in the complaint on March 8, there would have been a 6" snowfall a week before that. But between the time the orders were written and when the crew showed up, an additional 5" of snow fell. I will be keeping my eye on that. Does that make sense?*

*Geneva Whetham:*

*Yes. I had gotten the weather report because I know when I received the order for getting my yard clean, I thought it was kind of like a mistake. But you see, I am very ill and I inadvertently misplaced it, so I didn't call in about it. To this day, I still haven't been able to find it. But can I see what you were looking at?*

*Moermond:*

*Yes, let's take a look at that.*

*[video plays before and after work completion]*

*I am looking at a very narrow boulevard area between your sidewalk and Maryland, which is, of course, a very big street. I am seeing that the 5" of snow that would have fallen since the orders were written were being taken care of. It looked to me like the plow had pushed snow onto the sidewalk, so no doubt you have to clear it multiple times. But I'm reasonably sure that the snowfall that the person complained about on March 8 was addressed and that it was the new snowfall that the crew was clearing. I am going to recommend this gets deleted.*

---

Referred to the City Council due back on 8/7/2019

- 21 [RLH TA 19-487](#) Deleting the Appealed Special Tax Assessment for property at 1641 SHERBURNE AVENUE. (File No. J1920A, Assessment No. 198549)

Sponsors: Jalali Nelson

*Delete the assessment.*

---

*Zenid Majaeleh appeared.*

*Paula Seeley, Staff:*

*This is a snow order. Orders were sent March 5, with a compliance date of March 8. Rechecked March 12, work order was sent. \$322. Work was done March 13. April 3, 2019, we also had garbage order. Orders were sent to Duane Swanson 4220 Highland Road, Minnetonka, MN, and to the occupant.*

*Moermond:*

*When was the work done?*

*Seeley:*

*March 13.*

*Moermond:*

*And the order was sent to Mr. Swanson? You are appealing. Are you the new owner? Are you a renter?*

*Mahaeleh:*

*I am a renter.*

*Moermond:*

*We will look at the video and then talk about why you are appealing and what you are looking for.*

*Mahaeleh:*

*OK*

*[video before work is played]*

*Moermond:*

*When I look at that, before we even get an after video, I observe that there is a decent opening when it is still on the sidewalk and the narrowing happens when it is in the public street. That had to do with how much snow we had and that the plows weren't able to get all the way to the curb. I don't think it would be reasonable to ask you, as a resident, to shovel the public street. It's nice when people make an attempt to do that, but at the same time, the part that is the responsibility of the property owner was addressed very nicely.*

*I will recommend that this gets deleted.*

Referred to the City Council due back on 8/7/2019

- 22 [RLH TA 19-488](#) Ratifying the Appealed Special Tax Assessment for property at 117

JENKS AVENUE. (File No. J1920A, Assessment No. 198549)

Sponsors: Brendmoen

Approve the assessment.

---

Francisco Cardona appeared.

Paula Seeley, Staff:

This is a Summary Abatement order. Orders were sent March 1 with a compliance date of March 8. It was rechecked and the work order was sent or it was done March 11 for a cost of \$460. It was sent to the occupant at 117 Jenks Ave and to Francisco Cardona and Joan Sievert Cardona 1164 Kettleworth Dr, Woodbury MN.

Cardona:

What did the order say

Seeley:

It says "please remove and properly dispose of the LP tank, metal ceiling track and miscellaneous debris behind the garage by the alley".

Moermond:

Let's see what we have in the video.

[video plays before and after work completion]

And what would you like to say, Mr. Cardona?

Cardona:

Yeah, um, what I did, I dropped the metal for the scrapper, in the alley. So I put it in the alley and then I received from you guys from the order plus the picture taken in the alley.

Moermond:

I know the order you are talking about because you are someone who showed up and they didn't put together a paper file. So we are doing it on the fly a little bit. They are going to bring up that order that you received.

Cardona:

The metal, I drop it off for the scrapper. It was no more than three days or four days. So, I put it inside the garbage to take care of all that later and when I came back, it was gone, so I thought the scrappers took it.

Moermond:

What's the history on this property?

Seeley:

11/30/18 there was a storm door order but it was taken care of.

Cardona:

That was my neighbor's

Moermond:

There was a week given from when they mailed the order, 10 days from when the order

was written to when the crew showed up. The items appear to have moved several feet. But they weren't removed.

Cardona:

That's the driveway there from the alley and I took it out from the alley when the crew take cares of, which is almost into my property.

Moermond:

Which would still be a violation. You move it six feet and you say...

Cardona:

I don't have a huge house and maybe somebody else house has a huge driveway and it make a different...but this is a little house.

Moermond:

That is not a good faith effort. From here to there, and you say they need to send you a fresh letter to tell you from there to there isn't OK? That doesn't see, you know.

Cardona:

I try to make it

Moermond:

You try to make it so somebody else would come pick it up because you were thinking someone would drive down the alley and say, that's good metal, I will take it off your hands, even though you got a letter that says take care of it. You were hoping a random person would come take care of it for you. You moved it a few feet. You are only making this worse.

Cardona:

No, I didn't, it's my opinion, I tried to do well, but that's why I come here, to dispute.

Moermond:

The order said you would be paying \$260 an hour, plus administrative fees attached to that. If you didn't comply, and I'm not thinking you complied at all by moving it a few feet and saying it should have been fine because somebody should have come down the alley and picked it up. Or I was really hoping they would so I wouldn't have to pay for this, when I am looking at a building that these things could have been inside of, like right there, and that would have addressed the order. Six feet from the outside of the building to inside the building would have been great.

Cardona:

Yeah. You know, it's how big is the house. The garage is small.

Moermond:

That is not what this is measured by. You got a letter saying take care of it. It doesn't say little houses have different rules.

Cardona:

OK. I clean a lot of stuff from the house. I have a trailer and it's \$100 every time that...

Moermond:

These seem like things that were generated at this property. These don't seem like things that just showed up. These were your things.

Cardona:

Yeah. From the garage, I clean up from years of negligent and stuff.

Moermond:

I am going to recommend approval of the assessment. The Council could look at it differently than I do. Given our conversation, I don't feel like I have an option. But the Council could look at it differently than I do.

Cardona:

It was in good faith.

Moermond:

I don't think it was in good faith. The City Council could agree with you.

I'm sorry. In this case, I can't see my way clear to reduce. The Council could look at it differently. You could send an email to be attached to the record and the Council could look at that if you are not able to attend. That's an option as well. There's business cards between the microphones there. If you wanted to do that. You could send it to that email and then all the Council members would see it. For your area, you have Ward 5, Council President Amy Brendmoen. If you email her, please also email that address, so that all seven councilmembers can see the same thing.

**Referred to the City Council due back on 8/7/2019**

### 10:00 a.m. Hearings

- 23 [RLH TA 19-474](#) Ratifying the Appealed Special Tax Assessment for property at 535 ASBURY STREET. (File No. J1921A, Assessment No. 198550)

**Sponsors:** Jalali Nelson

*Approve; no show.*

**Referred to the City Council due back on 8/7/2019**

- 24 [RLH TA 19-473](#) Deleting the Appealed Special Tax Assessment for property at 263 AURORA AVENUE. (File No. J1921A, Assessment No. 198550)

**Sponsors:** Thao

*Delete the assessment.*

---

*Todd Malcom appeared.*

*Paula Seeley, Staff:*

*Cost: \$288*

*Service Charge: \$162*

*Total Assessment: \$450*

*Gold Card Returned by: Todd Malcolm*

*Type of Order/Fee: Summary Abatement*

*Nuisance: Failure to maintain exterior*

*Date of Orders: 3-18-19*

*Compliance Date: 3-25-19*



Re-Check Date: 3-25-19  
Date Work Done: 3-26-19  
Work Order #: 19-024411  
Returned Mail?: No  
History of Orders on Property: 3-13-18 Garbage and 5-28-19 Garbage

Moermond:  
Let's take a look at what we have going on here.

[video plays before and after work completion]

I am going to ask you to bring up the Summary Abatement order also. Before you even talk, I think I might have a resolution on this. Let's take a look at that photo from the Summary Abatement order.

What I am looking at here is a very large pile of loose garbage and trash beside the garage and what I saw in the video were some smaller trash items, just a few, that appeared to be embedded in the ice.

Todd Malcom:  
Correct.

Moermond:  
So, what I see is a good faith effort to address the problem. I am going to recommend the assessment gets deleted. Unless you want to talk about it. Otherwise you are walking out of here with a deletion.

Malcom:  
I want to say thank you very much. I just wanted to mention that the trash was actually the neighbors. They cleaned it up. They also got an abatement letter for the same trash. Just to let you know, cleaned it up and two of us got abatement letters for the same trash.

Moermond:  
I will ask Ms. Vang to look into that.

Malcom:  
Please. And thank you very much.

**Referred to the City Council due back on 8/7/2019**

**25**     [RLH TA 19-438](#)

Deleting the Appealed Special Tax Assessment for property at 832 COOK AVENUE EAST. (File No. J1921A, Assessment No. 198550)

**Sponsors:**     Busuri

Delete the assessment.

---

David Theobald appeared.

Paula Seeley, Staff:  
Cost: \$316  
Service Charge: \$162  
Total Assessment: \$478

Gold Card Returned by: DAVID THEOBALD  
Type of Order/Fee: SUMMARY ABATEMENT  
Nuisance: FAILURE TO MAINTAIN EXTERIOR PROPERTY AREA  
Date of Orders: 3-19-19  
Compliance Date: 3-26-19  
Re-Check Date: 3-27-19  
Date Work Done: 3-27-19  
Work Order #: 19-025370  
Returned Mail?: NO  
History of Orders on Property: NO

Moermond:  
Let's see the video.

[video plays before and after work completion]

I have the letter right here. Do you need a copy?

David Theobald:  
No.

Moermond:  
You are appealing this assessment. Can you tell me why and what you are looking for?

Theobald:  
Yeah, so the couch was moved to the trash and I called Advanced Disposal. I called Advanced Disposal today and they didn't have anything on record. They had is under 836 Cook, which is also our property.

Moermond:  
You talked to Advanced Disposal?

Theobald:  
This morning. And I do have phone records of the initial call.

Moermond:  
What's the date of that?

Theobald:  
3/25/2019 12:40PM. I made that phone call the same time I pulled the couch from the garage to the trash. And then did my good faith effort to call the company and schedule a bulk pick up. There's also another example. If you pull up 860 Cook, there's a couch in the back there. We got a letter, called Advanced, it was picked up. Everything worked flawlessly on that deal, so.

Moermond:  
What's the pickup day on that address on Cook?

Theobald:  
Thursday. 27th or 28th

Seeley:  
We have on the record, he did call before to Advanced for pick up. And then Mr. Lang

*spoke to the owner also after the fact, in May, in regards to a bill he received and indicated he could have left a message with Inspector Williams that the sofa was scheduled for a pickup.*

*Moermond:*

*You mentioned that it was called in*

*Seeley:*

*For the 27th and it was not scheduled, but for this property.*

*Moermond:*

*Right, it was put in...*

*Moermond:*

*Do you also own 836?*

*Theobald:*

*836 Cook. Yup.*

*Moermond:*

*And you can share the record of the phone calls, you said. Can you go that right now? And there's no history of orders at this property. The couch is definitely moved from its original location. Given the lack of history and this information you brought in, I will recommend this gets deleted.*

**Referred to the City Council due back on 8/7/2019**

**26**     [RLH TA 19-472](#)

Deleting the Appealed Special Tax Assessment for property at 1398 ELEANOR AVENUE. (File No. J1921A, Assessment No. 198550)

**Sponsors:**     Tolbert

*Delete the assessment.*

---

*Kate Courtney appeared.*

*Paula Seeley, Staff:*

*Cost: \$160*

*Service Charge: \$162*

*Total Assessment: \$322*

*Gold Card Returned by: Kate Courtney*

*Type of Order/Fee: Summary Abatement*

*Nuisance: Failure to remove snow/ice*

*Date of Orders: 3-12-19*

*Compliance Date: 3-14-19*

*Re-Check Date: 3-15-19*

*Date Work Done: 3-20-19*

*Work Order #: 19-019525*

*Returned Mail?: No*

*History of Orders on Property: No history*

*Moermond:*

*Before we look at the video, it appears there were about 5" of snowfall on March 9 and*

10, so that preceded the issue of the order on the 12th. And after that, there was no additional snowfall. So, let's see what we got.

*[video plays before and after work completion]*

I would recommend this gets deleted. Just looking at what I saw there.

Kate Courtney:  
Thank you.

**Referred to the City Council due back on 8/7/2019**

- 27 [RLH TA 19-455](#) Deleting the Appealed Special Tax Assessment for property at 700 GRAND AVENUE #204. (File No. J1907P, Assessment No. 198406)

**Sponsors:** Noecker

Delete assessment; graffiti waiver on file.

**Referred to the City Council due back on 7/17/2019**

- 28 [RLH TA 19-439](#) Ratifying the Appealed Special Tax Assessment for property at 635 IVY AVENUE EAST/1321 PAYNE AVENUE. (File No. J1921A , Assessment No. 198550 )

**Sponsors:** Busuri

Reduce from \$488 to \$244.

*Leng Wong and Gloria Wong appeared.*

Paula Seeley, Staff:

..Tax Assessment Worksheet

Cost: \$326

Service Charge: \$162

Total Assessment: \$488

Gold Card Returned by: LENG WONG

Type of Order/Fee: SUMMARY ABATEMENT

Nuisance: FAILURE TO MAINTAIN EXTERIOR PROPERTY

Date of Orders: 3-13-19

Compliance Date: 3-20-19

Re-Check Date: 3-25-19

Date Work Done: 3-25-19

Work Order #: 19-020820

Returned Mail?: NO

Comments:

History of Orders on Property: 10-30-18 GARBAGE, 1-2-19 GARBAGE

Moermond:

Let's see what we got.

*[video plays before and after work completion]*

So, you are appealing this assessment. Can you tell me why, sir?

*Leng Wong:*

*We were out of the country during that time. We left on the 14 and we didn't come back until the 20th. So, we were not aware of the problem because this happened. We shouldn't be penalized because we don't live there screwed up neighborhood. It happen all the time, couches happened at time we were out of the country.*

*Moermond:*

*There were at least two other occasions recently where the City has written orders on your property for clean up. On October 30 and January 2.*

*Seeley:*

*And recently, there was stuff on the boulevard in April. No May 22. The first one was 10/31, broken furniture. There would be illegal dumping. There are apartment buildings. garbage, TV, boxes, mattress.*

*Moermond:*

*Did the owner clean that up? October, November?*

*Seeley:*

*Yes.*

*Moermond:*

*OK. How about January?*

*Seeley:*

*January 2, with a compliance date of January 9. Cleaned up January 9, by owner. Sofa that was May 22, an order was sent on that as well and sofa was done by owner.*

*Moermond:*

*I am going to give you a one time thing, here. I am going to recommend, because you have had issues in the past. Some of the furniture could be your renters or somebody else's. You appear to be taking care of business once the City tells you to. I would really like to get us out of the business of sending you letters to tell you that. Do you have a property manager who is on site?*

*Wong:*

*No. We only have three apartments*

*Moermond:*

*How often do you go there.*

*Wong:*

*Once a week. I get a letter from the City I take care of them right away.*

*Gloria Wong:*

*We got dumped all of the time. We don't wait for the City to write us a letter. We got dumped on all of the time. We have called the police. The police don't come. My tenants have called me. People come between 1 o'clock in the morning to dump stuff in our yard.*

*Moermond:*

*Have you tried installing a camera and putting signage up that you...*

Gloria Wong:

*I don't know. It's an old building. It is what's there, removed the business in 2018 and we got a lot of garbage dump there after that.*

Moermond:

*Can I really strongly recommend that you install a camera and put a sign up that the area is under video surveillance so someone dumping would see that is the case. It will pay for itself if you have one City cleanup. That would cost more than the camera.*

*I will recommend this gets cut in half, because you do have a history of cleaning up when the City sends you letters. I am interested in the same thing you are, getting the dumping under control. I think a camera would help. And signage.*

Gloria Wong:

*We didn't see the letter; we were on Spring Break with the kids.*

Moermond:

*I understand but that is not something I can take into account.*

Gloria Wong:

*OK.*

Moermond:

*I know. You were out of town. And because you were out of town and because you have a history of taking care of things, I am going to recommend that this gets cut in half. If you could harden yourselves as a target.*

Seeley:

*Your dumpster is pretty close to the alley there.*

Wong:

*That's the only place.*

Seeley:

*They see a dumpster right there in the alley, they are going to dump. Maybe push it out more when it's collection day.*

Gloria Wong:

*It's not even our land. The mattress was on neighbor's.*

Seeley:

*I know the inspector has cancelled a couple of fines. That's not going to keep happening. I go by two times a week, too.*

Moermond:

*So, cut it half.*

Wong:

*Thank you very much.*

Gloria Wong:

*Do we pay now?*

Moermond:

*No. You can go to the City Council August 7 and ask for more. Otherwise within a week or two you will get an invoice.*

**Referred to the City Council due back on 8/7/2019**

- 29     [RLH TA 19-446](#)     Ratifying the Appealed Special Tax Assessment for property at 833 RANDOLPH AVENUE. (File No. J1921A, Assessment No. 198550) (Public hearing to be continued to October 9)

**Sponsors:**     Noecker

*Public hearing continued to October 9, 2019 and if no same or similar violation(s), will reduce from \$460 to \$230.*

---

*Ira Kipp and Scott Kipp appeared*

*Paula Seeley, Staff:*

*Cost: \$298*

*Service Charge: \$162*

*Total Assessment: \$460*

*Gold Card Returned by: Ira Kipp*

*Type of Order/Fee: Summary Abatement*

*Nuisance: Failure to maintain exterior*

*Date of Orders: 3-14-19*

*Compliance Date: 3-21-19*

*Re-Check Date: 3-22-19*

*Date Work Done: 3-26-19*

*Work Order #: 19-021173*

*Returned Mail?: No*

*History of Orders on Property: Extensive history at the property*

*Moermond:*

*A quick look at the video, see what happened...*

*[video plays before and after work completion]*

*You are appealing this. Can you tell me why?*

*Mr. Kipp:*

*We never got notice of it because we keep our notices.*

*Moermond:*

*Looks like it was sent to Camelot LLC on Minnehaha in Minneapolis.*

*Mr. Kipp:*

*That is the correct address and post office where we get our mail.*

*Moermond:*

*It is the obligation of the City to send things via First Class. I understand from the staff just now that you didn't get any returned mail. And there is extensive history on the property. So, how often do you go to the property.*

*So, that wasn't picked up that week, then?*

*Mr. Kipp:*

*No, it wasn't.*

*Moermond:  
You didn't see it?*

*Mr. Kipp:  
No. Also we have a problem and we have called the police numerous times. The building is on an unpaved alley. The only one I know in Highland Park. The City says it's paved; it's not paved. It's not gravel. It's a very secluded alley. The garage is right on the alley. The nearest neighbor is right on the alley line. We get a lot of stuff dumped - appliances, we get everything. Contractors decide we're a dumpster. We've got the dumpster oversized to try to take care of stuff and we are always picking up stuff and they said they need a place to dump stuff. We spend thousands taking away other people's trash. Literally.*

*Moermond:  
There was 12 days between when the order was issued and when the clean up crew actually showed up. So that would have been, the way you are describing one to three times a week, you would have been there probably four times in that time period. And not picked it up.*

*Mr. Kipp:  
One of my guys must have missed it. Or they got lazy. I'm just saying - pave the alley.*

*Moermond:  
That's not what we are talking about. The order shows all the clothes, cardboard, all the stuff piled at the side of the dumpster. You are saying you didn't get that. I am hearing from staff that you have an extensive history of violations and I'm seeing a long period of time between when the order was issued and when the work was done, several days longer than the deadline.*

*Mr. Kipp:  
May I ask if the other violations were taken care of by us?*

*Moermond:  
You could. There's extensive history here.*

*Lisa Martin, Staff:  
If you will look on the screen, I've got the history up. We also have had our third work order on this property. Most of our properties in St Paul don't need a letter of Summary Abatement to tell them to maintain the property.*

*Moermond:  
Third work order in how long?*

*Seeley:  
Three years. Recently, after this, it was done by owner. No, this is the third one.*

*Mr. Kidd:  
We've even found addresses on the mail from people right in the neighborhood. Police don't do anything about it. Difficult for us. We like to keep our places clean.*

*Moermond:*



*If you have no same or similar violations by October 9, I will recommend this gets cut in half.*

*Mr. Kidd:*

*Can I ask that someone talk to the Police Department to get more aggressive about evidence.*

*Moermond:*

*No. You can talk to the Police Department about your own concerns. I know that dumping is a petty misdemeanor. Ms. Martin, do you know who in Code Enforcement he would call?*

*Martin:*

*Usually Officer Filowitch. You can give me a call and I can figure that out for you.*

*Moermond:*

*You can call the number and find out which officer is responsible for your area. I am not a representative of the Police Department.*

*Mr. Kidd:*

*Thank you.*

**Referred to the City Council due back on 8/7/2019**

- 30**     [RLH TA 19-479](#)     Ratifying the Appealed Special Tax Assessment for property at 1379 RICE STREET. (File No. J1921A, Assessment No. 198550)

**Sponsors:**     Brendmoen

*Approve; no show.*

**Referred to the City Council due back on 8/7/2019**

- 31**     [RLH TA 19-467](#)     Deleting the Appealed Special Tax Assessment for property at 1264 SNELLING AVENUE NORTH. (File No. J1921A, Assessment No. 198550)

**Sponsors:**     Jalali Nelson

*Delete the assessment.*

---

*Christopher Jensen appeared.*

*Paula Seeley, Staff:*

*Cost: \$160*

*Service Charge: \$162*

*Total Assessment: \$322*

*Gold Card Returned by: CHRISTOPHER JENSEN*

*Type of Order/Fee: SNOW ORDER*

*Nuisance: FAILURE TO REMOVE SNOW FROM PUBLIC SIDEWALK*

*Date of Orders: 3-8-19*

*Compliance Date: 3-12-19*

*Re-Check Date: 3-14-19*

*Date Work Done: 3-15-19*

Work Order #: 19-018936  
 Returned Mail?: NO  
 History of Orders on Property: NO

Moermond:  
 And the video...

*[video plays before and after work completed]*

*The order would have been written about 5.5" snowfall on March 1. I would say it could have been better but that was a good faith effort to address the snow. I will recommend it gets deleted.*

Christopher Jensen:  
 Thank you very much.

**Referred to the City Council due back on 8/7/2019**

- 32 [RLH TA 19-445](#) Ratifying the Appealed Special Tax Assessment for property at 1268 SNELLING AVENUE. (File No. J1921A, Assessment No. 198550)

**Sponsors:** Jalali Nelson

*Approve; no show.*

**Referred to the City Council due back on 8/7/2019**

- 33 [RLH TA 19-471](#) Deleting the Appealed Special Tax Assessment for property at 1274 SNELLING AVENUE NORTH. (File No. J1921A, Assessment No. 198550)

**Sponsors:** Jalali Nelson

*Delete the assessment.*

\_\_\_\_\_  
*Scott and Linda Nelson appeared.*

Paula Seeley, Staff:  
 Cost: \$160  
 Service Charge: \$162  
 Total Assessment: \$322  
 Gold Card Returned by: Scott Nelson  
 Type of Order/Fee: Summary Abatement  
 Nuisance: Failure to remove snow/ice  
 Date of Orders: 3-8-19  
 Compliance Date: 3-12-19  
 Re-Check Date: 3-14-19  
 Date Work Done: 3-15-19  
 Work Order #: 19-018925  
 Returned Mail?: No  
 History of Orders on Property: No history

Moermond:  
 Let's see the video.

*[video plays before and after work completion]*

*My observation, the ice was a problem, but the snowfall on March 1 was 5.5", and there wasn't any additional snowfall until after the orders were written and that was another 5.5", so I am going to ask that you guys are aware of the ice going forward and sand and salt on the front porch. Is this an investment property?*

*Scott Nelson:  
No.*

*Moermond:  
This is your property, so, I guess I would say that's going to be the main thing, that ice accumulation. I am going to recommend deletion for the snow orders. It's gone.*

*Linda Nelson:  
I know it was raining and then it turned to complete ice.*

*Moermond:  
I know, it was crazy.*

*Scott Nelson:  
Where those five houses are, it's the entrance from Como onto Snelling. So they get plowed three or four times a night when we get snow. So we go out and shovel and we go right back out and shovel and we go right back out and shovel. By the time it freezes at night, we go out and put the ice melt down and then it snows on top of it. We keep at it and try to keep it going as much as we can.*

*Linda Nelson:  
This was an unusual winter, though.*

*Scott Nelson:  
It was a tough winter. For the last couple of weeks.*

**Referred to the City Council due back on 8/7/2019**

- 34**     [RLH TA 19-456](#)     Deleting the Appealed Special Tax Assessment for property at 1276 SNELLING AVENUE NORTH. (File No J1921A, Assessment No. 198550)

**Sponsors:**     Jalali Nelson

*Delete the assessment.*

\_\_\_\_\_

*San Nwe and son appeared.*

*Paula Seeley, Staff:  
Cost: \$160  
Service Charge: \$162  
Total Assessment: \$322  
Gold Card Returned by: SAN NWE  
Type of Order/Fee: SNOW ORDER  
Nuisance: FAILURE TO REMOVE SNOW FROM PUBLIC SIDEWALK  
Date of Orders: 3-8-19*

*Compliance Date: 3-12-19  
Re-Check Date: 3-14-19  
Date Work Done: 3-15-19  
Work Order #: 19-018921  
Returned Mail?: NO  
History of Orders on Property: NO*

*Moermond:  
This is a similar circumstance for...*

*[video plays before and after work completion]*

*I think that's very similar to the previous case. I am going to recommend it gets deleted.*

*Son:  
Thank you.*

*Moermond:  
Just for the record, we were looking at a 5.5" snowfall on March 1. That would have been the only snowfall preceding the orders, but once the orders were issued, another 5.5" fell.*

**Referred to the City Council due back on 8/7/2019**

- 35**     [RLH TA 19-464](#)     Ratifying the Appealed Special Tax Assessment for property at 572 VAN BUREN AVENUE. (File No. J1921A, Assessment No. 198550)

**Sponsors:**     Thao

*Approve; no show.*

**Referred to the City Council due back on 8/7/2019**

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

- 36**     **RLH AR 19-55**     Ratifying the assessments for Collection of Property Clean Up services during March 1 to 14, 2019. (File No. J1920A, Assessment No. 198549)

**Sponsors:**     Brendmoen

**Referred to the City Council due back on 8/7/2019**

- 37**     **RLH AR 19-56**     Ratifying the assessments for Collection of Property Clean Up services during March 14 to 28, 2019. (File No. J1921A, Assessment No. 198550)

**Sponsors:**     Brendmoen

**Referred to the City Council due back on 8/7/2019**

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

**Summary Abatement Orders**

- 38 [RLH SAO 19-35](#) Making finding on the appealed nuisance abatement ordered for 1211 COMO BOULEVARD WEST in Council File RLH SAO 19-2.

**Sponsors:** Brendmoen

*Nuisance is abated.*

**Referred to the City Council due back on 6/26/2019**

- 39 [RLH SAO 19-33](#) Making finding on the appealed nuisance abatement ordered for 680 PREBLE STREET in Council File RLH SAO 19-29.

**Sponsors:** Prince

*Nuisance is not abated.*

---

*Moermond:*  
*680 Preble?*

*Paula Seeley, Staff:*  
*680 Preble has not been done. Here is the photo.*

*Moermond:*  
*That is going before City Council next Wednesday. I will tell City Council it has not been abated. Can you check it on the 25th or 26th. Otherwise, you can work order it after that. I know it is an extra inspection.*

*I have to get it in front of them on the 26th in order for us to get out there. Council doesn't meet on July 2, so.*

*Seeley:*  
*She will have it cut by then. She didn't do the one on Summit either. Just playing games.*

**Referred to the City Council due back on 6/26/2019**

- 40 [RLH SAO 19-36](#) Making finding on the appealed nuisance abatement ordered for 1405 SUMMIT AVENUE in Council File RLH SAO 19-23.

**Sponsors:** Thao

*Nuisance is not abated.*

---

*Lisa Martin, Staff:*  
*I have current photos to share with you. This is the front of the property. You can see the sidewalk is here. All that would need to come off yet. And here is a measurement. You can see it is way under. All of that would need to come off. And then, on the side, it's showing underneath there's still branches hanging in the public right of way that are under six feet. You can see it from this angle. There's quite a bit that still needs to be removed.*

Moermond:  
Are these in STAMP?

Martin:  
They are.

Moermond:  
Ms. Vang, can you take these photos, the one on Preble and the ones for Summit Ave, attach them to an email to go to Gwen Evans and tell her that as of right now, my report to City Council is that these have not been abated and that she needs to complete the abatement on Summit and conduct the abatement on Preble. Or I will ask for a work order to be written.

Staff will recheck so the City Council has fresh information for their public hearing. So, if she comes in, you know what the current status is, and the Council is not caught "flat-footed."

Martin:  
That's why we tried to make sure the measurements were in there, so you could clearly see.

Moermond:  
That's so helpful. If she jumps in and does it, we have the right information to show the Council.

**Referred to the City Council due back on 6/26/2019**

## 1:30 p.m. Hearings

### Fire Certificates of Occupancy

- 41 [RLH FCO 19-61](#) Appeal of Don Sobania to a Correction Notice-Reinspection Complaint at 1660 CUMBERLAND STREET.

**Sponsors:** Brendmoen

Grant to July 30, 2019 for compliance.

---

Don Sobania and Nidhi Yoshi appeared.

Moermond:  
We needed a re-inspection to check out those doors and to get some more information on what the inspectors were looking for and I see that you are hooked up also. Do you have the photos? Mr. Schmidt, why don't you give a staff report while we pull those up.

Brian Schmidt, Staff:  
Basically, I talked to Inspector Franquiz. He did go out to the property and did an inspection follow up. He amended some of his orders on the doors to be more reflective of what was going on. A lot of the doors and frames, he said, were repaired. But they hadn't been replaced and he wasn't given what types of glues or compounds that were used to fix it as far as their fire retardedness. So, the issue is what were

they fixed with and how does that affect the fire retardedness of the doors. So, that's kinda where we are at and some of the orders were actually to replace the doors and the molding and frames around it. That's kinda where we are at right now. Without that, he couldn't abate any of the orders.

Moermond:

Right. We weren't expecting at this point they would abate that. In terms of replacement here, let's talk about these orders he expanded on. It is #5. He indicates here the minimum rating for these doors needs to be one hour. And that applies for the frames and assemblies. And he observed extensive, and in some cases irreparable, damage. He mentioned the first one is the second floor east fire door. The photos I have aren't labeled, but the ones you have are.

Mai Vang:

These aren't labeled.

Moermond:

I have lots of door photos. Do you want to guide us through the photographs here?

Brian Schmidt:

I was not given a

Moermond:

You can see...it's probably easier for you to see from there.

Schmidt:

That's more the light fixture hanging down low.

Moermond:

I'm not sure what's wrong with that door.

Schmidt:

The only thing I can think of is, is that closing all the way?

Nidi Yoshi:

During the inspection, after he inspected all the doors, he said all the doors are in working condition, closing properly. So this is one of them and we checked, actually, on one or two doors, we spent maybe 10 minutes. He closed it many times, just to check. And all those are closing properly.

Moermond:

What did you use to repair the doors, in terms of glue, caulk, other kinds of materials. Can you describe those?

Yoshi:

We hired a company and they did it. I need to check with them. They are a licensed company.

Moermond:

Who were they?

Yoshi:

MK Building Services, LLC.

Moermond:

*That addresses items 1 and 2. MK can let you know what substances they used. That should be a quick email. #3 the third floor fire door, the inspector says there's a very large crack on the latch side of door, filled with an unknown substance and there's a new plate over the latch, which is missing screws.*

Schmidt:

*I believe that is in there, because I think these are pictures of the door frames where they have used the substance in there to fix it. You can kinda see right there, along the edge there where they've used the substance and put a bolt through it.*

Moermond:

*The bolts give you concern? Or no?*

Schmidt:

*The question I have is what is that substance. Is the bolt what's actually holding that doorframe together? In which case, we are worried about it not making that minimum fire rated then, because actually the bolts holding it together and...*

Moermond:

*You would look for a door replacement in that case. Yes, ma'am.*

Yoshi:

*This is a fire caulk. This is a fire caulk and it was done two plus years ago. It was not a repair which was done in last month or last year. And then after, Inspector Franquiz came here multiple times. That was not a concern before. But I know, that red thing is fire caulk.*

Moermond:

*What I do know about caulk, in general, is although it does act in an adhesive kind of way, it is not actually an adhesive.*

Schmidt:

*And a mechanical thing...*

Moermond:

*And do the bolts suffice for this purpose for this type of door. I am reading your...he's mentioning missing screws. I'm not seeing...*

Schmidt:

*I think they are in a later picture. There's a couple of them in another door frame. I'm thinking it's right around that.*

Moermond:

*There's the missing screws.*

Schmidt:

*You can see there's a crack there and I don't know if that's glue or what. I don't know.*

Moermond:

*Do you know which door that is, that we are looking at?*

Yoshi:

*Yes.*



*Moermond:*

*OK. That job needs to be finished. Whatever the substance is that they used to repair that, front to back, we would need to get that. Is that a different door, oh, with a big chip out of it?*

*Yoshi:*

*This is 201.*

*Moermond:*

*And your opinion on that is?*

*Schmidt:*

*Again, it looks like the wood is being held together where that frame is by those bolts. How long before that deteriorates.*

*Moermond:*

*Does that chip out of the corner decrease its fire rating?*

*Schmidt:*

*It's not seamed properly, where you are getting more gap around there. So, is it going to seal? Are we going to get that fire rating?*

*Moermond:*

*That's my question to you, Fire Inspector.*

*Schmidt:*

*To me, with the chip out of there, with the bolts, the brackets, I don't think these doors are holding their fire rating.*

*Moermond:*

*This door, in particular, needs replacement.*

*Schmidt:*

*Yes, I would replace it.*

*Moermond:*

*We have a hinge that doesn't have a screw or a bolt through it. I assume that's what I am looking at. Repair needs to be completed on it.*

*Yoshi:*

*This is the same door.*

*Moermond:*

*So, it's got multiple problems, that same door.*

*Schmidt:*

*I mean, a lot of these doors have multiple issues. They've been closed up and repaired.*

*Moermond:*

*What do you mean about that opening? At the bottom? This looks like an interior door to the building, but not to a unit.*

Schmidt:  
*Looks like a corridor fire door, so yeah.*

Yoshi:  
*Hallway. Fire door.*

Moermond:  
*At the bottom, I'm seeing a one or two inch opening.*

Schmidt:  
*That should be closer to the bottom in my opinion.*

Moermond:  
*How close does it need to be? To provide one hour fire separation? And is that something that could be done with a...*

Schmidt:  
*A threshold would probably do it.*

Yoshi:  
*This is the door, with the chip, 201.*

Moermond:  
*Oh, OK, I thought this was a corridor door. With the glass.*

Yoshi:  
*Just by apartment 201.*

Moermond:  
*So, we have a replacement to the door in 201. We've got the screws in that hardware. Was that also 201.*

Yoshi:  
*Yes.*

Moermond:  
*The missing bolt in the hinge. Was that?*

Yoshi:  
*I'm not sure about the missing hinge, but the chip and the gap.*

Moermond:  
*OK, that is two locations where we need to have something happen. We need to have the door to 201 replaced and something has to happen to the door near 201 to have it provide a higher level of fire separation, a threshold, a modification, something, to have it fill that gap.*

Yoshi:  
*A stairway, screw missing.*

Moermond:  
*There's a crack in the door frame. I'm seeing a bolt above the hinge, but the bolt doesn't seem to be providing any sort of repair function. Random bolt. Another bolt, same door.*

Sobania:

*I'm guessing somewhere along the line [inaudible]*

Moermond:

*Yeah, but that doesn't help us with the crack in the frame. Scroll up on that photo, that crack needs to be replaced. I think that's not a question of repair, I think a carpenter needs to have a go.*

Yoshi:

*Can I have a copy of this, because I need to check which door.*

Moermond:

*Not a problem, we will give you a copy of it. Do you want it emailed to you?*

Yoshi:

*Yes, that's fine.*

Moermond:

*Not sure what I'm supposed to be seeing here.*

Schmidt:

*I think that's one of them that's fixed.*

Moermond:

*I'm seeing bolts there but...so, we've identified a couple of locations where that trim needs to be replaced, the corridor door needs to be enhanced so it provides a one hour separation and 201 just goes, that door. So, we have our three things left.*

Sobania:

*Tell us about the process after this.*

Moermond:

*I will put this together in a resolution that will provide an extension to fix those items. It will be very clear that those are the remaining items. Where was that trim broken; what door was that for? There was a crack in the trim.*

Yoshi:

*If I can get a picture of that, I can easily identify*

Sobania:

*Whichever one it is.*

Moermond:

*We will provide you with pictures of that and you are going to let us know what substances were used to repair the door and we will run that by these guys and if it is not acceptable material, we will let you know.*

*Looking back at your original appeal...*

Schmidt:

*I believe that one door, looking at his notes, might have been second floor fire door. That's with the chipped off corner and the pieces and the bolts.*

*Sobania:*

*That's near 201.*

*Schmidt:*

*Then there's third floor west that has a large crack. Material used to replace it.*

*Moermond:*

*I can get this in front of City Council July 17 and I will recommend you receive an extension through July 30. You will want an appointment before July 30 to demonstrate these items are addressed. You will receive a letter confirming this.*

*Sobania:*

*We have another issue we would like to chat about. The inspector is what we would describe is disrespectful of our time. He set an appointment with Nidhi for 9 o'clock to have this inspection. She waited until 9:32, called him, left VMs, he did not show up. He showed up very late and they ended up meeting at noon. Now, people miss appointments but this gentleman has done this on any number of occasions and frankly, we are a business, we've got things to do. Not sit around waiting for some inspector who might, or might not, show up. We would like a new inspector.*

*Moermond:*

*Mr. Schmidt is Mr. Franquiz' supervisor. He just heard your comments, which is great. What I will do is to get a copy of the minutes and highlight what you just said and send it to manager of the area for Fire Inspections, so she becomes aware of it. I don't have any control over who is assigned. But when people bring these kinds of things to my attention, I want to make sure it gets forwarded, because I think, if someone says something here, you are complaining to the City. Absolutely.*

*Sobania:*

*We can provide documentation on other events where he has not shown up. I mean, it's...we all have trouble in our lives and therefore, we can be late. But, we have a pattern going on and it's disrespectful to us and our time.*

*Moermond:*

*I will make sure that gets shared and Mr. Schmidt is right here, hearing what you are saying as well. I will commit to talk to the manager. I am sure Mr. Schmidt will talk to the manager, too.*

*Schmidt:*

*I will talk to the Inspector, too, I already made notes on that.*

*Sobania:*

*I'm concerned about retaliation.*

*Yoshi:*

*I got a letter that the inspection is 9 o'clock and we actually set it up.*

*Schmidt:*

*Can I see that please?*

*Yoshi:*

*And I was there until 9:32 and he didn't show up.*

*Sobania:*

*You were there a half hour, waiting.*

*Yoshi:*

*And he came around quarter to 10. My cleaning crew saw him and they told me and I called him and scheduled it for...I want to get this done.*

*Schmidt:*

*Yeah.*

*Yoski:*

*So, he came at noon, then.*

*Schmidt:*

*If he was running late, I would expect him to make a phone call.*

*Moermond:*

*Especially for the first appointment of the day. I understand about your retaliation concern and we will get this to the right people.*

*Sobania:*

*Thank you.*

**Referred to the City Council due back on 7/17/2019**

- 42**     [RLH FCO 19-69](#)     Appeal of Matt Flannigan to a Correction Notice - Complaint Inspection at 295 HARRISON AVENUE.

**Sponsors:**     Noecker

*Extension given to September 1, 2019 by DSI staff; therefore, property owner has withdrawn his appeal.*

**Withdrawn**

- 43**     [RLH FCO 19-66](#)     Appeal of Neng Yang, DNZ LLC, to a Fire Inspection Correction Notice at 506 KENNY ROAD.

**Sponsors:**     Brendmoen

*Grant the appeal on the exiting from the basement; deny appeal on the permit for the door that swings outward and grant to November 15, 2019 for compliance.*

---

*Richard Som, general contractor, and Bernie Vang, manager appeared.*

*James Perucca, Staff:*

*I am the commercial inspector supervisor. 506 Kenny Road is a multi-tenant commercial property. Primary occupancy is "B" occupancy. I have a couple of S1 storage and mercantile, also. Mr. Yang is appealing three correction orders on the May 20th C of O inspection. Number 9, regarding the basement level egress travel, that exceeds the distance for that area with one exit. It is a sprinkled area that has been modified over the years where it appears that there were second exits that had been modified. Right now, one exit exists. Per code, the maximum distance to travel in a sprinkled area would be 100' which this building is. Approximately we are looking at 15,000 square feet, roughly 125 feet from the most remote area of the basement.*

Moermond:

So, it's a shortfall of 25 feet?

Perucca:

Roughly, yes. If the previous second exits were still in existence, it would be no problem. Modifications over the years have removed a stairwell and in the past there was a compliant exit out of a boiler area which no longer exists. The other two areas being appealed are orders regarding a second floor build out of a room we show as a storage area. It appears it is now being used for assembly use. There have been permits pulled and they are not finalled yet. We do have the correct number of exits, with one door swinging the wrong direction, which would need to be corrected for a room that will hold over 50 occupants.

Moermond:

And you determined that based on square footage?

Perucca:

Square footage of the room is 2550 square feet. If it were arranged in tables and chairs, the occupant load could be 170. For chairs only, 364. They are appealing the door swing in that area.

Moermond:

Shall we talk about the basement level first. I don't have a good picture of the old second exits that have been taken out.

Perucca:

The one on the right is the stairway that has the upper level covered.

Richard Som:

It's covered in concrete.

Perucca:

There was...go back one...there was a ladder and I assume those windows were, at one time, probably openable, but they are now glass block, so.

Vang:

The inspector came out, he wanted us to have a second, you know, maintenance door, on that north side, which has got window here. In that room we have our confidential patient files. That's stored down in the basement. Having a door being put there would put us...

Som:

HIPA violation. May I have permission?

Moermond:

Yes.

Som:

This is the exterior of the glass block that the inspector showed. It's on ground level and in the vicinity of the building. If we were to do an egress window there, one of the main concerns would be vandalism. It would be so easy to get in and with HIPA files and violations of HIPA files, it's a concern that we have.

Perucca:

*For the glass block windows, the permit was pulled in 2009. Nobody called for any kind of inspections, even though the work is done.*

*Vang:*

*Now the basement is currently being used, as you can see by this, for storage. I would say, about 80% of the entire basement is free. About 20% is used for storage. Even if we were using it as offices before. But 80% is free. Currently, there is a stairway exit and there is also elevators into the basement.*

*Moermond:*

*On this one, what I am really seeing is a 25 foot shortfall of the requirement. Anything more than 100 feet needs a second exit, so this is 25 % off. It feels to me like this would be a legitimate case for granting a variance of the Fire Code. I'm not sure I feel the same way about items 32 and 33. Let's talk about your concerns for those. What are you appealing, specifically.*

*Vang:*

*The floor layout was approved by the City, for the design to build that out. It was inspected with the building and the Fire Department did inspect it as well. So. it was the prior general contractor and they wrote us an email about that, saying they did what they had to do, they were approved and this shouldn't be a part of this. So, I don't know. That's what we are getting from him, from the owner and we feel it was approved by the City. According to what he is saying.*

*Moermond:*

*And what I heard from you is we don't have finalled permits?*

*Perucca:*

*The permits haven't been finalled, and, in fact, this space isn't on the drawings that we show. We had two sets of drawings, the build out of the second floor in 2016 which wasn't involved this space here. Describes it as existing storage. On the plans that come from February, 2018, it doesn't go for a change of use. It just says tenant space.*

*Vang:*

*It began in 2018 and completed in 2018.*

*Perucca:*

*But now, it appears it's being used as an assembly area.*

*Moermond:*

*They are saying that previously, this was used for storage. The drawings were not labeled in a way that showed that you were changing use from storage to assembly, and therefore, the permit application was not reviewed with that in mind. When your contractor submitted it, they just said tenant space. They didn't say tenant space for assembly. Historically, it was not assembly space and that required a change in use.*

*Vang:*

*I guess for us, we weren't aware it was going to be assembly. It's just a extra conference room.*

*Perucca:*

*If you go down a little further, somewhere around the 12th photo in that series. There we go. It very much appears to us that it is set up as an assembly space, not a break*

area. There's a few other photos that continue. There's a speaker stand, podium. There was one additional door, which does swing inward direction. The proper hardware.

Moermond:

So, one door exiting the space is compliant and the other exit is not?

Vang:

According to the inspector, it needs to swing out and with that push bar.

Perucca:

If we go back to this drawing, those doors swing inward and do not have the proper...

Moermond:

The two wooden doors that we are looking at there.

Perucca:

Correct.

Vang:

Yeah, it's those two doors.

Som:

I've got some pictures to show you. These are the doors that the Fire Inspector looked at. This is the interior, the inside of the door as it swings in, inside. This is the exterior. There's a hallway that leads into this door. As you can tell there's walls on either side of this, that will actually keep it from opening completely and so it's blocked, either side. There's no way to open to the outside, exteriorally. The way it was designed by the previous contractor...

Moermond:

Unless you use the opening differently.

Som:

Because the hallway minimizes how much it can actually open.

Moermond:

If the doors remain in the same location. And there is the ability to push them outward, looking at that threshold. When you show this to me, I see there appears to be a good 12" recess towards the room. If you were to push it out. And then the brick side, what's going on there.

Som:

That's the exterior entrance.

Moermond:

Does this door have the ability to swing open.

Som:

It doesn't because there's another wall right here. When you swing it, it's going to hit the wall.

Moermond:

Is it hitting the wall, because it's recessed by a foot?



Som:

*I would say it's probably close to a foot. On this here, it's less than a foot.*

Moermond:

*So, if it's pulled forward, it would hit the wall?*

Som:

*Yeah, there's no way it can pull forward. The hallway is pretty new. It's constructed it's just the only way to do it.*

Moermond:

*This would have to be completely redesigned in order to have the doors open.*

Som:

*The way the design right now, it has to be open inwards, it can't be opened out.*

Moermond:

*You would have to redesign the doorway to make that happen.*

Som:

*Potentially, yes.*

Moermond:

*Get an architect or someone who does that kind of work.*

Som:

*The previous construction company said they submitted it and it was approved.*

Moermond:

*And you heard what I just said.*

Som:

*I heard, yeah.*

Moermond:

*That what they submitted was not clear, that this is assembly space. The shortfall is significant in this case, so with 2500 square feet we are talking about. The numbers of people who can be accommodated in this room exceed the 50 people requirement for the outward swinging door. I am left with figuring out what is a reasonable time in which you guys can come into compliance.*

Vang:

*We have spent a lot of money. Those doors are new doors. For us to redo that whole section. It's been approved for the City.*

Moermond:

*Actually it hasn't been approved. A permit was pulled. It was not finalled. It has not been approved. The plans that were submitted were not specific about the change in use. I will stand in front of the City Council and tell them exactly that. I am worried about the life safety part of this. I get that you have spent money. And if your contractor did not submit accurate drawings to the City for review, that's between you guys, not involving the City saying the safety standard should be compromised because of that.*

*I get you have a big door project that you will have to do in order to come into compliance. I am trying to figure out how much time you need to do that.*

*Vang:*

*Are we going to do that for sure?*

*Moermond:*

*I am thinking four to six months. I will cut it in the middle and say let's have it done by November 15. You are welcome to talk to the City Council about this as well. I am going to say a Code Compliant door does need to be installed. Or, the use of the space needs to be returned to one that doesn't require a second exit without outward swinging doors.*

*Vang:*

*What is the process for us for the public hearing? Do we submit another form?*

*Moermond:*

*All you have to do is show up. I will put this before City Council on July 17. You will get a letter that will say I recommend your appeal is granted on the other item, the exit in the basement. Then I will say I recommend denying your appeal for the outward swinging doors and giving you through November to get the matter addressed. You would be able to go to the Council and say I disagree and here's what our considerations are. Share that with them and see if they see things differently.*

*Vang:*

*Our previous general contractor don't want no responsibility with this anymore. So just ...*

*Moermond:*

*They didn't even get their permit finalled, so I would say the State of Minnesota would have something to say about that if you wanted to go to the Department of Labor and Industry. That's where they are licensed through, and if they aren't performing in accordance with their licensure, they should know.*

*Vang:*

*Going back to the beginning, the plans just said tenant.*

*Moermond:*

*Simply said tenant, yes.*

*Vang:*

*When I am discussing this with them, they are going to blame us, that we didn't notify them it was going to be this.*

*Moermond:*

*I have no idea; I don't know what your conversation was with them. I have no way to know.*

*Vang:*

*I guess we weren't sure at that point. It was just a team meeting. That's what it is at that point.*

*Moermond:*

*That's really why you hire professionals. They should be asking those questions. Could you guys have been talking past one another and just not understanding? I'm sure that could be the case, too.*

*I think you are looking at a redesign of that doorway and a new installation. I can't see, based on the photos that you showed, that there's another way to tackle that. And the other door is clearly a single door, but with the panic bar. Those are decent looking doors that you have there, they just don't perform to the standard.*

*I will see you on the 17th and you will get a letter from my office confirming all of this.*

*Som:  
Thank you.*

*Vang:  
Sure.*

**Referred to the City Council due back on 7/17/2019**

**44**     [RLH FCO 19-68](#)     Appeal of Gary Grimes to a Correction Notice - Re-Inspection Complaint at 314 WYOMING STEET EAST.

**Sponsors:**     Noecker

*Layover to get City engineer's opinion on structural issue for the retaining wall; owner to talk to Rental Rehab Program and hired a surveyor.*

---

*Gary Grimes appeared.*

*Moermond:  
We are talking about a retaining wall here. Can I get a staff report about this retaining wall?*

*Brian Schmidt, staff:  
We got a complaint that came in March 27, about the retaining wall in disrepair. There are pictures of it in there and it's got a lot of structural issues, bowing, blocks being separated, moved, broken blocks. Lot of stuff going on. In going through this, it looks like there's some questions about where's the lot line and that was referred also to Code Enforcement. On 4/10/19, that file was closed. Notes were put in saying "closed because of a civil issue." Orders were put in to repair the retaining wall in 90 days. End of it, owner came and talked to me down in the office about whose responsibility, where the property lines are. That's something that I...according to Google, it's really hard to tell where their line is.*

*Moermond:  
Would you bring up the maps. One shows the property there and one shows the elevation lines so we would be able to see that significant change in elevation.*

*Gary Grimes:  
Right. My property backs up to...actually there's two properties that back up to...right over here, that's also got part of the wall there, too.*

*Schmidt:  
309 and 319 is the addresses that I checked.*

Grimes:

*That must be my property line, correct? See, there's this gentleman right here, too, but some reason, in that photo, doesn't show his shed. His shed is like two, three feet from that property line. Right on next the wall. Same with this gentleman here, you can see his temporary shed he's got up, he's had this for several years.*

Moermond:

*The photo was taken in 2017.*

Grimes:

*Yeah, OK. He's had it a couple of years now. He has a temporary one of those, you know, plastic and framework. Blown over once over to my yard. He's got a bunch of heavy equipment he parks in there now. That's this guy here, so he comes up to the back of this line here where the wall is having a problem. And he's parked his bid skidloader real close to the wall. I've had issues with everybody before he moved in there. See my hose running along the wall? I'm trying to wash out, hopefully it will tear the wall down and I can get my insurance company to take care of it. My understanding was he was trying to get the wall fixed before he moved out. Then the other gentleman that bought the property, he repaired a wall right behind my garage that was only four feet high and he said he would take care of the sod, pick up all his garbage when he was done and he didn't do that. Next thing he says, can I use your yard, go through your yard to fix the other part of the big wall and I will replace the sod. I said well you didn't do that before.*

Moermond:

*Do you want to go to the pictures of the wall, Ms. Vang? Let's take a look at some of this here. What part is that?*

Grimes:

*Facing south.*

Moermond:

*The property next to you, is that on the south as well.*

Grimes:

*This section of wall is on my property.*

Moermond:

*Is it by the property line, between you and your neighbor?*

Grimes:

*Yes. That's the neighbor right directly behind me. That's where he did his first repair on the wall. This south.*

Moermond:

*This section of south facing wall? So the neighbor...*

Grimes:

*Yes, behind me which may be the call of complaint on this. Because he talked to a relative that lives in the house right now, I don't get along good with your landlord. I don't know why he says that; I've never had an issue with him. Just because I don't let him come right through the yard and tear up my yard unless he promised to do what the first time behind the garage, the little four foot wall that he repaired.*

Moermond:  
*Let's look at the second photo here.*

Grimes:  
*That's his shed. See that over here; that's still part of my yard.*

Moermond:  
*Kind of a beige shed?*

Grimes:  
*That's another neighbor's shed. There's two people that live behind me, facing along that south wall.*

Moermond:  
*This is still the south wall. I'm seeing bulging and cracking. Third picture is similar, just a tighter angle. Fourth picture, further down.*

Grimes:  
*To the east.*

Moermond:  
*Is this still in your property?*

Grimes:  
*Apparently. Wire fencing goes all the way down that wall and keeps their animals from coming over on my property.*

Moermond:  
*So, that's your wire fence.*

Grimes:  
*Well, it's on my wall...*

Moermond:  
*Have you even had a survey done, of your property?*

Grimes:  
*I found the ones in the front, over on the sidewalk, but I can't find the ones in the back. The ones in the front are really easy. There's a big round thing that goes in the ground there. Really easy to find. Back ones, not. It's so weird the way it's all split up back there. Wall is all cobbled in. My concern is that...his yard slopes down to the wall. He wants the wall fixed so he can retain his yard. You can see this picture here, because it's newer. See the white deal up there? That's the temporary shed he's got there. Keeps all his heavy equipment in there. He used to park right along the wall, try to get the wall to bust out even more.*

Moermond:  
*I think you might end up having to have a survey done. To be able to figure this out between you and your neighbors about who is responsible. I would also like the City Structural Engineer to take a look at this. That engineer can tell me how quickly it's failing, what I need to be concerned about timewise. If they can tell. What's your ability to get a survey done.*

Grimes:

*I'm on a fixed income. I'm on Social Security here.*

*Moermond:*

*But this is an investment property, am I right?*

*Grimes:*

*Yes. Well, really it wasn't. It was something me and my ex-fiance was going to live in but it's too small. I was working construction so it wasn't an issue with money, know what I mean. I worked construction. I built custom motorcycles in the evening. I can't work anymore.*

*Moermond:*

*You are not living on Social Security alone. You also have this investment property.*

*Grimes:*

*Yeah, only \$600 a month.*

*Moermond:*

*Part of owning a property is you need to figure this out. This is not going to be a cheap wall to repair. I will also refer you to the City's Rental Rehab program.*

*Grims:*

*Somewhere, do they have funding?*

*Moermond:*

*Yes, you got it.*

*Grimes:*

*My big concern is, see how [inaudible] I'm not trying to get out of the whole wall. He wants to and keeps pushing the issue now that it's my wall. Before, he wanted to do the total repair [inaudible] costs quite high. It's retaining all that property of his off of my property.*

*Moremond:*

*The City inspector thought it was yours. Will a survey show that? Also, it was built historically for retaining their soils. Attorneys might say they are responsible anyway. This is something I can't resolve in this setting. All I can look at is when does that wall need to be fixed by. If you were to show me a document that says it's not on your property, another order will go out to the owner.*

*You are going to be filling out forms. It's a pain, but a good investment in time. You call, as soon as you can, to the Rental Rehab folks. They are probably going to want an estimate on repairing the wall. I don't know if you would want to get a contractor out there to take a look at what it would be.*

*I will continue this one to July 9. If you can talk to the Rental Rehab folks, that would be great. I'm going to ask the Structural Engineer to take a look at it. Call a couple of surveyors to see what you can get.*

*Grimes:*

*The other inspector said he had GPS so that's why he thought it was mine.*

*Moermond:*

*So, a survey is the only way to settle that. Let's find out what the engineer says about*

timeline. We will see you on July 9.

Grimes:

Do I need to write this down?

Moermond:

We will send a letter. We have an address here on Edmund in Cottage Grove. That's where the letter will go.

Grimes:

Yes.

**Laid Over to the Legislative Hearings due back on 7/9/2019**

## 2:30 p.m. Hearings

### Vacant Building Registrations

- 45 [RLH VBR 19-38](#) Appeal of Jay Drieling to a Vacant Building Registration Fee Warning Letter at 600 BEAUMONT STREET.

**Sponsors:** Prince

*DSI staff waived the VB fee for 30 days; therefore, owner has withdrawn his appeal.*

**Withdrawn**

- 46 [RLH VBR 19-39](#) Appeal of Gerald Thurstin to a Vacant Building Registration Notice at 1123 GALTIER STREET.

**Sponsors:** Brendmoen

*Grant to July 31, 2019 to get Fire C of O reinstated. VB file closed.*

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*Gerald Thurstin, Linda Thurstin, and Kenneth Bolden appeared.*

Moermond:

*This is an appeal of a Vacant Building Registration. We also have a Fire Certificate of Occupancy revocation, as well.*

Brian Schmidt, Staff:

*This has been going on quite a while. Looks like the first letter was sent out November 15 for the Fire Inspection. Looks like the inspector was out sick on December 6, had to cancel and send a new appointment letter. Have some outstanding issues that have been going on for a long time. Here's a note, "the owner sent an email requesting additional time. The new date will mark day 70 of the inspection process." On April 4, there's more notes put in, "email sent, the owner requests an extension."*

*Looks like there's a lot of extensions, a lot of issues. There's still 17 of them. I checked this morning, before coming here. There's no building permit pulled. Looks like we had some doors that weren't in good shape, windows that won't open, a lot of deferred maintenance not taken care of in a while. Just got to the point where the Fire*

*Department knew we were running out of time to allow any more to make repairs.*

*Moermond:*

*Your first inspection would have been in March, is that what you said?*

*Schmidt:*

*The letter was sent out in November.*

*Moermond:*

*And that was rescheduled due to illness.*

*Schmidt:*

*I believe so, by the inspector. I will pull up the letter here and take a look at it real quick. Yes. Set up for December 5 and he was out due to an illness. Second letter scheduled the inspection for January 22. That's kind of when everything started. Looks like one cancellation after that.*

*Moermond:*

*You have several inspections that have occurred and it's been several months.*

*Schmidt:*

*Looks like the last one, a correction letter, May 22. This one was April 30. The revocation letter was dated May 22. The last time they were out there was April 30 with an inspection May 22 to have the property vacated or the repairs done.*

*Moermond:*

*I am assuming on May 22, your inspector went out there and made the finding that the repairs were not done and made a referral to Vacant Buildings. As an occupied building. And then you guys...*

*Matt Dornfeld, Staff:*

*I don't have much to add to that. On June 3, 2019, Inspector Kalis opened a Category 2 Vacant Building per the Certificate of Occupancy revocation by Fire Inspector Franquiz. Inspector Kalis noted that there are permits on file. There's a plumbing permit that has been finalized. There's an active mechanical permit and a pending building permit. I'm not sure what that is all about. I am researching that now. We also noted that there was some junk, refuse, discarded mattresses, and some scrap wood in the rear of the yard. That since has been abated, removed by the property owner. Other than that, we don't have anything.*

*Schmidt:*

*It looks like there was one taken out. Popped today, building permit. On 6/18 for overhanging cover over steps. The next building permit that I see is for 7/7/14. It was finalled.*

*Moermond:*

*I see you list with Ramsey County, that 1123 Galthier is your address.*

*Gerald Thurstin:*

*Yes.*

*Moermond:*

*What kind of property is it?*



*Thurstin:*  
*It's a three plex.*

*Moermond:*  
*You live here, you've got two rentals. Does that make you, Mr. Bolden, a tenant in the property?*

*Kenneth Bolden:*  
*Yes.*

*Moermond:*  
*So, what's going on?*

*Gerald Thurstin:*  
*Ok, when I got the first...I go to Arizona for the winter. Because my arthritis and stuff. And when I got, I don't have my mail forwarded, which I'm going to start, 'cause I never done that before. And he never came to inspect the house during the winter months. So, I didn't know about the inspection until I heard from Kenneth that somebody was there inspecting it. Well, show them the house. 'Cause he has access to it. So, that was the first problem. I called and told him about my situation. One of the things you mentioned was the stuff in the backyard. It was in a trailer. One wheel was sitting on the pavement and one wheel was sitting on the grass. So, he wrote me up for that. It's not all totally on the pavement.*

*Linda Thurstin:*  
*I have a question. How many notices has he been given? Do you know that?*

*Dornfeld:*  
*Four.*

*Linda Thurstin:*  
*Because each time it seems like something new is added each time. The trailer has been there this whole time. Why wasn't it written up the very first time? Each time the inspector comes, oh, there's something new. But everything's always been the same. I'm just kind of questioning that, too.*

*Moermond:*  
*I am going to ask, do you have more to say? You were talking about being gone for the winter...*

*Gerald Thurstin:*  
*Right and I did not get the notice until he [Kenneth] called me. So then I called and told them I'm in Arizona and asked if we could push the inspection back to April, because I usually come back to Minnesota around the 1st. This year, I didn't get back to around the 10th. And with my age and everything, I started doing the stuff, but I didn't get it all accomplished, fast enough, like there was an exposed wire in the basement that went to the old telephone transformer. He wrote that up. Well, that's been hanging there for the last 40 years. That's taken care of. I had an electrician come and take care of all that stuff. Just like, on the boiler, the expansion tank was sticking straight out and it was supposed to be hanging upside down. Anyways, that's the way it was when I bought the building 10 years ago and I've been inspected before. I got everything done now and I got the building permit for. What it is, there's a porch on the side of the house. He said there's no permit drawn on that. So I had to draw up the porch and went and got the permit for it. So, I have the permit for the porch and*

*it's covered. All the rest of the stuff that he has written up has all been taken care of. I'm 74 years old and it took me longer to do nothing than it used to. So, I mean, I just can't get going as fast. I have ideas in my head, what I can accomplish in the time and I can't do it anymore.*

*Moermond:*

*I am going to quickly scan the lists, Ms. Thurstin, and see what I can see here. Well, we started with 26 items and it got down to 17. Some are described better over time. Sounds like you are in a little bit better control now.*

*Gerald Thurstin:*

*Everything he wrote down is done.*

*Linda Thurstin:*

*And if he comes again, how many more new items are we going to get?*

*Moermond:*

*It depends on if the building has deteriorated. If he comes and there's broken windows, the guy is going to write "broken windows."*

*Linda Thurstin:*

*It started in January. Is that when the first notices started coming?*

*Moermond:*

*November was the first one.*

*Linda Thurstin:*

*Six months, yeah. It keeps getting...let's say if we do another inspection tomorrow, how much more. I'd like to see. I'd like a list of really everything that's done. Maybe we could take pictures. Say this is how it was when he inspected and then, when he comes back, see if anything's changed, see if more items have been added to the list. We can say this was how it was when you were here last time. You didn't mention it. Why are you adding more stuff now? Would that be a better way to cover ourselves?*

*Moermond:*

*Inspectors are human beings and do see different things. Oh, I missed that last time. Nobody's perfect; it happens. My quick scan of this is that there wasn't a ton that was like that in this set of orders. You know, the stray item here or there. What I'm going to be more concerned with is how do we get this thing done. I need to say, you guys are behind the eight ball on this because you haven't fixed it in a timely fashion. I hear you've been out of the state and that's fine, but there's a responsibility for getting these things inspected. It was so long that you got your Certificate revoked. And then you didn't appeal the revocation. I am sitting here going you are revoked. You are revoked. This place shouldn't be occupied at all. I am talking to you today and looking at getting this thing unrevoked. I am not going to have a ton of patience with quibbling around the edges on this. I want to drive this car right down the middle of the road and say, we are going to get these things checked, get the inspector in and it's going to be done and ready. Done and dusted, as it were. So, all of these things, we have a couple permits that were opened, Mr. Schmidt?*

*Schmidt:*

*Yes, there was a permit that was opened up for, it looks like today. Building was opened up for the overhang over the steps. That's been opened. There is a mechanical that is still active that needs a final.*

Gerald Thurstin:

OK, I have a question. What's the mechanical one? Who do I have to call?

Schmidt:

It was for the replacement tank for the boiler. So, you are probably going to have to get ahold of your contractor and have them get ahold of the City Inspector to come out there and do it. That's probably what's going to have to happen with the building one, too. Normally, our inspectors will only deal with the contractors that pull the permits. You will have to have them contact the City Inspector to come out there and do it.

Linda Thurstin:

Just because it was, when he bought it, that old...everything still needs to be updated. Every time there's a new rule...

Schmidt:

It was installed wrong.

Gerald Thurstin:

Whoever installed the boiler, installed it wrong. That was before I bought it.

Moermond:

Which is...I mean, you are not the only one who experiences that. People buy houses and previous owners haven't necessarily done what they should do. Sometimes people even doing their own stuff and they haven't a clue. And there you are with an unsafe installation and you are holding the bag.

Did you have contractors come and do work on these things?

Gerald Thurstin:

Yeah. Cities1 did it, but I was going to say, [inaudible] did the dryer pipe.

Schmidt:

I'm not seeing a mechanical permit or warm air for that. I don't know if that's been inspected. I don't see a permit for it.

Gerald Thurstin:

Well, Cities1 did the work.

Moermond:

Well, I'm sure they are familiar with pulling permits. Could they do this online? When it's a Vacant Building? Or do they need to go in person?

Dornfeld:

Well, I think we should wait until your verdict is made before we decide how we should go about these things. The Code Compliance Report...or not.

Schmidt:

Actually the dryer vent, 5/21 was pulled for the dryer vent and that was finalled.

Gerald Thurstin:

How could they final that one and not do the tank?

Schmidt:

*Different inspector may have been doing it. It was a plumbing and gas one and the other one was a mechanical, so it would have been two different inspectors. So, if they didn't schedule it with that other inspector, it probably didn't get done.*

*Moermond:*

*Did you mean that the other way around? The mechanical guy on the exhaust?*

*Schmidt:*

*The plumbing and gas was there. That was done on 5/29. The boiler has not.*

*Moermond:*

*Why was a plumbing inspector involved in the dryer vent. Was there a gas line problem?*

*Schmidt:*

*Because it's a gas line; it's a gas appliance. Boiler, that's where they would have come in. it would be a gas dryer, I should say.*

*Schmidt:*

*Normally, electrical dryers, you will see a warm air permit for that.*

*Moermond:*

*Cities1 should call for an inspection on their work. The inspector's name is on the permit. There's a phone number on there, too.*

*Gerald Thurstin:*

*Cities1 got the permit. I don't physically have the paperwork on that. I'll call Cities1.*

*Schmidt:*

*I can give you the inspector's name.*

*Linda Thurstin:*

*Do they submit it to you guys?*

*Schmidt:*

*I would look at the file to see if it was closed. They don't notify us when they are done. Eric Witt is the inspector for that. 651-266-9045.*

*Moermond:*

*Who is doing the building permit work?*

*Gerald Thurstin:*

*It's already built.*

*Moermond:*

*The interior floor is damaged and is separating from the walls. Have you had a contractor come and look at it? I would like to have an inspector come and look at that.*

*Schmidt:*

*There is a permit open for that. Thomas is the inspector. It was opened up today.*

*Moermond:*

*Perfect. You got a permit opened up today and your inspector is Thomas, so.*

*Gerald Thurstin:*

*He came when I put the windows upstairs. I am truly sorry for this mess, but ...*

*Moermond:*

*We will get this squared. You will contact Mr. Thomas and get him to inspect.*

*The easiest path for you is for me to say if you can get your C of O reinstated, you are out of the Vacant Building Program. If you can't get your C of O reinstated, the place will have to be vacated. We will have to figure out in Vacant Buildings how you get out of it. Probably will mean a pretty extensive inspection report. I think for you guys, the best option is to get this list done.*

*Gerald Thurstin:*

*It's all done.*

*Moermond:*

*If I put this in front of City Council July 17, do you think you could have the work done.*

*Gerald Thurstin:*

*It's all done.*

*Moermond:*

*You think you could have the permits all done, get Cities1 to get their work inspected.*

*Gerald Thurstin:*

*Yes.*

*Moermond:*

*What I will say then is I will give you the benefit of another week. On July 17, I will say to the City Council, if they can have their Certificate of Occupancy reinstated by July 31, they can get out of the Vacant Building Program.*

*Linda Thurstin:*

*The porch isn't done.*

*Moermond:*

*Then having until the end of July gives you time to deal with it.*

*Gerald Thurstin:*

*I will tear the d\*\*\* porch down and throw it in the fire.*

*Moermond:*

*In case something like that happens, I want to give you a buffer of time to deal with it.*

*Gerald Thurstin:*

*I appreciate it, I do.*

*Moermond:*

*I am going to ask Mr. Dornfeld to close the Vacant Building file on this. And if they can't make the deadline, it will be referred to the Vacant Building program.*

*You need to call the inspector and schedule a time. Do that soon, so you have a buffer of time to work on it. You will get a letter from Ms. Vang with all this information.*

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Referred to the City Council due back on 7/17/2019

### 3:00 p.m. Hearings

#### Other - Water Bill

- 47 [RLH WB 19-2](#) Appeal of Brandon Fritz, Management Co Sherman and Associates, to a Water Bill Service at 1281 FROST AVENUE, MAPLEWOOD, MN.

*Brandon Fritz, Sherman and Associates Management Company, appeared.*

*Marie Weinhandl, Staff:*

*What I believe happened in the beginning...first of all, we didn't know anything happened until our first contact was on April 15... that we were billing Sherman.*

*Moermond:*

*You didn't know there was a perceived error in the billing until April 15, 2019?*

*Weinhandl:*

*Correct. That was our first notice. At that time, we found the property at 1281 Frost was actually a liquor store located around other properties that Sherman and Associates owns. I did bring a map along of the property. Going forward, we found out that when the new development was built, on English and Frost, the liquor store remained there. They had to reroute some of the water. They were putting in new water services and there was one going into the liquor store that they had to abandon and reroute.*

*Moermond:*

*You are looking at something that I can't see. Come on up and look at it. Let's all look at the same picture at the same time.*

*Weinhandl:*

*What you are looking at is the plan that was put forth when they developed all these...*

*Moermond;*

*In 2015?*

*Weinhandl:*

*Yes. And this is the property that we are talking about. At the time they developed this, her water was coming into the liquor store from here.*

*Moermond:*

*1291's water was coming through this route?*

*Weinhandl:*

*Yes. Coming in from this street here and coming in from this way.*

*Moermond:*

*I don't understand.*

*Weinhandl:*

*Well. The water line ran here. And they had to vacate it and they rerouted it around onto Frost. What happened was when they put this line in...*

*Moermond:*  
*Is this a copy I can write on?*

*Weinhandl:*  
*Yes.*

*Moermond:*  
*Show me from where to where it was vacated.*

*Weinhandl:*  
*To the best of my knowledge, this was where her property line was and this was where her water line came in (marked in yellow highlighter during hearing).*

*Moermond:*  
*The liquor store people.*

*Weinhandl:*  
*The liquor store people. And this was vacated. They took that out. That was cut off and rerouted to Frost. A whole new line here and brought her water in here. And this is her stop.*

*Moermond:*  
*What street have I got here?*

*Brandon Fritz:*  
*English.*

*Weinhandl:*  
*When they installed this line, the people who did the whole project. I gave you a copy of the contract. That contract was taken out by Maplewood Acquisitions and they paid to have her water line ran and put in here. I take that back. They paid for this new water line to be installed. Our contract was with Maplewood Acquisitions. When our account was set up, it was set up with all the rest of the new accounts that were set up.*

*Moermond:*  
*And all of these are Maplewood Acquisitions accounts?*

*Weinhandl:*  
*Correct.*

*Moermond:*  
*Only this one, you weren't expecting to be.*

*Fritz:*  
*Correct.*

*Moermond:*  
*Is there anything else on this that you need to explain?*

*Weinhandl:*  
*I don't think so.*

*Moermond:*

*We will scan this and attach it to the record.*

*This contract that you provided, is for 1281 Frost and for the hookup? Tell me what commitments are made in this contract.*

*Weinhandl:*

*That's the contract that the Water Department had to install that pipe.*

*Moermond:*

*In the normal course of events, is the party putting in the new water line, does that party become the bill payer?*

*Weinhandl:*

*Yes.*

*Moermond:*

*Were there multiple contracts at this point in time? For the new water lines? I see four blue lines here on this diagram that you have shared. Were there four contracts, one for each of those lines?*

*Weinhandl:*

*I want to say I don't know that for sure, but I would say there were. Yes, for each individual line.*

*Moermond:*

*That's the practice, is to do it that way. Shouldn't be a big deal to confirm that, one way or the other.*

*Weinhandl:*

*No, we should get copies of all that.*

*Moermond:*

*In the normal course of events, somebody makes an application to put in a water line and you assume that water line applicant is the bill payer for the water account moving forward.*

*Weinhandl:*

*Correct.*

*Moermond:*

*That was the case, for several years. October of 2015 to the present, just about. Tell me how much money are we talking about and have we got it switched over to be under the liquor store for billing?*

*Weinhandl:*

*Yes, it is switched over now and we sent a letter to WL Investments telling her how much was due on the account.*

*Moermond:*

*Tell me about that letter than you sent. You sent her a letter and said "if you pay"? That was the letter from April 11?*

*Weinhandl:*



*Well, yes. We sent her a history of the billing and I reiterated to her that we can't refund any money to the current owner unless she pays it. Or, she can make arrangements with them and pay them directly. If she chooses to pay us, we would, in turn, reimburse Sherman and Associates.*

*Moermond:*

*You sent her this billing. What's the total here? I don't see a total.*

*Weinhandl:*

*Is it on here?*

*Moermond:*

*There we go. It's on the back for some reason. It's \$1805.76. Sound right?*

*Fritz:*

*Sounds right.*

*Moermond:*

*Is there anything else, Ms. Weinhandl?*

*Weinhandl:*

*We did get an opinion from Lisa Veith, in regard to issues like this, that once we have the money and we have, in good faith, billed who we thought should be billed, we don't refund the money unless someone else pays it.*

*Moermond:*

*I don't think I have that. We will scan this and put this into the record. This opinion is from 2011. I will pause and make sure you have copies of everything. (Pause) Here's my concern with this, I'm not sure if this is attorney-client privileged information. I don't know that I feel comfortable with sharing it. What I can do is summarize what I am reading here. But it is a question of a staff person to the attorney asking for legal advice and them getting legal advice back again. I am hearing Ms. Weinhandl say they are relying on that old legal advice for what decision they are making. But that is them, not me. In essence, it says that if Water wasn't notified of an ownership change and continued to receive payment, they are entitled to keep that money. And they don't have to refund you and back bill the other owner and try to dissect the legal relationship with you and the other party. It is offered that Water Services could reach out to the other party and offer that if they pay, you could get some money back, but that would be a courtesy service they are offering you.*

*I am going to hand this back and not scan it in because of the nature of it. But that is a good faith translation of what is in it.*

*Other stuff you want to...*

*Weinhandl:*

*I did actually contact...Wendy never called or anything. I did make contact with her on April 24 and talked with her about it.*

*Moermond:*

*The liquor store owner?*

*Weinhandl:*

*Yeah, the liquor store owner. Wendy Lauber, the liquor store owner. I talked with her*

*about the bill and she said she wasn't going to pay it. She said she didn't ask for this, for her service to be disrupted. She was on a hose for three months.*

*Moermond:*

*How on earth does that happen? What does that have to do with this?*

*Weinhandl:*

*That was just her reasoning, you know.*

*Moermond:*

*But does it have anything to do this billing situation at all, being on a hose? She is already ticked with Water.*

*Weinhandl:*

*With Water or with Sherman and Associates for the acquisitions for doing this to her.*

*Moermond:*

*When this development went in, she had to have her water pipe changed and location. They paid for that changeover but she wasn't happy because she had to have water through a hose in 2015 when this happened.*

*Weinhandl:*

*For three months.*

*Moermond:*

*She's got this chip on her shoulder from back then and that's where she is operating from and saying "not my problem." But she is on the bill now, from mid-April, 2019, moving forward.*

*Weinhandl:*

*And she did say she would pay going forward*

*Moermond:*

*Anything else?*

*Weinhandl:*

*I don't think so. I think that's about it.*

*Moermond:*

*There's a lot of information to unpack. I would like it if you could come here once again and take a look at what I have. If you don't have a copy of it, let's get you a copy of it. Obviously there's this, that's new to both of us. This account statement, which runs from 2016 forward, with the total. Do you have that?*

*Fritz:*

*I don't have this, specifically. I have print offs of the bills.*

*Moermond:*

*That's the letter that went to...*

*Fritz:*

*I don't have that.*

*Moermond:*

*And this is about scheduling Water appeals, so that's what is getting us here today. How Customer Service operates, do you want a copy of that?*

*Fritz:*

*Ah, no.*

*Moermond:*

*Your request for appeal. And a log of customer service interactions for the property.*

*Fritz:*

*I don't have that, no.*

*Moermond:*

*Looks like something out of the billing system.*

*Weinhandl:*

*Yes, that was when we checked to verify who had made the payments, because we always do that once the payments are made. We verify them.*

*Moermond:*

*That, basically is just a permit from 2015.*

*Fritz:*

*Um hmm.*

*Moermond:*

*So these documents we should get you a copy of and we will take a minute and do that right now. Do you have a copy of this contract?*

*Fritz:*

*That was with...no. I don't have that.*

*Moermond:*

*A copy of that contract as well, then.*

*Weinhandl:*

*A check is with a payment record.*

*Mai Vang:*

*He could just have my copy.*

*Moermond:*

*You have all this?*

*Vang:*

*I have the packet.*

*Moermond:*

*Pull those pages. You can go ahead and have a seat. We will bring it to you. I would say two color copies, one to give back to Water and one to...and we'll keep the original.*

*I have read your summary of why you are appealing and it sounds like "oops!" Tell me a little bit about what's going on, from your perspective.*

Fritz:

Basically how our company works, utility bills get sent to a different location and then they upload those and pay the bills that way, through their system and we get them sent to us and uploaded into our income statements. I took over as regional manager of this property approximately October or November of last year. As part of my duties, I review the income statements. That's how I stumbled across this, noticing we are paying an additional \$150 every quarter for these water bills and have been since we opened. That's when I started through the process, waiting for St Paul Regional Water Service, contacting them, trying to get it figured out. And talking to the developer on our side and he said basically all he did was move the line. We didn't disconnect; we didn't cancel their service. We didn't do any of that. He didn't understand why we were getting billed either. And then the whole we don't credit you back and then try and then get the bill from the person who was supposed to be getting it. It's kind of the thing that I am appealing, is to get our payment that we paid, on time, to the City for water that was not ours. Xcel Energy, Centerpoint, if there's an error in the billing, on who gets the bill, they credit us and then they work with the other party to get that payment from them. As far as what our assumptions...it was assumed by the City that this was going to be our water meter, because we moved the meter. It was a false assumption. In talking with our development side, was that we didn't cancel service from the 1281 at all. It was just a movement of the water meter. Obviously, billed unnecessarily for it. And that's why we are trying to get reimbursement for that outstanding balance.

Moermond:

So did the liquor store pay the water bill up to this point in 2015?

Weinhandl:

Yes.

[Hearing paused while Ms. Moermond reviews the contract]

Moermond:

Awkward, from my perspective. And that is this contract was signed by Shane LeFavre. And somehow, it is signed with him being the property owner/agent. Which sounds like it's true of all the surrounding properties but not necessarily this particular parcel. But, he did sign that he was the owner or agent. It is really clear "the property owner has read and agreed to" this...paragraphs four through 14. And paragraph 13 says "the property owner agrees to pay water bills at rates now in effect or which may be established hereinafter in to be governed by all rules, regulations, and conditions of St Paul Regional Water Services as may be adopted by the Board." And so, what I am getting from that, is that, in this contract, there was an agreement to pay the water at those rates. That's the part that is kind of a hook for me, here. And I'm not sure what sort of legal arrangement Sherman had with the owner of the liquor store that they were able to act on behalf of them in this application. But that seems to me to be a private matter that the water line was changed and was paid for. There's a signature here, saying you are going to pay for water. That's what is catching me on this. I get where you are coming from, that you didn't intend to do this. I can have...I'm not 100% sure, how often does it happen that developers sign these things as opposed to the owner of record with Ramsey County? Is it the usual practice? OK, not sure, because these are not your documents. You are Customer Service.

Weinhandl:

I am not sure.

*Moermond:*

*I am willing to ask the Water Utility to give me some follow up information on that. Right now, I am looking at this and I am thinking that this contract is what I should rely on in my recommendation. But, I will ask them for additional information on their practices, put that into the record. Then we'll send you a letter confirming a recommendation. It looks like I am going to recommend denial, but if there's additional information that you want to submit or I get from them, I will take another look at it.*

*FOLLOW-UP 6/26/19: Dolly Ludden of SPRWS has confirmed that almost always (she cannot recall a situation where this was not the case), the developer/owner who signs the contract is the bill payer. Brent Marsolek of SPRWS provided the Water Service Contracts for the parcels in the development: 1261, 1281 and 1291 Frost Avenue and 1955 English Street. All were signed on the September 18, 2015 by Shane LaFavre of Maplewood Acquisition, LLC acting as the "Property Owner/Agent" and payment for all connections was made by check from Commercial Partners Title LLC.*

**Referred to the Board of Water Commissioners due back on 7/9/2019**