



# 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, July 9, 2019

9:00 AM

Room 330 City Hall & Court House

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

#### Special Tax Assessments

- 1     **RLH TA 19-511**     Ratifying the Appealed Special Tax Assessment for property at 270 EARL STREET. (File No. VB1910, Assessment No. 198817)

Sponsors:     Prince

*No show; approve*

**Referred to the City Council due back on 8/21/2019**

- 2     [RLH TA 19-440](#)     Ratifying the Appealed Special Tax Assessment for property at 339 JESSAMINE AVENUE EAST. (File No. VB1909, Assessment No. 198816; amend to File No. VB1909A, Assessment No. 198826)

Sponsors:     Brendmoen

*To be referred back to Legislative Hearing on July 9, 2019 and to continue Public Hearing to August 7, 2019.*

*Supervisor Leanna Shaff: He has an open electrical, plumbing, and building permit right now.*

*Ms. Moermond: it comes before council the 17th.*

*Ms. Shaff: he won't be done unless these are signed off today.*

*Ms. Moermond: we'll get your follow up inspection report. We know he can't complete C of O list. If we have information by the 17th that he has his permits finalized, then we will keep with the agreement. If he can't get it finalized by close of business next Tuesday July 16th, then it's the whole fee.*

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

- 3     [RLH TA 19-490](#)     Ratifying the Appealed Special Tax Assessment for property at 308 LAWSON AVENUE WEST. (File No. VB1908A, Assessment No. 198824) (Public hearing continued from July 17)

**Sponsors:** Brendmoen

*Public Hearing continued to August 7, 2019. If the code compliance is issued will reduce from \$2,284 to \$1,142 and made payable over 3 years. If code compliance not issued, will approve assessment and spread over 5 years.*

*Roger Iglesias, co-owner, appeared*

*Elizabeth Mata- Guebara appeared.*

*Interpreter, Guillermo Garnvilo, appeared*

*Ms. Moermond: explains the process, proposed assessment to go onto property taxes, at the end of the hearing I make a recommendation, you can go before Council July 17th if you don't like what I recommend.*

*Staff report from Inspector Joe Yannarely: Cat 2 VB, opened Jan 5th, 2016. Annual fee of \$2,127, service charge of \$157 for a total of \$2,284. There was a sale of approval process last October 2018.*

*Ms. Moermond: you are a new owner as of October 2018. When was code compliance done and are there any open permits?*

*Mr. Yannarely: Done April 23rd, 2018 and there appear to be active permits but none finalized. Warm air and mechanical in November of 2018, electrical December 2018, plumbing in Jan 2019. Building issued October 2018.*

*Ms. Moermond: tell me why you're appealing and what you're looking for today.*

*Mr. Iglesias: you tried to collect money, and we tried to say we moved but the date you're stating isn't correct. I don't know why you're assessing this on an empty building because we have already paid for it.*

*Ms. Moermond: this is a fee for being the VB program. When you bought it, it was in the program.*

*Mr. Iglesias: But twice we paid for permits, to get the job done.*

*Ms. Moermond: every 2 weeks an inspector goes by to inspect to make sure the property is taken care of. The fee is for the program for the inspectors to check it. It will continue to be in the program until you get your C of O. How long until you can get the permits finalized?*

*Iglesias: they have been inspected.*

*Ms. Moermond: there's two inspections that occur, one rough in, when the wall is open, and one when the wall is closed.*

*Mr. Iglesias: that's been done.*

*Ms. Moermond: there's no record of this being completed. Maybe inspectors told the contractors about corrections that need to be done.*

*Interpreter Garnvilo: I was explaining to them what the situation is. He has no problem*

*being in the VB program, but he would like to see the fee lowered.*

*Ms. Moermond: that's why I was asking how long until it was done. I can half it if it will be done quickly. It can also be divided over a few years if that's helpful. That would be at the city's interest rate around 4%.*

*Mr. Iglesias: final inspection in 2-3 weeks.*

*Ms. Moermond: this matter in front of council next Wednesday, I will ask them to continue the hearing to August 7th, to give you a chance to get the permits finalized. If you can get them finalized then I will cut in half, but you have to get this done. My rule is if its 6 months or less I prorate, 6 months or more I don't. I asked Ms. Vang to list the inspectors for your property, so if you have trouble connecting contractor and inspector you can call them directly. You need to do it before 9 am in the morning. Can divide over 3 years.*

*If not done, it will be approval of the whole thing divided over 5 years.*

*Mr. Yannarely: their name is not on the ownership. Also having mail delivered to a vacant building.*

*Ms. Mata- Guebara: asking for letters to be sent to Lawson address, Mr. Alvarado frequently checks there.*

*Ms. Moermond: we can't use a registered vacant building because USPS can't deliver mail to that reliably.*

*Mr. Yannarely: she can do a new vacant building form with new contact info*

*Ms. Moermond: they aren't listed in the tax records with Ramsey County as owner.*

*Ms. Mata- Guebara gives copy of a contract for deed. Mr. Alvarado is selling to the two who appeared.*

*Ms. Moermond: my guess is that this document isn't registered with Ramsey County yet. We can scan it and send it to the VB people.*

*Mr. Yannarely: \$1,294.01 owed in taxes too.*

*Ms. Moermond: if you want to talk to about taxes the number is 651-266-2000. Mr. Yanarely, Ms. Vang will send you a copy of the Contract for Deed.*

*Mr. Yannarely: you really want to call to find out how far back you are in taxes. The first half of 2019 are past due as well, there's already a penalty fee, now the balance due as of May 15th, \$1,273 for this year, and the other half is due Oct 15th.*

*Ms. Moermond: I can't give you any tax legal advice, nor have I read the contract for deed, but there may be provisions in it about the taxes. Ms. Vang is giving you a copy of the tax history. I recommend having someone who is attorney or real estate broker to look at your contract for deed; you can't register your contract until the taxes are up to date. If you come to council please call us ahead of time to arrange an interpreter. Ms. Vang has noted that it's been delinquent in taxes so long it is scheduled to forfeit to the state of MN in 2020. It's called a confession of judgment to make payments and arrangements on taxes.*

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

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- 4**      **RLH TA 19-509**      Deleting the Appealed Special Tax Assessment for property at 995 ROSE AVENUE EAST. (File No. VB1910, Assessment No. 198817)
- Sponsors:      Busuri
- Delete the assessment.*
- Staff report from Inspector Joe Yannarely: the house was rehabbed less than 60 days from anniversary date, March 7th and the last permit was finalized on May 15th.*
- Referred to the City Council due back on 8/21/2019**
- 5**      [RLH TA 19-457](#)      Deleting the Appealed Special Tax Assessment for property at 554 CHARLES AVENUE. (File No. J1920A, Assessment No. 198549)
- Sponsors:      Thao
- Delete the assessment.*
- Kianna Ballard, appeared*
- Staff report from Inspector Joe Yannarely: Summary Abatement nuisance for snow and ice, Feb 22nd, with a compliance date of Feb 26th, rechecked Feb 28th, performed by parks on March 4 for a cost of \$160. Service charge of \$162 for a total assessment of \$322.*
- Ms. Moermond: orders issued Feb 22nd and work done on March 4, so I can see that 13-14" fell between when orders were written and cleanup occurred. Let's look at the video. What I notice it isn't the same snow as the Feb orders, but it should be done within 24 hours of a snowfall. The most recent snowfall was March 1st, and they did cleanup March 4th. In this case we will delete the assessment.*
- Referred to the City Council due back on 8/7/2019**
- 6**      [RLH TA 19-458](#)      Ratifying the Appealed Special Tax Assessment for property at 554 CHARLES AVENUE. (File No. J1909E, Assessment No. 198314; amend to File No. J1909E1, Assesment No. 198322)
- Sponsors:      Thao
- Approve the assessment.*
- Kianna Ballard, appeared*
- Staff report from Inspector Joe Yannarely: Excessive consumption during periods of December 26, 2018 to January 17, 2019. The nuisance was snow and ice, date of orders was January 3rd, compliance date of January 7th, recheck January 10th, found non-compliance and it says "date work done, not available", so it must have been done by owner.*
- Ms. Moermond: It's an excessive consumption. No snow in January, so snow would have fallen December 26th and 27th, and the work wasn't done by the time the crew showed up. Do we have photograph?*
- Mr. Yannarely: Just says on January 10th was found in non-compliance, remove snow*

and ice from public sidewalk, full width by Inspector Matt Dornfeld.

Ms. Moermond: so it was a cleanup and an Excessive consumption? Was that because of there being multiples?

Mr. Yannarely: it doesn't say that.

Ms. Moermond: Was there a cleanup video for Jan 10th?

Mr. Yannarely: work was done by owner, work order issued Jan 10th.

Ms. Ballard: Father was in and out of hospital November to March, I'm here because I'm taking over for the building. He did the best he could while in hospital.

Ms. Moermond: we have an inspector saying it wasn't done a week later, so I'll recommend approval.

**Referred to the City Council due back on 7/24/2019**

7 [RLH TA 19-459](#) Ratifying the Appealed Special Tax Assessment for property at 554 CHARLES AVENUE. (File No. VB1909, Assessment No. 198816)

**Sponsors:** Thao

Approve the assessment, payable over 5 years.

Kianna Ballard, appeared

Staff report from Inspector Joe Yannarely: this is a vacant building fee, Category 2 VB entered program Feb 15th, 2018 and this is just the annual fee of \$2,127 with a service charge of \$157, total assessment of \$2,284. I see a code compliance inspection fee paid July 11th, but I don't see a report.

Ms. Ballard: we're fixing it up, it's taking a while, we've had a lot of break-ins. With him in the hospital it took longer than expected.

Ms. Moermond: are you going to be selling?

Ms. Ballard: repairing and renting.

Ms. Moermond: first you need the code compliance report.

Ms. Ballard: we've had issues setting up the appointment

Ms. Moermond: it's been a year trying to schedule. Do you have a lock box on the property? That's your first order of business. It's fastest to do it that way. Right now I see this went into VB in February of 2018, in for a year and a half right now, and you're going to be in it for the whole year. Are you expecting rehab will take into fall?

Ms. Ballard: yes, I'm expecting September, maybe until January.

Ms. Moermond: I'm recommending approval of this; I will prorate if you can get out more quickly. But I only prorate for 6 months, doubtful you will get out by August 15. I can recommend council divide payments over 5 years, at the City's interest rate.

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

- 8 [RLH TA 19-460](#) Ratifying the Appealed Special Tax Assessment for property at 554 CHARLES AVENUE. (File No. J1919A, Assessment No. 198543)

**Sponsors:** Thao

*Delete assessment.*

*Kianna Ballard, appeared*

*Staff report from Inspector Joe Yannarely: this is a SA for snow and ice, date of orders is February 8th, 2019, compliance date of February 12th, rechecked on the 12th and found non-compliant, work order issued to Parks and Parks performed the abatement of February 14th, 2019, for a cost of \$160, service charge of \$162 for, total assessment of \$322.*

*Ms. Moermond: what I'm noticing is that the property was called in Feb 8th and it got called in because day before there was 6" and day before was 4" and so you had 10" sitting in front of the house. Another 6" fell Feb 10th, 2 days before the deadline, and another 5" fell on the 12th. Let's look at video. I'm recommending deletion, there was an attempt to remove the snow and ice. Charles is a busy pedestrian street, moving forward let's stay on that.*

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

- 9 [RLH TA 19-461](#) Ratifying the Appealed Special Tax Assessment for property at 554 CHARLES AVENUE. (File No. J1917A, Assessment No. 198535)

**Sponsors:** Thao

*Reduce from \$322 to \$100.*

*Kianna Ballard, appeared*

*Staff report from Inspector Joe Yannarely: this is a SA for snow and ice, dated of orders Jan 29th, 2019, compliance date 24 hours, rechecked Jan 31st and found non-compliant, work was done Feb 5th, 2019, \$160 service charge of \$162, total \$322 assessment.*

*Ms. Moermond: the only snowfall was 4" on the day the work was being done. No snow between when orders issued and this. Let's look at video. I'm going to get you down to \$100 on this. There was an attempt to deal with this, but I did see it was somewhat attempted. There is a bit of freeze thaw cycle, but the problem the way the snow is piled up on the sidewalk.*

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

- 10 [RLH TA 19-462](#) Ratifying the Appealed Special Tax Assessment for property at 554 CHARLES AVENUE. (File No. J1908E1, Assessment No. 198319)

**Sponsors:** Thao

*Approve the assessment.*

*Staff report from Inspector Joe Yannarely: this is an EC for period of Nov 26th to Dec*

21st, 2018, 3 or more snow and ice violations within 12 months. Date of order that put it over the top was Dec 5th, 2019, compliance December 10th, recheck December 12th and work order was issued. Cost of EC is \$122, and service charge of \$35, for a total cost of \$157.

Ms. Moermond: this looks cut and dry, its \$157 so not dividing overtime, recommend approval.

**Referred to the City Council due back on 7/24/2019**

## 10:00 a.m. Hearings

- 11     **RLH TA 19-492**     Ratifying the Appealed Special Tax Assessment for property at 668 CALIFORNIA AVENUE EAST. (File No. CRT1910, Assessment No. 198211)

Sponsors:             Busuri

Reccomendation forthcoming.

Mr. Bereket Medhania appeared

Staff report by Supervisor Leanna Shaff: Fire C of O fee for single family home, cost \$206, service charge of \$157 for a total assessment of \$363. Gold card returned by property owner. Appointment letter January 9th, 2019 and he complied on January 30th, 2019. Billing dates are February 5th, 2019 and March 7th, 2019. No returned mail and all mail sent to property owner at Windward Lane in St. Paul. I spoke to owner over the phone, I think there's something that lead up to why the non-payment. The prior C of O was started October 16th, 2017 and had to be revoked for long-term non-compliance. Which got him into compliance, and that was approved in 2018, but once a property is revoked the grade changes, so it goes from the first inspection, so he was up for inspection again. We are still waiting for him to take landlord 101.

Mr. Medhania: this expired in December, the renter moved out December 31st, 2018 and I planned to sell the house. I called they explained someone was renting, I said no one is living there, I plan to sell.

Ms. Shaff: TISH wasn't completed until June 3rd, 2019.

Mr. Medhania: I shouldn't be charged; I told them it was vacant.

Ms. Moermond: this is paying for a service of January and February of this year. Someone must have met the inspector there, the appointment letters went out. Those things occurred, whether or not you needed a fire of C of O it happened, the responsibility is on you to tell them you're no longer renting.

Mr. Medhania: I did. They told me you don't need to take a class if you're no longer renting. The first inspector told me that.

Ms. Shaff: Inspector Heitman. However, if we have nothing that tells us he's selling the house, or Heitman told him he could use the C of O in lieu of the TISH. There are no abnormal notes here.

Mr. Medhania: in December I explained to him, he said I could sell and it should be

vacant. Since then no one was living there.

Ms. Shaff: prior to that, February and March 2018 it was Dan Klein and David Smith.

Ms. Moermond: why did you meet the inspector?

Mr. Medhania: I was there fixing stuff up.

Ms. Moermond: you got a letter

Mr. Medhania: No, I shouldn't be charged no one was living there. I didn't take any class, that was the original talk with the inspector. I had told him no. My closing is August 1st.

Ms. Moermond: I have a feeling you were asking questions that the inspector heard differently than you intended. That the inspector heard a theoretical. I think the conversation ran parallel.

Mr. Medhania: I'm surprised, the first inspector told me to take a class, and if I'm selling after December I don't need a class or an inspector.

Ms. Moermond: I'm going to ask the inspector for more information. I'm inclined to reduce or delete but won't be making a decision today.

**Referred to the City Council due back on 8/21/2019**

**12**     [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

Delete the assessment.

Mr. Derek Jaakola, owner, appeared

Staff report from Inspector Joe Yannarely: this is a failure to remove snow from public sidewalk. Date of orders was February 22nd with a compliance date of February 26th. Rechecked February 27th, and found in non-compliance. Work order was issued to Parks, they performed the abatement March 1st for a cost of \$160, service charge of \$162, total assessment of \$322.

Mr. Jaakola: it was 9" of snow we received on the 21st

Ms. Moermond: Let's look at the video. Obviously the corner needs to be punched out more, but the pile goes well into the street. It's reasonable to expect an owner to clear the sidewalks.

Mr. Jaakola: I came back the day after, and looked and thought the people I hired did a good job, but they couldn't deal with what was pushed into the apron. I was disappointed by the assessment.

Ms. Moermond: I'm recommending deletion; most of the issue was the city street. It is problematic on a major thoroughfare; the snow has to go somewhere.

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



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- 13     **RLH TA 19-493**     Ratifying the Appealed Special Tax Assessment for property at 1236 GALTIER STREET. (File No. J1908E3, Assessment No. 198321)
- Sponsors:        Brendmoen
- Approve, no show.*
- Referred to the City Council due back on 8/21/2019**
- 14     **RLH TA 19-494**     Ratifying the Appealed Special Tax Assessment for property at 1236 GALTIER STREET. (File No. J1910E, Assessment No. 198316)
- Sponsors:        Brendmoen
- Approve, no show.*
- Referred to the City Council due back on 8/21/2019**
- 15     **RLH TA 19-510**     Ratifying the Appealed Special Tax Assessment for property at 363 LAWSON AVENUE EAST. (File No. J1910E, Assessment No. 198316)
- Sponsors:        Brendmoen
- Approve, no show.*
- Referred to the City Council due back on 8/21/2019**
- 16     [RLH TA 19-506](#)     Deleting the Appealed Special Tax Assessment for property at 74 MARIA AVENUE. (File No. CRT1910, Assessment No. 198211)
- Sponsors:        Prince
- Delete assessment, payment received by DSI.*
- Referred to the City Council due back on 8/21/2019**
- 17     **RLH TA 19-525**     Deleting the Appealed Special Tax Assessment for property at 879 RICE STREET. (File No. J1908P, Assessment No. 198407)
- Sponsors:        Thao
- Delete the assessment; graffiti waiver on file.*
- Zoua Vue, owner, appeared*
- Ms. Moermond: my goal in this conversation is for you to do a graffiti waiver form, and what that waiver says is that you're authorizing the city to go remove it, so it gets taken care of for no charge. The main point being especially if there's criminal related graffiti we want it gone as soon as possible.*
- Ms. Vue: I did paint over it; I was surprised to get this assessment.*
- Ms. Vang: tag on Southeast side of building. SA setter sent March 19th, 2019.*

*Ms. Vue: I tried all sorts of things, and then finally painted over it.*

*Inspector Yannarely: it says done by owner March 30th. I see one on March 22nd and one on March 15th.*

*March 22nd says it was done April 1st by Parks, one says done by owner.*

*Ms. Moermond: do you have a photo for the one not done by the owner?*

*Mr. Yannarely: no photos*

*Ms. Moermond: give me the waiver form I'll delete and we are good to go.*

**Referred to the City Council due back on 8/21/2019**

### Special Tax Assessments - Rolls

- 18 RLH AR 19-67** Ratifying the assessments for Collection of Vacant Building Registration fees billed during September 2, 2018 to February 14, 2019. (File No. VB1910, Assessment No. 198817)
- Sponsors:** Brendmoen
- Referred to the City Council due back on 8/21/2019**
- 19 RLH AR 19-68** Ratifying the assessments for Boarding and/or Securing services during March 2019. (File No. J1910B, Assessment No. 198109)
- Sponsors:** Brendmoen
- Referred to the City Council due back on 8/21/2019**
- 20 RLH AR 19-69** Ratifying the assessments for Demolition services from February 2019. (File No. J1908C, Assessment No. 192007)
- Sponsors:** Brendmoen
- Referred to the City Council due back on 8/21/2019**
- 21 RLH AR 19-70** Ratifying the assessments for Demolition services from April 2019 (C.D.B.G. Funds). (File No. J1909C, Assessment No. 192008)
- Sponsors:** Brendmoen
- Referred to the City Council due back on 8/21/2019**
- 22 RLH AR 19-71** Ratifying the assessments for Collection of Fire Certificate of Occupancy fees billed during January 14 to February 8, 2019. (File No. CRT1910, Assessment No. 198211)
- Sponsors:** Brendmoen
- Referred to the City Council due back on 8/21/2019**
- 23 RLH AR 19-72** Ratifying the assessments for Excessive Use of Inspection or Abatement services billed during January 22 to February 19, 2019. (File No.

J1910E, Assessment No. 198316)

Sponsors: Brendmoen

Referred to the City Council due back on 8/21/2019

- 24 **RLH AR 19-73** Ratifying the assessments for Graffiti Removal services billed during March 28 to April 24, 2019. (File No. J1908P, Assessment No. 198407)

Sponsors: Brendmoen

Referred to the City Council due back on 8/21/2019

## 11:00 a.m. Hearings

### Correction Orders

- 25 [RLH VO 19-25](#) Appeal of Dennis Jay Faust to a Correction Notice (which includes condemnation) at 195 GOODRICH AVENUE.

Sponsors: Noecker

*Deny the appeal.*

*Mr. Faust, owner, appeared*

*Supervisor Westenhofer appeared by phone*

*Ms. Moermond: water shutoff. July 1st order, indicates water needs to be restored immediately or ordered vacated, and gave until tomorrow to get the water restored.*

*Mr. Westenhofer: contacted water department July 1st, and they said it has been non-payment since June 25th. It's typically a 3 day policy, but I gave him 7 days because of my schedule.*

*Ms. Moermond: the property hasn't had water service for 2 weeks.*

*Mr. Westenhofer: As far as how far further back, it may be 30-60 days prior to our notification.*

*Ms. Moermond: how much do you owe on this bill Mr. Faust?*

*Mr. Faust: \$4000, he said I had a very bad leak. There was a leak in the basement. There was a leak where the meter connects to the cistern. I called them, they sent a guy out and he said no, it's not the meter, there's something else leaking. They have changed the bill now to \$1000, but I said I had to wait until this month to get my Social security check to get the things to fix it. I have ordered parts from Lowes to fix it; it will be fixed today to tomorrow.*

*Ms. Moermond: are you sleeping and living here without water? How are you flushing the toilet?*

*Mr. Faust: rainwater, or the neighbors, or local gas station.*

*Ms. Moermond: you live alone?*

*Mr. Faust: yes*

*Ms. Moermond: have you talked to water department about payment?*

*Mr. Faust: I was going to call them after this.*

*Ms. Moermond: I'm looking at this, and if the water isn't restored by yesterday, they typically get 48 hours and re-inspect on the 3rd day after the order to vacate. So you have the parts at Lowes?*

*Mr. Faust: I borrowed money from a friend to pay for them, they are already paid for. I'll have it up and running tomorrow, I don't know if they will turn it on then, but I will call them.*

*Ms. Moermond: I'm inclined to deny the appeal, but then talk about the vacate date and orders itself.*

*Mr. Westenhofer: is this a pipe issue?*

*Mr. Faust: it's the water heater*

*Mr. Westenhofer: does he have a plumbing permit for the water heater and the pipe?*

*Ms. Moermond: you need one. I'm going to recommend denial, you need to have water. But here's the thing, I think we can connect you with some resources to get this repaired and get emergency funds. Ramsey county emergency assistance, and neighborhood house, and Ramsey County house calls. You need a plumbing permit. You can't pull that without being a licensed plumber. I'd like to recess this hearing to get some parking stuff for you.*

*Mr. Westenhofer: House Calls would be the first call. Others would want him to fill out loan applications.*

*Ms. Moermond: I'm also thinking SMRLS might have referrals they could do. I am going to follow that line. Deny correction orders, there will be fresh orders to vacate for you, which is appealable.*

*(Recess for 15 mins)*

*Ms. Moermond: you have a brochure for house calls, look at the emergency assistance number, they can give you up to \$812. The business card on the front, Erica Minus her number is 266-1291 and I called her and told her about your situation, she has an application that would get you emergency money from St. Paul Foundation to help with repairs. But you need a written estimate from a plumber. She will also need your birthdate. Another place I called, SMRLS, I just talked to an attorney there, Laura Jelinek, and explained your situation. Here's the deal, these would be attorneys to help you out and they also have contacts to get you assistance. What they are most useful for, is after your vacate order, they can help with appealing it and getting assistance.*

*Mr. Faust: once the water heater is installed, I just have to call the water company. I'm not in good health.*

*Ms. Moermond: There will be a condemnation issued soon. They will put on your door.*

*Reach out right away to Erica and emergency assistance, and explain the 3 things going on, the bill, the labor for installation, and the condemnation and order to vacate that is going to happen right away. They're all familiar with this kind of situation.*

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

### **Making Finding Orders**

- 26 [RLH SAO 19-37](#) Making finding on the appealed nuisance abatement ordered for 1400 BRADLEY STREET in Council File RLH SAO 19-34.

**Sponsors:** Brendmoen

*Nuisance not abated.*

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

### **1:30 p.m. Hearings**

#### **Fire Certificates of Occupancy**

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

**Sponsors:** Noecker

*Deny the appeal and grant an extension to December 1, 2019 to come into compliance.*

*Mr. Gary Grimes, owner, appeared*

*Ms. Moermond: Ms. Vang just provided the email from the structural engineer about the wall. To summarize he would say it's in a state of failure. His concern for bodily safety is not great, since it's not on the right of way. It is unlikely someone would be injured. The risk to structures is the next thing, which would be something you would want to work out with your neighbor whose garage is right there. That's between you two. The engineer wasn't able to give you any property boundaries, it looks like it yours, but it's something a surveyor would need to figure out.*

*Mr. Grimes: I called a couple of surveyors, wanted a deposit and \$1,000 for the survey, and more money for the certificate. Do I need to have a certificate?*

*Ms. Moermond: my opinion, which is not the one to rely on, is that you wouldn't need a certificate you just need a clearly marked boundary. You would want to talk to whoever you hired to do the wall, as they will need to pull a permit. If you're not working exclusively on your property, you need to be communicating with the neighbor.*

*Mr. Grimes: who determines how the new wall has to be. Is it my responsibility to put up their fence to retain their dog?*

*Ms. Moermond: you're not responsible for putting a fence on, but it might be liability. You want to talk to a contractor. I can't advise you on height. That contractor puts together a proposal to bring into the building contractor, to be reviewed. I need to*

*figure out a deadline for getting the work done.*

*Mr. Grimes: I can't get my home refinanced.*

*Ms. Moermond: did you talk to rental rehab?*

*Mr. Grimes: they need me to figure out the property line*

*Ms. Moermond: I am going to give you a deadline of giving the work done. Originally you got 3 weeks. I'm going to say December 1st, 2019. Because the engineer's concern was the freeze thaw cycle, that's when the ground starts to freeze. That will give you time to get your survey work done, and get a couple quotes, once you get a couple of bids get the rental rehab application filled out. I think that's doable.*

*Mr. Grimes: does the engineer say what they need?*

*Ms. Moermond: the city engineer can't do the design work for you. I think you'll get your best advice from someone you're paying directly who can talk to the structural engineer. I think the rental rehab money will come through for you. If your contractor has questions he should contact the name on the bottom of the email that Ms. Vang gave you.*

*Mr. Grimes: what do I do about the neighbor, it's not fair.*

*Ms. Moermond: you need to talk to an attorney about that.*

**Referred to the City Council due back on 7/24/2019**

## 2:30 p.m. Hearings

### Vacant Building Registrations

**28 RLH VBR** Appeal of Quan Vu to a Vacant Building Registration Notice at 1360  
**19-40** REANEY AVENUE.

**Sponsors:** Prince

*Laid over to July 30th, 2019 for inspector update.*

*Quan Vu, owner, appeared*

*Fire Inspector Schmidt: July 25th, 2018, we're looking at various items, fascia missing, clearance around electrical panels, kitchen sink is backed up, missing vent covers, electrical outlets not working in bedrooms, extension cords, air conditioner plugged into power strip, items in front of water heater, storage blocking egress window. Looks like there's been a difficult time securing phone numbers, missed inspections. It's bounced from inspector to inspector, there have also been a couple no entry fees, and it's been hard to get access, tenants not knowing.*

*Ms. Moermond: this is a revocation for long term noncompliance?*

*Mr. Schmidt: yes.*

*Ms. Moermond: it says you inspected April 11th, property was unoccupied then.*

*Supervisor Matt Dornfeld: we made a cat 2 VB per the fire inspection referral, June 5th, 2019, Inspector Friel reads: this is a 1.5 wood frame home, appears occupied though no answer at door. Peeling paint, bare wood, defective screens, and trash on deck, 2 unlicensed inoperable vehicles, and detached 2 car garage is secure, there is also a wood shed open. June 6th owner called, I advised him to file an appeal. SA issued for garbage and vehicles. Enforcement stayed due to appeal.*

*Ms. Moermond: you live here?*

*Mr. Vu: no*

*Ms. Moermond: taxation reports said this is your mailing address.*

*Mr. Vu: people who live there are like family. It's ok for the mail to go there.*

*Ms. Moermond: no, it's not okay.*

*Mr. Schmidt: there is an open C of O for it.*

*Ms. Moermond: let's get a proper form filled out for where you actually receive your mail. I want you to call Ramsey County and update them. We have an issue of appointment letters going out, and no one showing up. Do you still have people living here?*

*Mr. Vu: yes. I never got any letter.*

*Ms. Moermond: you are renting a property that doesn't have a fire C of O. You can be issued a criminal citation. You have a doable list. Tell me where you're at on the list.*

*Mr. Vu: I have the list from last fall. I finished everything on the list almost. I went out of town and got back recently.*

*Ms. Moermond: I look at this and you were supposed to have this property repaired 2 months ago, or have the family move out. You didn't do either thing. Why not?*

*Mr. Vu: I wasn't here; the family didn't know what to do. I'm going to transfer the house to them from now on. But I will still fix the list.*

*Ms. Moermond: who lives here?*

*Mr. Vu: husband wife and 3 kids. Mom moved in with them, but she passed a year and a half ago. The husband fixes cars, that's why there's cars at the property. I told him about the city notice.*

*Ms. Moermond: do they speak English?*

*Mr. Vu: yes, they're Hmong. The husband is Yer and wife is Tang Thao.*

*Ms. Moermond: how quickly can you get the work done?*

*Mr. Vu: 1-2 weeks.*

*Ms. Moermond: alright, so can we send an appointment out the week of the 22nd, or Monday the 29th, next Legislative Hearing is July 30th. At the inspection I'd like all the things taken care of and checked off that list. I'm going to have this on my agenda on the 30th to see if it's done. If it's not, we're talking about VB program and people moving, which we don't want. I want you to fill out the form before you leave, so they have current info to send the appointment letter to.*

*Mr. Schmidt: was the landlord 101 classes necessary for him?*

*Vu: this is the last property I have that I'm transferring.*

*Mr. Dornfeld: I will change to a Cat 1 VB in the meantime.*

**Laid Over to the Legislative Hearings due back on 7/30/2019**

- 29**     [RLH VBR 19-41](#)     Appeal of John Kern to a Vacant Building Registration Renewal Notice at 245 WINIFRED STREET WEST.

**Sponsors:**     Noecker

*Waive the Vacant Building fee for 90 days.*

*John Kern appeared*

*Supervisor Dornfeld: Cat 2 VB, property owner went through sale review process, Jan 23rd, 2019 and all permits on file, property is being maintained. We're here to discuss the VB fee that is past due as of June 27th, 2019.*

*Mr. Kern: we're about 3 months from being done. Roof is in July 20th, gutters coming July 31st, inside all painted, so it's gone quick.*

*MM: I'd like to say let's waive the VB fee for 90 days, if for some reason you don't get it done in 90 days we'll look at prorating the fee. Hopefully we don't need to.*

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

### **3:00 p.m. Hearings**

#### **Other - Water Appeal**

- 30**     **RLH WB 19-3**     Appeal of Ryan Johnson to a Water Service Bill at 45 MAYWOOD PLACE, St. Paul, MN.

*Recommendation forthcoming.*

*Richard Rowland, water distribution assistant manager, appeared*

*Ryan Johnson, owner, appeared*

*Staff report by Richard Rowland: We live in MN where it gets cold in winter; the board provides a service to thaw the lines. Our current policy is the first time the water freezes in the ROW the water will thaw at no charge. If it freezes for a second time, it's a scheduled charge of \$600. That first thawing we also provide instructions to the customer to prevent that from happening again. We responded to the initial frozen,*



*Feb 26th, 2019 which the property owner agreed for us to thaw. Then on March 21st, 2019 we then went and did the 2nd thaw, which the property owner signed an agreement for the charge.*

*Ms. Moermond: tell me about the depth of the line here. When I was looking at the code, if it was installed now, it is 8'*

*Mr. Rowland: 8' is standard.*

*Ms. Moermond: is the problem with the line freezing with how close it was to the surface.*

*Mr. Rowland: unknown at this point. This service was installed in 1957 and has frozen in 3 separate winters. This past one, and then 2014 but I don't have a record of the last one. If it was a major deficiency we would see it more than 3 times in 50 years. WE do have properties with over 10 freezes that we look at. It is near the storm sewer. Typically when we have a utility conflict with a storm sewer we go over or under, typically we go over and insulate the surface.*

*Ms. Moermond: I'm looking at notes that Krista Anderson said it was only 3' down and that's why it freezes.*

*Mr. Rowland: I don't know who in my staff said 3' down, that info we typically do not have. I can't comment on why that's mentioned.*

*Ms. Moermond: can we get follow up info from the crew who went out there? What's the thaw process?*

*Mr. Rowland: there are 2 methods, we use electrolysis. We attempted hot water thawing, if that doesn't work we use method electrolysis, sending electric current from meter to the hydrant, and it heats the metal.*

*Ms. Moermond: so neither one of those processes involves excavation, or sinking something that can create a measurement. So they're doing their best guess in the field. Being here in MN the freeze line in the winter would be about 3' line.*

*Mr. Rowland: even more this winter*

*Ms. Moermond: so they could have been supposing that the line was the freeze line in the state. We should really be asking them that.*

*Mr. Rowland: storm is deeper than our line, so we have to go over. And have a foot clearance of the pipe. That's my best guess.*

*Ms. Moermond: we don't know when the sewer was installed?*

*Mr. Rowland: sewer would have to provide that.*

*Ms. Moermond: it's the homeowner who makes application to lay the pipe to the house.*

*Mr. Rowland: stop box is typically 6-7' from the right of way, most of the time it's at the edge of the sidewalk if you have a sidewalk.*

*Ms. Moermond: what are you looking for Mr. Johnson?*

*Mr. Johnson: I received the letter dated the 26th, it had already been frozen 2 days, by the time I got the notice, it was already off, I'd used up the free thaw. I left the water running, I traveled to Europe for 2 weeks, so when I returned home in March that trickle was not enough to keep it from re-freezing. Obviously I signed the agreement, I'd talked with the staff, I can't live with no water. I think the reason they were talking about the storm sewer, Pete was in charge, when they came out, the development the sewer gets put in after the water. Not so much where the sewer directly line, so when you get it near that it pushes the frost line further. It was frozen near a grate, it created an air vent to drive the cold down. My concern is that having tried to follow the things told to me, without having any time taking a shower it was insufficient to keep it open for prolonged time. I obviously, as well as my insurance, have concerns about doing that, sewer backs up and the floor drain is blocked. Luckily that hasn't happened. I also have a concern you can have it thawed within 3-5 days in the letter, and its situation where historically it hasn't been a major problem, but in the last 5 years 40% of the winters I've been having the problem. Moving forward, is my property going to get blacklisted when I try to sell because I don't have running water.*

*Ms. Moermond: I would like to know more about when these things were laid. I'm struggling, because I wonder where it stops being an act of god and goes to you or the city. We have had unusual winters, and how do we prevent it going forward. How can there be a fix and whose responsibility would it be?*

*Mr. Rowland: services tend to freeze when they're in close proximity to storm sewers. This is infrastructure, to resolve it we have to see who installed first. Obviously if water was down and then sewer then was installed. Both fixes are expensive either moving sewer or water. Was sewer or water the primary cause of failure, is what we would have to know.*

*Ms. Moermond: presumably you guys would fix the problem by moving the water line, but maybe the sewer utility would have to pay Water?*

*Mr. Rowland: that would be unprecedented. When we encounter issues with the sewer department, the method of installation uses an invasive installation without impacting the surface up above. We do occasionally go through a storm sewer doing that, they will instruct us to correct it. We do the work on our own cost. There are utility conflicts, but being prompted by a frozen event would be unprecedented.*

*Ms. Moermond: water utility is responsible. Homeowner is responsible from ROW line to meter in basement.*

*Mr. Rowland: Any event for a private home is their responsibility. The other elective is to get a private contractor to do it. That's typically more expensive.*

*Mr. Johnson: both times when they thawed this, it wasn't done at all from the house. They hooked to a hydrant, and the other to a turnstop key in boulevard.*

*Ms. Moermond: if it's between meter and stop box you have to be in the property to fix it.*

*Mr. Rowland: correct, that wasn't the case here.*

*Mr. Johnson: I would be fine with its something a 1x in however often I could be put on a list so it's done quicker.*

*Mr. Rowland: we have a list, in 2014 we had 800 services that froze. So when those properties with 10+ service freezing it's an indicator that it may be an issue, and we will send out notifications. We have multiple tiers on how we determine, one is historical trend, we also have a location in the city—in 2014 in your location there was many that froze—this year we sent out letters, we encouraged you to run your water as you may be susceptible.*

*Ms. Moermond: would it be helpful to have the water turned off at the stop for an extended absence?*

*Mr. Rowland: no, more likely to freeze.*

*Ms. Moermond: are there other properties in the area who have experienced this type of thing?*

*Mr. Rowland: we do, there is a map for 45 Maywood place, within that location I can't comment on this year since we sent out letters, so it's hard to gauge if it worked because homeowners ran their water or if they were not at threat. In 2014 at least 5 houses in the Maywood area that also froze that winter.*

*Ms. Moermond: I think I heard you say that diagnosing the reason for the line freezing is excavation. Is that so, or is there another way to make diagnoses.*

*Mr. Rowland: no, it's very difficult. In this incident we can look at sewer info and try and determine if service went above or below. If it's above then it's not at the 8' standard, more susceptible to frost, and if it's under it may be the cold comes in and drives that frost down. 90% of the time when we create a work order to address it we have probable cause to assume it's a sewer.*

*Ms. Moermond: first step is finding out from sewer proximity to water line. The customer responsibility for thawing in ROW for 2nd issue, is that codified or is it policy?*

*Mr. Rowland: in the code it states that the first time it may be done without charging owners. After 2014, the board directed us to charge for each subsequent thaw. It's part of the frozen services policy and procedures.*

*Ms. Moermond: I'd like more information from Mr. Roland.*

*Mr. Johnson: I got caught off guard freezing without warning, the \$600 seems undue as I'm paying the same water fee and taxes as my neighbors, I try to do the best I can to follow the guidelines, but that wasn't substantial enough. I want the fee waived, because I did the best I could keeping things running per recommendations.*

*Ms. Moermond: I'm not ready to put a recommendation on the record. Is a week reasonable to get an answer from the sewer?*

*Mr. Rowland: I think so.*

*Ms. Moermond: I can turn a decision in the next 3 weeks, and further info about the water board meeting in that as well. If you have further info please send it.*

*Mr. Johnson: I'd like to see a note about how it's done so it can be quicker in the future. So I don't have to go 3 days when I get back without water.*

*Mr. Rowland: we require a property owner to be on property just for liability.*

**Referred to the Board of Water Commissioners due back on 8/27/2019**