



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final

Legislative Hearings

Marcia Moermond, Legislative Hearing Officer
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651-266-8585

Tuesday, April 21, 2020

9:00 AM

Via Telephone Due to COVID-19

9:00 a.m. Hearings

Remove/Repair Orders

- 1 [RLH RR 20-13](#) Ordering the rehabilitation or razing and removal of the structures at 134 ELIZABETH STREET EAST within fifteen (15) days after the April 8, 2020 City Council public hearing. (To be referred back to Legislative Hearing on April 21)

Sponsors: Noecker

Layover to LH April 28, 2020 at 9 am (due to scheduling error).

Laid Over to the Legislative Hearings due back on 4/28/2020

Special Tax Assessments

- 2 **RLH TA 20-210** Ratifying the Appealed Special Tax Assessment for property at 836-838 SMITH AVENUE. (File No. J2008B, Assessment No. 208107)

Sponsors: Noecker

Approve the assessment, made payable over 3 years.

No one appeared

4/21/20 9:14 am – Moermond left voice mail saying that looks like a valid charge, make payable over 3 years.

Referred to the City Council due back on 5/20/2020

- 3 **RLH TA 20-264** Ratifying the Appealed Special Tax Assessment for property at 0 HERBERT STREET. (File No. J2015A, Assessment No. 208515)

Sponsors: Yang

To be referred back to LH July 21, 2020 at 9:00 AM.

Jean Osteraas appeared via phone, using TTY/caption

Osteraas: *hello, I can hardly hear you. I have to read what you're saying, I don't usually have this problem, but I have to read what you're saying. It says "please wait while we connect you to the next captel operator," is that what you said?*

Moermond: *No, that is probably on your end, that isn't what we said.*

Osteraas: *this is not coming through if you're speaking English. Is Sean on the line?*

Moermond: *this is Marcia Moermond—*

Osteraas: *it says due to an active public health crisis we are experiencing extremely high call volume, thank you for your patience while we connect you to the next available captel operator, then it says speaker is unclear "no that is not what we said, that is probably on your end. This is Marcia Norman." Is that you?*

Moermond: *yes.*

Osteraas: *You're Marcia Norman?*

Moermond: *yes.*

Osteraas: *ok so I'm reading yes on the screen. Sean is supposed to connect too, isn't he?*

Moermond: *Ms. Osteraas we have an assessment we're looking at for cleaning your property on Herbert Street.*

Osteraas: *"we are looking at clearing your property by first street." My property is by Herbert.*

Moermond: *the closed captioning is inaccurate.*

Osteraas: *I have to read what you're saying.*

Moermond: *I'm thinking we need to schedule a different time to talk with you, perhaps in person.*

Osteraas: *"Ms. Ostrich—speaker unclear." My name is Osteraas. "I'm thinking we need to schedule a different time to talk with you." Why is that? I've been sitting here, planned to sit here from 9 to 10 to have a call so we can have a three way conversation."*

Moermond: *because the closed captioning is not accurate, it isn't what we are saying.*

Osteraas: *"the speaker is breaking up" "because the closed captioning isn't accurate it is not what we are saying." Would you want to call me back or call Sean first and get him on and then call me. I'm sitting here waiting.*

Moermond: *I understand but it is important that this call be factually correct.*

Osteraas: *now it says "I understand what the important stuff is conversation that is actually correct."*

Moermond: *and that isn't exactly what I said just now.*

Osteraas: *"and that is not exactly what I said just now." Well something is wrong here, we need to have a better connection than this. Can you call Sean first. I can talk clearly to him, I don't know why you're not coming through.*

Moermond: *well I am the Hearing Officer, so it is most important that you hear me. We will try and call you back.*

Osteraas: *"and that is not exactly what I said just now – speaker unclear – we will try and call you back to get a better connection". Yes the speaker isn't clear how it is registering on my end, it is something in this connection. Are you hearing me ok?*

Moermond: *we are hearing you fine, the closed captioning isn't accurate. We will try calling on more time.*

Osteraas: *ok, I hope we can make a better connection.*

Moermond: *I can't conduct a hearing like this.*

[Sean Westenhofer, code enforcement, joins call]

Moermond: *good morning again Ms. Osteraas, can you hear me now?*

Osteraas: *I can hear you better now, yes. Don't speak too fast.*

Moermond: *I'll do my best. My name is Marcia Moermond, I'm the Council's hearing officer. It is my job to—*

Osteraas: *"My name is Marcia Moermond, I'm the Council's hearing officer, it is my job to" I am reading this off the screen.*

Moermond: *hear your appeal of the assessment for cleaning up the property on Herbert Street.*

Osteraas: *these people are homeless, there's a lot on the other side of the track and they spill over onto my property. This is a City and County problem dealing with the homeless people. I'm 87 years old and I can clean up, but I'm not going to go clean up people that are your problem. The homeless are your problem. I was told explicitly I wouldn't be charged for the cleanup, do you understand me?*

Moermond: *I need to get some instructions on the record for you before I can take your testimony.*

Osteraas: *now you're not coming through again. Can't you take my testimony through Sean, I have told him, and we can speak clearly. I was told I was not going to be charged for the cleanup. The City has to do something with these people. I am not going to go out and cleanup after them, now we have the virus to deal with and stay at home orders, besides the fact they poop and pee all over everything. I'm supposed to expose myself, that's why I don't understand where the City is coming from. I was told I wouldn't be charged for the clean up*

Moermond: *who told you that?*

Osteraas: Sean Westenhofer. He's the inspector I communicated with.

Moermond: I need to get instructions on the record before I can take your testimony.

Osteraas: "speaker is breaking up now" Can we postpone this until we can have a regular—I get too disturbed about all this—I'm telling you what I know about the situation. You're telling me you need to get instructions on the record, what instructions do you have to give? Is Sean on the line too?

Moermond: yes.

Osteraas: what am I supposed to do Sean, I cannot understand what she's saying.

Westenhofer: I need you to listen to the Hearing Officer. Let her finish speaking and we'll go from there.

Osteraas: I'm just reading the screen What more do you want from me?

Westenhofer: let her finish speaking and we'll go on from there. Just hold on and let her speak.

Osteraas: but you know she doesn't come through clearly, I can hear you clearly. It drifts off, it doesn't come through coherently. Our conversation is. Hers isn't.

Westenhofer: I can hear both of you crystal clear on my end.

Moermond: I can hear both of you crystal clear on my end. I think we need to reschedule to a time we can talk in person this summer. I can have my assistant send you a time and date for a hearing.

Osteraas: is it in person or on the phone?

Moermond: I would prefer in person.

Osteraas: In June or July after this virus thing is over?

Moermond: correct.

Osteraas: that would be fine. So you won't be charging for this until we have another hearing? \$500 is a lot of money. I'll see an attorney if we don't get this cleared up.

Moermond: correct.

Osteraas: so we will reschedule to June or July in person. Is that correct?

Moermond: correct. Is that alright with you Sean?

Westenhofer: yes.

Osteraas : we don't have to have a whole big meeting, can't the three of us just get together and get this settled?

Westenhofer: it will be us together in a room. They have to tape the conversation and this needs to be done in person.

Osteraas : ok, so I'll wait until I hear from you again?

Moermond: Mai Vang will be calling you to reschedule.

Osteraas: probably it is better to send it by US Postal mail

Moermond: will do, we will send a letter.

Osteraas: when will I get the letter?

Moermond: within the week.

Referred to the City Council due back on 6/3/2020

4 RLH TA 20-272 Ratifying the Appealed Special Tax Assessment for property at 1032 SIXTH STREET EAST. (File No. VB2008, Assessment No. 208807)

Sponsors: Prince

Reduce the assessment from \$2,284 to \$1,142, make payable over 5 years.

Vietnamese interpreter from Language Line via phone
Thang Nguyen, property owner, appeared via phone

Staff report by Supervisor Joe Yannarely: this property entered the Vacant Building program August 29, 2019. It was out of the vacant building program on April 9, 2020 when the code compliance certificate was issued. The cost is \$2,127, service charge of \$157, for a total assessment of 2284.

Nguyen: I can talk in English. We spoke before, you gave me 2 months to November. Two time Fire Inspectors came to my house, they were very busy, so they couldn't inspect the driveway until March. Last time in November, after then I had to submit the documents for doing the vacant building. It took me a couple months, after I got the license for the building, then we did the driveway. That took two or three months to finish the house. Finances are a big problem right now because I don't have a job, I had to pay the vacant building fee a long time as well as gas while it was vacant. Hopefully you can consider my situation and waive the fee and help me.

Moermond: do you need a translator or not?

Nguyen: sometimes I don't understand you clear, especially on the phone, I can talk but cannot understand.

Moermond: ok, understood. I understand you have financial concerns right now, as do many people. You did receive a 90 day waiver, and an opportunity to get away from the vacant building fee. You didn't complete the work in the time given. I can help today by reducing the cost and make it payable over a number of years, but I cannot delete the fee because you were already given that opportunity. I will recommend the Council reduce this fee from \$2,284 to \$1,142 and spread that over five years. I hope you can get tenants in as soon as possible and can restore rental income for his and his family's sake.

Nguyen: thank you, I appreciate that. That's very helpful. I have other concerns, 90 days you gave me last time, the Fire Inspection also charged me for that fee. Can you

do something about that fee?

Moermond: that fee is not in front of me today, but a certificate is something you have to pay for, but I don't have that in front of me today so I cannot make a decision on that.

Nguyen: I agree to pay that fee, but can you help me to pay it over five years?

Moermond: I only have the vacant building fee on the docket today, I don't have your Fire Certificate of Occupancy fee in front of me so I can't make any decisions on that at this time. He's received a Fire C of O fee, if it remains unpaid it will become an assessment which he can appeal, and we can talk about that then.

Referred to the City Council due back on 5/20/2020

10:00 a.m. Hearings

- 5 **RLH TA 20-233** Ratifying the Appealed Special Tax Assessment for property at 861 ALBERT STREET NORTH. (File No. J2016A, Assessment No. 208524)

Sponsors: Jalali

Continue PH to October 14, 2020, if no same or similar violations reduce assessment from \$322 to \$161.

Troy Zupanich, owner, appeared via phone

Staff report by Supervisor Joe Yannarely: this is a summary abatement order for snow and ice. Orders were sent January 22, 2020, rechecked January 29, Parks performed the abatement January 31 for a cost of \$160, service charge of \$162, for a total cost of \$322.

Moermond: I understand you have seen the video, while you're on the line we're going to watch it as I have not.

Zupanich: I have seen it, and I'm not disputing anything except the 76% service fee being charged on this. I think it is exorbitant, I can't charge that for renters who don't pay. They have \$4,000 in late rent and I can't even charge 8%. So how you can charge 76% is literally the only thing I have an issue with. I think it is criminal.

Moermond: and the only thing I can tell you right off the top is it is a flat fee, whether it is a \$160 assessment or \$6,000. I hear where you're coming from on that.

Zupanich: and I sent it to my tenants already, I'm just kind of fighting on their behalf for my personal beliefs. I run a construction company and we do a lot of business with the City, and you guys are phenomenal with the inspection part of it. This part of it could be fixed so easily, by just sending me the bill right away. For that amount, there's so many things law doesn't allow me to charge, and 76% is crazy.

Moermond: and it isn't a percentage basis. Mr. Yannarely, dose this property have any history of code enforcement issues?

Yannarely: the last one was garbage and rubbish May 10, 2019, April 23, 2019 and abandoned vehicle in December 2017.

Zupanich: people dump stuff all the time.

Moermond: here's where I'm trying to go with this, if we can get through six months with no same or similar violations, keeping the property maintained, I'll reduce it by half. Anything resulting in city enforcement would trigger the whole assessment.

Zupanich: that would be much appreciated.

Moermond: so they will look at this again on October 14, 2020 and if no other violations it will be cut in half.

Referred to the City Council due back on 6/3/2020

6 RLH TA 20-265 Ratifying the Appealed Special Tax Assessment for property at 1816 IGLEHART AVENUE. (File No. J2016A, Assessment No. 208524)

Sponsors: Jalali

Delete the assessment.

Matthew Suprenant, owner, appeared via phone
Staff report by Supervisor Joe Yannarely: this is a summary abatement order for snow and ice. Orders were sent January 6, 2020, compliance date of January 8, rechecked January 10 and the work was done January 28 for a cost of \$160, service charge of \$162, for a total assessment of \$322.

Moermond: I would imagine January 6 that might have been on the 6 would be from the five inches that fell the week before, but between the orders and when the crew arrived there was an additional five inches of snow that fell on the 17th and one on the 23rd. I think you would have received this video by email?

Suprenant: sorry, I'm having trouble hearing you. I can make out most of what you're saying. My concern isn't so much the exact details, the pictures are correct and misleading at the same time. I've been clearing the sidewalk every time it snows, the problem in this location isn't that it wasn't shoveled, the problem is the plows plow tons of snow that I'm incapable of getting off the sidewalk myself. There's literally no boulevard space, so snow and ice there was shoved there by city employees who did the plowing. When the cleanup crew came, I spoke with them and ask them what I can do, I would be a candidate for alternative abatement under ordinance. Even they said they didn't know how I would do it without a bobcat or some equipment like that. Right around the corner there is a public library with the same problem, they have a giant roller they use. I don't have access to that. My concern isn't so much that I'm disputing facts, the city is negligently throwing tons of snow onto the sidewalk and then wants to assess me for their actions of plowing it. After the crew came, we had subsequent snow emergencies. They had plowed and did a nice job. Subsequent snow emergencies they kept it in the bike lane, and I didn't have a problem clearing the sidewalk. That is my concern.

Moermond: I am sympathetic you are by a busy street with a narrow boulevard, but I can imagine your insurance company may be disturbed about several inches of snow and ice there. We all have a responsibility to maintain it. Looking at the temperatures between when orders were written and crew showed up there was plenty of days over 32 degrees, so salt would have been effective. I can see there was no effort to do that.

Suprenant: the day the notice came I was in the hospital with my wife for our second child, from the 7 to the 10th. If you look at the time between when we got home and the work, there was an effort to clean it up and we did shovel. I'm unable to clear the entire path, there's no way to do it. There was salt and sand and a clear path. That would have been after the 10th when the pictures were taken. The City created the situation. As far as insurance, legally the homeowner doesn't have any duty to passerbys to clear the sidewalk. The City has the duty if they created the problem, which actually is what happens here. It is goofy, I was reading the MN court of appeals talking about it. That's the rules from a liability standpoint.

Moermond: so you don't feel like you have a responsibility to people walking down the sidewalk?

Suprenant: they use the taxing powers to do it, but there's no common law or negligent duty for a homeowner to clear the sidewalk.

Moermond: well there is the St. Paul legislative code that says you're supposed to clear the sidewalk.

Suprenant: yeah, an ordinance. Yeah, but that's a City thing, not a negligence thing.

Moermond: they can charge you for doing the work. I'm looking at where the snow would have been thrown from the street. Does that mean you are absolved of responsibility for maintaining the sidewalk? No, you need to make an effort. Not doing it does make it solidify into ice. I am also noticing that it took more than 3 weeks for the crew to get out there, they should have been out there two weeks earlier. Because it did, there was additional snow fall, so if there had been an effort I can't see it because the photos were taken before five inches of snow fell.

Suprenant: I hear what you're saying, but I'm not physically capable of clearing the sidewalk. The City needs to not plow huge amounts of snow onto it or have the City clear it.

Moermond: and I'm trying to help you with your assessment. You can talk to Public Works about how the snow gets plowed. I would like to recommend deleting this assessment, but I'm not doing that because the City created the problem by running plows down your street, I'm deleting it because it took so long for the crew to show up that I'm not convinced the snow and ice I am looking at wasn't already cleared by you. Moving forward, I don't imagine we'll have the situation again, but you understand my position on it.

Suprenant: I've done everything I can. I'm literally not capable of following the ordinance based on the City's actions when they plow snow.

Moermond: and if you can't do it, you need to hire someone who can. I can't paint the second story of my house, I need someone else to do it, I'm physically incapable of doing it. But I need to maintain my property. You need to sort that out, but we've resolved the issue in front of us.

Suprenant: can you send me an email notification of this, and then I can write in an objection in the future, is that right?

Moermond: I am deleting the assessment. I don't think you want to object to that. If something happens in the future, that is appealable then.

Referred to the City Council due back on 6/3/2020

- 7 **RLH TA 20-245** Ratifying the Appealed Special Tax Assessment for property at 1160 MARYLAND AVENUE EAST. (File No. J2016A, Assessment No. 208524)

Sponsors: Yang

Delete the assessment.

Katelyn Tschida, owner, appeared via phone

Tschida: I know I was charged for snow removal, were there additional materials?

Vang: per our phone conversation, attached are the orders, you're hearing is scheduled for April 21, videos were sent separately. Email is dated April 8.

Tschida: yes, I did get that.

Staff report by Supervisor Joe Yannarely: this is a summary abatement order for snow and ice. Orders were sent January 8, 2020, compliance date of January 10, rechecked January 13 and the work was done January 29 for a cost of \$160, service charge of \$162, for a total assessment of \$322.

Moermond: right out of the gate I'd like to put an observation on the record that the orders were issued January 8, and the most recent snowfall before that was December 30, five inches. Between that and when the crew went to check January 29, there had been at least another 6 inches of snow that fell between photographs taken and crew showing up.

[video shown]

Moermond: I'm looking at decreasing or eliminating this because there had been so much additional snow between orders and when the crew showed up. Do you have any additional comments?

Tschida: I'm really embarrassed. I value being a positive member of my community and I'm sorry and humiliated this happened. I'm a teacher in St. Paul and I had medical issues, when I got the notification, I had trouble removing the ice. I should have hired someone, and I will be doing that for next winter. I will be proactive so this doesn't happen again should I have medical issues in the future. I'm not making excuses; I'm just hoping that you can let this be a learning experience for me as a newer homeowner. I understand the consequences moving forward.

Moermond: I'm deleting this assessment, because the period was so long between orders and the crew showing up. As far as I know you could have cleared the sidewalk in that time, there just happened to be more snow. I'm sorry your winter was difficult, and I hope things look better now.

Referred to the City Council due back on 6/3/2020

- 8 **RLH TA 20-251** Ratifying the Appealed Special Tax Assessment for property at 331 PASCAL STREET NORTH. (File No. J2016A, Assessment No. 208524)

Sponsors: Thao

Delete the assessment.

*Man answered, no name given
Anna Richie-Willits appeared, via phone*

*Moermond: This is an appeal by Anna Richie-Willits, have I called the right number?
My name is Marcia Moermond with the City of St. Paul.*

Man: What are you selling?

*Moermond: She is appealing a \$322 proposed assessment, I'm not selling anything,
I'm calling about your tax assessment. I'm the hearing officer for St. Paul City Council.*

Man: I take it you're trying to talk to me about the three lots that I own.

*Moermond: I don't know who you are or if Anna Richie Willits is connected to this. I
need to know that. I see the owner is George Richie Willits, trustee, is that you?*

Man: what is the name?

Moermond: the owner of record is George Richie—is that you?

[Man hangs up]

Vang: let me call a different number. There were two.

Richie-Willits: this is Anna.

*Moermond: can you hear me? This is Marcia Moermond. You got some
correspondence from Mai Vang with some documents?*

Richie-Willits: yes.

*Staff report by Joe Yannarely: summary abatement order for snow and ice. Orders
were sent January 6, 2020, compliance date of January 8, rechecked January 10 and
the work was done January 24 for a cost of \$160, service charge of \$162, for a total
assessment of \$322.*

*Moermond: looking at the snowfall for that time, if this was sent January 6, it would
have been about snow that fell December 30th, six inches. It was a long time before
the crew showed up to clear the snow, there had been an additional six or seven
inches, which makes me think I should be deleting this. Do you have anything to add?*

*Richie-Willits: I do have a service that I have, he sent pictures for the 14th and the
19th he was going to go back out, it looks like the neighbor did it. There are 3 or 4
people over there helping, I have a hard time believing it.*

*Moermond: it does look like it was bad on January 10, so just putting it out there it was
compacted and ice.*

Richie-Willits: I'll agree that was difficult for a while.

Moermond: so this will get deleted. I know you know what is expected in the future.

Referred to the City Council due back on 6/3/2020

9 **RLH TA 20-249** Ratifying the Appealed Special Tax Assessment for property at 2155 WAUKON AVENUE. (File No. J2016A, Assessment No. 208524)

Sponsors: Prince

Continue PH to October 14, 2020, if no same or similar violations reduce assessment from \$506 to \$150.

Lisa Jaster, owner, appeared via phone

Staff report by Supervisor Joe Yannarely: summary abatement order for an ottoman in the front yard, orders were sent January 2, 2020, compliance date of January 9, rechecked January 10, work was done January 21 for a cost of \$344, service charge of \$162, for a total assessment of \$506.

Jaster: I put a piece of furniture out, a couple people from Craigslist were going to come get it, snow fell, and then I forgot about it but knew I needed to get it out of there. I knew it was there, there were some timing issues, some of which were mine, some were the gentleman who's name was on the letter.

Moermond: Stefan, did you talk to him?

Jaster: I did, on the second the letter was sent, it says, once you get it you have seven days, or January 9 which were the same day. I didn't even open the letter until after the 9th. I put it in a pile and didn't open it, when I opened it I immediately called Stefan and left a message. He called me back exactly seven days later because he was in training for a week. By that time, which was irritating, I have every other week garbage, I had scheduled to have this thing picked up on the 22nd. When I got home from work on the evening of the 21, I realized it was gone. I talked to Stefan, if I could have gotten some heads up, I would have taken care of it myself for much less, he said too bad it was passed the date and I was in training and couldn't call you back. I didn't think that was a very responsible answer, training is fine, but there's no other number on his voicemail or paper to contact even if it was past the date. Once I read the letter I reached out right away.

Moermond: there is one other number on the letter, the number to appeal.

Jaster: but I couldn't appeal, if I read it correctly, the date was already passed.

Moermond: I hear what you're saying.

Jaster: it is a matter of timing. I'm not saying I didn't do it, I'm just asking for some compassion.

Moermond: is there history of issues at this property?

Yannarely: none.

Moermond: that's very good. This goes to Council June 3, I'm going to ask them to continue this to October 14, six months from then. If there's no same or similar violations, I'll recommend cutting this down to \$150. It doesn't look like that should be a problem for you.

Jaster: I would appreciate that very much.

Referred to the City Council due back on 6/3/2020

Special Tax Assessments-ROLLS

- 10 **RLH AR 20-72** Ratifying the assessments for Property Clean Up during January 2 to 10, 2020 (File No. J2015A, Assessment No. 208515)

Sponsors: Brendmoen

Referred to the City Council due back on 6/3/2020

- 11 **RLH AR 20-73** Ratifying the assessments for Property Clean Up during January 16 to 31, 2020 (File No. J2016A, Assessment No. 208524)

Sponsors: Brendmoen

Referred to the City Council due back on 6/3/2020

NO APPEALS FILED FOR LISTED BELOW:

11:00 a.m. Hearings

11:30 a.m. Hearings

Orders To Vacate, Condemnations and Revocations

1:30 p.m. Hearings

Fire Certificates of Occupancy

2:30 p.m. Hearings

Vacant Building Registrations

DUE TO COVID-19 Health Pandemic, these appeals are to be held telephonic.