



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final

Legislative Hearings

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Tuesday, November 16, 2021

9:00 AM

Remote Hearing

Special Tax Assessments

9:00 a.m. Hearings

- 1 **RLH TA 21-450** Ratifying the Appealed Special Tax Assessment for property at 0 AMES AVENUE aka 1883 AMES AVENUE. (File No. J2204A, Assessment No. 228503)

Sponsors: Yang

Approve the assessment, noting it has already been paid.

Kou Yang, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Joe Yannarely: Code Enforcement responded to a complaint of overhanging vegetation impeding the Right of Way. They went out July 9 and confirmed the nuisance and issued a Summary Abatement Order to remove overgrowth to a height of 14 feet. Rechecked and wasn't in compliance July 16, left a Voicemail for owner Rob giving an extension, rechecked again July 25. Work was done by Parks on July 26 for a total proposed assessment of \$434.

Moermond: can you tell me who the notice went to?

Yannarely: Venture Capital LLC in Burnsville, Occupant of 1883 Ames, and another copy to Shirzad Raimi at the same Burnsville address.

Moermond: and occupant, this is a Vacant parcel so it would have bounced back.

Yang: the former owner owned until August 7. I understand the City got rid of the overhang, but I owned it after the assessment. Should I have to pay for that? I owned it way after the paperwork. Can the previous owner pay, I didn't own it then?

Moermond: it says the money was escrowed from what we see. Is that your understanding from closing?

Yang: I'm not sure.

[Lynn Rolf from Real Estate was called in]

Rolf: everything appears to be paid. Was it the property cleanup for \$434?

Moermond: yes.

Rolf: paid by Title Smart on September 1, 2021.

Moermond: so after notifications for today's hearing. The title company paid this at closing, you owe nothing and won't be invoiced. You shouldn't hear any more from the City about this. The previous owner paid it.

Referred to the City Council due back on 1/26/2022

- 2 [RLH TA 21-463](#) Ratifying the Appealed Special Tax Assessment for property at 615 LAWSON AVENUE EAST. (File No. J2205A, Assessment No. 228504)

Sponsors: Yang

Layover to Dec 21, 2021 at 9 am. (PO was unavailable)

Jennifer Peloquin, owner, appeared via phone

Moermond: are you ok?

Peloquin: I was sleeping.

Moermond: do you want to call us back on another day?

Peloquin: yes, please.

Moermond: Tuesday December 21. We'll send a follow up email.

Laid Over to the Legislative Hearings due back on 12/21/2021

10:00 a.m. Hearings

- 3 [RLH TA 21-466](#) Ratifying the Appealed Special Tax Assessment for property at 1150 CENTRAL AVENUE WEST. (File No. CRT2203, Assessment No. 228202)

Sponsors: Thao

Reduce assessment from \$399 to \$242.

Mark Betchtel, owner, appeared via phone

Moermond: we left 2 questions at the end of the last hearing. One had to do with communication about the change in address. I asked staff to follow up with when they got that information and second was any additional fees. Ms. Shaff tell me where the mail was directed and what we learned.

Staff update by Supervisor Leanna Shaff: I confirmed in the field and with Inspector Toeller that in June the east unit was condemned for fire damage. He approved the west side for rental because the fire damaged unit wouldn't be done until October.

Rather than leaving it a partial Vacant Building he sent out the approval letter for the west side unit. July 23 that approval letter was returned, so he called Ms. Betchtel and was informed there was a different address and sent out a new letter then. Since then the building file was closed on November 2 and there are no further inspection fees.

Moermond: so there was communication to the old address and eventually a letter was returned to DSI. He called and she updated the address, but she was doing it after the billing had gone out, so it didn't catch up. Because of that I'm going to recommend the admin charge be deleted, which is what the appeal was about. And you indicated no new charges for completing the Certificate for the building. Mr. Betchtel, it looks like you are getting what you are looking for.

Betchtel: we have a letter from May and July to our new address. One was from Vacant Buildings, the other from Fire.

Shaff: Fire Safety inspections only sends to the address you provide for us. Vacant Building they sent to every address there is with information from Ramsey County. Fire Certificate of Occupancy does not, that's why we require the new Certificate of Occupancy Responsible Party form within 30 days.

Betchtel: it sounds like its resolved. That's the big thing.

Moermond: that is it, so we've answered that. Unless you have questions I think this is concluded.

Betchtel: my wife was trying to give me all the information. She's done a huge amount of work. Do we still have the other bill to pay?

Moermond: that will be forthcoming. That assessment will go forward on February 2, 2022. You can pay that invoice after that. It doesn't accrue interest between now and then.

Betchtel: is that a new invoice?

Moermond: that invoice is for the Certificate of Occupancy that was issued in part July and then completed in November. It covers all of that. That bill going unpaid turns into an assessment which goes in front of Council in February.

Betchtel: can we just pay it now?

Moermond: you can, you can pay it in part, but the computer won't update.

Betchtel: I ask because we're selling it and I'm sure we will have closed at that time.

Moermond: right now it shows as a pending assessment including that charge. If you pay the \$242 online, we can email a link to you. The \$157 deletion can only be done by Council and won't show up until February 2. Usually the money is escrowed in those cases and you'll get it back when the Council votes to decrease it. Your Title company will know the niceties of that process.

Betchtel: so we close and it shows this \$399 assessment, so we have to pay this to close.

Moermond: your title company is who you should rely on. You'll decrease the amount if

you pay the \$242.

Betchtel: then a remaining \$157, right?

Moermond: yes as a pending assessment.

Betchtel: so they have \$157 the owners have to worry about it.

Moermond: speak to your realtor and your title company. I wish I had a simpler formula for you.

Betchtel: I wish it came to our address to begin with.

Referred to the City Council due back on 2/2/2022

Special Tax Assessments-ROLLS

- 4 RLH AR 21-111** Ratifying the assessments for Property Clean Up services July 14 to August 13, 2021. (File No. J2205A, Assessment No. 228504)
Sponsors: Brendmoen
Referred to the City Council due back on 2/9/2022
- 5 RLH AR 21-112** Ratifying the assessments for Property Clean Up services August 11 to 30, 2021. (File No. J2206A, Assessment No. 228505)
Sponsors: Brendmoen
Referred to the City Council due back on 2/9/2022
- 6 RLH AR 21-113** Ratifying the assessments for Equipment and Labor for Clean Up services during June to August 2021. (File No. J2207A, Assessment No. 228506)
Sponsors: Brendmoen
Referred to the City Council due back on 2/9/2022
- 7 RLH AR 21-114** Ratifying the assessments for removal of two metal storage containers and contents at 814 Manomin Ave during June 2021. (File No. J2208A, Assessment No. 228507)
Sponsors: Brendmoen
Referred to the City Council due back on 2/9/2022

1:00 p.m. Hearings

Vacant Building Registrations

8 RLH VBR
21-78

Appeal of William Acree to a Vacant Building Registration Notice, Summary Abatement Order, and Vehicle Abatement Order at 160 GRANITE STREET.

Sponsors: Brendmoen

Grant the appeal and release the property from the VB program. Grant to January 14, 2022 for compliance with the Vehicle Abatement Order. Grant to December 2, 2021 for compliance with the summary abatement order.

William Acree, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Leanna Shaff: this is a Fire Certificate of Occupancy inspection; first notice went out in May for the inspection May 21. Resulting in no entry, no show on June 25. Inspector Franquiz did make contact with the owner later on on the 25. The property owner explained the house is unoccupied and he's planning on fixing it up to sell it. We again on July 26 went to the property. Inspector Franquiz met the property owner but Mr. Acree said he wasn't aware of the appointment and that he had no plan to rent it. Inspector Franquiz consulted with me, and I said let's give the property owner 90 days to see where it goes. At the end of the 90 days it was still unoccupied and he referred it to the Vacant Building program.

Staff report by Supervisor Matt Dornfeld: per the inspector's referral we opened a Category 2 Vacant Building October 27, 2021. James Hoffman noted some junk and refuse and abandoned vehicles on the property. He did issue orders and reinspected November 10 and none of the issues were in compliance. He did issue a work order to have the issues abated however those were put on hold due to the appeal. it looks like there was just a small history with some junk and vehicle issues back in July 2021. Code was out and issued orders for vehicles and refuse, but the property owner was in compliance in time there.

Moermond: Mr. Acree, tell me why you are appealing?

Acree: I have no issues with any of those things they said. I hate to say it but I am ignorant of the law and had no idea about the Fire inspection process for rental property. I'm selling it because the people that were in there I didn't get rent for 2 years now. they just left it in a mess. It has been a long process sin terms of cleaning it out. By court order I had to give them time to get their stuff out. It's a situation where I'm totally getting rid of it. as far as the other stuff, that was removed. I'm not sure when they last went by. The vehicles have updated tags. Again, my situation was that what I really want is to not to go in the Vacant Building program because it is very costly. This is a money pit thing for me, I haven't collected rent, paid taxes, or insurance. I have no money, now I may have to pay over \$2,000 to have it empty. Had I known this I would have just rented it out. I'm redoing everything inside they more or less destroyed. I had 2 trash bins and got rid of most of the stuff. They never came back so it is going in the dumpster. I need more time to get it ready. I don't want to invest this kind of money without getting money back. If I let someone rent it it may end up in the same situation as before. I just want to sell it. I'm getting to be an old man; I don't want to keep dealing with it. I worked for Ramsey county and understand people hear sad stories all the time and hear excuses. My situation is if I rent it this all has to be completed anyways. I'm having issues in terms of fighting prostate cancer and then 2 weeks ago I had to cancel an appointment with TRIA to deal with all of this. I have a torn rotator's cuff. I had to postpone my surgery. I have situation where my sister has

Alzheimer's and has to go in a home, I've been running back and forth. I have a brother in the same situation. I am the youngest and I'm an old man, so they rely on me. I couldn't sell in the condition it is in. With the pandemic I can't find anyone to help, not for what I want to pay them anyways. It is just a matter of time and I can't afford this additional \$2,000 fee with no income for over 2 years. It is almost finished, believe it or not. I just need to move stuff out. I talked to Ms. Shaff, she told me after this time period we'll discuss where we are. I had no idea the 3 months had actually gone by. I was trying to work, work on the property, help my siblings. Not enough hours in the day. I'm asking for some additional time before it goes on the list.

Moermond: tell me, are you doing some work yourself? With your injury? How are you managing?

Acree: I'm doing it myself. I have an appointment next week to see if I am injuring myself further.

Moermond: you're going to need to pull permits for significant work.

Acree: no, I know that. It is cosmetic. Caulking and tile. Paint. It is just a matter of moving stuff out, along with my tools. I understand that the issue with the Vacant Building but one of the downfalls my buddies have had in this situation is it is like a big sign on the building saying it is empty and people can go in and do whatever they want to do. Since everyone knows it is vacant, can we have a smaller sign rather than advertising no one is there. I have had friends who had all the copper pipes stolen because they know it was empty. This is all new to me. I won't make this mistake again.

Moermond: we have a couple things going on. Let's talk first about cleaning up the yard. Can you tell me, what kind of time do you need to deal with that and the four vehicles?

Acree: the vehicles run; they are what I use for hauling things. I don't use them much so I'm getting rid of them. They will be sold; I don't know the timeline. They aren't inoperative and they are tagged with 2022 plates. The only issue Efrayn had was the tags were expired, which was because you couldn't get down to the license bureau to get in. I didn't have time to make an appointment. If you drive by now, I hauled the refrigerator away. No issues left to my knowledge. Still a few things left, I try to do a little at a time.

Moermond: and what about the lumber?

Acree: I moved that. I do have two fiberglass privacy panels I haven't moved yet. That was it. I had landscape rock I moved there. Some fencing. Not very much.

Moermond: as far as the Vacant Building registration. I think that the inspector sent it over as a Category 2 but I don't think it meets that legal definition. I don't see any documentation of major code violations.

Acree: I'm not familiar with those terms.

Moermond: it means you'd have to have the four trades to go through and it would be harder to get out of the Vacant Building program. I don't think you meet that definition. If it is simply an empty house then you would eventually become a registered Vacant Building but a year has to pass first. That would be later next summer before you had

an empty house for more than a year. You understand you can't rent it, so you are good there. I'm going to get you out of the Vacant Building program, so no fee there. We need to talk about a deadline for the vehicles. Right now it isn't being used as a residence, so you technically can't store vehicles there. I'd like to get those taken care of within a reasonable deadline. Do you think you and your buddy can have it done by January 1? The vehicles?

Acree: hopefully yes. He is going to try and sell them. They are good trucks. Maybe February 1? With the holidays? Whatever time I would appreciate.

Moermond: alright, I'll give you until January 14, 2022. I'll split the difference. The vehicles need to be gone by then. Closer deadline on the yard, I want it cleaned up by December 2, 2021. Everything out that shouldn't be. Exterior storage, tires, car parts. Get it cleaned up by December 2.

Referred to the City Council due back on 12/1/2021

Fire Correction Orders

- 9 [RLH FCO 21-162](#) Appeal of Robert Olsen to a Correction Notice-Reinspection Complaint at 1008 LAWSON AVENUE EAST.

Sponsors: Yang

Layover to LH November 23, 2021 at 2 pm. Inspector to take updated photos of driveway.

Robert Olsen, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Leanna Shaff: March 16, 2021 we received a complaint for poor maintenance of driveway, damaged lawn, cars parked on lawn, trash, and recycling containers constantly on curb. Inspector Franquiz responded to the complaint and issued orders, but the only remaining item is the exterior parking surface that is deteriorated. It isn't maintained and has crumbling asphalt. April 30 the owner requested more time. Inspector Franquiz wrote orders again June 8. Then we have July 12 the owner needing more time because he was having a hard time finding contractors. August 19 the property owner called again for more time. We've been going through that through September, October, and the last set of orders being appealed today on the parking surface that were done with unapproved materials. Repairs must be done must be with like for like materials.

Moermond: and I see in photographs asphalt, class 5, and weeds.

Olsen: I used asphalt and concrete. Under my understanding, the class 5 is really dusty. I didn't put that in there. The tenants had someone plow the driveway, and they plowed it late in the spring and tore up the end of the driveway. They came back and put in class 5 which I removed and put in asphalt and concrete filler in.

Moermond: when?

Olsen: just before the appeal. We've never met the inspector; I always have in the past so we can discuss his concerns.

Moermond: why haven't you been there for the inspections?

Olsen: I have been. He says before 4 pm. I was there 3 to 4:30 and he never showed. I don't know if it is because of Covid or what. I don't know.

Shaff: Mr. Olsen did you talk to Inspector Franquiz and ask for a specific time?

Olsen: yes, and he said before 4. I assumed he wanted to do it when he had time. I don't know if it would have made a difference. He says class five isn't approved for St. Paul.

Moermond: class 5 is an approved surface but your entire driveway would have to be class 5. If it gets paved or cemented, then the surface is that and you can't go backwards to have class 5. So it would need to be repaired with a like material. Class 5 is allowed as a durable dustless surface, which obviously needs to be refreshed. The reason it is being called out is because you have multiple surfaces. The photos I see show a poorly maintained driveway. You say you repaired it a full six months, but we don't have photos to see where we are at.

Olsen: I was under the impression from talking to him on the phone that I had to remove everything in there and had to replace it. I couldn't put more hot asphalt down.

Moermond: I don't know what your conversation was with him, but I know you and I have had a hard time being connected here. I know Ms. Shaff would like to see updated photos. We'll have an inspector go out. We're late into the season due to the many layovers.

Olsen: I don't know why that was. I have been waiting for the calls. The first got called off. I didn't have any missed calls.

Moermond: we left messages that had your name. You got a break by having it referred back again. Ms. Shaff, could someone go out there for a drive by?

Olsen: the inspector said I can't do anything to it unless I get a survey or a site plan and remove what is there and put in new. That is really expensive. I've had tenants for a long time and I don't raise rent much.

Moermond: I'd like to get some pictures and then we can figure out. I haven't said you need to replace with an entire new driveway. I want to look at what it would take to get it possibly repaired.

Shaff: we can have it done by end of the week.

Moermond: we'll talk next week on the 23rd and wrap this up. It shouldn't take us very long. I've seen driveways like yours be repaired rather than replaced. But we need a plan of action and some expectations.

Shaff: Inspector Neis is staffing next week, I'll be out.

Moermond: and he has plenty of experience in this area as well. We'll talk again on the 23rd about repairs.

Laid Over to the Legislative Hearings due back on 11/23/2021