



# City of Saint Paul

15 West Kellogg Blvd.  
Saint Paul, MN 55102

## Minutes - Final - Final Legislative Hearings

*Marcia Moermond, Legislative Hearing Officer*  
*Mai Vang, Hearing Coordinator*  
*Jean Birkholz, Hearing Secretary*  
*Mary Erickson, Hearing Secretary*  
*legislativehearings@ci.stpaul.mn.us*  
*651-266-8560*

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Tuesday, February 7, 2012

9:00 AM

Room 330 City Hall & Court House

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### 9:00 a.m. Hearings

#### Special Tax Assessments

##### Laid over Summary Abatement Assessments:

- 1      **RLH TA 12-109**      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1204A2, Assessment No. 128513 at 1305 ALBEMARLE STREET. (Public Hearing continued from February 1)

**Sponsors:**      Brendmoen

**Attachments:**      1305 Albemarle St.Summary Abatement 9-29-11.DOC  
1305 Albemarle St.Work Order 10-6-11.pdf

*No show; approve the assessment.*

*Feb. 8: owner called and stated missed hearing, wants to reschedule. I rescheduled owner to Feb 21. \*No more further continuance.*

**Laid Over to the Legislative Hearings due back on 2/21/2012**

- 2      **RLH TA 12-75**      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1205A, Assessment No. 128504 at 588 COOK AVENUE EAST.

**Sponsors:**      Bostrom

**Attachments:**      [588 Cook Ave E. Summary Abatement](#)  
[588 Cook Ave E. Photo.DOC](#)

*No show; approve the assessment.*

**Referred to the City Council due back on 3/7/2012**

- 3      **RLH TA 11-494**      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1204A3, Assessment No.128514 at 381 CLEVELAND AVENUE NORTH.

**Sponsors:**      Stark

**Attachments:** 381 Cleveland Ave N. SAO.10-6-11  
381 Cleveland Ave N.Photos.10-6-11

*Approve the clean-up assessment and spread the payments over two years.*

*RE: 381 Cleveland Ave N (single family)*

*Peter Wright, tenant, appeared.*

*Inspector Joel Essling:*

- no video; photos in computer*
- Summary Abatement and a pre-authorized Work Order issued Oct 6, 2011 for garbage removal*
- compliance date Oct 10, 2011*
- work done Oct 10, 2011 for a cost of \$316 plus service chg \$155 = \$471*
- Parks removed a pile of garbage from a carport next to the garage*
- a hauler Summary Abatement was also issued Oct 6, 2011*
- compliance date Oct 10, 2011; re-inspected Oct 10, 2011 and found non compliant*
- weekly refuse removal started at that time*
- week after reinspection date, DSI received a call from property owner stating that refuse hauler service had been set up with Viola*
- assessment cost for hauler is for 1 week of refuse removal at \$150 plus \$155 service chg = \$305*

*Mr. Wright:*

- entered receipt dated Sep 27, 2011 (check for \$83.30 - 3-month pre-pay)*
- this pre-dates the Orders*
- as he mentioned in email, his 2 roommates and him just moved in*
- Viola said they would bring a garbage container that Fri, Sep 30 (wrote check Tue, Sep 27, 2011) but the container didn't come until a week later*
- Viola said they didn't really need a container the first week; just to let them know about the garbage*
- the garbage was piled in the alley; maybe Viola didn't realize that*

*Ms. Moermond:*

- asked about the clean-up*
- will recommend Council delete the hauler assessment (receipt pre-dates Orders)*
- will recommend Council approve the garbage clean up payable over 2 years*

**Referred to the City Council due back on 3/7/2012**

- 4      [RLH TA 11-505](#)      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1203G1, Assessment No. 128706 at 381 CLEVELAND AVENUE NORTH.

**Sponsors:**      Stark

**Attachments:**      [381 Cleveland Ave N. hauler.10-6-12](#)  
                                 [381 Cleveland Ave N.Photos.10-6-11.pdf](#)

*Delete the garbage hauler assessment.*

*RE: 381 Cleveland Ave N (single family)*

*Peter Wright, tenant, appeared.*

*Inspector Joel Essling:*

- no video; photos in computer
- Summary Abatement and a pre-authorized Work Order issued Oct 6, 2011 for garbage removal
- compliance date Oct 10, 2011
- work done Oct 10, 2011 for a cost of \$316 plus service chg \$155 = \$471
- Parks removed a pile of garbage from a carport next to the garage
- a hauler Summary Abatement was also issued Oct 6, 2011
- compliance date Oct 10, 2011; re-inspected Oct 10, 2011 and found non compliant
- weekly refuse removal started at that time
- week after reinspection date, DSI received a call from property owner stating that refuse hauler service had been set up with Viola
- assessment cost for hauler is for 1 week of refuse removal at \$150 plus \$155 service chg = \$305

Mr. Wright:

- entered receipt dated Sep 27, 2011 (check for \$83.30 - 3-month pre-pay)
- this pre-dates the Orders
- as he mentioned in email, his 2 roommates and him just moved in
- Viola said they would bring a garbage container that Fri, Sep 30 (wrote check Tue, Sep 27, 2011) but the container didn't come until a week later
- Viola said they didn't really need a container the first week; just to let them know about the garbage
- the garbage was piled in the alley; maybe Viola didn't realize that

Ms. Moermond:

- asked about the clean-up
- will recommend Council delete the hauler assessment (receipt pre-dates Orders)
- will recommend Council approve the garbage clean up payable over 2 years

**Referred to the City Council due back on 2/8/2012**

- 5      [RLH TA 12-113](#)      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1205A, Assessment No. 128504 at 1230 EDGERTON STREET.

**Sponsors:**      Bostrom

*No show; approve the assessment.*

**Referred to the City Council due back on 3/7/2012**

- 6      [RLH TA 12-39](#)      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1205A, Assessment No.128504 at 561 MARYLAND AVENUE EAST.

**Sponsors:**      Brendmoen

**Attachments:**      561 MARYLAND AVE E. SA.DOC  
561 MARYLAND AVE E. PHOTO.DOC

*Approve assessment.*

*RE: 561 Maryland Ave E (single family)*

*Seborn Yancy, tax owner, appeared.*

*Inspector Joel Essling:*

- Summary Abatement issued Nov 8, 2011; compliance Nov 14, 2011; re-inspected Nov, 2011 - found to be in noncompliance

- Work done Nov 15, 2011 for a cost of \$298 plus \$155 serv chg = \$453
- notes: including removing the box spring, plastic containers, buckets and any misc refuse in rear yard area

Ms. Moermond:

- Mark Marxhausen and Amy Westerland were notified also
- address for Appellant is listed as Bloomington

Mr. Yancy:

- Mark Marxhausen is his father-in-law; is a non-occupying co-borrower
- Amy Westerland was his realtor when he bought the house in 2008
- did live in Bloomington, currently lives in Dayton
- has been a rental property for the past year
- in this situation, his tenants moved out early without notifying him and they had a trash can at the top of the driveway filled along with a box spring
- he got a phone call that the things needed to be moved by a police officer
- he immediately called his trash hauler to have it removed and it was removed the day after he called
- he paid a fee to go back to remove it; they said they didn't take the trash because the tenants didn't put it at the end of the driveway

Mr. Essling:

- looking at photos from the day the Work Order was issued and sees a mattress on the side of the garage and perhaps some other refuse or debris between the mattress and the garage; bags of garbage on the rear porch or deck (Mr. Yancy said he was not aware of those things; the Notice just said there was trash in the driveway that needed to be removed)

Ms. Moermond:

- the abatement order lists all those things out
- shows photos to Mr. Yancy (1 set shows the box spring against garage; and garbage on back porch; another set shows the box spring in the front of the garage)

Mr. Yancy:

- the box spring was his tenants and they were in the process of moving out of the property
- did not get the Notice that was sent to the Bloomington address (moved mid-Oct 2011)
- the Notice he saw said trash removal; it had a police officer's contact information on it so, he called her the day that the trash was removed and told her that it was removed (Cynthia Skally)

Ms. Moermond:

- feels like she is getting mixed messages
- will get more information from Ms. Skally
- will lay this over

*Follow-Up: Inspector Essling reviewed the video and stated that the video shows the mattress next to the garage and bags of garbage on the porch being removed. The inspector has written notes of a phone conversation with owner on November 15, 2011 advising him the work order was already sent and to remove the mattress and garbage immediately.*

**Referred to the City Council due back on 3/7/2012**

**Sponsors:** Brendmoen

**Attachments:** [1175 Matilda St. First.pdf](#)  
[1175 Matilda St. Final.pdf](#)

*Decrease assessment from \$650 to \$500.*

*RE: 1175 Matilda St (duplex)*

*Ruby Nguyen, owner, appeared.*

*Fire Inspector Leanna Shaff:*

- *Fire Certificate of Occupancy inspection at a cost of \$500 plus service chg of \$150 = \$650 (3 re-inspection fees included)*
- *Orders dated May 17, Jun 16, Jul 13, Jul 25 and Aug 19, 2011*
- *billing dates: Aug 24 and Sep 23, 2011*
- *bill and orders sent to responsible party: Robert K Thao, 1276 Etna St*
- *no returned mail*
- *note on May 17: called property owner and made a referral to Jimmy Yannarely with the lead based paint program*
- *May 11: there was a referral*
- *Jul 12 notes: property owner no show; tenant #2, no access; tenant #1 had 11 people sleeping in unit*
- *Jul 21 notes: tenants in #1 vacated; unit #2 looks good; owner will repair*
- *Aug 17 notes: property owner completed unit; painting #1 unoccupied*
- *would be helpful for owner to fill out a change of information form (on website)*

*Ms. Nguyen:*

- *owned house for a couple of years*
- *doesn't know who Robert Thao is*
- *she met with Inspector Lisa Martin at the property; appointment date for inspection was sent to her address*
- *property tax statements go to her Mpls address*
- *was at inspections; got letters at her Mpls address*
- *Mr. Thao is Hmong; I'm Vietnamese - no relation*
- *she didn't get the letter for the assessment so she couldn't pay it*

*Ms. Moermond:*

- *will need to hear more about this from Inspector Martin*

*Follow-up in STAMP shows fire c of o bill sent to previous owner. No opportunity for current owner to pay before fee went to taxes. Recommend service charge be deleted.*

**Referred to the City Council due back on 2/15/2012**

- 8      [RLH TA 12-107](#)      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1203, Assessment No. 128802 at 1581 NEBRASKA AVENUE EAST.

**Sponsors:** Bostrom

*The owners acquired the property in March 2011. Ownership (from STAMP and Amanda) was not updated with the ownership information. Subsequent to the owner's acquisition, both a Parks clean up action occurred and also a vacant building fee was applied to the property. The owner was not properly notified of either action or potential cost. Delete the assessment.*

**Referred to the City Council due back on 3/7/2012**

- 9      **RLH TA 12-108**      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1204A1, Assessment No. 128512 at 1265 RICE STREET. (Public Hearing from February 1)

**Sponsors:**      Brendmoen

**Attachments:**      1265 Rice St.TGW letter 10-4-11.pdf  
                                 1265 Rice St.Work Order 10-11-11.pdf

*Approve the assessment.*

*RE: 1265 Rice St (duplex)*

*Koua Vang, owner, appeared.  
Mai Vang, interprets*

*Inspector Joel Essling:*

- Summary Abatement issued Oct 4, 2011; compliance Oct 10, 2011; re-checked Oct 11, 2011 and found noncompliant*
- work done Oct 13, 2011 for a cost of \$160 plus \$155 serv chg = \$315*
- cut tall grass and weeds - letter was sent Oct 4, 2011*
- sent to Occupant and Koua Vang at this address*
- no photos and no video*
- a previous tall grass and weeds Work Order was done Sep 14, 2011 with no amount associated with it; not showing up in assessments*

*Ms. Vang:*

- moved in the property in Aug 2011; fixed it up*
- they didn't have a lawn mower at that time*
- they received the second Notice but not the first Notice*
- mainly here for clarification*

*Ms. Moermond:*

- will recommend Council approve this assessment*

**Referred to the City Council due back on 3/7/2012**

- 10      **RLH TA 12-100**      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1203, Assessment No. 128202 at 1251 SIXTH STREET EAST.

**Sponsors:**      Lantry

**Attachments:**      [1251 6th St. E. First.pdf](#)  
                                 [1251 6th St. E. Final.pdf](#)

*No show; approve the assessment.*

**Referred to the City Council due back on 2/15/2012**

- 11      **RLH TA 12-33**      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1205A, Assessment No. 128504 at 978 WOODBRIDGE STREET.

**Sponsors:**      Brendmoen

**Attachments:** 978 Woodbridge St SA 10.27.11.DOC

Approve the assessment.

RE: 978 Woodbridge St (single family)

Del Sharabi, owner, appeared.

Ms. Moermond:

- Orders issued Oct 27, 2011 for furniture, refuse, brush in the yard
- compliance date Nov 2, 2011

Inspector Joel Essling:

- work done Nov 3, 2011 at a cost of \$380 plus \$155 service chg = \$463
- notes: chair, tire, barrel and brush by garage area

Mr. Sharabi:

- looking for an abatement
- have other properties and have a good record
- this is the first time he's been at a hearing because of an assessment
- did not get a Notice; just got a letter about today's hearing
- usually gets all his Notices, etc.
- some of tenants' idea about garbage is to throw it all in the street

Viewed Video

Mr. Sharabi:

- didn't see the chair in the video
- if he had gotten the Notice, he would have taken care of it

Ms. Moermond:

- mail had not been returned
- Notice was sent to the correct address
- city did do the work
- will recommend the Council approve this assessment

**Referred to the City Council due back on 3/7/2012**

### Summary Abatement Assessments: On March 21 Council Public Hearing

- 12      RLH AR 12-7      Ratifying Collection of Certificate of Occupancy fees from November 2011. (File No. CRT1204, Assessment No. 128203)

**Sponsors:** Lantry

**Attachments:** Assessment Roll

**Referred to the City Council due back on 3/21/2012**

- 13      RLH AR 12-8      Ratifying Graffiti Removal services from June 27 to October 10, 2011 (File No. J1204P, Assessment No. 128403)

**Sponsors:** Lantry

**Attachments:** Assessment Roll

**Referred to the City Council due back on 3/21/2012**

- 14      **RLH AR 12-9**      Ratifying Excessive Inspection Services from September 22 to October 27, 2011. (File No. J1203E, Asmt No. 128302)

**Sponsors:** Lantry

**Attachments:** Assessment Roll

**Referred to the City Council due back on 3/21/2012**

- 15      **RLH AR 12-10**      Ratifying Tree Removal services from December 2011. (File No. 1205T, Assessment No. 129004)

**Sponsors:** Lantry

**Attachments:** Assessment Roll

**Referred to the City Council due back on 3/21/2012**

- 16      **RLH AR 12-11**      Ratifying Boarding and/or Securing services in November 2011. (File No. J1204B, Assessment No. 128103)

**Sponsors:** Lantry

**Attachments:** Assessment Roll J1204B.pdf

**Referred to the City Council due back on 3/21/2012**

- 17      **RLH TA 12-96**      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. 1205T, Assessment No. 129004 at 1560 ARLINGTON AVENUE EAST.

**Sponsors:** Bostrom

**Attachments:** 1560 Arlington Ave E 9-27-11.pdf

*Approve the assessment and spread the payment over 10 years.*

*RE: 1560 Arlington Ave E (single family)*

*Ajah Peterson, owner, appeared. (Heather Gilbert, American Sign Language Interpreter, also appeared.)*

*Inspector Karl Mueller, Forestry:*

*- \$1,045.52 assessment for*

*- 2 Orders - 2 letters were sent:*

*- 1st letter was for a 13" Dutch Elm and an 11" Dutch Elm (diseased trees) in front yard, sent Jul 27, 2011*

*- when a re-check was done Aug 10, 2011, another tree was found to be diseased: a 10" Dutch Elm*

- 2nd letter was sent Aug 10, 2011
- compliance date: Sep 12, 2011; re-check completed Sep 27, 2011 and found noncompliant
- work done by contractor Nov 28, 2011 at a cost of \$919.13 plus service chg \$126.39 = \$1,045.52
- a call was received from owner (date not recorded) at 9:25 a.m. requesting that the city take down the trees because of financial hardship (before the deadline; shortly after the second tree was marked)
- has photo of 10" tree; no photos of the 13" and 11" trees
- the tree that had been blown down was also a diseased tree (the storm damage doesn't change the fact that the tree is diseased)
- a survey is done every summer; they travel throughout the city checking for diseased tree on both public and private property
- entered the letters

Ms. Peterson:

- didn't get the Mar letter that the inspector is talking about
- she got a letter in either May or Jun
- the wind knocked down the tree; I didn't believe it was even diseased
- she called and said that she couldn't afford to have the tree removed; if the city wants it removed, then, they should take care of it but the city didn't let her know that she was going to be charged for it
- seemed to have been a miscommunication about the problem and how it was going to be taken care of
- did received the Jul and Aug letters
- didn't have any knowledge of the tree being diseased; it looked fine to them
- seems as though the city would have let her know that the trees were diseased and given her advance notice
- why did the removal taken so long after it was determined that the trees were diseased?
- she should have had several months in advance to take care of this

Ms. Moermond:

- she is looking at a Jul letter and an Aug letter
- is looking only at assessments related to the letters of Jul 27 and Aug 10, 2011 regarding 3 diseased trees
- the letter says specifically that "if you are unable to do the work yourself nor hire a private contractor and the city abates the nuisance, all costs shall be calculated and collected as a special assessment against the property in a single installment or by up to ten equal annual installments as the City Council may provide." It also says in the letter that the Appellant was given one month to remove the trees.
- the letter said there's a 13 and 11 inch diameter tree, front yard, northwest corner of the house

Ms. Peterson:

- when she received the letter, one of the trees was already gone
- said there wasn't any mark on those trees; no spray paint to indicate that those were the ones that needed to be removed
- has 3 trees in the front; 1 next to the garage; altogether 5-6 trees
- there was a colored mark on only 1 tree - west side of house
- as a deaf person, communication is very difficult
- if she has no visual indication of what needs to be removed, it makes it a severe hardship for her to be aware
- deaf people struggle with English; it's not a language that deaf people are very fluent in
- her language is American Sign Language - a visual language; reading is her second

language; English is not my first language; her language is different from what is written English

Ms. Moermond:

- the letter itself describes the location of the trees (NW corner of house in front yard)
- the other tree in the other letter is located on the west side of the house

Mr. Mueller:

- Xs haven't been used for 3-4 years; now, they mark a tree to be removed by painting a ring around the tree at 4 1/2 feet up from the ground
- some properties are delayed because the city has only 2 contractors to take down trees working in the whole city, district by district

Ms. Moermond:

- while she is sympathetic, the letter is explicit about the location of the tree(s) (can you read or can't you read; not about being able to hear)
- asked if Appellant needs help reading her mail to which Ms. Peterson answered, "Yes. I can maybe get the general gist of something, but the reason I call by relay is so I can get an answer in American Sign Language, the language I can communicate in; English is not very fluent for me."
- the note from the relay says that "the owner wants the city to take down the trees and the owner doesn't have the money to do that"
- so, by virtue of calling, the Appellant knows that these trees need to be removed; it's not a question of whether or not they were marked
- will recommend that the Council approve this assessment payable over 10 years

Ms. Peterson:

- disagrees with this assessment
- would like a reduction in cost or an abatement of the fee
- thinks this is a very high fee; she can't afford it
- thinks the city delayed in notifying her of this problem; she could have taken the trees down herself had she known earlier

Ms. Moermond:

- the delay in taking down the trees would not add to the cost of removing the trees
- Appellant called the city and said she could not take down the trees - and the city should do it
- will recommend that the Council approve this assessment payable over 10 years
- suggested that Appellant go to the City Council Public Hearing; an American Sign Language interpreter will be available
- alternatively, Appellant can delay the assessment for up to 10 years if she fills out disability or senior citizen paper work at the Real Estate Office, 1100 City Hall Annex, 25 Fourth St W

**Referred to the City Council due back on 3/21/2012**

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[RLH TA 12-76](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1203E, Assessment No. 128302 at 1053 BEECH STREET.

**Sponsors:** Lantry

**Attachments:** [1053 BEECH ST. Summary Abatement.9-9-11](#)  
[1053 BEECH ST. NPHOTO.DOC](#)

Owner rescheduled.

**Laid Over to the Legislative Hearings due back on 2/21/2012**

- 19      RLH TA 12-97      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. 1205T, Assessment No. 129004 at 1770 BURNS AVENUE.

**Sponsors:**      Lantry

**Attachments:**      1770 Burns Ave 9-27-11.pdf  
                                 1770 Burns - DED - Aerial View.pdf  
                                 1770 Burns Ave. DED.pdf

*Forthcoming. MM need more information from inspector.*

*RE: 1770 Burns Ave (duplex)*

*Christine Ramacciotti, owner, appeared.*

*Inspector Karl Mueller, Forestry:*

- 7-inch Dutch Elm marked and a letter was sent Jul 1, 2011
- upon the second inspection to re-check that tree, a new clump of diseased elm trees was found at the southeast corner of the property
- letter was sent Aug 4, 2011; compliance date Sep 5, 2011
- re-checked Sep 27, 2011 and found that the 7" tree had been removed but the clump was still standing
- work was done Nov 28, 2011 by contractor for a cost of \$657.28 plus service chg \$126.39 = \$783.67

*Ms. Ramacciotti:*

- looking for an abatement of the assessment
- received first letter in Jul 2011; never got another letter after that; not a phone call; not an email
- got letters in 2007 and fully complied; took down 10-12 elms
- got another letter in 2009; took down 12-14 elms
- she has a strong record of compliance
- then, got letter saying she owes almost \$800; she called and asked, "Why do I owe \$800?" and they said, "Well, you didn't take down the tree." She responded, "Yah, I did." they said, "Well, we'll check into it." Five hours later they called her back at work and said there were 2 trees; they had sent another notice in Aug
- she never received the notice in Aug, 2011 regarding new growth out of a stump

*Ms. Moermond:*

- looking at photo of clump, she said she wishes she could see what the contractor saw
- checking out both letters, the Jul 1 letter describes tree is located in the east side yard; the Aug 4 letter says southeast corner - there could be some confusion

*Ms. Ramacciotti:*

- has an issue with Forestry's process - asked why can't they thoroughly inspect the property and send one notice and be done for the year, since they are coming around once a year; then, there is less likelihood of a problem if you tell the property owner all at once

*Ms. Moermond:*

- will check the history and other information on this case
- decision is forthcoming

**Laid Over to the Legislative Hearings due back on 2/21/2012**

- 20      RLH TA 12-101      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1204, Assessment No. 128203 at 784 PEDERSEN STREET.

Sponsors:            Lantry

Attachments:        784 Pedersen St..pdf  
                              784 Pedersen St. Final.pdf

*No show; approve the assessment.*

**Referred to the City Council due back on 3/21/2012**

- 21      RLH TA 12-89        Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1204B, Assessment No. 128103 at 472 CASE AVENUE.

Sponsors:            Brendmoen

Attachments:        Restoration Profession Invoice.pdf

*LHO to review police report.*

*RE: 472 Case Ave (duplex)*

*Sharon Bruestle, appeared.*

*Inspector Joel Essling:*

- emergency boarding requested by Saint Paul Police Dept (SPPD) or the inspector at 8:00 p.m. Nov 16, 2011*
- police executed a search warrant at the property*
- cost \$396 plus \$155 service chg = \$551*

*Ms. Bruestle:*

- apparently, police broke front window when they came to arrest this person*
- contractor just put on a piece of plywood*
- didn't give them a chance to fix it; cost is exorbitant just for plywood*
- people are still living there*
- the police have my phone number; they know how to reach me*

*Ms. Moermond:*

- most of the charge is for the emergency call out*
- wants to check out the police report*
- if people were still there, she'd would have been comfortable with them leaving it open*
- will lay this over for 2 weeks to LH Feb 21, 2011*

**Laid Over to the Legislative Hearings due back on 2/21/2012**

- 22      RLH TA 12-95        Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1203E, Assessment No. 128302 at 1572 CASE AVENUE.

Sponsors:            Bostrom

Attachments:        1572 CASE AVE. ORDERS.DOC  
                              1572 CASE AVE.EC \$75.00.DOC  
                              1572 CASE AVE. PHOTOS.DOC

*Reduce the assessment from \$260.00 to \$185.00. (No show; Staff recommends deleting \$75.00 #941172).*

**Referred to the City Council due back on 3/21/2012**

- 23      RLH TA 12-92      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1203E, Assessment No. 128302 at 670 DESOTO STREET.

**Sponsors:**      Thune

**Attachments:**      670 DESOTO ST. ORDERS.DOC  
670 DESOTO ST. EC.DOC  
670 DESTOTO ST. 2ND PHOTO.DOC

*Delete the assessment.*

*RE: 670 DeSoto St (duplex)*

*Ron Miller, owner, appeared.*

*Mr. Miller:*

- not denying the problem*
- had a bad tenant who didn't take care of the place*
- he got extra trash containers for her which didn't do any good*
- finally, he evicted her and went from 4 containers down to 2*
- also suggested to his upstairs tenant that she should move and she was out within a month*
- he got 2 new tenants, one of which is very good; the other he had also to evict*
- has spent close to \$10,000 the last quarter of 2011 and part of 2012 to get the place fixed up*

*Inspector Joel Essling:*

- Excessive Consumption fee for noncompliance and an Order to not store the garbage containers on the public sidewalk*
- Orders issued Sep 27, 2011; compliance date Oct 3, 2011; re-inspection Oct 19, 2011 and found noncompliant*
- trash containers can remain on the side of the house; they just have to be behind the front of the house*
- the Ex Con fee is \$50 plus a \$35 service chg = \$85*

*Mr. Miller:*

- trash is collected on Tue (time varies); and they need to put it on the sidewalk in order for the hauler to pick it up*
- Sep 2011 still had to old tenants*

*Ms. Moermond:*

- checked the calendar - Sep 27, 2011 was a Tue*
- will recommend this assessment be deleted*
- a couple of weeks had elapsed and it's hard for her to know that this is the same garbage that we're talking about and the same storage of the containers over that period of time*

**Referred to the City Council due back on 3/21/2012**

- 24      RLH TA 12-102      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1203E, Assessment No. 128302 at 902 FOREST STREET.

**Sponsors:** Bostrom

**Attachments:** 902 FOREST ST. SA.DOC  
902 FOREST ST. PHOTOS.DOC

*No show; approve the assessment.*

**Referred to the City Council due back on 3/21/2012**

25      RLH TA 12-86      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1203E, Assessment No. 128302 at 2078 HAWTHORNE AVENUE EAST.

**Sponsors:** Bostrom

**Attachments:** 2078 Hawthorne Ave. Summary Abatment  
2078 Hawthorne Ave. 1st ec.DOC  
2078 Hawthorne Ave. 1st ec photo.DOC  
2078 Hawthorne Ave. 2nd ec.DOC  
2078 Hawthorne Ave. photo.DOC

*Delete the assessment.*

*RE: 2078 Hawthorne Ave E (single family)*

*Lee Runyon, owner, appeared.*

*Inspector Joel Essling:*

- Excessive Consumption fee of \$100 for non compliance
- Summary Abatement issued Sep 30, 2011; compliance date Oct 10, 2011
- re-checked Oct 4 and Oct 11, 2011 (may be a type)
- inspector recommends deleting the first \$50 Excessive Consumption fee because if was re-inspected before the compliance date
- actual cost: \$50 plus serv chg = \$85

*Ms. Moermond:*

- asked if the trailers were gone now (read: "Remove pile of toppers and other junk stacked on trailer, which is illegally parked on an unimproved surface.")
- (Mr. Essling said the file is closed)

*Mr. Runyon:*

- takes exception with the description of the items
- there was a trailer parked there but he was unaware that it was in violation of anything; the stand is a pipe that goes thru another pipe with a set-screw in it, which had rusted. It took about 3 days of oil applications in order to get the pipes separated
- that's why it wasn't moved immediately
- there was only 1 topper that he was selling; it was on the ground in front of the trailer (he is not aware that it's a violation of any municipal code); the frame of the topper was sitting on top of the topper
- all has been addressed; doesn't understand how it generated into a bill over \$100

*Ms. Essling:*

- the SA says that the trailer is illegally parked on an unimproved surface
- the inspector sent the Appellant a Notice and when he returned on the compliance date, he was not in compliance with the Notice, so , a re-inspection fee was assessed
- photo in computer

*Mr. Runyon:*

- could not lower the trailer low enough to hitch to the truck until he got it loose enough with the oil (rust had welded itself together)

*Ms. Moermond:*

- checked out photo in computer  
- looks like a temporary situation  
- will recommend deleting this assessment

**Referred to the City Council due back on 3/21/2012**

- 26      **RLH TA 12-114**      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1203E, Assessment No. 128302 at 1847 IDAHO AVENUE EAST.

**Sponsors:**      Bostrom

**Attachments:**      1847 Idaho Avenue E. SA 10.06.11.DOC  
1847 Idaho Avenue E, EC 10.20.11.DOC

*Delete the assessment (per DSI because excessive consumption fee was sent before extension date)*

**Referred to the City Council due back on 3/21/2012**

- 27      **RLH TA 12-99**      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1203E, Assessment No. 128302 at 1690 IVY AVENUE EAST.

**Sponsors:**      Bostrom

**Attachments:**      1690 Ivy Ave Excessive consumption letter 10.20.11.DOC  
1690 Ivy Avenue correction notice 4.12.11.DOC  
1690 Ivy Ave E Photos 10.20.12.DOC

*Delete the assesment as owner is now in compliance.*

*Inspector to check for compliance on the garage. If in compliance, LHO will delete the assessment. If not, fee will be assessed.*

*RE: 1690 Ivy Ave E (single family)*

*Boua Fue Yang, owner, appeared.*

*Mai Vang, interpreter*

*Inspector Joel Essling:*

- Excessive Consumption fee for noncompliance of maintenance of an accessory structure  
- Orders issued Apr 12, 2011; compliance date Jun 30, 2011; recheck for the \$75 Ex Con fee Oct 20, 2011  
- there was a previous Ex Con fee for \$50  
- this one is \$75 plus \$35 serv chg = \$110  
- Correction Notice dated Apr 12, 2011: exterior walls and trim of garage; garage roof; missing or broken window glass in garage  
- there is currently an open permit for the roof of the garage

*Mr. Yang:*

- the permit for re-roofing is for both the garage and house and is already done

- garage walls and trim have already been painted
- he boarded the window - was afraid of being broken into

Ms. Essling:

- suggested that Inspector Seeley re-inspect for compliance

Ms. Moermond:

- Inspector Seeley will go to check to see if work is done
- if work is done, she will recommend the assessment be deleted; if work is not done, she will recommend the assessment be approved.

On February 20, 2012, Inspector Seeley reinspected the proeprty and found that it is all done except for the garage door window; therefore, Ms. Moermond recommends deleting the assessment.

**Referred to the City Council due back on 3/21/2012**

- 28      **RLH TA 12-94**      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1204B, Assessment No. 128103 at 856 JENKS AVENUE.

**Sponsors:**      Bostrom

**Attachments:**      Restoration Professional Invoice.pdf

*No show; approve the assessment.*

**Referred to the City Council due back on 3/21/2012**

- 29      **RLH TA 12-91**      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1203E, Assessment No.128302 at 1409 JULIET AVENUE.

**Sponsors:**      Tolbert

**Attachments:**      1409 JULIET AVE. SA.DOC  
1409 JULIET AVE. PHOTO.DOC

*No show; approve the assessment.*

**Referred to the City Council due back on 3/21/2012**

- 30      **RLH TA 12-110**      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1203E, Assessment No. 128302 at 1698 LAFOND AVENUE.

**Sponsors:**      Stark

*No show; approve the assessment.*

**Referred to the City Council due back on 3/21/2012**

- 31      **RLH TA 12-74**      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1203A, Assessment No.128502 at 611 MARYLAND AVENUE EAST.

**Sponsors:**      Bostrom

**Attachments:**      [611 Maryland Ave.Summary Abatement](#)  
[611 Maryland Ave. Photo.DOC](#)

*This went to Council already on January 18, 2012 and Council adopted the Resolution to approve the assessment. No change of recommendation because owner didn't show up for Legislative Hearing nor Council hearing. (I withdrew this appeal but it's not really a withdrawn) mxv.*

**Withdrawn**

- 32      [RLH TA 12-77](#)      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1203A1, Assessment No. 128509 at 1992 NEVADA AVENUE EAST.

**Sponsors:**      Bostrom

**Attachments:**      [1992 Nevada Ave E.Tallgrass Letter.9-13-11.pdf](#)  
                                 [1992 Nevada Ave E.Work Order.pdf](#)  
                                 [1992 Nevada Ave E.Photo.pdf](#)

*Delete the assessment.*

*RE: 1992 Nevada Ave E (single family)*

*Jacqueline Perez, owner, appeared.*

*Inspector Matt Dornfeld, Vacant Buildings:*

- was sent back to Legislative Hearings by Council*
- tall grass and weeds letter sent Sep 13, 2011*
- work order sent Sep 20, 2011*
- no history*

*Ms. Perez:*

- both of her lawn mowers were not working*
- families from church had helped her previously in May*
- she then bought a used one which broke down*
- a friend gave her another used one which also broke down*
- the person who helped her previously had been in a car accident that weekend*
- the city came out on Mon, Sep 22, and her mom, who lives with her, happened to be at a Dr.'s appointment at that time; if she had been home, she would have asked them to give them a week so that they could get the church to come out again*
- doesn't have the money to pay the assessment*
- this is her first house; is asking for a second chance*

*Ms. Moermond:*

- given that a good faith effort was provided, she will recommend that the Council delete the assessment*

**Referred to the City Council due back on 3/7/2012**

- 33      [RLH TA 12-105](#)      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1204P, Assessment No. 128403 at 1632 SHERBURNE AVENUE.

**Sponsors:**      Stark

**Attachments:**      1632 Sherburne Ave Graffiti letter 9.20.11.pdf

*Delete the assessment; waiver on file.*

*Appellant did show.*

**Referred to the City Council due back on 3/21/2012**

- 34      RLH TA 12-88      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1203E, Assessment No.128302 at 1512 SIMS AVENUE.

**Sponsors:**      Bostrom

**Attachments:**      1512 SIMS AVE. SA.DOC  
                                 1512 SIMS AVE. EC.DOC  
                                 1512 SIMS AVE. PHOTO.DOC

*Delete the assessment.*

*RE: 1512 Sims Ave (single family)*

*Jerome Prokott, owner, appeared.*

*Inspector Joel Essling:*

*- Excessive Consumption fee for noncompliance: failure to remove vehicle from an unimproved parking surface*  
*- Orders sent Oct 14, 2011; compliance date Oct 21, 2011; re-checked Oct 14, 2011, which is prior to the compliance date*

*Ms. Moermond:*

*- that is incorrect*  
*- will recommend the Council delete this assessment*

**Referred to the City Council due back on 3/21/2012**

- 35      RLH TA 12-111      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1204B, Assessment No. 128103 at 435 THOMAS AVENUE.

**Sponsors:**      Carter III

*On February 13, 2012, Ms. Moermond reviewed the police report submitted by Inspector Essling and recommended approval of the assessment. She indicated the police officer was there for quite a long time and because the windows were broken and back door was unsecured.*

*Laid over for police report. Inspector Essling emailed in police report. LHO to review.*

*Ms. Moermond reviewed the police report and recommended approving the assessment.*

*RE: 435 Thomas Ave (duplex)*

*Pat Lehr, appeared.*

*Inspector Joe Yannarely:*

*- emergency boarding requested by Saint Paul Police Dept (SPPD) at 8:20 a.m. Nov 30, 2011 for an unsecured vacant building*  
*- both front and rear doors were open*  
*- has been a registered vacant building since Aug 23, 2007*  
*- has a lot of history*  
*- work done for a cost of \$293 plus service chg \$155 = \$448*  
*- did not get police report back yet*

*Ms. Lehr:*

- there was no notification of any kind; not even a phone call (is that policy?); they would have done it, especially at 8:20 a.m. and much cheaper
- she knew of it only because Mr. Busch gave her the notice to appear here today
- their phone number has been place on all their buildings

*Ms. Moermond:*

- emergency boarding depends on what else is going on for the police officer at the time (other calls may be going on and the police cannot leave a site unsecured)
- will check the police report
- will lay this over for 2 weeks (Feb 21, 2011)

**Referred to the City Council due back on 3/21/2012**

- 36      **RLH TA 12-93**      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1203E, Assessment No. 128302 at 1030 WALSH STREET.

**Sponsors:**      Bostrom

**Attachments:**      1030 WALSH ST. ORDERS ON WALL.DOC  
                                  1030 WALSH ST.EC  
                                  1030 WALSH ST.PHOTOS  
                                  1030 WALSH ST. SA PAEC.DOC  
                                  1030 WALSH ST.PAEC PHOTOS

*No show; approve the assessment.*

**Referred to the City Council due back on 3/21/2012**

- 37      **RLH TA 12-87**      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1204B, Assessment No. 128103 at 1611 WESTMINSTER STREET.

**Sponsors:**      Brendmoen

**Attachments:**      Restoration Professional Invoice.pdf

*No show; approve the assessment.*

**Referred to the City Council due back on 3/21/2012**

- 38      **RLH TA 12-90**      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1203E, Assessment No. 128302 at 1623 YORK AVENUE.

**Sponsors:**      Bostrom

**Attachments:**      1623 YORK AVE. 1ST SA.DOC  
                                  1623 YORK AVE. 2ND SA.DOC  
                                  1623 YORK AVE. EC.DOC  
                                  1623 YORK AVE. PHOTOS 1.DOC  
                                  1623 YORK AVE.PHOTOS 2.10-24-11

*Delete the assessment.*

*RE: 1623 York Ave (single family)*

*John Schultz, owner, appeared.*

*Inspector Joel Essling:*

- Summary Abatement issued Sep 21, 2011; compliance date Sep 29, 2011
- Summary Abatement issued Oct 24, 2011; compliance date Oct 31, 2011
- re-inspection Oct 24 and found to be noncompliant for first SA
- dates are confusing because there were 2 Orders issued
- regarding storage and possibly a trailer

*Ms. Moermond:*

- is assuming it came into compliance and that's why were talking about Excessive Consumption

*Mr. Schultz:*

- he is not appealing anything
- he got a letter to come to this hearing and that's why he's here
- the yard is all cleaned up
- last year the gazebo had leaned over a bit; now, he has it braced up
- the garbage that originally started this was dumped by someone else onto his property while he was up at the lake
- he's a contractor and has some 2 x 4s laying around behind trees that no one can see from the street (also, all gone now)
- everything the inspector wanted done he had done with time to spare

*Mr. Essling:*

- inspector's notes 1-5-12: the only thing left is to tear down or fix up (assuming he means gazebo); gave him an extension to spring to remedy this
- earlier notes indicate that there's been quite a bit of clean up done on the property
- the Excessive Consumption fee is for noncompliance with the Summary Abatement issued Sep 21, 2-11 for refuse, rubbish, trash, sanitation issues on exterior
- after that, property was brought into compliance

*Ms. Moermond:*

- looking at 2 sets of Orders that largely outline the same kind of situation
- and the charge is for not being done with the work on Sep 29, 2011
- and, another set of Orders were written
- now, all is good except for the gazebo
- confusing with 2 sets of Orders on the same thing
- will recommend the Excessive Consumption fee be deleted

**Referred to the City Council due back on 3/21/2012**

- 39**      **RLH TA 12-115**      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1204, Assessment No. 128203 at 887 MARION STREET.

**Sponsors:**      Brendmoen

**Attachments:**      887 Marion St. First.pdf  
887 Marion St. Final.pdf

*No show; approve the assessment.*

**Referred to the City Council due back on 3/21/2012**

- 40**      **RLH TA 12-116**      Ratifying the Appealed Special Tax Assessment for Real Estate Project No.

J1203E, Assessment No.128302 at 1388 PALACE AVENUE.

**Sponsors:** Tolbert

**Attachments:** 1388 palace ave. sa.DOC  
1388 palace ave. photos.DOC

*Approve the assessment and spread the payments over two years.*

*RE: 1388 Palace Ave (single family)*

*Alphonse Kasinskas, owner, appeared.*

*Inspector Joel Essling:*

- Excessive Consumption fee
- Summary Abatement issued and re-inspection revealed that it was not in compliance
- subsequently, it became in compliance but a \$50 Excessive Consumption fee was initially issued for noncompliance
- no photo
- no other history (last complaint 2008)
- someone called the office Sep 2011 and said they hadn't seen the Appellant for a while and was concerned

*Mr. Kasinskas:*

- his initial complaint was due to a pile of scrap metal
- thanks to a storm, he resided his building and re-roofed
- he saved the scrap to dispose of it himself to help defray the cost of his deductible
- he did leave the pile out there too long
- he had his rain barrels stored in the back of the yard (for gardening)
- he didn't think the inspector's second visit was necessary
- if the inspector had been more instructive, it would have helped
- when you garden, there are things you need
- it isn't that he didn't want to clean things up, he needed clarification
- under hardship - has been out of work for 4 years
- going back to school - straining his budget

*Ms. Moermond:*

- will recommend Council approve this assessment (\$85) payable over 2 years
- City Council Public Hearing Mar 21, 2012

**Referred to the City Council due back on 3/21/2012**

41      **RLH TA 12-120**      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1204, Assessment No.128803 at 255 MARIA AVENUE.

**Sponsors:** Lantry

*Approve the assessment.*

*RE: 255 Maria Ave (rental units)*

*Mary Kay appeared.*

*Mary Kay:*

- landlord said he had paid a vacant building fee and for inspections (they hired Renters Warehouse to take care of these things)

- there was an extra charge (maybe for too many inspections) but landlord thought that he had already paid for everything
- landlord purchased this property in Jul 2011
- he is in the process of getting bids

*Inspector Matt Dornfeld:*

- a sale review check for \$275 was accepted Oct 24, 2011
- the vacant building fee went to assessment Dec 2, 2011; record does not show a check being received for the VB fee
- Inspector Friel issued a Summary Abatement Order Oct 10, 2011 (garbage, rubbish, tires) - the 3rd time he had been out there in 2011
- he issued a Work Order Mar 15, 2011 and Jun 13, 2011, Summary Abatement Aug 29, 2011
- mail was sent to Raven Financial LLC on Oct 10, 2011

*Ms. Moermond:*

- there are 2 pending assessments: 1) the vacant building fee (VB1204); and 2) and excessive consumption fee (J1203E) \$85
- a cancelled check from Renters Warehouse would be helpful
- will recommend the Excessive Consumption fee (\$85) be approved
- VB time period Nov 2011 - Nov 2012
- if Appellant can provide a cancelled check for the VB fee, the \$1,250 assessment will be deleted

**Referred to the City Council due back on 4/4/2012**

- 42      **RLH TA 12-122**      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1203E, Assessment No. 128302 at 255 MARIA AVENUE.

**Sponsors:**      Lantry

**Attachments:**      255 Maria.VB Fee Pymt Confirmation.7-18-2011.pdf

Approve the assessment.

RE: 255 Maria Ave (rental units)

Mary Kay appeared.

*Mary Kay:*

- landlord said he had paid a vacant building fee and for inspections (they hired Renters Warehouse to take care of these things)
- there was an extra charge (maybe for too many inspections) but landlord thought that he had already paid for everything
- landlord purchased this property in Jul 2011
- he is in the process of getting bids

*Inspector Matt Dornfeld:*

- a sale review check for \$275 was accepted Oct 24, 2011
- the vacant building fee went to assessment Dec 2, 2011; record does not show a check being received for the VB fee
- Inspector Friel issued a Summary Abatement Order Oct 10, 2011 (garbage, rubbish, tires) - the 3rd time he had been out there in 2011
- he issued a Work Order Mar 15, 2011 and Jun 13, 2011, Summary Abatement Aug 29, 2011
- mail was sent to Raven Financial LLC on Oct 10, 2011

*Ms. Moermond:*

- there are 2 pending assessments: 1) the vacant building fee (VB1204); and 2) and excessive consumption fee (J1203E) \$85
- a cancelled check from Renters Warehouse would be helpful
- will recommend the Excessive Consumption fee (\$85) be approved
- VB time period Nov 2011 - Nov 2012
- if Appellant can provide a cancelled check for the VB fee, the \$1,250 assessment will be deleted

**Referred to the City Council due back on 3/21/2012**

- 43      [RLH TA 12-124](#)      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1204A, Assessment No. 128503 at 1383 MINNEHAHA AVENUE EAST (Adopted by Council on February 1).

**Sponsors:**      Lantry

**Attachments:**      [1383 Minnehaha Ave E.Work Orders.10-26-11.pdf](#)  
[1383 Minnehaha Ave E.Email.9-14-11.pdf](#)

*Forthcoming - need to see video.*

*RE: 1383 Minnehaha Ave E (single family)*

*Randy Westby, owner, appeared.*

*Inspector Joe Yannarely:*

- there's no work sheet
- there's a pending assessment J1204A
- Summary Abatement Order issued Oct 19, 2011 for tall grass and weeds, garbage, rubbish and tires
- Compliance date Oct 25; found noncompliant
- Work done by Parks Oct 26, 2011 at a cost of \$160 for grass, \$130 for garbage, \$20 for tires plus service chg \$155 = \$465
- Cat 2 vacant building since Sep 2, 2010
- 11 Work Orders since then
- no photo; can get one in 2 weeks
- no video here today; one does exist

*Mr. Westby:*

*Has turned into a nightmare*

*Is an owner-occupied property since 1997 when he purchased the property*

*His son and he have lived there*

*He sold the property in 2004 on a Contract for Deed; got it back in 2006*

*Had a Truth in Sale and Housing statement done in 2007 and put the house on the market*

*His son said he wanted to live there and has been an occupant until 2010, at which time (falling on hard times), utilities were shut off and his son informed him that he hasn't been able to handle any of the responsibilities of it*

*He decided to put the house back onto the market*

*His son left the keys and garage door opener with the neighbor and told him to contact the neighbor because they were interested in buying it if he sold it to them*

*Contract for Deed*

*His son then left*

*Inspector Thomas called him to say there was someone living in the property without utilities; he told Mr. Thomas no one was supposed to be living there and asked for a chance to take care of it*

He was assured by Mr. Gheric, neighbor with keys and garage door opener, that he was not living there but he was over there to help maintain it;  
 He was willing to pay Mr. Gheric for maintaining the property  
 The property was in default at the time so he couldn't give Mr. Gheric an answer about buying the property at that point  
 He got another call from Mr. Thomas saying he was going to do an inspection the next day  
 Mr. Westby couldn't make it; he had just started a job and was on a 60-day probationary period so, he asked to re-schedule  
 He called Mr. Thomas a couple days later and found out that Mr. Thomas had already inspected and Condemned the property  
 When he went back to the property to get the keys and garage door opener, the city had already secured the property  
 It should never have been on the vacant building list in the first place  
 In Feb 2011, he found out that the property was in default but the mortgage property did not want the property  
 At that point, he didn't enter the property because he wasn't sure whether or not he still had a legal right to do so  
 He has been working diligently; the property is being maintained  
 All utilities are functional; furnace inspection had been done this past fall  
 He has been cleaning up since last spring  
 The large dumpster is in the garage because you can't put a dumpster out in that neighborhood  
 There's no reason for it to be Condemned  
 He will continue to occupy the property on weekend, etc., until he gets the property sold  
 This should not be on the vacant building list  
 Apologized to Inspector Yannarely for speaking abruptly with him yesterday; he's frustrated

Ms. Moermond:

Today, we're talking about a Summary Abatement Order  
 Would like to see the video of the clean up done Oct 26, 2011  
 Seems to be a long history of city doing the work

**Laid Over to the Legislative Hearings due back on 2/21/2012**

- 44      **RLH TA 12-123**      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1204B, Assessment No. 128103 at 575 FARRINGTON STREET.

**Sponsors:**      Carter III

Approve the assessment. (LHO needs to review fire report.)

RE: 575 Farrington St (single family)

Michael Chang, owner, appeared.

Inspector Joel Essling:

- Category 1 registered vacant building as of Nov 23, 2011
- boarding requested by Fire Dept Nov 21, 2011
- secure 3 windows plus an emergency fee: \$319.75 plus \$155 administration fee = \$474.75

Mr. Chang:

- house is vacant; still waiting for contractor who will start March
- still waiting for the blueprints

- waiting for the insurance

*Ms. Moermond:*

- this is something that insurance normally covers  
- explained that this assessment is for the boarding which happened right after the fire

*Mr. Chang:*

- didn't know why he owed money  
- if it's for the service of the Fire Dept, he is willing to pay for it  
- he lives at this address and he was not home at the time of the fire  
- his 2 daughters were home (16 and 14)  
- will re-occupy the property mid-Mar

*Ms. Moermond:*

- will take a look at the fire report  
- usually insurance will cover this cost  
- is inclined to recommend the Council approve this assessment  
- will provide Appellant with receipts from boarding company

**Referred to the City Council due back on 3/21/2012**

## 11:00 a.m. Hearings

### Summary Abatement Orders

45      **RLH VO 12-7**      Appeal of Michael Holloway, Southern Minnesota Regional Services, on behalf of Sheng Xiong to a Notice of Condemnation Unfit for Human Habitation and Order to Vacate at 928 EDMUND AVENUE.

**Sponsors:**      Carter III

**Attachments:**      928 Edmund.appeal.1-30-12.pdf  
                                 928 Edmund Ave.Photo 1-25-12.pdf  
                                 928 Edmund.Photos.1-23-12.pdf

*Forthcoming*

*RE: 928 Edmund Ave (single family)*

*Michael Holloway, Southern Minnesota Regional Legal Services, and Seng Xiong, renter, appeared.*

*Inspector Matt Dornfeld, Vacant Buildings:*

- Condemnation by Fire Inspector Lisa Martin  
- documented 23 code violations  
- Mr. Dornfeld opened a Category 2 Vacant Building Jan 25, 2012  
- Currently, it's illegally occupied  
- have outstanding Orders for garbage and refuse on rear porch entry way

*Fire Inspector Mike Urmann:*

- received under referral for no heating  
- inspector found no heating system that was working properly, a massive use of extension cords, overloaded electrical services and some other issues among them  
- the use of extension cords and overloaded electrical services were all due to space

heaters used to heat the facility

- subsequently, building owner has gone out and done work on the heating system without license or permit
- there are still some damaged electrical systems throughout the building
- photos on file
- believes that the building is in need of a Code Compliance Inspection to ensure that the heating system is corrected to code; the electrical system is corrected to code and tested to ensure that none of the damage inside the walls is missed; and ventilation for dryer

Mr. Holloway:

- family of 9 has lived at the property since Sep 2011
- the Certificate of Occupancy had been restored the previous month
- the case came to SMRLS Jan 18, 2012 because of no heat; Ms. Xiong complained of no other repair issues
- hadn't realized until he went to the Department of Safety and Inspections (DSI) that an inspector had been out and had slated it to be vacated by Jan 23, 2012 if the heat issue wasn't corrected
- he immediately commenced an ETRA the next day and got an Order that the heat be restored and it was
- subsequently, Al Harris, SMRLS' paralegal went out to look at the property and thought that it looked OK
- through conversations with Inspector Martin and other DSI staff, he understands that there are systemic issues that will need to be remedied before the property is habitable on a permanent basis
- essentially, the Xiong family needs a little more time to search for a new house; his office will assist with that
- currently, SMRLS is waiting on an Order from Referee Yannish, Housing Court, on a compliance hearing that occurred last week (landlord did not appear)
- SMRLS also presented evidence for a full rent abatement
- would like up to a month for the family to find a new place and move out or if possible, to get licensed professionals in to address the core life safety issues so that the family could stay there, rent free, until the full battery of inspections can be completed
- the heating system is working; landlord had fixed it; heat has not been a problem since Jan 24, 2012; so, the extension cords have not been used

Ms. Moermond:

- is not seeing an immediate vacate date in the letter
- sees one fried electrical circuit and tons of extension cords

Inspector Urmann:

- appears to be an immediate vacate due to the life safety issues of the lack of basic facilities and the overall load of electrical
- the issue is that when the space heaters were being used, they overloaded the electrical system - there is damage to the electrical system; so, an electrical short and a fire could be easily created - that is Fire's concern
- no carbon monoxide detector nor a dryer vent installed to code

Mr. Dornfeld:

- noted that #11 of the Condemnation letter states: "This occupancy is Condemned as unfit for human habitation. This occupancy must not be used until re-inspected and approved by this office." (Doesn't give a vacate date.)

Mr. Holloway:

- appreciates that this has been a problem address for DSI for a while and there

*might be some element of trying to send the landlord a message; he appreciates the need for that but if getting the necessary repairs done is the concern, he believes that can be done without necessarily ordering the immediate vacate of this family - it might be relevant that Judge Vandernort's Order in the Emergency Tenant Remedy Action in the first hearing, ordered the landlord to bring the place into compliance within 24 hours - do whatever necessary. The court deferred to DSI as to what exactly that would entail; so, technically, there's an argument that the landlord is still obligated to immediately make the necessary repairs to bring it up to code*

*Ms. Moermond:*

- wonders if there's a solution with closing down the "fried" electrical circuit*
- when this appeal was taken, no one called her office to say this was an immediate vacate; now, it's gone 2 weeks beyond the date it would have been*
- troubled that the landlord undertook the repair of the furnace on his own; she doesn't know whether or not the furnace is emitting toxins right now*
- would be able to live without the dryer vent being installed properly but Appellant would not be able to use the dryer*
- asked if Kay Wittgenstein has been contacted on this*

*Mr. Urmann:*

- spoke with Appellant's attorney in hallway and suggested that if we could get licensed contractors out there to ensure that the electrical system was functioning correctly and that the heating system was functioning correctly and that the dryer vent work could get done and provide carbon monoxide and smoke detectors throughout, there may be a way to keep the place occupied but someone has to ensure that those things are working*

*Mr. Holloway:*

- has not yet contacted licensed contractors about getting to the property*
- has not been working with Kay Wittgenstein on this*
- will email Ms. Moermond the Proposed Order for Relief he submitted*

*Ms. Moermond:*

- will hold off making a decision; however, Mr. Holloway has 48 hours to get licensed contractors into the property to look into things (make sure contractors are licensed for the City of Saint Paul and that they do the work under permit)*
- Mr. Holloway may want to get emergency housing financed*
- unless this can be taken care of very quickly, the landlord would be obligated to provide temporary housing*

*Mr. Dornfeld:*

- will change this to a Category 1 for this brief time so permits can be pulled without the Code Compliance Inspection Report*

**Referred to the City Council due back on 3/7/2012**

### **Orders To Vacate, Condemnations and Revocations**

46      RLH VO 12-4      Appeal of Joachim Breuer to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 727 DAYTON AVENUE.

**Sponsors:**      Carter III

**Attachments:** 727 Dayton.appeal.12-30-11.pdf  
727 Dayton.Photos.12-28-11.pdf  
727 Dayton RFCOOV.docx  
727 Dayton Ave.Breuer Ltr 1-13-12.doc  
727 Dayton Ave.Heating & Plumbing Inspection Document.pdf

*On February 17, 2012 Mr. Breuer submitted the heating and water report and based on Inspector Shaff's review of the report, she is satisfied with the report; therefore, Ms. Moermond recommends granting the appeal.*

*Grant the appeal provided property owner submit heating system and water heating report to Inspector Lisa Martin.*

*RE: 727 Dayton Ave (duplex)*

*Joachim Breuer, owner, appeared.*

*Fire Inspector Mike Urmann:*

- this appeal has been here before*
- there are no changes as to permits being pulled or permits being signed-off, so they are not sure that anything has changed in terms of the work that was required*
- he also has not received a specific work plan; perhaps, Ms. Moermond's office has*

*Mr. Breuer:*

- he sent a work plan about 2 weeks ago; it was attached to the original document; it had a summary table on the front noting when he expected everything to be completed*
- this issues were mostly because of a kitchen remodel*
- the kitchen remodel has been completed; final electrical check will take place tomorrow by the city*
- he expects the final, final expection to take place next week when the countertops go in*
- the guardrail on the front porch has been done (last week)*
- only 2 issues that haven't been addressed: 1) exterior painting; and 2) water heaters - 2 were installed in 2007 by Saint Paul Heating and Plumbing which never had a final inspection (he is still working with them to get this resolved); the City inspector said he wouldn't sign off of them because they were installed 7 years ago; he has 2 water heaters that work perfectly for which he can't get a sign-off because they are "too" old but there's nothing wrong with them*
- is maxed out on his credit cards; will need more time if he needs to replace the water heaters*

*Ms. Moermond:*

- asked that a fuel burning equipment test be conducted on the water heaters (form online; send to Inspector Lisa Martin)*
- (listed as Heating System Test Report online)*
- will recommend granting the appeal if it's burning properly*
- Appellant to call Ms. Moermond if having a problem when he calls a mechanical contractor*

**Referred to the City Council due back on 3/7/2012**

**Sponsors:** Thune

**Attachments:** [285 Goodhue.appeal.1-26-12](#)  
[285 Goodhue St.Stuurop Ltr 2-14-12.doc](#)

*Grant the appeal on the condemnation and order to vacate and vacant building registration notice.*

*RE: 285 Goodhue St (single family)*

*Charles Stuurop, owner, appeared.*

*Matt Dornfeld:*

- *this building was Condemned Jan 11, 2012 per Inspector Mitch Imbertson*
- *9 violations were documented*
- *Inspector Dennis Senty opened Category 2 Vacant Building Jan 17, 2012*
- *Inspector Senty found the house to be unoccupied and secured by normal means, a dumpster in driveway, damaged and missing storm and screens, took photos and posted a Vacant Building placard on front door; garage was secure - he documented a Chevy red collector plate #797409 in driveway*
- *also documented that on Jan 19, 2012 water has been restored by Saint Paul Regional Water Service*

*Fire Inspector Urmann:*

- *came to Fire as a referral for lack of basic facilities: water had been shut-off*
- *inspector found building to be vacant with multiple exterior and visible violations*
- *inspector issued Orders and referred it to Vacant Buildings; Condemned for lack of basics*

*Mr. Stuurop:*

- *appealing the Category 2 Vacant Building status and the fee*
- *he bought the house as a Category 2 and brought it up to code*
- *has been living there until a couple months ago because of financial reasons*
- *has kept the heat on and everything is being maintained*
- *inspector saw an extension cord; non-reflective numbers on the front of bldg; junk mail on front porch; 2 ripped-screens; plus the water being off*
- *water has been restored; reflective numbers are on front; extension cord has been removed from garage to house; re-screening*
- *everything on the list is either done or in the process of being completed*
- *he will move back into it when he can afford to live there full time or he will sell in spring*
- *if it's his primary residence, how does it fall into needing a fire inspection instead of a building inspector looking for violations (he thinks they're confusing him with living at 1165 West 7th St, which was his office); mail is also getting forward from one place to another*
- *currently (temporarily) he stays at 1232 Juliet Ave; before the water shut-off, he lived at 285 Goodhue*
- *once he received the Notice that the water was shut-off, he called Water and had it turned back on; he talked with Inspector Senty; and he called and talked with the Fire Inspector*
- *finally, his mail is coming directly to him at his father's address*

*Mr. Urmann:*

- *Appellant did not mention the Order on the side yard where the gas meter is positioned on the structure; Fire is requiring protection for the gas meter because it's located within the area of vehicle traffic*

- the reason Fire got this is because Ramsey County shows his primary address on 7th St  
 - now that the water has been restored, Fire withdraws their Order of Condemnation because the other issues, except protecting the gas meter, are not life-safety or habitability issues

Ms. Moermond:

- will recommend that the appeal be granted on the following conditions:  
 - the property must be occupied  
 - the Certificate of Occupancy must be re-instated (address items on list)  
 - if he is going to live there, he will not need to be in the C of O Program  
 - going to ask Mr. Dornfeld if Code Enforcement will issue an Order on protecting the gas meter only

**Referred to the City Council due back on 3/7/2012**

48      **RLH FCO 12-61**      Appeal of Antonio Grajeda and KaSandra Tidgwell to a Revocation of Fire Certificate of Occupancy and Vacant Building Registration Fee at 569 LAFOND AVENUE.

**Sponsors:**      Carter III

**Attachments:**      569 Lafond.appeal.1-24-12.pdf  
                                  569 Lafond Ave.Condemnation.12-29-11.pdf  
                                  569 Lafond Ave.Photos.1-19-12.pdf  
                                  569 Lafond Ave.Grajeda Ltr 2-14-12.doc  
                                  569 Lafond.Photos from Owner.2-7-12.pdf

*RE: 569 Lafond Ave (duplex)*

*Antonia Grajeda, owner, and KaSandra Tidgwell, appeared.*

Ms. Tidgwell:

- the house is completely done

Fire Inspector Mike Urmann:

- this appeal has been here before  
 - no work has been done under permit within the given time that Ms. Moermond directed  
 - since it was not complete of signed-off within the given time, it was referred to Vacant Buildings as a Category 2  
 - no application has been forward to his office with a change in address or anything else for the Certificate of Occupancy  
 - is seeing some recent permit activity: electrical was signed-off last month

Ms. Moermond:

- City Council granted them an extension

Ms. Tidgwell:

- she faxed over all documents Nov 8, 2011 to Ms. Moermond and Inspector Martin  
 - Mr. Grajeda faxed over the receipt for the fuel test  
 - they were not able to pull permits until Nov 18, 2011, 10 days after they were granted the appeal - (it hadn't been put into the computer system; she called Dennis

Sentry to put it in so that she could pull the building permit)

- Inspector Martin says she hasn't received any documents but the documents are listed in the computer
- the company that did the furnace test faxed the report to Inspector Martin's office themselves
- when they started to call Inspector Martin, she never answered nor did she return messages (they called her at all hours during the day)
- finally, they caught her on email at which time Ms. Martin said she had faxed Mr. Grajeda an email with the date for the inspection (if she didn't get any of their paper work, how would she know their email address)
- all their mail was still going to 581 Lafond Ave
- when they came down to file the appeal, they got the letter dated Jan 18, 2012 but online, the letter is date Dec 29, 2011 saying that she would be out to re-inspect on Jan 18, 2012
- everything on the list is done; she has photos to verify
- they have 2 excellent renters who wanted to move in on the 15th of this month
- Inspector Martin told Mr. Grajeda over the phone that inspection would take place on Jan 18, 2012 at 8 a.m. (they received no letter) Mr. Grajeda arrived at the property at 7:30 a.m.; Ms. Martin didn't show up until 9 a.m. (The appointment was actually scheduled for 9 a.m.; however, Ms. Martin told Mr. Grajeda, it was at 8 a.m.)
- Mr. Grajeda told Ms. Martin that he had really worked hard and did a lot of work; he thought she'd be impressed. She said, "You really didn't do nothing around here. You just put some paint on the walls. Oh! that's right, you did the bathroom floors." She acted as though he had done nothing to the property
- they put new ceramic tile floors on both bathrooms; Mr. Tidgwell sanded and refurbished the downstairs hardwood floors; they painted all the walls; lowered the ceilings in the bedrooms; put in new lights in entry way and closets; they put in a lot of work - time, effort and money
- they feel as though this is just harassment, almost; she acted as though she didn't received any of the documents we faxed over
- has photos to prove the place is totally done

Mr. Urmann:

- part of the communication issue is that they do not have an application stating the owner's change of address and where they want the paperwork sent; there's a form online to change the address
- Inspector Martin told him this morning that she had not received the paperwork; he would like a copy of that paperwork
- the inspector does not check the Legistar files; there's only 2 people in their office that get Legistar and we check that only at the time of appeal
- they have no notification if a timeline has changed; they don't have a staff member to monitor Legistar or City Council action minutes; we have only Ms. Moermond's direction for appeal

Ms. Moermond:

- a fair amount of paperwork they provided is in their Legistar file
- asked Mr. Urmann if his department checks the Legistar file and how do they know if the City Council changes something

Ms. Tidgwell:

- they need to get their renters in there; can't afford to let it set empty anymore or it will end up in foreclosure
- during this whole time, Mr. Grajeda hasn't worked at his job; he's been putting all his time and effort into this property
- all smoke detectors work and have batteries in them
- renters have already pulled a permit for a temporary pod; they want to move in

tonight

- entered photos
- in 2007, there was a full Code Compliance Inspection done

Ms. Moermond:

- will lay this over for 1 week
- will look over the materials
- will have the inspector take another look
- would like to speak with the inspector; especially about this damaged structural member (Appellant can show there's no damage to the basement structure at all - entered photos; he had installed 3 braces; Ms. Tidgwell will email more photos of basement)
- some things on this list had popped up before
- she has the extermination report and the fuel burning equipment text report
- will lay this over for one week; she will get back to the Appellant as soon as she can

**Laid Over to the Legislative Hearings due back on 2/14/2012**

## 1:30 p.m. Hearings

### Window Variances: Hearing Required

- 49      [RLH WP 12-4](#)      Appeal of Mike Lacroix and Rick Nyquist to an Egress Window Non-Compliance Determination at 1568 CHAMBER STREET.

**Sponsors:**      Bostrom

**Attachments:**      [1568 Chamber.appeal.1-6-12.pdf](#)  
                                 [1568 Chambers St.Lacroix Ltr 2-14-12.doc](#)

*Deny the appeal; grant a 90 day extension to come into compliance.*

*RE: 1568 Chambers St (single family)*

*Mike Lacroix appeared.*

Ms. Moermond:

- egress window height concern (14h x 37w); code says 24h x 20w
- is comfortable granting variances down to 16" in egress opening height
- will recommend denial of the appeal
- suggested he go to the City Council for a different outcome

Mr. Lacroix:

- it does meet the state building code: we took out the entire window and put in a full frame to accommodate the largest we could get into that opening; this is not a rental property so we don't need to meet the state fire code for rental properties
- the state building code says that "the replacement window size is the largest standard sized window and the replacement window shall be permitted to be the same operating style as the existing window, as long as it isn't used for rental."

Ms. Moermond:

- there's inconsistency between the state fire code and the state building code on egress windows. Also, it should be noted the codes apply to both owner-occupied and rental all properties.

*Fire Inspector Leanna Shaff:*

- the City of Saint Paul has a policy has a policy on egress windows, which applies to all properties; the policy is pretty much what the fire code says
- the fire code is a state code which applies to all properties; doesn't matter if is owner-occupied or non owner-occupied
- we believe that there's a minimum size needed for people who need to get out

Ms. Moermond:

- will recommend denial of the appeal; grant 90 days to come into compliance
- will receive an email letter confirming today's meeting results

**Referred to the City Council due back on 3/7/2012**

### Fire Certificates of Occupancy

- 50      **RLH FCO 12-68**      Appeal of Taib K. Ansera to a Fire Certificate of Occupancy Correction Notice at 1133 ARUNDEL STREET.

**Sponsors:**              Brendmoen

**Attachments:**          1133 Arundel.appeal.1-24-12  
    1133 Arundel.Fire C of O.1-10-08.pdf  
    1133 Arundel.Fire C of O.2-12-08.pdf  
    1133 Arundel.Photos.12-30-11.pdf  
    1133 Arundel St.Ansera Ltr 2-14-12.doc

*Grant a 7-inch variance on the openable height of the egress windows in the main floor bedroom; grant a 1-inch variance on the openable height of the egress windows in the second floor bedroom; grant a variance on the ceiling height in the basement; and deny the appeal on the driveway issue and grant an extension to September 1, 2012 for compliance.*

*RE: 1133 Arundel St (duplex)*

*Taib Ansera, owner, appeared along with his son, Biniam Ansera, who lives at the address.*

*Fire Inspector Leanna Shaff:*

- photos in Amanda
- Fire Certificate of Occupancy inspection conducted Dec 30, 2011 by Inspector Lisa Martin
- inspector cited 11 deficiencies
- egress windows - Ms. Moermond will recommend a variance for first and second floor windows
- the basement doesn't have egress window
- appealing basement ceiling height 6' 6" (code requires minimum ceiling height of 7 feet over half the floor area)
- exterior deck has issues

*Mr. Ansera:*

- a guardrail will be installed next to the driveway
- they plan to tear up whole driveway in about 4 months and put in a new one with the guardrail
- they want to know how they change the ceiling height in the basement; whole basement is 6 1/2 feet high
- have 1 bedroom in the basement with a sliding patio door

- it has a walk-in closet that's big enough to pass for a room (tenant had put his bed in that walk-in closet and used the bedroom as his living room at the time of inspection)
- tenant's new lease states that he must use the bedroom as a bedroom, not a living room and he must use the walk-in closet as a closet, not a bedroom
- now, the tenant is sleeping in the bedroom; we helped him move things around
- basement has a living room, bedroom with walk-in closet, bathroom, kitchen and a laundry room
- nothing was said before about ceiling height not meeting code

Ms. Moermond:

- is comfortable granting variances on the windows
- her concern is the ceiling height in the basement
- most of the time, you cannot change the ceiling height in the basement
- in Jan 2008, Appellant was told that bedrooms in lower level cannot be used for sleeping because they do not have legal escape windows
- will recommend granting a variance on the 6' 6" basement ceiling height

Mr. Ansera:

- driveway slopes downward
- inspector wants him to install a guardrail from the stairway coming down (will need to drill holes all along driveway to put in metal posts - will cost approximately \$1,100 - got estimate - just to tear it up several months to put in a new driveway with a garage in the back)
- they would like an extension of time to get the new driveway and 2-car garage foundation put in this coming summer - will be a large landscape project, as well (garage is planned to be constructed on foundation next year)

Ms. Moermond:

- will deny appeal and grant an extension to Sep 1, 2012 to complete driveway

**Referred to the City Council due back on 3/7/2012**

51      **RLH FCO 12-67**      Appeal of Richard Dufresne to a Fire Certificate of Occupancy Correction Notice at 1437 PACIFIC STREET.

**Sponsors:**      Lantry

**Attachments:**      1437 Pacific.appeal.1-20-12  
                                 1437 Pacific St.Dufresne Ltr 2-14-12.doc

*Grant the appeal.*

*RE: 1437 Pacific St (half double dwelling)*

*Fire Inspector Leanna Shaff:*

- Fire Certificate of Occupancy referral inspection conducted Jan 11, 2012 by Inspector Wayne Spiering
- inspector cites: remove the mold-like substance from the upper floor window frames and maintain the window frames in a good state of repair

Ms. Moermond:

- the appeal talks about the problem being excessive humidity; a de-humidifier had been put in and there was an expectation clearly discussed with the tenant that they would run the dehumidifier

Mr. Dufresne:

- there's a ceiling fan and baseboard electric heat in this unit
- there's nothing to circulate the air other than the ceiling fan or any other fans
- naturally, the excess humidity in the house will end up as condensation on the windows (a cold surface will attract all that moisture); the higher the humidity count, the worse the problem is
- has owned this property since 1995 and high humidity has never been an issue until this tenant
- when he entered the unit the day after receiving the Notice, he needed to take off his glasses for 10 minutes because of the high humidity
- since this tenant has been there, she maintains high humidity; boils water on the stove (he turned it off when he had been there fixing the refrigerator door and he got into trouble about it); she likes high humidity; is from the south, originally
- the ceiling fan does vent the place but the tenants don't use it
- you need an air exchange to get rid of the moisture
- they also do not use the dehumidifier
- they do use the bathroom fan on occasion but he has not heard the kitchen fan running
- the windows have not been cleaned since this tenant has been there; there's a maintenance problem
- their lease requires that the place is kept clean and sanitary

*Ms. Shaff:*

- inspectors see this quite a bit but usually on garden level or basement apartments
- must run the dehumidifier or using fans, range and bathroom vents

*Ms. Moermond:*

- it's clear Mr. DuFresne has taken all the steps he can to rectify the situation, at this point he is suffering property damage and the tenant is possibly experiencing effects of mold, but has the means at hand to address the situation.
- will recommend the Council grant this appeal

**Referred to the City Council due back on 3/7/2012**

**52**      **RLH FCO 12-25**      Appeal of Greg Pavlick to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 694 GRAND AVENUE.

**Sponsors:**      Thune

**Attachments:**      694 Grand.appeal.12-23-11.pdf  
                                  694 Grand Ave.Pavlick Ltr 1-13-12.doc  
                                  694 Grand Ave.Pavlick Ltr 2-14-12.doc  
                                  694 Grand Ave.Photos.2-2-12.pdf

*Grant the appeal.*

*RE: 694 Grand Ave (apartments)*

*Greg Pavlick, owner, appeared.*

*Fire Inspector Leanna Shaff:*

- this was heard before; a guardrail was being called out with intermediate ballistrades or rails 4 inches apart or less
- it was sent back to have a second look as far as the Heritage Preservation Commission (HPC) is concerned

Ms. Moermond:

- the wrong address was sent to the HPC on this
- current guardrails are 28.5 inches high (requirement is probably 34 inches)

Mr. Pavlick:

- inspector came back last week and took photos

Ms. Moermond:

- checking photos, noted that her opinion is that this is not an historic railing; although, it's perfectly good
- perhaps, it's 2nd or 3rd generation (Mr. Pavlick would bet that it's original)
- has seen another case like this and it was re-designed a little (she drew a diagram)
- if Christine Boulware, HPC staff says this won't be acceptable from an historic perspective, Ms. Moermond will recommend granting a variance; if Ms. Boulware says that this (diagram) is also an acceptable alternative, she will recommend against the variance

**Laid Over to the Legislative Hearings due back on 2/14/2012**

53

[RLH FCO 12-37](#)

Appeal of Tim Copeland to a Fire Inspection Correction Notice at 1501 YORK AVENUE.

**Sponsors:** Bostrom

**Attachments:** [1501 York.appeal.1-6-12.pdf](#)

*Inspector to verify that the windows do open when he goes out to re-inspect (Item 3); deny the appeal and grant an extension to July 1, 2012 to repair or replace the roof.*

RE: 1501 York Ave

*Tim Copeland and renter, Richard Ostaba, appeared.*

*Fire Inspector Leanna Shaff:*

- Fire Certificate of Occupancy conducted on December 27, 2011 by Inspector James Thomas
- 2 items out of 13 are being appealed
- no photos in Amanda
- #3 both bedrooms requiring egress windows won't open
- #11 provide and maintain the roof weather tight and free from defects
- inspector's notes: owner called and stated that he's not going to repair the roof; he would have to move out the tenant to do the repairs and he is not willing to do that. He is a contractor and he can do..... I gave him all the information to appeal and to talk with the supervisor. He also stated that the roof does leak and so what if all the shingles are ripped and torn

*Mr. Copeland:*

- he objects to what the inspector says in his notes; none of that is true
- the windows do open and they were opened in front of this inspector; he has a video to prove that

*Mr. Ostaba:*

- he has rented this property from Tim for 25 years; will be 87 years old next month and has fallen behind with some of these things he usually takes care of
- had a heart attack and throat cancer; the last couple of years he's had a hard time
- has done some of the things on the list; others will need to wait to spring and he will get his son to help him

- his landlord has been very good about providing help and he reimburses Mr. Ostaba for repairs he makes by subtracting the costs from his rent
- he and Tim have gotten along good together and Tim has always been there when he needed him
- is asking for more time to finish the list
- his son lives with him now
- the windows in his bedroom and also in his son's bedroom open up; he never has had trouble with those windows
- he and his son will be able to get out in case of an emergency; there's no problem there
- the windows are big; you can't open them with one finger

Mr. Copeland:

- the inspector was very impatient; he was in a hurry
- the frost was making the window stick
- the inspector said that you have to be able to open the window with one finger and Mr. Ostaba wasn't able to do that at that particular moment; after the room warmed up a little bit, the window opened easily (inspector was just looking for something to bark about)
- he had a video of them opening the window but security wouldn't let him bring it into the building (security made him bring it back to his car)
- the window sash cords do need attention and they will address that
- main reason they are appealing is because the opening paragraph in the letter mentions criminal fines and this time table is very tight (they appealed mainly to avoid trouble rather than not wanting to fix things)
- the roof has maximum layers on it; they will be re-roofing in the spring and it depends on Mr. Ostaba's condition
- he hasn't raised the rent in 20 years; Mr. Ostaba is like a grandfather to him and he would like Mr. Ostaba to be able to decide this; they are comfortable with the living situation; the roof does not leak
- the inspector sees evidence of prior leaks so, he cites it and says, "You're a criminal if you don't do this by Jan ..." so, that's why we're here; we're not criminals; we have an agreement on how to take care of this place; we both respect each other on how that agreement was made and we are motivated to make these repairs that suit us on the timetable that most logically fits
- he would be happy with a Sep 1, 2012 timetable for getting everything done, except for the roof - it's a major thing and we just want to keep patching it

Ms. Moermond:

- is comfortable with a roof repair; her concern is that is not leak
- is not comfortable with windows not opening until the room gets warm (Mr. Ostaba explained that he doesn't like to sleep in a hot room; he cracks his bedroom window open at night during all seasons, no matter what the temperature, so that he gets a little cool, fresh air coming in; with his heart problems, it's harder for him to breathe when it's too hot; he likes it cool--- and his son keeps his bedroom window open most of the time)
- will deny the appeal and grant an extension to Jul 1, 2012 for the roof repair or replacement
- inspector will re-inspect to see whether or not the windows open

Mr. Copeland:

- will probably have this property put into Mr. Ostaba's name by Jul 1, 2012; he's like family and he will then be able to avoid these inspections

**Referred to the City Council due back on 3/7/2012**

Notice at 818 OCEAN STREET.

**Sponsors:** Bostrom

**Attachments:** 818 Ocean.appeal.1-19-12.pdf

*Deny the appeal. (Appellant appeared for hearing; however, he left without having a hearing).*

**Referred to the City Council due back on 3/7/2012**

55      **RLH FCO 12-53**      Appeal of Kari M. Miner to a Fire Certificate of Occupancy Correction Notice at 601 HYACINTH AVENUE EAST.

**Sponsors:** Bostrom

**Attachments:** 601 Hycinth.appeal.1-19-12.pdf

*Grant the appeal and property owner is removed from the Fire Certificate of Occupancy Program.*

*RE: 601 Hyacinth Ave E (single family)*

*Kari Miner, homesteader, appeared.*

*Ms. Miner:*

- this has never been a rental property; she has been there for 30 years*
- her sister bought the house for a \$1 from her mother and Ms. Miner has been homesteading since then*
- a friend advised her sister to change this to a rental property (ill-advised)*
- she paid the mortgage off long ago; all she pays now is insurance and taxes*

*Ms. Moermond:*

- it doesn't matter to her whether or not the property is homesteaded*
- this property has been in the family for a very long time and is the equivalent of being owner-occupied*
- she will recommend that this property be removed from the Fire Certificate of Occupancy Program*

**Referred to the City Council due back on 3/7/2012**

56      **RLH FCO 12-60**      Appeal of Tony Hoong to a Fire Certificate of Occupancy Inspection Correction Notice at 584 LAWSON AVENUE WEST.

**Sponsors:** Brendmoen

**Attachments:** 584 Lawson.appeal.1-25-12.pdf  
584 Lawson Ave W.Photos.1-20-12.pdf  
584 Lawson Ave W.Hoong Ltr 2-14-12.doc

*Deny the appeal for the ceiling heights and stairwell issues but allow continued use of laundry facility in the basement; deny the appeal and grant an extension to July 1, 2012 for exterior painting of the garage/shed.*

*RE: 584 Lawson Ave W (single family)*

*Tony Hoong, Zheng Rental Properties, appeared.*

*Fire Inspector Leanna Shaff:*

- photos in Amanda
- Fire Certificate of Occupancy inspection conducted on Jan 4, 2012 by Inspector Lisa Martin
- #2 - attic's been converted into bedrooms but has a very low ceiling height
- inspector's notes: the landing to the second floor measures 5' 10", then, as you approach the 2nd floor, the ceiling is slanted from 4' 1" to 5' 8" at the top of the stairs
- there's not way that even someone of her height could go up those stairs without hitting their head
- the TISH Report mentions low head room, open guardrail

*Mr. Hoong:*

- #18 same specifics of #2
- #3 and #4 just want more time to paint the garage and the shed
- big issues: 1) ceiling height of upstairs along with the stairwell; and 2) basement measures 5' 8" ceiling height except for laundry area where ceiling height is 6' 7"
- he just purchased the house and didn't know about these code dimensions and measurements for rental; they didn't know about any of these rules
- don't have a clue about how to heighten the stairwell (need to slouch)
- they were able to easily get up to the attic to remodel it, even with sheets of sheetrock
- the main floor has no place to sleep - no bedroom; only a kitchen, living room and a bathroom

*Ms. Moermond:*

- doesn't think the stairwell ceiling can be raised
- has a big problem with using this attic for a sleeping area
- will recommend denial on attic ceiling height; stairwell, itself is not acceptable
- cannot use attic for sleeping; however, if you yourself are living there, I'm not going to check where you are sleeping at night
- if you yourself live there, you can sleep anywhere you want but if you rent it out, it must be in the Certificate of Occupancy Program, which will not allow you to sleep in this attic
- suggests he take this issue to the City Council Public Hearing Mar 7, 2012 at 5:30 pm; until then, enforcement is stayed
- will recommend and extension for painting to Jul 1, 2012
- can keep the washer and dryer in the basement (the only use that can remain in basement)

**Referred to the City Council due back on 3/7/2012**

57      RLH FCO 12-77      Appeal of Steve Matysik, on behalf of Alan and Katherine N. Yngve, to a Reinspection Fire Certificate of Occupancy With Deficiencies at 1252 JAMES AVENUE.

**Sponsors:**      Tolbert

**Attachments:**      1252 James.appeal.1-2-12.pdf  
    1252 James Ave.Matysik Ltr 2-14-12.doc

*Deny the appeal and grant an extension to July 1, 2012 for exterior painting; grant a 3.5-inch variance on the openable width of the egress window in the first floor bedroom; grant a 1-inch variance on the openable height of the egress windows in the second floor southwest and north bedrooms.*

*RE: 1252 James Ave (single family)*

Steve Matysik, friend, here on behalf of Alan and Katherine N Yngve.

Ms. Moermond:

- owners are currently living in Beirut, Lebanon under a work contract

Fire Inspector Leanna Shaff:

- Fire Certificate of Occupancy re-inspection conducted Jan 27, 2012 by Inspector Rick Gavin

- the list includes 10 items

- inspector notes that no one showed for multiple inspections

- inspector has boldened this: #9 - provide access to the inspector on Feb 27, 2012

Mr. Matysik:

- is a remodeling contractor and a realtor

- the Yngves asked him to look after the property for any necessary repairs, etc.

- has taken it upon himself to be here today to represent the Yngves

- he should have been contacted about the inspection but wasn't

- notice was probably sent to the Yngves and the tenant, who did take very good care of the property- it was in better condition when she left than when she first moved in; she did her best to get communications to Mr. Yngve in Beirut by email

- eventually, Mr. Yngve contacted him and let him know that there was going to be an inspection on Dec 27, 2011 (Mr. Matysik met the inspector there at that time and they went through the list of 20 items)

- that day, Mr. Matysik promised to make sure that there was a new fire extinguisher in the kitchen and that he would get smoke detectors in the bedrooms and CO detector near the bedrooms on upper floor

- Mr. Matysik started to make repairs as Mr. Yngve authorized them

- he recommended that Mr. Yngve either hire a professional management service that offers all the services he would need or that he authorize Mr. Matysik to get what needs to be done so he can maintain the Certificate of Occupancy

- Inspector Gavin was kind enough to re-schedule a re-inspection for Jan 27, 2012; he met him there

- out of 20 items, all but 3 items remain

- appealing the windows and paint and scrape to end of May

- he cleared the brush pile in the back yesterday

- he ordered a handrail which was installed last week by Selby Iron Works for the front walkway

- he still needs to modify the handrail on the second floor to bring up to code height

- he and Inspector Gavin are emailing their communication; he will be at property Feb 27, 2012

Ms. Moermond:

- will recommend granting an extension to Jul 1, 2012 for exterior painting to come into compliance

- will recommend granting variances on each window

**Referred to the City Council due back on 3/7/2012**

## 2:30 p.m. Hearings

### Vacant Building Registrations

58      [RLH OA 12-18](#)      Appeal of Kristina Beedle to a Code Compliance Report at 23 ISABEL STREET WEST.

**Sponsors:** Thune

**Attachments:** [23 Isabel.appeal.1-26-12](#)  
[23 Isabel St W.Photos.9-15-11.pdf](#)  
[23 Isabel St W.Vacant Building Registration.9-21-11.pdf](#)  
[23 Isabel St W.Email.2-6-12.pdf](#)  
[23 Isabel.Photo of Driveway.2-7-12.pdf](#)  
[23 Isabel.Photos of Neighboring Driveways.2-7-12.pdf](#)  
[23 Isabel St W.Ubl Email.2-17-12.pdf](#)

*Appellant to submit a 5-year work plan to building inspector and Legislative Hearing Officer for review. Recommendation is forthcoming.*

*RE: 23 Isabel St W (single family)*

*Kristina Beedle, owner, appeared.*

*Ms. Beedle:*

- she and he husband bought the property thru Remax Realty; had been Fannie Mai owned
- was a Category 2 Vacant Building
- they demonstrated that they could fix it up
- it used to be a duplex; former owners converted it back to a single family (1994)
- her dream house; they have been trying to get this house since Mar 2011; closed Dec 31, 2011
- this is about windows
- Jim Seeger says that "every window in the house needs to have a storm window on it" because they are single panes of glass; currently, not every window has a storm window - 2 storm windows are broken (fill fix) - but there are some windows which don't have storm and it's unclear whether or not they were constructed that way. For instance, to make a storm window for a window in the turret costs \$5,000 because it's curved glass and it needs a curved pane.
- they are arguing the need for storm windows on the windows that currently don't have them
- Mr. Ubl said he would interpret the need for storms as "every window that has a storm window needs to be functioning properly and cannot be broken"
- they are more than willing to put screens on all the windows
- there are 58 windows in the home; the cost would be too much right now; her husband will re-create all the windows anyway, over a period of time - they will put insulated glass into all the windows

*Senior Building Inspector Steve Ubl:*

- Category 2 Vacant Building; vacant since Sep 19, 2011
- a list of corrections was created from the Code Compliance Report
- provide complete storms and screens, in good repair for all door and window openings; he read a section in the Saint Paul Legislative Code: every window required for ventilation or other outside opening used for ventilation purposes shall be supplied with a screen. If doors have screen doors or storm doors, then the screen/storm door must be maintained
- has not been to the site himself

*Fire Inspector Leanna Shaff:*

- she and Ms. Moermond checked out the photos
- doesn't look as though all the windows have the add-on after market storms
- also looks as though there never were storms for some windows

*Ms. Beedle:*

- they don't have a problem fixing what's broken
- are on probably a 5-year plan to get things in place
- will send Ms. Moermond a copy of their 5-year plan on the windows

*Ms. Moermond:*

- if the glass panes are fine and there's a plan in place for getting the rest of these things done, she doesn't think that this particular item should slow up the issuance of the Certificate of Code Compliance (Mr. Ubl thinks that's a wonderful idea- could meet on site to discuss)
- Mr. Ubl can describe to her how he wants things after he has been on site
- regarding the attic floor boards and insulation

*Mr. Ubl:*

- code compliance report states: repair attic floor boards and insulate to code
- he thinks that should have been broken into 2 distinct line items
- the insulation requirement refers to a couple of sections in the Saint Paul Legislative Code

*Section 34.1-6: the owner must maintain a minimum room temperature of 68 degrees Fahrenheit at 5 feet above the floor. Installation, repair, alteration of the heating facilities, space heaters and water heating facilities shall be in accordance with Saint Paul Legislative Code Chapter 33 and the state mechanical code.*

*Section 34.02: there exists in the city structures which are now and which may in the future become substandard with respect to structure, equipment, maintenance or energy efficiency.*

- Those two sections of the Legislative Code direct an inspector to have insulation install where exposure is accessible such as an attic. If a component of the building envelope is lacking significant resistance to heat loss or heat gain, it would typically be called out on the Code Compliance Report. To ensure that the heating appliance can perform to the minimum standards of the Legislative Code and the mechanical code, an energy audit of the building should be provided to the Department of Safety and Inspections (DSI) to confirm that the heating appliance can maintain the minimum required room temperature.
- those 2 directives from the code suggest that there needs to be an insulated attic
- at the end of the day, if there's no resistance, regardless of use of the attic, there is a question as to whether the appliances can handle the load

*Ms. Beedle:*

- the attic is insulated in the rafters; because it's a peaked attic and will not be used as habitable space, only storage, because there are clearance issues
- does an attic need to be brought up to R-38? (Code is R-44)
- they intend to repair the floor boards
- certainly will consider doing an energy audit
- entered photos of driveway
- rocks go up to the sidewalk and lead up to the concrete apron on the garage
- believes the street is blacktop
- eventually, they want to do a paver driveway (Mr. Ubl added that a driveway needs to have like, same or similar materials as street)

*Ms. Moermond:*

- suggests contacting either Ann Hunt or Kurt Schultz regarding an energy audit- will know all the possible programs for getting this addressed
- Karen Reid, (Neighborhood Development Alliance) NEDA, may also have some ideas around energy
- would like to see this as part of their long term plan

- regarding driveway - looks like fresh rock
- asked Mr. Ubl if he would feel comfortable writing a Correction Order separate from the Certificate of Code Compliance if they do a long-term plan for the storms, the attic boards and possibly, the driveway, to which Mr. Ubl replied, "Most certainly. Any extension for any item that is not completed will be attached to the Certificate of Code Compliance. It is something we rarely do but there are exceptions."
- Mr. Ubl will have a chance to meet Ms. Beedle on site to take a look at the windows, the floor boards, the insulation and the driveway
- wants to see a 5-year work plan

**Laid Over to the Legislative Hearings due back on 2/28/2012**

59      **RLH VBR 12-6**      Appeal of Brad Nilles, Calabash Properties, to a Vacant Building Registration Notice at 549 SELBY AVENUE.

**Sponsors:**      Carter III

**Attachments:**      549 Selby.appeal.2-7-12.pdf  
                                  549 Selby Ave.Photos 1-8-12.pdf  
                                  549 Selby Ave.C of O Revocation 1-9-12.pdf  
                                  549 Selby Ave.Nilles Letter 2-7-12.pdf  
                                  549 Selby Ave.Fire C of O Revocation.11-14-11.pdf  
                                  549 Selby Ave.Fire C of O Revocation.12-9-11.pdf

*Deny the appeal and waive the building fee for 90 days.*

*RE: 549 Selby Ave (duplex)*

*Brad Nilles, Calabash Properties, owner, appeared.*

*Fire Inspector Leanna Shaff:*

*- photos in file*

*Inspector Matt Dornfeld, Vacant Buildings:*

- Mr. Dornfeld opened a Category 2 Vacant Building file Jan 10, 2012 due to a Certificate of Occupancy Revocation Notice by Fire Inspector Beumer
- at the time of Mr. Dornfeld's inspection, a building permit was posted in the front window and contractors were present rehabbing the home
- he notified the contractors of the Revocation and they said they would pass along this information to the property owner
- posted the Vacant Building placards and left his business card
- Inspector Beumer documented 41 code violations in his Revocation Report
- Jan 10, 2012, a warm air ventilation permit was pulled
- currently, there are 2 open permits

*Mr. Nilles:*

- appealing the Vacant Building status because the building is vacant but it is entirely repaired and renovated; ready for immediate occupancy with a verification from the inspectors that all items have been completed
- the 2 permits have both been inspected
- at the time he found out that the building had been categorized as a Vacant Building on Jan 16, 2012, the work was nearly finished (that was the first he had heard about it); so they simply completed the permitted work and the other cosmetic type work and then appealed the categorizing of it as a Vacant Building
- Dec 2, 2011, he was asked by Inspector Beumer to present a timeline as to when

*the work would be finished; he estimated it would take approximately 30 days to finish all the items in his report*

- subsequent to that, the last tenant moved out and the apartment had sustained some extra damages that neither he nor Mr. Nilles was aware of so, he decided to do a full scale overhaul of the building since both tenants had left - he didn't, however, communicate that directly to Mr. Beumer; he expected that it would take a little bit longer and he thought he'd explain that to Mr. Beumer when he next heard from him
- Mr. Beumer had issued a revised, slightly shorter report on Dec 9, 2011 and in it he said he would be out to do an inspection on Jan 6, 2012 but he didn't follow that notice up with an inspection appointment letter, which inspectors typically do
- his property manager was at a funeral at 11 am on Jan 6, 2012 but they hadn't expected him to come out because they hadn't gotten the confirmation
- Mr. Beumer came out and did a very thorough inspection Jan 6, 2012 but he didn't communicate anything from that inspection to Mr. Nilles
- 10 days later, he got Notice that it had been declared a Vacant Building
- on Jan 6, 2012, Mr. Beumer would have certainly noticed that many of the items had been completed; and most, if not all of the others, were in some progress of being completed; and he would have also noticed that a lot of other work was on-going, which wasn't required by his report

*Ms. Moermond:*

- pointed out for the record that the letter that was sent to Mr. Nilles by the Fire C of O Program on Dec 9, 2011 states in bold letters that there would be a re-inspection Jan 6, 2012 at 11:00 a.m.

*Fire Inspector Leanna Shaff:*

- Jul 5, 2011 they received a complaint for overcrowding; too many people living at the address; loud noises - banging metal coming from garage at all hours of the day
- Inspector Beumer went out Jul 6, 2011 and inspected lower unit (occupant allowed access) - unit was not overcrowded; issued Orders and transferred to the C of O (the bldg was due for a C of O, so when they go out on a complaint, they schedule it)
- Aug 4, 2011 the C of O inspection done; no access to unit 2
- lower unit was unoccupied and under renovation; basement is wet - has a mold like substance
- Sep 9, 2011 inspected upper unit; little work done from previous Orders
- Nov 14, 2011 little progress made; took pictures; per LS, Leanna Shaff, Revoked with a 2-week Vacate date (tired of waiting for repairs to get done)
- Nov 15, 2011 received a mold abatement letter
- Nov 18, 2011 received a residential heating report
- it was explained to property owner that DSI needed a work plan with a reasonable compliance date
- Dec 2, 2011 received a work plan from the property owner; owner was given 30 day extension
- upon re-inspection, all work was not completed per work plan; some new deficiencies noted; took pictures and sent to the Vacant Building Program
- photos speak for themselves
- there was no electrical permit (photo #15 clearly shows date of manufacture of wire 8-13-11; last electrical permit was issued 2-23-09 and closed
- photo #16 - can see that wire comes from a new box
- photo #21 - smoke detector was painted and textured
- this bldg is clearly unoccupied, has multiple code violations and the owner was given enough time to comply

*Mr. Nilles:*

- they don't have an electrical permit out on this (their company is a licensed electrical contractor and the work was done by an electrician); it was completed toward the end

*of their overall work; by the time it was completed, the bldg had already been listed as a Vacant Building so they couldn't pull a permit for it (was a very minor repair which took less than 30 minutes)*

*- the 30-day period of his letter was a number that he chose; he was not told by anyone else that he had 30 days to finish anything; he decided to estimate that it would take them 30 days to finish and at no time did anyone, including anyone in this room, ever communicate to him or to any of his staff that there would be any kind of certain or even probable results if they weren't finished in 30 days (Ms. Shaff stated that they Revoked his Fire C of O initially on Nov 14, 2011 and ordered the property vacated Nov 30, 2011 at 1:30 pm. When Appellant didn't have the work done, she directed Inspector Beumer to call the owner/staff to give him a heads-up that this is what will happen and if the Appellant didn't want the bldg vacated, he had better submit something.)*

*- Inspector Beumer did not tell Mr. Nilles that he had 30 days to finish; there's no letter from Ms. Shaff or Mr. Beumer (Ms. Shaff responded that the second letter says that a Re-inspection will be made on Jan 6, 2012; the letter states: "failure to immediately complete the following deficiency list or the building vacated may result in a criminal citation." Mr. Nilles said that he didn't read that in the way Fire, apparently meant it*

*- after the writing of the letter on the 2nd, they expanded their scope of work and he thinks that it should shock anyone or find it necessary for anyone to fine him or criminalize him because they took about 2-3 extra weeks to finish the significantly expanded scope of work*

*- bottom line is that now all the items are now complete*

*- bldg inspectors have inspected re-roofing of the house; all the HBAC work*

*- he will pull a permit for the minor elect work; however, he can't now because of the status of the bldg*

*- he understands what vacant buildings are about; his company renovates vacant buildings for a living and this is a bldg that's ready to be occupied and should be occupied*

*- if Inspector Beumer or anyone else would just go over there and spend a normal amount of time (or maybe Ms. Shaff, herself), they will see that all these items are finished, and that being the case, the bldg shouldn't be classified as a vacant bldg - to do so is a real hardship for them (it's an \$1,100 fee; a whole team of inspectors going out even if they've just inspected it within the last week and already signed off; and it loses at least a month's worth of rent that is unnecessary)*

*- the work is done and under the circumstances, it makes every bit of sense to at least, inspect it and verify that it's ready and allow the bldg to be occupied*

*Mr. Ubl:*

*- photos show that a lot of work needed to be done: 1) ventilation; 2) plumbing systems; etc. and he has no idea whether that work was permitted, inspected or finalized*

*Mr. Nellis:*

*- they pulled a HBAC permit and a general building permit; both have been inspected*

*- the HBAC inspector asked that the contractor return and do several items, most significant of which was to downsize the chimney liner from 10" to 5"-6" (done this morning); building permit final inspection today at 1 pm*

*- there was a crack in the pvc piping which was replaced*

*- the work on this bldg took longer than it should have or could have*

*- the issue in this case, he thinks is that Ms. Shaff feels that she communicated to him that they had 30 days, a drop dead period; and he didn't get that impression and neither did anyone else; he was asked by Inspector Beumer to estimate on paper how long he thought it would take to finish the work, which he did*

*- if the whole purpose of these reports is to get the work done, then Inspector Beumer*

succeeded, totally; all succeeded - so, why penalize them as the owners of the bldg by, in effect, by criminalizing the bldg and them and causing significant losses of rent

Ms. Shaff:

- noted that every time they get one of is inspections, it's like pulling teeth to get the bldg into compliance. (Mr. Nellis thinks that's not a fair characterization - they own 30 bldgs in Saint Paul and Fire hasn't had issues with them on most of them.)  
- it's not until they take enforcement action, typically, that Mr. Nellis steps up and tries to get the bldg into compliance

Ms. Moermond:

- she sees a laundry list of items that have repeated themselves through a number of months  
- she thinks that the first paragraph of the letter was really clear as to the next round of expectations  
- the Vacant Building code requires that buildings become Registered Vacant Buildings when they are unoccupied and have multiple housing or building code violations  
- based on past history, Mr. Nellis is probably not completely done with the list  
- she would be more comfortable agreeing that things were done after a Certificate of Code Compliance has occurred  
- will recommend the Council waive the vacant building fee for 90 days; if the Certificate of Code Compliance can be issued within that time, the VB fee would not be due

Mr. Nellis:

- in Aug 2011 there was a complaint of noise and overcrowding that upon inspection, was found to be groundless; later in summer and fall, there was a Fire Certificate of Occupancy Inspection Report and a list and on each subsequent inspection, there was progress made; the work was done slowly, it was not being ignored  
- at this point, all is done and any inspector can go out and verify that they are done

Ms. Moermond:

- wants a team of inspectors to go out to make sure this housing is safe  
- the code tells her that this is a bldg that should have a Certificate of Code Compliance before it can be re-occupied  
- what she sees here meets the definition of what should be a Registered Vacant Building; it's unoccupied and has multiple housing/building code violations  
- if the bldg is almost there, then the Certificate of Code Compliance will be very fast and the Appellant won't have much left to do  
- suggested that Appellant go to City Council Mar 7, 2012 at 5:30 to ask for a different outcome

**Referred to the City Council due back on 3/7/2012**

### 3.00 p.m. Hearings

- 60      [RLH SAO 12-4](#)      Appeal of Diana K. Turner to a Summary Abatement Order at 773 WHITE BEAR AVENUE NORTH.  
**Sponsors:**      Lantry

**Attachments:** [773 White Bear N.appeal.1-17-12.pdf](#)  
[773 White Bear Ave N.Photos.1-20-12.pdf](#)  
[773 White Bear Ave.Turner Ltr 1-26-12.doc](#)  
[773 White Bear Ave.Email & Abatement Plan 2-7-12.pdf](#)  
[773 White Bear Ave.Turner Ltr 2-14-12.doc](#)

*On February 7, 2012, Ms. Turner submitted an abatement plan for review and also stated there has been a 50% reduction of the materials. Based on this, Ms. Moermond recommends that the City Council grant the appeal provided that owner adheres to the abatement scheduled work plan attached to this record.*

**Referred to the City Council due back on 3/7/2012**

### Staff Reports

- 61 [RLH FCO 12-36](#) Appeal of Colleen Link to a Fire Certificate of Occupancy Re-Inspection With Deficiencies (Condemnation Unit 5) at 1023 GRAND AVENUE.

**Sponsors:** Thune

**Attachments:** [1023 Grand.appeal.1-9-12.pdf](#)  
[1023 Grand.Photos.10-4-11.pdf](#)  
[1023 Grand Ave.Link Ltr 1-13-12.doc](#)  
[1023 Grand Unit 5.Photos.2-6-12.pdf](#)

*On February 7, 2012 Inspector confirmed that owner made good progress; therefore, Ms. Moermond recommends that the City Council grant the appeal and grant additional three weeks for compliance.*

RE: 1023 Grand Ave

*No one appeared. (staff report)*

*Fire Inspector Leanna Shaff:*

- Appellant reduced more than 50% that was required*
- Appellant has also signed up with the Emily Program*
- she is making huge progress*

**Referred to the City Council due back on 3/7/2012**

- 62 [RLH FOW 12-34](#) Appeal of Judd Andrews to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 1810 MARSHALL AVENUE.

**Sponsors:** Stark

**Attachments:** [1810 Marshall.appeal.1-17-12.pdf](#)  
[1810 Marshall Ave.Window Photo 1.1-26-12.pdf](#)  
[1810 Marshall Ave.Window Photo 2.1-26-12.pdf](#)  
[1810 Marshall Ave.Fire C of O Orders.2-1-12.pdf](#)

*Laid over for inspector to measure windows.*

RE: 1810 Marshall Ave

*No one appeared (staff report)*

*Mai Vang:*

*- photos have been submitted*

*Fire Inspector Leanna Shaff:*

*- new Orders were re-written to clarify window issues*

**Laid Over to the Legislative Hearings due back on 2/21/2012**

**Window Variances: No Hearing Necessary**

- 63 [RLH FOW 12-41](#) Appeal of Tony Swanson, on behalf of Public Housing Agency of St. Paul, to a Fire Certificate of Occupancy Correction Notice at 1621 ARLINGTON AVENUE EAST.

**Sponsors:** Bostrom

**Attachments:** [1621 Arlington.appeal.1-23-12](#)  
[1621 Arlington Ave E.Swanson Ltr.1-31-12.doc](#)

*No hearing necessary; grant a 3-inch variance on the openable height of the egress bedroom windows.*

**Referred to the City Council due back on 3/7/2012**

- 64 [RLH FOW 12-40](#) Appeal of Patrick McGann to a Fire Certificate of Occupancy Correction Notice at 839 ASHLAND AVENUE.

**Sponsors:** Carter III

**Attachments:** 839 Ashland.appeal.1-18-12.pdf  
839 Ashland Ave.McGann Ltr.1-31-12.doc

*No hearing necessary; grant a 2.5-inch variance on the openable height of the egress window in the north bedroom.*

**Referred to the City Council due back on 3/7/2012**

- 65 [RLH FOW 12-42](#) Appeal of Tony Swanson, on behalf of Public Housing Agency of St. Paul, to a Fire Certificate of Occupancy Correction Notice at 1268 BREEN STREET.

**Sponsors:** Bostrom

**Attachments:** [1268 Breen.appeal.1-23-12](#)  
[1268 Breen St.Swanson Ltr.1-31-12.doc](#)

*No hearing necessary; grant a 2-inch variance on the openable height of the egress bedroom windows.*

**Referred to the City Council due back on 3/7/2012**

- 66 [RLH FOW 12-43](#) Appeal of Tony Swanson, on behalf of Public Housing Agency of St. Paul, to a Fire Certificate of Occupancy Correction Notice at 1451 CLARENCE STREET.

**Sponsors:** Bostrom

**Attachments:** [1451 Clarence.appeal.1-23-12](#)  
[1451 Clarence St.Window Photo.1-20-12](#)  
[1451 Clarence St.Swanson Ltr.2-1-12.doc](#)

*No hearing necessary; grant an 8-inch variance on the openable height of the egress bedroom windows.*

*Based on a review of the photograph provided by PHA staff, it is evident that the openable dimensions of the window are greater than those in the order. The openable height was shown to be 16 inches, rather than 14 inches.*

**Referred to the City Council due back on 3/7/2012**

- 67      **RLH WP 12-11**      Appeal of Daniel Schmidt, on behalf of the Department of Public Health, to an Egress Window Non-Compliance Determination at 730 COMO AVENUE.

**Sponsors:**      Brendmoen

**Attachments:**      730 Como.appeal.1-20-12  
730 Como Ave.Public Health Ltr 1-31-12.doc

*No hearing necessary; grant a 2-inch variance on the openable height of two double hung replacement egress bedroom windows measuring 22 inches high by 25.2 inches wide.*

**Referred to the City Council due back on 3/7/2012**

- 68      **RLH FOW 12-44**      Appeal of Tony Swanson, on behalf of Public Housing Agency of St. Paul, to a Correction Order at 765 HAZELWOOD STREET.

**Sponsors:**      Lantry

**Attachments:**      [765 Hazelwood.appeal.1-23-12](#)  
[765 Hazelwood St.Swanson Ltr.2-2-12.doc](#)

*No hearing necessary; grant a 2-inch variance on the openable height of the egress windows in the west side bedroom.*

**Referred to the City Council due back on 3/7/2012**

- 69      **RLH FOW 12-45**      Appeal of Tony Swanson, on behalf of Public Housing Agency of St. Paul, to a Fire Certificate of Occupancy Correction Notice at 1686 IDAHO AVENUE EAST.

**Sponsors:**      Bostrom

**Attachments:**      [1686 Idaho.appeal.1-23-12](#)  
[1686 Idaho Ave E.Swanson Ltr.1-31-12.doc](#)

*No hearing necessary; grant a 2-inch variance on the openable height of the egress bedroom windows.*

**Referred to the City Council due back on 3/7/2012**

- 70      **RLH FOW 12-49**      Appeal of Tony Swanson, on behalf of Public Housing Agency of St. Paul, to a Fire Certificate of Occupancy Correction Notice at 1876 IOWA AVENUE EAST.

**Sponsors:** Bostrom

**Attachments:** [1876 Iowa.appeal.1-23-12](#)  
[1876 Iowa Ave E.Swanson Ltr.1-31-12.doc](#)

*No hearing necessary; grant a 2-inch variance on the openable height of the egress bedroom windows.*

**Referred to the City Council due back on 3/7/2012**

- 71      [RLH WP 12-12](#)      Appeal of Merit Building Company (Gayle Mau) to an Egress Window Non-Compliance Determination at 1586 MONTANA AVENUE EAST.

**Sponsors:** Bostrom

**Attachments:** [1586 Montana.appeal.1-23-12](#)  
[1586 Montana Ave E.Merit Bldg Ltr 1-31-12.doc](#)

*No hearing necessary; grant a 6-inch variance on the openable height of one double hung replacement egress bedroom window measuring 18 inches high by 34 inches wide and grant a 5-inch variance on the openable height of two double hung replacement egress bedroom window measuring 19 inches high by 24 inches and 36 inches wide.*

**Referred to the City Council due back on 3/7/2012**

- 72      [RLH FOW 12-50](#)      Appeal of Robert Olsen to a Fire Certificate of Occupancy Correction Notice at 1345 PAYNE AVENUE.

**Sponsors:** Bostrom

**Attachments:** [1345 Payne.appeal.1-23-12](#)  
[1345 Payne Ave.Olsen Ltr 1-31-12.doc](#)

*No hearing necessary; grant a 4.5-inch variance on the openable height of the egress windows in the 2nd floor east, south, and west bedrooms.*

**Referred to the City Council due back on 3/7/2012**