



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final Legislative Hearings

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651-266-8560

Tuesday, March 27, 2012

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Remove/Repair Orders (NONE)

11:00 a.m. Hearings

Correction Orders

- 1 RLH CO 12-8 Appeal of Andy Hybben to a Correction Notice at 1405 PAYNE AVENUE.

Sponsors: Bostrom

Deny the appeal on the parking driveway.

RE: 1405 Payne Ave (apartments)

Andy Hybben, owner, appeared.

Inspector Paula Seeley:

- debris from roof replacement in yard (no permit)
- inspected Mar 12, issued Orders to clean-up all the debris
- noticed 3 cars parked on alley - sent Orders; compliance Mar 16, 2012
- re-inspected on Mar 19 and found cars still parked there; issued an Excessive Consumption fee \$50
- owner filed an appeal
- she talked with Karen Zachow about it and asked owner to submit a site plan for parking

Mr. Hybben:

- on corner of Sherwood and Payne
- last fall the city posted "No Parking" on the south side of Sherwood for 1 block (argument was that the street was too narrow), however, when you look forward to the other side of Payne, parking is allowed on both sides of the street (the street is the same width there);
- Payne also has "No Parking" from 2 am - 7 am
- he has a 5-unit building; they have 5 cars and there's no room to park
- he wants to provide tenants a place to park
- would like the city to lift the "No Parking" on Sherwood

Ms. Moermond:

- owner can put down asphalt or parking strips
- the spot doesn't have much room; he may have room for 2 parking spaces unless he moves his sheds (owner is OK with moving sheds)
- would need to talk with Public Works about lifting parking restrictions (ask Karen Zachow)
- zoning needs to see a site plan for his proposed parking area and approve it
- tenants will not be allowed to park there unless zoning approves the site plan
- moving the shed could increase parking spaces by 3
- will recommend denying the appeal for parking

Referred to the City Council due back on 4/18/2012

Summary Abatement Orders (NONE)

Orders To Vacate, Condemnations and Revocations (NONE)

1:30 p.m. Hearings

Window Variances: Hearing Required

- 2 **RLH FOW 12-109** Appeal of Thomas J. Schrauth to a Fire Certificate of Occupancy Inspection Correction Notice at 228 VICTORIA STREET NORTH.
- Sponsors:** Carter III
- Grant a 2-inch variance on the openable height of the egress window in Unit 2 and deny the appeal on the egress window in Unit 3 and grant an extension for 90 days to come into compliance.*
- Referred to the City Council due back on 4/18/2012**
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- 3 **RLH FOW 12-79** Appeal of Pete Lehner to a Fire Certificate of Occupancy Inspection Correction Notice at 2040 ASHLAND AVENUE.
- Sponsors:** Stark
- Grant a 5-inch variance on the openable height of the egress window in the first floor front bedroom and grant a 3-inch variance on the openable width of the egress window in the first floor rear bedroom.*
- RE: 2040 Ashland Ave (single family)*
- Ms. Moermond:*
- received email from Inspector Mitch Imbertson who said they changed out the hinge on the window so, it's now openable to 17 inches wide
 - will recommend granting a 3-inches variance on the openable width of the egress window in the first floor rear bedroom (height is 38 inches)
 - already granted a variance on the other window
- Referred to the City Council due back on 4/18/2012**
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- 4 **RLH FOW 12-106** Appeal of Norm Linnell to a Correction Notice-Reinspection Complaint at 688 and 690 FAIRVIEW AVENUE NORTH.

Sponsors: Stark

On March 29, 2012, Ms. Moermond brought this matter to the attention of Councilmember Stark and he recommended denying the appeal on the egress window in the 3rd floor west bedroom and grant an extension to December 31, 2012 to come into compliance; grant a 4-inch variance on the openable height of the egress window in the 3rd floor east bedroom and 2nd floor east bedroom.

RE: 688 and 690 Fairview Ave N (two family dwelling)

Norman Linnell, owner, appeared.

Fire Supervisor Mike Urmann:

- Fire Certificate of Occupancy inspection triggered by appellant because he didn't pass the Section 8 inspection for the windows*
- 3rd floor east double-hung window 20h x 29w (glazed 9.2 sq.ft.)*
- 3rd floor west double-hung window 16h x 21w (glazed 4.9 sq.ft.)*
- 2nd floor east double-hung window 20h x 29w (glazed 9.2 sq.ft.)*

Ms. Moermond:

- will recommend a variance be granted for windows 20h x 29w 3rd floor east double-hung and 2nd floor east double-hung*
- 16h x 21w: too small - requirement is 20h x 24w; she needs to see accommodating inches in the other dimension to grant a variance; here, there's not enough*

Mr. Linnell:

- these windows just pop right out very easily; he has given each tenant instructions; they know how to do it and the instructions are posted on the wall*
- his Certificate of Occupancy done back on 11-08-07 was approved until 11-08-11*
- when the inspector was there in '07, he said, "I really think these windows are great and I wish everyone had these; this is fine."*
- from then on, Section 8 would question him on the windows every year and would explain; then, they would OK it*
- this year when it came up and the inspector said they wouldn't pass, Mr. Linnell told him to look in the file and you'll see that every year it's been OK'd; this year, they couldn't find his file; so, the new person said she would check with Fire Safety and go from there*
- he got a Notice saying it doesn't pass*
- all the other rentals with terrible windows pass*
- because of this Section 8 is cutting him off Mar 28, 2012 (it's been on Section 8 about 30+ years) since he's owned it and taken good care of it*
- that room (3rd floor west) has been used for a bedroom for 30 years*

Ms. Moermond:

- asked Mr. Urmann about the history on this property with the Fire C of O inspections (Mr. Urmann: last inspection was conducted by someone who is no longer employed with them but there's no mention in the file about those windows)*
- doesn't have an answer for Appellant at this time; promised to have an answer by the end of today*
- if she denies the appeal on the 3rd floor west window 16h x 21w, she encouraged Mr. Linnell to contact his councilmember*

- will recommend against but will bring this pointedly, to the attention of the councilmember and say, "If you agree or disagree, right now, councilmember, I want to amend the resolution to reflect that;" so, that if the councilmember takes a different view, you can get an answer a lot more quickly. She will send a little better

information on where the councilmember is coming from at the end of the day. That will get it to Section 8; we would put that in our letter.

Referred to the City Council due back on 5/2/2012

Fire Certificates of Occupancy

5

[RLH FCO](#)
[12-194](#)

Appeal of Joe Taylor to a Fire Certificate of Occupancy Inspection Correction Notice at 1000 MCLEAN AVENUE.

Sponsors: Lantry

Grant a 3.5-inch variance on the openable height of the egress window in the lower unit southwest bedroom; grant a 3-inch variance on the openable width of the egress window in the upper floor south bedroom. Laid over to April 3, 2012 on the driveway issue.

RE: 1000 Mclean Ave (duplex)

Joe Taylor, owner, appeared.

Ms. Moermond:

- egress windows and a driveway*
- will recommend a variance for the lower unit and for the upper floor south bedroom*
- Mai Vang has already email the Appellant about the window variances; share that email with Public Housing*
- re: photo - is it unapproved right-of-way that we see?*

Mr. Taylor:

- needs a letter to indicate the window variances by Friday, Mar 30, 2012 for a Section 8 issue*
- entered before and after photos of driveway to which he recently added 1 1/2 yards of class 5 gravel; there had been some erosion*
- it's a shared driveway with 1004 Mclean (owner-occupied)*
- is not sure whether or not the neighbor has an easement going through his lot to get to the neighbor's garage (it lines up with driveway)*
- has owned this property for a couple years; he purchased it on a short sale; he inherited the tenants, who later ended up being a nuisance to the area; then, the property was vacated by city Order; Pat Fish and Jim Seeger went there on some type of a drug bust (he got a call to that effect); Mr. Seeger condemned the property on the spot (property had just been inspected; only thing left was some curling linoleum); Mr. Seeger declared it a Cat 2 VB; inspector pulled it out of Cat 2 and Mr. Taylor put in \$4,000 more into the property.*
- now, the property is in good shape and it has good tenants*

Fire Supervisor Mike Urmann:

- entered before photos*
- 2 homes are sharing this unapproved driveway; street is paved*
- this is a duplex*
- see a piece of concrete that's been poured like a parking pad; the parking area is both in front and behind it*
- class 5 has been added but we are not able to approve class 5 once the grass starts to grow through it and it's no longer maintained*
- code enforcement has been notified and will follow-up on this single family home*
- a curb cut was put in - it's not a city right-of-way; it's not an alley*
- Kelly Booker had been the inspector on the property and it ran into some problems*

with noncompliance and tenant caused issues; Pat Fish took over and then finished by Ms. Booker after the condemnation

Ms. Moermond:

- sees a lot of loosely disbursed gravel on the area without clean lines separating gravel and yard (not landscaped)*
- also, there is no site plan*
- not an acceptable way to deal with this problem*
- asked Mr. Urmann to find an aerial photo*
- the neighbor may not really have access to the driveway; there may be no easement*
- asked Mr. Urmann to check 1004 Mclean on STAMP (found aerial photo from 2009) which shows the gravel footprint approximately what it is now*

Mr. Urmann:

- Public Works said they don't have an unapproved alley there*

Mr. Taylor:

- called the city to see if they showed any easement; they did not*
- called the title company, which said there is no easement of record for the neighbor; he needs to check the plat book, maybe*
- just needs to know what he needs to do to get the driveway into compliance*
- it would be great if he could work with his neighbor on this*

Ms. Moermond:

- the neighbor may have put his garage in a place he doesn't have legal access to*
- the neighbor will have to deal with whatever Mr. Taylor does with the driveway*
- she likes the idea of narrowing the driveway and cleaning it up; perhaps, put some timbers in place; asked Mr. Taylor to write up a proposal or draw up a diagram and email it to Ms. Moermond; she will attach it to his appeal*
- will lay this over to next week's legislative hearing (Apr 3, 2012)*

Laid Over to the Legislative Hearings due back on 4/3/2012

**6 RLH FCO
12-178**

Appeal of Pavel Zakharov to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 1624 SEVENTH STREET EAST.

Sponsors: Lantry

Deny the appeal on the driveway and grant an extension to August 1, 2012 for compliance.

RE: 1624 7th St E (single family)

Pavel Zakharov, owner, appeared.

Fire Supervisor Mike Urmann:

- entered photos - see soil coming through the snow*

Mr. Zakharov:

- first inspection was mid-Feb 2012 (photos taken)*
- class 5 has been there since he's owned the property*
- just talk with Jim Seeger, who said that he will have to pave the driveway: asphalt, concrete or strips for the tires*
- alley is paved*

Ms. Moermond:

- needs more photos
- had Appellant draw a sketch of the site
- need to get rid of some of the class 5
- is fond of the parking strips (helps prevent run-off)
- will recommend granting an extension to Aug 1, 2012 to come into compliance
- parking strips won't work if you have to turn to get into the garage; guess, it needs asphalt or concrete
- Appellant's C of O will be issued; the, they will send an Order with just that 1 item on it
- everything else is done

Referred to the City Council due back on 4/18/2012

**7 RLH FCO
12-182**

Appeal of Na Thao to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 738 BURR STREET.

Sponsors: Brendmoen

Deny the appeal on the egress window in Unit 1, west side front bedroom and grant an extension to June 1, 2012 for compliance.

RE: 738 Burr St (duplex)

Na Thao, owner, appeared. Mai Vang interprets.

Fire Supervisor Mike Urmann:

- entered photos
- egress windows exit onto an enclosed porch; the screens in the photos are fixed screens
- the porch also serves as the main exit

Ms. Moermond:

- there's 2 sets of windows in the front of the house that open into the enclosed porch; one set of those windows is for a room that has another window exiting out the side of the house; the other set of windows exits onto the porch and there is no alternate exit from that space
- normally, to solve this problem, people open up the front porch
- another option is no longer use that room for sleeping
- she can't see that opening up the porch would be practical
- could open up half the wall between the sleeping rooms - then, the window on the side could serve both areas (it's not ideal but still could be used as a sleeping space)

Mr. Thao:

- entered photos
- asked about the options to resolve this
- at one time, this house was a Category 2 Vacant Building, which he remodeled in 2009 and Jim Seeger signed off on it in May 2009; Jim Seeger said it was OK to be used as a bedroom because it has closets and they really need that bedroom
- there are 3 doors

Mr. Urmann:

- there's a door from the unit into the hallway; there's a door from the hallway into the porch; and then, there's a door from the porch to the outside (primary exit); he needs a 2nd exit from that room

Ms. Moermond:

- will recommend denial of the appeal and grant an extension to Jun 1, 2012 to empty

that room of beds and bedding

- can take it to City Council Public Hearing Apr 18, 2012 at 5:30 pm

Referred to the City Council due back on 4/18/2012

**8 RLH FCO
12-175**

Appeal of Tim Copeland to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 1501 YORK AVENUE.

Sponsors: Bostrom

Deny the appeal and grant an extension to July 1, 2012 for compliance; deny the appeal to get out of the Fire C of O Program; and grant a 2-inch variance on the openable height of the egress window in the north side bedroom.

RE: 1501 York Ave (single family)

Tim Copeland, owner, appeared.

Ms. Moermond:

- Appellant was here before with the man who lives in this house*
- talked about a different timeline for corrections*
- at that time, you were thinking about signing the home over to the person who lives there*
- some items are being re-done now*

Fire Supervisor Mike Urmann:

- since the first time, there has been no change in the Orders*
- now, there's a whole list of items being appealed*
- the inspector still has not been able to gain access to all the windows because they are obstructed or they aren't working*
- inspector notes: when the owner was asked to repair the windows so they could be checked, the inspector got no assistance and he wasn't able to do measurements on the windows as was asked by Ms. Moermond; so, they're not egress windows if they're not working*

Mr. Copeland:

- wanted to know how his house falls under this program (Ms. Moermond replied that if he lived there, it would not be in the program; there are cases where an owner's family member is dependent upon him and that member lives in that space that she would also deem not to need to be in the Fire C of O Program)*
- has a difficult problem: he lived in this house when he was married. Now, he has this friend, who is like family to him, a Korean War Vet, who has been there almost 25 years and he wants to live there until he dies; Appellant charges him only \$300 / month to live there; this man is dependent on the Appellant; they just don't share blood; he goes there everyday - looks out for him; he may need to go to the City Council on this*
- the inspector required his tenant to open the window with one finger, which he couldn't do at first; after looking at everything else, he was able to come back to that window and open it up with one finger; I don't understand all the remarks of the inspector*
- the inspector couldn't even bend over 3 feet to measure the window; Mr. Copeland found out later that the inspector had written down, "Could not get access," and all he did was look; he didn't say a word; the tenant actually opened the window; the report should say that it opened 22 inches; that window is 24h x 22w and it will open (you just gave exceptions to all these people for a lot less than that)*
- the inspector knew all this but he wouldn't even look him in the face to talk with him; he ignored Mr. Copeland the entire time*

Ms. Moermond:

- still, this is a rental property and he needs a way to get out in case of a fire
- when the inspector was at the house, the tenant was unable to open the window
- will recommend granting a variance on the window 24h x 22w

Mr. Urmann:

- other issue is that some windows may open but they don't stay open - several issues with sash cords and sash clips; there's nothing to hold them open
- they don't function correctly; they just need to be repaired

Mr. Copeland:

- appeal is for #1, 2, 4, 9
- #9 is the sash cords: it doesn't make much sense to fix the sash cords if you are going to replace the window; the window is right below this roof leak that we have an extension to July 2012 on; immediately below that is ceiling deterioration, which was part of his request the first time he was here and for some reason, it's not
- he never objected to the windows; somehow the objection about requiring to fix that ceiling before the roof took the place of the windows; he wants to do that all at once - it just make sense
- the other window in the other room is identical and he plans to do that all at the same time
- he doesn't have a problem with fixing all of that, he would just like it bundled all together for fixing by Jul 1, 2012
- has an issue with not being able to put in the dryer vent himself; to have a licensed mechanical contractor do it will cost \$500 - \$600
- looked up dryer vent fires in the City of Saint Paul, and there weren't any since 2005; you don't stop people from cooking and smoking in the house
- finds it obscene that he can't put a dryer vent into his own property for \$100
- he also wants to appeal the right to install a dryer vent at his own property, as well, at City Council
- he lived at this house with the tenant at one time
- he said he had not gotten the letter regarding his first hearing or a letter, dated Feb 15, 2012 following the LH on Feb 7, 2012; he had to call to find out when the first hearing was; he does have a letter confirming that error from Ms. Vang

Ms. Moermond:

- the last time, Appellant said that by July 1, he'd either have things done or have the title transferred
- will recommend granting an extension to Jul 1, 2012 for all the items
- dryer and cooking fires lead the fire causes

Mr. Urmann:

- dryer vent: it is required to have a licensed mechanical contractor to pull the permit to do the work unless you own and live in the property
- fires: 1-cooking; 2-smoking; 3-heating equipment (dryers are included)

Ms. Moermond:

- will recommend against the Appellant getting out of the C of O Program
- will recommend against the Appellant installing the dryer vent; thinks that's out of her purvue - it's a trades matter
- the appeal on these matters will go to City Council Public Hearing Apr 18, 2012 at 5:30 pm

Mr. Copeland:

- asked for a copy of the letters he never got

- he will just take the dryer out of the house
- to see the windows open, go to You Tube; he had to put it up there because Ms. Moermond didn't believe him initially and security wouldn't let him bring in the tape that proved it; on the tape, the inspector threatens to arrest Mr. Copeland for video taping him doing the inspection; so, this whole process has been rubbing him the wrong way. The inspector ordered him outside to the curb to be arrested by the police because his inspection can't be filmed. Mr. Copeland sent the film to the Fire Marshal (they said they'd get back to him). They haven't gotten back to him yet. When the police officer got there, he said, "Of course, you can film; it's your property - you can do whatever you want."

- Ms. Moermond:
- asked Mr. Urmann to follow-up with the Assistant Fire Marshal Phil Owens

Mr. Urmann:
- gave Appellant Assistant Fire Marshal Owens phone number 651-266-8941

Referred to the City Council due back on 4/18/2012

**9 RLH FCO
12-174**

Appeal of Vang N. Yang to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 1221 and 1223 ROSS AVENUE.

Sponsors: Bostrom

Deny the appeal for Items 1, 4, 7, 8, 10, 12 and 16 and grant a 3-week extension to come into compliance; grant an extension of 90 days for the other items on the list.

RE: 1221 - 1223 Ross Ave (duplex)

Vang N. Yang, owner, appeared. Mai Vang interprets.

Fire Supervisor Mike Urmann:
- not sure what's being appealed
- just notes that he can't do the repairs because he is out of town
- wants an extension
- immediate concerns: #1, 4, 7, 8, 10, 16; already addressed #19

Mr. Yang:
- he lives in Georgia so arranging for repairs is harder
- one of his brother's kind of looks out for the house but doesn't really keep up the house
- items #12, #17 and #18 are finished and he's working on #14
- has been gone for 7 years and there's a lot of damage done to the house in that time
- he is planning to fix it but it will take time
- since he's gotten here, he's been making calls to contractors without much success; most say, "I'll call you back" not "I'm coming."
- re: triplex use: when he bought it, they put up walls in the basement to store stuff; it's not being used as a triplex or for sleeping
- the basement has no heat, no water, no bathroom, no kitchen, etc; only used for storage
- he removed the dryer from the basement
- he also removed 2 sheds in the back (not garage)

Ms. Moermond:
- the Order says it's being used as a triplex (owner disputes)
- asked about the smoke and CO detectors

- needs an electrician and a handyman to do many of these items

Mr. Yang:

- he installed the smoke detectors; not yet the CO detectors (will install those tomorrow)

- will go back to Georgia on Sunday

- asked if he can rent it

Ms. Moermond:

- Mr. Yang can rent it out

- will recommend a 3-week deadline for the most critical items: #1, 4, 7, 8, 10, 12, 16; grant a 90-day extension to complete all other items

Referred to the City Council due back on 4/18/2012

2:30 p.m. Hearings

Vacant Building Registrations (NONE)

Other

Staff Reports

- 10 **RLH OA 12-18** Appeal of Kristina Beedle to a Code Compliance Report at 23 ISABEL STREET WEST.

Sponsors: Thune

MM to add more to this

Deny the appeal and grant an extension to October 31, 2012 on windows replacement (except custom windows) and attic insulation.

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

Window Variances: No Hearing Necessary

- 11 [**RLH WP 12-27**](#) Appeal of Window Concepts of Minnesota, on behalf of Cathy Azimian, to an Egress Window Non-Compliance Determination at 1085 CASE AVENUE.

Sponsors: Bostrom

No hearing necessary; grant a 1-inch variance on the openable height of two double hung replacement egress bedroom windows measuring 20 inches wide by 23 inches high.

Referred to the City Council due back on 4/18/2012

- 12 [**RLH FOW 12-104**](#) Appeal of Murray Weiss to a Fire Certificate of Occupancy Inspection Correction Notice at 2475 EDGCUMBE ROAD.

Sponsors: Tolbert

No hearing necessary; grant a 3-inch variance on the openable width of the egress windows in the west bedroom of both units.

Referred to the City Council due back on 4/18/2012

13 [RLH FOW
12-107](#)

Appeal of Bruce Hoffmann to a Fire Certificate of Occupancy Inspection Correction Notice at 1945 HAWTHORNE AVENUE EAST.

Sponsors: Bostrom

No hearing necessary; grant a 2-inch variance on the openable height of the egress window in the attic bedroom.

Referred to the City Council due back on 4/18/2012

14 [RLH FOW 12-99](#)

Appeal of Chai Lee to a Fire Certificate of Occupancy Inspection Correction Notice at 1184 JESSIE STREET.

Sponsors: Brendmoen

No hearing necessary; grant a 3-inch variance on the openable height of the egress window in the first floor, north bedroom and grant a 2-inch variance on the openable height of the egress windows in the 2nd floor, north and west bedrooms.

Referred to the City Council due back on 4/18/2012

15 [RLH FOW
12-105](#)

Appeal of John Carrier to a Fire Certificate of Occupancy Approval With Corrections at 1663 and 1665 MCAFEE STREET.

Sponsors: Bostrom

No hearing necessary; grant an 8-inch variance on the openable height of the egress windows in all bedrooms of Units 1663 and 1665.

Referred to the City Council due back on 4/18/2012

16 [RLH FCO
12-190](#)

Appeal of Sean Maynard to a Fire Certificate of Occupancy Inspection Correction Notice at 279 PASCAL STREET SOUTH.

Sponsors: Tolbert

No hearing necessary; grant 3-inch variance on the openable height of the egress window in the first floor bedroom; grant a 2.5-inch variance on the openable height of the egress window in the second floor southeast bedroom; grant a 2-inch variance on the openable height of the egress window second floor west bedroom; and grant a variance in the third floor ceiling height.

Referred to the City Council due back on 4/18/2012

17 [RLH FOW
12-108](#)

Appeal of Tony Swanson, Public Housing Agency of St. Paul, to a Fire Certificate of Occupancy Inspection Correction Notice at 1184 SUPORNICK LANE.

Sponsors: Bostrom

No hearing necessary; grant a 6-inch variance egress opening height for all bedrooms in both units.

Referred to the City Council due back on 4/18/2012

18 [RLH FOW](#)
 [12-103](#)

Appeal of Blue Dot Construction, on behalf of Central Bank, to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 1396 WHITE BEAR AVENUE NORTH (appealing windows only).

Sponsors: Bostrom

No hearing necessary; grant a 3.5-inch variance on the openable height of the egress bedroom windows.

Referred to the City Council due back on 4/18/2012