



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final Legislative Hearings

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

Tuesday, August 7, 2012

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Remove/Repair Orders

- 1 [RLH RR
12-31](#) Ordering the rehabilitation or razing and removal of the structures at 702 THIRD STREET EAST within fifteen (15) days after the July 3, 2012 City Council Public Hearing. (To be referred back to Legislative Hearing on September 11, 2012 and City Council public hearing on October 3, 2012)

Sponsors: Lantry

Scheduled in error to August 7 LH. Laid over to August 14 LH and City Council Public Hearing August 15.

Forthcoming

Referred to the City Council due back on 8/15/2012

Special Tax Assessments

- 2 [RLH TA
12-390](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1211A, Assessment No. 128518 at 1636 TAYLOR AVENUE.

Sponsors: Stark

Delete the assessment. Inspector reviewed the video and recommended deleting. LHO concurs with action.

Referred to the City Council due back on 8/15/2012

- 3 [RLH TA
12-349](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1209, Assessment No. 128211 at 99 WESTERN AVENUE SOUTH.

Sponsors: Thune

Owner to submit copy of a cleared check for 305 Erie Street. Nothing was provided. Approve the assessment.

Referred to the City Council due back on 8/15/2012

- 4 [RLH TA
12-392](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1209P, Assessment No. 128408 at 662 & 670 SNELLING AVENUE NORTH.
- Sponsors:** Stark
- Delete the assessment. Waiver sent in July 11, 2012.*
- Referred to the City Council due back on 8/15/2012**
- 5 [RLH TA
12-392](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1210A1, Assessment No. 128527 at 1092 EDGERTON STREET.
- Sponsors:** Bostrom
- Decrease the assessment from \$499 to \$399 payable over two years.*
- RE: 1092 Edgerton St (duplex)*
- David Schimelpfening, owner, appeared.*
- Inspector Joel Essling:*
- Summary Abatement issued Mar 2, 2012 with compliance date Mar 6
 - re-inspected Mar 7, 2012 and found noncompliant
 - work done Mar 8, 2012 for a cost of \$344 plus \$155 service charge = \$499
 - sent JDL Towers LLC, Rosemount, MN
 - language inserted in SA: overflowing trash containers; trash, rubbish near garbage can in alley
- Mr. Schimelpfening:*
- they issued the Order on Mar 7 and Inspector Paula Seeley had called him so he went down there on Mar 4 or 5 and he took a pick-up load out of there; he was tearing open the bags to find names and actually talking to Paula while he was there; 2 alleys come together to form a T and the folks behind them burn their trash in their yard and do not have trash service; Ms. Seeley checked on that and issued those neighbors a letter indicating they needed to have trash service because most likely, that's where the trash at 1092 Edgerton was coming from
 - the garage on his property extends the full length of the lot (6-stall two-story garage); his tenants keep their trash and trash containers inside the garage until it's time to come out for the garbage pick-up
 - sometime between when he was there and the city coming, a different pile of garbage was added on, as well
- VIDEO
- Mr. Essling:*
- inspector notes: at the time of re-inspection, she tried to call the property owner (Mr. Schimelpfening: she left me a message and I called her back)
 - the video looks like the same items, plus more (Mr. Schimelpfening: dumping is a constant problem there; he just went by there again and noticed a table and a truck bed-liner out there, even though none of it is on his property, it's on the alley in front of it)
- Ms. Moermond:*
- the video shows a larger pile than the initial photo
 - she will recommend that the City Council decrease the assessment by \$100 = \$399

payable over 2 years

Mr. Schimelpfening:

- *he did install cameras there and they put up signs*
- *he moved his garbage cans to the front of the property, also*

Referred to the City Council due back on 8/15/2012

6 [RLH TA
12-398](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1210A2, Assessment No. 128528 at 1725 THOMAS AVENUE.

Sponsors: Stark

*Owner missed hearing again! Rescheduled to August 21, 2012 for last chance.
(CPH 9/5/12)*

Laid Over to the Legislative Hearings due back on 8/21/2012

7 [RLH TA
12-394](#)

Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1207E, Assessment No. 128319 at 930 EUCLID STREET.

Sponsors: Lantry

LHO delete the assessment based on staff recommendation.

RE: 930 Euclid St (single family)

Todd Langsley, tenant, appeared.

Ms. Moermond:

- *Excessive Consumption of Code Enforcement Services (charging for an extra inspection)*

Inspector Joel Essling:

- *Summary Abatement Notice issued Mar 22, 2012; compliance date Apr 2, 2012*
- *re-inspected Apr 3, 2012 and found noncompliant*
- *inspector assessed a \$50 re-inspection fee at that time rather than issue a Work Order*
- *photos show a very large amount of storage and refuse*
- *the file is now closed; Appellant is now in compliance*
- *another assessment is pending for Excessive Consumption fees of \$135*
- *file closed May 25, 2012*
- *is recommending that this assessment and the pending assessment(s) be deleted because there was such a large amount of material there; it's worth the city's \$50 just to have it cleaned up*

Mr. Langsley:

- *he did the clean-up himself*
- *he is epileptic and the clean-up took him longer than it should have because he has a hard time getting around*
- *there was so much to get rid of*
- *he is on SSI - limited on funds*

Ms. Moermond:

- *will recommend deleting the assessment and pending assessment(s) based on staff's recommendation*

Referred to the City Council due back on 9/5/2012

- 8 RLH TA 12-420** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1210, Assessment No. 128212 at 942 BEECH STREET.
- Sponsors:** Lantry
- Reduce the assessment from \$575.00 to \$255.00.*
- RE: 942 Beech St (single family)*
- Representative for MFO Holdings appeared.*
- Fire Supervisor Leanna Shaff:*
- *Fire Certificate of Occupancy Inspection fee*
 - *inspections: Nov 30 and Dec 30, 2011; Jan 24, Feb 15 and Mar 21, 2012 (approved)*
 - *bills went out: May 21 and Apr 20, 2012*
 - *total assessment: \$425 plus service charge of \$150 = \$575*
 - *bills went to Hamline Property Management at 501 Dale St N*
 - *inspection letters went to MFO Properties (first one to 2100 Ford Pkwy; second one to 501 Dale St; third one to Ford Pkwy; fourth and fifth ones to 501 Dale St N)*
 - *should not be a fee for the last inspection because there was no inspection, only paperwork shuffling*
 - *she recommends payment for initial inspection plus 1 re-inspection fee and no service charge for a total of \$255*
- Ms. Moermond:*
- *will recommend the assessment be reduced from \$575 to \$255*
- Referred to the City Council due back on 9/19/2012**
- 9 RLH TA 12-421** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1210, Assessment No. 128212 at 710 JENKS AVENUE.
- Sponsors:** Bostrom
- No show - approve the assessment.*
- Referred to the City Council due back on 9/19/2012**
- 10 RLH TA 12-409** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1212A, Assessment No. 128521 at 355 BURGESS STREET.
- Sponsors:** Brendmoen
- Delete the assessment.*
- RE: 355 Burgess St (single family)*
- Ted Ries, owner, appeared.*
- Mr. Ries:*
- *he bought this house from a bank*
 - *closed Apr 28, 2012 (entered paperwork)*
 - *the notifications went to either the former owner or the bank*
- Inspector Joe Yannarely:*

- clean-up for tall grass and weeds
- Summary Abatement Order issued May 2, 2012; compliance May 7, 2012
- re-checked on May 7 and found to be in noncompliance
- work done May 8, 2012
- Category 2 Vacant Building; file opened Mar 6, 2012
- SA addressed to M & I, Marshall and Isely Bank, 770 N Water St, Milwaukee, WI

Mr. Ries:

- appealing because he was not the owner of record at the time
- he took a photo and the grass didn't look very long; he mowed it the next day (2 days after he got possession)
- he noticed when he came back the someone had mowed over the tulip bed

Ms. Moermond:

- during the period of Mr. Ries' ownership, the Orders were sent to the previous owner
- not proper notification to Mr. Ries
- will recommend that the City Council grant this appeal and delete this assessment

VIDEO

Referred to the City Council due back on 9/19/2012

**11 RLH TA
12-396**

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1209G, Assessment No.128709 at 483 COMO AVENUE.

Sponsors: Brendmoen

Reduce the assessment from \$255.00 to \$125.00; however, if appellant can provide records of phone calls made to DSI, she will recommend deleting the assessment.

RE: 483 Como Ave (duplex)

Kim Sorn Theng, owner, appeared.

Inspector Paula Seeley:

- garbage hauler Order sent Apr 11 with compliance date of Apr 17, 2012
- re-checked Apr 23 and found to be in noncompliance; container was dropped off that day
- cost: \$50 plus \$40 service charge = \$90 (one week drop off and removal)
- Orders sent to Kim Theng, Montana Ave E, Maplewood and to Occupant to get trash service

Mr. Theng:

- submitted a receipt for weekly trash service (R & M Sanitation, dated Apr 17, 2012)
- for weekly rubbish service Apr 20 - Jun 30, 2012
- he tried to contact the inspector; he also gave the city a receipt
- the city made a mistake, they sent 2 bills: 1) \$255; and 2) \$90 - both for trash hauler service in the same time period
- the Order letter was dated Apr 11; he got it Apr 16, 2012 (weekend)

Ms. Moermond:

- at the time the Orders were issued, there was no garbage service
- when the can was dropped off, there was garbage service, according to the receipt
- it is incumbent upon the owner to let the city know when there is trash service
- she sees 2 assessments for the same thing with radically different charges
- J1210G - work done May 2 - \$90

- J1209G1 - assessment for a total of \$255 (drop off of container)
- will recommend that the City Council delete J1210G (\$90)
- will recommend that the City Council reduce the assessment for J1209G1 in half (the deadline was Apr 23 but Mr. Theng didn't call the city until Apr 30, 2012 so, by the time they got the communication, they had already dropped off the container)

Inspector Essling:

- it's noted that there's a phone call from the property owner Apr 30, 2012 stating he has had trash service, explained they needed proof of service, gave FAX number in office; Apr 30, 2012, she got confirmation that it was R & M Sanitation

Mr. Theng:

- the city didn't pick up any trash; they didn't do any work
- he had tried to call the inspector on Apr 16 and Apr 17 but there was no answer; that's why he delivered the receipt in person because he saw the city's container but he didn't need any - there's no trash outside
- he can call Sprint to get his phone record for Apr 16 and Apr 17, 2012

Ms. Moermond:

- as it stands now, the assessment is reduced in half to \$125
- if Appellant brings in his phone record showing he called the city Apr 16 and Apr 16, 2012, she can reduce it further

Referred to the City Council due back on 9/19/2012

**12 RLH TA
12-418**

Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1210G, Assessment No. 128711 at 483 COMO AVENUE.

Sponsors: Brendmoen

Delete the assessment.

RE: 483 Como Ave (duplex)

Kim Sorn Theng, owner, appeared.

Inspector Paula Seeley:

- garbage hauler Order sent Apr 11 with compliance date of Apr 17, 2012
- re-checked Apr 23 and found to be in noncompliance; container was dropped off that day
- cost: \$50 plus \$40 service charge = \$90 (one week drop off and removal)
- Orders sent to Kim Theng, Montana Ave E, Maplewood and to Occupant to get trash service

Mr. Theng:

- submitted a receipt for weekly trash service (R & M Sanitation, dated Apr 17, 2012)
- for weekly rubbish service Apr 20 - Jun 30, 2012
- he tried to contact the inspector; he also gave the city a receipt
- the city made a mistake, they sent 2 bills: 1) \$255; and 2) \$90 - both for trash hauler service in the same time period
- the Order letter was dated Apr 11; he got it Apr 16, 2012 (weekend)

Ms. Moermond:

- at the time the Orders were issued, there was no garbage service
- when the can was dropped off, there was garbage service, according to the receipt
- it is incumbent upon the owner to let the city know when there is trash service
- she sees 2 assessments for the same thing with radically different charges

- J1210G - work done May 2 - \$90
- J1209G1 - assessment for a total of \$255 (drop off of container)
- will recommend that the City Council delete J1210G (\$90)
- will recommend that the City Council reduce the assessment for J1209G1 in half (the deadline was Apr 23 but Mr. Theng didn't call the city until Apr 30, 2012 so, by the time they got the communication, they had already dropped off the container)

Inspector Essling:

- it's noted that there's a phone call from the property owner Apr 30, 2012 stating he has had trash service, explained they needed proof of service, gave FAX number in office; Apr 30, 2012, she got confirmation that it was R & M Sanitation

Mr. Theng:

- the city didn't pick up any trash; they didn't do any work
- he had tried to call the inspector on Apr 16 and Apr 17 but there was no answer; that's why he delivered the receipt in person because he saw the city's container but he didn't need any - there's no trash outside
- he can call Sprint to get his phone record for Apr 16 and Apr 17, 2012

Ms. Moermond:

- as it stands now, the assessment is reduced in half to \$125
- if Appellant brings in his phone record showing he called the city Apr 16 and Apr 16, 2012, she can reduce it further

Referred to the City Council due back on 9/19/2012

**13 RLH TA
12-416**

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1214C, Assessment No. 122015 at 755 ANDREW STREET.

Sponsors: Thune

NO SHOW - approve the assessment.

Referred to the City Council due back on 9/19/2012

**14 RLH TA
12-427**

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1210, Assessment No. 128212 at 776 AURORA AVENUE.

Sponsors: Carter III

Approve the assessment.

RE: 776 Aurora Ave (duplex)

Bill Bernier, owner, appeared.

Mr. Bernier:

- bought property 2 years ago
- rehabbed the inside; got in tenants
- 2nd floor tenant was working for Mr. Bernier for his rent; he helped rehab another property on the East Side; he had a wife, 4 kids and a job so, Mr. Bernier gave him a job; he was supposed to work 16 hours a week to pay for his rent; in July, he started working as a roofer (pays a little more) and didn't work for Mr. Bernier any more; he didn't pay rent, so, Mr. Bernier went to evict him; inspectors couldn't gain access to the property for these inspections from about Sep 2011 - Mar 2012. The inspector got into the first floor but he couldn't get into the 2nd floor (tenants wouldn't let anyone in); it took him 6 months to evict them.

- he entered the schedule of the 2nd floor tenants eviction hearings

Fire Supervisor Leanna Shaff:

- Fire Certificate of Occupancy inspections Oct 19, 2011; Jan 10, 2012 (no show fee and needs to be deleted); Jan 24, 2012; Mar 13, 2012 and Mar 19, 2012
 - bills dated: Mar 20 and Apr 19, 2012
 - sent to Mr. Bernier
 - rather than \$710, it should be \$650 fee
 - contrary to some of Mr. Bernier's comments, sometimes, he did not show for the appointments but the tenants in the lower unit allowed access but they weren't aware of the inspection

Mr. Bernier:

- he knows that the inspectors couldn't gain access but he didn't want to have a confrontation with that tenant, who had legal representation and he believes that once he retained counsel, Mr. Bernier was not to have direct contact with him (he left messages for the attorney at Southern Minnesota Regional Legal Services (SMRLS) and stopped over there to talk with her); all SMRLS wanted to do was represent him in the eviction action
 - he did not feel very safe around the 2nd floor tenants
 - he thinks that 1 or 2 \$60 late fees and \$100 charge is plenty; he has worked very hard to keep his properties in good shape; he has one down the block that he just put \$62,000 into at 744-746 Aurora; he's not a slumlord; he works hard to improve the properties he obtains
 - believes that \$710 is an excessive amount, especially when the tenants would not cooperate with him to get the inspector in
 - he thinks that some of the people should have rental property before they make decisions on other people who do
 - Aug 3, 2011, the 3rd floor tenant had a friend slash all 4 tires on his Tahoe
 - the main floor is currently vacant, too; the tenant lost his job
 - the second floor is rented, now and he's fixing up the 3rd floor

Ms. Moermond:

- owners have the legal right to enter their property
 - looked up history; some exterior items that started in Oct 2012 were held over

Mr. Bernier:

- fixed those exterior items in Mar 2012

Ms. Moermond:

- will recommend approval for this assessment
 - City Council Public Hearing Sep 19, 2012 at 5:30 p.m.

Referred to the City Council due back on 9/19/2012

**15 RLH TA
12-400**

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1212A, Assessment No. 128521 at 1272 BERKELY AVENUE.

Sponsors: Tolbert

Delete the assessment per staff recommendation. Miscommunication between inspector and property owner.

Referred to the City Council due back on 9/19/2012

**16 RLH TA
12-404**

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1212A, Assessment No. 128521 at 522 BLAIR AVENUE.

Sponsors: Carter III

NO SHOW - approve the assessment.

Referred to the City Council due back on 9/19/2012

**17 RLH TA
12-403**

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1212A, Assessment No. 128521 at 813 BLAIR AVENUE.

Sponsors: Carter III

Delete the assessment.

RE: 813 Blair Ave (duplex)

Patrick Hogan, owner, appeared.

Mr. Hogan:

- received Notice Apr 26, 2012 that there was some open garbage on the ground; they had the trash cleaned-up - has an invoice that it was cleaned-up; they also took a picture showing that it was cleaned-up*
- it doesn't surprise him that potentially, the city may have had to clean-up some additional stuff*
- he has been to the property 2 other times and they have had to do additional clean-up*
- has another invoice Apr 28 28, 2012 for when they sent someone out to clean-up and remove construction debris, tires, mattresses, household trash, things that didn't belong to the tenants; another invoice for Jul 6, 2012 for construction debris, lumber, household trash*
- will email photos*
- entered receipts; has paid nearly \$800 that he has paid for trash removal*
- his original thought was that the residents had too much trash out there but he now thinks that someone is dumping on their property*
- is driving by this property as often as possible but it's in an alley*
- he is not disputing that the city may have had to do extra clean-up*
- is there anything that can be done; he will continue to drive by*
- \$443 is an awful lot for the amount of trash that he saw on the video*

Inspector Paula Seeley:

- Summary Abatement Order issued Apr 26, 2012; compliance Apr 30, 2012*
- re-checked Apr 30*
- work done May 2, 2012 for a cost of \$443*
- no returned mail*
- sent to Patrick Hogan, 548 Cretin Ave S and Occupant; also to Patrick Hogan, 1043 Grand Ave*

Ms. Moermond:

- looking at photo of an overflowing garbage container, a bag of garbage broken open and a tire*
- viewed VIDEO*
- has a receipt for 2 days after the Order was sent that indicates a crew went and removed household trash in the yard near the garage; the photos show May 2, 2012 - thinks that a different got dumped here*
- scanned the receipts*
- will recommend deleting the assessment*
- advised Appellant to talk with the beat cops in that area about the dumping problem*

- in tearing open the dumped bags, he might find names and addresses indicating who's doing the dumping

Referred to the City Council due back on 9/19/2012

**18 RLH TA
12-401**

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1212A, Assessment No. 128521 at 1663 CARROLL AVENUE.

Sponsors: Stark

NO SHOW - approve the assessment.

Referred to the City Council due back on 9/19/2012

**19 RLH TA
12-412**

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1212A, Assessment No. 128521 at 1141 DALE STREET NORTH.

Sponsors: Brendmoen

Approve the assessment and spread the payments over 5 years.

RE: 1141 Dale St N (single family)

Michael O'Neill, owner, appeared.

Inspector Paula Seeley:

- *Summary Abatement Order for tall grass and weeds/rubbish in yard issued May 9; compliance May 16, 2012*
- *re-checked May 16, 2012*
- *work done May 17-18, 2012 for a cost of \$476 plus \$155 service charge = \$631*
- *2 other SA Orders since Apr 14, 2010*
- *2 Videos*
- *no returned mail*
- *these are charged together with 1 service charge*

Mr. O'Neill:

- *he didn't know anything about this*
- *had this house since his parents passed away but he was on active duty for 3 1/2 years until last year*
- *he had someone taking care of the house for him and his his son lived there for a while*
- *he started renting out the house last year because he got married; when he came back, he moved in with his wife*
- *has had a tenant there over the time period*
- *went to Ft. Knox on military duty, Apr 26, 2012*
- *he had noticed tall grass and weeds at the house; he talked with his tenant about it - and took out the lawn mower and put it into the back yard before he left but apparently, it didn't get used*
- *his Military Orders ended May 13, 2012; got back May 23, 2012*
- *he did not receive any Summary Abatement Order on this*
- *tenant has since moved out; she wasn't paying rent anyway; she did a lot of damage*
- *his son is back living there, now; hopefully, he'll be a better tenant*

VIDEO #1 - clean up

VIDEO #2 - tall grass and weeds

Ms. Moermond:

- will recommend that this assessment be approved, payable over 5 years

Referred to the City Council due back on 9/19/2012

20 **RLH TA**
12-415

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1212A, Assessment No. 128521 at 903 FOURTH STREET EAST.

Sponsors: Lantry

Approve the assessment and spread the payments over 5 years.

RE: 903 4th St E (single family)

Allen Frenz, owner, appeared.

Inspector Joe Yannarely:

- Summary Abatement Order for tall grass and weeds issued May 23, 2012; compliance May 28, 2012

- re-checked May 29 - found noncompliant

- work done May 31, 2012 for \$160 plus \$155 service charge = \$315

- sent to StoneCrest in San Jose and someone in Milwaukee

Mr. Frenz:

- does not dispute the work being done

- bought house from US Home Ownership should be responsible

- did not own the house until Jun 4, 2012

- May 29, 2012 - all paperwork was notarized and sent out

- actually, he offered to cut the grass because it was about 1 foot tall; but they said,

"No; not until we get your paperwork, down payment, etc."

Ms. Moermond:

- the Notice was sent to the previous owner; it was sent when the previous owner still owned the property so, they would have been responsible for addressing this problem before the Appellant took possession of the property

- Mr. Frenz' complaint is really with the previous owner for not taking care of the clean-up and the assessment

- unfortunately, the assessments go with the property and not with the person, in this case, US Home Ownership

- it's the Appellant's responsibility to talk to that previous owner about this problem; it's their responsibility to compensate Mr. Frenz

- they should have informed you about the existing Order and they should have taken care of it

- suggested that he talk with the title insurance company, too

- will recommend this assessment be approved payable over 5 years

- Mr. Krenz may want to talk with his city council person about this

- City Council Public Hearing Sep 19, 2012 at 5:30 p.m.

Referred to the City Council due back on 9/19/2012

21 **RLH TA**
12-414

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1212A, Assessment No. 128521 at 224 GROTTO STREET NORTH.

Sponsors: Carter III

Rescheduled per owner's request

Laid Over to the Legislative Hearings due back on 8/21/2012**22** **RLH TA**
12-408

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1212A, Assessment No. 128521 at 466 IGLEHART AVENUE.

Sponsors: Carter III*Approve the assessment.**RE: 466 Iglehart Ave (duplex)**Burton Murdock, owner, appeared.**Inspector Joe Yannarely:*

- 2 tall grass and weeds Orders issued: 1) Apr 20, 2012; and 2) May 15, 2012 - compliance: 72 hours after postmark
- re-checked on first one: Apr 30; on second one: May 22
- both times were found noncompliant
- work done May 1 and May 23 respectively
- history is quite extensive
- cost: \$322 (\$160 x 2) plus service charge \$255 = \$590
- has been a Vacant Building since Oct 17, 2011

Mr. Murdock:

- just wanted to know what the assessments were for

VIDEO #1

- dont' have VIDEO #2 with them

Ms. Moermond:

- there's only 3 weeks separating these Summary Abatements

Mr. Murdock:

- he accepts the assessments
- has a problem with his neighbor too; lots of debris from their trees in his yard; someone took part of the fence down, too

Ms. Moermond:

- will recommend approving the assessment

Referred to the City Council due back on 9/19/2012**23** **RLH TA**
12-407

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1212A, Assessment No. 128521 at 701 HAMLIN AVENUE.

Sponsors: Tolbert*LHO wants to review file further.**RE: 701 Hamline Ave (single family)**Kristi Kampmeyer, owner, appeared.**Inspector Joe Yannarely:*

- tall grass and weeds complaint Order issued May 22, 2012; compliance - 72 hours after postmark
- re-checked May 29 and found noncompliant

- work done May 30, 2012 for a cost of \$160 plus \$155 service charge = \$315
- sent to George Parkus as well as Robert Tuccitto and Bank of America - Home Loan Servicing in Semi Valley
- a Vacant Building file was opened Mar 6, 2012 as a Category 2
- new owner closed on property Jun 14, 2012 and has maintained the property since then

Ms. Kampmeyer:

- is appealing because she didn't own the property at that particular time
- she will try to back to the Bank of America
- Purchase Agreement date perhaps 1 month before
- she got a letter from the city Jun 13, 2012; she called and told them that she didn't own the property but as soon as she closes, she will clean the property
- entered documents

Ms. Moermond:

- notification was sent to the new owner (Ms. Kampmeyer) at the time of the previous ownership (she never sees this)
- she wants to review the file before she makes a recommendation (Purchase Agreement dated Apr 20, 2012)
- will lay this over for 2 weeks (we can call or email Appellant)
- ultimately, she thinks that Ms. Kampmeyer will be talking to the bank

Laid Over to the Legislative Hearings due back on 8/21/2012

**24 RLH TA
12-419**

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1212A, Assessment No. 128521 at 594 LAFOND AVENUE.

Sponsors: Carter III

Approve the assessment.

RE: 594 Lafond Ave (duplex)

Ye Fang, a family member of Young Vue, appeared.

Inspector Joel Essling:

- Summary Abatement for clean up issued Apr 27, 2012; compliance May 2, 2012
- re-checked May 3 and found noncompliant
- work done May 4, 2012 for a cost of \$310 plus \$155 service charge = \$471
- sent to Yong Vue, 594 Lafond; and August Waage, Roseville
- inserted language: garbage bags on ground; need more and larger containers
- there are 2 other assessments pending, one's a PAEC for \$85; another for a clean up that's already been levied for \$471
- photos
- at the time of the Work Order, the California address was not on the tax records; only one for Yong Vue is 594 Lafond Ave (now, it's correct)
- there's no returned mail
- Mr. Vue hasn't yet changed the C of O responsible party

Mr. Fang:

- Mr. Vue called him and told him that he never received this SA notice; by the time he realized the need, the city had already cleaned it up; if they had received notice, it would have been cleaned up

VIDEO

Ms. Moermond:

- noticed that the photograph taken 2 days before the video shows a Viola container; the video does not show that container

Mr. Fang:

*- that 90-gallon container is always there; don't know why the video doesn't show it
- he has been there a couple times and many people in the area just throws their trash wherever they see a container; he has caught a lot of people dumping furniture, etc. overnight; he has talked to the owner about it and that they need to do something about it*

- the last Notice that was sent Jul 26 and they were able to take care of it because the owner received Notice; never got the first 2

- Yong Vue is out of state: on invoice for previous tax assessment - 286 Savona Ave, Goleta, CA 93117-1202

- Yong Vue's brother manages Mr. Vue's property in Saint Paul

Ms. Moermond:

- showing that Mr. Vue gave an address of 594 Lafond to Ramsey County

- provided Mr. Fang with a city form for C of O responsible party information

*- the city met it's responsibility to send a Notice to the owner of record with the county
- will approve this assessment*

- proper notification was sent to the correct legal location

- seeing a pile of garbage described in the Work Order itself and she's not sure what to make of the Viola container being present on May 2 and absent May 4, 2012 (maybe Viola removed their container because maybe the bill wasn't paid)

- asked Mr. Fang to find out when Mr. Vue bought the property

- the county now lists Nu Moua as the owner (Mr. Fang said that Nu Moua is Yong Vue's brother and they live at the same address in CA)

- if Nu Moua is the new owner, he needs to take care of this assessment

- if Mr. Fang can get information on when they bought it, she will see if she can decrease or delete the assessment

Referred to the City Council due back on 9/19/2012

**25 RLH TA
12-413**

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1212A, Assessment No. 128521 at 599 MAGNOLIA AVENUE EAST.

Sponsors: Bostrom

NO SHOW - approve the assessment

Referred to the City Council due back on 9/19/2012

**26 RLH TA
12-402**

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1212A, Assessment No. 128521 at 1961 NEVADA AVENUE EAST.

Sponsors: Bostrom

NO SHOW - approve the assessment

Referred to the City Council due back on 9/19/2012

**27 RLH TA
12-405**

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1212A, Assessment No. 128521 at 1091 ROSE AVENUE EAST.

Sponsors: Bostrom

NO SHOW - approve the assessment

Referred to the City Council due back on 9/19/2012

- 28** **RLH TA**
12-406
- Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1212A, Assessment No. 128521 at 303 SHERBURNE AVENUE.

Sponsors: Carter III

NO SHOW - approve the assessment

Referred to the City Council due back on 9/19/2012

- 29** [RLH TA](#)
[12-428](#)
- Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1212A, Assessment No. 128521 at 901 THIRD STREET EAST.

Sponsors: Lantry

need to review video

RE: 901 3rd St E (duplex)

Paomeng Lor, owner, appeared.

Inspector Joel Essling:

- *Summary Abatement Notice issued Apr 27, 2012; compliance May 7, 2012*
- *re-checked May 9, 2012 and found to be in noncompliance*
- *work done May 11, 2012 for a cost of \$326 plus \$155 service charge = \$481*
- *no video because the gold card wasn't returned*
- *inserted language: tree branches and chicken parts*
- *photos (Mr. Lor cleaned up some of that)*
- *no Video*

Mr. Lor:

- *just wanted to know what he was being charged for*
- *he received Notice for the last inspection to do some fixing on the house; due date Jun 3, 2012*
- *near the end of May, he called to extend that time to Jul 3, 2012*
- *he did all the clean up then*
- *wouldn't he get a Notice before he got charged*

Ms. Moermond:

- *needs to see the Video to compare photos to*
- *will layover for 2 weeks to Aug 21, 2012 LH*

Laid Over to the Legislative Hearings due back on 8/21/2012

- 30** **RLH TA**
12-429
- Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1212A, Assessment No. 128521 at 730 FOURTH STREET EAST.

Sponsors: Lantry

Approve the assessment and spread the payments over 2 years.

RE: 730 4th St E (duplex)

Ms. Uriah, property manager, appeared.

Inspector Joel Essling:

- Summary Abatement Notice issued May 11, 2012; compliance date May 16, 2012
- re-checked May 17 and found to be in noncompliance
- work done May 17, 2012 for a cost of \$316 plus \$155 service charge = \$471
- inserted language: furniture, appliances, etc.
- did not have a gold card

VIDEO

Ms. Uriah:

- they were confused; she sees the the owner got half of it and the city took the other half
- the owner himself really takes good care of the maintenance on this property
- apologized for no gold card; owner sent her an email asking her to deal with this
- asked if there was a way to break up the assessment into 2 payments for him

Ms. Moermond:

- she will recommend approving this assessment payable over 2 years

Referred to the City Council due back on 9/19/2012

**31 RLH TA
12-430**

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1210, Assessment No. 128212 at 110 ST ALBANS STREET NORTH, UNIT 1.

Sponsors: Carter III

Delete the assessment. Inspector indicated the inspection was from 2 years ago and notice went to previous owner. (No one appeared)

Referred to the City Council due back on 9/19/2012

**32 RLH TA
12-435**

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1212A, Assessment No. 128521 at 490 LAWSON AVENUE WEST.

Sponsors: Brendmoen

Delete the assessment.

RE: 490 Lawson Ave W (single family)

Beth Kerr, owner, appeared.

Inspector Joe Yannarely:

-

Referred to the City Council due back on 9/19/2012

**33 RLH TA
12-434**

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1212A, Assessment No.128521 at 1022 MINNEHAHA AVENUE WEST

Sponsors: Carter III

Approve the assessment.

RE: 1022 Minnehaha Ave W (single family)

Harvey Johnson, brother of Norma Johnson, owner, appeared.

Mr. Johnson:

- *is not here to protest or appeal but just to say that during that time, he was not around*
- *he will assume the responsibility for the irresponsible people who didn't take care of things*
- *wants to find out if there were any subsequent inspections*
- *his sister plans to own this property forever*

Inspector Joe Yannarely:

- *there was a tall grass and weeds complaint Jun 4, 2012 but the city didn't do a Work Order on it*

Ms. Moermond:

- *will recommend approval of this assessment*

Referred to the City Council due back on 9/19/2012

- 34** **RLH AR** Ratifying Collection of Certificate of Occupancy fees from May 2012. (File
12-95 No. CRT1210, Asmt No. 128212)

Sponsors: Lantry

Referred to the City Council due back on 9/19/2012

- 35** **RLH AR** Ratifying Demolition services from May 2012. (File No. J1214C, Asmt No.
12-96 122015)

Sponsors: Lantry

Referred to the City Council due back on 9/19/2012

- 36** **RLH AR** Ratifying Property Clean Up servies during May 2012. (File No. J1212A,
12-97 Asmt No. 128521)

Sponsors: Lantry

Referred to the City Council due back on 9/19/2012

- 37** **RLH AR** Ratifying Trash Hauling servies during May 2012. (File No. J1210G, Asmt
12-98 No. 128711)

Sponsors: Lantry

Referred to the City Council due back on 9/19/2012

- 38** **RLH AR** Ratifying Graffiti Removal servies during May 10 to May 15, 2012. (File No.
12-99 J1211P, Asmt No. 128410)

Sponsors: Lantry

Referred to the City Council due back on 9/19/2012

11:00 a.m. Hearings

Orders To Vacate, Condemnations and Revocations

39

[RLH VO
12-74](#)

Appeal of David J. Freeze and Odis Lewis to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 1076 BRADLEY STREET, #182.

Sponsors: Brendmoen

Deny the appeal and grant until September 7, 2012 for compliance or vacate the property.

RE: 1076 Bradley St, #182 (duplex)

David J. Freeze and Odis Lewis, tenants, appeared.

Fire Supervisor Leanna Shaff:

- *Fire Certificate of Occupancy Inspection conducted by Inspector Ben Ellis*
- *first inspection May 14, 2012; few inspections since then*
- *at one time, the electricity had been shut-off (Condemnation; now, lifted)*
- *have had difficulty getting cooperation from the property owner to make the required repairs or to show up for inspections*
- *the grass is over grown and the property is falling into a state of disrepair*
- *as of Jul 19, 2012, inspector notes: repeated inability to contact the property owner by phone or mail; contacted Unit #1 tenant with no response*
- *since then, Inspector Ellis has received some email from the owner stating that he would like to make the repairs*

Appellants:

- *everything is getting fixed*
- *inspector came back out while he was there; he gave them another 30 days to put in the screens and to get a window fixed*
- *property owner has been there; the grass has been mowed*
- *asking for a little more time to get the screens in*
- *the dryer vent has been done; the detectors passed*

Ms. Shaff:

- *this email says: all work must be completed by the date specified, Aug 14, 2012, on the most recent letter and a re-inspection to verify all work has been completed will be conducted on 2:00 p.m. that day*
- *there still is a lot of exterior work; glass on the outside of the building; screens; sink drain in Unit #1; still have a GFI in Unit #1; door locks; dryer vent*
- *don't see a permit for the dryer vent (Appellant: the inspector said they didn't need a permit to fix the dryer vent)*

Ms. Moermond:

- *all dryer vents need a permit (have a couple more weeks)*
- *the new set of Orders say all needs to be fixed by Aug 14, 2012 or Vacated*
- *this is really the owner's responsibility but these tenants are stepping up to do some of the repairs*
- *Appellants can stay on top of mowing the lawn (landlord left a lawn mower)*
- *furnace needs to be inspected (landlord should pay for that); all rental properties*

need that inspection

- *will recommend that all repairs be done by Sep 7, 2012*
- *City Council Public Hearing Sep 5, 2012 at 5:30 p.m.*

Referred to the City Council due back on 9/5/2012

**40 RLH VO
12-71**

Appeal of David Anger to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 1152 MARION STREET.

Sponsors: Brendmoen

Deny appeal and grant until September 15, 2012 for compliance.

RE: 1152 Marion St (duplex)

David Anger, helping with repairs; and Darlene Hoppe, owner appeared.

Fire Supervisor Leanna Shaff:

- *Fire Certificate of Occupancy Inspection conducted by Inspector Lisa Martin*
- *started during last year's process and was heard here in Dec 2011*
- *repairs were supposed to have been completed Jun 30, 2012*
- *they requested another month but weren't able to meet that deadline either*
- *the work still isn't done and they Revoked the Fire Certificate of Occupancy Certificate*

Ms. Hoppe:

- *doesn't know what Ms. Shaff means by "the work wasn't done;" they hired a licensed contractor, who spent 7 months in the house, which cost her \$6,000;*
- *the entire house was done: new carpeting; new floors, new sheet rock, plumbing, electric on the first floor*
- *Ms. Martin approved the Certificate of Occupancy and gave it to Sarah, her daughter-in-law, last month or the month before*
- *as far as the interior - it's all been done; it's like a brand new house*
- *when the people downstairs were told they had to move, they were so angry about it, they knocked out 7 windows in the house and punched out every screen so, she put in all brand new windows (4-5 months ago)*
- *now, they're working on the exterior - that was left for last because during the winter, they worked on the inside*

Mr. Anger:

- *a new roof was put on and all the gutters were re-hung*
- *he did not understand what was meant by some of the wording in the Orders so, he called the inspector and told her that he was going to be getting this work done and she wouldn't deal with him because she said that he wasn't put on a "list" as someone she could talk to (at the time, Ms. Hoppe was out of town); so, he tried to figure it out*
- *he searched the Internet for the siding and found a salvage place in Mpls that had it*
- *he has pretty much everything done except that he didn't understand what some of the things meant and all he asked was that the inspector explain it to him in words that he could understand and he was denied; it says, "Provide and maintain a 1 foot candle at grade level of exterior exits and entries for security," and he doesn't know what that means so, he came down and filed an appeal*
- *we need another 60 days to get the house completed; if Ms. Martin had talked to him and explained things, a lot more would have been completed by now*

Ms. Hoppe:

- *tenants are living there now*

- she is hiring a person who works for the City of Saint Paul who will do all of the cement work - fix the foundation all the way around the house
- she wants everything up to code when she is finished; she has \$30,000 invested in the house already and perhaps \$5,000 more to complete it

Fire Inspector Neis:

- there's an open roof permit but no permit for the windows
- roof permit needs to be finalized; permit for windows needs to be pulled and finalized

Ms. Moermond:

- based on what she's hearing now, staff will get Inspector Martin to talk to and explain things to Mr. Anger
- she will give a firm deadline to get all finished (exterior finished, furnace tested, some tuckpointing, grading away from the foundation)
- pull a permit for the windows; a building inspector needs to take a look at it
- Inspector Martin will contact Ms. Hoppe / Mr. Anger to have a conversation of explanation
- will recommend granting an extension to Sep 15, 2012
- if the work is not finished 2 things could happen: 1) the Fire Certificate of Occupancy for the house could be taken away; 2) Ms. Hoppe could end up with a Criminal Citation for not doing things; Ms. Moermond doesn't want to see either of those things happen
- focus on what's on the list; everything else can wait

Referred to the City Council due back on 9/5/2012

41 [RLH VO
12-75](#)

Appeal of Cheryl Mann to a Notice of Condemnation-Unfit for Human Habitation-Order to Vacate at 649 UNIVERSITY AVENUE WEST.

Sponsors: Carter III

Deny the appeal and the business must be closed from now through Thursday morning, August 16, 2012.

RE: 647 University Ave West - Hickory Hut Express (fast food restaurant)

Cheryl Mann, owner, appeared.

Ms. Moermond:

- will be on the City Council's Public Hearing Agenda Sep 5, 2012 at 5:30 p.m.
- has looked at quite a few of the photos

Fire Inspector Leanna Shaff:

- the Fire Certificate of Occupancy lists this address as 649 University Ave West
- Fire Certificate of Occupancy Inspection started Nov 8, 2011 by Inspector Kris Skow-Fiske

Inspector Kris Skow-Fiske:

- at the second inspection, she noticed that the sub-floor was water-damaged
- they said they had an insurance claim going on
- she worked with them and gave them some time
- inspections: Nov 8, 2011; Dec 20; Feb 10, 2012; Mar 12; Apr 20; Jun 11; Jul 16; and Jul 27, 2012
- there was some exposed wiring and insulation which was corrected
- the big item of the sub-floor was not addressed; it was getting worse

Ms. Mann:

- Aug, 2011, they had the roof repaired; when they were part way done with it, a big rain storm hit; they hadn't sealed the roof properly, so water was gushing into the building (down the walls onto the floor); there was standing water in the basement
- they have been fighting with the insurance company about that since then; still no resolve
- also, she has had a lot of personal things going on with her husband - he kept saying he was going to fix it but that didn't happen
- in May, 2012, they had more personal things going on and he is not able to contact her anymore at all on anything
- just within the last couple of months, she has talked with Inspector Skow-Fiske about it all
- she is asking for an extension to just get it done, with or without an insurance settlement (it's now in the hands of a law firm and she doesn't know the name of that firm)
- also, some folks are interested in buying the building, too
- The Hickory Hut was jointly owned with her husband, but now, they are divorced and she is the sole owner

Ms. Moermond:

- asked Ms. Skow-Fiske whether or not she has discussed this with licensing

Ms. Skow-Fiske:

- she spoke with Environmental Health and they went out to inspect
- the next measure would have been to talk with licensing, had Ms. Mann not filed the appeal (that action would have resulted in Revoking the license; on Jul 27, 2012, the building would either have been Vacated or the floor repaired)

Ms. Moermond:

- so far, she is not hearing a plan of execution from Ms. Mann to get out of this circumstance in the near future

Ms. Mann:

- she is not going to wait for the insurance company to come through
- she needs to have time to re-build the floor; it's her livelihood; she needs to be there and it needs to be safe

Ms. Moermond:

- she realizes there is a lot of money in play to get this repaired
- will recommend that the City Council deny this appeal and the business needs to be Closed from now through Thu morning of next week (Aug 16, 2012)
- City Council Public Hearing: Aug 15, 2012 at 5:30 p.m.; Ms. Mann will have an opportunity to speak with them about this

Referred to the 8/15/2012 City Council

11:30 a.m. Hearings

Summary Abatement Orders

- 42** [RLH SAO
12-22](#) Appeal of Leslie A. Miller and James Skoog to a Notice to Cut Tall Grass and/or Weeds at 766 FORSTER STREET.
- Sponsors:** Thune

RE: 766 Forster St (single family)

Leslie Miller and James Skoog, owner, appeared.

Summary Abatement Order for tall grass and weeds

Ms. Miller:

- entered and explained some photos, documents and articles*
- Inspector Schiller told them that they were breeding mosquitoes with their water bird baths, etc.*
- wondered why they didn't get a Notice like they did in 2010*
- a female city worker was in their garden yesterday, who said she was there taking pictures for the city; Ms. Miller asked for her name, her I.D. and a Work Order and she gave her none of those but her response was, "I'm surprised the city hasn't cut all of this down, yet."*
- their garden has grown since 2010 and they don't want to lose all of the birds*
- their garden is not full of weeds; they are wild flowers and herbs*
- they have created bird and butterfly habitat with water features, plants off which they feed, nesting places and safe places*

Ms. Moermond:

- scanned all entered materials and photos*
- will lay this over for 1 week to Aug 14, 2012 LH so that Ms. Moermond can review all the materials and photos*
- next week Ms. Miller will be able to explain the photos*

Inspector Joel Essling:

- a complaint came in Jul 23, 2012 for tall grass and weeds - some plantings obstructing the public sidewalk and the alley right-of-way*
- a letter was mailed to the property owner*
- the property was inspected Aug 6, 2012 and found to be in noncompliance; a Work Order was sent to Parks to cut the weeds on the property*
- the Work Order was cancelled when the appeal came in*

Laid Over to the Legislative Hearings due back on 8/14/2012

Orders To Vacate, Condemnations and Revocations

- 43** [RLH VO
12-73](#) Appeal of Ancil N. Payne, Jr. and Mary E. Payne to a Notice of Condemnation As Unfit for Human Habitation and Order to Vacate 2165 CARROLL AVENUE.

Sponsors: Stark

Rescheduled per owner's request

Laid Over to the Legislative Hearings due back on 8/21/2012

- 44** **RLH VO
12-79** Appeal of Chris Johnson, Lafond Apartments, LLC., to a Fire Certificate of Occupancy Revocation and Order to Vacate at 434 LAFOND AVENUE.

Sponsors: Carter III

RE: 434 Lafond Ave (apartments)

Chris Johnson, owner; Gregg Franke, Responsible Party; and Derek Johnson, current property manager since Jun 13, 2012, appeared.

Fire Inspector Neis:

- in regards to a Revocation of a Fire Certificate of Occupancy letter dated Aug 3, 2012*
- Fire C of O Inspection conducted Aug 2, 2012 by Inspector Lisa Martin*
- on-going inspection process since last last year*
- multiple code violations*
- C of O process started Apr, 2012*
- multiple Orders have been sent to the previous property management company and now, to the property owner, to make the required repairs*
- at one point there were 79 code violations on the property; currently, there are approximately 25*
- he was at the property with the Fire inspection at some time in Jul and advised the owner that all interior items needed to be corrected by the re-inspection date of Aug 2, 2012 in addition to an approved Work Plan for the exterior violations (see photos)*
- Aug 2, 2012 inspection: many of the interior items had been completed; however, no Work Plan for the exterior was provided, only an estimate of the repairs; so, the C of O was Revoked with full compliance or Vacate date of Aug 20, 2012*

Mr. Franke:

- entered the bid to get the exterior work done (\$51,000) and copy of Purchase Agreement*
- they don't have the money and their bank won't finance it for them*
- the bank did approve a short sale this morning and the buyer is aware of all the issues with the building*
- the buyer (Dexheimer) is asking for roughly 90 days from today - he has the ability to get the work done*
- the buyer is also aware of some of the work that needs to be done on the interior (Unit #4 is basically trashed); he is buying the building "as is"*
- in his email, he is asking for 30 days after Closing to get the work done on the exterior (Closing hasn't yet been scheduled)*
- the bank could schedule the Closing within a week; and the buy needs to do an appraisal*
- estimates 30 days until Closing*

Mr. Johnson:

- the vast majority of the interior work in complete*

Derek:

- there's probably 4 more truckloads to take out of the basement*

Ms. Moermond:

- units may not be re-occupied, if they're vacated, at this time; some of them are in trouble*
- asked Mr. Neis if he has a list of items which are critical*

Mr. Neis:

- the supporting structures need shoring up on the SW corner of the building (has the evaluation from the Restoration Company)*
- excessive amount of combustible materials in the basement (needs to be cleaned out fully)*

Ms. Shaff:

- has viewed the building in early Jul and emphasized at that time to get someone out there immediately to evaluate the supporting structures

Ms. Moermond:

*- Vacate date is Aug 20, 2012
- would like staff to evaluate more carefully the bid from BRC
- will lay this over to 11:00 a.m. next Tue, Aug 14, 2012
- encouraged them to have the purchaser present, as well*

Laid Over to the Legislative Hearings due back on 8/14/2012

**45 RLH VO
12-76**

Appeal of Lucky Lee/Xia Lee to a Fire Certificate of Occupancy Revocation and Order to Vacate 685 MAGNOLIA AVENUE EAST.

Sponsors: Bostrom

Deny appeal and grant until September 7 to vacate the property.

RE: 685 Magnolia Ave E (duplex)

Xia Lee and Dante Caraway, tenants, appeared.

The tenants are here because they are not sure what's going on.

Fire Supervisor Leanna Shaff:

*- there are a few things going on with this property
- Fire Certificate of Occupancy inspection conducted by Inspector Ben Ellis
- basically, the owner is walking away and is not going to fix anything (foreclosure)
- Inspector Ellis has required that paperwork be given to the tenants with normal routine type things
- the redemption period was up over a month ago (Bank of New York Mellon Trust)*

Mr. Caraway:

*- the owner hasn't told the tenants anything
- they don't want to be out on the street
- they are getting a lot of stories
- notice was put onto the doors yesterday*

Ms. Moermond:

*- told the tenants to set aside the money they would have paid in rent so that when someone contacts them (probably a local law firm), they can give them the money, which will give them a lot more options
- they might be able to find out who the attorney is through the sheriff's office (asked who filed a Notice of les pendence)
- the furnace needs an inspection and the inspector hasn't been in all parts of the building and the landlord has walked away (trouble)
- she wants the tenants to have some time to get a hold of the lawyers for the bank and try to work things out with them
- at City Council Public Hearing Sep 5, 2012 at 5:30 p.m.
- will recommend the Council Order the building Vacated by Sep 7, 2012*

Referred to the City Council due back on 9/5/2012

**46 [RLH VO](#)
[12-78](#)**

Appeal of Charles Rhodes to a Fire Certificate of Occupancy Revocation and Order to Vacate 561 MARYLAND AVENUE EAST.

Sponsors: Brendmoen

Deny appeal and grant until September 7, 2012 to vacate the property.

RE: 561 Maryland Ave E (single family)

Charley Rhodes, occupant, appeared.

Fire Supervisor Leanna Shaff:

- Fire Certificate of Occupancy conducted by Inspector Bill Ellis on Apr 23, 2012*
- Ms. Shaff went with Inspector Ellis on this initial inspection*
- inspector notes: owner claimed he did not receive the initial appointment letter and the correction hadn't been made because of the short amount of time; he assured that corrections would be complete in 30 days (that was in May 2012)*
- Jun 2012 - property owner left message requesting additional extension; performed an exterior inspection and nothing's been completed*
- Jul 9, 2012 - owner didn't show for inspection; tenant allowed access; no corrections had been made to the original list*
- Jul 31, 2012 - owner claimed he didn't attend that inspection because his wife was in labor*
- owner is Seborn Yancy*

Ms. Rhodes:

- owner fixed 2 items, maybe*
- she was not aware of the first inspection; she was at work*
- her grandson's father was at the house at the time of the first inspection; he called Ms. Rhodes about it; she texted Mr. Yancy and asked him if he had been aware of the inspection that day to which he responded, "Oh! No, I was not aware of that."*
- 2nd inspection - she was at work again; he put a Notice on the door; Mr. Yancy was aware that the Fire Marshal had come by*
- 4th inspection - inspector came with the Revocation; she saw the Notice and called Mr. Yancy, who didn't answer; she texted him and he said he was aware but apologized and said it wasn't supposed to happen; he said he would take care of the corrections*
- one Sat, he came to fix the window in the dining area; he fixed the big cabinet; then, he said he'd come the following Sat and fix more; however, he brought the screen and left it there; he didn't come the following Sat; said he'd be there Mon, the 30th and a contractor was coming with him to see that the major things got done; she left work early to make sure she would be there when they both came, however, they didn't come*
- on the 31st, he texted her saying his wife was in labor but he would be there to meet the inspector; she was nervous about it and called the inspector, who said Mr. Yancy was going to meet him at the house; while at work, she got a message from the inspector saying Mr. Yancy didn't show up*
- she asked the inspector what she should do because she has 2 daughters and a grandson who live in the house with her; he told her to file the appeal*
- Mr. Yancy is planning to sell the house; people have been coming to look at it*

Ms. Moermond:

- the city will hold Mr. Yance accountable for the list of repairs*
- she is unable to get Ms. Rhodes out of the middle of this*
- she encouraged her to contact Southern Minnesota Regional Legal Services or to go after him on her own*
- the city has the option to write a Criminal Citation or take away the owner's ability to rent the house*
- by taking this action, the city hopes the repairs will be made*

- the City Council Public Hearing is Sep 5, 2012 at 5:30 p.m.
- she will recommend the property be Vacated Sep 7, 2012
- a letter will be sent to Ms. Rhodes and to Mr. Yancy regarding the results of this hearing

Referred to the City Council due back on 9/5/2012

1:30 p.m. Hearings

Window Variances: Hearing Required

- 47 RLH FOW
12-282** Appeal of Allan K. Petersen, AKP Investments LLC, to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 752 JESSIE STREET.
- Sponsors:** Brendmoen
- Forthcoming; LHO to review permit(s) pulled for windows in 2009.*
- RE: 752 Jessie St (duplex)*
- Allan Petersen, owner, appeared.*
- Fire Supervisor Mike Urmann:*
- windows in sleeping room exit into an enclosed porch in the lower unit
- Mr. Petersen:*
- 10 or 12 windows in the very large porch which is also the front entry
- Ms. Moermond:*
- the windows need to go directly outside
 - if the porch were open, it would solve the problem
- Mr. Petersen:*
- he talked with his contractor about this; he said this duplex was completely renovated in 2009 and passed the fire inspection then; it should be OK now
- Ms. Moermond:*
- doesn't have the details of what was looked at during the renovation time
 - rooms in the front of the house were traditionally constructed as sleeping areas; usually, they were living rooms, parlors, dining rooms; perhaps, they were not considered sleeping areas when the renovation took place; she will review that
 - if it doesn't work out, Appellant will need to stop using it as a sleeping room or open up the porch or put in another window
 - she will send him an email with the results of her review and her recommendation
 - City Council Public Hearing Sep 5, 2012 at 5:30 p.m.
- Referred to the City Council due back on 9/5/2012**
- 48 RLH FOW
12-284** Appeal of Tom Gergen, Ryan Whissler, and Tom Gallagher, on behalf of TR Group LLC, to a Fire Certificate of Occupancy Correction Notice at 1237 SEVENTH STREET EAST.
- Sponsors:** Bostrom
- Deny appeal on the lower unit window going into an enclosed porch and grant 90 days for compliance by way of opening up the porch or not use as a sleeping room.*

RE: 1237 7th St E (single family)

Ryan Whissler, TR Group LLC, owner, appeared.

Fire Supervisor Mike Urmann:

- *an egress window blocked by an air conditioning unit*
- *an egress window exits into an enclosed porch*

Ms. Whissler:

- *the air conditioner is gone*
- *large porch with front door*

Ms. Moermond:

- *will deny the appeal and grant 90 days to come into compliance*
- *open the porch, put a window into the side of the house or discontinue use as a bedroom*

Referred to the City Council due back on 9/5/2012

**49 RLH FOW
12-297**

Appeal of Soua Her and Lee Vang to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 729 EDMUND AVENUE, LOWER UNIT (wire mesh gate over window)

Sponsors: Carter III

Grant the appeal on condition that the room is not to be used as sleeping room.

RE: 729 Edmund Ave, lower unit (duplex)

Soua Her and Lee Vang, tenants, appeared.

Fire Supervisor Mike Urmann:

- *here we have a playroom / sleeping room for a special needs child; they have taken security measures to close the doorway with a slide bolt and also the window with a mesh screen (chicken wire) and a bolt system that locks it permanently; the problem is that it's required for egress and there's no way for them or a person without a key or special knowledge to get out if there's an emergency without forceable tools to get that frame out of the way; the slide bolt has been removed but the mesh is still covering the window with a lock*
- *explained that there is hardware out there that would meet code that would be removable in an emergency situation that may meet their needs*

Mr. Her:

- *his child is autistic and he has a letter from the Dr. and the Social Worker that explains the need for this child*
- *this room is used for a play room, only; not a bedroom*

Mr. Urmann:

- *if that room is not used for sleeping, it's not required to meet egress*
- *the inspector described the room as somewhere where someone could take a nap*

Ms. Moermond:

- *if this changes in the future and the Appellant gets another set of Orders, she would like to talk more about this because this is one of a very few cases that she sees where she thinks the overriding safety interest is of keeping the child safe inside of the house*

- the Department of Safety and Inspections (DSI) is Withdrawing the Orders

Referred to the City Council due back on 9/5/2012

Fire Certificates of Occupancy

50 [RLH FCO
12-475](#) Appeal of George Stone to a Correction Notice-Complaint Inspection at 1079 MARYLAND AVENUE EAST.

Sponsors: Bostrom

Deny appeal and grant until October 31, 2012 for compliance.

RE: 1079 Maryland Ave E (single family)

George Stone, owner, appeared.

Ms. Moermond:

- Mr. Stone was going to be working on a Work Plan

Mr. Stone:

- he put the Work Plan together*
- he has a new roof in place on the garage (has photos)*
- continues to work on the scraping and painting*
- the roof was not noted on the first inspection*
- he tries to respond to whatever needs to be done*
- he is over there once or twice a week*
- he plans to finish completely Sep or Oct, 2012*
- an inspection is scheduled for this Fri, Aug 10, 2012*

Mr. Urmann:

- point of correction: the roof was missed from the original set of Orders; it was added on later

Ms. Moermond:

- all the work needs to be done by Halloween, Oct 31, 2012 or the Department of Safety and Inspections will take additional enforcement action*
- a letter will be sent*
- City Council Public Hearing will take place Sep 5, 2012 at 5:30 p.m.*

Referred to the City Council due back on 9/5/2012

51 [RLH FCO
12-393](#) Appeal of David Franzen to a Fire Certificate of Occupancy Inspection Correction Notice at 1009 SEMINARY AVENUE.

Sponsors: Carter III

Deny appeal and grant until October 1, 2012 for compliance except the windows which is laid over for 3 months.

RE: 1009 Seminary Ave (single family)

David Franzen, owner, and another man appeared.

Ms. Moermond:

- Appellant had talked about putting in a door

Mr. Franzen:

- saw there was a court case about the windows, so I didn't have to do that

Ms. Moermond:

- it talks specifically about the building code and the fire code and how they relate to different properties; the lawyers are sorting through that and how that applies to cases like the Appellant
 - when she looks at this case and this type of window (awning), her first question is, "Were these the original windows that were installed in this space and was the space originally used for sleeping?"
 - right now, she will recommend that this be laid over for 3 months; Appellant should not do anything within those 3 months unless he wants to

Mr. Franzen:

- the garage has been painted; needs a second coat
 - the basement has been cleaned out (30 inches away from the water heater)
 - they cleaned the exterior 3 times already; the kids need to clean up
 - fixed the screens but the dog damages them
 - smoke and CO detectors are in place
 - can't do the affidavit on the CO detector (Mr. Urmann: contact the inspector and he will mail them a form)
 - about 5 years ago, the city Ordered them to improve the driveway; they put down gravel, which was approved - #4
 - photos in the system

Ms. Moermond:

- the boundaries need to be clean; the driveway and parking area needs to be defined
 - perhaps, some grading would be necessary (has been raked evenly)
 - will grant an extension to Oct 1, 2012 for compliance
 - will lay this over for 3 months

Referred to the City Council due back on 9/5/2012

52 [RLH FCO
12-466](#)

Appeal of Suyapa Miranda to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 1526 ALBEMARLE STREET.

Sponsors: Brendmoen

Deny appeal and grant until September 30, 2012 provided the building is vacant. Owner to provide a work plan with deadlines for review by August 21, 2012.

RE: 1526 Albemarle St (single family)

Suyapa Miranda, owner, appeared.

Fire Supervisor Mike Urmann:

- from what he understands from the inspector, this property is in rough shape; needs some TLC
 - they recently received notice that the building was empty; inspector went back out to ensure that it was empty and took more photos
 - no repairs have been done; the building appears to be unoccupied
 - the inspector thinks it should be referred to the Vacant Building Program because of the number of violations
 - first set of Orders: Jun 1, 2012

Ms. Miranda:

- house was code compliant in 2009; she had a certificate
- she bought out the property with the tenant still there; he has been evicted; he made a huge mess; he was not willing to plug in the sump pump that was there but those problems are fixed - no water in the basement now
- just got into the property in Jul, 2012
- asked if she were able to rent it out if some of the items were corrected besides the windows
- she has hired a structural engineer; the electricity has been fixed (pulled permit);
- they took care of the sewer problem
- she is a single mother with 2 kids, doing the best she can
- she can't get a loan on the property; has been using her own credit cards for the repairs
- she is in the process of getting a new water heater; getting a new roof Fri, Aug 10, 2012
- they have been working on the property every single day
- there is no parking in the back, just grass - there never was parking in the back; would be willing to put down gravel

Ms. Moermond:

- the windows don't have anything to do with the Vacate
- viewed photos
- current deadline for compliance is Aug 6, 2012; the next step would be Revocation of the C of O because the list is so long
- if the list can be done in good order, things will work out better
- she is willing to work on longer deadlines for some things, like parking
- wants Appellant to develop a Work Plan with clear timelines; some things may not be able to be done right now
- wants things wrapped up between 60-90 days
- if no one lives there, she will recommend the deadline by Sep 30, 2012; if it's not done by then, expect that a Revocation will be issued and it will be referred to the Vacant Building Program
- she wants to allow the Appellant time to finish the current list of things before she re-rents it; if the property is put into the VB Program with this long of a list, she may have to go through a Code Compliance Inspection, which will cost more

Ms. Miranda:

- the last things on her list will be the parking space in back, the egress windows and a new sidewalk (Ms. Moermond said to forget about the egress windows)

Mr. Urmann:

- the area in the back of the property adjoins either an alley or a driveway; so, maybe a solution would be to just block off that area so that it can't be used as a parking area (Ms. Miranda says that it isn't used for parking; the front is used for parking); he can clearly see tracks
- the surface on the alley is asphalt, which would normally require asphalt for a parking area

Ms. Moermond:

- asked the Appellant to clearly show in her Work Plan how the back area will not be used for parking
- Appellant has 2 weeks to develop the Work Plan
- wants to keep the building empty until Ms. Miranda can get the Certificate of Occupancy issued

Referred to the City Council due back on 9/5/2012

53 RLH FCO
12-489

Appeal of Lori Purdy to a Fire Certificate of Occupancy Approval With Corrections at 843 ASHLAND AVENUE.

Sponsors: Carter III

Grant the appeal as all work has been completed with the exception of sealing the treated wood which she has granted an extension until June 15, 2013.

RE: 843 Ashland Ave (three/four family)

Lori Needels Purdy, owner, appeared.

Fire Supervisor Mike Urmann:

*- it appears that they have done all the work that has been asked for
- the treated lumber needs to cure for at least 3 months before it can be sealed (the last item that needs to be taken care of, which they would normally extend until spring)*

Ms. Moermond:

- thinks the department should issue the Fire Certificate of Occupancy Certificate and turn the other matter into a referral and have the deadline be Jun 15, 2013 to seal

Referred to the City Council due back on 9/5/2012

54 [RLH FCO](#)
[12-470](#)

Appeal of James Buhler to a Correction Notice-Complaint Inspection at 237 and 239 MACKUBIN STREET.

Sponsors: Carter III

Grant the appeal on the steps.

Laid over for Christine Boulware (HPC) to look at the railing. HOUSEKEEPING ITEM:

RE: 237 - 239 Mackubin St (duplex)

James Buhler, owner, appeared.

Mr. Buhler:

*- talked with Inspector Sean Westenhofer, who told him that the railing at the property (239 side) is compliant
- he said that a "repair" on the steps would be adequate
- wants to address 2 other things
- he entered documents and photos (in Historic Hill District)
- has had it since 1995, lived there until a few years ago; currently, it's fully rented with happy renters
- has a question about the railing on the 237 side (cited Code: Exterior structures and standards: stairs, porches, decks and railings)
- there are 3 or 4 identical houses to this property within walking distance, one of which is next door, and none of them have hand rails nor ever have had for 100 years
- the steps are unusual in that the first 4 steps are enclosed in the porch; the bottom 2 are set on whatever fill was there when they built the properties (very large)
- in this case, on the 237 side, the bottom 2 steps, which are stacked on each other, there's a 1-inch gap (he believes that happened a long time ago because it has not changed since he has been there); photos; it's not a safety issue - it's hollow in the back and the steps are part of the foundation - there's nothing under them; it would be very difficult to put a repair there that would maintain itself (purely, an aesthetic*

problem - the renters are perfectly happy with it and also, they are not in favor of a railing)

- he would like to maintain the historic look of the place*
- he put a railing on the other side at the request of the tenants; he tried to erect something that was historically appropriate, constructed by a blacksmith*
- he plans to repair the step issue on the other side (one side sunk 3/4 inch) but it doesn't move; he will level it off*
- the property has an "A" rating*

Ms. Moermond:

- viewed the building next door - the same type of structure*
- will recommend the appeal be granted on the steps*
- will ask Christine Boulware, Heritage Preservation Commission (HPC), to have a look at it to get her perspective*

Laid Over to the Legislative Hearings due back on 8/14/2012

55 [RLH FCO
12-463](#)

Appeal of Robert and Richard Nolan to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 1679 TAYLOR AVENUE.

Sponsors: Stark

Deny appeal on furnace testing and grant until September 30, 2012 for compliance. Laid over to 8-21-12 on the dryer vent. LHO to consult with mechanical inspector.

RE: 1679 Taylor Ave (three family)

Robert Nolan, owner, appeared.

Fire Supervisor Mike Urmann:

- we asked for an RH1 heating system test report*
- dryer vent that's not code compliant*
- heating systems are located in a common area in the basement; not within the dwelling; if heating systems were individual to a unit, separated from the others, this test report would not be required*

Mr. Nolan:

- got an estimate on the dryer vent - \$565 (Ms. Moermond told him that she'd get another estimate); he needs a new hole punched through the foundation to the outside because the one that's there is too close to an upper window*
- he also has to re-fill the hole that's there now*
- in 20 yrs, this has never come up*

Ms. Moermond:

- noted that putting a hole into the foundation is not in the Orders (Mr. Urmann: they asked him to install to code by a licensed contractor, who may not allow a vent too close to an opening coming back to the structure); Ms. Moermond said that the Order says, "to the nominal size of 4 inches in diameter" and we don't know the size of this particular exhaust vent*
- she will lay this over to give the mechanical inspector a chance to review the situation*

Mr. Nolan:

- asked if that problem could be solved by removing the washer and dryer from the basement (Ms. Moermond: removing the dryer from the basement would solve the problem)*
- expressed that Inspector Imbertson has been very good to work with*

- he has complied with everything except the dryer exhaust and the 2 furnaces

Ms. Moermond:

- it's in the Appellant's own interest to get the heating equipment tested

Ms. Nolan:

- is asking for some time

- his brother had a stroke recently and the house will go into foreclosure (they owe more on it now than what the state says it's worth)

- he will remove the dryer from the basement after he hears what the mechanical inspector has to say after he reviews it

Ms. Moermond:

- must have the testing done by Sep 30, 2012, in time for the heating season

- the inspector may be back to take a few more photos or perhaps, the mechanical inspector will take a look at it himself

- will lay this over for 2 weeks

- will let Appellant know what mechanical inspector says

Laid Over to the Legislative Hearings due back on 8/21/2012

**56 RLH FCO
12-487**

Appeal of Robert W. Overby to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 2296 SEVENTH STREET WEST.

Sponsors: Tolbert

Grant the appeal on the driveway and garage roof. (Inspector may need to write new order on garage roof if it becomes worse in the near future).

RE: 2296 7th St W (single family)

Robert Overby appeared on behalf of his stepson, Glenn Mulvihill, owner.

Mr. Overby:

- appealing the driveway and the garage roof

- the driveway is gravel and not dusty

- the garage roof doesn't look pretty but it doesn't leak

- he took photos but left them in his motorhome

- he brought in that garage after the other one burned down

- they just got rid of the tenant who's been there for quite a few years (\$9,000 behind in rent)

- he's remodeling the whole inside and started to clean-up the outside

Fire Supervisor Mike Urmann:

- photos in file

- driveway is grave - Class 5; it's in pretty good repair; there is some growth

- the garage roof has a lot of defects

Ms. Moermond:

- roof looks like it has 3 layers and the edges are deteriorated; so far, it's not pressing

- the driveway looks pretty; watch it with some weed killer

- will recommend the City Council grant the appeal on the driveway and thinks the garage roof can go for another year (put into inspector's notes to look at it one year from now)

Referred to the City Council due back on 9/5/2012

- 57 **RLH FOW
12-303** Appeal of Sheyte Kidane to a Fire Certificate of Occupancy Correction Notice at 670 LAWSON AVENUE EAST.
- Sponsors:** Bostrom
- Deny the appeal and grant an extension for 3 months to stop using the room for sleeping or put a new window on the side of the house.*
- RE: 670 Lawson Ave E (duplex)*
- Sheyte Kidane, owner, appeared.*
- Ms. Moermond:*
- Orders say that the egress window opens into an enclosed porch
 - an escape window needs to open directly outside
- Ms. Kidane:*
- entered photos
 - when she bought the house, the porch was not enclosed
- Ms. Moermond:*
- will recommend the appeal be denied and grant a 3-month extension to come into compliance
 - solutions: 1) put another window into the side of the house; 2) stop using that room for sleeping; or 3) go to the City Council Public Hearing Sep 5, 2012 at 5:30 and tell them about the situation
 - might be a good idea to get an estimate of how much it would cost to put in an escape window into the side of the house and bring it to the City Council meeting
- Referred to the City Council due back on 9/5/2012**

2:30 p.m. Hearings

Vacant Building Registrations

- 58 [RLH VBR
12-48](#) Appeal of David A. Unger to a Vacant Building Registration Notice at 1111 CASE AVENUE.
- Sponsors:** Bostrom
- Owner was given 60 days waiver on the VB fees.*
- Withdrawn**

Staff Reports

- 59 [RLH FCO
12-468](#) Appeal of Binh Le to a Fire Certificate of Occupancy Correction Notice at 869 BEECH STREET (Ceiling Height).
- Sponsors:** Lantry
- Laid over for building inspector staff report (inspection was conducted on August 7).*
- RE: 869 Beech St (single family)*

Fire Supervisor Mike Urmann:

- re: ceiling height
- inspector just made an appointment with the building owner for today at 2:00 p.m.
- measure the stair platforms - will provide as quickly as possible

Ms. Moermond:

- will lay over for 1 week to Aug 14, 2012 for an additional staff report

Laid Over to the Legislative Hearings due back on 8/14/2012

Window Variances: No Hearing Necessary