



# 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*  
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*651-266-8560*

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Tuesday, March 15, 2011

9:00 AM

Room 330 City Hall & Court House

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### 9:00 a.m. Hearings

#### Special Tax Assessments

#### VB1102 - Adopted on 2/2/11 CCPH

- 1 [ALH 11-232](#) Appeal of Special Tax Assessment for 1305 MARYLAND AVENUE EAST for Project #: VB1102, Assessment #: 118993 in Ward 6

**Sponsors:** Bostrom

**Attachments:** [1305 Maryland Ave E.VB1102.pdf](#)

*Reduce the assessment from \$1,235 to \$617.*

*No one appeared.*

*Ms. Moermond stated that all of the permits have been finalized so the condition has been met. She will recommend reducing the assessment by half. Need to amend Resolution since it's after February 28, 2011.*

**Referred Under Master Resolution (do a resolution to amend)**

#### J1106G - 3/16/11 CCPH (RES 11-140)

- 2      [ALH 11-354](#)      Appeal of Special Tax Assessment for 874 EDMUND AVE for Project #: J1106G, Assessment #: 118024 in Ward 1
- Sponsors:**      Carter III
- Attachments:**      [874 Edmund Ave 9.30.10 Hauler SA.DOC](#)
- Delete the assessment. (On 3-16-11 CC agenda)*
- No one appeared. (874 Edmund Avenue)*
- Ms. Moermond stated that HUD had not properly notified and HUD's title company had not changed the records. DSI recommends deleting the assessment.*
- Referred Under RES 11-140 (Delete) (3-16-11)**

### **J1104E - 3/16/11 CCPH (RES 11-137)**

- 3      [ALH 11-404](#)      Appeal of Special Tax Assessment for 407 BAY ST for Project #J1104E Assessment #118020 in Ward 2
- Sponsors:**      Thune
- Attachments:**      [407 Bay st. EC.DOC](#)  
[407 Bay st. Sa.DOC](#)  
[407 Bay St. Veh.DOC](#)  
[507 Bay St. Photos.DOC](#)
- No one appeared. Approve the assessment.*
- Referred Under RES 11-137 (3-16-11)**

### **J1110A - 4/6/11 CCPH (RES 11-322)**

- 4      [ALH 11-372](#)      Appeal of Special Tax Assessment for 333 ARLINGTON AVENUE EAST for Project J1110A , Assessment #: 118034 in Ward 5
- Sponsors:**      Helgen
- Attachments:**      [333 Arlington Ave E Snow letter.pdf](#)
- No one appeared. Approve the assessment.*
- Referred Under RES 11-322 (4-6-11)**

- 5      [ALH 11-369](#)      Appeal of Special Tax Assessment for 212 BAKER ST E for Project #: J1110A, Assessment #: 118034 in Ward 2

**Sponsors:**      Thune

**Attachments:**      [212 Baker St E. snow letters.pdf](#)

*No one appeared. Approve the assessment.*

**Referred Under RES 11-322 (4-6-11)**

- 6      [ALH 11-407](#)      Appeal of Special Tax Assessment for 727 CHARLES AVE for Project #: J1110A, Assessment #: 118034 in Ward 1

**Sponsors:**      Carter III

**Attachments:**      [727 Charles Ave SA 1.11.11.dot](#)

*Delete the assessment per DSI.*

*No one appeared.*

*Inspector Essling reported that the assessment for 727 Charles Avenue is for \$428 for a clean-up. The Department of Safety and Inspections (DSI) recommends deleting this assessment because of improper notification. The Summary Abatement was mailed out without a name or address on it.*

**Referred Under RES 11-322 (4-6-11)**

- 8      [ALH 11-409](#)      Appeal of Special Tax Assessment for 353 COOK AVE E for Project #: J1110A, Assessment #: 118034 in Ward 5

**Sponsors:**      Helgen

**Attachments:**      [353 cook Ave E snow letter1.3.11.pdf](#)  
                                 [353 Cook Ave E J1110A.pdf](#)

*Approve the assessment.*

*Riaka Benvea, property manager, S & H Home LLC, appeared.*

*Inspector Essling reported that the assessment for 353 Cook Avenue East is for snow and ice on the public sidewalk. The letter was mailed January 3, 2011 with a compliance date of January 6, 2011. It was re-inspected January 6, 2011 and found to be in noncompliance. A Work Order was sent to Parks and the work was done January 10, 2011 at a cost of \$160 plus \$140 service charge for a total of \$300. The letter was sent to S & H Home LLC, Princeton Avenue, Minneapolis and Occupant.*

*Ms. Benvea stated that the tenant is responsible for snow removal. There was a burglary in the house and the tenant left the house without notifying them. So, no one shoveled.*

*They viewed the video.*

*Ms. Moermond stated that even though the tenant had moved, it's the owner's responsibility to make sure that the sidewalk is cleared. Any arrangement with the tenant is a private arrangement. The City will hold the owner responsible. The City notified the owner and the work wasn't done so, the City did the work.*

*Ms. Moermond will recommend approving this assessment.*

**Referred Under RES 11-322 (4-6-11)**

- 7      [ALH 11-371](#)      Appeal of Special Tax Assessment for 197 CLEVELAND AVENUE NORTH for Project #J1110A, Assessment #118034 in Ward 4.

**Sponsors:**      Stark

**Attachments:**      [197 Cleveland Ave N SISA.DOC](#)  
                                 [197 Cleveland Ave N snow letter.pdf](#)

*No one appeared. Approve the assessment.*

**Referred Under RES 11-322 (4-6-11)**

- 9      [ALH 11-352](#)      Appeal of Special Tax Assessment for 1595 EDMUND AVE for Project #: J1110A, Assessment #: 118034 in Ward 4

**Sponsors:**      Stark

**Attachments:**      [1595 Edmund Ave. sa.DOC](#)  
                                  [1595 EDMUND. LETTERS.pdf](#)  
                                  [1595 Edmund Ave.J1110A PO letter.pdf](#)

*Approve the assessment.*

*No one appeared.*

*Ms. Moermond stated that there is an email on file for this address.*

*Inspector Essling reported that the assessment for 1595 Edmund Avenue is for snow and ice removal. A letter was mailed January 3, 2011 with a compliance date of January 6, 2011. It was re-inspected January 7, 2011 and found to be in noncompliance. A Summary Abatement was issued on January 10 with a compliance date of January 13, 2011. It was re-inspected and found to be in non-compliance. A Work Order was sent to Parks and the work was done January 20, 2011 at a cost of \$160 plus a service charge of \$140 for a total of \$300. The letter and the SA were sent to Lucas Goring and Sara Doescher, Venture Mortgage Corp, Brownie Road, Minneapolis and the Occupant.*

*They viewed the video.*

*Ms. Moermond stated that it appears that the argument that they're making is that the Orders were issued January 3, 2011 and the work wasn't done until January 20 (a different snow event). They would have complied with the first set of Orders; this assessment is for something else. She stated that the video showed that only a very narrow path had been shoveled initially with about 1 inch coating of fresh snow on top of that.*

*Ms. Seeley agreed and said that it didn't look as though the sidewalk had been shoveled full width the first time it snowed.*

*Ms. Moermond will recommend approving this assessment.*

**Referred Under RES 11-322 (4-6-11)**

- 10      [ALH 11-396](#)      Appeal of Special Tax Assessment for 429 FAIRVIEW AVENUE NORTH for Project #:J1110A, Assessment #: 118034 in Ward 4

**Sponsors:**      Stark

**Attachments:**      [429 Fairview Ave N. snow letters.pdf](#)

*Delete the assessment.*

*Franco Adamo appeared.*

*Inspector Essling reported that the assessment for 429 Fairview Avenue North is for the failure to remove snow and ice from the public sidewalk. The letter was mailed on December 22, 2010 with a compliance date of December 25, 2010. It was re-inspected on December 28, 2010 and found to be in non-compliance. A Work Order was sent to Parks and the work was done on January 3, 2011 at a cost of \$160 plus a service charge of \$140 for a total of \$300. The letter was mailed to Enrice Dunlap and Occupant at the same address.*

*Mr. Adamo is appealing because they have had problems with snow plows. Their address is where Fairview starts to go down into the freeway and there's an annex road that goes on the side. The plows come up and take chunks of ice the size of a range and drop them onto their property and the next property. There is no way that it can be shoveled out by hand or with a snow blower. Prior to this letter, we had called the City and they came out and cleaned it with a mini bulldozer. The City also said that they would come out and take care of it in the future.*

*They viewed the video.*

*Ms. Moermond asked how wide the boulevard is there. Mr. Adamo indicated about a foot wide; the sidewalk is about four (4) feet wide. She commented that there wouldn't be much room available to put the snow unless the Adamo's put it onto their yard; and then they would have huge boulders, in this case, on the grass.*

*Mr. Adamo said that he usually clears the sidewalks because he had handicapped people living on both sides of him.*

*Ms. Moermond will recommend deleting this assessment.*

**Referred Under RES 11-322 (Delete) (4-6-11)**

- 11 [ALH 11-395](#) Appeal of Special Tax Assessment for 1892-1894 FORD PKWY for Project #:J1110A, Assessment #: 118034 in Ward 3

**Sponsors:** Harris

**Attachments:** [1892 @1894 Ford Pkwy. snow letters.pdf](#)  
[1892 Ford Pkwy. SA.DOC](#)

Reduce assessment from \$380 to \$100.

John Erickson appeared.

*Inspector Essling reported that the assessment for 1892/1894 Ford Parkway is for snow and ice removal from the public sidewalk. Orders were issued December 24, 2010 with a compliance date of December 27, 2010. It was re-inspected December 30, 2010 and found to be in non-compliance. A Work Order was sent to Parks and the work was done on January 3, 2011 for a cost of \$240 plus a service charge of \$140 for a total of \$380. The snow letter was mailed to Steven Hannig, 7th Street in Saint Paul; Occupant; and Julie Hannig, Vixby, Inver Grove Heights. After the initial inspection of the snow/ice, the inspector issued a Summary Abatement, which says essentially the same thing as the snow letter.*

*Mr. Erickson noted that he lives at this address and the Hannigs are his inlaws. He is appealing because he was out-of-town at the time and he is questioning how the City determines which properties should be evaluated for snow removal. They own several properties within the City of Saint Paul and have never received a snow Notice. Within the past five (5) years, they have received twenty (20). He has always taken care of it until December. It feels as if he is being targeted unfairly. He thinks that if one of his neighbors has a problem with their property, there should be some way he would be able to directly confront them. In the future, he will make sure that someone takes care of the shoveling when they are out of town. Ms. Moermond responded that this is a complaint-based system, and it sounds as though this particular property is being carefully observed by a neighbor regarding snow removal. When the City goes out to inspect, they do not make a determination as to whether someone may/may not be targeted. The City determines whether the complaint was founded. Mr. Erickson suggested that staff look at the history of how many Notices he has actually received and how many times the City did not need to come out and do the work. Ms. Moermond replied that staff will be doing that while they view the video.*

*They viewed the video which showed too narrow of a width on the sidewalk.*

*Mr. Erickson questioned the City charging \$380 for what they did. Ms. Moermond responded that most of the cost is a trip charge plus some pretty steep administrative fees. Ms. Moermond asked Mr. Essling about the history on this property. He replied that this is the only complaint this winter about snow removal. In 2009, there was a complaint that resulted in a Work Order, marked "done by owner" on the 1894 side. On the 1892 side in 2009, there was a complaint that resulted in a Work Order, marked "done by owner." There were two (2) other complaints in 2009. He apologized that he didn't have copies for previous years; he would be able to produce them.*

*Ms. Moermond stated that she is struggling with Mr. Erickson's being out-of-town and his good history. She asked Mr. Erickson to make a commitment to make arrangements for someone to take care of this when he goes out of town in the future. Mr. Erickson responded that he will make that commitment.*

*Ms. Moermond will recommend reducing the assessment from \$380 to \$100.*

**Referred Under RES 11-322 (reduce assessment from \$380 to \$100) (4-6-11)**

12      [ALH 11-362](#)

Appeal of Special Tax Assessment for 1938 GRAND AVENUE (AKA 52 PRIOR AVENUE SOUTH) for Project #J1110A, Assessment #118034 in Ward 4.

**Sponsors:**      Stark

**Attachments:**      [1938 Grand Ave. snow letters.pdf](#)

*No one appeared. Approve the assessment.*

**Referred Under RES 11-322 (4-6-11)**



- 13      [ALH 11-361](#)      Appeal of Special Tax Assessment for 682 JESSAMINE AVE E for Project #: J1110A, Assessment #: 118034 in Ward 6

Sponsors:            Bostrom

Attachments:        [682 Jessamine Ave E. photo.DOC](#)  
                              [682 Jessamine Ave E. SA.DOC](#)

*Approve the assessment payable over two (2) years.*

*C. L. Jackson appeared.*

*Inspector Essling reported that the assessment for 682 Jessamine Avenue East is for a huge clean up. Orders were mailed January 20, 2011 with a compliance date of January 24, 2011. It was re-checked on January 24, 2011 and found to be in non-compliance. A Work Order was sent to Parks and the work was done January 26, 2011 at a cost of \$1,260 plus a service charge of \$140 for a total of \$1,400. Notes inserted into Summary Abatement: garbage, rubbish in garage and alley area; remove all. Also, the box for securing the garage is checked. The Orders were mailed to Charles Jackson, Ashland Avenue in Saint Paul and Daniel Marks on Randolph Avenue in Saint Paul. He entered a photo taken January 20, 2011.*

*Mr. Jackson explained that his daughter had been interested in the property and bought it from him by contract for deed. Soon after, she sold it to her brother who sold it to his friend, Dan Marx. He started to clean up the garage when this came up. He said he'd take care of it but didn't. Now, he has disappeared. He heard that he was arrested for too many parking violations. He had rented to someone who was selling drugs. Mr. Jackson stepped in. The house was Condemned and he worked with Pat Fish to get the building cleaned out. His son said he would clean up the garage but he didn't do it. All sellings have been contract for deed.*

*Ms. Moermond noted that the garage situation was an absolute disaster. She doesn't have many options. She can recommend that this assessment be payable over two (2) years.*

*Inspector Seeley suggested that Mr. Jackson order a new garage door quickly or people will continue to dump there. He could also board it up for now until he can afford a new overhead door.*

*Ms. Moermond will recommend that the assessment be approved payable over two (2) years.*

**Referred Under RES 11-322 (payable over 2 years) (4-6-11)**

- 14      [ALH 11-413](#)      Appeal of Special Tax Assessment for 602 MENDOTA STREET (AKA 889 FIFTH STREET EAST) for Project #: J1110A, Assessment #: 118034 in Ward 7.

**Sponsors:**      Lantry

**Attachments:**      [602 Mendota St.Work Order.pdf](#)  
                                 [602 Mendota \(889 5th St E\) Assess Roll.pdf](#)

*Reduce the assessment from \$568 to \$200.*

*602 Mendota Street / 889 Fifth Street Avenue East*

*Margaret Uriah, Hamline Property Management*

*Inspector Essling reported that the Summary Abatement was mailed January 20, 2011 regarding an overflowing dumpster. The compliance date was January 24, 2011. It was re-inspected January 24, 2011 and found to be in non-compliance. The work was done January 26, 2011 at a cost of \$428 plus a service charge of \$140 for a total of \$568. The SA was mailed to Tower Properties, Surprise, AZ. Ms. Seeley was the inspector on this and she noted that there is an issue with the hauler not being able to access the dumpster due to an unplowed alley.*

*Ms. Uriah explained that they are having huge difficulties with this alley. They tried working with the neighbors to have the alley plowed without success. The trash hauler truck just couldn't make the turn to pick up the container. They had cans delivered but they couldn't pick up the cans in the back so they moved them to the front. They have put a lock on the dumpster. She entered photos (December 31, 2010 and January 20, 2011). She now hires someone to plow the entire alley.*

*The viewed the video. The City has a smaller truck; they turned the dumpster on its side to get at the trash.*

*Ms. Uriah doesn't think that she should be responsible for this assessment. Currently, they are paying for a dumpster and garbage cans each month.*

*Ms. Seeley noted that the dumpster needed to be turned on its side; it was extremely full. Both ends of the alley were completely snowed-in. Many of the alleys haven't been plowed this winter.*

*Ms. Moermond will recommend reducing the assessment from \$568 to \$200.*

**Referred Under RES 11-322**

- 15      [ALH 11-397](#)      Appeal of Special Tax Assessment for 1180 MINNEHAHA AVENUE EAST for Project #: J1110A, Assessment #: 118034 in Ward 7

**Sponsors:**      Lantry

**Attachments:**      [1180 Minnehaha Ave E. snow letters.pdf](#)

*No one appeared. Approve the assessment.*

**Referred Under RES 11-322 (4-6-11)**

- 16 [ALH 11-383](#) Appeal of Special Tax Assessment for 630 ORLEANS ST for Project #:J1110A, Assessment #:118034 in Ward 2

**Sponsors:** Thune

**Attachments:** [630 Orleans St. snow letters.pdf](#)

**Rescheduled to the Legislative Hearings due back on 4/5/2011 (CPH on 4/6 under RES 11-322)**

- 17 [ALH 11-365](#) Appeal of Special Tax Assessment for 1856 REANEY AVENUE for Project #J1110A, Assessment #118034 in Ward 7

**Sponsors:** Lantry

**Attachments:** [1856 Reaney Ave.snow letters.pdf](#)

*Approve the assessment.*

*Shanita Carter, tenant, appeared.*

*Inspector Essling reported that this assessment for 1856 Reaney Avenue is for snow/ice on the public sidewalk. A letter was mailed January 21, 2011 with a compliance date of January 23, 2011. It was re-inspected on January 25, 2011 and found to be in noncompliance. A Work Order was sent to Parks and the work was done on January 26, 2011 at a cost of \$240 with a service charge of \$140 for a total of \$380. The letter was sent to DRS Investment, Robert Street in Saint Paul; the Occupant; and Louie Teppin, Third Street in Saint Paul.*

*They viewed the video. Ms. Carter stated that the video is not showing her house or her sidewalk. Her place is up the stairs and next door. This video does not even show the part she is responsible for. She is moving out March 31, 2011.*

*Ms. Carter said that she spoke with the new manager who told her that someone downtown had put in a complaint on her. She has been trying to get a hold of them but they keep hanging up on her. Her son just got out of the hospital because he slipped on the ice and he split open his mouth and jaw.*

*Ms. Moermond stated that she sees a sidewalk that needed to be cleared and the person who was responsible for it didn't do it. Ms. Carter took care of her part. The City needs to find that they gave the property owner proper Notice that it needed to be taken care of and to determine whether or not it was taken care of. In this case, the property owner did not. She advised Ms. Carter to get a copy of the video to use to show the property owner/landlord proof that she had done her part. The City did their job. DSI will work with Ms. Carter to get a copy of the video (\$8-\$9). When Ms. Carter provides DSI with a check for the cost of copying, DSI will order the video.*

*Ms. Moermond will recommend approval of the assessment.*

**Referred Under RES 11-322 (4-6-11)**

18 [ALH 11-373](#)

Appeal of Special Tax Assessment for 1891 SEVENTH STREET EAST for Project #: J1110A, Assessment #: 118034 in Ward 7

**Sponsors:** Lantry

**Attachments:** [1891 7th St E Snow letter.pdf](#)

*Delete the assessment.*

*Robert King, owner appeared.*

*Inspector Essling reported that the assessment for 1891 Seventh Street East, an apartment building, is for failure to remove/ice from the public sidewalk. The letter was mailed December 28, 2010 with a compliance date of December 31, 2010. It was re-inspected on January 4, 2011 and found to be in noncompliance. A Work Order was sent to Parks and the work was done January 6, 2011 at a cost of \$240 plus a service charge of \$140 for a total of \$380. The letter was mailed to Twin Empire Investments, Burwick Knoll, Minneapolis; Occupant; and Twin Empire Investments/Robert King, Burwick Knoll, Brooklyn Park.*

*Mr. King stated that he didn't receive a Notice. The property is on a corner lot and he has had trouble with neighbors in the large apartment building across the way putting furniture, etc., onto his property next to the garbage. He thinks that the record will show that he has snow-blown every time there was a snow storm. He thought that the complaint may have been intended for 1894 East Seventh Street because as of yesterday, he took a photo of that property that still hasn't been cleared and hasn't been plowed for months. He has tenants who walk down that way and have complained and also asked him to snowblow that sidewalk. Also, each time he has taken care of others' trash that has been put onto his property. If he had received the letter, he would have taken care of the snow. He doesn't understand why the City cleared his sidewalk and not that of the neighboring property when they haven't cleared the snow at all. Ms. Moermond responded that someone complained about his but not about theirs. It is the obligation of the City to give Notice after a complaint has been received in order to allow them to address the problem. If it hasn't been addressed at the time of re-inspection, the City will do the work.*

*They viewed the video; the path was not plowed full width.*

*Ms. Moermond asked about the history on this property. Mr. Essling responded that there was a Summary Abatement issued January 24, 2011 for garbage. Another Summary Abatement was issued December 26, 2010 for garbage, which was done by the owner. This snow Work Order is the only Work Order that has been issued since 2008. There is quite a history on Certificate of Occupancy - three (3) search warrants. Ms. Moermond stated that she is seeing a mixed bag of things going on. Mr. King responded that the entry to the steps is always clean; salt is always put there. He explained that he has talked with the police about the neighbors putting their garbage onto his property; he has a very large dumpster. Yesterday, he noticed a chair and carpeting lying in the dumpster, which doesn't belong to him or his tenants. He continually has problems with people in the neighborhood taking advantage of his large dumpster. He has always taken care of it (refrigerators, freezers, furniture, etc.). Being on the busline also has its drawbacks. People at the bus stop drop their drink boxes, bottles, wrappers, etc. He suggested that the City place a garbage can at the bus stops.*

*Ms. Moermond stated that she is struggling about the search warrants executed at the property. Mr. King explained that the neighborhood is probably one of the biggest*

*drug areas in the city. He has been working with Police Officer Mike Demansky to set up stings. He screens each tenant with a background check but it is not the tenant who causes the problem; usually, it's the boyfriend, an X, a brother, or a friend. He can't control each person who comes into the building. Ms. Moermond stated that she will check with the police officer.*

*Ms. Moermond will recommend deleting the assessment.*

**Referred Under RES 11-322 (4-6-11)**

- 19      [ALH 11-391](#)      Appeal of Special Tax Assessment for 300 STEVENS STREET WEST / 579 OHIO STREET for Project #: J1110A, Assessment #:118034 in Ward 2

**Sponsors:**      Thune

**Attachments:**      [300 stevens st w. snow letters.pdf](#)

*No one appeared. Approve the assessment.*

**Referred Under RES 11-322 (4-6-11)**

- 20      [ALH 11-360](#)      Appeal of Special Tax Assessment for 461 SYNDICATE ST S for Project #: J1110A, Assessment #: 118034 in Ward 3

**Sponsors:**      Harris

**Attachments:**      [461 sydicate st s. snow letters.pdf](#)

*Delete the assessment.*

*Sandra Long appeared.*

*Inspector Essling reported that the assessment for 461 Syndicate Street South is for snow/ice on the public sidewalk. The Notice was mailed January 21, 2011 with a compliance date of January 23, 2011. It was re-checked on January 24, 2011. A Work Order was sent to Parks and the work was done on January 26, 2011 at a cost of \$240 plus a service charge of \$140 for a total of \$380. The letter was sent to Sandra Long, 461 Syndicate Street South and Occupant.*

*Ms. Long lives here and is appealing because when the snow plow came through after the big storm in December, it put huge chunks of snow/ice into her yard and she couldn't move it from the sidewalk. She had photos. She called the City several times when that happened because there was no way she could move it. She doesn't have a garage so it kind of looks as though there's a second lot next to her house. She believes that the City thought so, too, because they were storing the snow there. A person came out to look and then the City came out to move it. She thought it had been taken care of and then she got the letter. So, probably the letter came out the same day or the day after it had been done.*

*They viewed the video which showed the sidewalk shoveled not full width.*

*Ms. Moermond stated that the only problem she saw in this situation was that the full width of the sidewalk was not clear; and with as close as that huge snow bank was along the street, she can see that it was tricky. At the same time, she thinks Ms. Long could have done a better job. She thinks that Ms. Long made more than a good faith effort so, she will recommend the assessment be deleted.*

**Referred Under RES 11-322 (delete) (4-6-11)**

- 21      [ALH 11-300](#)      Appeal of Special Tax Assessment for 1347 UNIVERSITY AVENUE WEST for Project #: J1110A, Assessment #: 118034 in Ward 4

**Sponsors:**      Stark

**Attachments:**      [1347 University Ave W snow letter 12.23.10.pdf](#)

*No one appeared. Approve the assessment.*

**Referred Under RES 11-322 (4-6-11)**

- 22      [ALH 11-401](#)      Appeal of Special Tax Assessment for 310 WHITE BEAR AVE S for Project #:J1110A, Assessment #: 118034 in Ward 7

**Sponsors:**      Lantry

*Delete the assessment per DSI.*

*No one appeared.*

*Inspector Essling reported that 310 White Bear Avenue South is tax exempt property. The Department of Safety and Inspections (DSI) recommends deleting this assessment.*

**Referred Under RES 11-322 (4-6-11)**

ALH 11-415

Appeal of Special Tax Assessment for 702 WILSON AVENUE for Project #: J1110A, Assessment #: 118034 in Ward 7.

**Sponsors:** Lantry

**Attachments:** [702 Wilson Ave.J1110A.pdf](#)  
[702 Wilson Ave.Work Order.pdf](#)  
[702 Wilson-Documents.pdf](#)  
[702 Wilson Ave J1110A.pdf](#)

Approve the assessment.

Robert Wicker and Connie Rongitsch appeared.

Ms. Moermond noted that staff did not have a chance to prepare a file on 702 Wilson Avenue and also do not have a video.

Inspector Essling reported that a Summary Abatement and a Vehicle Abatement were mailed September 29, 2010 with a compliance date of October 4, 2010. Both were appealed to this legislative hearing. An Extension was granted until December 15, 2010. On January 4, 2011, the inspector gave another extension for fifteen (15) days (Jan 19, 2011), due to the work crew being tied up with snow removal. After that, a Work Order was sent to Parks and the work was done at a cost of \$1,400 (\$420 for general refuse; \$140 service charge). There is an open file on this property; a re-check needs to be done. C of O also has an open file; they are investigating allegations of possible illegal \_\_\_\_\_.

Ms. Moermond noted that today the concern is about a clean-up.

Mr. Wicker restated that a 15-day extension was granted from January 4, 2011 to remove lumber. The City removed the lumber on January 5, 2011. There are building permits on that property; the lumber was to be used for the building permits on the property at 217-219 Bates, which has not been inspected by the City. There is also a building permit on 702 Wilson. The City not only removed the lumber; they removed the piping that was supposed to go into the garage floor for which the building permit was granted. They removed the steel. He stated that this is not a case where he owes the City \$1,600; this is a case where he's going to file suit against the City for about \$6,000/\$8,000 for taking the lumber illegally by Mr. Essling's own admission. He would like a copy of that. He does have a copy of the Work Order and it shows that on the 5th day of January, 2011, the City came out and removed the lumber and the steel even though he had building permits. He informed Ms. Moermond that he had cleaned up that street each day for nineteen years; he cleans up the neighbors' garbage. He cuts the neighbors' lawns and he shovels the snow for 215, 217, 219 Bates, 700, 702 and 704 Wilson. Not only that, but last week, he cleared the ice from 215 Bates. The car that Mr. Essling spoke about was licensed; it was one of their nineteen (19) vehicles. The bp station at Ruth and I94 had three (3) of their nineteen (19) vehicles; one of the cars that bp had was delivered by bp and put on the property at 702 Wilson without its proper license tags. They had that car removed within 24 hours from that property and it has not been back since. He went on to say that they have two (2) building permits and they need lumber and steel to complete the project. This material that was taken was not only stacked perfectly but covered with brand new tarps.

Inspector Seeley reported that they had filed an appeal prior to December 15, 2010. Ms. Moermond gave him until December 15, 2010. Mr. Wicker sent a letter to Ms. Seeley saying he wanted a 15-day extension, which she gave him. On January 4,



2011, she got another letter asking another 15-day extension. Considering the amount of snow on the ground, she gave him another extension because Parks was very busy. She went to 702 Wilson on January 4, 2011 and sent the Work Order. The City did the work on January 6, 2011. Regarding the materials under the tarp, she spoke with Christine at HPC on November 22, 2011 and found that there was only one (1) permit for this property and it was for a concrete slab at the back of 702 Wilson. There were no permits for Bates; there was no reason to have this storage because there were no permits that would require all this wood and steel.

Mr. Wicker asked whether the City tells construction companies that they can have only a certain amount of lumber on a piece of property. He figures they lost between \$8,000 and \$10,000 for the lumber and for people to come in and oil this lumber so that it wouldn't rot. A concrete slab requires a footing, which require forms and steel. Doing this in the fall of the year requires that the concrete slab is covered. On top of the slab, the tarp is put; then, the lumber to hold the tarp down.

Ms. Moermond stated that she knows that an appeal had been heard here and that Mr. Wicker was given an extension, which was conditioned upon reducing one of those piles by at least half and better organizing the other pile. She knows that this is improper exterior storage, which is why the appeal wasn't granted to begin with. She knows that the last deadline was December 15, 2010, so, in spite of not having met those conditions, Mr. Wicker was granted the full length of the time in question. The extension granted on December 15, 2010 would have expired at the close of the year. The clean-up was actually done on January 6, 2011.

Mr. Wicker responded that two (2) extensions were granted: 1) on December 15, 2010; and 2) on January 4, 2011, signed by the City Clerk.

Ms. Moermond will recommend approval of this assessment.

**Referred Under RES 11-322**

24 [ALH 11-389](#)

Appeal of Special Tax Assessment for 1099 WOODBRIDGE STREET for Project #: J1110A Assessment #: 8034 in Ward 5

Sponsors: Helgen

Attachments: [1099 Woodbridge St J1110A.pdf](#)

*Delete the assessment.*

*T. S. Kresko appeared.*

*Mr. Kresko asked what the assessment is for. Ms. Moermond replied that it looks as though it's for snow removal.*

*Inspector Essling reported that the assessment for 1099 Woodbridge is for snow/ice on the public sidewalk. The property is a registered Vacant Building. The Orders were mailed December 22, 2010 with a compliance date of December 25, 2010. It was re-checked December 27, 2010 and found to be in non-compliance. A Work Order was sent to Parks and the work was done January 5, 2011. It looks as though the work crew found that the walk had been cleared but they salted and sanded at a cost of \$80 plus a service charge of \$140 for a total of \$220.*

*They viewed the video which showed that both corners had not been cleared, so the City cleared them.*

*Mr. Kresko stated that the snow on the boulevard is the City's snow. One of the problems with that corner is that the kids meet there for the bus each morning. By the time he gets there, the snow is all padded down. What the City cleared there in the video is all City-plowed snow. He had bought a new snow blower but it couldn't get through the chunks of snow/ice, especially when it's all padded down. He makes sure that the sidewalk on both sides of his corner house is clear.*

*Ms. Moermond stated that City snow is rather a strange term. Everyone is responsible for cleaning out their own driveway, and similar to a driveway is this corner that needs to be opened up. The fact that kids get picked-up there makes it all the more important that it get cleared out so that kids aren't climbing huge snow banks in order to get into the bus. Perhaps, he may need icebreaker tools, as well as a snow blower, in order to open up the corner. She is looking for a commitment from Mr. Kresko to keep the corner open. Mr. Kresko said that he would.*

*Ms. Moermond will recommend deleting the assessment.*

**Referred Under RES 11-322 (delete) (4-6-11)**

- 25      [ALH 11-411](#)      Appeal of Special Tax Assessment for 1981 YORKSHIRE COURT for Project #: J1110A, Assessment #: 118034 in Ward 3.

**Attachments:**      [1981 Yorkshire Ct.J1110A.pdf](#)  
                                 [1981 Yorkshire Ct.Work Order.pdf](#)  
                                 [1981 Yorkshire Ct.Snow Letter.pdf](#)

*Delete the assessment.*

*Larisa C. Fershtman appeared.*

*Inspector Essling reported that the assessment for 1981 Yorkshire Court is for snow and ice removal. The letter was mailed January 18, 2011 with a compliance date of January 21, 2100. It was re-inspected January 24, 2011 and found to be in noncompliance. A Work Order was sent to Parks and the work was done January 25, 2011 for a cost of \$320 plus a service charge of \$140 for a total of \$460. The letter was sent to Peter Fershtman, 1981 Yorkshire and Occupant. There is no video but there is an ariel shot.*

*Ms. Fershtman stated that she does not have a boulevard area. Every time a snow plow comes by, it dumps all the snow onto the sidewalk. They try to remove the huge ice and hard snow chunks but it's too difficult. Her husband tries to make a pathway but it isn't always possible.*

*Ms. Moermond will recommend this assessment be deleted.*

**Referred Under RES 11-322 on 4/6 CPH**

### **J1107G - 4/6/11CCPH (RES 11-323)**

- 26      [ALH 11-374](#)      Appeal of Special Tax Assessment for 722 CHARLES AVENUE for Project #: J1107G, Assessment #: 118035 in Ward 1

**Sponsors:**      Carter III

**Attachments:**      [722 Charles Ave hauler SA 11.29.10.DOC](#)

*No one appeared. Approve the assessment.*

**Referred Under RES 11-323 (4-6-11)**

- 27      [ALH 11-398](#)      Appeal of Special Tax Assessment for 1180 MINNEHAHA AVENUE EAST for Project #: J1107G, Assessment #: 118035 in Ward 7

**Sponsors:**      Lantry

**Attachments:**      [1180 Minnehaha Ave E. sa.DOC](#)  
                                 [1180 Minnehaha Ave E.hauler.DOC](#)

*No one appeared, approve the assessment.*

**Referred Under RES 11-323 on 4/6 CPH**

- 28      [ALH 11-400](#)      Appeal of Special Tax Assessment for 816 PARK ST for Project #: J1107G, Assessment #: 118035 in Ward 5
- Sponsors:**      Helgen
- Attachments:**      [816 Park St Hauler SA 10.14.10.DOC](#)
- Delete the assessment per DSI.*
- No one appeared.*
- Inspector Essling reported that the assessment for 816 Park Street is for weekly refuse removal. The inspector sent an email to the Parks Department on November 1, 2010 asking that they remove the weekly container and cease the weekly pick-up but the weekly refuse removal continued on for quite some time. The Department of Safety and Inspections (DSI) recommends deleting this assessment which is for \$75. (There is also one on the City Council public hearings on March 16, J1106G for \$175. DSI recommends deleting that assessment as well. The resolution will need to be amended.)*
- Referred Under RES 11-323 (4-6-11)**

### **VB1106 - 4/6/11 CCPH (RES 11-320)**

- 29      [ALH 11-387](#)      Appeal of Special Tax Assessment for 766 BUSH AVENUE for Project #: VB1106, Assessment #: 8019 in Ward 6
- Sponsors:**      Bostrom
- No one appeared. Approve the assessment.*
- Referred Under RES 11-320 (4-6-11)**
- 30      [ALH 11-436](#)      Appeal of Special Tax Assessment for 652 CONCORD STREET for Project #: VB1106, Assessment #: 8019 in Ward 2
- Sponsors:**      Thune
- Delete the assessment per DSI.*
- No one appeared.*
- Inspector Essling reported that the Department of Safety and Inspections recommends deleting the assessment for 652 Concord Street. The Code Compliance was issued thirty (30) days after the anniversary.*
- Referred Under RES 11-320 (4-6-11)**

31      [ALH 11-385](#)      Appeal of Special Tax Assessment for 1187 REANEY AVENUE for Project #: VB1106, Assessment #: 8019 in Ward 7

**Sponsors:**      Lantry

*Delete the assessment.*

*Joe Osterbauer, owner, appeared.*

*Inspector Essling reported that the assessment for 1187 Reaney Avenue is for a Vacant Building fee. It had been a Registered Vacant Building since October 2, 2007; the file was closed January 10, 2011. The note in the file says that Inspector Singerhouse waived the fee for thirty (30) days on October 27, 2010. The period of this assessment is from October 2, 2010 to October 2, 2011.*

*Mr. Osterbauer stated that he purchased this house on August 23, 2010. It was a foreclosure. He fixed everything on the list but he hadn't used union workers; and he heard that if you don't use union workers, the City doesn't come out right away to do the final inspections. His property is ready to go and ready to be inspected but the inspectors don't come. He talked with Mr. Singerhouse about it, so Mr. Singerhouse waived the fee for 30 days. Then, when the inspector comes out, he might find one little thing wrong so, then, it takes another long stretch of time before the inspector comes back.*

*Mr. Essling reported that six (6) of the permits have been finalized. He noted that if he were the Vacant Building inspector, he would recommend deleting the assessment. Ms. Moermond added that she tends to agree; she would give him the full ninety (90) days. He did get all the work done. She commented that in all her years doing this, she has never heard that having union members involved in the rehab effects the time for the re-inspection. She thinks that there were just other things going on - hunting, Thanksgiving, Christmas, etc., that slowed down the inspection process.*

*Ms. Moermond will recommend deleting the assessment.*

**Referred Under Master Resolution (delete) (4-6-11)**

32 [ALH 11-402](#)

Appeal of Special Tax Assessment for 1186 SEVENTH STREET EAST  
Project #: VB1106, Assessment #: 118019 in Ward 6

**Sponsors:** Bostrom

**Attachments:** [1186 7th St E VB registration renewal letter 10.15.10.pdf](#)  
[1186 7th St E Warning letter 1.15.10.pdf](#)

Approve the assessment.

Kevin Menard, owner, appeared.

Inspector Essling reported that the assessment for 1186 Seventh Street East is for a Vacant Building fee. The time frame for this assessment is from November 14, 2010 to November 14, 2011 for a cost of \$1,100 plus a service charge of \$135 for a total of \$1,235. It was assessed on December 15, 2010. It has been a Vacant Building since November 14, 2006. The previous two (2) fees also went to assessment.

Ms. Moermond asked if there were any permits out on this. Mr. Essling replied that he didn't see any.

Mr. Menard stated that he thought that once you paid the Code Compliance Inspection fee for \$4\_\_, you didn't need to pay the Registered Vacant Building fee; once the team inspection was done, there was no longer a Vacant Building fee. Ms. Moermond responded that wasn't correct. The team inspection is for creating a list of things that needs to be done in order to make the property habitable again. It is separate from repair and maintenance. Mr. Essling said that permits have not been pulled on this. It doesn't seem that Mr. Menard is trying to get the work done. Mr. Menard stated that the team inspection found a lot more things that need to be done than he expected. He has been doing work that doesn't require permits. Once that the snow is gone, he'll start working on it again. He said that he misunderstood the reason for the Vacant Building classification.

Ms. Moermond stated that this property will be in the Vacant Building Program until Mr. Menard can get the sign-offs on the permits that say the building is ready for re-occupation. The fee is meant to be an incentive to keep things moving at a quicker pace than this has been moving. She stated that she has no other option but to recommend approval of the assessment.

**Referred Under RES 11-320 (4-6-11)**

33 [ALH 11-390](#)

Appeal of Special Tax Assessment for 1204 SEVENTH STREET EAST for Project #: VB1106, Assessment #: 8019 in Ward 6

**Sponsors:** Bostrom

*Ms. Moermond recommends referring the matter to Legislative Hearing on June 21, 2011 for code compliance sign off.*

*Randy, Liila, Holden Holmes LLC, appeared.*

*Inspector Essling reported that the assessment for 1204 Seventh Street East is for a Vacant Building fee of \$1,100 plus a service charge of \$135 for a total of \$1,235. The time frame for this assessment is from September 2, 2010 to September 2, 2011. It was assessed on December 15, 2010. This Vacant Building file was opened September 2, 2009 and is still open. On September 7, 2010, there is a note which says the fee was waived for 90 days.*

*Mr. Liila stated that Holden Holmes acquired the building in 2010 and are rehabbing it. Due to some unforeseen fire damage that had been covered up by some previous owners, more extensive work is required to meet code. In addition, they had to replace the original general contractor so they are looking for new bids to complete the work. Holden Holmes is looking for a waiver on that assessment. All the framing is done and the roofing is done; they are working on the last of the sheet rock. The majority of the electrical and plumbing is done. He just needs sufficient time to get it all done and to make sure they have enough time in case some of the inspections fall short and additional inspections are needed.*

*Ms. Moermond asked if they intend to work through the summer. Mr. Liila responded that he hopes it will be done sooner than that.*

*Ms. Moermond stated that it's already been half a year since this Vacant Building fee would apply and it looks as though it will be a few months more that you will be in the Vacant Building Program, if not the whole year. Because of that she is not inclined to recommend it be deleted; however, she would consider a reduced amount if Mr. Liila can get a Code Compliance signed-off by June 15, 2011 (\$300 off).*

*Ms. Moermond will recommend a layover to June 21, 2011 Legislative Hearing.*

**Referred to RES 11-320**

- 34      [ALH 11-399](#)      Appeal of Special Tax Assessment for 271 SHERBURNE AVE for Project #: J1108A, Assessment #: 118015 in Ward 1

**Sponsors:**      Carter III

**Attachments:**      [271 sherburne Ave SA 10.29.10.DOC](#)  
                                  [271 Sherburne Ave SA 11.1.10.DOC](#)

*Delete the assessment.*

*Xai Vang appeared.*

*Inspector Essling reported that the assessment for 271 Sherburne Avenue is for garbage/refuse. There is no video and there are no boxes checked on the Summary Abatement. It was issued October 29 and November 1, 2010 with a compliance date of November 5, 2010. It was re-checked on November 8, 2010 and found to be in non-compliance. A Work Order was sent to Parks and the work was done November 16, 2010. They have returned mail from Mai Vang, 1537 Edmund. Ms. Xai Vang said that was her previous address three (3) years ago. Mr. Essling added that the first Summary Abatement was sent to Federal National Mortgage and Jonathan Schumann, contractor. The items checked on that first SA were: tall grass and weeds, rehab debris, tree debris and brush.*

*Ms. Moermond will recommend that this assessment be deleted. The form was incomplete and there was no video of work done.*

*Ms. Vang stated that she already paid the fee (\$400 plus \$140 service charge = \$540) online.*

*Ms. Moermond will ask the City to prepare a refund. If Ms. Vang hasn't received the refund in one (1) or two (2) months, she will call Ms. Moermond's office.*

**Referred Under Master Resolution (delete) (4-6-11)**

## 11:00 a.m. Hearings

### Summary Abatement Orders

- 35      [ALH 11-265](#)      Appeal of Michael Norve to a Vehicle Abatement Order at 2033 ARLINGTON AVENUE EAST.

**Sponsors:**      Bostrom

**Attachments:**      [2033 Arlington.appeal.2-10-11.pdf](#)  
                                  [2033 Arlington-Photos.2-3-11.pdf](#)

**Withdrawn**

## 1:30 p.m. Hearings



**Fire Certificates of Occupancy Correction Orders**

- 36 [RLH FCO 11-24](#) Appeal of Jason Oberhamer, Cities Home Rentals, to a Fire Inspection Correction Notice at 793 COOK AVENUE EAST.

**Sponsors:** Bostrom

**Attachments:** [793 Cook.appeal.2-24-11.pdf](#)  
[793 Cook Ave E.Oberhauer Ltr 3-15-11.doc](#)  
[793 Cook Ave-Documents 3-30-11.pdf](#)

*Appellant to submit a floor plan and pictures of the bedroom with the basement trap door. Laid over to April 5. (M. Cassidy)*

*Inspector Leanna Shaff gave a staff report. This was a Fire Certificate of Occupancy inspection conducted on February 11, 2011 by Inspector Jackie Gierling and a follow-up by Inspector Mike Cassidy. Mr. Oberhamer is appealing Item 2. There is a trap door in the house with access to the basement. Because of the size of the room and the location of the doors and windows, the bed is on top of the trap door and it has to be moved. Both the occupants and emergency personnel need to have access to the basement for mechanical and electrical issues.*

*Mr. Oberhamer said the bedroom is set up so the bed is either obstructing the egress window or it has to be on top of the trap door. He said he was asking for a variance to allow the bed to remain on the trap door. It's a children's bunk bed and easy to move. He felt it made more sense to leave the egress window unobstructed for egress purposes. There is only one child using the beds so Ms. Shaff said if it was just the lower bed, it may not obstruct the window.*

*Marcia Moermond asked him to submit a floor plan and pictures of the room. She asked if he felt he could just have the one bed in the room as that may be just a partial obstruction of the egress window and she could grant a variance..*

*Ms. Shaff asked where the furnace or boiler is located. Mr. Oberhamer said it's electric heat.*

*Ms. Moermond said she will lay over the matter for 3 weeks and he can send in info via e-mail or another hearing can be scheduled if needed.*

**Laid Over to the 4/5/2011 Legislative Hearings**

37      RLH FCO 11-7      Appeal of Guillermo Segui to a Fire Inspection Correction Notice at 1368 MARGARET STREET.

Sponsors:      Lantry

Attachments:      1368 Margaret.appeal.2-25-11.pdf  
                                 1368 Margaret St.Segui Ltr 3-15-11.doc  
                                 1368 Margaret St.Segui Ltr 4-26-11.doc

*Grant variance on main floor bedroom that is not used as a sleeping room. House sale documents must reveal that it is not to be used as a sleeping room.*

*Granted 90 days to install lighting by garage for parking.*

*Granted until April 5, 2011 for inspector to provide accurate details on the measurements of the upper floor ceiling area.*

*Dryer vent permit must be finalized. (W. Spiering)*

*Inspector Leanna Shaff gave a staff report. This was a Fire Certificate of Occupancy inspection by Inspector by Wayne Spiering on February 16, 2011.*

*Item 6 – the egress windows in the main floor southeast bedroom are double hung measuring 21-1/2” high x 22” wide.*

*The upper floor is also a double hung window which opens 1016” high x 22” wide.*

*There are some porch issues – Items 7 & 10 – Mr. Segui said he removed the porch. He showed Ms. Moermond and Ms. Shaff photos of the porch and what he did and they were okay with that.*

*The upper floor ceiling height measured 6’7” at the highest and the total room area is 306 sq. ft. The area over the 5 ft. where the inspectors start measuring is 236 sq. ft. Ms. Moermond said she is unable to determine what portion of the room that is 6’7” or higher. She asked Ms. Shaff to have Inspector Spiering let her know. The code says half of the room needs to be about 7’. She has to look at what portion of the room is about 6’7” and that will influence her recommendation to the City Council.*

*Ms. Shaff pointed out that the permit for the dryer vent needs to have a final inspection and he should call the contractor.*

*The main floor southeast bedroom is was asking for a variance and Ms. Moermond said she would recommend that. With the upper floor double hung window, she said she is less comfortable recommending a variance because it is 8 inches too short in height and there are only 2 extra inches in width. Mr. Segui said that room is not used as a sleeping room. Ms. Moermond said he then needs to put in the lease that it’s not a sleeping space and, if it’s for sale, it needs to be made clear to the purchaser that is can not be used as a sleeping space because the egress window is not large enough.*

*Ms. Moermond said she would continue the matter for three weeks (April 5) in order for the inspector to report back on the ceiling measurements.*

*Mr. Segui asked about the lighting by the garage and whether he needs to install lighting. Ms. Moermond said he does need to install lighting as the code applies to both rental and owner-occupied housing. She granted 90 days to complete that.*

**Laid over to the 4/5/2011 Legislative Hearings**

38 [ALH 11-349](#)

Appeal of Larry Abdo to a Fire Inspection Correction Notice at 1813 DAYTON AVENUE.

**Sponsors:** Stark

**Attachments:** [1813 Dayton.appeal.2-25-11.pdf](#)  
[1813 Dayton Ave.Abdo Ltr 3-15-11.doc](#)

*Grant 90 days to June 30, 2011 to bring the basement north bedroom exit width into compliance; should be at least 30 inches wide (Item 2);  
Grant 90 days to June 30, 2011 to repair soffit, fascia, and roof (Item 6);  
Ms. Moermond will let the appellant know if anything must be done with the electrical panel for the upper unit (#15); and  
Deny the appeal and grant an extension to March 29, 2011 to repair the window sash (Item 19). (W. Beumer)*

*Inspector Leanna Shaff gave a staff report. This is a Fire Certificate of Occupancy conducted on February 14, 2011 by Inspector Bill Beumer.*

*Item 2 – North bedroom in the basement – the bedroom doorway is obstructed by a laundry room wall reducing the access to 22 “ in width.*

*Legislative Hearing Officer Marcia Moermond said she feels the access to the room need to be increased closer to 30 and 32 would be preferable inches but 22” is not sufficient clearance to get out in the event of an emergency. Further, there is the concern with firefighters getting in with equipment in case of emergency. She granted 90 days (to June 30, 2011) to bring into compliance.*

*Item 6 – The soffit, fascia & roof are damaged. Mr. Abdo said this was snow damage and it can't be fixed until the weather improves. Ms. Moermond granted 90 days (to June 30, 2011) to bring into compliance.*

*Item 15 – Electrical panel – Ms. Shaff said the Code requires that each occupant have access to their own electrical service. The electrical panel for the upper unit is located in the basement bedroom for the lower unit.*

*Ms. Moermond said the City Council has granted a variance on this type of situation in the past. She will give Mr. Abdo an answer in a week and if he is not satisfied with her recommendation, he can appeal to the City Council and they may or may not grant it.*

*Item #19 – Sash Cords. Mr. Abdo said this is also a weather issue. Ms. Moermond denied the appeal and granted an extension to March 29, 2011 to repair the sash.*

**Laid over to the 4/5/2011 Legislative Hearings**

39 [ALH 11-355](#)

Appeal of Aaron Jensen, Green Mill Restaurant, to a Fire Inspection Correction Notice at 1342 GRAND AVENUE.

**Sponsors:** Harris

**Attachments:** [1342 Grand.appeal.2-28-11.pdf](#)  
[1342 Grand.Green Mill Email and Floor Plan](#)  
[1342 Grand Ave.Documents.pdf](#)  
[1342 Grand Ave.Green Mill Ltr 3-22-11.doc](#)  
[Green Mill Affidavit Occupancy Signed.4-14-11.pdf](#)

*Ms. Moermond to review restaurant layout provided by owner.*

*Aaron Jensen, appellant, appeared and said there is the issue of the door and the installation of a fire alarm system. The fire inspector has been to their establishment four times. To date they have spent approximately \$3500 on the items that were cited. Mr. Jensen has two bids for the fire system; one is \$13,720 plus \$400 for electric plus a monthly monitoring fee. The second one is \$11,876 but they did not include the required items by the inspector. The total for each bid is over \$14,000. He noted that they have been operating at this location, with clearance from the city, since 1975. He asked if they could install smoke alarms rather than an alarm system. The space does have sprinklers.*

*Inspector Leann Shaff stated the fire alarm system is required in Fire Code Section 907.3.1 which says "In existing Group A occupancy, occupancies having an occupant load of 300 or more are required to have a fire alarm system." There are exceptions for assembly areas used solely for worship purposes and one is not required when an approved automatic fire extinguishing system is installed. Ms. Shaff said that should not be confused with a smoke alarm. The Green Mill does not fit any of the exceptions for the fire alarm system, Ms. Shaff said. Mr. Jensen said what they have is a fire suppression and ansul system that is throughout the property. Upon question, Mr. Jensen said the ansul system is in the kitchen.*

*The addition of the Twisted Fork put their capacity over 300 and is now 326. He showed a diagram of the layout and the doors. Ms. Shaff also had pictures and talked about the separation between the Twisted Fork and the Green Mill and the door issue.*

*Marcia Moermond, Legislative Hearing Officer, asked why the door swing and the separation between the two uses would have an impact on how it's looked at. Ms. Shaff responded it's because of how it goes in exit travel. Mr. Jensen said each restaurant has its own exit. There are two other exits to get out of the Twisted Fork besides the door in question. He said the door was there when the inspector came through and it was put on because of different clientele in the two restaurants, plus there's an issue of noise. Also the two operations are open at different times so they're dealing with heating and cooling at different times.*

*Ms. Shaff said it's a required exit and if the Twisted Fork is closed, she's not sure about the kitchen exit. Mr. Jensen said there is an exit to Grand Avenue and if it was a building with a wall, there would only be the one exit. Ms. Shaff said the requirement is for two exists for the occupancy of 72 in the Twisted Fork, 204 for the Green Mill restaurant and bar, and 50 in the banquet room. Mr. Jensen said they have an exit to Grand Avenue and an exit to Hamline Avenue. The inspector had talked with their engineer and they agreed that rather than changing the door swing which would cause accessibility issues and a landing issue, etc., they felt it was*

*acceptable to use the rope when the business is opened, Shaff said. Chapter 10 in the Fire Code and Chapter 10 in the State Building Code are the same and they both pertain to exiting.*

*Ms. Moermond said she wants to know if and how the exiting was taken into account when the building permits were reviewed so she has better information. Ms. Shaff said it could depend on the seating; booths provide more seating than tables and chairs. Mr. Jensen said the booths are the existing ones. Ms. Moermond said it is expected that more people would be in a space with booths or a more compact seating area so the higher numbers may have been calculated off of that instead of the usual expectation that it's tables with four chairs, etc.*

*Ms. Shaff noted there are two different address for this property; 1342 Grand Avenue and 57 Hamline Avenue South. Mr. Jensen said one is the entrance to the Green Mill and one to the Twisted Fork. The corporate office is located upstairs of 1342 Grand.*

*Ms. Moermond asked Mr. Jensen to provide her with a diagram of the kitchen space. She said a possibility may be to have sprinklers in the seating space but she didn't know if that would be cheaper than a fire alarm system.*

**Laid Over to the Legislative Hearings due back on 4/12/2011**

40 [ALH 11-357](#)

Appeal of Antonio Chavez to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 1730 FIFTH STREET EAST.

**Sponsors:** Lantry

**Attachments:** [1730 5th.appeal.2-25-11.pdf](#)  
[1730 Fifth St E.Chavez Ltr 3-15-11.doc](#)

*Grant until April 15, 2011 to bring the heating facility into compliance (Item 3);  
Grant 90 days for sidewalk repair (Item 4). (J. Thomas)*

*Inspector Leanna Shaff gave a staff report. This was a Fire Certificate of Occupancy re-inspection on February 14, 2010 by Inspector James Thomas. Items being appealed include sidewalk repair (Item 4), and repairing the furnace (Item 5). Inspector Thomas has required that the use of the unsafe heating appliances be immediately discontinued until repaired or replaced by a license contractor. It is an unsafe condition but people are still living there.*

*Legislative Hearing Officer Marcia Moermond asked how he is heating the home. Mr. Chavez said he was supplied with portable electric heaters by St. Paul Plumbing and Heating.*

*Ms. Moermond asked what efforts he has taken to get financing to fix the furnace. Some of his children live there and because he doesn't, he was told he doesn't qualify for assistance or a loan, Chavez said. The bid from St. Paul Plumbing and Heating is \$2406.00, he has given them \$1600.00 but they won't start the work until he has all the money.*

*Ms. Moermond told Mr. Chavez that she previously denied the appeal and gave him a month to take care of it. She asked if he could move into the house so he would qualify as an owner-occupant. He indicated that was an option.*

*Ms. Moermond noted that Minnesota Rules 1300.0180 is cited by the inspector. He talks about unsafe heating appliance and she wondered if that rule would give her more specific information as to how "unsafe" is defined. She wasn't clear that space heaters by definition are unsafe. Ms. Shaff said she thought Inspector Thomas was calling the furnace unsafe and not the space heaters. The question is how long the time is for the use of temporary space heaters.*

*Ms. Moermond granted until April 15, 2011 to bring the furnace into compliance and 90 days to take care of the sidewalk.*

**Referred Under Master Resolution**

- 41 [ALH 11-363](#) Appeal of David Stieber to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 1210 RANDOLPH AVENUE.

**Sponsors:** Harris

**Attachments:** [1210 Randolph.appeal.3-1-11.pdf](#)  
[1210 Randolph Ave.Stieber Ltr 3-15-11.doc](#)

*Appellant to provide pictures to Marcia Moermond, Legislative Hearing Officer. If he can get the windows to an openable height of 16 inches, a variance will be granted. If the windows will not meet the requirement, Ms. Moermond will recommend denial and grant 90 days. A public hearing before the City Council will be scheduled if the appellant wants to contest the matter further. (R. Gavin)*

*Inspector Leanna Shaff gave a staff report. This was a Fire Certificate of Occupancy re-inspection conducted on December 29, 2010 by Inspector Rick Gavin. The windows in Unit A and B are all code compliance. In Units 1 through 4, the windows are all double hung.*

*In Unit 1, the south bedroom, the window measurements are 15-1/2" high x 30-1/2" wide. In the west room, 15" high x 30-1/2 wide;*

*In Unit 2, the south and east bedrooms, window measurements are 15-1/2" high x 30-1/2" wide;*

*In Unit 3, the south bedroom window measurement is 15" high x 30-1/2 " wide and the west bedroom room 15-1/2" high x 20-1/2" wide;*

*Unit 4, the south and east bedroom window measurements are 15" high x 20-1/2" wide.*

*Marcia Moermond, Legislative Hearing Officer, told Mr. Stieber that 16" is the bare minimum she will approve. She asked him if there is any way he can get to that height such as by removing stops or if there is anything that can be modified with the windows. Mr. Stieber said he will have a contractor look at them.*

*Ms. Moermond said she will lay the matter over one week and asked him to provide her with pictures of the windows. If he can get them to an openable height of 16 inches, a variance will be granted. If they will not meet the requirement, she will recommend denial and grant 90 days to come into compliance. A public hearing before the City Council will be scheduled if he wants to contest the matter further.*

**Laid over to the 3/22/2011 Legislative Hearings**

- 42 [ALH 11-345](#) Appeal of Samuel Ng to a Fire Inspection Correction Notice at 1621 MARSHALL AVENUE.

**Sponsors:** Stark

**Attachments:** [1621 Marshall.appeal.2-23-11.pdf](#)

*Samuel Ng called to withdrawn his appeal for tomorrow. He stated he is all done with list and will have the reinspection on March 28. (W. Beumer)*

**Withdrawn**

**2:30 p.m. Hearings****Vacant Building Registrations**

- 43     [ALH 11-32](#)     Appeal of Pheng Xiong to a Vacant Building Registration Renewal Notice at 1072 MINNEHAHA AVENUE EAST.

**Sponsors:**     Lantry

**Attachments:**    [1072 Minnehaha.appeal.1-3-2011.pdf](#)  
                          [1072 Minnehaha Ave E.PC ltr 1-11-11.doc](#)  
                          [1072 Minnehaha Ave E.Xiong Ltr 3-15-11.doc](#)

*Deny the appeal.*

*Inspector Singerhouse said no work has been done, there are no signoffs and no permits, and he has not heard from the property owner. If the work was done by this time, the vacant building fee would be deleted. Marcia Moermond, Legislative Hearing Officer, said since the work is not done, the fees will not be deleted.*

*On Monday, March 28, the property owner contacted Ms. Vang that he was not aware of the hearing and wished to reschedule. Ms. Vang consulted with Ms. Moermond and she is ok'd with the reschedule.*

*On April 1, 2011 Ms. Vang contacted Mr. Xiong to inform that the hearing will be scheduled for April 12, 2011 at 2:30 p.m.*

**Laid Over to the Legislative Hearings due back on 4/12/2011**

- 44     [ALH 11-358](#)     Appeal of Wamoua Lee to a Vacant Building Registration Renewal Notice at 1597 WESTMINSTER STREET.

**Sponsors:**     Helgen

**Attachments:**    [1597 Westminster.appeal.2-28-11.pdf](#)  
                          [1597 Westminster St-Code Compliance Report.pdf](#)  
                          [1597 Westminster.Lee ltr 3-15-11.doc](#)

*Waive the vacant building fee for 30 days (April 15) by Inspector Rich Singerhouse.*

*Ms. Mormond will recommend to the City Council to waive the vacant building fee for 30 days.*

**Referred Under Master Resolution**

**Laid Over Items (Housekeeping)**



- 45 [ALH 10-271](#) Appeal of David Leventhal of Cecil Delicatessen to a Fire Certificate of Occupancy Correction Order at 651 Cleveland Avenue South.

**Sponsors:** Harris

**Attachments:** [651 Cleveland Ave S.Appeal.10-19-10.pdf](#)  
[651 Cleveland Ave S.Fire Inspection Ltr.10-12-10](#)  
[651 Cleveland Ave S.PC ltr.10-26-10.doc](#)  
[651 Cleveland Ave S.PC ltr.12-13-10.doc](#)  
[651 Cleveland Ave S.PC ltr.3-31-11.doc](#)

**Laid Over to the Legislative Hearings due back on 4/12/2011**

- 46 [ALH 11-261](#) Appeal of Roy Meixell to a Fire Inspection Correction Notice at 882 TUSCARORA AVENUE.

**Sponsors:** Thune

**Attachments:** [882 Tuscarora Ave.appeal.2-8-11.pdf](#)  
[882 Tuscarora.Meixell ltr 3-1-11.doc](#)  
[882 Tuscarora.Meixell ltr 3-15-11.doc](#)  
[882 Tuscarora.Meixell ltr 3-22-11.doc](#)

*Appeal granted on the gas valve and order withdrawn. (Item 5)  
Appeal granted on the dead bolt lock. (Item 1)*

*Leanna Shaff said Ms. Moermond was waiting for pictures of the gas shutoff valve. Inspector Rick Gavin took a picture of the valve and showed it to Leanna on this date. He also showed it to the mechanical inspectors and his concern was that it should have a handle on it; however, there is nothing in the Mechanical Code that says there has to be a handle but only a valve. Ms. Shaff said the order should be withdrawn. Ms. Moermond concurred and said the order is withdrawn by the city.*

*Ms. Shaff asked if there was a question about the dead bolt lock. Ms. Moermond said the throw was supposed to be measured as the owner thought it was 3/4 inches. The inspector did not measure but only took a picture and said it was somewhere between 2/3 and 1/2 inch. Ms. Moermond said she will recommend that the appeal be granted as there is insufficient documentation by the inspector.*

**Referred Under Master Resolution**

- 47 [ALH 11-262](#) Appeal of JSP Properties LLC, on behalf of Chad and Brooke Nokelby, to a Fire Inspection Correction Notice at 1285 BAYARD AVENUE.

**Sponsors:** Harris

**Attachments:** [1285 Bayard.appeal.2-9-11.pdf](#)  
[1285 Bayard Ave. Nokelby ltr 3-1-11.doc](#)

*Deny the appeal.*

**Referred Under Master Resolution**

- 48      [ALH 11-327](#)      Appeal of Aaron Durkop, on behalf of Property Holdings, to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 858 EUCLID STREET.

**Sponsors:**      Lantry

**Attachments:**      [858 Euclid.appeal.2-24-11.pdf](#)  
                                 [858 Euclid.Durkop ltr 3-1-11.doc](#)  
                                 [858 Euclid.Durkop ltr 3-15-11.doc](#)  
                                 [858 Euclid-Window Photos.pdf](#)

*Deny the appeal. (K. Booker)*

*Ms. Moermond said she was waiting for photos of the south upstairs bedroom windows in Unit 2 and none were received as of the March 8, 2011 hearing so it was laid over one week. She will recommend denial and 90 days to come into compliance.*

*On April 20, 2011, the Legislative Hearing Officer reviewed the photographs provided by property owner and based on the documentation, Ms. Moermond recommend granting a variance on the openable height of the egress window in the south upstairs bedroom of Unit 2. (mxv)*

**Referred Under Master Resolution**

- 49      [ALH 11-339](#)      Appeal of Yia Yang to a Fire Inspection Correction Notice at 445 HOWARD STREET NORTH.

**Sponsors:**      Lantry

**Attachments:**      [445 Howard.appeal.2-23-11.pdf](#)  
                                 [445 Howard St.Yang ltr 3-8-11.doc](#)  
                                 [445 Howard St.Yang ltr 3-8-11.doc](#)

*Grant until May 1, 2011 to come into compliance for all items. (W. Spiering)*

*Leanna Shaff said Mai Vang, Legislative Hearing Coordinator, sent an e-mail stating she talked to the owner who requested an extension to May 1, 2011 to submit a work plan.*

*Ms. Moermond said the original deadline given by Fire was March 21, 2011 from an inspection on February 14. Her recommendation to Council will be to deny the appeal and grant an extension to May 1, 2011 for all items to come into compliance.*

**Referred Under Master Resolution**

50 [ALH 10-412](#) Appeal of Philip Black and Dan Boler to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 256 MARSHALL AVENUE.

**Sponsors:** Carter III

**Attachments:** [256 Marshall.appeal.11-30-10.pdf](#)  
[256 Marshall Ave.Fire C of O Orders.11-8-10.dot](#)  
[256 Marshall Ave.Photos.11-8-10.pdf](#)  
[256 Marshall Ave.Photos.10-29-10.pdf](#)  
[256 Marshall Ave.Fire C of O Orders.10-29-10.dot](#)  
[256 Marshall Ave.Fire C of O Orders.9-20-10.dot](#)  
[256 Marshall Ave Ltr.doc](#)  
[256 Marshall Ave.Black Ltr 3-15-11.doc](#)

*Fire Inspector Leanna Shaff said Lisa Martin was the inspector for this property and the certificate of occupancy was revoked. Marcia Moermond said the most recent e-mail she has is from February 4, 2011. Ms. Shaff read from her notes that Inspector Martin said on March 2, 2011 she spoke with Tovah with SMRLS who was in receipt of a foreclosure on the property and trying to get an administrator in place, which will be Patty Lammers with Greater Frogtown CDC. On March 8, 2011, Tovah asked for a vacate date toward the end of April as the receiver will be in place due to the foreclosure sale on March 22, 2011. That will give time for the receiver to make final repairs which are not life safety issues. She will e-mail the Legislative Hearing Officer for approval. In an e-mail from Ms. Martin to Ms. Moermond on March 8, 2011, she said she met with Tovah from SMRLS and Tovah indicated she will come to put an update on the record or send an e-mail for the record.*

*Ms. Moermond asked if Fire finds the action plan acceptable or if she needs to say that it's acceptable. She has no additional information and Ms. Shaff said she feels it's gone on long enough.*

*Ms. Moermond said she will grant until April 30, 2011 to allow time for Patty Lammers to effect the corrections that are necessary to allow continued occupancy.*

**Laid over to 5/3/2011 Legislative Hearings**

#### **ALH 10-365 - 737 Van Buren Avenue (Appeal of Robert Metzler)**

*See last hearing.*

*Ms. Moermond said Mr. Metzler wants to get out of the C of O program and he provided her with a quit claim so the property can be removed from the C of O program. He is required to complete the repairs.*

#### **ALH 10-569 - 1468 Fremont Ave (Appeal of Chuck Yang)**

*See last hearing.*

*Leanna Shaff said Inspector Spiering was working on this. The owner was told if the work was completed, he could get out of the C of O program. Ms. Shaff said in a follow-up e-mail to Ms. Moermond she informed her that another inspection had to be done by Spiering and upon compliance, he will transfer to Code Enforcement.*

## No Hearing Necessary

### Window Variances: Fire Certificate of Occupancy

- 51     [ALH 11-350](#)     Appeal of Mark Kneer, Quality Residences, to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 768 FOURTH STREET EAST.
- Sponsors:**     Lantry
- Attachments:**     [768 4th.appeal.2-25-11.pdf](#)  
                                  [768 4th St E.Kneer Ltr 3-15-11.doc](#)
- Grant a 3-inch variance on the openable height of the egress windows in the upstairs bedrooms. The downstairs middle bedroom windows were obstructed; therefore, the inspector was not able to measure. Inspector to verify measurements for the hearing officer's review. (K. Booker)*
- Laid Over to the Legislative Hearings due back on 4/5/2011 (Housekeeping)**
- 52     [ALH 11-351](#)     Appeal of James Koltavy to a Fire Inspection Correction Notice at 297 GOODRICH AVENUE.
- Sponsors:**     Thune
- Attachments:**     [297 Goodrich.appeal.2-25-11.pdf](#)  
                                  [297 Goodrich Ave.Koltavy Ltr 3-15-11.doc](#)
- Grant a 2-inch variance on the openable height of the egress windows in the first floor, north bedroom and the 2nd floor, north and east bedrooms and grant a 1.5-inch variance on the openable width of the egress window in the first floor, west bedroom. (M. Cassidy)*
- Referred Under Master Resolution**
- 53     [ALH 11-366](#)     Appeal of Silvestre Sanchez to a Fire Inspection Correction Notice at 1394 MECHANIC AVENUE.
- Sponsors:**     Bostrom
- Attachments:**     [1394 Mechanic.appeal.3-2-11.pdf](#)  
                                  [1394 Mechanic Ave.Sanchez Ltr 3-15-11.doc](#)
- Grant a 5-inch variance on the openable height of the egress windows in all bedrooms throughout. (J. Thomas)*
- Referred Under Master Resolution**

- 54 [ALH 11-368](#) Appeal of Patrick Clemens to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 225 WILDER STREET NORTH.

**Sponsors:** Stark

**Attachments:** [225 Wilder.appeal.3-2-11.pdf](#)  
[225 Wilder St.Clemens Ltr 3-15-11.doc](#)

*Grant a 3.5-inch variance on the openable height of the egress window in the first floor, SW bedroom. (Beumer)*

**Referred Under Master Resolution**

### Window Variances: Building Permits

- 55 [ALH 11-347](#) Appeal of Daniel Schmidt and Jim Yannarely, Saint Paul Ramsey County Department of Public Health, to an Egress Window Non-Compliance Determination at 1147 MAGNOLIA AVENUE EAST.

**Sponsors:** Bostrom

**Attachments:** [1147 Magnolia.appeal.2-24-11.pdf](#)  
[1147 Magnolia Ave.Schmidt Ltr 3-15-11.doc](#)

*Grant a 3.94-inch variance on the openable height of two double hung replacement egress bedroom windows measuring 20.06 inches high by 23.2 inches wide.*

**Referred Under Master Resolution**

- 56 [ALH 11-356](#) Appeal of Saint Paul Ramsey County Department of Public Health, on behalf of Eric Patterson, to an Egress Window Non-Compliance Determination at 1081 ROSS AVENUE.

**Sponsors:** Bostrom

**Attachments:** [1081 Ross.appeal.2-28-11.pdf](#)  
[1081 Ross Ave.Schmidt Ltr 3-15-11.doc](#)

*Grant a 2-inch variance on the openable height of two double hung replacement egress bedroom windows measuring 22 inches high by 25 inches wide.*

**Referred Under Master Resolution**

- 57 [ALH 11-364](#) Appeal of Budget Exterior, on behalf of Wangthor Vang, to an Egress Window Non-Compliance Determination at 865 HAZELWOOD STREET.

**Sponsors:** Bostrom

**Attachments:** [865 Hazelwood.appeal.3-1-11.pdf](#)  
[865 Hazelwood St.Budget Ext Ltr 3-15-11.doc](#)

*Grant an 8-inch variance on the sill height issue for the two casement replacement bedroom windows on the condition that step(s) are installed permanently affixed below the egress bedroom windows and must be full width of the egress windows.*

**Referred Under Master Resolution**

- 58      [ALH 11-367](#)      Appeal of Jane Myers to an Egress Window Non-Compliance Determination at 1521 HAGUE AVENUE.

**Sponsors:**      Carter III

**Attachments:**      [1521 Hague.appeal.3-2-11.pdf](#)  
                                  [1521 Hague Ave.Myers Ltr 3-15-11.doc](#)

*Grant a 4-inch variance on the openable width of one casement replacement egress bedroom window measuring 40 inches high by 16 inches wide.*

**Referred Under Master Resolution**