



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final Legislative Hearings

Marcia Moermond, Legislative Hearing Officer
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651-266-8560

Tuesday, June 28, 2011

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Remove/Repair Orders

- 1 [RLH RR 11-31](#) Ordering the razing and removal of the structure(s) at 620 CASE AVENUE within fifteen (15) days after the July 6, 2011 City Council Public Hearing.

Sponsors: Bostrom

Attachments: [620 Case Ave.Order to Abate Nuisance.4-6-11](#)
[620 Case Ave.Public Hearing Notice.5-13-11](#)
[620 Case Ave.Code Compliance Rpt.6-19-09](#)
[620 Case Ave.Photos.3-24-11.pdf](#)

Ms. Moermond recommends that the City Council remove the building within 15 days.

RE: 620 Case Avenue (single family)

Manuel Contreras, owner, appeared.

Steve Magner, Vacant Buildings:

- read letter prepared for Mr. Contreras after LH on Jun 14, 2011 listing conditions that need to be met by today:*
- obtain a new Code Compliance Inspection*
- provide a work plan with timelines, including sweat equity and supplies on hand*
- line of credit - construction loan/money in business account or affidavit indicating the intent to use the money towards rehab of the property, estimated between \$50,000-\$75,000*
- property taxes for 2010 (\$1,599.11) and the first of half of 2011 (\$1,181.52) plus penalty and interest must be paid*
- vacant building registration form must be filled out and vacant building fee must be paid*
- City Council public hearing scheduled for July 6, 2011 at 5:30 p.m.*
- these conditions have not been met*
- seeking resolution for removal of the property*
- if things change, bring it to the attention of the City Council*

Mr. Contreras:

- had been in contact with University Bank and the line of credit was not going to be a problem until they found out that his business partner, Rose Spaulding, had just gone*

through bankruptcy, which became a big issue
 - bank said that until things would be worked out with the bankruptcy, a line of credit would not be feasible
 - talked with his accountant (revenue stream for the next 7-10 days will be approximately \$38,000)
 - they work only with cash (they have no liabilities)
 - he can't tap into any of the \$38,000 until the money comes in the door; they don't use credit cards
 - he still wants to go forward with the project; needs a new timeline - he knows the money is coming, just doesn't know when
 - had no cash on hand to apply for the Code Compliance inspection, pay taxes or the VB fee
 - he will take care of it all when the \$38,000 comes through
 - it will be a shame if the property is razed; it's not that bad

Ms. Moermond:

- if things change, she would like to see the verifying paperwork early next Wed, Jul 6, 2011.
 - she will recommend the building be removed within 15 days with no option for rehab unless Mr. Contreras can provide proof of the necessary finances

Referred to the City Council due back on 7/6/2011

11:00 a.m. Hearings

Summary Abatement Orders

- 2 [RLH SAO 11-16](#) Appeal of Judy and Paul Nelson to a Vehicle Abatement Order at 2166 SEVENTH STREET EAST.

Sponsors: Lantry

Attachments: [2166 7th.appeal.6-20-11.pdf](#)
[2166 7th St E.Images.6-24-11.pdf](#)
[2166 7th St E.Photos #1.6-24-11.pdf](#)
[2166 7th St E.Photos #2.6-24-11.pdf](#)
[2166 7th St E.Photos #3.6-24-11.pdf](#)
[2166 7th St E.Insurance Card.6-24-11.pdf](#)
[2166 7th St E.Car Tabs.6-24-11.pdf](#)
[2166 7th St E.Nelson Ltr 7-1-11.doc](#)

Grant the appeal on the summary abatement order as the vehicles are in compliance; deny the appeal and grant an extension to August 1, 2011 to repair the parking surface.. (Inspector Jack Reardon)

RE: 2166 Seventh St E

Judy Nelson, owner, appeared.

Inspector Jack Reardon:

- got a complaint about illegal parking of 2 antique tractors (they run) and an RV with expired plates in backyard;
 - zoning says tractors are not allowed to be parked on any surface; if they are not licensed, they aren't allowed

- at last check, RV plates are current
- looks like there's a pre-existing gravel driveway
- if they apply for more parking space, they will need to apply for site plan review and submit a diagram
- driveway must be concrete or asphalt; although the pre-existing gravel condition may be taken into consideration
- he entered photos
- he spoke with neighbors who didn't think this was a big deal

Ms. Nelson:

- RV is parked on 4" of a mixture of recycled asphalt and gravel (vehicles don't sink into ground) but some weeds grow through it
- they have dogs so they don't want to use weed killer but will if they have to
- truck with snow plow is also parked on this surface (is used in winter)
- has been a parking area as long as they've owned the house (23 yrs)
- got rid of both tractors; were planning to fix them up but now they're in WI
- husband wasn't able to work on yard until Sat; just got an over-the-road truck driving job
- entered photos and verification of current license tabs

Ms. Moermond:

- given the history and how long this area has been a parking area, she is satisfied that they repair the surface instead of replacing the surface but they need to keep the weeds off of it.
- she is looking for clean lines for the parking area
- she will recommend that the parking area be cleaned and repaired by August 1, 2011

Referred to the City Council due back on 7/6/2011

Orders To Vacate, Condemnations and Revocations

- 3 [RLH VO 11-33](#) Appeal of Gregory L. Sutton and Megan Gordon to a Notice of Condemnation as Unfit for Human Habitation and Order to Vacate plus Correction Notice at 785 COOK AVENUE EAST.

Sponsors: Bostrom

Attachments: [785 Cook E.appeal.6-28-11.pdf](#)
 [785 Cook Ave.Sutton Ltr 7-1-11.doc](#)

Deny the appeal and grant extension until July 15, 2011 for property owners to find new housing if the power is not restored. (No use of generator on site or extension cord from neighbors. If Inspector or watch commander finds out that the generator or extension cord is being used, property owners will need to be vacated within 24 hours).

RE: 785 Cook Ave E (single family)

Gregory Sutton, co-owner, appeared.

Inspector Ed Smith:

- City and owner/occupant received a shut-off notice from Xcel (required by law under Section 4602 Notice of Disconnect Service)
- contacted Xcel and confirmed that gas service has been locked and that the electric service has been shut-off at the pole

- inspected property on June 6, 2011 with a compliance date of June 9, 2011
- issued Orders to owner to get services re-connected
- services had not been re-connected and the property was Condemned for lack of basic facilities and material endangerment

Mr. Sutton:

- Xcel shut-off power for non-payment
- the bill, over \$10,000, is not his; it's his partner, Megan's bill
- he has been working to getting it paid down since May, 2011
- the bill has been let go for 6 yrs
- Xcel told him that he could have power in his name if he lived somewhere else; he can't have it there, which makes no sense to him
- he and Xcel have been going back and forth on this issue
- he and Megan have 5 children - all live here
- he needs more time to pay off Xcel
- he is using a back-up generator for cooking, heating, warming water, etc.
- financially, they have money coming from one resource plus a benefit coming from him, which is supposed to be used for the Power On Program as a payment to Xcel
- he doesn't understand why the Xcel bill was left to continue on and on without anything being done until now
- he has been out of work for 4 years while he was in school full time
- got a job Nov 2010 and began to send Xcel money to begin to pay down - then, Xcel initiated the cut-off and all of their troubles began
- he tried to work with Xcel to decide a reasonable payment but they refused to work with him
- he fixed up a lot on the property
- he knows it will be resolved soon; just needs a little more time

Mr. Smith:

- contacted supervisor at Xcel and was told that they are requiring a down payment of \$1,700 and a payment plan before they will re-connect the services
- according to the National Electric Code, generators are supposed to be used only during periods of construction, emergencies and testing (not as a permanent source of power)

Mr. Sutton:

- in Standards of Technology under Homesteaders' Options, 216b, it states that he can run a generator for his house without being connected to power company
- this is an emergency
- generator has a fuse box and overload switch
- neighbors can't hear the generator

Mr. Smith:

- according to Steve Magner, all households within the City of Saint Paul are required to be connected by Xcel Energy and Saint Paul Regional Water Services; also that generators within the City of Saint Paul are unacceptable. If you must have one, you are required to have permits and it has to have a transfer switch. It must be approved by the Fire Dept for fire safety issues and by Environmental Health due to the noise ordinance.
- City does not view this as an emergency
- City's definition of an emergency is when a storm knocks out the power and you need to run vital appliances
- when service is shut-off for non-payment, it's not an emergency in the City's opinion

Mr. Sutton:

- feels Mr. Smith has continued to show hostility toward him because he is having

problems; also feels attacked by Mr. Smith

- Mr. Smith seems to be doing everything he can to put him and his family on the street
- Mr. Smith gave him the Correction Notice June 7 but refused to talk with Mr. Sutton about it; hung up on him 3 times
- Mr. Smith gave him a pre-dated Eviction Notice, which he knew would generate a police visit to his house
- Mr. Smith has not and is not helping him; he told him to figure things out on his own

Mr. Smith:

- the only reason that the City went out there was because Xcel shut-off the utilities
- when the City does an inspection, they check to see if there are other deficiencies, as well
- received notice on June 1, 2011; he inspected the property on June 6, 2011
- sometimes there's a lag time between when the power is shut-off and the City is notified; sometimes not

Ms. Moermond:

- the Code talks specifically about needing to have both gas and electric service in order to maintain habitability
- the Code considers it unsafe not to have those
- a long-term generator isn't safe
- a lot of time has already been in play
- she doesn't think it's on point to say that Xcel is at fault for allowing the provision of energy to continue; they're very lucky that those services were provided since the bill was so high
- she doesn't know if Power On Program can help with the down payment of \$1,700 but he does need to find that money
- she reminded Mr. Sutton that this is not a personal thing; it's an automatic notification that law requires the City to check out
- she can't allow this situation to continue
- because the power was cut at the pole and the gas was locked, there may have been tampering involved

Mr. Sutton:

- the generator is currently running
- would like a little more time for my benefits to come through, perhaps by Friday so that he can pay the \$1,700

Ms. Moermond:

- it was the correct call to order this property vacated
- the conditions still exist and are unsafe
- this will be presented at City Council on July 6, 2011 at 5:30 p.m.
- between now and then there is an opportunity to get gas and electric restored
- she will recommend that Mr. Sutton be given until July 15, 2011 to find new housing but he is not allowed to run generators or extension cords
- if Mr. Smith or the Watch Commander for Eastern District Police find that Mr. Sutton is running generators or extension cords, he and his family will need to vacate within 24 hours

Referred to the City Council due back on 7/6/2011

4 [RLH VO 11-32](#)

Appeal of Michael G. Kula, P.A., on behalf of Rick Thorne, to a Notice of Condemnation as Unfit for Human Habitation and Order to Vacate at 1429 MARSHALL AVENUE.

Sponsors: Carter III

Attachments: [1429 Marshall.appeal.6-9-11.pdf](#)
[1429 Marshall Ave.Photos.6-28-11.pdf](#)

Ms. Moermond's recommendation is forthcoming. On for CPH on July 6. (Inspector A.J. Neis)

Referred to the City Council due back on 7/6/2011 (On July 5 Legislative Hearing)

- 5 [RLH VO 11-35](#) Appeal of Tiffany Moose, to a Correction Notice-Reinspection Complaint (Condemnation of Unit 1) at 441 MOUNT IDA STREET #1.

Sponsors: Thune

Attachments: [441 Mount Ida.appeal.6-22-11.pdf](#)
[441 Mt Ida St.Bus Cards.6-28-11.pdf](#)
[441 Mt Ida St.Doc.6-28-11.pdf](#)
[441 Mt Ida St.Xcel Doc.6-28-11.pdf](#)
[441 Mt Ida St.Moose Ltr 7-1-11.doc](#)

Ms. Moermond recommended granting the appeal on the condition that power is restored. (Inspector Kelly Booker)

RE: 441 Mount Ida St (duplex)

Tiffany Moose, occupant, appeared, along with Nadia Poolson, property manager.

Ms. Moose:

- entered documents
- have been homeless
- Mosaic Realty has been very good about working with her
- Xcel had shut-off power
- her child got lost; has CP working with her
- Alisha Farrington was able to get \$400 for her from Power On Program
- power will be switched back on today at 6:00 p.m.

Ms. Moermond:

- scanned documents
- appellant will no longer be appealing because all is mute
- Ms. Moose can re-occupy immediately

Fire Inspector Mike Urmann:

- called Xcel: power will be back on by end of business today; got work order yesterday
- Ms. Moose may take down the sign on the door

Referred to the City Council due back on 7/6/2011

- 6 [RLH VO 11-28](#) Appeal of Southern Minnesota Regional Legal Services (SMRLS), on behalf of Amy Johnson, to a Condemnation, Order to Vacate at 207 MAPLE STREET, UNIT 2.

Sponsors: Lantry

Attachments: [207 Maple.appeal.6-1-11.pdf](#)
[207 Maple St.Hollingsworth Ltr 6-7-11.doc](#)
[207 Maple St.Court Decision.June 11.pdf](#)

Deny the appeal and grant an extension to July 15, 2011 for tenant to vacate the property. (Inspector Pat Fish)

RE: 207 Maple St, Unit 2 (apartment with 9 rental units)

Lisa Hollingsworth, Southern Minnesota Regional Legal Services (SMRLS), appeared.

Ms. Hollingsworth:

- ETRA to get repairs done*
- had court June 20, 2011 and named some additional parties, Jonathan and Elizabeth Bruntjen; both showed up*
- got order from court - the result of a settlement saying that the repairs to the front door, exterior windows and CO detector were supposed to be done by today (she didn't know if they had been done for sure)*
- final provision of the settlement agreement was that Ms. Bruntjen had another unit available in a different building that Ms. Hollingsworth's client would move into by July 1, 2011*
- client is happy to move from a first floor unit*

Ms. Moermond:

- scanned documents*
- she will recommend granting an extension to July 15, 2011 for tenant to vacate the property*

Referred to the City Council due back on 7/6/2011

1:30 p.m. Hearings

Staff Reports

- 7 [RLH FCO 11-155](#) Appeal of Robert D. Jones to a Fire Certificate of Occupancy Correction Notice at 377 TOTEM ROAD. (Laid over from July 6)

Sponsors: Lantry

Attachments: [377 Totem.appeal.5-27-11.pdf](#)
[377 Totem Rd.Jones Ltr 6-8-11](#)
[377 Totem Rd.Termination Notice.pdf](#)
[377 Totem Rd.Application for Nonconforming Status.pdf](#)
[377 Totem Rd.Request for Appeal.pdf](#)
[377 Totem Rd.Photos.4-1-11.pdf](#)
[377 Totem Rd.Aerial Photo.6-20-11.pdf](#)
[377 Totem Rd.Basement Stair Photo.6-20-11.pdf](#)
[377 Totem Rd.Next to Basement Stair Photo.6-20-11.pdf](#)
[377 Totem Rd.Photo of Drive on Property.6-20-11.pdf](#)
[377 Totem Rd.Photo of Property.6-20-11.pdf](#)
[377 Totem Rd.Photos of Drive.1946 and 1955.pdf](#)

MM—deny the appeal on the trailer issue; grant the appeal on the parking surface and need to make repairs to the pavement. (inspectors Leanna Shaff and Ed Smith; Corinne Tilley, Zoning)

RE: 377 Totem Road (single family), Robert and Virginia Jones, owners

Staff Report -

Inspector Ed Smith:

- entered aerial photos*
- Mr. Jones already has over 1600 sq. ft. of impervious parking surface but the City is amenable to him adding an additional section to park the one car trailer that he has but the City is not amenable to his paving the rest of it*
- #9 of Correction Orders required Mr. Jones to provide a site plan for additional paved parking*
- Mr. Jones said he filled out an application for a variance but it's not in the record (not sure he actually filed it)*

Inspector Shaff:

- Corinne Tilley and she went out to see the property*
- Mr. Jones continues to work on the exterior of both houses and the whole property, making progress*
- regarding the ground cover on all exterior areas to control erosion, it's kind of a road that goes past the out buildings to the woods; and according to what Mr. Jones has provided, he has been filling that in with class 5 for 50 years (and it continues to sink here and there)*
- Corinne Tilley has said that the 10 lots are all one huge parcel (2 houses) with 1 pin number*
- if the space were subdivided, there would be 10 parcels*
- code allows up to 1500 sq. ft. of parking surface (he has over 1600 sq. ft.)*
- Mr. Jones wants to be able to keep his trailer parked next to the owner-occupied house (on pavers, perhaps, etc.) - has been there for a very long time*

Ms. Moermond:

- there are 10 parcels in place on Mr. Jones property and some paving*
- she is wondering whether the parcels can be grouped in a way that additional paving surfaces would be allowable (needs a zoning perspective)*
- she will recommend granting the appeal on allowing that it's a parking surface and require that it be repaired (since it's been used this way for 50 years)*

Referred to the City Council due back on 7/6/2011

Correction Orders

- 8** **[RLH FOW 11-62](#)** Appeal of Scott McCoy to a Fire Certificate of Occupancy Correction Notice at 1071 FOREST STREET.

Sponsors: Bostrom

Attachments: [1071 Forest.appeal.5-20-11.pdf](#)
 [1071 Forest St.Mccoy Ltr 6-7-11.doc](#)

Recommendation is forthcoming.

Referred to the City Council due back on 7/6/2011

Fire Certificates of Occupancy

- 9 [RLH FCO](#)
[11-145](#) Appeal of Kaizen Property Solutions, on behalf of SF Homes, to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 611 MARYLAND AVENUE EAST.

Sponsors: Bostrom

Attachments: [611 Maryland.appeal.5-27-11.pdf](#)
[611 Maryland Ave Ltr 6-14-11.doc](#)
[611 Maryland Ave.Durkop Ltr 7-1-11.doc](#)

Deny the appeal on the lighting issue.

RE: 611 Maryland Ave (two-family)

Housekeeping:

Fire Inspector Shaff:

- provided photos for stairwell lighting; not much light

Ms. Moermond:

- scanned photos with Inspector Cummings' notes

- will recommend denial of the appeal.

Referred to the City Council due back on 7/6/2011

- 10 [RLH FCO](#)
[11-161](#) Appeal of Leslie K. Lucht to a Fire Certificate of Occupancy Inspection Correction Notice at 674 VAN BUREN AVENUE.

Sponsors: Carter III

Attachments: [674 Van Buren.appeal.6-3-11.pdf](#)
[674 Van Buren Ave.Lucht Ltr Ltr 6-14-11.doc](#)
[674 Van Buren.Email.6-14-11.pdf](#)

Grant the appeal on #7

Deny the appeal on #15 and grant an extension to August 1, 2011 for compliance

Grant the appeal on #20

Ms. Moermond amended the following recommendation from the June 21 Legislative Hearing:

Grant the appeal on the soffit and fascia issue;

Grant the appeal on the guardrail on the 2nd floor;

Deny the appeal on the foundation in the basement

RE: 674 Van Buren (single family)

Elizabeth Lucht, co-owner, appeared.

Fire Inspector Leanna Shaff:

- has no additional report; Inspector Urmann has not been back to the property

- a number of items have already been decided: #1, #4, #10, #11, #14 and #19

- some additional items remain

Ms. Lucht:

- her husband, Leslie Lucht, said he sent Ms. Moermond photos by email
- she also brought copies of those photos and entered them
- her letter says that following items will be discussed today: #7, #15 and #20
- #7- sink in lower bathroom: she was there during inspection. He cited that the the sink was not properly secured to the wall but it was. It was installed by a licensed plumber. There was a little chip on the side of it and that has been fixed.
- #15-provide suitable ground cover - Ms. Lucht provided photos of the patching; they have seeded again
- #20- cracks in ceiling. Ms. Lucht said that Mr. Urmann never mentioned the cracks in the ceiling while he was inspecting. The ceiling is OK - there are no cracks and there weren't any to begin with

Ms. Moermond:

- Les' email must have been blocked
- will recommend granting the appeal on #7
- will recommend granting until August 1, 2011 for the grass to grow
- will recommend granting the appeal on #20
- noted that Steve Ubl, City Building Inspector, did an inspection at the property; she read an email regarding this matter; consequently,
- regarding the soffit and fascia work - she will recommend granting the appeal
- regarding the guardrail on the 2nd level porch - she will recommend granting the appeal
- regarding the patching the foundation in the basement in an attempt to divert water - she will recommend denial

Referred to the City Council due back on 7/6/2011

- 11 [RLH WP 11-33](#) Appeal of Champion Windows of Minneapolis, on behalf of Simon Thao, to an Egress Window Non-Compliance Determination at 1569 REANEY AVENUE.

Sponsors: Lantry

Attachments: [1569 Reaney.appeal.6-23-11.pdf](#)
 [1569 Reaney Ave-Champions Ltr 7-1-11.doc](#)

Deny a variance on the egress bedroom windows.

RE: 1569 Reaney Ave (single family)

Ron Anderson, Champion Windows of Minneapolis, appeared on behalf of the owner, Simon Thao

Mr. Anderson:

- we proposed price to customer for the egress windows: over \$2,500
- beyond owner's budget

Ms. Moermond:

- Mr. Anderson will need to go the City Council Public Hearing, July 6, 2011 at 5:30 p.m.
- or talk with Councilmember Kathy Lantry or her aide, Ellen Biales (266-8670)
- they need 1/2-inch more variance than Ms. Moermond will grant
- she will recommend denial of a variance

Referred to the City Council due back on 7/6/2011

- 12 [RLH FOW 11-76](#) Appeal of Phil Jacobs to a Fire Certificate of Occupancy Inspection Correction Notice at 1245 SCHEFFER AVENUE.

Sponsors: Harris

Attachments: [1243-1245 Scheffer.appeal.6-15-11.pdf](#)

Grant a 1-inch variance on the openable height of the egress window in the lower unit north bedroom; grant a .5-inch variance on the openable height of the egress window in the lower unit south bedroom; grant the appeal for the upper unit third floor bedroom on the condition that property owner disclose on the lease agreement that the room is not to be used as a bedroom. (Inspector Rick Gavin)

RE: 1245 Scheffer Ave (duplex)

Phil Jacobs, owner, appeared.

Fire Inspector Shaff:

- Fire Certificate of Occupancy inspection April 13, 2011 by Inspector Rick Gavin
- it appears that all of it is being appealed

Mr. Jacobs:

- just the windows are being appealed

Ms. Moermond:

- will recommend granting a 1-inch variance of egress window in lower unit north bedroom
- will recommend granting a .5-inch variance of egress window in lower unit south bedroom
- will recommend granting the appeal for the upper unit 3rd floor bedroom on the condition that Mr. Jacobs disclose on lease agreement that the room cannot be used as a sleeping space

Referred to the City Council due back on 7/6/2011

- 13 [RLH FCO 11-172](#) Appeal of Lou Tran to a Fire Certificate of Occupancy Correction Notice at 1138 COOK AVENUE EAST.

Sponsors: Bostrom

Attachments: [1138 Cook E.appeal.6-14-11.pdf](#)
[1138 Cook Ave E.Photos.6-7-11.pdf](#)
[1138 Cook Ave.Tran Ltr 7-1-11.doc](#)

Grant a 2-inch variance on the openable height of the egress window in the south upstairs bedroom; grant a 4-inch variance on the openable height of the egress window in the north upstairs bedroom; grant the appeal on the guardrail if a wall is installed; forthcoming on the dryer exhaust duct (Appellant to submit photos); deny the appeal for Item 2 (repair rotting wood and roof on carport or demolish the carport) and grant an extension to August 1, 2011 for compliance under permit. (Inspector Kelly Booker)

RE: 1138 Cook Ave E (single-family)

Lou Tran, appeared.

Fire Inspector Leanna Shaff:

- *Fire Certificate of Occupancy Inspection on June 7, 2011 by Inspector Kelly Booker*
- *2 items being appealed: 1) windows; and 2) guardrail on basement stairs*
- *double-hung windows both in upstairs bedrooms: south one is 22h x 25w; north one is 20h x 21w*
- *recommends that the Building Dept take a look at this building*

Mr. Tran:

- *introduced photos of stairway (too narrow - how would you move appliances up and down if one were installed?)*
- *he recommends creating a wall to cover up the empty space.*
- *he will email photos*
- *he also asked about the exhaust vent for the dryer; it's solid, smooth aluminum*
- *he will email photos of the vent*
- *he is working on/repairing the car port - inspector said it was rotten, dry wood; he is going to replace the rotten wood and paint it*
- *the car port has been there*

Ms. Moermond:

- *will recommend the City Council grant the appeal on the windows*
- *will recommend granting the appeal on the guardrail if a wall is installed*
- *will recommend denying the appeal on the carport (either it needs to be repaired or knocked down) - both require a permit*
- *will recommend an extension to August 1, 2011 to either repair or demo the carport*

Referred to the City Council due back on 7/6/2011

14 [RLH FCO
11-185](#)

Appeal of David Gitzen to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 1136 FIFTH STREET EAST.

Sponsors: Lantry

Attachments: [1136 5th E.appeal.6-17-11.pdf](#)
[1136 Fifth St.Gitzen Ltr 7-1-11.doc](#)

Grant a 1-inch variance on the openable height of the egress bedroom windows in the south bedroom on the 2nd floor; deny the appeal and grant an extension to July 8, 2011 for compliance on the ground cover on all exterior areas to control erosion (Item 3) (Inspector Pat Fish)

RE: 1136 Fifth St E (single family)

David Gitzen, owner, appeared.

Ms. Moermond:

- *Fire Certificate of Occupancy appeal (2 items)*
- *egress windows*
- *grants a variance on the egress windows*
- *provide and maintain suitable ground cover on all exterior areas to control erosion*

Mr. Gitzen:

- *the tenants had 2 big dogs; they tore up the whole area of grass*
- *hasn't had time to plant the grass*
- *tenant finally was evicted*
- *has been trying to get the house fixed-up*
- *in a financial bind right now*
- *wants a new deadline for grass*

Ms. Moermond:

- wants the ground stabilized - thoroughly seeded and blocked-off with fencing, perhaps

Mr. Gitzen:

- woods surrounds this area up on a hill
- no one comes up there; it's private

Ms. Moermond:

- will grant until Friday, July 8, 2011 to get the grass in
- thoroughly tilled and seeded

Referred to the City Council due back on 7/6/2011

15 [RLH FCO
11-197](#)

Appeal of Sam Riesgraf, Synergy Home Solutions, to a Correction Notice-Complaint Inspection at 1445 SHERBURNE AVENUE.

Sponsors: Stark

Attachments: [1445 Sherburne.appeal.6-22-11.pdf](#)

Grant the appeal on the ceiling height issue; the room in the attic is not to be used as a sleeping room. (Inspector Michael Urmann)

RE: 1445 Sherburne Ave (single family)

Sam Reisgraf, Synergy Home Solutions, appeared.

Fire Inspector Leanna Shaff:

- a referral inspection was conducted on Jun 9, 2011 by Inspector Mike Urmann
- he cited that the basement not be used for sleeping areas
- basement ceiling height measured 6'5"- 6'6"; where there was duct work, it measures 6'
- entered a copy of the Code Compliance report - it was signed-off

Mr. Reisgraf:

- was a Category 2 VB when he bought it
- it went through Code Compliance and was approved by Jim Seeger
- it's been a rental property for the past 1 1/2 yrs
- a single mom lives there with her children
- bedrooms each have a true egress window
- he will send photos of basement
- as part of the lease, a letter was attached - written to tenant, stating that the attic/play area not be used as a bedroom (provided copy of letter)
- Section 8 did not flag the attic

Ms. Moermond:

- photos would help for the basement ceiling
- Note: in file, Jim Seeger signed-off Nov 16, 2009 - he sent the approval letter
- she will recommend the City Council grant a variance on the basement ceiling height, which is 6'6"

Referred to the City Council due back on 7/6/2011

16 [RLH FCO
11-168](#)

Appeal of Fred A. Meadows to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 2026 STILLWATER AVENUE.

Sponsors: Lantry

Attachments: [2026 Stillwater.appeal.6-9-11.pdf](#)
[2026 Stillwater Ave.Photos Exterior.6-28-11.pdf](#)
[2026 Stillwater Ave.Photos Interior.6-28-11.pdf](#)
[2026 Stillwater Ave.Meadows Ltr 7-1-11.doc](#)

Deny the appeal on the driveway and grant an extension to the end of the year; deny the appeal on the siding and grant an extension to June 28, 2012; deny the appeal on the stairs and grant an extension to August 1, 2011 for compliance. Ms. Moermond will recommend that the property be removed from the Certificate of Occupancy Program if documents are submitted showing that the ownership has changed. (Inspector Wayne Spiering)

RE: 2026 Stillwater Ave (single family)

Fred Meadows, owner; son, Gregory Meadows, homesteader, appeared; also their carpenter, Don Jones, owner of Capital Carpentry LLC

Fred Meadows:

- *this is not a rental property: they bought it for their son, who's paying them monthly payments*
- *he put the house in his name but that was a mistake*
- *the house will be put in his son's name sometime within the next month*
- *the original stairway was more unsafe than what is there now*
- *this was a foreclosed house and at the time, none of these things were on the list in order to sell it*

Fire Inspector Shaff:

- *photos are in AMANDA*
- *Fire Certificate of Occupancy re-inspection conducted on Jun 3, 2011 by Inspector Wayne Spiering*
- *3 items are being appealed: 1) siding; 2) driveway; 3) basement stairs*
- *Notes: Inspector Spiering says to repair or replace unsafe basement stairway (it's a hole that goes down thru the kitchen and has a trap door) quite obviously has been changed from the original in a configuration that wouldn't have been acceptable*
- *once something gets changed in a building, the code requires updated requirements*
- *when something gets changed without a permit, it causes concern*

Gregory Meadows:

- *when they bought the house, the stairs went the other way: when you got to the third step, the header beam was in the way and you needed to duck to get down the steps, so he changed the stairs to go the other way in order to have head clearance*
- *had 2 carpenters come in to evaluate and come to solution - there's just not enough room to have legitimate stairs*
- *provided a photo of stairs that may work plus other photos*
- *he will email those photos to Ms. Moermond*
- *he doesn't want to lose half of the kitchen space (it's a very small house)*

Don Jones:

- *he evaluated the space*
- *the only solution he came up with was to take out half the kitchen floor*
- *he considered taking out the wall that the trap door goes up against; but, that would necessitate taking out the sliding patio door*
- *the only thing that would work - put in the stairs coming from the outside (putting on an addition or cutting out more kitchen floor) - to meet code*

- the other option would be to bring in the City Building inspector to see what kind of variances he would allow in this situation

Gregory Meadows:

- got bids for the driveway
- can't come up with \$3,000 in 60 days (will tar it eventually)
- got an \$8,000 bid for the siding
- will be able to do both next spring

Ms. Moermond:

- asked what kind of landing there was with the original basement stairway (answer: 2 feet on an angle)
- she is more comfortable with a 2 ft landing
- told him to put the stairway back the way it was with a handrail/guardrail and new trap door
- will recommend denial of appeal on driveway and grant extension to the end of the year
- will recommend denial of appeal on siding and grant extension to June 28, 2012
- will recommend denial of appeal on basement stairway with handrail/guardrail and grant extension to August 1, 2011
- will recommend that the property be removed from the Certificate of Occupancy Program if documents are submitted showing that the ownership has changed
- get the basement stairway back the way it was; pull a permit and she will put a call into the Sr Building Inspector, Steve Ubl about it

Referred to the City Council due back on 7/6/2011

2:30 p.m. Hearings

Vacant Building Registrations

- 17 [RLH VBR 11-46](#) Appeal of Chueyi Lor to a Vacant Building Registration Notice at 1415 RICE STREET.

Sponsors: Helgen

Attachments: [1415 Rice.appeal.6-13-11.pdf](#)

Supervisor Matt Dornfeld stated that the Appellant and the Dept have come to a resolution on June 27, 2011; therefore, the hearing on this matter is withdrawn.

Withdrawn

- 18 [RLH VBR 11-48](#) Appeal of Greg Carr and Jennifer Mendel-Carr to a Vacant Building Registration Fee at 77 CONGRESS STREET EAST.

Sponsors: Thune

Attachments: [77 Congress E.appeal.6-22-11.pdf](#)
[77 Congress St E.Revocation Ltr 4-5-11.pdf](#)
[77 Congress St E.Photos.5-9-11.pdf](#)

Deny the appeal on the roof and windows and grant an extension for 6 weeks to come into compliance. Ms. Moermond recommends that the building be a Category 1 and waive the vacant building fees for 45 days. (Inspector Dennis Senty)

RE: 77 Congress St E (community center)

Greg Carr appeared. (His wife, Jennifer Mendel, is listed as owner along with her uncle, Michael Whelan)

Mr. Carr:

- *is currently working with someone to get someone in there*
- *some repairs need to be taken care of*
- *\$1,100 fee is not in budget right now*

Inspector Matt Dornfeld:

- *Certificate of Occupancy Revocation was done Apr 5, 2011*
- *5 deficiencies were documented by Inspector Senty*
- *Inspector Senty opened a Category 2 Vacant Building file on May 9, 2011*
- *Inspector Senty documented the following:*
 - *gas meter locked off*
 - *electrical meter yellow-tagged*
 - *broken window*
 - *water damaged ceiling visible through window*
 - *took photos*
 - *posted placards*
 - *noted that an accessory shed was open to entry*
 - *bags of yard waste in yard*
 - *refuse container full and overflowing*
 - *he issued Orders for the shed to be secured; grass to be cut; and the trash can and overflow to be cleaned up*
 - *those Orders were not complied with*
 - *Work Orders were issued for all 3 things*
 - *currently, a Category 2 Vacant Building*

Mr. Carr:

- *had a tenant with a 3-yr lease who bailed out on him*
- *there was a month that things didn't get done*
- *since then, he has been getting someone to mow the lawn*
- *currently, he has a tenant who wants to rent*
- *he will do whatever he needs to do to get everything done*
- *he was unaware that the City mowed the lawn - someone was supposed to be taking care of that*
- *he asked if he can go into the building to work on it*
- *will need a good month to finish (plans are being drawn up and should be done this week)*
- *what does he need to do to get it out of the Vacant Building Program?*
- *he renovated the building about 4 years ago and had the inspections done*
- *rented to the wrong people*

Mr. Dornfeld:

- *does not see in the record that the City mowed the lawn here; it probably had already been mowed when Parks got there*
- *the City did secure the shed and cleaned-up the yard*

Ms. Moermond:

- *sees a boarding that went to Work Order in mid-May*
- *building needs a new roof and new windows; if Mr. Carr can do that within 6 weeks, she will recommend that the building remain a Category 1 Vacant Building (pull permits to do that) and also recommend that the VB be waived for those 6 weeks. If*

permits are not signed-off at the end of that 6-week period, the VB fee will be levied

Mr. Dornfeld:

- will hold the VB fee for 45 days and make the building a Category 1 VB

- get the deficiency list finished and Mr. Carr is good to go

Referred to the City Council due back on 7/6/2011

Window Variances: No Hearing Necessary

- 19 [RLH FOW 11-83](#) Appeal of Christopher Chiabotti to a Fire Certificate of Occupancy Inspection Correction Notice at 1039 EARL STREET.

Sponsors: Bostrom

Attachments: [1039 Earl.appeal.6-22-11.pdf](#)
[1039 Earl St.Chiabotti Ltr 6-28-11.doc](#)

Grant a 2-inch variance on the openable height of the egress windows in both bedrooms. (Kelly Booker)

Referred to the City Council due back on 7/6/2011

- 20 [RLH FOW 11-72](#) Appeal of Hong Cao to a Fire Certificate of Occupancy Correction Notice at 583 FAIRVIEW AVENUE SOUTH.

Sponsors: Harris

Attachments: [583 Fairview South.appeal.6-14-11.pdf](#)
[583 Fairview Ave S.Cao Ltr 6-28-11.doc](#)

granting a 3-inch variance on the openable height of the egress windows in the second floor bedroom. (Rick Gavin)

Referred to the City Council due back on 7/6/2011

- 21 [RLH FOW 11-79](#) Appeal of Stephen Mowry to a Fire Certificate of Occupancy Inspection Correction Notice at 842 FOURTH STREET EAST.

Sponsors: Lantry

Attachments: [842 4th.appeal.6-16-11.pdf](#)
[842 Fourth St E.Mowry Ltr 6-28-11.doc](#)

Grant a 4-inch variance on the openable height of the egress window in the main floor south bedroom. (Wayne Spiering)

Referred to the City Council due back on 7/6/2011

- 22 [RLH WP 11-32](#) Appeal of Window World, on behalf of Hanz Lehrke, to an Egress Window Non-Compliance Determination at 1871 STILLWATER AVENUE.

Sponsors: Bostrom

Attachments: [1871 Stillwater.appeal.5-31-11.pdf](#)
[1871 Stillwater Ave.Dahl Ltr 6-28-11.doc](#)

Grant a 6.5-inch variance on the openable height of two double hung replacement

egress bedroom windows measuring 17.5 inches high by 25.5 inches wide. (David P. Nelson)

Referred to the City Council due back on 7/6/2011

- 23 [RLH FOW 11-71](#) Appeal of Brett Hesley, KBD Investments, to a Fire Certificate of Occupancy Correction Notice at 889 WESTMINSTER STREET.

Sponsors: Helgen

Attachments: [889 Westminister.appeal.6-13-11.pdf](#)
 [889 Westminister St.Hesley Ltr 6-28-11.doc](#)

Grant a 6.5-inch variance on the openable height of the egress window in the north upstairs bedroom. (Kelly Booker)

Referred to the City Council due back on 7/6/2011

- 24 [RLH WP 11-43](#) Appeal of Champion Window Company to an Egress Window Non-Compliance Determination at 1402 WOODBRIDGE STREET.

Sponsors: Helgen

Attachments: [1402 Woodbridge.appeal. 5-17-11.pdf](#)
 [1402 Woodbridge.appeal. 6-28-11.pdf](#)
 [1402 Woodbridge St.Champion Ltr 7-1-11.doc](#)

No hearing necessary. Grant an 8-inch variance on the openable height of the openable height of three double hung replacement egress bedroom windows.

Referred to the City Council due back on 7/6/2011