



# City of Saint Paul

15 West Kellogg Blvd.  
Saint Paul, MN 55102

## Meeting Agenda - Final-revised Legislative Hearings

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

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Tuesday, October 19, 2010

10:00 AM

Room 330 City Hall & Court House

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### Special Tax Assessments

[ALH 10-239](#) Appeal of Special Tax Assessment for 481 St. Anthony Avenue for Project #: J1103A, Assessment #: 118969 in Ward 1.

#### Legislative History

10/19/10 Legislative Hearings Referred to the Legislative Hearings  
*Ms. Moermond recommended laying this matter over to the November 2, 2010 Legislative Hearing to check on up-coming Orders and the next tax assessment.*

*Ms. Brenda Hall appeared.*

*Mr. Yannarelly stated that Orders were issued on August 17, 2010 to remove junk, toys, furniture and loose litter that were strewn throughout the yard with a compliance date of August 22,*

*2010. his property was rechecked on August 24, 2010 and found to be in noncompliance. A*

*Work Order was sent to Parks; they performed the abatement on August 26, 2010 at a cost of \$372 plus \$140 service charge for a total of \$512. The Abatement Order was sent to Brenda Hall at 13609 Pleasant Lane, Burnsville, MN and they have not received any returned mail.*

*Ms. Hall stated that she is appealing this assessment because they did not put those articles in the yard and they don't know who did. When they clean-up a property, they get a dumpster. Her husband checks on the house on weekends. The house had been condemned. The tenant left in July with her seven (7) children without notice. Ms. Hall added that they changed the locks, which look as though they had been jimmed but she didn't think anyone got in. They changed the locks again.*

*Ms. Moermond asked to view the video which showed junk, toys, furniture, carpeting, etc, strewn on the ground around the yard which was removed by Parks. Ms. Moermond noted that it looks as though it's tenant dumping. There was a time period of nine (9) days between when the Orders were issued and when Parks cleaned up. The time did include a weekend. Ms. Hall responded that her husband was out of town weekend. Ms. Moermond noted that the clean-up is the Hall's responsibility no matter who put it there. Ms. Hall replied that she understood.*

*Ms. Moermond asked about the history on this address and if there was a close file. Mr. Yannarely responded that it looks as though another assessment is coming for clean-ups between August 31 and September 16, 2010 in the amount of \$185. He added that this has been a vacant building since August 18, 2010. Ms. Hall said that they have taken out contracts for repair work on the house.*

*Ms. Hall said that they had also requested a Certificate of Occupancy Inspection. Ms. Moermond asked why the house was condemned. Ms. Hall responded that the tenant had her electricity shut-off in the summer, only Ms. Hall was not aware of it right away. The tenant later told Ms. Hall that she was unable to pay the bill. Ms. Hall noted that when the tenant moved in, they paid her utility bills for six (6) months to help her get on her feet. Obviously, she never did get on her feet.*

**ALH 10-236** Appeal of Special Tax Assessment for 101 Sycamore St E Project #: J1103A, Assessment #: 118969 in Ward 5

**Sponsors:** Helgen

**Legislative History**

10/19/10 Legislative Hearings Referred Under Master Resolution  
*Ms. Moermond recommended approving the assessment.*

*No one appeared.*

**ALH 10-231** Appeal of Special Tax Assessment for 954 Galtier Street/246 Front Avenue for Project #: J1101B, Assessment #: 118962 in Ward 5

**Sponsors:** Helgen

*Ms. Moermond recommended approving the assessment.*

*No one appeared.*

**Legislative History**

10/19/10 Legislative Hearings Referred Under Master Resolution  
*Ms. Moermond recommended approving the assessment.*

*No one appeared.*

**ALH 10-230** Appeal of Special Tax Assessment for 1587 Hudson Rd for Project #: J1101B, Assessment #: 8962 in Ward 7

**Sponsors:** Lantry

**Legislative History**

10/19/10 Legislative Hearings Referred Under Master Resolution  
*Ms. Moermond recommended deleting the assessment.*

*STAFF PRESENT: Joel Essling, Department of Safety and Inspection (DSI) – Code Enforcement; Paula Seeley, DSI – Code Enforcement; Leanna Shaff and Sean Westenhofer, DSI – Fire; Mai Vang, City Council Offices; and Joe Yannarely, DSI – Vacant Buildings*

*Mr. Larry F. Stuedemann appeared.*

*(Conversation on tape cannot be heard.)*

*Mr. Yannarely called Mr. Juan Ortiz in Finance to get more information. The assessment has already been paid.*

**ALH 10-276** Appeal of Special Tax Assessment for 598 Johnson Parkway for Project #: J1101B, Assessment #: 118962 in Ward 7

**Legislative History**

10/19/10 Legislative Hearings Referred Under Master Resolution  
*Ms. Moermond will recommend approving the assessment.*

*STAFF PRESENT: Joel Essling, Department of Safety and Inspection (DSI) – Code Enforcement; Paula Seeley, DSI – Code Enforcement; Leanna Shaff and Sean Westenhofer, DSI – Fire; Mai Vang, City Council Offices; and Joe Yannarely, DSI – Vacant Buildings*

*Mr. Wa Seng Lee appeared.*

*No paperwork was available.*

*Ms. Moermond requested a staff report. Mr. Yannarely stated that there are two (2) assessments: 1) boarding; and 2) Vacant Building fee (coming up November 16, 2010). There have been three (3) separate boardings: 1) July 7; 2) July 9; and 3) July 16. The boardings cost and fees equal \$233.85; administration fees are \$370 (\$115 per boarding; \$25 for real estate and attorney fees) for a total of \$603.85. Mr. Yannarely said that there is a note from Inspector Nelmark dated July 8, 2010: Have property re-boarded per Officer Dean Keenan. On July 9: it lists credit Respro with secures and also Summary Abatement re-opened (rear door and front window). A Work Order to secure was issued on July 15, 2010. On July 22, a Summary Abatement Order was sent on debris. On July 29, a Work Order was sent.*

*Ms. Moermond asked Mr. Lee why he is appealing this boarding assessment. Mr. Lee responded that he just bought the house on Friday, October 15, 2010. This assessment came to his attention on Thursday, October 14, 2010, one day before he closed on his house. He doesn't think he should have to pay for the assessment for something done before he owned the house. He thinks that the bank or whoever was in possession of the house before him should have to pay. He bought it from the MN Housing Finance Agency. Ms. Moermond responded that unfortunately, the bill remains with the property. In other words, the bill was incurred by 598 Johnson Parkway. Sometimes, the wrong party is notified. She suggested that he talk with the title company and the bank. It sounds as though they should be responsible about this assessment, so Mr. Lee needs to deal with them.*

*Ms. Moermond stated that she will recommend approval of the assessment.*

*Mr. Yannarely stated that this property is listed as a Category 1 Vacant Building and asked Mr. Lee if he was occupying it now. Mr. Lee responded that he is not going to live there. Mr. Yannarely explained that a Vacant Building fee is being assessed already but he needs to fill out a Vacant Building Registration form. Mr. Lee asked if \$1,235 was the general price that anyone would have to pay. Ms. Moermond responded that the fee is \$1,100 if it is paid up front and there is an added cost if it needs to be processed as a tax assessment. If Mr. Lee can get the building occupied by November 16, 2010, he will not need to pay the Vacant Building fee. If he can get it occupied, he will*

*need to call the Vacant Building Inspector to tell him that it's occupied. Ms. Moermond suggested that he come to the Legislative Hearing on November 16, 2010. Mr. Yannarely added that if Mr. Lee is going to rent the property, he will also need a Certificate of Occupancy for which he will need to schedule an inspection. Mr. Essling provided Mr. Lee with a form.*

*Mr. Lee asked whether the property clean-up amount of \$1,284 from June has already been paid. Mr. Essling said that should have been paid at the closing; should have been paid by the seller. Ms. Moermond suggested that Mr. Lee talk with his realtor/title company. There should be something in writing about it. The fee should have been negotiated at the closing. The City could help to provide Mr. Lee paperwork showing that the work had been done before he bought it.*

*Ms. Moermond noted that she would see Mr. Lee again in about four (4) weeks.*

**ALH 10-237**

Appeal of Special Tax Assessment for 2095 Jessamine Avenue East for Project #: J1103A, Assessment #: 118969 in Ward 6.

**Sponsors:** Bostrom

**Legislative History**

10/19/10 Legislative Hearings Referred Under Master Resolution  
*Ms. Moermond recommended deleting the assessment.*

*STAFF PRESENT: Joel Essling, Department of Safety and Inspection (DSI) – Code Enforcement; Paula Seeley, DSI – Code Enforcement; Leanna Shaff and Sean Westenhofer, DSI – Fire; Mai Vang, City Council Offices; and Joe Yannarely, DSI – Vacant Buildings*

*Robert Stein, appeared.*

*Ms. Moermond noted that this assessment is for tall grass and weeds at a vacant building.*

*Mr. Stein explained that 2095 Jessamine Avenue East is a property that is for sale. He has many properties on the East Side of Saint Paul. He has hired a lawn service and has invoices for work done. Maybe they didn't actually go out and do the work. He was hoping to see proof of the tall grass and weeds.*

*Mr. Yannarely reported that a Tall Grass and Weeds Notice was mailed out on August 6, 2010 with a compliance date of 72 hours. On August 12, 2010, Inspector Nelmark granted a 4-day extension. He re-checked on August 16, 2010 and found it still non-compliant. He sent a Work Order to Parks; they did the work on August 18, 2010 at the cost of \$160 with a service charge of \$140 totaling \$300.*

*Ms. Moermond asked to view the video. Mr. Stein said that the grass didn't look very tall to him; Ms. Moermond agreed. He stated that he has invoices for August 16, August 28 and August 5, 2010.*

*Ms. Moermond will recommend deleting the assessment.*

**ALH 10-240**

Appeal of Special Tax Assessment for 255 Point Douglas Road North for Project #: J1103A, Assessment #: 118969 in Ward 7

Legislative History

10/19/10 Legislative Hearings Referred Under Master Resolution  
*Ms. Moermond recommended approving the assessment.*

*No one appeared.*

[ALH 10-222](#) Appeal of Special Tax Assessment for 758 Reaney Avenue for Project #: J1103A,  
 Assessment #: 118969 in Ward 6.

Sponsors: Bostrom

Legislative History

10/19/10 Legislative Hearings Referred Under Master Resolution  
*Ms. Moermond will recommend deleting the assessment.*

*STAFF PRESENT: Joel Essling, Department of Safety and Inspection (DSI) – Code Enforcement; Paula Seeley, DSI – Code Enforcement; Leanna Shaff and Sean Westenhofer, DSI – Fire; Mai Vang, City Council Offices; and Joe Yannarely, DSI – Vacant Buildings*

*Mr. Shane Paulson, owner, appeared.*

*Ms. Moermond asked for a staff report. Mr. Essling reported that a Summary Abatement Order was mailed August 18, 2010 regarding a mattresses, broken sofa and TV near the dumpster and alley. The compliance date was August 23, 2010. It was re-checked August 23 and found to be non-compliant. A Work Order was sent to Parks; the work was completed on August 24, 2010 at a cost of \$364.00 with a service charge of \$140.00, totaling \$504.00.*

*Mr. Paulson stated that this debris was left at 756 Reaney Avenue, a vacant lot next door to his property with a fence around it. It has been a magnet for dumping junk. He has his dumpster placed near the vicinity but the junk that was left was not on his property.*

*Ms. Moermond asked to view the video before and after inspection. Ms. Seeley noted that the dumpster is placed in front of 756 Reaney, a vacant lot. The day that this debris ended up where it was, she called Veolia, which told her that interpreters for the Somali family that lives at 758 Reaney admitted that it was their debris. A social worker, who was helping the Somali family, tried to get rid of the mattresses, so the inspectors know that the debris came from 758 Reaney. Ms. Seeley said that Mr. Paulson needs to place the dumpster next to his garage on his property. Ms. Moermond noted that if the tenants at 758 are dumping on 756, the recourse would be a criminal tag for allowing that to occur. Mr. Paulson stated that if there is something that proves it, he will gladly hold them accountable. When Mr. Paulson investigated that possibility,*

he got a different story; and some of the neighbors said that they saw other people dropping off stuff. Without having photographs showing who put it there, it leaves him in limbo. Mr. Paulson explained that the reason that the dumpster has slowly wandered down the alley is because Veolia has put it there; and he believes that it could be an access issue. He believes that it's easier for the truck drivers to set it in front of 756 Reaney.

Ms. Moermond stated that she will need to let Mr. Paulson off the hook on this because the debris was on a property that was not his but because it's his dumpster and it's his tenants, she finds it wrong for the tax payers of the City to have to take responsibility for making sure that his garbage is picked up after it's been put onto the wrong property.

Ms. Moermond will recommend deleting the assessment.

**ALH 10-235** Appeal of Special Tax Assessment for 822 University Ave W for Project # : J 1103A , Assessment #: 118969 in Ward 1

**Sponsors:** Carter III

**Legislative History**

10/19/10 Legislative Hearings Referred Under Master Resolution  
Ms. Moermond will recommend approving the assessment, payable over two (2) years.

STAFF PRESENT: Joel Essling, Department of Safety and Inspection (DSI) – Code Enforcement; Paula Seeley, DSI – Code Enforcement; Leanna Shaff and Sean Westenhofer, DSI – Fire; Mai Vang, City Council Offices; and Joe Yannarely, DSI – Vacant Buildings

Florence Marco appeared.

Ms. Moermond requested a staff report. Mr. Essling reported that a Summary Abatement Order was issued August 13, 2010 with a compliance date of August 18, 2010. The address was re-checked on August 19, 2010 and found to be in non-compliance; the Work Order was sent to Parks and the work was done on August 24, 2010 at a cost of \$878 plus a service charge of \$140 for a total of \$1,018. The nuisance was a failure to maintain exterior property with tires (\$330 fee), a tank and a radio. The notice was sent to both Antonio Marco and Occupant at 822 University Avenue West.

Ms. Marco stated that all of this has been very confusing. The tires didn't belong to her. Her son had put a tank in back of her house along with a few tires. Others brought more tires. She had been

sick off and on during the summer and in the hospital off and on and wasn't aware of the first letter.

When the next letter came, she called some people to come and take away the tires but not the tank.

But the City must have come first and took everything.

Mr. Essling stated that he inspected this property and there were forty (40) tires on the property, a

tank and a radio. On August 19, he had a phone conversation with Ms. Marco's son who lives at

the property. Mr. Essling advised him that the Work Order had already been sent to Parks. The

son told Ms. Essling that he had removed thirty (30) of the tires already and would be removing the

rest of them. Mr. Essling then told the son to put a sign on the remaining tires saying that he was

going to remove them that day and get ride of the tank immediately. Ms. Marco replied that her

son's truck broke down so he had no way to remove it and there was nothing to put it into.

Ms. Moermond asked to view the video to see whether there was a sign on the tires. The video

showed that the work crew found thirty-two (32) tires and the tank was still there. Ms. Marco

stated that she didn't know how many tires there were and the radio was not hers; it must belong to

the folks next door. She apologized and noted that when her husband was still alive, he kept

everything looking good. Since she's been sick and in the hospital, she hasn't been paying much

attention to her mail. She thought that the tires had been taken away by the people she called to

do it and found out later that it had been the City that took them away.

Ms. Moermond stated that she was sorry Ms. Marco had been sick this past summer; but noted

that it sounded as though her son had been in contact with the City. She will need to

recommend that the City Council approve this tax assessment. Ms. Marco stated that she

didn't know how she was going to pay the City; she is on Social Security and has a mortgage on

her house. Ms. Moermond stated that the best she can do is to have the payments divided

over a period of two (2) years. Ms. Moermond added that since these items were her son's,

maybe he needs to take responsibility for paying her but that is a private matter between her and

her son. She noted that this tax assessment won't accumulate any interest on it until 2011 and it

won't go onto her taxes until 2012.

Ms. Moermond will recommend approval of the assessment, payable over two (2) years.

ALH 10-238 Appeal of Special Tax Assessment for 103 Magnolia Avenue West for Project #: J1103A, Assessment #: 118969 in Ward 5.

Sponsors: Helgen

## Summary Abatement Orders

## Orders to Vacate, Condemnations and Revocations

2 ALH 10-205 Appeal of Daniel Burton to an Order to Vacate at 251 King Street West. (Ward 2)

Sponsors: Thune

### Legislative History

10/19/10 Legislative Hearings Referred to the City Council  
*Ms. Moermond recommended denying the appeal and granting an extension to November 19, 2010 to come into compliance. She reminded Mr. Burton that the building cannot be occupied until the Certificate of Occupancy has been re-instated.*

*STAFF PRESENT: Joel Essling, Department of Safety and Inspection (DSI) – Code Enforcement; Paula Seeley, DSI – Code Enforcement; Leanna Shaff and Sean Westenhofer, DSI – Fire; Mai Vang, City Council Offices; and Joe Yannarely, DSI – Vacant Buildings*

*Daniel Burton appeared.*

*Fire Inspector Westenhofer sent Order to Vacate on September 28, 2010; and the water was shut-off. The Order was sent to a Woodbury address; however, Mr. Burton lives on Cherokee in West Saint Paul. Inspector Westenhofer scheduled an inspection for October 11, 2010. He called Water the morning of October 11th and found the service to be disconnected, still. At inspection, he found that the property appeared to be vacant; he took photographs and wrote up more Orders. He transferred the referral to Certificate of Occupancy and sent the owner letters to both addresses. Today, Inspector Westenhofer received back the letter that had been addressed to Woodbury. Mr. Burton emailed Inspector Westenhofer October 13, 14 & 18 confirming that he received the letter. He also informed Inspector Westenhofer about what he is doing with the property. Water service has been restored (verified yesterday and today). Inspector Westenhofer has not yet been back to the property to confirm. Currently, the Condemnation Placard is still affixed to the property. Ms. Moermond reviewed the photos and asked when they were taken. Inspector Westenhofer responded that they were taken October 11, 2010.*

*Ms. Moermond asked Mr. Burton why he is appealing the Condemnation and Order to Vacate. Mr. Burton replied that he is trying to expedite the process more than appealing. He stated that he had intended to demolish the garage in spring of 2011. He had a tenant in the property until September 30, 2010. They hadn't paid the \$300 water bill but he hadn't been notified that it wasn't paid. Now, it is paid. He is working on the Deficiency List on the Order; trying to get the property un-condemned.*

*Mr. Burton informed the Legislative Hearing Officer that he hadn't lived at the Woodbury address since May, 2008. Ms. Moermond commented that Ramsey County lists his Woodbury address, and legally, the City is responsible for*



contacting the owner listed on the tax records. Mr. Burton responded that he had changed his address with the water service, not the county. Ms. Moermond said that he needs to talk with Ramsey County Records and Revenue on Plato Blvd. It's interesting that the Fire Inspection staff have Mr. Burton's current address.

Ms. Moermond stated that Mr. Burton should try to get his Certificate of Occupancy re-instated before November 10, 2010; then, the property will not need to be vacated and referred into the Vacant Building Program. Mr. Burton must address the list of deficiencies that Inspector Westenhofer has identified before the deadline and, perhaps most importantly, having him sign-off on the finished project. Mr. Burton asked if he could have more time because he has windows ordered and they may not be installed by November 10, 2010. Inspector Westenhofer pointed out that Mr. Burton has pulled a building permit and a demolition permit. Mr. Burton explained that he got the demo permit for the garage and a building permit for the windows. Inspector Westenhofer said that he will need to go through the building, because he hadn't yet done that, in order to compile a more accurate deficiency list for him to work on. They will schedule a time, soon.

Ms. Moermond asked the name of the contractor on the house. Mr. Burton replied that he doesn't have one yet. Inspector Shaff stated that unless a rental unit is owner-occupied, a licensed contractor is necessary. He would need to be a licensed residential remodeling contractor. Ms. Moermond noted that the building permit would have been issued in error. She asked Fire to look into that. She stated that it looks as though it was assigned to Dave Kenyon.

Ms. Moermond recommended denying the appeal and granting an extension to November 19, 2010 to come into compliance. She reminded Mr. Burton that the building cannot be occupied until the Certificate of Occupancy has been re-instated.

- 3 [ALH 10-208](#) Appeal of Richard Miller to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 242 Goodrich Avenue. (Ward 2)

**Sponsors:** Thune

**Legislative History**

10/19/10 Legislative Hearings Withdrawn

*There is not currently a vacant building file open; no action taken.*

*Appellant Richard Miller appeared and said he wasn't appealing anything but was present to answer any questions there might be. Ms. Moermond said she had no questions. Ms. Shaff said the Certificate of Occupancy requirement had been removed and the orders transferred to Code Enforcement.*

- [ALH 10-429](#) Appeal of Lynda Owl to a Notice of Condemnation as Unfit for Human Habitation and Order To Vacate at 882 CLARK STREET.

## 1:30 p.m. Hearings

### Vacant Building Registrations

- 4 [ALH 10-201](#) Appeal of Lou Sudheimer to a Vacant Building Registration Notice at 688 Sixth Street East. (Ward 7)
- Sponsors:** Lantry
- Legislative History**
- 10/19/10 Legislative Hearings Referred to the Legislative Hearings  
*No one appeared. Owner called; missed hearing. Rescheduled to November 2.*

### Fire Corrections Notice

- 5 [ALH 10-146](#) Appeal of Daniel J. Ruza to a Fire Certificate of Occupancy Order at 1629-31 McAfee Street. (Ward 6)
- Sponsors:** Bostrom
- Legislative History**
- 10/12/10 Legislative Hearings Withdrawn  
*Appellant Daniel Ruza (13234 20th Street Ct. N., Suite 1, Stillwater, MN 55082) appeared.*

*Mr. Ruza said he was there about the dryer vents. He said he didn't object to the code requirement and had repaired the vents to code, but hadn't been able to get an answer about whether a permit was required. He said he hadn't installed the vents but had only repaired the existing ones. He said he was also told he couldn't purchase permits because he didn't live in the house; he asked whether a variance was required for him to purchase a permit. He said he had six units in three side-by-side properties and having a licensed contractor come to look at dryer vents would be expensive. He expressed frustration over the difference in requirements for owner-occupied and non-owner-occupied dwellings.*

*Ms. Moermond said she couldn't make a decision on permits, and she suggested that Mr. Ruza contact building inspector Jim Bloom.*

*Ms. Shaff asked how long the vents had been in the buildings. Mr. Ruza said he'd owned the building for 25 years. Ms. Shaff confirmed with Mr. Ruza that what had been called for was insulation on the first three feet of vent as it entered the house. She said the code was not retroactive, and if that was all that had been called for DSI would withdraw the order.*

- 10/19/10 Legislative Hearings Withdrawn  
*Order withdrawn by DSI*

*Appellant Daniel Ruza (13234 20th Street Ct. N., Suite 1, Stillwater, MN 55082) appeared.*

*Mr. Ruza said he was there about the dryer vents. He said he didn't object to the code requirement and had repaired the vents to code, but hadn't been able to get an answer about whether a permit was required. He said he hadn't installed the vents but had only repaired the existing ones. He said he was also told he couldn't purchase permits because he didn't live in the house; he asked whether a variance was required for him to purchase a permit. He said he had six units in three side-by-side properties and having a licensed contractor come to look at dryer vents would be expensive. He expressed frustration over the difference in requirements for owner-occupied and non-owner-occupied dwellings.*

*Ms. Moermond said she couldn't make a decision on permits, and she suggested that Mr. Ruza contact building inspector Jim Bloom.*

*Ms. Shaff asked how long the vents had been in the buildings. Mr. Ruza said he'd owned the building for 25 years. Ms. Shaff confirmed with Mr. Ruza that what had been called for was insulation on the first three feet of vent as it entered the house. She said the code was not retroactive, and if that was all that had been called for DSI would withdraw the order.*

**6**      **ALH 10-150**      Appeal of PRO Real Estate Services, represented by Leah Frenning to a Fire Certificate of Occupancy Order at 784 Agate Street. (Ward 5)

**Sponsors:**      Helgen

**Legislative History**

10/5/10      Legislative Hearings      Rescheduled to the Legislative Hearings  
*No one appeared.*

*No one appeared.*

10/19/10      Legislative Hearings      Referred Under Master Resolution  
*Grant a 5-inch variance on the openable height of the egress window in the Unit 1, third floor south bedroom. The issue of egress from the north bedroom is laid over for one week; the appellant will provide photos of the door or documentation of inspector sign-off.*

*Inspector Shaff gave a staff report. She said the appeal involved egress window orders from a Fire Certificate of Occupancy inspection conducted by Inspector Cassidy on August 20. The inspector reported that the openable dimensions of the egress window in the Unit 1 third floor south bedroom were 19 inches high by 27 inches wide and in the north bedroom were 13 inches high by 25 inches wide. Ms. Shaff read from the appeal that there was an exterior door in the north bedroom.*

*Ms. Frenning said the inspector had okayed the north bedroom and would amend the orders.*

*Ms Moermond said she would recommend that the Council grant a 5-inch variance on the openable height of the egress window in the Unit 1, third floor south bedroom. She asked Ms. Frenning to provide photographs of the north bedroom exterior door, or documentation of the inspector's sign-off; she laid the matter over for one week.*

*[Decision issued 11/8/10: I have looked over this situation, and it appears to me that access to the unit's main door is through the bedroom door, then the entrance area. It may be that I am not able to properly assess how the rooms, doors and windows relate to one another, but it looks like access to the exit is through another room, not directly to the outside. Unless a floor plan presents different information, my recommendation is to deny the appeal.]*

*Ms. Frenning asked whether there was a decision on the basement door height at 1648 East Fourth Street (September 28 hearing). Ms. Moermond reviewed the property information and said she would grant an extension to November 30 for bringing the door into compliance. She said Ms. Frenning could have a public hearing on the matter before the City Council on November 3 if she chose*

to.

- 7 [ALH 10-155](#) Appeal of Barry Stoffel to a Fire Certificate of Occupancy Correction Order at 1583 Hazelwood Street. (Ward 6)

**Sponsors:** Bostrom

**Legislative History**

10/5/10 Legislative Hearings Referred Under Master Resolution  
*Deny the appeal. Grant an extension to December 31, 2010 for bringing the egress windows and clearance around the electrical panel into compliance, and an extension to May 31, 2011 for painting the exterior trim. Grant an extension to October 29, 2010 for all other items.*

*Appellant Barry Stoffel (1573 LaMotte Drive, Lino Lakes, MN 55038) appeared.*

*Inspector Urmann gave a staff report. He said the issues had been going on for quite some time and the inspector had attempted to get together with the property owner to discuss them. He noted that the address had had an earlier legislative hearing at which the appellant had said he'd not received orders. Mr. Urmann said the first appointment letter had been sent on June 17, the first deficiency letter was sent on July 7, and there had been three sets of orders since then. He read from the inspector's notes that the appellant had missed three appointments and the inspector had been unable to reach him to discuss the orders.*

*Ms. Moermond asked Mr. Stoffel where he was with getting the property inspected. Mr. Stoffel said he'd moved three times in the previous three months and getting mail had been difficult. He said there'd been one set of orders for only the exterior because he hadn't received the first appointment letter, and a full walk-through after which he hadn't been able to reach the inspector. He said some of the items, such as painting the trim, were cost-prohibitive, and he asked for an extension for that item. He said he would also like to appeal the egress windows since they had been there for 45 years.*

*Ms. Moermond asked how much time was needed for the exterior painting. Mr. Stoffel said he'd like to have until next spring to save money. Mr. Urmann noted that the first orders for painting the trim were from July 7. Ms. Moermond asked why the item wasn't appealed in July. Mr. Stoffel said he only had one rental property and was just learning the process. Ms. Moermond said the item should have been appealed sooner or addressed; she said she would recommend that the Council grant an extension to May 31, 2011 for painting the trim.*

*Ms. Moermond read from the orders that the openable height of the downstairs egress windows were 10 inches high by 23 inches wide; she said she couldn't grant a variance. Mr. Stoffel said they'd been measured with the child safety locks on. Ms. Moermond asked the department's procedure with child safety locks. Mr. Urmann said as long as the windows were easily openable and not obstructed, inspectors would push in the locks before taking measurements.*

*Ms. Moermond read from the orders that the glazed height was 28 inches; she said a double-hung window would not work. She said the openable dimensions of the upstairs windows were 15 inches high by 31 inches wide, and she was looking for at least 16 inches. Mr. Urmann said the glazed height was 30 inches which indicated that the window had been opened fully when it was measured.*

*Ms. Moermond asked whether progress was being made on other items. Mr. Stoffel said Item 11 (furnace inspection) was done, he'd gotten a proposal for the painting, and was moving forward with the other items.*

*Ms. Moermond said she would recommend an extension to October 29 for everything other than the painting and windows. She said she would recommend an extension to December 31 for bringing the egress windows into compliance.*

*Mr. Urmann said the life safety items to address immediately were the lint behind the dryer and the clearance around the electrical panel. Mr. Stoffel asked whether clear access from all sides of the electrical panel was required. He said a washer and dryer were in front of the panel and there were no options for moving them. He provided a diagram and said the arrangement had been the same for 40 years. Ms. Moermond suggested a stacking washer and dryer. Mr. Stoffel said that was cost-prohibitive. Ms. Moermond asked how much clearance there was currently. Mr. Stoffel there was no more than a foot. Ms. Moermond said she would recommend that the Council deny the appeal on that item and grant an extension to December 31. Mr. Urmann explained the need for clear access.*

*Ms. Moermond said Mr. Stoffel could contact her office to request a City Council public hearing if he decided he wanted one.*

*On November 10, 2010, Ms. Moermond reviewed photos submitted by Mr. Stoffel and recommended the following:*

*bedroom pic 1 - grant a 7-inch variance on the openable height of the egress bedroom window;  
bedroom pic 1a - grant a variance on the egress bedroom window;  
bedroom pic 2 - grant a 7.5-inch variance on the openable height of the egress bedroom window;  
bedroom pic 2a - grant a variance on the egress bedroom window;  
laundry room depth of electrical panel from wall - grant a variance;  
laundry room measurement from dryer to wall at electrical panel - grant a 7-inch clearance;  
laundry room relocated dryer in front of electrical panel - same - grant a variance on clearance;  
lower level window - deny on the egress bedroom window. 15" is too short.*

8 [ALH 10-179](#) Appeal of Nancy Rowe to a Fire Certificate of Occupancy Correction Notice at 1522 Hague Avenue. (Ward 1)

**Sponsors:** Carter III

**Legislative History**

10/12/10 Legislative Hearings Referred to the Legislative Hearings  
Nancy Rowe appeared.

*Inspector Shaff reported that this is a 3 unit property with one (1) of the units over the garage. The Fire Code is quite specific about the separation between the garage and a dwelling unit. Part of the problem is that the garage and the dwelling unit over it were sharing the same furnace with common venting. The Code requires that not only the ceiling but the walls and all supporting structures be fire protected to give people time to get out of the dwelling unit in*

case of a fire in the garage. The owner has pulled a permit for sheetrocking the ceiling. The building inspector inspected the sheetrocking. What was actually needed was an occupancy separation.

Ms. Rowe stated that she thought Inspector Shaff's statements were misleading. She had met with the inspector on May 18, 2010 which produced a deficiency list. He knew that the furnace was in the garage and that it was shared with the dwelling above. He asked her to install a sheetrocked ceiling with a fire rated separation and a shut-off valve for the furnace. She complied with the original Order. What happened is that now the inspector said he made a mistake. Now, he said need two (2) separate furnaces, after the whole garage had been sheetrocked. She has complied and spent thousands of dollars to do what needed to be done. Why was this not caught in the first place? We did exactly what we were asked to do and now we need to do it differently. On October 7, 2010, we met with the building inspector, the fire inspector and the mechanical inspector to figure out exactly what needed to be done; and at that time, they still weren't sure what needed to be done. When she got the letter on September 27, 2010, she was very concerned because she worked very hard to comply with the safety issues; the letter was very disturbing. She emailed both Inspector Urmann and Inspector Beumer and was very upset. She expected them to get back to her quickly but they didn't. She called other people who very nice but told her they were not the people with whom she should talk.

Inspector Shaff said that she is looking at the file from 1994 and it appears that the residential heating units were replaced but they were done without any finalization of permits; and it also appears that another unit has been added, not necessarily done under permit. Unfortunately, when things are not done under permit, inspectors don't know what's been done.

Ms. Moermond stated that she has been researching the file and the summary has been quite accurate; however, it appears that the building inspector did not catch that the sheet rocking was to be done with a fire rated separation. The appellant responded that her understanding from the contractor was that she passed the inspection.

9 [ALH 10-202](#) Appeal of Steve Fisher to a Fire Certificate of Occupancy Correction Order at 965 Hague Avenue. (Ward 1)

**Sponsors:** Carter III

**Legislative History**

10/19/10 Legislative Hearings Laid Over to the Legislative Hearings  
Grant a 2.5-inch variance on the openable height of the egress window in the third floor bedroom. The appellant will provide photographs and a floor plan of the basement addressing the issue of egress; the basement is not currently being used for sleeping. Decision forthcoming on the basement bathroom ventilation (Item 14); the appellant will provide a diagram and photographs of the room. Grant an extension to May, 30 2011 on the exterior items as long as the window frames are repaired and the fascia sealed, and the inspector confirms that the siding deterioration is superficial. Grant an extension to November 12 for the door trim (Item 10).

Appellant Steve Fisher (11825 118th Avenue N., Plymouth, MN 55441)

Inspector Shaff gave a staff report. She said the orders being appealed were from a Fire Certificate of Occupancy inspection conducted by Inspector Beumer

on September 17. The orders stated that the openable dimensions of the egress windows on the third floor were 22.5 inches high by 22.5 inches wide. Ms. Shaff read from the appeal form that the appellant thought the windows had been installed under permit. She said the basement didn't have an egress window in the bedroom, but had a door leading to an unconditioned space which contained a stairway exiting directly outside.

Mr. Fisher said the house was renovated before they'd purchased it and they'd been told it had been done under permit. He said if there wasn't a permit he would like to request a variance for the third floor window. Ms. Shaff said the last building permit was from 2002 and was for a re-roof.

Ms. Moermond said she would recommend that the Council grant a 1.5-inch variance on the openable height of the egress window in the third floor bedroom.

Mr. Fisher said he was also appealing the order addressing the basement egress. He said there was a doorway leading to a small "corridor room" that had a doorway to the outside. Ms. Shaff noted that it was an unconditioned space, meaning there was no insulation. She said the fire code did give some exceptions for existing buildings, for exiting through one unlockable room to a door or exit that goes directly outside. She said she and Inspector Beumer had discussed it and weren't sure the space in question would qualify as a room. Mr. Fisher said the main room was enclosed, insulated and heated. Ms. Moermond asked for photographs and a floor plan of the basement. Mr. Fisher said the basement was not currently being used for sleeping but he would like a decision anyway and would submit the photos and floor plan.

Ms. Shaff asked whether the occupancy had been decreased (Item 1). Mr. Fisher said it had; he said the lease was for four people and he hadn't been aware a fifth had moved in.

Mr. Fisher said the basement bathroom had no window or vent (Item 14) but was adjacent to a laundry room which did have a window. He asked whether removing the door between the two rooms would suffice. Ms. Moermond asked for photographs and a floor plan.

Mr. Fisher confirmed with Ms. Moermond that the handrail requirement applied to a stairway of four steps and a landing regardless of when the house was built.

Mr. Fisher asked whether he could have an extension until spring for the exterior items. Ms. Moermond reviewed the photographs and asked that the damaged window frames and fascia be repaired; she said she would recommend that the Council grant an extension to May 30, 2011 for replacing the siding and fascia. She asked whether there were holes in the siding. Mr. Fisher said the deterioration was superficial. Ms. Moermond asked that the inspector confirm that. She asked whether everything else was ready for the following day's reinspection. Mr. Fisher said everything was done except the furnace inspection which was scheduled for the following Monday, and the door trim (Item 10). Ms. Moermond said she would recommend an extension to November 12 for the door trim.

Legislative History

10/19/10

Legislative Hearings  
*Appeal denied*

Referred Under Master Resolution

*Appellant Greg Ertz (7800 Metro Parkway, #300, Bloomington, MN 55425) appeared.*

*Inspector Shaff gave a staff report. She said the orders being appealed were from a Fire Certificate of Occupancy reinspection conducted by Inspector Imbertson on September 29. She said the orders included window repairs and exterior work, and a portion had already been appealed. Mr. Ertz said Item 3 (additional egress for Unit 6) had already been appealed. Ms. Shaff read from the appeal form that the appellant was requesting more time on the exterior work.*

*Ms. Moermond asked whether there were safety concerns with any of the items being appealed. Ms. Shaff said there were with Item 3.*

*Ms. Ertz said the items were all capital items that played into each other and they didn't want to approach it piecemeal. He said there were 63 windows, they were working with an architect and the HPC, and it would be a six-figure project. He said the owners believed Item 3 had been resolved in a December 12, 1991 inspection and had passed inspections since then.*

*Ms. Moermond asked what steps had been taken to come into compliance on Item 3. Mr. Ertz said the owner was reluctant to address the item and none had been taken. Ms. Moermond asked whether the unit had been vacated. Mr. Ertz said it had not.*

*Ms. Moermond said she would recommend that the Council deny the appeal. She said the inspector was responsible for enforcing the Council's decision, and the unit must be vacated or additional egress provided. She said the owner could be subject to criminal citation, the unit could be condemned and/or become a registered vacant building.*

*Ms. Ertz asked what the time frame was for compliance. Ms. Moermond said the deadline had passed and she would not grant a new one.*

*Mr. Ertz said Item 2 (Unit 4 living room window sash) had been signed off on, and Items 1, 3 and 4 remained. Ms. Moermond reviewed that windows needed to be reglazed and exterior walls needed to be repaired.*

*Ms. Moermond said she didn't feel the items should have been problematic to address to begin with. Mr. Ertz said it was a large expense and labor-intensive. He said the windows were all operable.*

*Ms. Moermond reviewed orders from May 25 and said the exterior walls were cited at that time; she said she was not inclined to grant an extension on that item. Mr. Ertz said he accompanied Inspector Imbertson at several inspections and hadn't seen holes in the siding. Ms. Moermond asked why the item hadn't been appealed earlier. Mr. Ertz said the Item 3 issue had been first and foremost on the owner's plate.*

*Ms. Moermond said the orders had been out there too long and should have been appealed in June, and she would recommend that the Council deny the*



*appeal. She reiterated that non-compliance was subject to criminal citation.*

- 11      [ALH 10-204](#)      Appeal of Allison Klis to a Fire Certificate of Occupancy Correction Order at 1638 Marshall Avenue. (Ward 4)

**Sponsors:**      Stark

**Legislative History**

10/19/10      Legislative Hearings      Referred Under Master Resolution  
*On November 10, 2010, Marcia Moermond, Legislative Hearing Officer reviewed your appeal and recommended denying the appeal for the egress window in the basement apartment.*

*Appellant Allison Klis (570 Asbury Street, #103A, St. Paul, MN 55104) appeared.*

*Inspector Shaff gave a staff report. She said the orders being appealed were from a referral inspection conducted by Inspector Imbertson on October 4. She read from the orders that the openable dimensions of the egress window were 15.5 inches high by 35.5 inches wide.*

*Ms. Klis said she had requested the inspection after a Section 8 inspection had brought up the egress window issue. She said it was a studio apartment with a front door to the outside and a rear exit from the laundry room. She said she had pictures of both exits. Ms. Shaff said egress through an area of higher hazard was not allowable, and a laundry room was an area of higher hazard. Ms. Klis confirmed with Ms. Moermond that a step could be installed to address sill height*

*Ms. Moermond asked whether it was possible to get 16 inches in openable height. Ms. Klis said it was a basement apartment, and the windows were double-hung and at ground level.*

*Ms. Moermond said her decision was forthcoming.*

- 12      [ALH 10-206](#)      Appeal of Brian Cox to a Fire Certificate of Occupancy Correction Order at 1013 Margaret Street. (Ward 7)

**Sponsors:**      Lantry

**Legislative History**

10/19/10      Legislative Hearings      Referred Under Master Resolution  
*Grant an extension to May 30, 2011 for the windows, foundation, exterior walls, and retaining wall (Items 4, 6, 9 and 10) as long as the inspector confirms that the foundation and retaining wall are structurally sound. The appellant must provide a work plan for the windows being replaced, and repair and replace screens (Item 3) for the windows that won't be replaced. Grant an extension to November 30 for all other items.*

*Appellant Brian Cox (7500 Washington Avenue S., Eden Prairie, MN 55344) appeared.*

*Inspector Shaff gave a staff report. She said the orders being appealed were from a Fire Certificate of Occupancy reinspection conducted by Inspector Thomas on September 30, and the appellant was asking for more time for the exterior work and basement dampness. She said her main concern was with the*

steps on the north side (Items 7 and 8); she asked whether there was a handrail or guardrail. Mr. Cox said there wasn't. Ms. Shaff asked how many steps there were. Mr. Cox said there were four or five; he said it was like that when he bought the house a few years before.

Ms. Moermond said a handrail should be installed before winter if there were more than three steps. She asked for more information about the foundation (Item 9) before making a decision. Mr. Cox said the inspector told him the damage involved the exterior portion of the foundation but not the main foundation.

Ms. Moermond asked whether there were inspector's notes about the foundation or about the exterior walls (Item 10). Ms. Shaff said there were not. Mr. Cox stated that the walls needed to be scraped and painted but he hadn't seen any holes.

Ms. Moermond said she would recommend that the Council grant an extension to May 30, 2011 for the foundation and exterior walls (Items 9 and 10) as long as the inspector confirmed that the damage to the foundation involved only the skim coat.

Ms. Moermond said the basement dampness could be addressed with a dehumidifier (Item 2). She asked about the window screens (Item 3). Mr. Cox asked if he could take care of the screens in the spring. He said he had renovated the upper unit, including new windows, the year before, and planned to start working on the lower unit as soon as the upper was rented. Ms. Shaff noted that there were no permits in the system for prior work.

Ms. Moermond asked Mr. Cox to provide a work plan for the windows being replaced, and to repair and replace screens for the windows that weren't being replaced. She said she would recommend an extension to November 30 for all other items.

Mr. Cox asked about the retaining wall (Item 6). Ms. Moermond said she would grant an extension to May 30, 2011 for the foundation and retaining wall if the inspector confirmed they were stable.

- 13      [ALH 10-207](#)      Appeal of Ahti Hujanen to a Fire Certificate of Occupancy Correction Order at 971 Case Avenue. (Ward 6)

**Sponsors:**      Bostrom

**Legislative History**

10/19/10      Legislative Hearings      Referred to the City Council  
Deny the appeal and grant a 60-day extension for the basement walls (Item 1), foundation (Item 22) and fascia (Item 23). The appellant must prepare a work plan for completing those items. Grant an extension to November 12 for the remaining items. The appeal will be on the agenda for a City Council public hearing on November 3.

\*\*\*\*\*

Appellant Mary Kaye (880 Clark Street, St. Paul, MN 55130) appeared.

Inspector Shaff gave a staff report. She said the orders being appealed were from a Fire Certificate of Occupancy reinspection conducted by Inspector Thomas on September 22. Ten items on the 24-item deficiency list were being

appealed. Ms. Shaff referred to the photo file and appeal form, and said the appellant had questions about the inspection history at the property and had been in contact with Inspector Thomas. She noted that no responsible party had been present at the most recent inspection and the tenants had granted access. Ms. Kaye said there were four unrelated sets of orders from the previous year, one of which had been successfully appealed, and the property owner felt he was being harassed. Ms. Moermond said the appeal had been granted with the understanding that a new set of orders would be developed and the process re-started.

Ms. Moermond reviewed the photos of the basement walls (Item 1), and Ms. Shaff reviewed Inspector Thomas' notes which said the skim coat on the basement walls was peeling and falling off. Ms. Kaye asked for clarification of what was required for compliance; she said the foundation itself was solid. Ms. Shaff said there were different ways to comply and it was up to Ms. Kaye to decide how to come into compliance.

Ms. Kaye said most of the orders made sense and there were only two she did not feel needed to be done. Ms. Moermond asked whether Ms. Kaye was withdrawing her appeal on the other items. Ms. Kaye said the one that concerned her most was with Item 22 (foundation repair). She said the foundation was solid and the problem was only with the multiple layers of skim coat. She said they would like to wait five years before addressing the foundation itself. Ms. Shaff said it did appear from the photos that the skim coating might be bad; she and Ms. Kaye reviewed the photographs. Ms. Moermond said the skim coat should be removed so the condition of the foundation could be assessed.

Ms. Kaye said she couldn't find any holes in the fascia (Item 23) and hadn't been able to get an answer from the inspector. Ms. Shaff and Ms. Kaye reviewed the inspector's photographs. Ms. Kaye said she had been on the roof and had not seen the holes shown in the photographs. She said the building was wood and she acknowledged that it all needed to be scraped and painted.

Ms. Moermond asked about Item 5 (exit obstruction downstairs middle bedroom). Ms. Kaye asked whether the bed needed to be removed from the room or just moved. Ms. Moermond said a clear exitway was required.

Ms. Moermond asked about Item 6 (unapproved locks on rear door). Ms. Kaye said she was not appealing that item.

Ms. Moermond asked about Item 13 (rear stairway). Ms. Kaye asked why the building inspector had been there. Ms. Moermond said he had been called by the Fire Inspector to consult. Ms. Kaye said the owner wanted to appeal the item because it had been granted in a previous appeal, but she would withdraw it.

Ms. Moermond asked about Item 14 (rear stairway, porch, railings, decks). Ms. Kaye said the work was done.

Ms. Moermond asked about Item 15 (unapproved plug-ins for appliances). Ms. Shaff said the order had been written for a microwave and small refrigerator plugged into a power strip. She said anything with a compressor had to plug directly into a receptacle.

*Ms. Moermond asked about Item 24 (dryer exhaust). Ms. Kaye said the washer and dryer had been removed.*

*Ms. Moermond said the items remaining were the foundation, inside and outside. Ms. Kaye asked for 60 days to complete that; she said she had a roofer coming in within the next couple of weeks. Ms. Moermond asked Ms. Kaye to prepare a work plan for addressing the foundation within 60 days. She said she would recommend that the Council deny the appeal and grant a 60-day extension for the basement walls (Item 1) and foundation (Item 22), and an extension to November 12 for the remaining items. The appeal will be on the agenda for a City Council public hearing on November 3.*

**14**      **ALH 10-209**      Appeal of Cornelius E Brown and Gail Koslowski to a Fire Certificate of Occupancy Correction Order at 1694 Edmund Avenue. (Ward 4)

**Sponsors:**      Stark

**Legislative History**

10/19/10      Legislative Hearings      Withdrawn

*An appeal on the item was granted previously and the order issued in error. The window order dated September 27 is withdrawn and the appeal fee will be refunded.*

*Appellants Cornelius Brown Jr. and Gail Koslowski (1246 Edmund, St Paul, MN 55104) appeared.*

*Ms. Moermond asked for a clarification of whether new items were being appealed or old items were being re-appealed. She reviewed the previous appeal file.*

*Inspector Shaff gave a staff report. She said the orders being appealed were from a Fire Certificate of Occupancy inspection conducted on July 29. There had not been an inspection since, and notes from August 11 stated that the inspector was waiting for the results of the appeal hearing. Ms. Shaff read from the notes that Mr. Brown had failed to show up for a reinspection on October 8.*

*Ms. Koslowski said that was not true; she said they had filed an appeal. Mr. Brown said Inspector Isabel called out the windows after a variance had been granted. Ms. Moermond reviewed the orders and said that was correct; she said Item 7 would be withdrawn by the department. Ms. Shaff noted that the window permit was still open. Mr. Brown said the windows had been ordered and would be installed that Thursday. Ms. Koslowski provided a receipt. She said everything else was done.*

*Ms. Moermond and Ms. Shaff reviewed the orders from September and July, and the letter from Mai Vang dated August 19. Ms. Moermond said there had been a hearing and an egress window variance granted on August 17 with an extension granted to September 24 for all other items. Ms. Shaff said the inspection letter dated September 27 was identical to the one from July except for the date.*

*Mr. Brown said a deadbolt had been installed on the back door and the old lock disengaged; he asked whether that was satisfactory. Ms. Moermond said the order only called for the installation of a thumb throw latch.*

*Ms. Koslowski said they had installed numbers on the apartment doors. She*

*asked whether they were required on the back doors too. Ms. Moermond said the concern was that emergency personnel be able to identify the units from the back of the building.*

*Ms. Moermond said the appeal fee should be refunded.*

## Window Orders

- 15     [ALH 10-210](#)     Appeal of Santiago Rodriquez to a Fire Certificate of Occupancy Correction Notice at 1478 Third Street East. (Ward 7)
- Sponsors:**     Lantry
- Legislative History**
- 10/19/10     Legislative Hearings                     Referred Under Master Resolution  
*Grant an 8-inch variance on the openable height of the egress windows in the main floor southwest, northwest, and northeast bedrooms.*
- 16     [ALH 10-211](#)     Appeal of Heron Lopez to a Fire Certificate of Occupancy Correction Order at 2272 Seventh Street West . (Ward 3)
- Sponsors:**     Harris
- Legislative History**
- 10/19/10     Legislative Hearings                     Referred Under Master Resolution  
*Grant a 1-inch variance on the openable height of the egress window in the west bedroom; grant a 1.5-inch variance on the openable height of the egress window in the east bedroom.*
- 17     [ALH 10-212](#)     Appeal of Mark Nedrowski to a Egress Window Non-Compliance Determination at 1510 Randolph Avenue. (Ward 3)
- Sponsors:**     Harris
- Legislative History**
- 10/19/10     Legislative Hearings                     Referred Under Master Resolution  
*Grant a 5.75-inch variance on the openable height of two double hung replacement bedroom egress windows measuring 18.25 inches high by 30 inches wide.*
- 18     [ALH 10-213](#)     Hearing to consider the appeal of Renewal by Anderson, on behalf of Holly Gainer to a Egress Window Non-Compliance Determination at 1431 Hartford Avenue. (Ward 3)
- Sponsors:**     Harris
- Legislative History**
- 10/19/10     Legislative Hearings                     Referred Under Master Resolution  
*Grant a 6-inch variance on the openable height of three double hung replacement bedroom egress windows measuring 18 inches high by 24 inches wide.*
- 19     [ALH 10-214](#)     Hearing to consider the appeal of Ramsey County Department of Public Health to a Egress Window Non-Compliance Determination at 174 Charles Avenue, #2. (Ward 1)
- Sponsors:**     Carter III
- Legislative History**

- 10/19/10 Legislative Hearings Referred Under Master Resolution  
*Grant a 3-inch variance on the openable height of one double hung replacement bedroom egress window measuring 23 inches high by 23.1 inches wide.*
- 20 [ALH 10-215](#) Hearing to consider the appeal of Ramsey County Department of Public Health to a Egress Window Non-Compliance Determination at 750 Sherburne Avenue. (Ward 1)  
**Sponsors:** Carter III  
**Legislative History**  
10/19/10 Legislative Hearings Referred Under Master Resolution  
*Grant a 4.2-inch variance on the openable height of one double hung replacement bedroom egress window measuring 19.8 inches high by 31.1 inches wide.*
- 21 [ALH 10-216](#) Hearing to consider the appeal of Ramsey County Department of Public Health on behalf of Larry and Kenya Pratt to a Egress Window Non-Compliance Determination at 655 Fuller Avenue. (Ward 1)  
**Sponsors:** Carter III  
**Legislative History**  
10/19/10 Legislative Hearings Referred Under Master Resolution  
*Grant a 1.9-inch variance on the openable height of two double hung replacement bedroom egress windows measuring 22.1 inches high by 21.2 inches wide.*
- 22 [ALH 10-217](#) Appeal of Nou Khay Xiong to a Fire Certificate of Occupancy Correction Order at 1400 Beech Street. (Ward 7)  
**Sponsors:** Lantry  
**Legislative History**  
10/19/10 Legislative Hearings Referred Under Master Resolution  
*Grant a 7-inch variance on the openable height of the egress window in the main floor southeast bedroom; grant a 6.5-inch variance on the openable height of the egress window in the main floor southwest bedroom; and grant a 4-inch variance on the height of the egress window in the main floor northwest bedroom.*
- 23 [ALH 10-218](#) Appeal of John Thomas of the Handyman Can, Inc. to an Egress Window Non-Compliance Determination at 2061 Reaney Avenue. (Ward 7)  
**Sponsors:** Lantry  
**Legislative History**  
10/19/10 Legislative Hearings Referred Under Master Resolution  
*Grant a 4.5-inch variance on the openable height of three double hung replacement bedroom egress windows measuring 19.5 inches high by 23 inches wide.*
- 24 [ALH 10-219](#) Appeal of William E Goldberg to an Egress Window Non-Compliance Determination at 652 Concord Street. (Ward 2)  
**Sponsors:** Thune  
**Legislative History**  
10/19/10 Legislative Hearings Referred Under Master Resolution

*Grant a 3.5-inch variance on the openable height of two double hung replacement bedroom egress windows measuring 20.5 inches high by 24.75 inches wide.*

- 25     [ALH 10-220](#)     Appeal of Paul and LaVonne Batalden to an Egress Window Non-Compliance Determination at 1449 Hythe Street. (Ward 4)
- Sponsors:     Stark
- Legislative History
- 10/19/10     Legislative Hearings                     Referred Under Master Resolution  
*Grant a 0.25-inch variance on the openable height of five double hung replacement bedroom egress windows measuring 23 15/16 – 23.75 inches high by 24 – 30 inches wide.*
- 26     [ALH 10-274](#)     Appeal of Bryan Horton, Renewal by Andersen on behalf of Tina Gieske to a egress window non-compliance determination at 1240 Park Street.
- Legislative History
- 10/19/10     Legislative Hearings                     Referred Under Master Resolution  
*Grant a 1 1/8-inch variance on the openable height of three double hung replacement bedroom egress windows measuring 22 7/8 inches high by 24 inches wide.*
- 27     [ALH 10-275](#)     Appeal of Bryan Horton, Renewal by Andersen on behalf of Tim Olsen to an Egress Window Non-Compliance Determination at 366 Johnson Parkway.
- Legislative History
- 10/19/10     Legislative Hearings                     Referred Under Master Resolution  
*Grant a 2.25-inch variance on the openable width of one casement replacement bedroom egress window measuring 29.5 inches high by 17.25 inches wide.*

### 3:00 p.m. Hearings

#### Laid Over Items

- 28     [ALH 10-160](#)     Appeal of Shah Vang to a Fire Certificate of Occupancy Correction Order at 884 Westminster Street. (Ward 5)
- Sponsors:     Helgen
- Legislative History
- 10/5/10     Legislative Hearings                     Referred Under Master Resolution  
*Laid over to October 19. The property owner will provide photographs and a floor plan of the kitchen*
- Appellant Shah Vang (P.O. Box 65557, St. Paul, MN 55165) appeared.*
- Inspector Urmann gave a staff report. He said the appellant had put in a kitchen and attempted to get a second unit approved, and zoning had directed DSI to order deconversion of the building.*
- Mr. Vang said the kitchen was part of an old mother-in-law room and had been there since the house was built. He said the property had never been used as a*

*duplex and they didn't intend to. He said the only thing in the kitchen was a small sink, and removing it would cause some hardship.*

*Ms. Moermond asked Mr. Vang to provide photographs and a floor plan; she said she would lay the matter over for a couple of weeks.*

*Mr. Vang questioned whether it was a fire safety issue. Ms. Moermond said it was a zoning issue. Mr. Urmann reiterated that it had been referred from zoning as a denial of a request to use the property as a duplex. Mr. Vang said Zoning had recommended denial because the lot size was not adequate.*

*On October 20, 2010, Ms. Moermond reviewed the file and recommended granting the appeal and that Mr. Vang does not need to remove the sink from the 2nd floor.*

10/19/10      Legislative Hearings      Referred Under Master Resolution  
Grant the appeal on the kitchen sink on the 2nd floor.

29      [ALH 10-177](#)      Appeal of Terri and Dan Brennan to a Fire Certificate of Occupancy Revocation and Order to Vacate at 1787 ORANGE AVENUE EAST.

**Sponsors:**      Bostrom

**Legislative History**

10/19/10      Legislative Hearings      Referred to the City Council  
*Grant a variance on the egress windows and grant a variance on the square fee in the room during the current tenancy. Guardrail in upstairs unit must be installed. Follow-up in 1 week (October 19).*

*Terri Brennan and Dan Brennan appeared.*

*Mike Urmann and Matt Dornfeld, staff*

*Ms. Moermond asked for a staff report. Mr. Urmann stated that this started off as a referral to the property for exterior sales of materials, which appears to be tires. A letter was sent to the owner for the referral and also to set up an inspection date for the Certificate of Occupancy on the building. When the fire inspector returned to the building, he met with the tenant, who stated that he was unaware that the inspector had an appointment to come out; however, he allowed the inspection for the Certificate of Occupancy. At the time, the inspector was informed that the building owner may be at another address. The inspector attempted to contact the owner without success. The inspector then copied both of the letters to the responsible party that was listed from the county, as well as another address they had for the owner in Minneapolis. All of the Orders went out correctly and have not been returned to DSI but there has been no contact from the building owner, so it has become necessary to revoke the Certificate of Occupancy for non-compliance of all of the Orders.*

*Terri Brennan, tenant, stated that what she understood from her landlord is that he lives in White Bear Lake, MN. He and his wife are separated and his wife is not giving him his mail. When the inspector came out, they did the walk through. She asked for a copy of what needed to be done and everything on the list has been taken care of. Mr. Brennan thought that a letter should have been to both parties. Ms. Moermond responded that the City's responsibility, by law, is to notify the owner. It is up to the owner to share that information with the tenant. Mr. Brennan said that they did everything themselves. The landlord did have someone come to check the furnace. The owner must be a very busy*



person. Mr. Brennan asked that the City set up the inspection date with them. Mr. Urmann stated that the City's policy is that they cannot set up an appointment with the tenant unless they have been given permission by the building owner/legal responsible party acting in his stead. The tenant can provide entry, but the City must communicate with the building owner. Mr. Brennan stated that they would be ready at any time. Ms. Brennan suggested that they try to contact the owner. Ms. Moermond stated that she has no problem setting up the appointment and having the Brennan's try talking the owner into being there. Mr. Urmann noted that re-inspection is set up for 12 Noon, October 15, 2010.

Ms. Moermond asked which things haven't gotten done; those things the landlord will need to take care of. Mr. Brennan said that, regarding #8.

Bedroom north side – Reduce and maintain the number of occupants in the sleeping rooms to: 1-Bedroom being occupied by 2; bedroom measured at 90 square feet. Reduce to 1 occupant to sleep in the bedroom.

Mr. Brennan measured the room and found it to be 109 square feet. He believes that each need occupant needs 50 square feet. This room should meet the code. Also, the landlord had all new windows put in. They don't open as high as they should (2 inches too short) yet they are wider than they need to be, so the square footage is adequate or more. Mike Urmann noted that the problem with the egress windows is that they were installed without a permit or inspection.

Ms. Moermond asked when the windows were installed. Ms. Brennan responded, "A little over a year ago." Ms. Moermond stated that will recommend granting a variance on the egress windows and also on the square footage of the bedroom during the Brennan's tenancy, only.

Regarding the guardrail on the attic stairway, Ms. Brennan stated that the attic is currently used for storage, only. They put a lock on the door so that no one can go up into the attic. Ms. Moermond stated that a guardrail needs to be installed. She will be following up on this next Tuesday afternoon with Inspector Shaff.

On October 19, 2010, Ms. Moermond consulted with Ms. Shaff and recommended that Ms. Brennan install a guardrail for the attic stairway.