



# City of Saint Paul

15 West Kellogg Blvd.  
Saint Paul, MN 55102

## Minutes - Final

### Legislative Hearings

**Marcia Moermond, Legislative Hearing Officer**  
**Mai Vang, Hearing Coordinator**  
**Jean Birkholz, Hearing Secretary**  
**legislativehearings@ci.stpaul.mn.us**  
**651-266-8585**

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Tuesday, November 14, 2017

9:00 AM

Room 330 City Hall & Court House

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#### 9:00 a.m. Hearings

##### Remove/Repair Orders

- 1 [RLH RR 17-43](#) Making finding on the appealed nuisance abatement ordered for 1571 CHRISTIE PLACE in Council File RLH RR 17-35. (Legislative Hearing on November 14, 2017)

**Sponsors:** Bostrom

**Attachments:** [1571 Christie Pl.Scobie-Rodriguez Making finding letter.11-9-17](#)  
[1571 Christie Pl.Vang-Rodriguez email.12-6-17.pdf](#)  
[1571 Christie Pl.Vang email.12-7-17.pdf](#)

*Thomas Rodriguez appeared.*

*Steve Magner, Code Enforcement Manager:*

*-read portion of City Council Resolution RLH RR 17-35: Resolved that if necessary correction action has not been taken in the time allotted, the Dept of Safety & Inspections (DSI) may be authorized to take steps, if necessary, to raze & remove the structure & charge the cost incurred in accordance with the Saint Paul Legislative Code. Any personal property or fixtures that remain shall be removed by the owners or responsible parties prior to the resolution compliance date or it will be considered abandoned by the City of Saint Paul. Finally Resolved that the resolution shall be served on the parties required to be notified*

*-in other words, a resolution was passed on Sep 6, 2017 and certified on Sep 11, 2017 & was sent by our dept, giving the owner a grant of 60 days to complete the rehabilitation of the property*

*-as part of our practice, we schedule a hearing at the end of that period to determine what has/has not been accomplished so that the city can move forward*

*-a Notice went out Nov 9, 2017 to Catherine Scobie & Thomas Rodriguez in regard to the progress at 1571 Christie Place (attached) & this hearing today; also the City Council Public Hearing on Nov 15, 2017*

*-I believe that we also sent out a Notice of Forfeit of the Performance Deposit*

*-Mr. Seeger said the following in an email from Mr. Yannarely: the following needs to be done: 1) inside painting; 2) install furnace; 3) install water heater; 4) install counter tops; 5) install cabinets; 6) exterior siding, trim; 7) install front steps; based on that determination, the house does not meet the requirements for the code compliance certificate so, we can't allow occupancy*

Ms. Moermond:

*-did he give an estimate of completion & were photographs taken?*

Mr. Magner:

*-no photographs were taken*

*-we don't have an estimate of completion but he does estimate that the work can be done in 1-2 weeks*

Mr. Rodriguez:

*-cabinets are in; countertops are not- they are waiting for painting to be finished before they install the granite, which is being installed today; they finished painting yesterday*  
*-they will touch-up paint today & countertops will be installed today & finished tomorrow*  
*-then, we can lay carpet, install the water heater & furnace; the subs didn't want in until the very end because those appliances are not in the house; they are actually in the garage area - a separate room*

*-interior work by subs: faucets, toilets; carpet will be installed at the very end*

*-tile, flooring is all done*

*-exterior - do final front step 4 x 1 ft step going up to the landing*

*-took extra time: all the new windows in the house failed, so, we had to remove all the original windows & order custom sized new windows, which took 4-5 weeks to get them, which delayed work; & we had to remove all the siding to put in the new windows & re-side everything; all done now*

*-on our end, we can get the work done by Nov 29, 2017 (realistically)*

*-final inspections & permits that need to be closed: building, mechanical, electrical, plumbing*

Ms. Moermond:

*-the deadline was last week & I need to report back to City Council tomorrow; I will ask them to Continue this to Dec 6, 2017 at 5:30 pm*

*-I will ask to get the inspections expedited; get your work done ASAP*

*-I would like to tell Council on Dec 6 that you're done*

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*Public hearing to be continued to December 6, 2017.*

**Referred to the City Council due back on 11/15/2017**

## 11:00 a.m. Hearings

### Summary Abatement Orders

- 2     [RLH SAO 17-97](#)     Appeal of Patrick Milan to a Summary Abatement Order at 108 LAWSON AVENUE WEST.

Sponsors:     Brendmoen

**Attachments:**    [108 Lawson Ave W.appeal.11-01-17](#)  
[108 Lawson Ave W.Photos.11-2-17](#)  
[108 Lawson Ave W.Petition.11-14-17.pdf](#)  
[108 Lawson Ave W.Milan Ltr.11-16-17.doc](#)  
[108 Lawson Ave W.Photos #1.11-14-17.pdf](#)  
[108 Lawson Ave W.Photos #2.11-14-17.pdf](#)  
[108 Lawson Ave W.Photos #3.11-14-17.pdf](#)  
[108 Lawson Ave W.Photos #4.11-14-17.pdf](#)

*Patrick Milan, tenant, appeared.*

*Supervisor Lisa Martin:*

*-Inspector Richard Kedrowski issued a Summary Abatement Order on Oct 26, 2017 to remove large pallets, a tarp, wood, metal, windows, scrap wood, misc debris from rear yard near garage by the alley; compliance by Nov 2*

*-I received a call from Mr. Milan asking to keep the tarp due to a light that's shining into the house; I told him that I could take a look at it; I was out there at 6:30 am; photos in file; there's a light in the alley area that definitely lights up the alley; it does show that there's light on the garage but there's nothing on the back of the home; Mr. Milan thought that the light was coming from the neighbor's security lights across the alley, which are motion sensed lights; & they are not directed at the home; there's also a light on the back of that home, which he thought may be an issue but unless I'm walking thru their yard, it's not going to sensor those lights to go on; so, there isn't much we can do for that; that's why he wants to keep the tarp up to prevent the light intrusion*

*-today, there are still a few thing there; Mr. Milan likes to garden all year long; there are buckets with wood; the tarp is still there; a lot has been cleaned up*

*Mr. Milan:*

*-I've lived there for over 6 years now; I am a veteran; I have physical & mental issues that a lot of veterans have; my garden has been a very important part of my therapy & recovery; it's now a very important part of my life; I have become an urban homestead agricultural enthusiast; my garden is a permaculture planting that includes over 50 different varieties of edible fruits & vegetables & I use re-claimed & re-cycled materials in my gardening process that includes pallets & storm windows, tarps, etc.*

*-I am well liked by all of my neighbors; the reason that I have buckets of wood is because I'm the one with the saws & I help all my neighbors trim their trees; so, I accumulate the branches which I turn back into compost that goes back into my garden; has photos from the approach from the alley*

*-I have a signed petition (entered) from my neighbors that said they support everything that I'm doing; I have no idea why the inspector came down our alley in the first place -the more this process has taken from me & cost me already and the more I think about it, the more furious I am about this; because I'm well-liked & well respected on my block, none of them have a problem with this*

*-I'm under the impression that St. Paul has a complaint based inspection system; when Richard, the inspector, sent my this letter (a frightening & scathing letter) that if I don't remove & destroy & throw away the things that I'm trying to re-use & re-cycle, I will be charged \$260/hr for a crew to come & take care of this; this has already cost me hundreds of dollars in lost productivity, not to mention the \$25 I had to pay just to have the right to speak on my own behalf; it's been a tremendously stressful situation & from the beginning, there's been no reason for the inspector to come to my yard in the first place; when I asked the inspector why he came to my yard, he said, "Well, I*

was just driving around & I drove down your dead end alley, unpaved dead end alley to decide that I didn't like what you were doing;" I asked if there was a complaint; he said, "No; I just decided;" so, since there's no complaint, is there something I can do about this? I have this tarp up because, in the past, my neighbor installed security cameras & a high intensity LED spotlight on his house & garage to protect the business interest of his tow truck & automobile repair; I tried to talk to him & negotiate a win-win situation that would allow him to readjust his light & allow me to not have that intrusive spot light shining directly on my entire yard, back of my house, into my daughter's bedroom window & my kitchen window; if it's night time, it's blinding & if it's day time, it's significantly present; we decided that the win-win situation was for me to erect that tarp to block the light to preserve my sanity & also block my view of what he's doing; this has been like this for at least 5 years now

-Richard, the inspector, sent me this Order & told me that he couldn't ignore it; he said that I could sandbag my windows & never look out into my yard & when in my yard, not look at the spot light; he also suggested that I could come down here and implied that it would be a fools errand because he wrote the Order & the statute has to be adhered to; he gave me Lisa Martin's phone number; I called her & explained my situation; I told her that I'd be there all morning & I would like to talk with her in person to see if there would be something that we could work out besides having to come down here to have a hearing because this innocuous tarp that is serving a win-win situation; she had came out early the next morning & didn't bother to call; didn't want to hear what I was trying to explain to her & the light wasn't on; she decided everything was fine; she confirmed that Richard was right; her solution was to put up blackout curtains; her other solution: a 6 ft fence; it's rental property so, I can't do a lot there & I'm 12 feet above the ground when I come out of the house; a 6 ft fence would not help

Ms. Moermond:

-what are you looking for today?

Mr. Milan:

-I'm looking for this SA to be destroyed; I would like to be able to keep my tarp; & I would like to be able to get some recognition that urban agriculture & the use & re-use of resources sometimes takes a certain amount of clutter that shouldn't be decided by a guy who doesn't live on the block; he apparently, is trying to justify his job by driving around looking for trouble

-I have a lot of photos of the situation (viewed with Ms. Moermond & Ms. Martin; will email them in)

-there's a small shed; it doesn't hold a vehicle

Ms. Moermond:

-you have a problem with the lighting from the neighbor's property & it sounds like you tried to resolve that by talking with the neighbor but it wasn't a successful conversation; what you're calling a win-win situation is that you hung a tarp up at an angle to keep the light from coming into your back yard (your makeshift solution)

Mr. Milan:

-it's not makeshift; it blocks the light that was a problem; it provides me security & the privacy that I need & according to all my neighbors on both sides of the block, it's not an issue that should have had a compliant

Ms. Martin:

-from a code enforcement perspective, whether we get a complaint or an inspector is out in an area & happens to see something that's in violation, they write things up -the pictures that you showed us with your gardening are beautiful; it looks fantastic

*but that's not what the inspector saw*

*-you could talk with the owner about putting in some trees or landscaping but the tarp, itself, is in violation; it's not something that we would typically allow; the outdoor storage is not allowed; when not in use, they need to be stored in doors*

*Mr. Milan:*

*-so, you didn't hear anything that I said*

*Ms. Moermond:*

*-Ms. Martin is talking about what appears in Chap 34 of the Legislative Code on exterior maintenance; you're saying that you don't think that should apply in this circumstance because of your urban gardening activities*

*-I'm trying to hear both perspectives of the physical circumstances*

*-asked Ms. Martin for follow-up comments*

*Ms. Martin:*

*-asked what the 5-gallon drum was used for*

*-I'm not sure how close it is to the neighbor's garage*

*Mr. Milan:*

*-it's a mobile furnace & when it's in operation, I move it 25 feet from any building; when in storage, it's just an empty drum with rust on it*

*-I'm talking about useful tools that live outside but I'm getting a ticket & harassment for simply having them neatly stacked by my garage*

*-Ms. Martin told me that I can't have any sort of pallets or storage in my yard; & I feel that this doesn't take into account any of the needs of normal people who want to do stuff in their yards*

*Ms. Moermond:*

*-I'm hearing that you use these things & they are very practical but when they're out of use, the code says that they cannot be stored outside*

*Mr. Milan:*

*-I believe that they should be able to be stored outside because some people, especially people who need to grow food for themselves because of their financial situation might not have a garage to put these things into; they might not have a shed or any building*

*-the shed in my yard has other stuff in it*

*Ms. Moermond:*

*-Chap 34 on exterior maintenance says that you can't store construction materials on the exterior; the barrel cannot be stored where it's at; we do not allow tarps or membrane structures*

*Mr. Milan:*

*-the things that I'm using are not necessarily construction materials as much as they're gardening materials; I can understand if there was a complaint but my neighbors & I do not have a problem with any of this except that the inspector came by & started writing abatement Orders for us; there are other permaculture gardeners on my block - we're at risk of the inspector coming by & saying that he doesn't like our plants*

*Ms. Moermond:*

*-the Order he wrote talks about these materials being stored in your yard, which is a violation of Chap 34*

-when the gardening things are not in use, they must be stored on the inside

Mr. Milan:

-gardening is a year round project; I need these things all year round

Ms. Moermond:

-there has to be a different solution to you light problem than the tarp

-I want to give you time to talk to the City Council & make plans to move forward

-will recommend giving you to Jan 1, 2018 to come into compliance

-City Council Public Hearing is Dec 6, 2017 at 5:30 pm

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Grant to January 1, 2018 to comply with the Order.

**Referred to the City Council due back on 12/6/2017**

- 3      [RLH SAO 17-90](#)      Making finding on the appealed nuisance abatement ordered for 1011 SELBY AVENUE in Council File SAO 17-85. (Legislative Hearing on November 14)

**Sponsors:**      Thao

**Attachments:**      [1011 Selby Ave. Seeber Ltr.10-12-17.doc](#)  
[1011 Selby Ave.Vang-Seeber email.10-23-17.pdf](#)  
[1011 Selby Ave.Vang-Seeber email.11-15-17.pdf](#)

No one appeared.

Supervisor Lisa Martin: (email)

-The inspector called today to inform me that the grass has been cut and is abated.

Nuisance has been abated.

**Referred to the City Council due back on 11/15/2017**

- 4      [RLH SAO 17-83](#)      Making finding on the appealed nuisance abatement ordered for 593 VAN BUREN AVENUE in Council File SAO 17-76.

**Sponsors:**      Thao

**Attachments:**      [593 Van Buren Ave.Fonville Ltr.9-29-17.doc](#)

Nuisance has been abated.

**Referred to the City Council due back on 11/15/2017**

- 5      [RLH SAO 17-95](#)      Appeal of Morgan Okney to a Summary Abatement Order at 419 WHITALL STREET.

**Sponsors:**      Brendmoen

**Attachments:**      [419 Whitall Street.appeal.10-26-17](#)  
[419 Whitall St.Email.10-30-17](#)

Appeal withdrawn.

*Per Ed Smith, the property has been cleaned up.*

**Withdrawn**

### Correction Orders

- 6      [RLH CO 17-41](#)      Appeal of Jonathan LaFond to a Correction Notice at 594 HUMBOLDT AVENUE.

**Sponsors:**            Noecker

**Attachments:**        [594 Humboldt Avenue.appeal.11-06-17](#)  
[594 Humboldt Ave.Photos.11-14-17.pdf](#)  
[594 Humboldt Ave.Lafond Ltr.11-16-17.doc](#)

*Jonathan L. Lafond, owner, appeared.*

*Supervisor Lisa Martin:*

*-Nov 1, 2017, a Correction Notice was sent regarding a tent that is not permitted; it's an accessory structure; we've asked that the tent be removed & the contents be properly stored by Nov 16, 2017*

*Ms. Moermond:*

*-do we have photos? I believe I asked for photos*

*Mr. Lafond:*

*-I have photos*

*-it's a car port canopy; I looked into this before I purchased it; it's designed to withstand the weather; I'm just using it temporarily to store my boat; I spoke with the inspector & he agreed with me & he'd give me some time but he said it was up to you guys, ultimately; it's meant to last; it won't just tear up; it's tied down to the boat & it also has sand bags around it*

*-asking until Apr 2018, if I could*

*Ms. Moermond:*

*-viewed the picture*

*-could you email that picture to us?*

*Mr. Lafond:*

*-sure*

*-the first sign of spring, I'll have it down*

*Ms. Moermond:*

*-I'm willing to go to May 1, 2018 for compliance; temporary structures are allowed to be in place for 6 months*

*Grant to May 1, 2018 to remove the tent.*

**Referred to the City Council due back on 12/6/2017**

- 7      [RLH CO 17-39](#)      Appeal of Charles John Coyle to a Correction Notice at 1739 MARGARET STREET.

**Sponsors:** Prince

**Attachments:** [1739 Margaret Street.appeal.11-02-17](#)  
[1739 Margaret St.Photos.11-6-17.pdf](#)  
[1739 Margaret St.Site Plan.11-14-17.pdf](#)  
[1739 Margaret St.Coyle Ltr.11-17-17.doc](#)  
[1739 Margaret St.Photos.11-27-17](#)  
[1739 Margaret St.Coyle Ltr.11-30-17](#)

Charles John Coyle, owner, appeared along with his father, Darrell Coyle & an ALS interpreter.

Supervisor Lisa Martin:

-Oct 26, 2017, a Correction Notice was sent by Inspector Hoffmann re: a retaining wall in the rear of the property that's in a state of disrepair (photos attached to file); it will need a building permit & a structural engineer; compliance date is Nov 30, 2017  
-the wall is 9 ft tall & 22 ft long

Ms. Moermond:

-how is the wall supported? I see it's connected to the garage; do we have rebar running underneath the ground holding it in place or is it simply stacked brick?

Mr. Charles Coyle:

-I purchased home in May 2016 & the wall was in a significant state of disrepair at the time of purchase; the construction of the wall seems to be stacked block with metal wire within the block; it also has metal angle bar that is tied behind it; I got that information from the previous owner; he also said that the wall had been in a similar state of disrepair for several years prior to me purchasing the home  
-the garage faces an alley & the wall abuts a parking pad  
-entered a rough plan of what they want to do: they want to put in a terraced retaining wall (3 ft x 3 ft x 3 ft); he is requesting an extension in order to do that - maybe 1 year, if possible  
-we have done lots of work with the property since May 2016: added a bathroom; significant renovations to the garage; spent thousands of dollars on this property already; and this job will cost tens of thousands of dollars, potentially  
-no one parks in that area; I've notified everyone I know not to park there  
-the wall is adjacent to the garage, not connected - the wall in the garage doesn't have nearly as much lean as the retaining wall  
-the staircase is a normal staircase that's metal  
-I completely understand the hazards of this wall; when I was in the process of purchasing the home, my father actually told me not to do it because of this wall; he said that it would be a pain in the rear

Ms. Moermond:

-I want to give you some time but I'm also concerned about further deterioration; sometimes, when they go, they go quickly

Mr. Coyle:

-asked if there were any options to avoid doing a complete rebuild: Could we install a chain link fence 9 feet from the wall & have that area cordoned off.... ?

Ms. Moermond:

-I'm thinking that's a decent temporary measure..... first I would want to see the area



*from at least the base of the staircase where the railing ends to the corner of the garage-- nothing less than snow fencing so people could not park there; I'm not a structural engineer so I'm not sure how the garage would be impacted by a wall failure & I don't know when or how they were constructed & their relationship but if the soils fail behind it, that will be an issue*

*Mr. Coyle:*

*-I'm not an engineer either but over the year that I've lived there, I can tell that the 2 walls do not seem to be connected*

*Ms. Moermond:*

*-this is a nuisance condition & is, potentially dangerous*

*-I will need you to install snow fencing temporarily; & I'm not thrilled about that staircase, so, I'd like to get the city's structural engineer, Mr. Brian Karpen, to see whether or not they can continue to be used (within the next 2 weeks)*

*-I will Lay this Over to Nov 28 LH to get further evaluation from Mr. Karpen; he will report back on the wall as well as the staircase; at that time, I will put a decision on the record; it will involve cordoning off, at least, that area; it will involve follow-up at 3, 6, & 9 month intervals; then, I would be comfortable going out a year with some things in place as assurances to me*

*-we will communicate by email*

*Mr. Coyle:*

*-this is a project that we intend to take care of as soon as the finances are available*

*Ms. Moermond:*

*Layover for staff report: Owner needs to install snow fencing to keep people away from the wall; the City's structural engineer will go out to the property to determine if the stairway needs to be condemned.*

**Laid Over to the Legislative Hearings due back on 11/28/2017**

**8**      [RLH CO 17-42](#)

Appeal of Ajah Peterson to a Correction Notice at 1560 ARLINGTON AVENUE EAST.

**Sponsors:**      Bostrom

**Attachments:**      [1560 Arlington Avenue E.appeal.11-06-17](#)  
                                  [1560 Arlington Ave E.photos.10-20-17](#)  
                                  [1560 Arlington Ave E.Photos.11-15-17.pdf](#)  
                                  [1560 Arlington Ave E.Peterson Ltr.11-16-17.doc](#)  
                                  [1560 Arlington Ave E.Peterson Revised Ltr.11-27-17.doc](#)

*Ajah Peterson, owner, appeared. (ALS interpreter)*

*Supervisor Lisa Martin:*

*-on Oct 23, 2017 a Correction Notice was issued re: the garage, garage roof, eaves; photos show garage is in very poor condition; there's defective stairs; the roof above the front entrance of the house & the exterior walls of the house are issues; compliance - Nov 23, 2017*

*Ms. Moermond:*

*-why is Ms. Peterson appealing this Order & what is she looking for?*

*Ms. Peterson thru interpreter:*

*-she doesn't trust people; maybe this is revenge; she wants it to stop; I know that I need to keep things clean & maintained but it's hard; I have 3 jobs; I'm sick with diabetes so, this process has been tough for me; I've called the inspectors; they haven't answered me; no one is calling me back; I need to know specifics because I want to fix it but it's hard to budget; I need more time; communication is important; and because I'm deaf, sometimes, I needs things in writing; I don't know what you want me to do*

*Ms. Moermond:*

*-printed out a copy of the Oct 23 Orders for Ms. Peterson*

*Ms. Peterson:*

*-don't know what city is asking me to do in #4?  
-there's no exterior wall; what does that mean?  
-I don't understand the language in here*

*Ms. Moermond:*

*-there's a lot of peeling paint on the garage; the wood is exposed; they want it to be scraped & painted; we will do an extension on that given the time of year*

*Ms. Peterson:*

*-the foundation of garage #7*

*Ms. Moermond:*

*-foundation of garage is deteriorated, defective, in a state of disrepair; need it to be weather tight; looks at photos of the garage: I see openings between the bricks of the foundation on the alley side; you need to repair that or replace it - put new mortar between the bricks (re-mortar, tuck point them & seal them)*

*Ms. Martin:*

*-the windows are open; need to be secured*

*Ms. Peterson:*

*-#9; there a crack in them; do I need to replace them all?*

*Ms. Moermond:*

*- there are defective stairs on the front entrance; the Order says to repair - fix the cracks  
-we'll take a picture of the stairs & get it to you*

*Ms. Peterson:*

*-the gutter - front entrance of the house*

*Ms. Moermond:*

*-repair the roof, eaves, soffits; the wood is rotting; maybe they need to be replaced*

*Ms. Peterson:*

*-do I need to paint my whole house #11?*

*Ms. Moermond:*

*-Order says front end of the house - scrape & paint (photos)*

-you were given a month for the repairs  
-I will go out to Jan 1, 2018 to do the repair part of it; painting to Jul 1, 2018

Ms. Peterson:

-I need a list of what needs to be done with a date next to it, so I know my deadlines;  
is that possible?

Ms. Moermond:

-we'll send a letter as a follow-up to this hearing

Ms. Martin:

-I'll make sure that the inspector takes a photo of the front steps & the roof on the  
house; we'll send those to the owner & to LHO

Ms. Moermond:

-priority: get windows of the garage boarded over so the building is secure; we have  
problems with people going into buildings & starting fires to keep warm with sexual  
assaults, etc; keeping the building secure will keep the building safer

—  
Grant to January 1, 2018 to repair the items in the Correction Notice with the exception  
of the painting which is granted to July 1, 2018; grant Items 2 (roof of garage) and 10  
(roof above the front entrance of house) to June 1, 2018, noting that the garage cannot  
be in use.

**Referred to the City Council due back on 12/6/2017**

## 11:30 a.m. Hearings

### Orders To Vacate, Condemnations and Revocations

- 9 [RLH VO 17-50](#) Appeal of Aaron Livingston to a Notice of Condemnation as Unfit for Human Habitation and Order to Vacate plus Summary Abatement Order at 1124 MATILDA STREET.

Sponsors: Brendmoen

**Attachments:** [1124 Matilda St.appeal.10-24-17](#)  
[1124 Matilda St.Photos.10-19-17](#)  
[1124 Matilda St.Photos.11-14-17.pdf](#)  
[1124 Matilda St.Livingston Ltr.11-16-17.doc](#)  
[1124 Matilda St.Livingston Ltr.11-27-17.doc](#)  
[1124 Matilda St.Owner Statement.12-6-17](#)  
[1124 Matilda St.Owner Photos #1.12-6-17.pdf](#)  
[1124 Matilda St.Owner Photos #2.12-6-17.pdf](#)  
[1124 Matilda St.Livingston Ltr.12-8-17.doc](#)  
[1124 Matilda St.Photos #1.12-12-17.pdf](#)  
[1124 Matilda St.Photos #2.12-12-17.pdf](#)  
[1124 Matilda St.Photos #3.12-12-17.pdf](#)  
[1124 Matilda St.Photos #4.12-12-17.pdf](#)  
[1124 Matilda St.Photos #5.12-12-17.pdf](#)  
[1124 Matilda St.Photos #6.12-12-17.pdf](#)  
[1124 Matilda St.Photos #7.12-12-17.pdf](#)  
[1124 Matilda St.Livingston Ltr.12-12-17.doc](#)  
[1124 Matilda St.Westenhofer Email.12-13-17](#)  
[1124 Matilda St.Livingston-Sobaski Ltr.12-21-17.doc](#)

*Deny the appeal but will grant extension to December 11, 2017 to have the property vacated. (Appellants did not appear and access was denied).*

*November 16, 2017, office received a phone call from Aaron Livingston stating he was not aware of the November 14 hearing; therefore, Ms. Moermond has rescheduled to November 21. Mr. Livingston is to contact Lisa Martin for inspection as soon as possible and Owner needs to provide a work plan with timeline for the hearing.*

**Laid Over to the Legislative Hearings due back on 11/21/2017**

**10**     [RLH VO 17-53](#)

Appeal of Daniel Beck to a Notice of Condemnation as Unfit for Human Habitation and Order to Vacate at 1274 EDGERTON STREET.

**Sponsors:**     Bostrom

**Attachments:**     [1274 Edgerton St.appeal.10-31-17](#)  
[1274 Edgerton St.photos 10-25-17](#)  
[1274 Edgerton St.Correction Order.5-1-17](#)  
[1274 Edgerton St.photos.6-1-17 to 10-4-17](#)  
[1274 Edgerton St.Beck Ltr.11-16-17.pdf](#)

*Daniel Beck, owner, appeared.*

*Supervisor Lisa Martin:*

*-Oct 25, 2017, a Notice of Condemnation was issued*

*-there were 5 items; interior of the house constitutes material endangerment; the entire*

roof is deteriorated; Inspector Paula Seeley tried to get inside the property to check out the damage that the roof has caused; vacate date: Nov 2, 2017

Mr. Beck:

-I'm looking to sell the property & am asking for at least until Nov 30, 2017 to Vacate  
-the buyers are fully aware of the condition of the house; I'm not trying to fool anyone

Ms. Moermond:

-do you have a TISH Report?  
-in order to sell the property, you'll need a TISH Report

Mr. Beck:

-I do not  
-I'm working with Home Investment; they buy houses as they are  
-I do have a place to move to & already have a storage place

Ms. Moermond:

-the house has been Condemned & the buyer will know that the building will be in the Vacant Building Program & they'll need a code compliance inspection report in order to fix the house; as the seller, you may want to turn the water off to the building & winterize the pipes so they don't freeze  
-will recommend that the Council put in place a date to vacate as Dec 8, 2017  
-City Council Public Hearing Dec 6, 2017

Grant to December 8, 2017 to have the property vacated.

**Referred to the City Council due back on 12/6/2017**

- 11 [RLH VO 17-51](#) Appeal of William Acree to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 79 MAGNOLIA AVENUE WEST.

**Sponsors:** Brendmoen

**Attachments:** [79 Magnolia Ave W.appeal.10-26-17](#)  
[79 Manolia Ave W.photos 10-17-17](#)  
[79 Magnolia Ave W.Photos.9-29-17](#)  
[79 Magnolia Ave W.Photos.8-4-17](#)  
[79 Magnolia Ave W.Photos.6-8-17](#)  
[79 Magnolia Ave W.Acree Ltr.11-17-17.doc](#)

Deny the appeal. Appellant rescheduled twice and did not appear.

**Referred to the City Council due back on 12/6/2017**

## 1:30 p.m. Hearings

### Fire Certificates of Occupancy

- 12 [RLH FCO 17-202](#) Appeal of Chao Yang to a Correction Notice - Complaint Inspection at 603 IOWA AVENUE EAST.

**Sponsors:** Bostrom

**Attachments:**     [603 Iowa Ave E.appeal.11-8-17](#)  
                          [603 Iowa Ave E.photos.10-27-17](#)  
                          [603 Iowa Ave E.Yang Ltr.11-17-17.doc](#)

*Chao Yang, property manager, appeared.*

*Fire Supervisor Leanna Shaff:*

*-there's a referral & a Certificate of Occupancy inspection  
-the referral came in Oct 27, 2017 & Insp Schmidt wrote Orders on painting;  
deteriorating front stairs; holes in soffit; discontinue use of spray foam for repairs;  
provide access throughout the building; schedule a Fire C of O inspection  
-Appellant contends that the house is owner-occupied but Ramsey Co records has  
Touxee Yang, 365 County Rd B, St, Paul as the owner & Chao Yang, 101 W Florida  
Ave, Little Chute, WI, as the responsible party*

*Ms. Moermond:*

*-you got an appointment letter for a Fire C of O inspection & you're saying that it's  
owner-occupied*

*Mr. Yang:*

*-we don't know much about the address of 365 County Rd B East; that is not Touxee's  
residence  
-Touxee lives with me; his mother left us when he was 6 years old; he is my son & I  
raised him as a single parent; he's more of a home boy; he went to school & college; I  
planned to buy that house for him to make up for what has been lost because we were  
very poor before; he's 26 right now & still lives with me; he hasn't married; when he  
graduates, he can live here at 603 & find work or continue education  
-since we bought the house, we've been keeping it as a second home; we come here  
as family; most of our clan members & my mom, brothers, sisters, etc. live up here;  
we come up here from Little Chute, WI 2-3 times a month & stay; we go back & forth;  
we're not renting it; we're not selling it; it's our home & as soon as he finds a job up  
here, he will move up here permanently & be on his own  
-no one is living there permanently at this time; we go back & forth; I consider it  
owner-occupied*

*Ms. Shaff:*

*-looking at the actual property tax bill from Ramsey Co; it says Touxee Yang, 365  
County Road B East*

*Ms. Moermond:*

*-that information would have been disclosed to Ramsey Co at the time you closed on  
the property*

*Mr. Yang:*

*-we never received any letter/bill about anything; when the city shut off the water, that's  
how we got to here because we never get a bill; maybe the bill is going to 365 County  
Road B East; we have no idea where that is; we never received a single bill; that's how  
we knew something was wrong  
-we don't have a mortgage*

*Ms. Moermond:*

*-you need to talk to Ramsey County Records & Revenue, 90 West Plato, because  
that's the information they have for you; you want to make sure you get that fixed*

-the code talks about whether a property is owner-occupied or not owner-occupied, not whether or not it's rental

Mr. Yang:

-I personally go there & I help him fix up & maintain; he's the owner & he goes there, too; when he finds a job up here, he will be living in this house full time & be part of the community instead of sitting in my house

-I filled the hole in the siding with foam so the squirrels don't go in; will fix it when it's warmer

-we never receive mail at the 603 Iowa address; it goes to Little Chute

Ms. Moermond:

-Touxee Yang shows up a the tax owner

-I will recommend that the Council release it from the Certificate of Occupancy Program but the repairs do need to be made to the exterior

Ms. Shaff:

-the retaining wall has a big crack

Ms. Moermond:

-the front stairs are deteriorating

-will extend exterior repairs deadline to Jun 1, 2018 & refer it to Code Enforcement

Grant the appeal to be released from the Fire C of O Program and grant to June 1, 2018 to comply with exterior items. Items will be referred to Code Enforcement for follow-up.

**Referred to the City Council due back on 12/20/2017**

**13** [RLH FCO  
17-203](#)

Appeal of Michael Johnson to a Fire Certificate of Occupancy Approval with Corrections at at 958 MARYLAND AVENUE EAST.

**Sponsors:** Bostrom

**Attachments:** [958 Maryland Ave E.11-08-17](#)

[958 Maryland Ave E.photos.10-26-17](#)

[958 Maryland Ave E.Johnson Ltr.11-17-17.doc](#)

Michael Johnson, owner, appeared.

Fire Supervisor Leanna Shaff:

-photos; paint

Ms. Moermond:

-my concern is that opening & fixing that isn't a weather dependent thing; the painting, obviously, is weather dependent

-will grant an extension to Dec 15, 2017 to replace the board; and an extension to Jun 1, 2018 for spot painting

Grant to December 15 to make repairs with the exception of the painting which has been granted to June 1, 2018.

**Referred to the City Council due back on 12/20/2017**

**14** [RLH FCO  
17-200](#)

Appeal of Todd Delack, Archer Properties Group, to a Fire Inspection Correction Notice at 559 SMITH AVENUE SOUTH.

**Sponsors:** Noecker

**Attachments:** [559 Smith Ave S.appeal.11-7-17](#)  
[559 Smith Ave S.Photos.10-20-17](#)  
[559 Smith Ave S.Delack-Martinetto Ltr.11-17-17.doc](#)  
[559 Smith Ave S.Delack-Martinetto Ltr.12-20-17.doc](#)

*Todd DeLack, Archer Properties Group, property manager and Jason Martinetto, owner of this property & Archer Properties Group, appeared.*

*Fire Supervisor Leanna Shaff:*

*-Fire Certificate of Occupancy inspection conducted Oct 19, 2017 by Inspector Dan Klein*

*-12 items on the deficiency list; 7 are being appealed*

*-this is the 2nd Fire C of O inspection*

*Mr. DeLack:*

*-#1-dryer vent (MN Mechanical code 5.406, which delves into dryer venting for both the exhaust & the connection portions); the inspector didn't specify; all it said was, "Have a licensed contractor pull & provide a compliant dryer vent" - this was that way when I bought it in Aug 2016*

*Ms. Shaff:*

*-was there a listing tag on that vent - the inspector will look for that; if it's not tagged UL listing, it needs to be replaced under permit; the old permit is from 2005*

*Mr. DeLack:*

*-I know the previous owner & the work that was done at the property; I know it complied with the code; done under inspections; it had been down to studs; all new was put in; all those permits were finalized; there's not any part of this that doesn't follow the code*

*Ms. Moermond:*

*-it sounds like a simple matter to resolve*

*Ms. Shaff:*

*-plumbing permit pulled in 2010; finished in 2011: 2nd fl bathroom; kitchen; 1st fl bathroom; lead removal; doesn't talk about dryer venting*

*-last mechanical permit was in 2005 for a gas permit-new furnace*

*-2 bldg permits in 2010; remodel bath in 2010; bldg permit in 2015-drain the sump pump; bldg permit in 2016*

*Mr. DeLack:*

*-I know it's UL; I'll have to find the tag*

*Ms. Moermond:*

*-we'll take the photo & we'll give it to a Sr. Mech inspector & get his insight*

*-what else did you want to discuss?*

*Mr. DeLack:*

*-numbers 2, 3, 4, 5, 9, & the affidavit, which I sent in at a previous time*



Ms. Moermond:

*-#2-are you going to take the class?*

Mr. DeLack:

*-I'm a licensed real estate broker in the State of MN; I'd like #2 waived*

*-#3 structural issue of sagging garage: it's structurally sound based on how it's built & how it carries the load; it's an old property & has had some settling/shifting; it has a center I-beam; it's got a belly in the roof sheathing itself - not sagged; hasn't moved; no deflection*

*-the soffit trim deflecting has nothing to do with the beam & to get that roof straight would need a re-build & I think that it's unnecessary to rip it all apart to make it straight even though the structure itself is built to carry 3 times the load it's actually carrying*

Ms. Shaff:

*-we might as well have the Sr. Building Inspector take a look as long as the Sr. Mechanical Inspector is going out there*

Ms. Moermond:

*-OK*

Mr. DeLack:

*-#4-siding: at this moment it's weather tight; it's not attractive*

Ms. Moermond:

*-it's not in a professional state of repair*

*-#5-dead bolt*

Ms. Shaff:

*-that one is Withdrawn*

Ms. Moermond:

*-#9-interior basement steps - repair & maintain walls in an approved manner (no pictures)*

Mr. DeLack:

*-I don't know what I'm supposed to be addressing on #9 (Ms. Shaff: I don't either; Mr. Klein doesn't recall)*

*-there's a continuous membrane installed by those who did the work with the sump pump under permit*

Ms. Shaff:

*-typically, when you have a plastic, a composite, etc, it's required to have a fire retardant*

Ms. Moermond:

*-looks like there's an absence of part of the wall (Mr. DeLack: there's an opening in the wall; I'm not disputing it)*

Mr. Martinetto:

*-I live in Seattle, WA, Mr. DeLack is my local representative; I just happen to be in town this week*

Ms. Moermond:

-your property mgr should do the Landlord 101 Class  
-you guys will provide the UL listing - into my office; I will send it to the mechanical inspector; we'll also have the bldg inspector take a look at the garage & the stairs  
-provided a Fire C of O change of information form  
-get me the picture; I will have an informed conversation with the mechanical inspector about the expectations

Mr. Martinetto:

-the affidavit I sent in hasn't been acknowledged

Ms. Moermond:

-in terms of deadlines, I'm not seeing anything that's weather dependent except the siding; weather tight as best you can now  
-based on what I'm hearing, I think it's reasonable for a deadline of Jan 1, 2018 for these items; the siding deadline is Jun 1, 2018  
-we'll get some follow up information from you & I'll get the Sr. Mech/Bldg inspectors to clarify the Orders

Grant to January 1, 2018 to comply with the appealed items; grant to June 1, 2018 to comply with the siding; forthcoming on Items 1, 3, & 9; deny on Item 2; and Item 5 is withdrawn by DSI.

**Referred to the City Council due back on 12/20/2017**

**15**     [RLH FCO  
17-199](#)

Appeal of John Grafstrom to a Fire Certificate of Occupancy Correction Notice at 1405 VAN BUREN AVENUE.

**Sponsors:**             Stark

**Attachments:**        [1405 Van Buren appeal.11-06-17](#)  
[1405 Van Buren Ave.Photos.11-7-17.pdf](#)  
[1405 Van Buren Ave.Grafstrom Ltr.11-17-17.doc](#)

John R. Grafstrom, owner, appeared.

Fire Supervisor Leanna Shaff:

-Fire Certificate of Occupancy inspection completed Oct 16, 2017 by Insp Laura Huseby; photos  
-8 Orders; appealing for more time

Ms. Moermond:

-your appeal says that your worker is running behind the deadlines; you've had trouble finding workers  
-you're asking for more time for painting & caulking

Mr. Grafstrom:

-I've attached an invoice from a construction company to work on the foundation (\$2040 bid)  
-another invoice from Rainbow Extermination (Done)  
-I'm having trouble finding people for the rest of the work; my regular guy is behind

Ms. Moermond:

*Grant to November 21 to have a proper working smoke detector and carbon monoxide alarm in each sleeping room, hallway & basement; grant to January 1, 2018 to comply with the order; and grant to June 1, 2018 to comply with the exterior painting and caulking.*

**Referred to the City Council due back on 12/20/2017**

## 2:30 p.m. Hearings

### Vacant Building Registrations

- 16 [RLH SAO 17-65](#) Making finding on the appealed nuisance abatement ordered for 25 ELIZABETH STREET EAST in Council File RLH SAO 17-56. (Council public hearing to be continued to December 6)

**Sponsors:** Noecker

**Attachments:** [25 Elizabeth St E.Photos.6-14-17.pdf](#)  
[25 Elizabeth St E.Gutierrez Ltr.6-15-17.doc](#)  
[25 Elizabeth St E.Gutierrez Ltr.7-21-17.pdf](#)  
[25 Elizabeth St E.Gutierrez Ltr.8-2-17.doc](#)  
[25 Elizabeth St E.Aerial Map.9-26-17](#)  
[25 Elizabeth St E.Gutierrez Ltr.9-29-17.doc](#)  
[25 Elizabeth St E.Moermond-Ubl Email.9-29-17](#)  
[25 Elizabeth St E.Ubl Letter.10-4-17](#)  
[25 Elizabeth St E.Moermond-Gutierrez Email Chain.10-6-17](#)  
[25 Elizabeth St E.Gutierrez Ltr.10-12-17](#)  
[25 Elizabeth St E.Photos.11-14-17.pdf](#)  
[25 Elizabeth St E.Gutierrez Ltr.11-17-17.doc](#)  
[25 Elizabeth St E.Gutierrez Ltr.12-11-17.doc](#)

*Continue to December 5 Legislative Hearing to determine if nuisance is abated.*

*Ms. Moermond:*

*-City Council Public Hearing Dec 6, 2017*

*-I need to know whether or not it's been fixed; either it's done or DSI will do it*

**Referred to the City Council due back on 12/6/2017**

- 17 [RLH VBR 17-70](#) Appeal of Noreen A. Moore to a Vacant Building Registration Notice plus a letter from the Department of Safety and Inspections at 1069 SUBURBAN AVENUE.

**Sponsors:** Prince

**Attachments:**    [1069 Suburban Ave.appeal.10-10-17.pdf](#)  
[1069 Suburban Ave.chain emails.10-15-17.pdf](#)  
[1069 Suburban Ave.Appellant Letter.11-12-17.pdf](#)  
[1069 Suburban Ave.Moore Ltr.11-17-17.doc](#)  
[1069 Suburban Ave.Moore Revised Ltr.11-17-17.doc](#)

*Noreen A. Moore, Appellant, appeared. Her uncle, Joseph R. Ficker, owner, is deceased.*

*Ms. Moore entered documentation from her daughter, who is incarcerated.*

*Ms. Moermond:  
-where are you in the probate process?*

*Ms. Moore:  
-our court date is next Tue, Nov 21, 2017; won't know about solvency until Mar 21, 2018; I'm not trying to make money; just want to resolve the issues & settle the estate  
-my uncle owes \$17,000 - \$18,000 to the VA  
-a rehab company is interested in purchasing the house*

*Ms. Moermond:  
-I find myself in a bureaucratic mess with this one: I would like to have the inspector be able to schedule an appointment with you to do an inspection & write up a deficiency list; and, we'll make a determination on whether or not the house should be Condemned based on that list  
-I'm going to grant your appeal on the Vacant Building registration but that doesn't get you out of all the things you need to deal with here; because the house isn't owner-occupied, it does need to have a Fire Certificate of Occupancy or, if it's determined that it has major code violations & it's empty, then, it's in the VB Program & we're back here again  
-I think that I noticed that you had a utility shut-off in the month of Oct (?)*

*Ms. Moore:  
-the water was shut-off - it was disconnected due to nonpayment; then, the Condemnation Notice came out (beginning of Aug); then, I paid what I could pay onto the account & I asked if I could establish a payment plan with the last \$247 & she said, "No; we don't take payment plans but you're going to get another bill in 3 months;" we never got a bill & the water is off & I have changed the address; the majority of his mail is now coming to my house in Inver Grove; that was shocking; I was upset by that*

*Fire Supervisor Leanna Shaff:  
-I have information from Water; they list it as Vacant & have for months; they don't know whose property it is or where the bill should go*

*Ms. Moore:  
-I talked with them; I told them that I had family living in the house & to send the bill to 7770 Dorchester; the woman was very kind & took down all of my information - I never heard anything since  
-I have the receipt from the payment I made over the phone back in Aug, when the water was re-instated & the Condemnation lifted*

*Ms. Moermond:*

-inspectors would look at whether or not you have water service; it's a determinant on whether or not it would be Condemned; so, before the inspector shows up to do an inspection, the water needs to be turned back on  
 -ultimately, you'll need to do the C of O inspection; if it becomes owner-occupied,....

Ms. Moore:

-my son was to be the original heir; however, since the house is the only asset in my uncle's estate & we know that final medical expenses, etc, have priority per probate, that we would be forced to sell the property to satisfy the debts & we're fine with that because my son fled that house fearing for his life, due to the neighborhood & wants no part of living over there

-so I would like to just sell the property to this company that specializes in these Category 2 VB; he made an offer; I've had 3 companies look at it

Ms. Moermond:

-unless you own the property, you can't sell it; probate has to be cleared  
 -I don't have a choice; I need to grant your appeal on the VB registration  
 -the lack of water & other conditions, not being owner-occupied --- we'll have to figure out where it goes (VB Program as a Cat 2 because it has significant code violations & isn't occupied; will it be Condemned; will it simply have a list of things that need to be corrected that goes to the new owner because things are in OK shape)?

-you'll get a letter from Fire about scheduling an inspection or schedule now with Ms. Shaff

-if you want to appeal the Orders that Ms. Shaff writes, I'll waive the fee on that & we can talk about that on another occasion; in the meantime, as long as there's no water, you can't be there

Ms. Moore:

-no one is living there now

-I have week days off; I'll have to contact Ms. Shaff to schedule

Ms. Moermond:

-your appeal is granted but you have to deal with the other stuff

Grant the vacant building registration. (Fire C of O inspection will need to be issued prior to reoccupation of the property, if it is to be non-owner occupied.)

**Referred to the City Council due back on 12/20/2017**

- 18 [RLH VBR 17-82](#) Appeal of Clifford Scott to a Vacant Building Registration Notice at 434 FRY STREET.

**Sponsors:** Stark

**Attachments:** [434 Fry St.appeal.11-3-17](#)  
[434 Fry St.Condemnation Ltr.10-23-17](#)  
[434 Fry St.Photos.10-23-17](#)  
[434 Fry St.SAO.10-23-17](#)  
[434 Fry St.Scott Ltr.11-17-17.doc](#)  
[434 Fry St.Martin Email.11-28-17](#)  
[434 Fry St.Photos.11-28-17](#)  
[434 Fry St.Scott Ltr.12-11-17.doc](#)

*Clifford E. Scott, owner, and Roger Cheathan, a neighbor, who is helping him out, appeared.*

*Supervisor Rich Singerhouse:*

*-Condemnation issued by Code Supervisor Lisa Martin on Oct 20, 2017; she sent a referred to VB Inspector Matt Dornfeld, who opened up a Category 2 VB file on Oct 26, 2017*

*Ms. Moermond:*

*-a Summary Abatement Order was issued for the exterior; was it abated by the city or the owner?*

*Mr. Singerhouse:*

*-I don not have that information*

*Mr. Scott:*

*-talked to Matt Dornfeld, who said to appeal the VB Registration*

*Mr. Cheathan:*

*-we've checked out most of the items on the list; we've filled a very large dumpster full of stuff*

*-do we need a smoke detector & CO alarms in every bedroom? It's a small house with a living room, dining room, kitchen on first floor; and 3 bedrooms upstairs; I would think 1 smoke detector in the hallway upstairs would be adequate*

*Ms. Moermond:*

*-there was specific regulations about that; we'll wait until Fire Supervisor Shaff comes back in; she can address that*

*-asked Ms. Mai Vang to pull up the appeal from last year*

*-what about all these people living in the house? Didn't you have that before?*

*Mr. Scott:*

*-I had a guy that died and then, I let another guy in but he's gone*

*-right now, there's me & 2 others; that's it*

*Mr. Cheathan:*

*-a permit was pulled last year when they installed a new furnace but no one ever came to do a final inspection; apparently, no one informed Clifford that he needed to arrange that himself; he thought it was all taken care of by the Snelling Company; the work was all done*

*Ms. Vang:*

*-a permits were pulled around that time period; they're over a year old*

*Ms. Moermond:*

*-this Order talks about temporary lighting from extension cords from interior & exterior of the home; and you need to have hard-wired smoke detector installed/replaced; do it quickly or you'll have to pull another permit; you have a lot of open permits (electric; mechanical; gas; building for egress windows); call those guys to get the permits finalized*

*-who the inspector listed for mechanical, hot water & electrical permits, so they know who to call?*

*Ms. Vang:*

-Dick Christi for mechanical; Dave Menck for electrical; Mark \_\_\_\_\_

Fire Supervisor Leanna Shaff:

-smoke detector/CO alarm locations upstairs: CO alarms are required within 10 feet of every room used for sleeping purposes; smoke detectors are required in every bedroom & in the hallway; the smoke detectors need to be fewer than 10 years old; you can move the one from the kitchen to the hallway

Mr. Scott:

-the wood stove has been disconnected & moved; it won't be used  
-junk: we filled a 30 yard dumpster within 10 days; I'm working with Emily, House Calls; she said that if I needed one more dumpster, I should call her

Ms. Moermond:

-we will get Inspector Martin back out there to take a look at what Orders she can cross off the list; we know that we have problems with the permits that have been pulled by Mr. Krinke; Mr. Scott will follow up with the inspectors, who will give you information on what needs to be done; they will also follow up with Mr. Krinke  
-let's get all this checked off by Nov 28, 2017; if you can have this list addressed by then & we have a re-inspection by Insp Martin & she lifts the Condemnation, you will no longer be in the VB Program & you won't need the waiver; if you can't get it done, we'll need to talk about it at that time  
-Supervisor Singerhouse will follow up with Inspector Martin

Layover to November 28 for staff report. Inspection to occur by Lisa Martin in the interim to determine progress of repairs and if the items are addressed, the condemnation can be lifted and be released from the Vacant Building Program.

**Laid Over to the Legislative Hearings due back on 11/28/2017**

- 19 [RLH VBR 17-81](#) Appeal of Khue Dang to a Vacant Building Registration Renewal Notice at 1415 RICE STREET.

**Sponsors:** Brendmoen

**Attachments:** [1415 Rice Street.appeal.11-03-17](#)  
[1415 Rice St.Fire C of O Revocation.3-26-08](#)  
[1415 Rice St.Aerial Map.2015](#)  
[1415 Rice St.Google Pic](#)  
[1415 Rice St.Dang Ltr.11-17-17.doc](#)

Khue Dang, owner, appeared. (Vietnamese Interpreter)

Ms. Moermond:

-we have both a Revocation of a Fire Certificate of Occupancy that happened in 2008; and it's been in the Vacant Building Program since then ?

Supervisor Rich Singerhouse, Vacant Building Program:

-yes, this was Revoked Jun 4, 2012; Inspector Kalis opened up a Preliminary file on Dec 18, 2012; Mr. Kalis changed it to a Category 2 VB on Apr 4, 2014  
-no permits, team inspector or C of O on file

Ms. Dang:

*-I am the new owner as of the end of Jun, 2017 as 1415 Rice Street LLC*

*Ms. Moermond:*

*-what are your plans?*

*Ms. Dang:*

*-I've leased already; but before we bought it, the previous owner told me...*

*Ms. Moermond:*

*-so, you bought a Cat 2 registered vacant building & you rented it to somebody without a C of O & without getting it out of the VB Program*

*Ms. Dang:*

*-I didn't know; it was scary; it never happened before*

*Ms. Moermond:*

*-in order to get out of the VB Program, you were required to call the City and get a Code Compliance Inspection from Fire Inspectors, who would go out & create a list of things you needed to do to bring the bldg up to minimum compliance; then, you'd be able to get your C of O in order to rent it*

*-so, you rented out a bldg without it being certified as being usable for that purpose*

*Ms. Dang:*

*-I own the next door, 274, the same owner as this one but before I bought it, I had inspection to see if everything was working OK, then, I bought it*

*Ms. Moermond:*

*-were you represented in this transaction by a realtor?*

*Ms. Dang:*

*-no; I had my lawyer do the Agreement*

*-we bought it Contract for Deed; it was an empty bldg for a long, long time*

*Ms. Moermond:*

*-who's renting it?*

*Ms. Dang:*

*-grocery store at 1423; he wanted to have offices in 1415*

*Ms. Moermond:*

*-man has a grocery store & he wanted to have offices in 1415?*

*Ms. Dang:*

*-yes*

*Ms. Moermond:*

*-good news: I'm willing to waive the VB fee for 90 days*

*-bad news: you can't have anyone occupying that space; they need to leave that space until you get your Code Compliance Certificate, your Certificate of Occupancy*

*-Mai gave her a Code Compliance Inspection application*

*-get that inspection report & then do the work that's outlined on that report; once the inspectors sign off on that work, then, you can use that space*

*-you need to get those tenants out of there; vacate deadline: Nov 21, 2017*

*-Mr. Singerhouse will do a follow-up to make sure that space is completely empty until*



you get your certificate  
 -you may want to talk to the seller about this; I don't know what they knew or didn't know when they sold it to you but this has been the expectation for a few years  
 -if you get the bldg repaired & things signed off in 3 months, there won't be a VB fee; if it takes you a little longer than 3 months, we will process it as a property tax assessment, which is also appealable; I suggest you do appeal it because if I can prorate the fee and decrease it considerably  
 -because this bldg has been a vacant bldg for a long time, it has to have this inspection before it can be re-used

Grant to November 21, 2017 for renter to vacate the building; waive the vacant building fee for 90 days.

**Referred to the City Council due back on 12/20/2017**

**20**      [RLH VBR 17-76](#)      Appeal of Jay Hill to a Vacant Building Registration Notice at 538 WHEELLOCK PARKWAY WEST.

**Sponsors:**            Brendmoen

**Attachments:**        [538 Wheelock Parkway W.appeal.10-27-17](#)  
                                   [538 Wheelock Pkwy W.Fire C of O Revocation.9-12-17](#)  
                                   [538 Wheelock Pkwy W.Fire C of O Orders.8-10-17](#)  
                                   [538 Wheelock Pkwy W.Photos.9-8-17](#)  
                                   [538 Wheelock Pkwy W.Photos.10-11-17](#)  
                                   [538 Wheelock Pkwy W.Proposed Property Tax Statement 2017](#)  
                                   [538 Wheelock Pkwy W.Hill Ltr.11-17-17.doc](#)

Jay R. Hill, owner, appeared.

*Revocation & Vacant Building Registration*

*Fire Supervisor Leanna Shaff:*

*-Fire Certificate of Occupancy inspection conducted by Inspector Efrayn Franquiz on May 17, 2017*

*-2 no show inspection appearances; no one answered phone number on file; insp found 2nd number, which the owner answered*

*-inspector found smoke alarms/battery cover missing; some other things; this goes on thru Jun, Jul, Aug, Sep; there was no compliance with the Orders; so, the Fire C of O was Revoked for long term noncompliance  
 (no permit for water heater; windows that don't stay open; etc.)*

*Supervisor Rich Singerhouse, Vacant Building Program:*

*-after receiving the referral from Fire, Inspector Kalis went out & opened a Category 2 VB file on Oct 13, 2017*

*-he found the roof deteriorated; back deck needs work; garage has peeling paint; plus Fire Deficiencies made it a Cat 2 VB*

*Mr. Hill:*

*-when we got the list back in May, we started contacting contractors to get some bids; the first one we talked to suggested that we contact our insurance company, which we did for some storm damage to the house; it took until the end of Jul to get a check*

from the insurance company & since then, we've been trying to contact contractors to get more bids; 90% of those we called never called back; those who do call tell us how busy they are now but say they will call when they're not so busy & we never hear back from them; we did a couple of bids done; one was about 3 times the price of what it should be; other ones have said that their workers had gone down to Florida, Texas - said that maybe in next spring..... every time the inspector called, I explained to him that I was trying hard to get contractors to get this work done but it was very difficult -we're looking for a general contractor to take care of all of it, if possible  
-I work for another city in their road re-construction program, so during the summer, I'm working 7 to 7 six days a week  
-history: this property was originally owned by my wife's grandparents; we bought it as rental property & rented it out for a few years; then, her brother, who had gone thru a divorce & had a motorcycle accident which left him with severe brain damage has lived there rent free in exchange for maintaining the property (7-8 years)  
-since this has been going on, I've moved into the property..... (end of Oct)

Ms. Moermond:

-why didn't you appeal the Revocation of the Certificate?

Mr. Hill:

-now that the housing market has come back put, we plan to fix it up & sell it

Ms. Moermond:

-here's the rub: you moved into a Registered Vacant Building; whether or not you own it, it's a Reg VB; the Certificate had already been Revoked & it had been already sent over to the VB Program & because of the significant number of repairs that were needed, it came in as a Cat 2 Reg VB, which means that it needs a full code compliance inspection; so, what you did by moving in wasn't kosher

Mr. Hill:

-I intend to get the repairs done; just been having trouble getting a contractor on board; a lot of it is exterior & contractors say, "Maybe next spring or Jun"

Ms. Moermond:

-your brother-in-law did not take care of the property

Mr. Hill:

-right; he replaced the water heater - no permit  
-we gave the list to my brother-in-law so he could do the smaller things; we were waiting for a contractor to do the bigger items; now, we're down to the exterior & concrete work  
-the ramp was for the grandparents; I will remove it

Ms. Moermond:

-things weren't taken care of for many months  
-take down the ramp, gutters; deal with the screen door in the back  
-fascia, window - I'm looking for the repairs to be done by Dec 18, 2017  
-get everything done except #4 painting & #3 parking surface; #6 shingles & roofing; #1 concrete work  
-if you can get that work signed off, permits where you need them by Dec 18, I'll recommend that you don't have to be in the VB Program; if you can't get the work done, signed off, inspected, you are in the VB Program & you'll have to get a code compliance inspection

*Waive the VB fee for 45 days; grant until December 18, 2017 to get Fire C of O reinstated. If not reinstated, property shall be in the Vacant Building as a Category 2 and a code compliance inspection is required. If it's reinstated, extension granted to July 1, 2018 for Items 1, 3, 4, & 6.*

**Referred to the City Council due back on 12/20/2017**

**3:00 p.m. Hearings**

**Other (Fence Variance)**

**21**     [RLH OA 17-22](#)     Appeal of Joe Keeley to a Denial of a Fence Variance Request at 3 CROCUS HILL.

**Sponsors:**             Noecker

**Attachments:**         [3 Crocus Hill.appeal.11-03-17](#)  
                                      [3 Crocus Hill.Keeley Ltr.11-17-17.doc](#)

*Joe Keeley appeared o/b/o Anne Keeley, owner.*

*Fence Variance*

*Ms. Moermond:*

*-you applied for a fence variance because of the swimming pool  
-I've looked at your materials*

*Mr. Keeley:*

*-we live on Crocus Hill; behind us is 35E - a wooded bluff that's very, very steep; my understanding is that the code requires an obscuring fence with certain pieces; we wish to install what our architect & others are telling us is historically appropriate; we live in the Hill District; due to our brick property, the pool house building, the bluff & some cheap walls that are going in, there will be a very limited view of the pool & we intend to plant thick & high vegetation to keep it blocked from view*

*Ms. Moermond:*

*-view is one piece; access is the other piece  
-is this a new hedge you intend to plant?*

*Mr. Keeley:*

*-yes, in these spots (points to the diagram)*

*Ms. Moermond:*

*-in one other case that I looked at with a swimming pool & went with a vegetation barrier that was acceptable; it was a very well established, very deep, thick hedge; with new planting, you're not going to have the same ability to keep a person from passing through as you would if it were mature*

*Mr. Keeley:*

*-to clarify, it's both: a fence & vegetation; what we a requesting/proposing is a wrought iron-like aluminum fence that's 5 feet tall; the issue, from my understanding of the code, is, in order to be classified as obscure, there can't be more than 3 1/2 inches ..... nothing will be able to penetrate the fence (kept pointing to the diagram) but in addition to the fence (access will be not an issue)*

*-the whole property will be fenced with lockable gates; visibility will be obstructed with vegetation in addition to the fence*

*Ms. Moermond:*

*-appeal granted*

*Grant the appeal.*

**Referred to the City Council due back on 12/20/2017**