



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final Legislative Hearings

Marcia Moermond, Legislative Hearing Officer
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651-266-8560

Tuesday, March 20, 2012

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Special Tax Assessments

- 1 [RLH TA 12-84](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1203A, Assessment No. 128808 at 1197-1199 FOREST STREET. (Public hearing continued from March 7, 2012)

Sponsors: Bostrom

No show; matter was laid over from January 17, 2012 to check on sign-offs. As of March 21, 2012, the mechanical, building and plumbing permits are not finalized; therefore, Ms. Moermond will not recommend that the VB fee be reduced to \$500. Approve the assessment.

Referred to the City Council due back on 4/4/2012

- 2 [RLH TA 12-73](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1205A1, Assessment No. 128516 at 1300 MISSISSIPPI STREET/0 HYACINTH AVENUE EAST. (Public hearing continued from March 7; to be referred back to a Legislative Hearing on April 17, 2012 and City Council Public Hearing on May 2, 2012)

Sponsors: Brendmoen

To be referred back to Legislative Hearing on April 17, 2012 and City Council Public Hearing on May 2, 2012.

Referred to the City Council due back on 4/4/2012

- 3 [RLH TA 12-154](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1205, Assessment No. 128204 at 611 VIRGINIA STREET.

Sponsors: Bostrom

No show; approve the assessment.

Referred to the City Council due back on 4/18/2012

- 4 [RLH TA 12-192](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No.

VB1205, Assessment No. 128804 at 1302 BLAIR AVENUE.

Sponsors: Stark

No show; approve the assessment.

Referred to the City Council due back on 5/2/2012

- 5 **RLH TA 12-165** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1208A, Assessment No. 128511 at 700 CONWAY STREET.

Sponsors: Lantry

No show; approve the assessment.

Referred to the City Council due back on 5/2/2012

- 6 **RLH TA 12-168** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1206P, Assessment No. 128405 at 733 COOK AVENUE EAST.

Sponsors: Bostrom

Delete the assessment; waiver on file.

Referred to the City Council due back on 5/2/2012

- 7 **RLH TA 12-161** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1208A, Assessment No. 128511 at 225 CURTICE STREET EAST.

Sponsors: Thune

Delete the assessment.

RE: 225 Curtice St E (duplex)

John Meyer, owner, and tenant, Michelle Betarano appeared.

Paula Seeley:

- Summary Abatement Order issued Jan 20, 2012; compliance date Jan 30; re-checked Jan 30*
- work done Jan 31, 2012 for \$505 for clean-up*
- no returned mail*
- no previous history on property*
- sent to John Meyer, St. Paul; and also to Occupant at 225 Curtice St E*
- inspector underlined: accumulated refuse; debris in the rear yard; broken bikes, toys and a TV*
- No Video; photo is unclear but you can see a TV and a small refrigerator*

Mr. Meyer:

- appealing because he was unsure; he didn't receive first Notice although it was sent to the correct address*
- owned property for 35 years and has never had any problems with it*
- his tenant, Michelle, had told him that they cleaned up the debris (which he didn't even know about) behind the garage*
- after receiving this Notice, he asked his tenant about it; she said there was nothing going on: that they had cleaned up the mess*
- so he's here trying to figure out why he received this \$505 fine*

- he contacted the city; they said they had pictures and a Video showing the mess; his tenant said, "No way!"
- he entered a receipt from Twin City Refuse, whom she paid to clean up
- the house is on his way to work; he drives by every day and there was no debris in the front yard; he keeps good contact with the place
- when he sent the card back, he wrote under comments: "Please call." Someone did call back; he gave the person his email address to send the photos but he didn't receive any photos
- owns the house next door, too

Ms. Moermond:

- the date on the receipt is after this clean-up: paid Feb 5, 2012; Parks said they did the work Jan 31, 2012
- gave Mr. Meyer a photo dated Jan 30

Inspector Joel Essling:

- the Work Order cites an appliance fee for \$30 and a TV for \$50

Ms. Betarano:

- her husband cleaned it up on his only day off; he loaded it up on his truck and took it to Twin City Refuse (has receipt)
- when the city said they had a Video, she was amazed because that did not happen; her husband cleaned it all up; they were very curious to see what the city had for a Video
- what was behind the garage had not been moved around on the yard

Fire Supervisor Leanna Shaff:

- the record shows that Mr. Meyer homesteaded this property and that he lives there (Mr. Meyer said he had lived there and his daughter had lived there)
- this address is not in the C of O Program

Ms. Moermond:

- it's sufficiently ambiguous; she will recommend the City Council delete this assessment
- this property needs to be in the Fire Certificate of Occupancy Program; need to fill out an application and get an inspection

Referred to the City Council due back on 5/2/2012

- 8 **RLH TA 12-187** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1205, Assessment No. 128804 at 575 DAYTON AVENUE.

Sponsors: Carter III

Delete the assessment as house has been rehabbed within 30 days of anniversary.

Referred to the City Council due back on 5/2/2012

- 9 **RLH TA 12-167** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1208A, Assessment No.128511 at 965 EUCLID STREET.

Sponsors: Lantry

No show; approve the assessment.

Referred to the City Council due back on 5/2/2012

- 10 RLH TA 12-162 Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1208A, Assessment No. 128511 at 655 GOTZIAN STREET.

Sponsors: Lantry

Delete the assessment.

RE: 655 Gotzian St (single family)

Gholamreza Ashrafzadehkian, owner, appeared.

Inspector Paula Seeley:

- Summary Abatement Order sent Jan 6, 2012; compliance date Jan 12; re-checked Jan 12*
- work done Jan 13, 2012 for a cost of \$457*
- no returned mail*
- sent to Mr. Ashrafzadehkian, Mpls; and Occupant*
- underlined: contents of overflowing garbage can, garbage bag, rubber, recycling material from the yard*
- still an open file*
- entered a photo*
- no Video*

Mr. Ashrafzadehkian:

- there are 2 assessments; he thinks they are tied together; tenant said he took care of this*
- he has documentation to show that he has proper hauling service and did the work*
- he drove by and didn't see anything at the property*
- family is from up North; this is their first experience in the city; has been working with the tenant to explain the ordinance in the city*
- he had the receipt for when he signed up for trash hauler; he told the city*
- he couldn't make it today*
- tenants were in and out during this time; not really here, physically so, why would they need a trash hauler if they weren't going to be around*
- there was no reason for the city to put a container there because no one was there during that time*
- tenants said they would like to secure their own garbage hauler*

Ms. Seeley:

- garbage hauler Summary Abatement Order issued Jan 6; compliance date Jan 12; re-checked Jan 12*
- city container was put out there at a cost of \$305 for 2 weeks of trash hauling*
- sent to owner in Mpls; no mail returned*
- Inspector Smith called Aspen, Jan 6, and found that service was ended for nonpayment*
- total of 4 weeks of hauling; one is forthcoming*
- Inspector Smith called Aspen again and found there was still no service*
- on Jan 23, 2012, trash service had been set up*

Ms. Moermond:

- asked owner if he ordered trash service for the tenant; he said he did*
- satisfied that there was sufficient investigation of the garbage situation*
- for the Clean-up, she is lacking a Video; the picture attached to the file is dated Jan 11, 2012, even though the compliance date is Jan 12, 2012*
- because of that, she will recommend that the Council delete the Clean-up assessment*
- for the garbage hauling, she will recommend that Council approve that assessment*

- it's the property owner's job to provide the garbage service

Inspector Joel Essling:

- one more assessment is coming for \$140 for hauling
- Inspector Smith said he doesn't think the container is big enough so, get a bigger garbage container
- it's the property owner's responsibility to provide a garbage container and the garbage service and make sure the container is large enough

Referred to the City Council due back on 5/2/2012

- 11 **RLH TA 12-163** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1206G, Assessment No. 128705 at 655 GOTZIAN STREET.

Sponsors: Lantry

Approve the assessment.

RE: 655 Gotzian St (single family)

Gholamreza Ashrafzadehkian, owner, appeared.

Inspector Paula Seeley:

- Summary Abatement Order sent Jan 6, 2012; compliance date Jan 12; re-checked Jan 12
- work done Jan 13, 2012 for a cost of \$457
- no returned mail
- sent to Mr. Ashrafzadehkian, Mpls; and Occupant
- underlined: contents of overflowing garbage can, garbage bag, rubber, recycling material from the yard
- still an open file
- entered a photo
- no Video

Mr. Ashrafzadehkian:

- there are 2 assessments; he thinks they are tied together; tenant said he took care of this
- he has documentation to show that he has proper hauling service and did the work
- he drove by and didn't see anything at the property
- family is from up North; this is their first experience in the city; has been working with the tenant to explain the ordinance in the city
- he had the receipt for when he signed up for trash hauler; he told the city
- he couldn't make it today
- tenants were in and out during this time; not really here, physically so, why would they need a trash hauler if they weren't going to be around
- there was no reason for the city to put a container there because no one was there during that time
- tenants said they would like to secure their own garbage hauler

Ms. Seeley:

- garbage hauler Summary Abatement Order issued Jan 6; compliance date Jan 12; re-checked Jan 12
- city container was put out there at a cost of \$305 for 2 weeks of trash hauling
- sent to owner in Mpls; no mail returned
- Inspector Smith called Aspen, Jan 6, and found that service was ended for nonpayment
- total of 4 weeks of hauling; one is forthcoming

- Inspector Smith called Aspen again and found there was still no service
- on Jan 23, 2012, trash service had been set up

Ms. Moermond:

- asked owner if he ordered trash service for the tenant; he said he did
- satisfied that there was sufficient investigation of the garbage situation
- for the Clean-up, she is lacking a Video; the picture attached to the file is dated Jan 11, 2012, even though the compliance date is Jan 12, 2012
- because of that, she will recommend that the Council delete the Clean-up assessment
- for the garbage hauling, she will recommend that Council approve that assessment
- it's the property owner's job to provide the garbage service

Inspector Joel Essling:

- one more assessment is coming for \$140 for hauling
- Inspector Smith said he doesn't think the container is big enough so, get a bigger garbage container
- it's the property owner's responsibility to provide a garbage container and the garbage service and make sure the container is large enough

Referred to the City Council due back on 5/2/2012

- 12 **RLH TA 12-169** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1208A, Assessment No. 128511 at 785 JESSAMINE AVENUE EAST.

Sponsors: Bostrom

No show; approve the assessment.

Referred to the City Council due back on 5/2/2012

- 13 **RLH TA 12-171** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1206G, Assessment No. 128705 at 763 JESSIE STREET.

Sponsors: Thune

Approve the assessment and spread the payments over 4 years.

- will recommend that the forthcoming assessment for the last week of hauling be deleted
- will recommend approval for the forthcoming PAEC when it comes up (photo shows that it wasn't done by the deadline; when the clean-up crew arrived Jan 3, 2012, the work was done)

RE: 763 Jessie (single family)

Yang Neng Vue and Khou Moua, owners, appeared. (Mai Vang interpreted.)

Inspector Paula Seeley:

- trash hauler service
- Orders mailed Dec 22; compliance date Dec 27; re-checked Dec 28; still no trash service
- 4 weeks of city trash service: \$405
- there's 1 more forthcoming week of hauling (\$90) and an \$85 PAEC for Work Order sent but work had been done by owner (1-3-12)
- no history on property
- sent to owners at 763 Jessie St

- Jan 26, 2012, Inspector Scalley spoke with son and daughter and explained that they needed to have a trash hauler
- currently, they contract with Allied Waste

Appellant:

- during this time, they had been hauling their own garbage
- after they got this Notice, they hired their own trash hauler
- when they got the Summary Abatement Order, they did clean up

Ms. Moermond:

- the city was justified in ordering the trash hauler service
- sees a lot of garbage bags piled up in the photo; provided Appellant with photo
- will recommend the City Council approve this assessment for trash hauler service payable over 4 years (\$100/year)
- will recommend that the forthcoming assessment for the last week of hauling be deleted
- will recommend approval for the forthcoming PAEC when it comes up (photo show that it wasn't done by the deadline; when the clean-up crew arrived Jan 3, 2012, the work was done)

Referred to the City Council due back on 5/2/2012

- 14 **RLH TA 12-190** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1205, Assessment No. 128805 at 56 LAWSON AVENUE WEST

Sponsors: Brendmoen

Delete the assessment as the sign off was in place and it was not recorded by Jim Seeger at that time.

Referred to the City Council due back on 5/2/2012

- 15 **RLH TA 12-191** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1205, Assessment No. 128804 at 561 MANOMIN AVENUE.

Sponsors: Thune

Delete the assessment.

RE: 561 Manomin Ave (single family)

Alan Bohlig, Chief Manager, Minnesota Real Estate Buyers, owner, appeared.

Inspector Joe Yannarely:

- Vacant Building fee
- VB file opened Dec 23, 2010 as a Category 2
- VB file closed Feb 14, 2012 upon issuance of a Certificate of Code Compliance (11 weeks after the anniversary date)
- would support a reduced or prorated fee
- warm air permit was finalized Jun 28, 2011
- electrical permit was finalized Sep 27, 2011
- plumbing permit was finalized Feb 8, 2012 (had trouble getting this one signed-off)

Mr. Bohlig:

- all the work was done by Sep 20, 2011
- thought the plumber had signed-off but he hadn't

Ms. Moermond:

- the plumber hadn't followed through with the inspector to final
- will recommend this assessment be deleted

Referred to the City Council due back on 5/2/2012

- 16 **RLH TA 12-164** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1207A, Assessment No. 128510 at 559 MCKINIGHT ROAD SOUTH.

Sponsors: Lantry

To be referred back to Legislative Hearing on July 17, 2012 and City Council Public Hearing on August 1, 2012.

Referred to the City Council due back on 5/2/2012

- 17 **RLH TA 12-193** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1204, Assessment No. 128803 at 702 PREBLE STREET.

Sponsors: Bostrom

No show; approve the assessment.

Referred to the City Council due back on 4/4/2012

- 18 **RLH TA 12-176** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1205A, Assessment No. 128504 at 621 REANEY AVENUE.

Sponsors: Bostrom

This assessment was levied on March 7. Legislative Hearing Officer referred matter back to Legislative Hearing on April 3, 2012 to be handled with another tax assessment appeal and a correction notice. - mxv

Laid Over to the Legislative Hearings due back on 4/3/2012

- 19 **RLH TA 12-178** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1208A, Assessment No. 128511 at 621 REANEY AVENUE.

Sponsors: Bostrom

Karen interpreter will be provided.

Laid Over to the Legislative Hearings due back on 4/3/2012

- 20 **RLH TA 12-188** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1205, Assessment No. 128804 at 676 RIVOLI STREET.

Sponsors: Thune

Approve the assessment.

RE: 676 Rivoli St (duplex)

Robert H. Nollet, owner, appeared.

Mr. Nollet:

*- can't pay this Vacant Building fee; can't even pay the taxes
- inspectors won't cooperate with him; won't let him in*

- Inspector Thomas gave him another month
- he owes \$25,000 on the building
- is trying to comply; he paid \$500 to do the inspection
- thought he'd be able to rent out the building
- has brand new signing on it
- so much needs to be done before he can sell it (Ms. Moermond said that he could also sell it to someone who can show that they can and will fix the building)
- he has been advertising it for 5 years; all kinds of people call him about it but when they find out about all that needs to be fixed, they're not interested
- he sold if contract for deed but the guy faltered on it
- his building is not an eyesoar
- Minneapolis has 100 vacant building; why does St. Paul have over 1000?

Inspector Paula Seeley:

- 676 and 678 Rivoli both come up HRA in the system

Ms. Moermond:

- would like to slow things down for Mr. Nollet
- the tax assessment can be deferred to the point of sale or up to 10 years; that would be off in the future
- needs to get some advice from someone he trusts
- maybe he needs to walk away from the bldg
- doesn't want Appellant to put any more money into what's become a "money pit"
- each year that passes, this VB fee will be due
- Appellant will have to pick one option or he will lose it to taxes

Inspector Joe Yannarely:

- he has no mortgage on this house but it using it for collateral
- his code compliance inspection report is expired now
- get a new code compliance and use it as a disclosure document to sell

Mr. Nollet:

- owns his house in Blaine free and clear
- he's not poor but he's not rich either; he's trying to manage the best he can

Ms. Moermond:

- will recommend the City Council approve this assessment
- Appellant can go to the Real Estate Office to apply for a deferment as disabled / senior citizen - to keep it in abeyance until it sells

Referred to the City Council due back on 5/2/2012

21 RLH TA 12-186 Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1205, Assessment No. 128804 at 1795 SELBY AVENUE.

Sponsors: Stark

To be referred back to Legislative Hearing on June 5, 2012 and City Council Public Hearing on June 20, 2012 for compliance check.

RE: 1795 Selby Ave (single family)

Howard Kvasnik, owner, appeared.

Inspector Joe Yannarely:

- Vacant Building fee
- file opened Dec 14, 2010 after a fire had occurred

Mr. Kvasnik:

- pretty extensive fire; someone perished in the fire
- because of that, the city, the police and the insurance company investigated, which took 5 months
- the building had to sit untouched
- received a Vacant Building fee one in Jun 2011
- prior to that, Matt Dornfeld and the inspectors had been working with him to waive the VB fee
- he file that VB fee of Jun 2011 with Judge John Guthmann; they agreed to remove the VB fee
- the next one came due Dec 2011 and the house is basically, finished being rehabbed
- the house has new heat, new plumbing, new electrical, new siding, new windows, etc.
- it had to be gutted and then re-done
- owned house for 8 years
- his insurance agent had "goofed"; - the lawyers are still going back and forth; now, it's insured correctly
- has been a financial burden to get it back up
- Cheetah Plumbing is done; electric is done
- Ken Eggers, building inspector, is keeping his eye on things to make sure everything gets done
- the goal is to have all done by May, 2012

Ms. Moermond:

- is not seeing a plumbing permit in the system
- normally, the insurance company usually pays the VB fee in this kind of circumstance (would be a valid claim)
- the year, the VB fee applies from Dec 14, 2011 thru Dec 14, 2012
- will lay this over to Jun 5, 2012; if Appellant is done by Jun 5, she will recommend paying half the year's VB fee

Referred to the City Council due back on 5/2/2012

- 22 **RLH TA 12-166** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1208A, Assessment No. 128511 at 1541 SIMS AVENUE.

Sponsors: Bostrom

No show; approve the assessment.

Referred to the City Council due back on 5/2/2012

- 23 **RLH TA 12-177** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1203E, Assessment No.128302 at 1101 SIXTH STREET EAST.

Sponsors: Lantry

Approve the assessment.

RE: 1101 Sixth St E (single family)

Judith and Duane Callahan, owners, appeared.

Ms. Moermond:

- 3 assessments we're dealing with today: 2 for Excessive Consumption of

*inspection services and 1 for a Clean-up
- there may be 2 more coming*

Inspector Paula Seeley:

- Excessive Consumption Multiple for \$150 on Sep 22, 2011 (3rd violation in 12-month period)*
- compliance date on a Summary Abatement on Sep 28; re-checked on Sep 29 and issued a Work Order which generated the \$50 PAEC (owner had cleaned it up)*
- total cost \$235*
- saw video on one of the Work Orders (12-28-2011)*
- no video on second Work Order (Orders issued Dec 28; compliance Jan 1; re-checked Jan 3; Work done Jan 5, 2012)*
- there are 2 forthcoming assessments for \$678 for an Excessive Consumption and a Clean-up*
- Orders sent to Duane and Judith Callahan, Maplewood; and Cassie R. Cortez, 1101 Sixth St E*
- no returned mail*
- photos for the Ex Consumption*

Ms. Callahan:

- her daughter, Cassie, is living at this address with her father, whom she is taking care of*
- Cassie doesn't take care of things; she had at first but not lately*
- however, she kept saying that they cleaned it up*
- she and Duane were over there Thu cleaning up the yard; Cassie won't do anything*
- her boyfriend is staying there along with other people who stay there and then leave*
- Cassie kept everything up for about 1 1/2 years, then, she took a turn for the worst; she has a lot of medical issues*

Mr. Callahan:

- people come and stay for a day or two, leave again without their stuff*
- they leave their stuff either on the back porch or back yard*
- Cassie doesn't understand that the things need to be cleaned up*
- she hasn't worked enough in her life time to even know what work is; she just takes care of her dad*

Ms. Moermond:

- feels a lot of sympathy for Mr. and Mrs. Callahan but it's not the job of the citizens of Saint Paul to take care of this*
- will recommend the City Council approve the 2 Excessive Consumption assessments*
- a lot of inspections were justified*
- is not sure where the \$692 charge is coming from (2 hrs worth of service); Ms. Seeley: for combined Work Orders*
- lacking video on one of the Clean-ups, she will recommend the Council reduce the Clean-up assessment to \$300 payable over 2 years*

Referred to the City Council due back on 4/18/2012

24 [RLH TA 12-179](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1204E, Assessment No.128303 at 1101 SIXTH STREET EAST.

Sponsors: Lantry

Approve the assessment.

RE: 1101 Sixth St E (single family)

Judith and Duane Callahan, owners, appeared.

Ms. Moermond:

- 3 assessments we're dealing with today: 2 for Excessive Consumption of inspection services and 1 for a Clean-up
- there may be 2 more coming

Inspector Paula Seeley:

- Excessive Consumption Multiple for \$150 on Sep 22, 2011 (3rd violation in 12-month period)
- compliance date on a Summary Abatement on Sep 28; re-checked on Sep 29 and issued a Work Order which generated the \$50 PAEC (owner had cleaned it up)
- total cost \$235
- saw video on one of the Work Orders (12-28-2011)
- no video on second Work Order (Orders issued Dec 28; compliance Jan 1; re-checked Jan 3; Work done Jan 5, 2012)
- there are 2 forthcoming assessments for \$678 for an Excessive Consumption and a Clean-up
- Orders sent to Duane and Judith Callahan, Maplewood; and Cassie R. Cortez, 1101 Sixth St E
- no returned mail
- photos for the Ex Consumption

Ms. Callahan:

- her daughter, Cassie, is living at this address with her father, whom she is taking care of
- Cassie doesn't take care of things; she had at first but not lately
- however, she kept saying that they cleaned it up
- she and Duane were over there Thu cleaning up the yard; Cassie won't do anything
- her boyfriend is staying there along with other people who stay there and then leave
- Cassie kept everything up for about 1 1/2 years, then, she took a turn for the worst; she has a lot of medical issues

Mr. Callahan:

- people come and stay for a day or two, leave again without their stuff
- they leave their stuff either on the back porch or back yard
- Cassie doesn't understand that the things need to be cleaned up
- she hasn't worked enough in her life time to even know what work is; she just takes care of her dad

Ms. Moermond:

- feels a lot of sympathy for Mr. and Mrs. Callahan but it's not the job of the citizens of Saint Paul to take care of this
- will recommend the City Council approve the 2 Excessive Consumption assessments
- a lot of inspections were justified
- is not sure where the \$692 charge is coming from (2 hrs worth of service); Ms. Seeley: for combined Work Orders
- lacking video on one of the Clean-ups, she will recommend the Council reduce the Clean-up assessment to \$300 payable over 2 years

Referred to the City Council due back on 4/18/2012

Sponsors: Lantry

Reduce from \$962.00 to \$300.00 and spread the payments over 2 years. (check on this)

RE: 1101 Sixth St E (single family)

Judith and Duane Callahan, owners, appeared.

Ms. Moermond:

- 3 assessments we're dealing with today: 2 for Excessive Consumption of inspection services and 1 for a Clean-up*
- there may be 2 more coming*

Inspector Paula Seeley:

- Excessive Consumption Multiple for \$150 on Sep 22, 2011 (3rd violation in 12-month period)*
- compliance date on a Summary Abatement on Sep 28; re-checked on Sep 29 and issued a Work Order which generated the \$50 PAEC (owner had cleaned it up)*
- total cost \$235*
- saw video on one of the Work Orders (12-28-2011)*
- no video on second Work Order (Orders issued Dec 28; compliance Jan 1; re-checked Jan 3; Work done Jan 5, 2012)*
- there are 2 forthcoming assessments for \$678 for an Excessive Consumption and a Clean-up*
- Orders sent to Duane and Judith Callahan, Maplewood; and Cassie R. Cortez, 1101 Sixth St E*
- no returned mail*
- photos for the Ex Consumption*

Ms. Callahan:

- her daughter, Cassie, is living at this address with her father, whom she is taking care of*
- Cassie doesn't take care of things; she had at first but not lately*
- however, she kept saying that they cleaned it up*
- she and Duane were over there Thu cleaning up the yard; Cassie won't do anything*
- her boyfriend is staying there along with other people who stay there and then leave*
- Cassie kept everything up for about 1 1/2 years, then, she took a turn for the worst; she has a lot of medical issues*

Mr. Callahan:

- people come and stay for a day or two, leave again without their stuff*
- they leave their stuff either on the back porch or back yard*
- Cassie doesn't understand that the things need to be cleaned up*
- she hasn't worked enough in her life time to even know what work is; she just takes care of her dad*

Ms. Moermond:

- feels a lot of sympathy for Mr. and Mrs. Callahan but it's not the job of the citizens of Saint Paul to take care of this*
- will recommend the City Council approve the 2 Excessive Consumption assessments*
- a lot of inspections were justified*
- is not sure where the \$692 charge is coming from (2 hrs worth of service); Ms. Seeley: for combined Work Orders*
- lacking video on one of the Clean-ups, she will recommend the Council reduce the*

Clean-up assessment to \$300 payable over 2 years

Referred to the City Council due back on 5/2/2012

- 26 **RLH TA 12-189** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1205, Assessment No. 128804 at 1952 STILLWATER AVENUE.

Sponsors: Lantry

No show; approve the assessment.

Referred to the City Council due back on 5/2/2012

- 27 **RLH TA 12-155** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1208A, Assessment No. 128511 at 767 THOMAS AVENUE.

Sponsors: Carter III

Delete the assessment. Inspector gave extension but issued work order before extension date.

Referred to the City Council due back on 5/2/2012

- 28 **RLH TA 12-195** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1205, Assessment No. 128804 at 571 VAN BUREN AVENUE.

Sponsors: Carter III

Approve the assessment.

RE: 571 Van Buren (duplex and single family)

Ronald Peltier, tax owner, appeared.

Inspector Joe Yannarely:

- annual Registered Vacant Building fee
- a Category 2 VB
- no Code Compliance; no permits; nothing's changed on it
- been on the VB list since Dec 15, 2009

Mr. Peltier:

- permits were taken out after 2009

Mr. Yannarely:

- originally, Jan 26, 2010, changed to Category 1 per Ms. Moermond and Mr. Urmann; holding back the VB fee for 30 days to allow owner time to obtain C of O; if he fails, property will revert back to Category 2 and owner must pay fee; that was 2 years ago
- since then, it's just been a Cat 2 VB
- asked why Mr. Peltier just doesn't get a Code Compliance Inspection Report and go through it; the Certificate of Occupancy's ship sailed 2 years ago
- currently, he needs a Code Compliance report

Mr. Peltier:

- never got a final inspection after his first Order: that's what he's been arguing about for the last couple years
- he thinks he was entitled to one final inspection after the first Work Order
- he could have moved his renters back in as of Mar 2010 but every time they came

in, they found something else that needed to be done; they said the old Work Order doesn't mean anything now

- *city just wants the big fees; always money, money, money*
- *one time that he was here, he was told he had 3 different properties in the city but he has only one property in the city*
- *doesn't understand how it can cost \$550 to inspect his duplex*
- *he pays the fees and his taxes*
- *there's about 1000 Category 2 VB in the city*
- *is the plan to do away with rental property or just to keep people from renting out their property*
- *there's a lot worse places that never get inspected and don't get fixed*
- *he uses his own money; he doesn't get grants*

Ms. Moermond:

- *told Appellant that he needs to get the inspections to get basic safety measures taken care of*
- *inspectors and the city don't make any profit on inspections; they do it at cost*
- *sending 4 inspectors out costs at least \$550*
- *we've talked about this in the past - the inspection needs to get done*
- *having been vacant is this issue*

Mr. Yannarely:

- *this is about a house that was built in 1889 and has been vacant for 2 years; before it can be re-occupied, it needs to go through a Code Compliance Inspection (4 trades inspectors go through and formulate a list of deficiencies, which the owner must bring up to code)*

Ms. Moermond:

- *there are 2 vacant buildings on the same parcel here and they can't be re-occupied until Mr. Peltier goes through the Code Compliance process*
- *Mr. Peltier is experiencing the loss by not getting the inspection done and doing the work necessary*
- *will recommend approval of the assessment*

Referred to the City Council due back on 5/2/2012

- 29 **RLH AR 12-40** Ratifying Property Clean Up services at 559 McKnight Road South and 1563 University Avenue West. (File No. J1207A, Assessment No. 128510)

Sponsors: Lantry

Referred to the City Council due back on 5/2/2012

- 30 **RLH AR 12-24** Ratifying Collection of Vacant Building Fees from December 2011 (File No. VB1205, Assessment No. 128804)

Sponsors: Lantry

Referred to the City Council due back on 5/2/2012

- 31 **RLH AR 12-27** Ratifying Trash Hauling services during January 2012. (File No. J1206G, Assessment No. 128705)

Sponsors: Lantry

Referred to the City Council due back on 5/2/2012

- 32 **RLH AR 12-28** Ratifying Graffiti Removal services from December 21, 2011 to January 18, 2012 (File No. J1206P, Assessment No. 128405)

Sponsors: Lantry

Referred to the City Council due back on 5/2/2012

- 33 **RLH AR 12-41** Ratifying Property Clean Up services during January 2012. (File No. J1208A, Assessment No. 128511)

Sponsors: Lantry

Referred to the City Council due back on 5/2/2012

11:00 a.m. Hearings

Summary Abatement Orders (NONE)

Orders To Vacate, Condemnations and Revocations (NONE)

1:30 p.m. Hearings

Correction Orders (NONE)

Fire Certificates of Occupancy

- 34 [RLH FCO 12-171](#) Appeal of Michael Opperman to a Correction Notice-Reinspection Complaint at 2343 CARTER AVENUE.

Sponsors: Stark

Grant an extension for 90 days.

RE: 2343 Carter Ave (single family)

Michael Opperman, owner, appeared.

Fire Inspector Mike Urmann:

- Craig's List had 2343 Carter listed as a rental for an attic (an illegal 3rd unit for this building)*
- was forwarded to him under a referral*
- inspected the property and found that it was being used as their family residence as well as having 2 additional units on the upper floors*
- issued Orders for this building to come into compliance with the zoning ordinances and codes*
- there were other issues that also came up*
- owner has been in contact and work is proceeding forward*

- Appellant needs more time

Mr. Opperman:

- looking for more time
- electrical has been taken care of
- the de-conversion has taken place
- have the application for a nonconforming use permit still to do (probably a couple of months)
- waiting for "Proof of Continuous Use" from previous owners
- will need to pull permits for the work that's been done
- perhaps a 3 month extension would work

Ms. Moermond:

- will recommend granting a 90-day extension

Referred to the City Council due back on 4/18/2012

35 RLH FCO
12-172

Appeal of Juley Viger Speed to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 730 COMO AVENUE.

Sponsors: Brendmoen

Correct the deficiency items on the list as indicated on the photos; grant extension to September 15, 2012 on the exterior wall and shingle repairs.

RE: 730 Como Ave (duplex)

Juley Viger Speed, owner, and Christian Axel, friend, appeared.

Fire Inspector Mike Urmann:

- the Orders have been in front of Ms. Moermond several times before
- regarding exterior retaining wall - photos are in the file: show deterioration
- Appellant spoke to Mr. Urmann on site saying it was not a structural issue because it doesn't require a permit; it is a structural issue if it starts to deteriorate even if it's only a foot high; it doesn't require a permit because it's not more than 3 feet high; however, it is structurally significant to retaining the soil behind it.
- some of the other items have been taken care of including the exterior exit
- the exterior repair and painting issues were extended until spring
- #1 on the 24th Orders - repair and maintain ceiling in basement unit: should be vacated (once it's vacated, this Order will be Withdrawn)
- #2 - the garage has not been repaired or painted yet (spring); address numbers
- #4 - it's the repair of the soffit and fascia - there were some damaged and deteriorated boards as well as scraping and painting; it is part of the roof order because it is part of the roof structure; didn't see any issues with the shingles; has provided Appellant with copies of the photos he took at their request
- photos have been provided of all Orders
- has done a complete exit interview at this property at least 3 times (walking the Appellant through the Orders and showing the issues on the building), so, there should be a clear understanding of what Mr. Urmann expects

Ms. Viger:

- #2 - the address numbers are on the garage
- #4 - clarification: it was her impression that it was talking only about painting that fascia and soffit; the roof got added in because it was part of the code but it isn't actually the shingles that are the problem, just the painting of the fascia and soffit
- a photo circled with a writing explanation could work for her

Mr. Axel:

- #4 - this implies that the city could require that all of those things (entire fascia, entire soffit, everything,...); it doesn't really say - because not all of it is in deteriorating condition; also, you don't really know that any of it needs anything more than just painting; so, this doesn't establish exactly what you're going to come back and inspect and then say that it is OK.
- this is supposed to be in writing - something they can read and understand; so that later, another inspector would also understand what's been repaired and that everything is fine; this is too vague; needs to be fully documented, otherwise, they could be making repairs thinking that's what he's asking for but then, he comes back and says, "No, that's not what I'm asking for."

Ms. Moermond:

- #1 - let's modify the Order for the ceiling in the basement to say that this will be Withdrawn May 1, 2012 pending the unit being vacated
- #2 - will recommend the Council grant the appeal on this one
- #4 - thinks she would be satisfied if the pictures were attached by reference; sometimes we write the expectation directly on the photo
- they will be looking at the photos to determine whether the wood is sound, is it covered with paint or other kinds of sealant, etc.

Fire Supervisor Leanna Shaff:

- checking out the photos - pretty good examples of what's going on: it looks very clearly that these boards are deteriorated and possibly rotting; also, that some of the decking is worn and deteriorated (definitely deferred maintenance); Mr. Axel asked if St. Paul had a written guideline for making that judgment (published). Ms. Moermond stated that is a maintenance concern; she would rely on an inspector's experience looking at the code and the property.
- photos will definitely speak to the state of the garage

Mr. Axel:

- based on a photograph, he is not sure whether he would agree with saying that boards need to be replaced looking at a picture of boards needing paint (not enough to determine whether or not a board is rotting). Mr. Urmann added that it is clear in the photos that there's dry rot and damage to this wood; it's not just a lack of paint; the wood is damaged on the fascia and on the soffit.
- regarding discretionary items, they have their reasons to be nervous about those at this property, now
- part of what the code says is that the inspection has to be done in good faith and without malice; regarding the 2 code citations Mr. Urmann gave for the retaining wall, one of them does not have the words "retaining wall" in the actual code; so, somehow that showed up on the inspection report. The other code that is cited for that is for non-residential code; so, both of the things being used don't apply to Ms. Speed's property. He doesn't find it believable that that's just an accident; it's there for the intent for trying to impose this repair; so, it's hard for a reasonable person to be confident in a discretionary judgment knowing those facts. That's why he is looking for maximum documentation and he is not really willing to just say, "Oh, you've got a picture where you think that something's rotten and we're just going to go with that." He doesn't feel that's reasonable to expect.

Ms. Speed:

- this process seems a little too autocratic; there is so much confidence and faith being put into one person, the inspector
- for many of these items, for a fire inspector to determine fire safety is one thing but in order make some of these qualifications about certain issues on the property, she would feel more confident having the opinion of a licensed contractor - someone who

has expertise to evaluate the quality of the repair done on her front step, for instance; or the level of deterioration on her retaining wall.

- it is indisputable that there is deferred maintenance on her property but a known defect is if the roof is leaking and there isn't any evidence of a leaking roof or deterioration on the rafters that would cause a roof collapse. So, just because it might be unsightly, isn't cause enough to require that it be replaced. Then, any unsightly roof could be cause to be replaced, even a brand new roof because you don't like the color, etc.

- if it's a subjective opinion about how something looks, it leaves the door wide open; whereas, if the code states, "Your roof needs to be free from leaks or your roof rafters and decking need to show no signs of water intrusion or rot; if so, replace it; if not, you're good."

Mr. Axel:

- building code is generally specific: "You have to have a GFCI outlet in your bathroom." If you don't have one, the code is cited and it's clear

- the Orders list only the rule, we don't have the written observation saying, "This is the specific thing that you definitely need to do."

- the garage is not habited; it has cars in it; if there is a small amount of wear, it's to be expected; it's an old structure but it is weather tight

All parties looked at the photos together

Ms. Moermond circled the observation (defect) and wrote specific directions / expectations onto the photos

Ms. Moermond:

- viewing the photos: clear example of missing components - can see by the color of the board, the fray on the shingle and the fact that the shingle is drooping, that this is not in good but it needs to be in good repair - needs a new facing board (Ms. Speed said that will be taken care of when the garage is painted.) Mr. Urmann: the roof on the garage is defective (shingles are curled up, peeling off, etc.) Either the roof can be re-shingled or the shingles need to be repaired. Ms. Shaff: the roof is in a huge state of disrepair and will require a permit. The building code won't allow multiple layers of shingles anymore.

- over the years, this roof will continue to deteriorate; perhaps, it will sag

Mr. Urmann:

- the garage roof is deteriorating; it is showing signs of wear under the code and must be repaired or replaced; shingles showing defect is enough under the code to have that re-done (Ms. Speed would like to see that code.)

- doesn't think the photos at that angle and at that size are showing Ms. Moermond the defect; it might be more advantageous to bring them up on the computer; the defect in the roof is very clear from the photos he took and Ms. Moermond is not seeing it on the printed photos

- he has been inspecting for 25 years and is very clear about what the Orders are; it's very clear that there are defects in the structure

- he has asked that Ms. Speed provide documentation from their licensed contractor on the retaining wall and they have yet to do that

- a licensed contractor would be able to point out the defects in the structure

Ms. Shaff:

- if the Appellants want to argue structural integrity, she would appreciate it if the building inspector would go out to substantiate the claim

Ms. Speed:

- clarification: the Orders were for a Structural Engineer's Report, not a licensed

contractor; she has had licensed contractors look at the property; Mr. Axel is a licensed state contractor

- the summary that she submitted had an evaluation in it with photos and measurements; Mr. Urmann did not take measurements

Ms. Moermond:

- City Council heard this appeal before on the full set of Orders and they made a decision

- Ms. Speed contended that they didn't make a decision on the entire matter in front of them but only at the issue of an illegal triplex, which it was

- the Resolution in front of the Council decided the whole matter; that's what they voted on; that's the way it works

- we're back here because she thinks we can make the situation better

- the fire inspectors are in the enforcement arena

- you continue to be frustrated with the retaining wall; this must be in a good state of professional repair; on-going good maintenance

- the retaining wall needs repair, especially where it abuts the sidewalk where the corner's crumbling and faces the outside world

- at least, fresh mortar where the steps go up to the house; where it bows, it needs to be pounded and re-mortared

- parking space: paved, site plan approved, asphalt, concrete or durable dustless (a durable dustless driveway surface no longer includes class 5); 2 cement / asphalt pathways will work; whatever you do must go through zoning

- fix the board(s) in the soffit that need repair

- scraping and painting garage - July extension

- grant extension to Sep 15, 2012 for exterior wall repairs and shingles on house

- at City Council Public Hearing Apr 18, 2012

Referred to the City Council due back on 4/18/2012

36 RLH FCO
12-163

Appeal of Charles Nosie to a Fire Certificate of Occupancy Inspection Correction Notice at 1078 FIFTH STREET EAST.

Sponsors: Lantry

Forthcoming.

RE: 1078 Fifth St E (single family)

Charles Nosie, owner, appeared.

Fire Supervisor Leanna Shaff:

- Fire Certificate of Occupancy inspection conducted Feb 8, 2012 by Inspector Wayne Spiering

- point of contention #7 - doesn't have approved waste traps on the main floor and upper floor: code requires that a licensed plumber correctly install these and vent them; the appeal says that this was this way for many years and it was approved when the house was built (the house was built in 1915 at which time there was no state building code); the assumption is that things are compliant under the code of which it was built until you change it; the photos show PVC pipe, which was not available in 1915; photos also show a dishwasher (not available in 1915); supply lines are copper and braided steel; these plumber additions are original to the house; even changing a pea trap would require a permit; all this was not done under permit and it was not done according to code

- code requires that these systems are vented and must be done under permit (health and sanitation issue)

- she spoke with the Sr. Plumbing Inspector today about this

Ms. Moermond:

- sees that Mr. Nosie has already pulled and closed permits for dryer venting and the egress windows

Mr. Nosie:

- everything but the plumbing has been done

- he is a general contractor and he knows what he's talking about - those sinks are wet vented

- talked with his attorney and there's a case called *Morris v. Sachs*, which says that if the house has an original plumbing system, he is not required to change that system

- if the city wants the traps changed, he would be happy to have his plumber come in and change the traps but he will not change the plumbing system

- from the International Residential Code - Section P 2502-2: "With existing plumbing systems, you are not required to change the system if you're adding on to the system."

Ms. Moermond:

- saw that there was a Truth in Sale and Housing Inspection Apr 13, 2009; curious if the plumbing issue was covered in that inspection

- in terms of the *Morris v. Sachs*, a sink would have been an existing thing in the house and would have been repaired or replaced along the way and that would be, in the city's view, a modification of the system that would trigger the need for additional different venting

- will re-read that code and speak with the Sr. Plumbing inspector

- she sees new plumbing fixtures in the house, which in her mind, sets aside the *Morris v. Sachs*

Mr. Nosie:

- owns a lot of properties and really tries to do things right

- has done over \$2,000,000 of remodeling for the City of Saint Paul so he knows about this

- he is very frustrated with this situation

Ms. Shaff:

- the Minnesota State Plumbing Code will trump everything

- will finish the inspection except for the one item (Mr. Nosie will call Inspector Spiering to verify next inspection appointment)

Ms. Moermond:

- will try to get something in writing from the Sr. Plumbing Inspector

- she defers to the trade seniors for their interpretation

- City Council Public Hearing Apr 18, 2012

Referred to the City Council due back on 4/18/2012

37

[RLH FCO
12-173](#)

Appeal of Bev Morgenstern to a Fire Certificate of Occupancy Inspection
Correction Notice at 973 WILSON AVENUE.

Sponsors: Lantry

Deny the appeal on the ceiling height in the upper floor bedroom and may use the room as an office only.

RE: 973 Wilson Ave (single family)

Bev Morgenstern, owner, appeared.

Fire Supervisor Leanna Shaff:

- Fire Certificate of Occupancy inspection conducted Feb 28, 2012 by Inspector Wayne Spiering
- found 12 deficiencies
- upper level has a couple of issues: the ceiling height is too low and with the use as a bedroom, the egress window doesn't meet minimum requirements; in the Appellant's appeal, she would like to use that room as a TV room or office, which eliminates the egress window requirement; room dimensions: 445 3/4 sq ft; area above 5 feet is 200 sq ft; 60 sq ft meets minimum (code requires half the floor space)
- photos in Amanda

Ms. Morgenstern:

- this is rental property
- the house had been completely rehabbed before she bought it
- before she bought the house, they converted the attic into one big room with a sky light
- the person who moved in put a bed up there; the fire inspector came and said that a bed couldn't be put up there because the window was too small; he said she could use the room only for storage, which seems to be a real waste because it's a beautiful room; renter suggested she put her office up there - the inspector said she couldn't do that either according to code; inspector suggested she appeal

Ms. Moermond:

- about 10% of that room is legal (should be half); there's very low head clearance
- will recommend granting the appeal for office use only

Referred to the City Council due back on 4/18/2012

38 [RLH FCO
12-165](#)

Appeal of Robert Neville, US Federal Credit Union, to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 175 LEXINGTON PARKWAY NORTH.

Sponsors: Carter III

Grant extension to April 1, 2012 for compliance.

RE: 175 Lexington Parkway N

Robert Neville, Director of Facilities Management, U.S. Federal Credit Union, appeared.

Fire Supervisor Leanna Shaff:

- Fire Certificate of Occupancy inspection conducted by Inspector Rick Gavin Feb 10, 2012

Mr. Neville:

- asking for a 2 week extension to pull the certificate
- the tenant is in there until Mar 31, 2012
- they foreclosed on the property
- will have \$20,000 - \$30,000 in repairs; it's worth about \$120,000; they will not do the repairs
- bldg will go to Vacant Buildings
- is up for sale; have a possible buyer who is looking at the deficiency list
- they did all of the major concerns to get by: electrical; plates; exit lights, etc.
- they are assuming that whoever buys this property will be repairing it anyway
- their lease states that they gave them a 60-day Notice

- Inspector Gavin said that when he re-inspects on the 13th, he'll pull the C of O; then, the city will send a Notice of Eviction to the tenant
- they are concerned that the tenant won't leave; they are a tax service and want to stay until Apr 15, 2012
- the credit union just wants them out; their Eviction Notice has already been processed

Ms. Moermond:

- Appellant will probably wind up with an Unlawful Detainer Process if they won't leave
- will be happy to grant an extension to get things done
- if you want to sell in the middle of Apr, it will be a Category 2 Registered VB and you'd have to get a Code Compliance Inspection Report done, which would list out deficiencies that need to be repaired before the house can be re-occupied (it's required for a sale); it could be ordered now; if the building is sold before it's re-occupied, you don't have to go through the Code Compliance inspection
- if the repairs are done on the list quickly, she can reduce or delete the annual VB fee

Mr. Neuville:

- is getting conflicting stories: was told that the Certificate of Occupancy would be pulled on the 13th (Ms. Shaff explained that an inspector can't Revoke or Condemn a property without a supervisor's input) but an inspection didn't happen on the 13th
- they don't mind that it goes to VB
- they need to look at this as a business decision where they need to make the right decision to protect their assets
- he did this process to get clarification on the process

Ms. Shaff:

- typically, when people don't want to make any repairs, they will Revoke the Fire C of O for noncompliance
- she believes that they will make an inspection very quickly and Revoke

Ms. Moermond:

- will recommend granting an extension to Apr 1, 2012

Referred to the City Council due back on 4/18/2012

39 [RLH FCO
12-179](#)

Appeal of Angela Goss, on behalf of CMP3, LLC, to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 957 THIRD STREET EAST.

Sponsors: Lantry

Deny the appeal on the lower unit south bedroom egress window and grant 90-day extension for compliance; 2 week lay over on the water heater matter.

RE: 957 Third St E (duplex)

Angela Goss, CMP3 LLC, owner, appeared.

Fire Supervisor Leanna Shaff:

- Fire Certificate of Occupancy Inspection conducted Mar 9, 2012 by Inspector Wayne Spiering
- double hung window in lower unit south bedroom 29 1/2 h x 14 1/2 w (meets height requirement but is 5 1/2 inches too narrow)
- both water heaters are in the basement; however, only the main floor people who have access to the basement; so, the upper floor people have no control over their

hot water or their electrical panel

- Jan 4, 2012, Inspector Spiering writes that they were refused entry (Ms. Goss clarified that the initial inspection was in Dec right before the holidays and Mr. Spiering re-scheduled it); her staff should have hung the Notice on the door but instead they mailed it only to have it arrive a day late)

Ms. Goss:

- looking for a variance on the window
- water heater is her main concern
- never has she had someone call to say that their neighbor played with their water heater nor would she ever condone a tenant messing with a water heater
- she doesn't agree with Mr. Spiering on this
- there is no washer or dryer in the basement; first floor tenants never go down their
- someone could be at the residence within 20 minutes if there's a hot water issue
- this doesn't make sense to her
- the basement access is through the downstairs kitchen
- both tenants are long term residents
- was an "A" rated residence

Ms. Moermond:

- will deny a variance for the window (not wide enough); will grant a 90-day extension to come into compliance
- regarding access to the water heater, will lay that over for 2 weeks
- "C" rated residence - each deficiency has a point value: 0-5 pts is an "A"; 6-10 pts is a "B"; and 11+ pts is a "C"; then, you take the total point value and divide it by 3 = 92 pts in this case (based on the first inspection)
- she will let Ms. Goss know the outcome regarding the water heaters in writing; Ms. Goss will not need to return for the hearing

Laid Over to the Legislative Hearings due back on 4/3/2012

40 RLH FCO
12-177

Appeal of Waymon O. Lolar to a Fire Certificate of Occupancy Inspection Correction Notice at 593 MARSHALL AVENUE.

Sponsors: Carter III

Grant the appeal and owner is removed from the Fire Certificate of Occupancy Program.

RE: 593 Marshall Ave (duplex)

Waymon and Robin Lolar, owner, appeared.

Fire Supervisor Leanna Shaff:

- Fire Certificate of Occupancy inspection conducted Mar 5, 2012 by Inspector Rick Gavin
- 18 items on list
- items being appealed: #1 #3, #6, #11, #18
- #3 - egress windows second floor north 18h x 23w (Ms. Moermond recommended a variance)
- first floor north 22 1/2h x 27w (Ms. Moermond recommended a variance)
- #11- third floor doesn't have an approved egress - inspector is requiring discontinued use of the 3rd floor as a sleeping area
- #18 - chimneys need to be inspected and cleaned - Appellant is asking for more time on that
- asking for more time on the back steps #1
- asking for more time on the garage roof - keep it weather tight and free from defects

Mr. and Mrs. Lolar:

- has been in the family for family use for many, many years; it's homesteaded
- his parents stayed there for 25 years until his father past away
- it's a house that is used to help support the family members
- they had tenants for about 4 years
- then, a tenant moved out and their disabled daughter moved in with her daughter (she could not afford market rate rent); her only source of income is SSI
- their daughter is bi-polar, very dependent upon them because of her disability
- they do have a tenant on the 2nd floor
- they put an escape hatch into the attic because it didn't have egress windows (the attic has 2 parts)
- attic started out as a room with a desk, play area, storage area
- because the escape hatch goes into another part of the attic which has stairs to take you out the back door, it wouldn't be considered an egress
- they took the bed out of the attic
- entered an estimate of the repairs; they don't have the funds to do them right now
- the roof is older but the chimney was cited for repair; he had someone come out to get an estimate on the chimney who said that in order to rebuild the chimney, they would need to take off the roof because it has 3 layers = \$9,000 plus \$4,000 for decking plus \$4,000 for the chimney
- the garage also needs another \$3,000; however, it's not leaking
- they have had this property for years but this is their first inspection on it
- they will make sure to get all the safety issues taken care of

Ms. Moermond:

- if their disabled daughter is dependent upon Mr. and Mrs. Lolar, the house is equivalent to being an owner-occupied property
- asked Mr. Lolar whether the back steps had been fixed (he replied that he is waiting for the frost to thaw; someone is in place to jack them up and put in footings, etc.; the guardrail is done on the front steps; the door handle has been put on; no one sleeps in the attic; scraping and painting will also be done, weather permitting)
- will recommend the appeal be granted
- they will be removed from the Fire Certificate of Occupancy Program
- no re-inspection is necessary

Referred to the City Council due back on 4/18/2012

41 [RLH FCO
12-176](#)

Appeal of Robin Chuhel to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 1239 SEVENTH STREET EAST.

Sponsors: Bostrom

Grant extension to July 1, 2012 for compliance.

RE: 1239 Seventh St E (single family - Ramsey County)

Robin Chuhel, owner, appeared.

Ms. Chuhel:

- had first fire inspection which produced a list of deficiencies
- she asked what she was supposed to do; inspector told her to go to re-zoning so, she went there and found that it was \$1,200 to rezone plus she needed a variance, which costs \$500+
- after 2nd inspection, she meet inspector at the door and told him that there was no way she could afford all that
- the inspector told her to come here (in spring the area would be re-zoned)

- she has a lot of sheetrocking to do in the basement, which wouldn't be fire-rated as a triplex
- it's one big house with 3 living units and an entrance from the back
- her mother has the basement unit (she spends the winter in Florida and the rest of the year she spends in MN)
- the inspector told her that if the city rezones it, she would not have to pay \$1,200 but she may still need to pay for the variance because of parking
- she had the boiler inspected; put in CO detectors; smoke detector affidavit
- needs more time to sheetrock the basement; the other items are not major

Fire Supervisor Leanna Shaff:

- as an approved duplex, the building requirements are very different from a triplex (Ms. Chuhel said that it was a triplex when her mom owned it; she converted it to a duplex; now, it's a triplex again)
- the records don't show that this building has been turned back and forth (doesn't reflect any permits)
- the neighborhood is in transition for zoning purposes, which may or may not make it easier for Ms. Chuhel
- in some of the older buildings, intact lathe and plaster does better under fire circumstances than sheetrock

Ms. Moermond:

- there's an assumption in these Orders
- items #1, #2, #3, #5 and #6 relate specifically to fire safety for buildings with 3 or more units.
- if it becomes a duplex, the fire rating requirement for the ceiling goes away
- will grant an extension to Jul 1, 2012 to come into compliance

Referred to the City Council due back on 4/18/2012

42 [RLH FCO
12-164](#)

Appeal of Bee Her to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 1700 ROSS AVENUE.

Sponsors: Lantry

Appellant is removed from the Fire C of O Program and referred to Code Enforcement for compliance of deficiency list; Items 11 and 12 are deleted from list.

RE: 1700 Ross Ave (single family)

Bee Her, owner, and Meng Her, tax owner, appeared. (Mai Vang interpreted)

Fire Supervisor Leanna Shaff:

- re-inspection of Fire Certificate of Occupancy conducted Mar 1, 2012 by Inspector James Thomas
- 13 items on the deficiency list
- she doesn't know what is being appealed (Ms. Vang stated that they want to get out of the Fire C of O Program)
- questions why the trust is not homesteaded; it doesn't look like an owner occupied property according to Ramsey County records

Mr. Her:

- doesn't understand why the house is being inspected in the first place
- they have lived there for 12 years; this is the first time a fire inspector came to the house
- the house is owned by a trust; the trust says that the owner of the house is the guardian, his sister, who lives in the house with them

- Bee Her is listed as owner with Ramsey County (uncle to Meng)
- as the owner of the house, Bee was the guardian of his younger brother (16); right now, the guardian is his sister (the parents are no longer here)
- when the younger brother reaches 18, the trust will no longer exist and the house will go to the older sister
- no one sleeps in the basement any longer

Mai Vang:

- Bee Her sent her an email indicating that he is no longer the owner
- Meng lives there
- it was put into a trust by Bee Her and another person

Ms. Moermond:

- given that there is a trust agreement in place, she will have these folks removed from the Fire Certificate of Occupancy Program
- she will ask an inspector to follow-up on some items on the list
- check on basement
- CO detectors within 10 feet of bedrooms
- door knobs
- Inspector Paula Seeley will follow-up on the Orders

Referred to the City Council due back on 4/18/2012

Window Variances: Hearing Required

2:30 p.m. Hearings

Vacant Building Registrations (NONE)

Other

Staff Reports

Window Variances: No Hearing Necessary

- 43 [RLH FOW 12-98](#) Appeal of Susan Rosas, on behalf of Karl Koch, to a Fire Certificate of Occupancy Inspection Correction Notice at 1519 ALAMEDA STREET.
- Sponsors:** Brendmoen
- No hearing necessary; grant a 7-inch variance on the openable height of the egress window in bedroom 1 of Unit 2 and grant a 6-inch variance on the openable height of the egress window in bedroom 2 of Unit 2.*
- Referred to the City Council due back on 4/18/2012**
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- 44 [RLH FOW 12-100](#) Appeal of Terry Heim to a Fire Certificate of Occupancy Inspection Correction Notice at 1374 MCLEAN AVENUE.
- Sponsors:** Lantry
- No hearing necessary; grant a 3-inch variance on the openable height of the egress windows in the lower unit northwest and southwest bedrooms and upper unit*

northwest and southwest bedrooms.

Referred to the City Council due back on 4/18/2012

45 [RLH FOW
12-101](#)

Appeal of Terry Korbel to a Fire Certificate of Occupancy Inspection Correction Notice at 875 MARYLAND AVENUE EAST.

Sponsors: Bostrom

No hearing necessary; grant a 6-inch variance on the openable height of the egress window in the 2nd floor north bedroom and grant a 1.5-inch variance on the openable height of the egress window in the 2nd floor south bedroom.

Referred to the City Council due back on 4/18/2012

46 [RLH FOW
12-102](#)

Appeal of R. David Reynolds to a Fire Certificate of Occupancy Inspection Correction Notice at 921 MOUND STREET.

Sponsors: Lantry

No hearing necessary; grant a 7-inch variance on the openable height of the egress window in the main floor northeast bedroom and grant a 4-inch variance on the openable of the egress window in the upper floor landing. (Note that the casement windows in the northwest and south bedrooms were not measured because the windows were unable to open).

Referred to the City Council due back on 4/18/2012

47 [RLH WP 12-26](#)

Appeal of Daniel Schmidt, Ramsey County Public Health, to an Egress Window Non-Compliance Determination at 1108 SIXTH STREET EAST.

Sponsors: Lantry

No hearing necessary; grant a 4-inch variance on the openable height of two double hung replacement egress bedroom windows measuring 19.87 inches high by 23.21 inches wide.

Referred to the City Council due back on 4/18/2012