

# City of Saint Paul

*15 West Kellogg Blvd.  
Saint Paul, MN 55102*



## **Minutes - Final - Final**

**Tuesday, November 2, 2010**

**9:00 AM**

**Room 330 City Hall & Court House**

## **Legislative Hearings**

*Marcia Moermond, Legislative Hearing Officer*

*Mai Vang, Hearing Coordinator*

*Jean Birkholz, Hearing Secretary*

*legislativehearings@ci.stpaul.mn.us*

*651-266-8560*

## 9:00 a.m. Hearings

### Special Tax Assessments

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

**Attachments:** [481 St Anthony Ave SA 8.17.10.DOC](#)

*Ms. Moermond will recommend approval of the assessment for the clean-up.*

*STAFF PRESENT: Legislative Hearing Officer Marcia Moermond; Inspector Paula Seeley and Inspector Joel Essling, Department of Safety and Inspections (DSI); Legislative Hearing Coordinator, Mai Vang; Administrative Assistant Jean Birkholz*

*Ms. Brenda S. Hall appeared.*

*Inspector Essling reported that 481 St. Anthony has been a Registered Vacant Building since August 18, 2010; that is also the date the Summary Abatement was issued. The case is being heard again because Ms. Moermond wanted to see a copy of the Summary Abatement. At the last hearing, this address failed to come up by computer but the video was viewed. The Order says to remove, junk, toys, discarded furniture and loose litter strewn throughout the yard.*

*Ms. Hall stated that her husband has been trying to comply; he has been at the property every weekend cleaning-up. Mr. Embertson signed off on the house last week. They have spent between \$2,000-\$3,000 trying to get things done. Inspector Essling reported that the Vacant Building inspector had been out there twice since the Work Order was issued and found the property to be in compliance both times. Ms. Hall stated that she received a letter in July and then again on September 15, 2010. Inspector Essling stated that DSI had no returned mail. Ms. Hall said that she got a notice that an inspector would be coming back on November 16, 2010. Inspector Essling noted that Real Estate shows another assessment for property clean-up for \$185 for the period from August 31- October 9, 2010 (J1104A). Looking in the inspections for Summary Abatement, Inspector Essling found no other Summary Abatement issued and no other Work Order issued. Ms. Moermond stated that her notes indicate that when Ms. Hall appeared last time, Ms. Hall was appealing because items were put into the yard and she didn't know who did it. Orders were issued on August 17, 2010 and it was re-checked on August 24, 2010. A Work Order went out and the work was done on August 26, 2010. Inspector Essling reported that there were two (2) Work Orders issued on August 24, 2010. One was for garbage; the other for tall grass and weeds. Ms. Hall stated that they have been cutting the grass.*

*Ms. Moermond stated that she thinks the information provided was very clear.*

*Inspector Essling clarified that the assessment for removing tall grass and weeds was not on this notice. The next Work Order for tall grass and weeds will be cancelled.*

*Ms. Moermond will recommend approval of the assessment for the clean-up.*

**Referred Under Master Resolution**

**ALH 10-240**

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

**Attachments:** [255 Point Douglas Road N.WO.8-18-10](#)

**ALH 10-343**

Appeal of Special Tax Assessment for 535 Lexington Ave N for Project #: J1101V, Assessment #: 118982 in Ward 4

**Sponsors:** Stark

**Attachments:** [535 lex veh abate.pdf](#)  
[535 Lexing photo.DOC](#)  
[535 Lexington. police wo.DOC](#)

*Ms. Moermond stated that it would have been much better to store the vehicle in the garage. She is going to double check with the claim on this one; however, she is inclined to recommend approval of the assessment and say that this is a concern related to that litigation - that Mr. Smith should amend the claim or have the owner amend the claim to include the cost of the assessment. She thinks that it's better to handle the cost in a separate venue.*

*STAFF PRESENT: Legislative Hearing Officer Marcia Moermond; Inspector Paula Seeley and Inspector Joel Essling, Department of Safety and Inspections (DSI); Legislative Hearing Coordinator, Mai Vang; Administrative Assistant Jean Birkholz*

*Lowery B. Smith appeared.*

*Inspector Essling reported that this is an Abatement for an abandoned vehicle. Orders were issued July 9, 2010 with a compliance date of July 16, 2010; it was re-inspected July 16, 2010 and found to be in non-compliance. A Work Order was sent to the Saint Paul Police Department (SPPD) and the vehicle was towed on July 22, 2010 at a cost of \$402.98 plus a \$140 fee with a total of \$542.98. He entered a photo. The vehicle appears to have been in an auto accident. It lacks current tabs, is open to illegal entry, is missing vital parts and appears inoperable.*

*Ms. Moermond asked Mr. Smith why he is appealing the assessment. Mr. Smith explained that the story is complicated. This property is his home but the car is not his and it had not been abandoned. It had been in an accident near the Saint Paul - Roseville border in a construction zone where the police ran a red light without a siren or lights flashing. Mr. Smith had a tarp over it and he talked with his neighbors about it. It is actually evidence in a lawsuit against the police department. Mr. Smith is not the owner. The owner of the car is his tenant who lives in Chisholm, MN. After the lawsuit was filed, DSI had not contacted the owner and Mr. Smith didn't have the legal right to seize the property. As far as he knew, his neighbors weren't complaining. Ms. Moermond informed Mr. Smith that under state law, he does have the power to move the car. He needs to call the police department and ask for a manager's tag and they will come out.*

*Ms. Moermond stated that the code says that a vehicle that appears to be inoperable and is outdoors on private property is a violation. Mr. Smith responded that it has been tarped and one can barely see it from the street. Ms. Moermond said that it didn't matter. Mr. Smith added that the tenant asked whether he could leave it on the property until the lawsuit was resolved to a certain point. Ms. Essling added that the complaint said that the vehicle had been there for over a year. Mr. Smith replied that lawsuits take time. He wasn't sure how long it had been there but the woman who had been driving during the accident was in the hospital for a long period of time.*

When the car was released from the evidence lot, she was still in the hospital and had asked Mr. Smith if he could store the car and he agreed because they are friends.

Ms. Moermond asked the appellant if he had received the Orders when they went out. Mr. Smith said that he got them after the fact; he was not there when they arrived because he usually comes down for about a week at the beginning of the month. He does have someone deliver his mail once a week in Nebraska. He thinks that he probably didn't receive the Orders until around July 29, 2010.

Ms. Moermond stated that it would have been much better to store the vehicle in the garage. She is going to double check with the claim on this one; however, she is inclined to recommend approval of the assessment and say that this is a concern related to that litigation; that Mr. Smith should amend the claim or have the owner amend the claim to include the cost of the assessment. She thinks that it's better to handle the cost in a separate venue.

#### **Referred Under Master Resolution**

#### **ALH 10-401**

Appeal of Special Tax Assessment for 1631McAfee St for Project #: J1103A  
Assessment #: 118969 in Ward 6

**Sponsors:** Bostrom

**Attachments:** [1631 McAfee St.summary abatement order.8-13-10](#)

Ms. Moermond recommended reducing the assessment by half, from \$514 to \$257 payable over two (2) years.

STAFF PRESENT: Legislative Hearing Officer Marcia Moermond; Inspector Paula Seeley and Inspector Joel Essling, Department of Safety and Inspections (DSI); Legislative Hearing Coordinator, Mai Vang; Administrative Assistant Jean Birkholz

Daniel Ruza appeared.

Inspector Essling reported that the Summary Abatement Order was mailed August 13, 2010 with a compliance date of August 17, 2010. It was re-checked August 17, 2010 and found to be non-compliant. A Work Order was sent to Parks on August 19, 2010 with a cost of \$374 plus a service charge of \$140 for a total of \$514. The Summary Abatement was mailed to Daniel and Suzanne Ruza, 20th Street Court, Stillwater. The nuisance was listed as trash container overflowing, rubbish in the drive-way.

Mr. Ruza stated that he is appealing because he is unemployed and doesn't have \$514. He went on to say that he picked the Notice out of his mail box on the day after the trash was supposed to be removed. He had been out of town from Friday - Tuesday and came back on Wednesday (August 18). He went to the house the next morning; the tenants were being evicted. The tenant told him not to worry - that he had a trash service and they were coming to pick it up. Mr. Ruza told him that if it wasn't picked up, he would charge him \$40 plus \$25 per hour for his time. Mr. Ruza went back on August 19, 2010 to pick up the stuff. He picked up the stuff in the yard and hauled it down on the street, and then was going to get his son to help load it onto the truck so they could bring it back to his place to separate things. Some things were personal belongings. While he went to get his son he saw a City truck sitting there on the corner, so he knows that they saw him picking things up. After he left the premises, the City truck came and a bunch of guys got up and picked up all of the stuff sitting at the end of the driveway. (He knows this because his cousin lives

on that street and told him what had happened.) The City guys were there for three (3) minutes and they left. Mr. Ruza's is objecting because he got the notice late and because the City workers watched him clean up and then proceeded to fill their truck while he was picking up his son, so they were there for only three (3) minutes of work. He figures that work should have cost him only \$12, not \$514.

Ms. Moermond viewed the video. Mr. Ruza commented that the video showed all the stuff at the end of the driveway. If Inspector Essling had been there earlier, he would have seen all the stuff strewn all over the yard. He did all of the work picking up; the City guys worked for three (3) minutes for \$514!

Ms. Moermond responded that the City has a minimum charge of one (1) hour. The deadline for the work was August 17, 2010. Mr. Ruza stated that he has owned this property for 25 years and has taken care of it all by himself; he doesn't need the City to tell him that the stuff needs to be taken away.

Ms. Moermond recommended reducing the assessment by half, from \$514 to \$257 payable over two (2) years.

**Referred Under Master Resolution**

**ALH 10-238**

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

**Sponsors:** Helgen

**Attachments:** [103 Magnolia Ave W.WO.8/19/10](#)

Ms. Moermond recommended approving the assessment.

STAFF PRESENT: Legislative Hearing Officer Marcia Moermond; Karl S. Mueller, Arborist, Division of Parks and Recreation; Legislative Hearing Coordinator, Mai Vang; Administrative Assistant Jean Birkholz

No one appeared.

Karl Mueller reported that on July 4, 2010, an Order was sent to John Ronning regarding a dangerous tree at 103 Magnolia Avenue West. At the time, it was a Vacant Building. The tree was taken down on July 23, 2010 but the contractor had trouble removing the tree because there was a car underneath the tree. On September 3, 2010, the car was moved and Mr. Mueller contacted the contractor to remove the tree. Tree removal cost: \$558; service charge: \$140; Total: \$698.

Ms. Moermond recommended approving the assessment.

**Referred Under Master Resolution**

**ALH 10-323**

Appeal of Brian D. Alton to a Fire Certificate of Occupancy Condemnation at 929 Summit Avenue.

**Sponsors:** Carter III

**Attachments:** [929 Summit Ave.Appeal.10-29-10.pdf](#)  
[929 Summit Ave.Alton Email.11-8-10.pdf](#)  
[929 Summit Ave.Letter to Bob Kessler.11-8-10](#)  
[929 Summit Ave.Letter to Halverson & Blaiser 10-26-10.pdf](#)  
[929 Summit Ave.PC ltr.10-19-10.pdf](#)  
[929 Summit Ave.St Paul Fire Inspection Condemned sign.10-25-10](#)

Ms. Moermond .....

*STAFF PRESENT: Legislative Hearing Officer Marcia Moermond; Legislative Hearing Coordinator, Mai Vang; Administrative Assistant Jean Birkholz*

*Brian Alton, attorney; Delisa Collette and Clinton Blaiser, Halvorson and Blaiser Property Management; and Norlin Boyum, LHP Properties appeared.*

*Ms. Moermond stated that the Fire Supervisor and the Structural Engineer, who normally would be here today are not because there is an emergency situation on Rice Street that they need to inspect.*

*Ms. Moermond said that she has heard an appeal on this in the past.*

*Mr. Alton explained that the present situation is that there are four (4) items on the most recent Deficiency List; items #1 and #4 are being addressed by Halvorson and Blaiser Property Management. Glazing windows and putting on cedar shake type siding are in the process of being done. He wants to address Items #2 and #3 of the most recent Deficiency List as well as the actual notice that's been posted on the property for Unit 6 only. Mr. Alton went on to say that they think the Condemnation should be lifted and they should be given an opportunity to either leave the premises as is or be given some time to address it if the final determination is that a second egress window needs to be added. He states that following as the basis for the appeal:*

- 1) he believes that under the state Fire Code Section 1027.1 that the means of egress conforms to the requirements of the building code in existence when the use was established;*
- 2) the construction and the design of the structure was legally existing when the code was adopted (state Fire Code Section 102.1);*
- 3) the means of egress was specifically dealt with in the past in prior inspections of the property. In 1991 and again, in 202, the means of egress was specifically addressed and approved. The means of egress has not been the subject of any other correction orders in regular inspections;*
- 4) the use and occupancy of the property hasn't changed since 1976 when the property was purchased;*
- 5) many measures have been taken to ensure the safety of the third floor occupants: fire door, an egress window onto the flat roof, fire alarm, fire extinguisher, and smoke detectors (all installed and serviced);*
- 6) under the Fire Code, the historic nature of the building located within an historic preservation district of the City of Saint Paul should be considered; (state Fire Code Section 102.5 - "the construction, alteration, repair or restoration / relocation or structures or building shall not be mandatory for existing buildings which are identified as 'historic'");*
- 7) the previous Notice for the violation regarding Item #2 - Means of Egress referred to Section 1005.2 of the state Fire Code; in his reading of the state Fire Code, Mr. Alton believes that it does not apply to a second means of egress. Rather that section deals with the egress door.*

Mr. Alton stated that if it is determined that there should be a change, the City needs to find: 1) that the existence of the present situation is a clear and inimical threat to either human life, safety or health. He does not think that there's evidence of that given the safety measures that have been taken and the previous history; or 2) they need to find that it is both unsafe and dangerous to life under the City Code Section 41.06, and he doesn't think that's necessarily the case here, either.

Finally, Mr. Alton said that if it is determined that a second means of egress is required, he requests that, because it is not both unsafe and dangerous to life and limb, that the present condition be allowed to exist until such time that a solution to the problem can be found. The owner of the property has engaged an architect who is familiar with structures and he is designing plans right now for either installing an interior stairway, which would require major modification of the structure or the building or an exterior stairway, which would require Historic Preservation Commission permission, so he would ask for a six (6) month period of time within which to comply. During that six (6) month period of time, he believes that: 1) the ordinance provides that upon an appeal, the condemnation would be held in advance; and 2) it's not an inimical threat to life, safety and health; or unsafe and dangerous.

Ms. Moermond reviewed notes from the previous hearing. By and large, these issues were all in the previous set of Orders which were appealed and she has already made her recommendation to City Council on them. The main difference between that set of Orders and this set of Orders is the Condemnation Order to Vacate that is associated with it. The main question right now is whether the department acted appropriately to take that action at this time, based on non-compliance with the Orders. Ms. Moermond noted that some of Mr. Alton's arguments speak to that. She will review them more fully. It's disappointing that none of those arguments came up previously. Mr. Ertz talked pointedly about the financing of the repairs being his primary consideration, not any of arguments that Mr. Alton had just presented, which casts a very different light onto the situation. She, however, is not reading the Fire Code in the same way that Mr. Alton is reading it. There is a reason that the Fire Code is different from the Building Code, and she believes that some of Mr. Alton's reasoning relates better to the Building Code than to the Fire Code. Getting people out of the unit takes precedence.

Ms. Moermond will put a decision on the record at the end of today.

Mr. Alton said that the Order to Vacate states that the tenants need to be out by November 8, 2010; they would prefer to stay. They are law students and they like the fact that they can walk across the street to go to school. One of the residents is currently in Rome and will not be returning until December 12, 2010, so she will not be able to make the move at this point. Mr. Alton would appreciate an extended period of time be allowed.

**ALH 10-342**

Appeal of Special Tax Assessment for 1152 Burr St for Project #: J1101V, Assessment #: 118982 in Ward 5

**Sponsors:** Helgen

**Attachments:** [Vehicle Abatement 5.26.10.DOC](#)  
[Vehicle photo.DOC](#)

Ms. Moermond recommends approving the assessment.

No one appeared.



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**Referred Under Master Resolution****11:30 a.m. Hearings****Summary Abatement Orders**

[ALH 10-312](#) Appeal of Fernando Muro Aguirre to a Summary Abatement Order at 1598 McAfee Street.

**Sponsors:** Bostrom

**Attachments:** [1598 McAfee St.Appeal.10-26-10.pdf](#)  
[1598 McAfee St.Summary Abatement Order.10-21-10](#)

*Withdrawn by DSI*

**Withdrawn**

[ALH 10-319](#) Appeal of Thomas Rogge to a Summary Abatement Order at **842 CLEAR AVENUE.**

**Sponsors:** Bostrom

**Attachments:** [842 Clear Ave.Appeal.10-25-10](#)  
[842 Clear Ave.Summary Abatement Order.10-21-10.DOC](#)  
[842 Clear Ave.Correction Notice.9-14-10.DOC](#)  
[842 Clear Ave.Summary Abatement Order.9-14-10.DOC](#)  
[842 Clear Ave.Photos.10-21-10.pdf](#)

*Ms. Moermond will recommend denying the appeal except for the roofing materials which need to be removed by November 21, 2010.*

*STAFF PRESENT: Paul Seeley, Inspector, and Joel Essling, Inspector, Department of Safety and Inspections (DSI).*

*Thomas Rogge appeared.*

*Inspector Seeley reported that on October 21, 2010, Orders were issued to clean-up the yard. The yard was filled with improper storage. A Summary Abatement was issued with a compliance date of October 29, 2010. Photos were introduced and Ms. Moermond reviewed them with Mr. Rogge. There was a trailer full of stuff that was going to the dump; the tarp was partially blown off because of heavy wind. Mr. Rogge hauls for someone else part time. He is a union carpenter but hasn't worked for two (2) years. The stuff was gone the next day. His dog kennel has a metal roof on it and he uses it for storage, not refuse. Previously, when the yard was inspected, it passed each time. The ladders are on the ground because he's doing a roofing project; they usually are locked up inside. The pool is still in the yard because he was siphoning it out; it takes a couple of days to do it. He stores it in the dog kennel over the winter. Roofing materials were stacked along the house covered by tarp. Junk, etc. was removed the following day. Pictured also was a grill that he recently received from his parents. It was too heavy for him to move himself. It was moved*



the following day. Inspector Seeley explained that the only thing that can be stored in the dog kennel are the bicycles. The rest needs to be stored in the garage or a secured storage shed. The appellant responded that the kennel has a metal roof on it and it's sided and he locks it up. Inspector Essling has passed it every year; now, all of a sudden, it's not OK.

Mr. Rogge, stated that another inspector had just been at this place. He has had no complaints from the previous inspectors; they have worked with him. He has a complaining neighbor who is working with and a friend of the president of the City Council. This neighbor is the only one who complains. Ms. Moermond noted that complaints are how this process works. Mr. Rogge responded that the complaints are continuous. He gets a complaint when he's changing a tire on his car in the yard; he gets a complaint when he has a contained bonfire with a hose nearby; etc. All from the same person. He admitted that the photos were not flattering; however, he was doing fall clean-up work. He said that if he can no longer use his dog kennel for storage of lawn furniture, etc., he will need time to find another place to store them. He wants to work this out.

Ms. Moermond asked Mr. Rogge to explain his appeal. Mr. Rogge stated that because his dog kennel has passed for storing his items for the past three (3) years, he thinks it should be allowed to pass now. He wants a clear answer about hauling junk with his trailer to earn some money, especially since the junk is gone within 72 hours. He has a deadline to finish the roof projects: November 15, 2010, which he worked out with Inspector Frill (in writing). Inspector Seeley stated that Mr. Rogge has until November 15, 2010 to finish the roof but there are still Orders out. Some of the other Orders are errors - the work has already been done. Mr. Rogge went on to say that the people who are complaining about him have paint peeling on their buildings and their retaining wall is falling down. Since he has caught that neighbor walking around in his yard, he is getting more complaints but inspectors came out and said that there was nothing wrong with Mr. Rogge having the things that the neighbor complained about until Inspector Seeley, who also wrote out a ticket. Maybe the complainant has the problem. Ms. Moermond responded that anyone can call in anything but when the inspector shows up, he must determine whether the complaint is founded or not.

Ms. Seeley stated that Inspector Essling has issued several Orders on Mr. Rogge regarding scrapping. Scrapping is not allowed in a residential area. Mr. Rogge responded that he is not scrapping; he's hauling refuse for a guy who pays him by the trailer load, so he can make a little money. If he needs to stop doing it, he will.

Ms. Moermond stated that many of these things have already been addressed. However, there is a lot of exterior storage here that's not allowable as exterior storage. Bikes are OK but all of the building materials need to be stored inside. Mr. Rogge said that the roof will be done by November 15, 2010 and he'll move all of the shingles and the wood. Ms. Moermond recommended giving Mr. Rogge time to finish the roofing project or until November 21, 2010, whichever ever comes first. The ladders, scrap material, the fans, the tarped area - none of that's OK. There can not be all that material in the trailer, essentially, that's a business run out of the home, a home occupation for which Mr. Rogge does not have a permit. Therefore, Ms. Moermond must call it improper exterior storage. Mr. Rogge stated this is the first time that has been brought to his attention.

Ms. Moermond will recommend denying the appeal except for the roofing materials which need to be removed by November 21, 2010.

**Referred to the City Council, due back on 11/17/2010**

**Orders to Vacate, Condemnations and Revocations**

- ALH 10-205** Appeal of Daniel Burton to an Order to Vacate at 251 King Street West.  
(Ward 2)
- Sponsors:** Thune
- Attachments:** [251 King St W.Appeal.10-12-10.pdf](#)  
[251 King St W.Order to Vacate.10-11-10.DOC](#)
- ALH 10-247** Appeal of Jean O'Brien to an Order to Vacate and Condemnation for Unsafe  
Conditions at 842 RICE SREET.
- Sponsors:** Helgen
- Attachments:** [842 Rice St.Appeal.10-18-10.pdf](#)  
[842 Rice Street.Order to Vacate.10-8-10.dot](#)
- ALH 10-313** Appeal of Mark Williams to an Order to Vacate and Correction Notice at 621  
White Bear Avenue North.
- Sponsors:** Bostrom
- Attachments:** [621 White Bear Ave N.Appeal.10-25-10.pdf](#)  
[621 White Bear Ave N.Correction Notice.10-21-10](#)  
[621 White Bear Ave N.Order to Vacate.10-28-10](#)
- Withdrawn**
- ALH 10-277** Appeal of Jeffrey DeLisle to a Notice of Condemnation Unfit for Human  
Habitation and Order to Vacate at **520 Rice Street**.
- Sponsors:** Carter III

**Attachments:** [520 Rice St.Appeal.10-26-10.pdf](#)  
[520 Rice.Appeal.11-9-10.pdf](#)  
[520 Rice St.Vacate Order.10-22-10.pdf](#)  
[520 Rice St.Vacate Order.11-2-10.dot](#)  
[520 Rice St.Photos #1.11-2-10.pdf](#)  
[520 Rice St.Photos #2.10-20-10.pdf](#)  
[520 Rice St.Photos #3.10-21-10.pdf](#)  
[520 Rice St.Photos #4.10-29-10.pdf](#)  
[520 Rice St.Photos #5.10-29-10.pdf](#)  
[520 Rice St.Photos #6.11-2-10.pdf](#)  
[520 Rice St.Photos #7.11-2-10.pdf](#)  
[520 Rice St.Engineering Rept.11-1-10.pdf](#)  
[520 Rice St.Frank Berg Email.10-21-10.pdf](#)  
[520 Rice St.Frank Berg Email.10-29-10.pdf](#)  
[520 Rice St. structural engineer email 11-4-10.pdf](#)  
[520 Rice St.Attorney letter11-17-10.pdf](#)

*In two (2) weeks at the City Council meeting (November 17, 2010), her recommendation will read "forthcoming." This item will also appear on the Tuesday, November 16, 2010 Legislative Hearing Agenda. At that time, follow-up reports will be presented regarding: 1) the exiting from the building, including windows, doors, hallways and stairways -- both in and outside of the building; 2) review of the building permit and the extent to which the shoring of the first floor has stabilized the structure; 3) plans for the permanent correction of first floor failure. Notably, an additional/amended appeal was filed by Mr DeLisle on Friday November 5. This additional appeal information will also be considered on November 16th.*

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*Jeffrey DeLisle, appellant and property owner; Anton Wazwaz, manager, MW1; Robert Foster, Law Firm of Foster & Brever; Warnetta Blair, tenant; Doctor Steven, tenant; Jeff Sullivan, Sullivan Construction; Ralph Tohm, tenant and caretaker; Ron Marcel, tenant; and Heather Goers, tenant, appeared.*

*Ms. Moermond will recommend a layover to December 1, 2010 if the following conditions are met by Tuesday, November 16, 2010:*

- *compliance with all exiting issues*
- *the permit for shoring reviewed and inspected*

*Ms. Moermond stated that she will make a decision on 520 Rice Street today. There is a new inspection Order and some additional information from an engineer. She received both of those documents late yesterday afternoon. She asked Mr. Frank Berg, Saint Paul's structural engineer, and Fire Inspector Leanna Shaff to review the situation.*

*Inspector Shaff reported that she finished the Certificate of Occupancy inspection. She found multiple additional code violations. Some of them were the exiting components: 1) windows that don't lock; 2) windows that don't fit in their frames or open well; 3) blocked egress windows; 4) three (3) apartments without functioning smoke detectors; 5) one (1) apartment they didn't gain access to (Inspector Thomas went back later that afternoon); 6) the back exterior staircase has a lot of rotted wood -- one place has a growing mushroom. Under a load, she fears it would not hold, and the posts appear unsafe. Frank Berg accompanied Inspector Shaff this morning as they went to inspect the shoring. Mr. Berg has not had the opportunity to speak with*

the engineer. She doesn't know whether or not the engineer has looked at the shoring since the work has been done. No paper work, etc., has been submitted to Mr. Berg for the shoring nor has there been a permit applied for the shoring. Ms. Moermond checked out the deficiency list and photos on line. Mr. DeLisle has a copy of Friday's Orders. Ms. Moermond asked Inspector Shaff if she would condemn the building based on the exiting issues. Inspector Shaff replied, "Yes."

Mr. DeLisle stated that he hired a structural engineer, who came up with the idea of shoring up the ceiling and floor from the basement. So, the work was done and the engineer has approved it. He has also looked at the rear stairway and said that it needed to be repaired. Mr. DeLisle will begin work on that today. He has had a certified licensed electrician, certified, licensed plumber and a certified, licensed heating specialist to the building to make sure that everything is safe and sound. The alarm man has been out to certify the alarm. They found that the contractors can't get permits. Inspector Shaff responded that there's a building warning in the system that says, "Do not issue any permits with other structural engineers; sign-off from Frank Berg." Ms. Moermond explained that permits will be issued but Frank Berg needs to look at them.

Mr. DeLisle said that Mr. Berg has spoken with Mr. Lindau and Mr. Berg was at the building this morning. Much of the work has been done. In his opinion, the building is safe and sound.

Ms. Moermond asked if he had pulled the permits for the shoring-up. Mr. DeLisle responded that the contractors who did the shoring said that permits are not needed to do that sort of thing. He asked them to get a permit anyway – a repair permit, but they weren't allowed to. Ms. Moermond stated that it is explicit that a permit be pulled on the existing Orders. Mr. DeLisle said that Mr. Berg was at the building this morning and spoke with Mr. Lindau and he is satisfied with the shoring. Inspector Shaff said that Mr. Berg hadn't talked with the engineer after the shoring had been done. He expressed some concern that there weren't any plans, nor any permits pulled for the work. Until he has spoken with Mr. Lindau, Mr. Berg said that it would be hard to make an assessment as to what was done and why. Mr. DeLisle said that he spoke with Mr. Lindau at 9:30 p.m. last night who said that he had communicated with Mr. Berg. Ms. Moermond noted that there was a conversation last week; at that point, from the email that she read said, it said that Mr. Berg and Mr. Lindau agreed that something needed to happen right away on Friday –no time to waste; and that Mr. Lindau was to proceed and pull a permit. Mr. DeLisle repeated that he has told his contractors to get a permit but they told him that they could not get one. They were not told that Mr. Berg had to review it. They were just told they couldn't get a permit.

Ms. Moermond stated that she read the material Mr. DeLisle has faxed to the office and noted that Mr. Lindau had requested no more than sixty (60) days to do the repairs. Mr. DeLisle said that Mr. Lindau checked out the back stairs and he will give advice as to how to go about that; we can start that work today.

Mr. Robert Foster, attorney representing Anton Wazwaz, commercial client on the first floor, stated that from his understanding from the last hearing, the primary concern was the subflooring underneath the first floor and that created a potential life-safety issue if there were ever a fire in the building. Mr. DeLisle was to hire a structural engineer and to follow his recommendations to do the shoring ASAP. At that time, there was no discussion of the exterior stairway. Until the new C of O inspection done last Friday, October 29, 2010, a life-safety issue was not raised regarding the exterior stairway. From his and Mr. Wazwaz perspective, they need to be supportive of the landlord because he has done the hearing officer's instructions:

to quickly get a structural engineer out there and to take these remedial actions so that this isn't a potential life-safety danger while the other issues get addressed over a period of time. From what Mr. Wazwaz told him, Mr. DeLisle has had workers out there almost non-stop trying to correct issues and has in fact, hired a structural engineer who was out there numerous occasions to review pre and post work on the basement. It seems as though there's a catch 22 on the permitting issue. Mr. Wazwaz has reviewed the Orders and will take care of his responsibility. He has had an electrician come out and review the interior of the store. He introduced an affidavit from his client saying what work he has done since the last hearing to address the electrical issues within the store. Mr. Foster thinks that there has been a yeoman effort to address these problems in very short order. Mr. Foster believes that Mr. DeLisle has shown that he will quickly address an issue when it is brought to his attention, as with the staircase issue. He asks that Mr. DeLisle be given the opportunity to work through the bureaucracy of getting a permit and address all of the remaining issues.

Mr. Wazwaz, commercial tenant, stated that he was at the store all weekend and he has to say that Mr. DeLisle really stepped up to the plate. He was out there several times and work was being done constantly. Mr. DeLisle did an amazing job and he was impressed;. Workers were doing things all over the building. Mr. Wazwaz stated that the only thing he needs yet to do is install the glass, which will take four (4) days to order.

Jeffry Sullivan, Sullivan Construction, contractor for Mr. DeLisle, addressed the hearing. He stated that he personally finished the shoring last night and met with Mr. Lindau at approximately 5:30 p.m. Mr. Lindau was completely satisfied with the work that had been done. He faxed a letter to that extent. It came to his attention this morning that Inspector Shaff and Mr. Berg needed to speak with Mr. Lindau again. Mr. Sullivan phoned Mr. Lindau, who assured him that he was going to call Mr. Berg immediately. Mr. Lindau also said that he had been communicating with Mr. Berg all along and that Mr. Berg seemed satisfied with his plans. Mr. Sullivan added that there has been work going on at the building all weekend long. Ms. Moermond asked Mr. Sullivan if he had tried to pull any permits. Mr. Sullivan responded that the electrician said there was a block on all of their permits. Ms. Moermond said that she now realizes that it isn't exactly a block but that the permits require structural review. She added that they must follow-up on pulling the permits. The electrician's name is Ken from Advantage Electric. Inspector Shaff stated that if someone is trying to pull an express permit or one through the Internet, that probably would be blocked; however, if they would come into the office to pull a permit and submit plans, they should be able to do it. Mr. DeLisle responded that the contractors went to obtain permits in person.

Mr. Ralph Tohm, caretaker of the building, addressed the hearing. He reiterated that a lot of work had been done over the weekend; and that the tenants love the place and they want to stay. They are very happy that so much work is being done.

Ms. Warnetta Blair, tenant, addressed the hearing to say that she has had all kinds of different people at her place, in and out all weekend long looking things over and doing work. Mr. DeLisle and Tony are doing their part.

Mr. Doctor Stevens, tenant, stated that so many people have been working very hard all weekend.

Mr. Ron Marcel, tenant, stated that he has lived in the building over four (4) years and his apartment is one that has been kept up better than some of the others. He said that Mr. DeLisle does repair things when they are brought to his attention. It's an old

*building but he hasn't had many problems. He and his roommate are both on disability and will need sufficient time to get ready to move, if they have to.*

*Heather Goers, tenant, state that she helps Mr. Tohm with the caretaking job. She noted that whenever they are informed of something that needs to be done in the building, they try to get it fixed immediately. She is very concerned about the possibility of everyone needing to move.*

*Ms. Moermond stated that the building permit needs to get pulled and the shoring needs to get checked by a crew. Also, Mr. Lindau, structural engineer, suggests that sixty (60) days are needed to finish the work. So, there needs to be a permanent solution in the works and keep on a hard-core schedule to deal with everything involved, especially now, with the exiting issues that were discovered last Friday by Inspector Shaff. Once the shoring has been inspected and it works, and all the permits have been pulled, a longer term plan can be developed. The exiting work needs to be addressed quickly and the shoring needs to be permanently addressed so that there is more than the maximum of sixty (60) days in the long run. She asked Mr. DeLisle if he has sought the advice of others on how to permanently address the situation.*

*Mr. DeLisle responded that Mr. Lindau stated that the ceramic floor should be taken out and plywood put down, then a rubber membrane followed by cement and tile again. Any rotted joists will need to be replaced. He and Mr. Wazwaz will work together to get things done within sixty (60) days.*

*Mr. Foster stated that his client, Mr. Wazwaz, obviously, wants to stay in business. Mr. Wazwaz spoke with the structural engineer, who proposed that the work in the store be done in sections. Given that, sixty (60) days might be an aggressive goal. He would suggest ninety (90) days but if that is not possible, maybe another hearing could be scheduled after the sixty (60) days, if needed. The ideal solution seems to be taking care of the life-safety issues without causing his client to lose his business or the tenants needing to move.*

*Mr. DeLisle noted that the City has been through his property about a month ago to check out an electrical situation with a cable issue. Every two (2) years, the City inspects for the Certificate of Occupancy, and he does whatever needs to be done.*

*Ms. Moermond stated that this case is due at a City Council Public Hearing at 5:30 p.m. on November 17, 2010. The permit on the shoring needs to be pulled and an inspection done and have the temporary shoring reviewed more carefully. Mr. Lindau or the contractor needs to have the permit pulled and things reviewed. By Monday, November 15, Ms. Moermond is requiring: 1) compliance, at least, with the exiting issues on the Fire Certificate of Occupancy (all windows, doors, smoke alarms, back staircase); and 2) the permit reviewed by Mr. Berg. If the temporary shoring checks out and the permit is cleared, Ms. Moermond expects a permanent solution and the work done by December 31, 2010. This hearing will be laid over to Tuesday, November 16, 2010.*

*Mr. Sullivan asked for clarification regarding the permits. Ms. Moermond responded that first a permit for the temporary shoring needs to be obtained; then, a permit for the permanent solution plan and review. Let's get the temporary shoring taken care of and then allow Mr. Lindau to draw up some plans for the permanent solution. In two (2) weeks at the City Council meeting (November 17, 2010), her recommendation will read "forthcoming," and on Tuesday, November 16, 2010, this will be scheduled on the Legislative Hearing agenda (probably mid-day) to discuss what progress has been made and what needs to be done.*

Referred to the City Council, due back on 11/17/2010

## 1:30 p.m. Hearings

### Correction Orders

[ALH 10-287](#) Appeal of Sandra J. Butter to a Fire Certificate of Occupancy Correction Order at 448 Burlington Road.

**Sponsors:** Lantry

**Attachments:** [448 Burlington Rd.Appeal.10-26-10.pdf](#)  
[448 Burlington Rd.Fire Inspection Ltr.10-15-10](#)

*Grant a 7-inch variance on the openable height of the egress windows in the upper floor southeast and southwest bedrooms.*

**Referred Under Master Resolution**

### Fire Corrections Notice

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

**Sponsors:** Carter III

**Attachments:** [1522 Hague Ave.Appeal.10-4-10.pdf](#)  
[1522 Hague Ave.Fire C of O Ltr.9-24-10](#)  
[1522 Hague Ave.Photos.10-7-10](#)  
[1522 Hague Ave.Fire C of O Ltr.9-3-10](#)  
[1522 Hague Ave.Fire C of O Ltr.7-21-10](#)

[ALH 10-243](#) Appeal of Kendall Crosby of Kendall's Ace Hardware to a Fire Certificate of Occupancy Correction Notice at 1200 Payne Avenue.

**Sponsors:** Bostrom

**Attachments:** [1200 Payne Ave.Appeal.10-26-10.pdf](#)  
[1200 Payne Ave.Fire Inspection Ltr.10-5-10](#)

[ALH 10-250](#) Appeal of David R. Broenen to a Fire Certificate of Occupancy Correction Order at 83 Cook Avenue West.

**Sponsors:** Helgen

**Attachments:** [83 Cook Ave W.Appeal.10-18-10.pdf](#)  
[83 Cook Ave W.Fire Inspection Ltr.10-6-10](#)  
[83 Cook Ave W.PC ltr.11-12-10.doc](#)

*Decision forthcoming*

[ALH 10-284](#) Appeal of Pete Lehner to a Fire Certificate of Occupancy Correction Order at 2040 Ashland Avenue.



**Sponsors:** Stark

**Attachments:** [2040 Ashland Ave.Appeal.10-25-10](#)  
[2040 Ashland Ave.Fire Inspection Ltr.10-14-10](#)  
[2040 Ashland Avenue.PC ltr.11-2-10](#)

*Grant up to a 4-inch variance on the openable width of the egress window in the southeast room on the main floor. The property owner will repair the windows so they can be opened fully and will make sure the tenants are able to open the windows. The window dimensions will be remeasured at the reinspection.*

*Appellant Pete Lehner (3450 County Road 101 South, Minnetonka, MN 55345) appeared.*

*Inspector Urmann gave a staff report. He said the property had been inspected due to a referral for over-occupied student housing, and the inspector had found over-occupancy and egress window issues. One egress window could not be opened by the occupant and the other opened to 39 inches high by 13 inches wide. Mr. Urmann said a variance had been granted previously for an egress window with openable dimensions of 40 inches high by 19 inches wide.*

*Mr. Lehner said he wasn't aware that the egress window was un-openable by the occupant; he said he would address that. He said the appeal was based on the variance granted in 2008.*

*Ms. Moermond asked whether the unopenable window was larger. Mr. Urmann said it was. He said there were two sets of windows in the room but only one was accessible at the time of the inspection. He said there were two windows in the 2008 appeal.*

*Ms. Moermond said it sounded like once the window was openable it would be covered by the existing variance. She asked that Mr. Lehner repair the window and/or instruct the tenants in opening the windows. She said she'd be comfortable going as low as 16 inches in width given the compensating height, and she asked that the window measurements be verified at the reinspection.*

#### **Referred Under Master Resolution**

#### **ALH 10-267**

Appeal of Reza Alizadeh to a Fire Certificate of Occupancy Correction Order at 1504 Grand Avenue.

**Sponsors:** Harris

**Attachments:** [1504 Grand Ave.Appeal.10-13-10.pdf](#)  
[1504 Grand Ave.Fire Inspection Ltr.10-5-10](#)  
[1504 Grand Ave.Fire Inspection Ltr.9-10-10](#)  
[1504 Grand Ave.Photos.8-18-10](#)  
[1504 Grand Ave.Fire Inspection Ltr.8-17-10](#)

*Laid over to January 4, 2011. The property owner will apply to zoning to convert the property to a duplex.*

*Appellant Reza Alizadeh (33 South Hamline, St. Paul, MN 55105) appeared.*

*Inspector Urmann gave a staff report. He said all corrections had been made except Item 33 which was a zoning issue addressing occupancy.*

Mr. Alizadeh said he'd owned the property for 12-14 years and had had a Certificate of Occupancy for many years. He said there was one bedroom in the basement and four bedrooms upstairs, and the basement had a separate entrance, kitchen and bathroom. He said the inspector had suggested conversion to a duplex; he asked for an extension to the end of the lease if a conversion wasn't possible.

Ms. Moermond asked whether there were separate leases. Mr. Alizadeh said there was one for upstairs and one for downstairs.

Ms. Moermond asked what the requirements were for conversion. Ms. Alizadeh described what needed to be done.

Mr. Urmann said it was the property's first Certificate of Occupancy cycle. Mr. Alizadeh provided a copy of the provisional Certificate of Occupancy document that had been in place prior to the first full inspection.

Ms. Moermond said she would lay the matter over for 60 days (January 4, 2011) to allow Mr. Alizadeh time to apply to zoning for conversion to a duplex.

**Laid Over to the Legislative Hearings, due back on 1/4/2011**

**[ALH 10-294](#)**

Appeal of Rebuild Resources to a Fire Certificate of Occupancy Correction Order at 602 Prior Avenue North

**Sponsors:** Stark

**Attachments:** [602 Prior Ave N.Appeal.10-20-10.pdf](#)  
[602 Prior Ave N.Fire Inspection Ltr.9-29-10](#)  
[602 Prior Ave N.PC ltr.11-2-10.doc](#)

Grant an extension to December 1, 2010 for repairing the holes in the siding on the storage building. Grant an extension to May 31, 2011 for bringing the sprinkler system and siding into compliance.

Appellant Peter Panzer appeared.

Inspector Urmann gave a staff report. He the biggest issue in the appeal involved sprinkler heads. A false ceiling had been removed resulting in stacked sprinkler heads which were noncompliant, and areas had also been altered or added without sprinkler coverage. Mr. Urmann said additional maintenance issues were also being appealed.

Ms. Moermond noted that a letter submitted differed from the original appeal; she asked for clarification.

Mr. Pantzer said they supported the City's objective of safety, but issues were brought up in the inspection that hadn't been raised in years of inspections. He said they agreed in principle to most of the issues including the sprinklers, but were a non-profit and needed more time. He requested 120 days. He said the only deficiency that didn't seem to fall under fire safety addressed the siding on a rarely used accessory building; he asked that the City reconsider or grant three to six months on that item.

Ms. Moermond asked for clarification of how the orders were divided. Mr. Urmann said there were six buildings with the same address.

Ms. Moermond asked Mr. Pantzer how much time was needed. Mr. Pantzer asked for 120 days.

Ms. Moermond said she would recommend that the Council deny the appeal and grant an extension to May 31, 2011 for the sprinkler system and the siding. She asked that any open holes in the siding be repaired within 30 days (December 1, 2010).

**Referred Under Master Resolution**

**ALH 10-310**

Appeal of David Gilbertstadt to a Fire Certificate of Occupancy Correction Order at 1754 Colvin Avenue.

**Sponsors:** Harris

**Attachments:** [1754 Colvin Ave.Appeal.10-22-10.pdf](#)  
[1754 Colvin Ave.Fire Inspection Ltr.9-1-10](#)  
[1754 Colvin Avve.PC ltr.11-2-10.doc](#)

Grant the appeal of the Certificate of Occupancy requirement. The orders will be closed.

Appellant David Gilbertstadt (1760 Colvin Avenue, St. Paul, MN 55116) appeared.

Ms. Moermond confirmed with Mr. Gilbertstadt that the Certificate of Occupancy status was being appealed.

Mr. Gilbertstadt provided photographs and documentation that the orders were being addressed. He said he lived next door and had purchased the property at 1754 Colvin to extend their yard. He said they had made improvements and the property was in good shape. He said family members used the house when they visited and it was similar to a "mother-in-law's quarters" and was not rented.

Mr. Urmann said the inspector had conveyed to him that the property was unoccupied when he was there but appeared to be occupied on an occasional basis by family members. The property was in generally good shape, had 13 deficiencies and was not a rental but not owner-occupied.

Ms. Moermond said she would recommend that the Council grant the appeal. She asked what work had been done. Mr. Gilbertstadt reviewed the items that were being done.

Mr. Urmann clarified the orders related to the guardrail, handrail and circuit breakers. He asked whether the orders would be transferred to Code Enforcement. Ms. Moermond confirmed with Mr. Gilbertstadt that the kitchen gas shut-off valve was being addressed; she said she would take Mr. Gilbertstadt's word that the work would be done, and she would close the orders.

**Referred Under Master Resolution**

**ALH 10-311**

Appeal of Richard Dreher to a Fire Certificate of Occupancy Correction Order at 1390 Sherburne Avenue.

**Sponsors:** Stark

**Attachments:** [1390 Sherburne Ave.Appeal.10-22-10.pdf](#)  
[1390 Sherburne Ave.Fire Inspection Ltr.10-13-10](#)  
[1390 Sherburne Ave.Fire Inspection Ltr.10-22-10](#)  
[1390 Sherburne Ave.Photos.pdf](#)  
[1390 Sherburne Ave.PC ltr.11-2-10.doc](#)

*Grant an extension to May 31, 2011 for bringing the wood floors into compliance. The inspector granted an extension for the exterior items.*

*Appellant Richard Dreher (1727 Hubbard Avenue, St. Paul MN 55104) appeared.*

*Inspector Urmann gave a staff report. He said the appellant had raised a couple of issues, including an inspection issue which was being investigated. He said he had granted extensions for exterior items, but could not grant an additional extension for the wood floor because it was not weather-dependent.*

*Mr. Dreher provided photographs. He said there was wear on the floor but the need was not immediate. He said the entire first floor including the porch were a continuous wood floor, and redoing it would be a major project. Mr. Urmann said the dining room was the only problem area. Mr. Dreher said doing just the dining room would require that he match the stain. He asked whether he could have the tenants put down a rug in the short term; he said they were scheduled to move out at the end of the summer.*

*Ms. Moermond said she was uncomfortable recommending a short timeline because refinishing the floor was weather-dependent in that it required adequate ventilation. She asked when the tenants would be out. Mr. Dreher said the lease was up in August but the tenants might renew the lease.*

*Ms. Moermond said she would recommend that the Council deny the appeal and grant an extension to May 31, 2011 for bringing the wood floors into compliance.*

#### **Referred Under Master Resolution**

#### **ALH 10-314**

Appeal of Mark Cemensky to a Fire Certificate of Occupancy Correction Order at 2418 University Avenue West.

**Sponsors:** Stark

**Attachments:** [2418 University Ave W.Appeal.10-25-10.pdf](#)  
[2418 University Ave W.Fire Inspection Ltr.9-23-10](#)  
[2418 Univeristy Ave W.Fire Inspection Ltr.8-20-10](#)  
[2418 University Ave W.PC ltr.11-2-10.doc](#)

*Deny the appeal and grant 90 days for bringing the exit doors into compliance. If the building is unoccupied in 90 days, grant an extension until the building is reoccupied.*

*Appellant Mark Cemensky (2343 Swan Drive, Mendota Heights, MN 55120) appeared.*

*Inspector Urmann gave a staff report. He said the property was a mercantile space which required two exits with a door swing in the direction of exit traffic. He described the constraints that existed for the exits in the building.*

*Mr. Urmann, Ms. Moermond and Mr. Cemensky reviewed a floor plan provided by Mr. Cemensky. Mr. Cemensky said he'd consulted with a door company and been told*

that one door swing could be corrected but the other couldn't be easily. He asked whether it would be adequate to post a sign saying the door was to remain unlocked during business hours. Mr. Urmann said that wouldn't be adequate. Mr. Cemensky said the door was generally kept locked for security reasons; he said it had a thumb latch but the direction of swing was inward.

Mr. Urmann said based on the description and drawing, all three doors swung inward; he said two of the three should swing out. Mr. Cemensky said the front door had been installed in the last five years and his request was to be allowed to post a sign saying the door should be kept unlocked during business hours. Ms. Moermond said the door swing and keeping the door unlocked were separate issues.

Mr. Urmann asked what type of occupancy it was. Mr. Cemensky said it was a hookah lounge and might not be in business much longer. Mr. Urmann said the business was regulated as a mercantile but being used as an assembly.

Mr. Cemensky asked whether enforcement could be held off for 60 days; he said he would redo the doors if the business was still operating after that time. Ms. Moermond said the business would probably be replaced by another assembly use. Mr. Cemensky said the space had been used for an insurance agency and a temp agency; he said the area was in transition.

Ms. Moermond said she would recommend that the Council deny the appeal and grant 90 days for bringing the exit doors into compliance. She said that if the space was unoccupied after 90 days, she would grant an additional extension until it was reoccupied.

#### **Referred Under Master Resolution**

#### **ALH 10-315**

Appeal of Amy Wegscheider, representing the Miles group, Inc. to a Fire Certificate of Occupancy Correction Order at 1661 Lafond Avenue.

**Sponsors:** Stark

**Attachments:** [1661 Lafond Ave.Appeal.10-24-10.pdf](#)  
[1661 Lafond Ave.Fire Inspection Ltr.10-26-10](#)  
[1661 Lafond Ave.Fire Inspection Ltr.10-14-10](#)  
[1661 Lafond Ave.PC ltr.11-2-10.doc](#)

Grant an extension to November 18 for bringing the windows into compliance. The furnace has been serviced and rechecked.

Appellant Amy Wegscheider/Miles Group (1730 New Brighton Boulevard, #224, Minneapolis, MN 55413) appeared.

Inspector Urmann gave a staff report. He said he'd met with the field inspector the day before and wasn't sure what was being appealed. He said the heating report had come back with a major deficiency.

Ms. Moermond asked what was being appealed. Ms. Wegscheider said they were asking for more time. She said they'd ordered windows the day after they'd received the orders, but hadn't received the windows yet. She said the heater had been serviced and retested.

Ms. Moermond said she would recommend that the Council grant an extension to November 18 for bringing the windows into compliance.

#### **Referred Under Master Resolution**

**ALH 10-316**

Appeal of Larry Gist a Fire Certificate of Occupancy Correction Order at 2497-2499 Edgcumbe Road.

**Sponsors:** Harris

**Attachments:** [2497-2499 Edgcumbe Rd.Appeal.10-21-10.pdf](#)  
[2497-2499 Edgcumbe Rd.Fire Inspection Ltr.10-6-10](#)  
[2497 Edgcumbe Rd.PC ltr.11-2-10.doc](#)

*Grant a 2-inch variance on the openable height of the egress window in the west bedroom at 2497 Edgcumbe. The air conditioner has been removed from the egress window in the north bedroom. Grant a 3-inch variance on the openable height of the egress windows in the east and west bedrooms at 2499 Edgcumbe.*

*Appellant Larry Gist (8082 Upper 129th, Apple Valley, MN 55124) appeared.*

*Inspector Urmann gave a staff report. He said the issue was egress windows; he referred to the dimensions listed in the orders.*

*Ms. Moermond asked whether the air conditioner had been removed from the egress window in the north bedroom. Mr. Gist said it had.*

*Ms. Moermond said she would recommend that the Council grant a 2-inch variance on the openable height of the egress window in the west bedroom at 2497 Edgcumbe, and a 3-inch variance on the openable height of the egress windows in the east and west bedrooms at 2499 Edgcumbe.*

**Referred Under Master Resolution****ALH 10-317**

Appeal of Tracy Zinter to a Fire Certificate of Occupancy Correction Order at 1645 McAfee Street.

**Sponsors:** Bostrom

**Attachments:** [1645 McAfee St.Appeal.10-21-10.pdf](#)  
[1645 McAfee St.Fire Inspection Ltr.10-13-10](#)  
[1645 McAfee St.Photos.10-13-10](#)  
[1645 McAfee St.Fire Inspection Ltr.9-28-10](#)  
[1645 McAfee St.Fire Inspection Ltr.8-24-10](#)  
[1645 McAfee St.PC ltr.11-2-10.doc](#)

*Grant the appeal of the Certificate of Occupancy requirement for the remainder of the current occupancy. Grant a 9-inch variance on the openable height of the egress windows in both downstairs north side bedrooms, with the condition that step units be installed to address sill height. The step units must each have two steps, be permanently affixed, and cover the full width of the window. Grant a 4-inch variance on the openable height of the egress windows in both upstairs bedrooms. Step units must be installed to address sill height if the upstairs rooms begin to be used for sleeping. Grant an extension to November 30 for bringing the deck steps into compliance. A backflow preventer (RPZ valve) must be installed on the furnace, under permit by a licensed contractor. The remaining orders will be referred to Code Enforcement.*

*Appellant Tracy Zinter and Zachary J. Zinter appeared.*

*Mr. Zinter said the house was in his parents' name but he and his family were the only occupants. He said he was working towards ownership of the house but had been unemployed.*

*Ms. Moermond asked what the occupancy history was. Ms. Zinter said she and her husband had lived there and the property had been rented for a time. Mr. Zinter said the property used to be an up-down duplex. He said they'd been moving their children into different bedrooms the day the inspector came, and the house was "disheveled."*

*Inspector Urmann said the issues included that the property was non-owner-occupied, work had been done without a permit, and there was a severe heating issue.*

*Mr. Zinter said a tree had fallen on the house in 2006 and a "mass permit" had been opened for the repairs. He said the permit was closed improperly and he was told a new one had to be pulled for the furnace. He said the work he'd done to the furnace was a minor valve adjustment. He provided a copy of a furnace inspection report and said all that was needed was a backflow preventer. He provided a photograph of the dryer vent and said he appealing the permit requirement for applying the foil tape and insulation.*

*Mr. Urmann referred Ms. Moermond to notes in the heating inspection report. Mr. Zinter said the report had been sent directly to the City and the inspector hadn't shared the information. He asked whether the backflow preventer could be installed under the 2006 permit.*

*Ms. Moermond said she would grant the appeal on the Certificate of Occupancy requirement and the property would be the equivalent of owner-occupied for the remainder of the current occupancy.*

*Ms. Moermond reviewed the permit history and said the 2006 permit was a \$15,000 building permit but there was nothing for plumbing, HVAC or electrical. She suggested that Mr. Zinter contact Jim Bloom regarding the permit requirement for the furnace work. Mr. Urmann said installation of the RPZ valve (backflow preventer) required a permit.*

*Ms. Moermond referred to the orders addressing egress windows; she asked whether it would be possible to get an additional inch in openable width. Mr. Zinter said it would not be possible without removing the window.*

*Mr. Urmann said sill height was also an issue.*

*Ms. Moermond said she would recommend that the Council grant a 9-inch variance on the openable height of the egress windows in both downstairs north side bedrooms, with the condition that step units be installed to address sill height. The step units must each have two steps, be permanently affixed, and cover the full width of the window. She said she would recommend a 4-inch variance on the openable height of the egress windows in both upstairs bedrooms. Mr. Zinter said those rooms were not being used for sleeping. Ms. Moermond said step units should be installed to address sill height in the upstairs rooms if they were used for sleeping.*

*Mr. Zinter asked about the exterior items. He said the steps to the rear deck needed to be replaced.*

*Ms. Moermond reviewed the photographs. She said she could grant more time on*



the deck but the repairs had to be done. She said she would recommend an extension to November 30 for the steps; she said the orders didn't address the footings. Mr. Urmann said the condition of the footings couldn't be determined until the deck was pulled apart.

Ms. Moermond said a work plan should be submitted for redoing the deck footings and could be discussed with the plan staff. She asked whether that could be done by November 30. Mr. Zinter asked whether he could have until spring. Ms. Moermond said the permit should be pulled and plan submitted right away so the work would begin within six months.

Ms. Moermond asked the status of the heating system. Mr. Zinter said nothing had been done. Ms. Moermond said she would recommend an extension to November 30 for having the RPZ valve installed and signed off. Mr. Urmann clarified that the work should be done under permit by a licensed plumbing or heating contractor.

Ms. Moermond said the orders would be referred to Code Enforcement.

#### **Referred Under Master Resolution**

#### **ALH 10-318**

Appeal of Susan Rosas to a Fire Certificate of Occupancy Correction Order at **1618-1620 STILLWATER AVENUE.**

**Sponsors:** Bostrom

**Attachments:** [1618-1620 Stillwater Ave.Appeal.10-22-10.pdf](#)  
[1618 Stillwater Ave.Fire Inspection Ltr.10-14-10](#)  
[1618-1620 Stillwater Ave.PC ltr.11-2-10.doc](#)  
[1618-1620 Stillwater Ave.PC ltr.11-12-10.doc](#)

11/12: Grant a 5-inch variance on the openable height of the egress windows in the northeast side bedroom of 1618 and the north side bedroom of 1620. Grant an 8-inch variance on the openable height of the egress windows in the southeast side bedroom of 1618 and south side bedroom of 1620. 11/16 hearing cancelled.

No one appeared. Rescheduled to November 16 at 1:30 at the property owner's request.

#### **Referred Under Master Resolution**

## **2:30 p.m. Hearings**

### **Vacant Building Registrations**

#### **ALH 10-201**

Appeal of Lou Sudheimer to a Vacant Building Registration Notice at 688 Sixth Street East. (Ward 7)

**Sponsors:** Lantry

**Attachments:** [688 6th St E.Appeal & VB Order.10-6-10.pdf](#)  
[688 Sixth St E.PC ltr.11-2-10.doc](#)

Grant a 90 day extension to obtain the Certificate of Code Compliance.

Appellant Lou Sudheimer appeared.

Mr. Sudheimer provided photographs of the property. He said the property owner, Joseph Palen, had received an invoice for the \$1100 annual vacant building fee but had not been the owner when the property had deteriorated. He said Mr. Palen had purchased the property with the knowledge that it was a Category 2 vacant building and intention to rehab it, and was doing a quality rehab which took time. He said they'd paid one fee and would like to have the second waived.

Ms. Moermond asked when the anniversary date was. Mr. Singerhouse said it was October 27. He asked Mr. Sudheimer how much more time was needed. Mr. Sudheimer said three to four months was needed. Mr. Singerhouse said he could allow an additional 90 days.

Ms. Moermond said she would waive the vacant building fee until 1/31/11. If the property does not have a Certificate of Code Compliance by that time, the fee will be assessed.

**Referred Under Master Resolution**

### 3:00 p.m. Hearings

#### Laid Over Items

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

**Sponsors:** Helgen

**Attachments:** [784 Agate Street.Appeal.9-23-10.pdf](#)  
[784 Agate St.Fire C of O Ltr.8-20-10](#)  
[784 Agate St.Fire C of O Ltr.7-20-10](#)  
[784 Agate St.Bedroom door.JPG](#)  
[784 Agate.Main door.JPG](#)

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

**Sponsors:** Carter III

**Attachments:** [965 Hague Avenue.Appeal.10-5-10.pdf](#)  
[965 Hague Ave.Fire C of O Ltr.9-20-10](#)  
[965 Hague Ave.Photos.9-20-10](#)

**ALH 10-246** Appeal of Jim and Lisa Campbell to a Fire Certificate of Occupancy Correction Order at 1596 McLean Avenue.

**Sponsors:** Lantry

**Attachments:** [1596 McClean Ave.Appeal.10-18-10.pdf](#)  
[1596 McLean Ave.Fire Inspection Ltr.9-22-10](#)  
[1596 McLean Ave.PC ltr.10-26-10.doc](#)  
[1596 McLean Ave.PC ltr.11-12-10.doc](#)

*No hearing was scheduled for this matter. This was a housekeeping.*

*Marcia Moermond, Legislative Hearing Officer, reviewed the proposed floor plan alteration for the laundry room submitted by the property owner and based on the documentation, she recommended granting a 12-inch clearance in front of the electrical panel.*

**Referred Under Master Resolution**

**ALH 10-249**

Appeal of Brad Cartier to a Fire Certificate of Occupancy Correction Order at 1746 Sims Avenue.

**Sponsors:** Bostrom

**Attachments:** [1746 Sims Ave.Appeal.10-18-10.pdf](#)  
[1746 Sims Ave.Fire Inspection Ltr.10-4-10](#)

**Window Variances**

**ALH 10-286**

Appeal of Geneva Turner to a Fire Certificate of Occupancy Correction Order at 988 Central Avenue West

**Sponsors:** Carter III

**Attachments:** [988 Central Ave W.Appeal.10-26-10.pdf](#)  
[988 Central Ave W.Fire Inspection Ltr.10-21-10](#)  
[988 Central Ave W.Turner.PC ltr.11-2-10.doc](#)

*Grant a 3-inch variance on the openable height of the egress windows in both bedrooms.*

**Referred Under Master Resolution**

**ALH 10-288**

Appeal of Renewal By Anderson on behalf of Diane Mancini to a Egress Window Non-Compliance Determination at 1280 Eleanor Avenue

**Sponsors:** Harris

**Attachments:** [1280 Eleanor Ave.Appeal.10-26-10.pdf](#)  
[1280 Eleanor Ave.Renewal.PC ltr.11-2-10.doc](#)

*Grant a 6 1/8-inch variance on the openable height of one double-hung replacement bedroom egress window measuring 17 5/8 inches high by 24 inches wide.*

**Referred Under Master Resolution**

**ALH 10-289**

Appeal of Renewal by Anderson on behalf of Ted Benson to a Egress window non-compliance determination at 1248 Como Blvd. East

**Sponsors:** Helgen

**Attachments:** [1248 Como Blvd E.Appeal.10-25-10.pdf](#)  
[1248 Como Blvd E.Renewal.PC ltr.11-2-10.doc](#)

*Grant a 1 1/8-inch variance on the openable height of three double-hung replacement bedroom egress windows measuring 22 7/8 inches high by 24 inches wide.*

**Referred Under Master Resolution**

**ALH 10-290**

Appeal of Renewal By Anderson on behalf of Gail Hesselbeck to a Egress Window Non-Compliance Determination at 1386 Eleanor Avenue

**Sponsors:** Harris

**Attachments:** [1386 Eleanor Ave.Appeal.10-25-10.pdf](#)  
[1386 Eleanor Ave.Renewal.PC ltr.11-2-10.doc](#)

*Grant a 2-inch variance on the openable height of four double-hung replacement bedroom egress windows measuring 22 inches high by 30 inches wide.*

**Referred Under Master Resolution**

**ALH 10-291**

Appeal of Renewal by Anderson on behalf of John and Denise Kniprath to an Egress window non-compliance determination at 1580 McLean Avenue

**Sponsors:** Lantry

**Attachments:** [1580 McLean Ave.Appeal.10-25-10.pdf](#)  
[1580 McLean Ave.Renewal.PC ltr.11-2-10.doc](#)

*Grant a 6-inch variance on the openable height of three double-hung replacement bedroom egress windows measuring 18 inches high by 40 inches wide.*

**Referred Under Master Resolution**

**ALH 10-292**

Appeal of Renewal by Andersen on behalf of Mary Jo Katras to an Egress window non-compliance determination at 2005 Stanford Avenue

**Sponsors:** Stark

**Attachments:** [2005 Stanford Ave.Appeal.10-25-10.pdf](#)  
[2005 Stanford Ave.Renewal.PC ltr.11-2-10.doc](#)

*Grant a 1 1/8-inch variance on the openable height of five double-hung replacement bedroom egress windows measuring 22 7/8 inches high by 24 inches wide. Grant a 1 1/8-inch variance on the openable height of four double-hung replacement bedroom egress windows measuring 22 7/8 inches high by 20 inches wide.*

**Referred Under Master Resolution**

**ALH 10-298**

Appeal of Ambasager Abraham to a Fire Certificate of Occupancy Correction Order at 756 Hoyt Avenue East.

**Sponsors:** Bostrom

**Attachments:** [756 Hoyt Ave.Appeal.10-28-10.pdf](#)  
[756 Hoyt Ave E.Fire Inspection Ltr.10-25-10](#)  
[756 Hoyt Ave.Abraham.PC ltr.11-2-10.doc](#)

*Grant a 1-inch variance on the openable width of the egress windows in the basement bedroom and the main level bedroom facing the back yard.*

**Referred Under Master Resolution**

**ALH 10-299**

Appeal of Ramsey County Public Health on behalf of Justin Bowser to an Egress Window Non-Compliance Determination at **312 BURGESS STREET**.

**Sponsors:** Helgen

**Attachments:** [312 Burgess.Appeal.10-25-10.pdf](#)  
[312 Burgess #1.Public Health.PC ltr.11-2-10.doc](#)

*Grant a 1-inch variance on the openable width of one double-hung replacement bedroom egress windows measuring 28 inches high by 19 inches wide.*

**Referred Under Master Resolution**

**ALH 10-295**

Appeal of Como Park Lutheran Church, represented by R.P. Management to a Fire Certificate of Occupancy Correction Order at 1545 Hamline Avenue North.

**Sponsors:** Stark

**Attachments:** [1545 Hamline Ave N.Appeal.10-22-10.pdf](#)  
[1545 Hamline Ave N.Fire Inspection Ltr.10-14-10](#)  
[1545 Hamline Ave N.Fire Inspection Ltr.10-25-10](#)  
[1545 Hamline Ave N.RPMgmt.PC ltr.11-2-10.doc](#)

*Grant a 4-inch variance on the openable height of the bedroom egress windows.*

**Referred Under Master Resolution**

**ALH 10-296**

Appeal of Beissel Window and Siding Co. on behalf of Don and Bev Glaser to an Egress Window Non-Compliance Determination at 1807 Stillwater Avenue East.

**Sponsors:** Bostrom

**Attachments:** [1807 Stillwater Ave E.Appeal.10-22-10.pdf](#)  
[1807 Stillwater Ave.PC ltr.11-2-10.doc](#)

*Grant a 5.125-inch variance on the openable height of 23 double-hung replacement bedroom egress windows measuring 18.875 inches high by 31 inches wide. Grant a 5.125-inch variance on the openable height of 22 double-hung replacement bedroom egress windows measuring 18.875 inches high by 36.75 inches wide.*

**Referred Under Master Resolution**

**ALH 10-302**

Appeal of Beissel Window and Siding Co. on behalf of Tom and Julie Sparrow to an Egress Window Non-Compliance Determination at 433 Wheelock Parkway West.

**Sponsors:** Helgen

**Attachments:** [433 Wheelock Pkwy.Appeal.10-22-10.pdf](#)  
[433 Wheelock Pkwy W.PC ltr.11-2-10.doc](#)

*Grant a 2.75-inch variance on the openable height of one double-hung replacement bedroom egress window measuring 21.25 inches high by 28.65 inches wide.*

**Referred Under Master Resolution**

**ALH 10-303**

Appeal of Josh Cook and Jennifer Klein to an Egress Window Non-Compliance Determination at 558 Ottawa Avenue.

**Sponsors:** Thune

**Attachments:** [558 Ottawa Ave.Appeal.10-22-10.pdf](#)  
[558 Ottawa Ave.PC ltr.11-2-10.doc](#)

*Grant a 2-inch variance on the openable height of two double-hung replacement bedroom egress windows measuring 22 inches high by 25.4 inches wide.*

**Referred Under Master Resolution**

**ALH 10-304**

Appeal of Gregory Lentz to a Fire Certificate of Occupancy Correction Order at 2027 Arlington Avenue East.

**Sponsors:** Bostrom

**Attachments:** [2027 Arlington Ave E.Appeal.10-22-10.pdf](#)  
[2027 Arlington Ave E.Fire Inspection Ltr.10-18-10](#)  
[2027 Arlington Ave E.PC ltr.11-2-10.doc](#)

*Grant a 5-inch variance on the openable height of the egress windows in all bedrooms.*

**Referred Under Master Resolution**

**ALH 10-305**

Appeal of Ramsey County Public Health on behalf of Ruby Fair to an Egress Window Non-Compliance Determination at 726 Cook Avenue East.

**Sponsors:** Bostrom

**Attachments:** [726 Cook Ave.Appeal.10-22-10.pdf](#)

*Grant a 4.8-inch variance on the openable height of one double-hung replacement bedroom egress windows measuring 19.2 inches high by 22 inches wide. Grant a 4.7-inch variance on the openable height of the replacement bedroom egress window measuring 19.3 inches high by 20 inches wide.*

**Referred Under Master Resolution**

**ALH 10-306**

Appeal of Jason Chu to a Fire Certificate of Occupancy Correction Order at 481 Warwick Street.

**Sponsors:** Harris

**Attachments:** [481 Warwick St.Appeal.10-21-10.pdf](#)  
[481 Warwick St.Fire Inspection Ltr.7-20-10](#)  
[481 Warwick St.PC ltr.11-2-10.doc](#)

*Grant a 3-inch variance on the openable height of the bedroom egress window in Unit 1. Grant a 2.5-inch variance on the openable height of the egress window in the south bedroom of Unit 2, and a 5.5-inch variance on the openable height of the egress window in the north bedroom of Unit 2. Grant a 2.5-inch variance on the openable height of the bedroom egress window in Unit 3. Grant a 3-inch variance on the openable height of the bedroom egress window in Unit 4.*

**Referred Under Master Resolution**

**ALH 10-307**

Appeal of Ramsey County Public Health on behalf of Natasha Jefferson to

an Egress Window Non-Compliance Determination at 1258 Marion Street.

**Sponsors:** Helgen

**Attachments:** [1258 Marion St.Appeal.10-25-10.pdf](#)

*Grant a 4.1-inch variance on the openable height of two double-hung replacement bedroom egress windows measuring 19.9 inches high by 23 inches wide.*

**Referred Under Master Resolution**

**ALH 10-308**

Appeal of Pella Windows & Doors on behalf of Pat and Sue Connolly to an Egress Window Non-Compliance Determination at 1153 Hawthorne Avenue East.

**Sponsors:** Bostrom

**Attachments:** [1153 Hawthorne Ave E.Appeal.10-25-10.pdf](#)

[1153 Hawthorne Ave E.PC ltr.11-2-10.doc](#)

*Grant a 2.75-inch variance on the openable height of three double-hung replacement bedroom egress windows measuring 21.25 inches high by 20 inches wide.*

**Referred Under Master Resolution**

**ALH 10-309**

Appeal of 33rd Company, Inc. to a Fire Certificate of Occupancy Correction Order at 65 Battle Creek Road.

**Sponsors:** Lantry

**Attachments:** [65 Battle Creek Rd.Appeal.10-25-10](#)

[65 Battle Creek Rd.Fire Inspection Ltr.10-15-10](#)

[65 Battle Creek Rd.PC ltr.11-2-10](#)

*Grant a 2.5-inch variance on the openable width of the casement egress window in the basement northeast bedroom. Grant a 7.5-inch variance on the openable height of the double-hung second window. Grant a 2.5-inch variance on the openable height of the casement egress window in the master bedroom. Deny the appeal of the order to install a handrail on the retaining wall stairway.*

*Appellant Marie Plourde/33rd Company (1800 Wooddale, Woodbury, MN 55125) appeared.*

*Inspector Urmann gave a staff report. He said the issue was egress windows; he referred Ms. Moermond to the dimensions listed in the orders. Ms. Moermond said she would recommend that the Council grant a 2.5-inch variance on the openable width of the casement egress window in the basement northeast bedroom, a 7.5-inch variance on the openable height of the double-hung second window, and a 2.5-inch variance on the openable height of the casement egress window in the master bedroom.*

*Ms. Plourde said she would also like to appeal item 6 (handrail for retaining wall staircase). She said the stairway was built before the property was a rental; she asked whether the handrail was still required. Ms. Moermond said it was.*

**Referred Under Master Resolution**