



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final - Final Legislative Hearings

Marcia Moermond, Legislative Hearing Officer
Mai Vang, Hearing Coordinator
Jean Birkholz, Hearing Secretary
Mary Erickson, Hearing Secretary
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651-266-8560

Tuesday, December 6, 2011

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Remove/Repair Orders

Special Tax Assessments

ASSESSMENTS - LAID OVER ITEMS (CPH 1/4/12)

- 1 [RLH TA 11-461](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1201, Assessment No. 128800 at 392 ARBOR STREET.

Sponsors: Thune

No show; approve the assessment.

Referred to the City Council due back on 1/4/2012

- 2 [RLH TA 11-425](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1201, Assessment No. 128200 at 920 ATLANTIC STREET.

Sponsors: Bostrom

Delete the assessment.

RE: 920 Atlantic St (mixed occupancy with commercial/residential)

Fire Inspector Sean Westenhofer:

- cost \$270 plus service charge \$150 = \$420

- Orders sent Mar 24, 2011, May 13, 2011

- invoices sent Jun 17, 2011, Jul 18, 2011

- recommend removal of fees; was bought so shortly after Fire C of O

- tenant, now owner, will pay once he gets billed by real estate

- talked with Natasha and tried to get it re-billed; she said she needed Ms.

Moermond's approval to do that

Ms. Moermond:

- will recommend deletion of this assessment

- will re-bill

Referred to the City Council due back on 1/4/2012

- 3 [RLH TA 11-459](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1201B Assessment No. 128100 at 651/653 BURR STREET.

Sponsors: Thune

MM to review police report?

Laid Over to the Legislative Hearings due back on 12/20/2011

- 4 [RLH TA 11-462](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1201, Assessment No. 128800 at 394 CLIFTON STREET

Sponsors: Thune

11/15/11: No show; approve the assessment.

12/6/11: Forthcoming; stay enforcement thru Jan 15, 2012

RE: 394 Clifton (single family)

Kristin Quinlan, owner, appeared.

Inspector Joe Yannarely:

- has been a Category 2 Vacant Building since Jul 29, 2010*
- referred by Certificate of Occupancy Program*
- new Code Compliance Report Inspection issued Nov 8, 2011*
- assessed a Vacant Building fee for \$1,100 plus serv chg \$150 = \$1,250*

Ms. Quinlan:

- wants to have VB fee waived*
- purchased home Aug 26 as a first time home buyer*
- had been in house doing painting, carpeting, etc., so that she could move in*
- ended up with a letter and business card with info that had never been disclosed to her*
- she called and got in touch with Mr. Dornfeld*
- she got the inspection done right away; paid fee out of pocket so that she could move forward*
- went to DSI and spoke with Mr. Hawkins*
- a previous inspection had been forwarded to her (addressed to previous owner)*
- Mr. Hawkins recommended that she do as much as she could and she did that*
- now, the new inspection report is bigger than the first one*
- bought it from BM Benito J Penmentel, who might be out of the country now; they never lived in the home; always rented it*
- neighbors tell her there were always problems with the previous owner; last tenant skipped out in the middle of the night*
- has been in touch with Jim to clarify things*
- now, her savings are being depleted*
- a Truth in Sale of Housing was not provided to her; she believes it was provided to her realtor, Peter Donovan, Coldwell*
- she is questioning all of the professionals involved with this situation (selling agent, Reality Executives, title company-Executive Title Services Inc, and realtor)*
- she made calls to the city's foreclosure person, non-profits, Attorney General's Office, etc., trying to find out how to pursue this*
- her realtor continues to deny that he knew anything about this*
- has some savings left; maybe a couple of months before she is finished; she and her kids need a home*

Inspector Joel Essling:

- *Truth in Sale of Housing, dated 10-1-10 states that the property was a Category 2 Registered VB*

- *the seller/real estate agent should have provided a copy of the inspection report (Reid Soley forwarded a copy to Ms. Quinlan along with one of the previous owner's last abatement orders)*

Ms. Moermond:

- *if Appellant pursues legal action in this matter, then, she would be willing to consider a radical reduction or elimination of the assessment*

- *by pursuing this civilly, it validates for her that this wasn't properly disclosed to the Appellant*

- *will lay this over to give Appellant a chance to work on legal action*

- *will ask the Department of Safety and Inspections (DSI) to allow permits to be pulled*

- *enforcement will be stayed thru Jan 15, 2012*

- *her recommendation is forthcoming*

Referred to the City Council due back on 1/4/2012

- 5 [RLH TA 11-455](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1201E, Assessment No. 128300 at 693 COOK AVENUE EAST.

Sponsors: Bostrom

Inspector Seeley informed that a permit has been pulled for paint on the windows and trim on the house. Delete the assessment.

Referred to the City Council due back on 1/4/2012

- 6 [RLH TA 11-460](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1201, Assessment No. 128200 at 1032 DULUTH STREET.

Sponsors: Bostrom

Delete the assessment as it was made in error.

RE: 1032 Duluth St (single family)

No one appeared.

Fire Inspector Leanna Shaff:

- *Fire Certificate of Occupancy inspection at a cost of 772.50 plus service charge \$150 = \$922.50*

- *billing dates: 4-5-11 and 6-8-11*

- *Order and billing was made in error*

- *department will re-bill correct invoice to property owner*

- *hearing originally scheduled on Nov 1, 2011*

Ms. Moermond:

- *recommend deletion of assessment*

Referred to the City Council due back on 1/4/2012

- 7 [RLH TA 11-424](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1201, Assessment No. 128200 at 236 GRAND AVENUE.

Sponsors: Thune

Delete the assessment.

RE: 236 Grand Ave (mixed occupancy)

Inspector Sean Westenhofer:

- \$180 plus service charge \$150 = \$330
- no orders
- invoice date Sep 22, 2011
- duplicate billing
- recommend it be deleted

Ms. Moermond:

- will recommend deletion of this assessment

Referred to the City Council due back on 1/4/2012

- 8 [RLH TA 11-457](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1201E, Assessment No. 128300 at 1424 UPPER AFTON ROAD.

Sponsors: Lantry

Delete the assessment.

RE: 1424 Upper Afton Rd (single family)

Cheng Vang, owner, and Na Vang appeared.

Inspector Paula Seeley:

- Excessive Consumption fee (4th violation in a 12 month period) for a cost of \$110
- Summary Abatement issued for 4th time Jul 12, 2011 to remove debris, commercial trailer from yard and to remove trailer from grass
- Inspector Reardon underlined: garbage/rubbish, vehicle parts, scrap wood, metal, all junk in yard and under commercial trailer; he checked move commercial trailer over 7 feet long; in the past, it has been a lot of parking on unapproved parking surfaces; and other stuff in the yard
- there's parking on the grass in front and side yard
- no photo of trailer but if it's over a certain length and height, it can't be parked in a residential district (her understanding is that a trailer can't be over 20 feet long or 7 feet high) - her photos from 2010 was a commercial trailer
- the property is very visible
- property has extensive history in 2010; a criminal citation for trailer (her notes Jun 7, 2011 - all was abated)
- no work orders just several inspections; vehicle abatement orders; correction notices in 2010

Ms. Vang:

- want an explanation of this

Ms. Moermond:

- summarized that within the last year, inspectors have been called out to the property 4 times on complaints and each time, the violation was founded; at those times, Mr. Vang would be sent an Order to address the violation

Ms. Vang:

- the parking on the grass has stopped
- the trailer is parked on paved parking spot, not on grass
- they feel as though they are being watched at all times

- trailer is 12 x 6 ft tall parked next to garage on cement

Ms. Moermond:

- would like the inspector to go back out and measure the trailer to see if it meets the measurements of a commercial trailer according to the zoning code; if the trailer isn't legal, find another place for it

- if the city gets a complaint call, the city is obliged to go investigate

- this property is very visible and is likely to get more calls than others

- will recommend deletion of this assessment; if another one comes forward though, the amount of the Excessive Consumption fee will be \$150 and if it's for the same thing, she won't be so generous

Referred to the City Council due back on 1/4/2012

ASSESSMENT ROLLS (CPH 1/18/12)

- 9 **RLH AR 11-128** Ratifying Demolition Services from September 2011 (Non-CDBG Funds)
[File No. J1203C, Assessment No. 122002]

Sponsors: Lantry

Referred to the City Council due back on 1/18/2012
- 10 **RLH AR 11-129** Ratifying Property Clean Up services during September 03 to 30, 2011. (File
No. J1203A, Asmt No. 128502)

Sponsors: Lantry

Referred to the City Council due back on 1/18/2012
- 11 **RLH AR 11-130** Ratifying Tree Removal Services from August to September 2011 (File No.
1202T, Assessment No. 129001)

Sponsors: Lantry

Referred to the City Council due back on 1/18/2012
- 12 **RLH AR 11-131** Ratifying Collection of Certificate of Occupancy fees from September 2011
(File No. CRT1202, Assessment No. 128201)

Sponsors: Lantry

Referred to the City Council due back on 1/18/2012

Assessments being appealed (CPH 1/18/12)

- 13 **RLH TA 11-478** Ratifying the Appealed Special Tax Assessment for Real Estate Project No.
1202T, Assessment No. 129001 at 606 POINT DOUGLAS ROAD SOUTH.

Sponsors: Lantry

Approve the assessment and spread the payments over 2 years.

RE: 606 Point Douglas Rd S (single family)

Joe Sain, owner, appeared.

Karl Mueller, Forestry:

- 18-inch diameter Elm tree that had Dutch Elm diseased
- it was marked on Sep 1, 2010; letter was sent Sep 2, 2010; compliance date Oct 2, 2010
- re-checked Dec 3, 2010; tree was still standing and a note was left and a photo was taken (in file)
- re-checked Jul 5, 2011; tree was still there so, they had contractor take care of it
- work done Jul 21, 2011 at a cost of \$453.43
- order was sent to Nicholas C. Cherveney (previous owner)

Mr. Sain:

- he didn't own the house when the tree was cut; he bought the house in Sep 2011
- he already paid extra for any assessments, etc., that was on the property that had to be paid by the title company or the previous owner (has those documents in the car); this assessment was not disclosed - a diseased tree on the property was disclosed
- if he had known the tree needed to be cut down, he would have cut it down himself
- the stump is left

Ms. Moermond:

- bad news: that's a private transaction between the Appellant and the people from whom he bought the property
- the city is concerned with abating the nuisance condition and the cost of abating is connected to the property so, no matter who owns the property, that assessment becomes their responsibility
- it was the responsibility of the seller to not only disclose that there was a diseased tree but also that there was an Order for that tree to be removed (could pursue that with the previous owner)
- she can look at whether proper notification was given and whether the city actually did the abatement; after that, it's between the Appellant and the seller
- she can provide a copy of Orders that were sent to the seller, any follow up communication and photos, etc.
- suggested Appellant send letter to previous owner and title company
- will recommend approval of the assessment payable over 2 years

Referred to the City Council due back on 1/18/2012

- 14 **RLH TA 11-466** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1203A, Assessment No. 128502 at 567 BRIMHALL STREET.

Sponsors: Harris

Reduce the assessment from \$471.00 to \$235.50.

RE: 567 Brimhall St (single family)

Toni Dufour, owner, appeared.

Inspector Paula Seeley:

- Summary Abatement Order issued Sep 15, 2011; compliance Sep 21, 2011
- re-checked on Sep 22 and found to be in noncompliance
- work done Sep 22, 2011 for a cost of \$316 plus service charge \$155 = \$471
- no mail was returned
- SA for removal of improperly stored yard waste, brush, etc. from the driveway
- sent to Toni Dufour, Michelle and Eric Anderson

- photo

Ms. Dufour:

- her daughter and son-in-law bought the house 14 years ago
- this was growing brush - several years ago, her son-in-law stopped paying the mortgage but never told anyone until the sheriff knocked on the door and tells her daughter, "You're out of here; the house has been sold to the bank."
- he was hiding the paperwork and didn't tell her daughter
- her son-in-law suffers from depression, which he refuses to treat; that ended the marriage and they are estranged
- Ms. Dufour stepped in and hired an attorney to buy the house back; she bought the house outright
- her daughter works full time, has 3 young children and lives in the house; it's a struggle for her; she pays a little rent sometimes
- all this brush was growing in back at the alley off their driveway; they hadn't been using the garage because the garage door was broken and they didn't have the money to fix it
- when Ms. Dufour got the letter, she showed her daughter the letter and she said she'd take care of it; she spent the weekend cutting all the brush and laying it in the driveway; her next door neighbor was going to get his dump truck the next day haul it away for her; unfortunately, the city showed up early the next day and fined her \$471; the brush had all been cut; it just needed to be picked up - the plan was in place to do it
- she didn't get anything until this last piece came in the mail; she had assumed it had been taken care of
- she asked her daughter what had happened; her daughter said, "Well, I cut it all, mom, and we were going to do it that night and when I got home from work, it was gone."
- got only one letter

Ms. Seeley:

- a previous Order was issued Sep 9 to cut back the bushes in the alley (Inspector Smith)
- he sent a Summary Abatement next
- there's a set of Orders currently on the property

Ms. Moermond:

- a good faith effort had been made
- will recommend the City Council reduce the assessment by half

Referred to the City Council due back on 1/18/2012

- 15 [RLH TA 11-471](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1203A, Assessment No. 128502 at 1192 DALE STREET NORTH.

Sponsors: Helgen

No show; approve the assessment.

Referred to the City Council due back on 1/18/2012

- 16 [RLH TA 11-473](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1203A, Assessment No. 128502 at 786 GERANIUM AVENUE EAST.

Sponsors: Bostrom

Delete the assessment.

RE: 786 Geranium Ave E (single family)

Sugandhi Pen and Marin Mar, owners, appeared.

Inspector Joe Yannarely:

- Summary Abatement Order to remove large broken driveway gate near alley against the garage
- Orders issued Sep 2, 2011; compliance Sep 9, 2011; re-checked Sep 9 and found noncompliant
- work done Sep 12, 2011 at a cost of \$288 plus \$155 service charge = \$443
- this is 3rd Work Order on property since Oct 2010

Ms. Pen:

- appealing to dispute the charge because they did not own the property at that time
- closed Sep 22, 2011
- her realtor talked to West Title Company and asked if there were any assessments on the property; title company said only Right-of-Way Maintenance and another was on the property
- believes that the bank, which owned property, did not disclose to them or title company about this special assessment

Mr. Mar:

- thinks that there were 2 notices sent to the bank but the bank never communicated that to the title company and the title company neglected to do their due diligence
- should have been communicated at closing or resolved
- they have been trying to communicate with the bank since they found out about the fee (Deutsche Bank); the bank says they don't know

Ms. Moermond:

- in this case, the Order was relatively fresh; she suspects that it probably couldn't have been communicated quite as quickly as it needed to have been
- the City could definitely ask the Appellants to pay the assessment but because of the tight time frame, the title company may not have found it on the record yet even if they did due diligence
- will recommend that City Council delete this assessment
- the previous 3 incidents at the property were under the previous owner

Referred to the City Council due back on 1/18/2012

- 17 [RLH TA 11-463](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1203A, Assessment No.128502 at 415 JESSAMINE AVE E.

Sponsors: Helgen

Approve the assessment.

RE: 415 Jessamine Ave E (duplex)

Kevin Scherer, Dragonfly Unlimited, LLC, owner, appeared.

Inspector Paula Seeley:

- Summary Abatement Order issued Sep 26, 2011; compliance date Sep 30, 2011; re-checked Sep 30 and found noncompliant
- Work done Sep 30, 2011 at a cost of \$288 plus \$155 service charge = \$443
- failure to maintain exterior property free from refuse
- photos were entered

Mr. Scherer:

- doesn't know what work was done
- during this process, he and his wife were adopting from China
- they left Sep 9, 2011 and got back Oct 1, 2011
- he knew he had a letter that came during that time but everything had already been done
- he couldn't find the letter when he went through all his mail but he recalls it was something about a vehicle being removed or not having the right tags
- when they got back on Oct 1, 2011, he called his tenant, who said he was having it taken care of that weekend; however, he is not sure if that's what this incident is for because he thought that had been taken care of

Viewed Video: trash removal - looks as though someone failed to put the trash into the containers and the city cleaned it up

Ms. Seeley noted that the vehicle had been taken care of at the time of re-inspection but the garbage was still there

Mr. Scherer:

- lives in Long Lake, MN
- asked to see a copy of the letter that had been sent
- he doesn't recall seeing a letter regarding garbage, only the vehicle
- asked how the city figures the rates for this

Ms. Moermond:

- looks as though Appellant received a letter for each item: 1) vehicle; and 2) garbage
- unfortunately, the Order was sent
- the rate is \$250/hour with a minimum 1 hour charge
- the charge is meant to be punitive and it is
- will recommend the City Council approve this assessment

Referred to the City Council due back on 1/18/2012

- 18 [RLH TA 11-441](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1203A, Assessment No. 128502 at 34 LAWSON AVENUE WEST.

Sponsors: Helgen

Reduce the assessment from \$471.00 to \$235.50 and spread the payments over 2 years.

RE: 34 Lawson Ave W (duplex)

Annette Beaulieu, owner, appeared.

Inspector Paula Seeley:

- Summary Abatement Order issued Sep 20 for brush/yard waste; compliance date Sep 26; re-checked Sep 28 and found noncompliant
- work done Sep 29, 2011 at a cost of \$316 plus service charge \$155 = \$471
- sent to Annette Beaulieu and Occupant, 34 Lawson Ave W
- no returned mail; no history on property
- looks as though there's a tenant/landlord dispute going on right now; Southern Minnesota Regional Legal Services (SMRLS) is involved
- Inspector Meshuga is doing an interior inspection on a complaint of mice infestation; he went over there and doesn't believe that there's a mice infestation: he found 1 mouse and no feces; there's also a dispute about the thermostat

Ms. Beaulieu:

- did not receive the letter so she didn't have the ability to respond
- she hoping that there can be a reduction because she didn't even have a chance to make an effort
- occasionally, her and her tenant's mail are confused
- not sure whether her tenants received her mail; they didn't tell her if they did
- when she receives a letter from the City, she opens it right away
- had she received a letter on this brush/yard waste, she would have called the inspector and worked with him to remedy the situation
- she did received everything else
- she had received complaints about mice, a heating issue and other issues that she was given, as well
- she has been working with the inspector and doing what he has asked her to do
- a re-inspection had been scheduled for Thu; she was at that appointment but her tenant was not
- inspector told the Appellant that he was going to ask the tenant to clean the apartment and tell her that he did not think it was a major infestation
- she has required the tenant to set the apartment heat at 68 degrees; they currently, have it set at 65 degrees; she helped her program the thermostat (directions are also on thermostat)
- when she tells the tenant that the inspector has not told her she needs to hire a professional exterminator, the tenant tells her she's lying
- tenant asked the inspector to come again and check on mice this morning
- tenant has a hearing with SMRLS next Tue
- inspector suggested that perhaps, Xcel could come and show tenant how to program thermostat

Viewed Video for brush and yard waste clean-up

Ms. Moermond:

- a substantial amount needed to be cleaned-up
- there were no returned Orders
- will recommend the City Council decrease the assessment by half and make it payable over 2 years

Referred to the City Council due back on 1/18/2012

- 19 [RLH TA 11-464](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1203A, Assessment No.128502 at 841 MAGNOLIA AVE E.

Sponsors: Bostrom

No show; approve the assessment.

Referred to the City Council due back on 1/18/2012

- 20 [RLH TA 11-468](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1203A, Assessment No. 128502 at 1659 MANTON STREET.

Sponsors: Bostrom

No show; approve the assessment.

Referred to the City Council due back on 1/18/2012

- 21 [RLH TA 11-470](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No.

J1203A, Assessment No. 128502 at 1072 MINNEHAHA AVENUE EAST.

Sponsors: Lantry

12/6/11 LH: No show; approve the assessment.

12/7/11: Appellant called and stated he missed the hearing; rescheduled to December 20.

Laid Over to the Legislative Hearings due back on 12/20/2011

- 22 [RLH TA 11-469](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1203A, Assessment No. 128502 at 1909 MONTANA AVENUE EAST.

Sponsors: Bostrom

Delete the assessment.

RE: 1909 Montana Ave E (single family)

Jamie VanBargen, works for Harvester Investments, previous owner, appeared.

Ms. VanBargen:

- the assessment was put on while Harvester Investments was in possession of the property*
- transferred ownership Sep 15, 2011*
- had a pending Purchase Agreement on Sep 12, 2011*
- had listed property on Jun 17, 2011*
- house had been fully rehabbed and was vacant*
- the assessment is for trash by the garage*
- doesn't know where the letter was sent*
- did not receive notice; didn't know anything was wrong*
- had done showings through out the 3 months it was on the market; no one ever told them there was trash in the back that needed to be taken care of*

Inspector Joe Yannarely:

- Summary Abatement Order for nuisance with garbage and rubbish*
- Order sent Aug 30, 2011 to Harvester Investments LLC, Stinson Blvd, Mpls and to Marina Larson, Mpls (owner before Harvester)*
- compliance date Sep 6, 2011; re-checked Sep 6; found in noncompliance*
- work done Sep 8, 2011 at a cost of \$288 plus service charge of \$155 = \$443*

Viewed Video of clean-up of garbage, rubbish, trash

Ms. Moermond:

- notices rubble in the corner on video*
- notices that the Abatement Order is not very specific about what needs to be taken care of*
- the rubble in corner is still remaining after clean-up*
- will recommend the City Council delete this assessment*

Referred to the City Council due back on 1/18/2012

- 23 [RLH TA 11-467](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1203A, Assessment No. 128502 at 1132 SELBY AVENUE.

Sponsors: Carter III

No show; approve the assessment.

Referred to the City Council due back on 1/18/2012

- 24 [RLH TA 11-472](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1203A, Assessment No. 128502 at 1005 THOMAS AVENUE.

Sponsors: Carter III

No show; approve the assessment.

Referred to the City Council due back on 1/18/2012

- 25 [RLH TA 11-465](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1203A, Assessment No. 128502 at 1611 WESTMINSTER STREET.

Sponsors: Helgen

Forthcoming. MM to review police reports once ordered. Ms. Moermond recommended deleting the assessment.

RE: 1611 Westminster St (single family)

Rashad Badae, owner, appeared.

Inspector Paula Seeley:

- Summary Abatement Order for failure to cut back rank plant growth around garage and rear yard*
- Orders issued Sep 8; compliance date Sep 16; re-checked Sep 16 and found noncompliant*
- work done Sep 19 at a cost of \$344 plus service charge of \$155 = \$499*
- Orders sent to Rashad Badae, 1657 County Road D, Maplewood, MN*
- no returned mail*
- photos*

Viewed Video -

Mr. Badae:

- at that time, his tenant denied his access to the house; he couldn't go to his property to do anything*
- has police report with 2 case numbers: 11-230-968 on Nov 1, 2011; and 11-236-133 on Nov 9, 2011*
- tenant tried to abuse him physically when he was there; eventually, he evicted her*
- he entered documents*
- tenant continually caused damage to the house so she wouldn't have to pay rent; he believes she set the fire*

Ms. Moermond:

- she will pull the police reports and look at them herself*
- this eviction is dated Nov 14, 2011 (had been renting since Sep 2011)*
- will email Appellant after she reviews the police reports*

Inspector Joel Essling:

- there's an additional assessment, pending for an emergency boarding regarding a fire at the property*
- boarding on Nov 9, 2011 at the time of the fire will cost \$293.903*

Referred to the City Council due back on 1/18/2012

- 26 **RLH TA 11-474** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1202, Assessment No. 128201 at 1191 EARL STREET.
- Sponsors:** Bostrom
- Rescheduled per owner's request.*
- Laid Over to the Legislative Hearings due back on 12/20/2011**
- 27 **RLH TA 11-476** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1202, Assessment No. 128021 at 1752-1754 LAUREL AVENUE.
- Sponsors:** Stark
- Approve assessment payable over two years.*
- RE: 1754 Laurel Ave (duplex)*
- Michael Volk, owner, appeared.*
- Fire Inspector Sean Westenhofer:*
- *Fire Certificate of Occupancy Inspection at a cost of \$600 plus service charge \$150 = \$750*
 - *Orders were sent: Oct 18, 2010; Nov 23, 2010; Jan 10, 2011; Feb 15, 2011; Mar 25, 2011; Jun 22, 2011; Jul 12, 2011*
 - *billing was sent: Jul 13, 2011; Aug 12, 2011*
 - *all orders and bills went to property owner, responsible party in 4386 Nybro Circle, Eagan, MN*
- Mr. Volk:*
- *not necessarily appealing the charges; just looking for a little help*
 - *owned property for 30 years; his 4th or 5th Fire Inspection*
 - *this inspection was very inclusive - 34 different items on list*
 - *he rescheduled the next meeting and explained to inspector that he really couldn't get all these things done in a couple of months*
 - *he would need to refinance the house to get money to fix it*
 - *inspector said he understood but would like to meet anyway to show a good faith effort; they met 6 or 7 times*
 - *he did have to refinance but he wasn't expecting this charge of \$750 (no where in all the paperwork does it say that there will be a \$100 charge for each time the inspector comes out); otherwise, he would have included it in refinancing*
 - *he is looking for a little help with the fees*
 - *it's been a very long time consuming and frustrating process, and as far as he can see, it still hasn't been closed out*
 - *inspector still needs to take a look at the lawn (too much dirt)*
 - *he wants to make sure it's all done and there will be no more charges*
 - *letter says that a re-inspection will be made Aug 31, 2011 to look at peeling paint and grass but the Fire Marshal had to cancel; Appellant called back and left a message about re-scheduling and then they lost touch with each other*
 - *he was able to get it painted*
- Mr. Westenhofer:*
- *it appears that the referral was closed Oct 14, 2011; the referral came off the C of O*
- Fire Inspector Leanna Shaff:*
- *it was complicated, had multiple deficiencies and took some time*
 - *notes: found property being used as a triplex; no smoke detectors on 2nd floor; no*

carbon monoxide detectors; referral was an Xcel shut-off to Unit 1; some no accesses; long list of deferred maintenance; some re-schedules; property owner is in process of deconverting 3rd floor unit, etc.
- typically, Fire requires compliance within 90 days, with the exception of a seasonal issue

Ms. Moermond:

- original list from Oct 18, 2010 has 56 items on it; Appellant's original list has 43 items
- these charges are legitimate and it does say in the letter that these costs can be assessed and will be
- she will recommend the City Count approve this assessment payable over 2 years
- City Council Public Hearing Jan 18, 2012

Referred to the City Council due back on 1/18/2012

11:00 a.m. Hearings

Summary Abatement Orders

- 28 [RLH SAO 11-37](#) Appeal of Clifford Scott to a Summary Abatement Order at 434 FRY STREET.

Sponsors: Stark

Appellant now in compliance.

Withdrawn

- 29 [RLH SAO 11-41](#) Appeal of Michael Ahrndt to a Summary Abatement Order at 1901 MARYLAND AVENUE EAST.

Sponsors: Bostrom

This will be 2:30 p.m.

Laid Over to the Legislative Hearings due back on 12/13/2011

- 30 [RLH SAO 11-39](#) Appeal of Leonard Anderson to a Summary Abatement Order, Vehicle Abatement Order, and Correction Notice at 559 MCKNIGHT ROAD SOUTH.

Sponsors: Lantry

Deny the appeal.

Referred to the City Council due back on 12/7/2011

Orders To Vacate, Condemnations and Revocations

- 31 [RLH VO 11-63](#) Appeal of Southern Minnesota Regional Legal Services (SMRLS), on behalf of Pam Olson, to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 1020 HUBBARD AVENUE. (To be referred back to Legislative Hearing on December 6, 2011)

Sponsors: Carter III

Referred to the City Council due back on 12/21/2011

- 32 [RLH VO 11-114](#) Appeal of Ahalithia Harut to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 1049 MARYLAND AVENUE EAST.

Sponsors: Bostrom

Deny the appeal and grant an extension to January 4, 2012 to come into compliance.

RE: 1049 Maryland Ave E (single family)

Ahalithia Harut and Vernon Smith (cousin of owner, Santrel Smith)

Fire Inspector Leanna Shaff:

- *Revocation/Order to Vacate: Orders dated Nov 17, 2011*
- *building inspected Nov 15, 2011 by Inspector Mike Cassidy*
- *started Jun 1, 2011 - received a complaint that water was shut-off due to nonpayment; mole issues; and renting without a Fire Certificate of Occupancy*
- *Inspector Cassidy responded on Jun 3, 2011 and closed the complaint because the water was back on per St. Paul Regional Water*
- *when something hasn't been inspected, they open up a Fire C of O file*
- *prior to the initial inspection, there was a call May 31, 2011 from the tenant that the water was off - they had until Jun 1, 2011 to pay*
- *Jun 21, 2011 inspection date, there was no one living there and there was a no show for the appointment; the water was on*
- *Jul 14, 2011 inspection - no work had been done so he sent it to the Vacant Building Program*
- *she doesn't know why it came back to Fire but on Aug 8, 2011, Inspector Cassidy notes that there were no working smoke detectors*
- *Aug 11, 2011 - smoke detectors working*
- *Aug 17, 2011 - Insp Cassidy stated that Santrel lives at the property; the tenant states that Santrel does not live there*
- *every bedroom was occupied by tenants and basement bedroom is vacant*
- *currently, the water is on*
- *the Revocation is for noncompliance and they don't believe that Santrel Smith lives at the property*

Mr. Smith:

- *Santrel Smith is Vernon Smith's first cousin*
- *Santrel told Vernon that they could live there as long as Vernon worked on the house*
- *they moved in Jul 2011 (doesn't know what was going on there before that)*
- *everything on the list is done except for the floor; carpet is coming today*
- *he showed photos to Ms. Moermond and Ms. Shaff*
- *Santrel does live at 1049 Maryland*
- *they reside there, too, but are not tenants - they don't pay rent; perhaps there were tenants there before Jul, 2011*

Ms. Moermond:

- *according to city records, the owner, Santrel Smith, lives on Suburban (Vernon says that Santrel lives at 1049 Maryland)*
- *Ms. Harut filed the appeal*
- *now the City records show Santrel's address as 1911 Suburban, Apt 120 and also*

1049 Maryland

- the current year's tax statement went to 1049 Maryland Ave

Ms. Harut:

- her grand baby stays there and Ms. Harut is there watching her, so this affects her and that's why she filed the appeal

- she is not related to Mr. Smith

- no notices were sent to 1049 Maryland; she needed to come down to get the Orders

- everything else comes to 1049 Maryland but the Notices didn't

Ms. Shaff:

- issued appointment letter on May 31, Jun 21, Jul 19, 2011

- first inspection was conducted Aug 10, 2011

- letters were sent to 1911 Suburban, Apt 120

- according to Saint Paul's Ordinance, it's required of the owner to update the Department of Safety and Inspections with address changes

- egress window 2nd floor - casement window 33h x 13.5w; glazed 31.5h x 18w (code requires 24h x 20w)

Ms. Moermond:

- will ask Santrel Smith to file an appeal to get out of Fire Certificate of Occupancy Program

- she needs to see him and talk to him because he's the listed owner of the property

- she reminded Vernon that the duct work on the dryer needs to be done under permit by a mechanical contractor; according to city records, his contractor didn't pull a permit (contractor will need to go to DSI, 375 Jackson St and pull the permit); then, the city will go out and inspect

- regarding the other things, she will grant another month to finish

- regarding the egress window issue: might be able to solve the problem by changing the hardware (need to see opening by at least 16 in. wide before she could grant a variance)

- a mechanical contractor needs to check out the furnace and do the Orsat Test

- City Council Public Hearing December 21, 2011

- all work should be done by Jan 4, 2012

- Inspector Cassidy should be inspecting before Jan 4, 2012 to sign-off

Referred to the City Council due back on 12/21/2011

- 33 [RLH VO 11-112](#) Appeal of Benjamin Aung to a Notice of Condemnation as Unfit for Human Habitation and Order to Vacate at 416 VAN BUREN AVENUE.

Sponsors: Carter III

Waive the vacant building fee for 90 days, condemnation stays, and Appellant will need to order a Code Compliance Inspection Report. Appellant also needs to get mattress out of the garage. No one should be there occupying the building.

RE: 416 Van Buren (single family)

Benjamin Aung and son, Timothy, appeared.

Fire Inspector Shaff:

- photos in Amanda

- Fire Certificate of Occupancy - Notice of Condemnation/Unfit for human habitation/Order to Vacate

- inspected Nov 18, 2011 by Inspector Lisa Martin; 37 items on the list

- appointment letters went out Aug 22, 2011 and Nov 3, 2011
- Inspector notes: met property owner; found over-occupied home filled with people in garage, basement and house
- Nov 28 inspection: owner didn't show; no one would answer the door; the garage was still occupied - beds and food found in garage unsecured; saw lady putting garbage in the back yard; found the home still occupied and no change; occupants didn't speak English
- photos show the house is in pretty rough shape
- didn't get a head count of occupants (looking at sleeping rooms, how house is arranged, the things they saw - it was obvious that it was over-occupied)
- drop stairway from attic was pulled down - they believe there were people living in the attic, too
- lack of maintenance inside and out
- a snow walk complaint dated today came in

Mr. Aung:

- would like to explain; some of the things Inspector Shaff said are not fully true
- re: people staying in garage - actually, there was only one person staying in the garage; when the inspector came, there was no one staying in the garage; there was only the bedding (they removed the bedding later); a homeless person was staying there and he is a friend on his son, Timothy; he stayed there for one week; he was arrested before the inspector came
- re: basement - there is bedding downstairs - the basement is furnished
- most people stay on the first floor
- 9 people were staying there - they are refugees from Burma
- Mr. Aung is from Burma and he is also a community member and leader
- he rented his house to the Koran family and they don't know about the living standards in America; they don't know how to clean; how to use the chemicals; how to treat the garbage, etc; they have to teach them everything
- it is a big family; they have no choice and he has no choice
- they moved into an apartment the end of Nov, 2011; no one is there now
- they have one fire alarm that is working
- they tried to install 2 carbon monoxide detectors and 1 fire alarm
- the front door was blocked, so he explained to the people that the front door couldn't be blocked and they moved whatever was blocking it
- 1st floor has 2 bedrooms; basement has 1 bedroom
- they have hired a contractor; they will send list to him and talk about remodeling the house
- right now, there is no one at the house but they plan to rent the house in the near future

Ms. Moermond:

- viewed the printed photos with Ms. Shaff
- the property has been Condemned and Ordered Vacated so she needs to determine whether that was a correct Order
- she determined that the conditions at the house definitely merited Condemnation - and for people to be vacated
- next, she must determine whether or not the house should be put into the Vacant Building Program, which is a two-fold program: 1) property owner must pay an \$1,100 annual fee for the bldg to be in that program; and 2) owner must have a Code Compliance Inspection done, which means that 4 different trades inspectors (plumbing, electrical, mechanical, building) walk thru and inspect, making lists of what needs to be fixed before people could move back into the property (by definition, this bldg should be put into that program, according to city policy)
- she will recommend that the DSI waive the VB fee for 90 days to give Appellants time to get things under control

- Appellant will need to apply for a Code Compliance Inspection (\$400-\$500) in order to get the ball rolling on this (will take a few weeks to get inspectors out there)
- if Appellant wishes to look for a different outcome from City Council, he can be present at the Council public hearing Dec 21, 2011 at 5:30 pm
- owner needs to maintain property - garbage needs to be picked up and side walk shoveled
- hopes that all can be repaired and the bldg can be re-occupied before that \$1,100 fee would come due
- get the mattress out of the garage right away; no one should be there

Referred to the City Council due back on 12/21/2011

- 34 [RLH VO 11-113](#) Appeal of Mireya Santamaria to a Re-Inspection Fire Certificate of Occupancy With Deficiencies and Order to Vacate Unit 22 at 1225 WESTMINSTER STREET.

Sponsors: Helgen

Grant the appeal on the revocation and lay over to December 13 at 12:00 p.m. for photos of nuisance conditions in the building.

RE: 1225 Westminster St (30 unit apartment bldg) (sister building 1205 Westminster)

Mireya Santamaria, Appellant, and Halimaa Ek, (another tenant), appeared.

Fire Inspector Leanna Shaff:

- first inspection letter Jan 2011; first inspection Mar 2011 conducted by Inspector Barb Cummings (retired); follow up by Inspector Pat Fish (retired)
- since that very first inspection, there's been an issue with Unit 22 -Orders to repair, maintain walls in approved manner, remove deteriorating caulking around bath tub and recaulk, repair damaged carpeting, exit obstructions in hallways and passage ways, repair fire door, damaged bedroom door, overcrowding
- Orders dated Nov 21 from Inspector Pat Fish say Unit 22 is still overcrowded, door needs caulking, bedroom door needs repair, transition strip - the unit is Condemned with a vacate of Nov 30, 2011 for failure to correct the code violations
- have been 12 processes associated with this building
- part of the problems is that Ms. Chun rents to those who no others will rent to (those who have been in prison, have records, etc.)

Ms. Ek:

- owner doesn't fix anything in bldg
- Ms. Ek and her 17 year old daughter are disabled and her daughter takes chemo; another daughter is 11 years old
- Ms. Chun told her she was going to fix things in apartment but never did; then, she told Section 8 she had already fixed it
- owner doesn't shovel snow; place is on a hill; cars have a tendency to get into accident in winter because owner doesn't take care of the snow
- carpet has urine in it in her apartment; before she moved in, owner said she would fix the carpet, fix the kitchen but she brought in a refrigerator that was filthy - Ms. Ek washed it with bleach all day; she had to put all her food in the trash
- she calls owner, Peggy Chun, all the time but she doesn't reply; she sends her notes but owner doesn't reply
- she has Section 8, so Ms. Chun gets her money from the government and from her but she doesn't fix anything
- there's no caretaker there; no one cleans the carpet, etc.; the carpet is black and dirty and smells bad
- when owner does get help, she doesn't pay them so they don't come back

- people fall down because the snow isn't shoveled
- she told Ms. Chun and if she doesn't fix things and take care of the bldg, they won't pay rent; they will take it to court
- her attorney told her the condition they live in is unhealthy
- she rented a garage from owner - owner gave her a garage that doesn't have any door
- when they talk to Ms. Chun about things, she says, "I don't care!"
- her cousin broke his leg when he was helping to move her in; he slipped on the vomit on the carpeting
- she locks up much of her food because of the rats
- Ms. Chun takes advantage of the government and of her tenants; "We have to do something!"
- has photos and will take a video

Ms. Santamaria:

- Ms. Chun called her this week asking when she was going to pay the rent; Ms. Santamaria responded with "When are you going to come and fix what the inspector told you to fix in my apartment?" She said, "First you have to pay me the rent and then, I'll fix the stuff in your apartment." Ms. Chun started to scream at her on the phone
- there are a lot of problems: bedbugs, roaches, rats, no snow removal, doesn't clean hallways, front door is wide open (no lock - we have keys but the door is open)
- the last time Ms. Santamaria told her she was going to take her to court, Ms. Chun just laughed in her face saying, "You guys can't do anything about it."
- someone told her that Ms. Chun gets by with this because her husband works at the Capitol
- but why does she always pass inspections in every apartment; she never fixes anything
- there's an apartment where 10 guys lives but when inspectors come, they're gone
- she lies to the inspectors
- Appellant has 5 kids (ages 11, 10, 7, 1yr 8 mo and an 8 mo baby); and she moved in when she had 3 kids; Ms. Chun never told her that she would need to find a larger apartment
- has a friend who recently moved in with 7 kids; Peggy called her to move in right away because she wanted to get that apartment rented but when the friend had completely moved in and Ms. Chun gave her the contract to sign, she found out that the friend had 7 kids; then, Ms. Chun told her she couldn't live there; she had to move; Ms. Chun did not give back the deposit and rent (Appellant thinks that Ms. Chun should first find out how many people are going to be moving in before she tells them they can and takes money from the people)
- the laundry area has no light and it has dirty trash, beer cans and bottles everywhere, etc. (tenants are supposed to hold the door open in order to have light coming in)
- when Ms. Chun turns off the water, she doesn't let anyone know
- her oldest daughter has asthma and can't stand the smoke; people aren't supposed to smoke in the hallways but they do
- photos - she will email them to Ms. Moermond (she also has photos of her kids and other kids who have been bitten by bed bugs)
- she has signatures from people, many don't speak English and they are afraid (Ms. Moermond asked for a copy)
- someone told them these apartments are in foreclosure but she still sees people moving in
- she cannot afford a 3-bedroom unit because she is the only one working at this time

Ms. Moermond:

- photos: significant water damage in the bathroom from surrounding units; also, see

exposed light bulbs without proper light fixtures; up the middle of the stairs, the carpet is literally black and looks as though it's slippery, as well, actually, the carpet looks completely worn thru; radiator appears to be rusted out; leaking underneath the sink area - the plywood is wet; substantial hole in ceiling; when it rains, the ceiling gets very wet; light fixture globe is filled a third with water - there is also a hole where it's installed so the base of fixture isn't tight; significant holes, maybe waste piping, that are uncapped; one of the apartments where a guy lives doesn't have a kitchen sink-significant damage to cabinet underneath; mold accumulation; no sink in a bathroom; broken porch door window - (Ms. Shaff added that Inspector Fish has Orders on all of that)

- she asked Appellant to email her all the photos she can get*
- suggested they contact Southern Minnesota Regional Legal Services (SMRLS); both would qualify for legal aid*
- SMRLS could bring about some serious change*
- will Recommend granting the appeal on the Revocation of the Certificate of Occupancy for Unit 22; she does not think that Condemnation was the appropriate tool since it was cited for long-term noncompliance; Unit 22 is not Condemned*
- there are 6 people plus a baby; there are 3 rooms that can be used as sleeping rooms; Unit 22 is not overcrowded or overoccupied because we're counting the living room as a sleeping space*
- here, it tends to be immigrants who tend to be most victimized*
- they need to pay the rent or work with legal aide (SMRLS), 222-5863, who can help them withhold the rent legally; they can file a Court Action - they would hire a property management company to do the repairs; if they don't pay the rent, they could be evicted and they need to stay out of trouble before they want to leave; call SMRLS today or go to their office and fill out paper work today*
- additional follow-up needs to happen from the city on this property; she will talk with the inspectors and prosecutors involved*
- if it makes sense that the bldg be emptied and the tenants are working with legal aide, they can get the landlord to pay for them to be put up some place clean and safe (for the length of their lease)*

Ms. Shaff:

- if Appellant and tenants can get their paperwork in to SMRLS today, they will be out with their cameras*

Ms. Moermond:

- will lay over to 12 Noon Tue, Dec 13, 2011 to see how things are going*
- bring all photos and videos, if possible; have all tenants work with SMRLS*
- she will talk with the City Council member Lee Helgen, who represents this area and his successor, Amy Brenmoen, who currently works at Childrens' Home Society*
- will be at City Council public hearing Dec 21, 2011 at 5:30 pm*
- in the meantime, Ms. Santamaria needs not vacate Unit 22*

Laid Over to the Legislative Hearings due back on 12/13/2011

35 [RLH VO 11-115](#) Appeal of Kenneth Cobb to a Fire Certificate of Occupancy Revocation and Order to Vacate at 1056 AVON STREET NORTH.

Sponsors: Helgen

Deny the appeal and grant an extension to January 9, 2012 to vacate the property.

RE: 1056 Avon St N (single family)

Kenneth Cobb, occupant, appeared.

Fire Inspector Leanna Shaff:

- *Fire Certificate of Occupancy Revocation and Order to Vacate*
- *letter dated Nov 17, 2011 requiring a re-inspection Dec 1, 2011 after property vacated*
- *inspection process started in Oct 2011 with 19 subsequent Correction Orders on Nov 8, Nov 17, which was a no-show resulting in the Revocation*
- *Inspector Pat Fish has since retired*
- *Inspector notes 10/20/11: Justin Berger called and stated they did an eviction one month ago; tenants have been evicted but didn't leave so they are filing in court; tenants stated they are looking for another rental property but haven't yet found one; he told them that they would have to move soon because nothing is being done to make repairs*
- *Inspector notes 11/17/11: no-show; none of the repairs have been made; Inspector Fish Revoked the Fire C of O and gave tenant advice about contact the social service agency so get assistance with moving*
- *tenant was in their office a few days ago looking for extra time to re-locate; has had since Oct 20 to do so*
- *talked with Ms. Fish before she retired and got the impression that there was more repairs involved than was written (elect issues aren't good)*

Mr. Cobb:

- *looking for more time to re-locate; originally, they gave them until Jan 15, 2012 to find a place*
- *he thought they had a place but yesterday he found out they had rented to someone else*
- *family is packed-up and ready to go; just need time to find a place*

Ms. Moermond:

- *the open wiring in the 2nd bedroom, 1st floor, bothers her (Mr. Cobb said there had been a ceiling fan there that an electrician was working on; the electrician had totally disconnected the grid - there's no power coming thru there)*
- *will recommend denying the appeal and grant an extension to Jan 9, 2012 to vacate the property*
- *CCPH Dec 21, 2011; letter is forthcoming*

Referred to the City Council due back on 12/21/2011

1:30 p.m. Hearings

Window Variances: Hearing Required

- 36 [RLH WP 11-123](#) Appeal of Chia Neng Yang to an Egress Window Non-Compliance Determination at 1660 WANDA STREET.

Sponsors: Helgen

Deny the appeal on the egress window. (Appellant will confirm whether the other window meets egress).

RE: 1660 Wanda St (single family)

J. V. Scraph and Chia Yang, owner, appeared.

Mr. Yang:

- *bought the house recently as a Cat 2 VB*
- *the window had already been put in before he bought the house*

- looking for a variance on the egress window (11h x 34w); only window called out
- there are 2 windows in that bedroom

Ms. Moermond:

- egress requirement is 20h x 24w
- will grant a variance up to a point; this window is just too small for a body to get through
- if Appellant can show that the other bedroom window meets code, she will happy to look at it
- will recommend denying appeal; waiting for Appellant to send in other window's dimensions

Referred to the City Council due back on 12/21/2011

Fire Certificates of Occupancy

LAID OVER ITEMS

- 37 [RLH FCO 11-503](#) Appeal of Jeffrey Nielsen to a Fire Certificate of Occupancy Inspection Correction Notice at 212 MONTROSE PLACE.

Sponsors: Stark

Deny the appeal: attic area cannot be used for sleeping purposes.

RE: 212 Montrose Place (single family)

No one appeared.

Mai Vang:

- this was laid over for 2 weeks so that Appellant could provide dimensions of attic and depth of closets

Ms. Moermond:

- this is a long rectangular room with closets at one end; also a stairway; the rectangle is 11 feet wide x 32 feet long
- 1/10 of relavent area has ceiling height of 7 feet and above (code requires 1/2 of area to have a ceiling height of 7 feet)
- when she subtracts the space covered by closets and stairway, the dimensions improve somewhat but not enough (perhaps 1/7)
- will recommend denial of appeal; area cannot be used for sleeping

Referred to the City Council due back on 12/21/2011

- 38 [RLH FCO 11-530](#) Appeal of Joseph Kummer to a Fire Certificate of Occupancy Correction Notice at 1067 VAN DYKE STREET.

Sponsors: Bostrom

Deny the appeal and grant an extension to August 1, 2012; grant an extension to December 20 to clip garage doors.

RE: 1067 Van Dyke St (apartments)

Joseph Kummer, Guardian Management, appeared.

Ms. Moermond:

- had laid this over; wanted to see some photographs (in file, under referral)
- garages are in really bad shape
- Order says: paint the garage and pave the parking lot (one paving bid was \$30,000)

Fire Inspector Mike Urmann:

- asked about a security light
- concerned about some of the garage doors; they may not be attached at the top; they may collapse

Mr. Kummer:

- nothing's changed - haven't sold it
- garages are horrible; wishes owner would just tear down the garages; about half of the doors don't open- if they don't open, they don't fill up with other people's property; it's a dumping ground - dead end alley
- there is a light on the bldg

Ms. Moermond:

- will recommend denying the appeal and granting an extension to Aug 1, 2012; will grant extension to Dec 20, 2011 to clip garage doors
- if property is sold, Orders go with the property and would need to be disclosed to potential buyer

Referred to the City Council due back on 12/21/2011

Fire Certificates of Occupancy

- 39 [RLH FCO 11-535](#) Appeal of Xuan Hguyen to a Fire Certificate of Occupancy Correction Notice at 1227 MAGNOLIA AVENUE EAST.

Sponsors: Bostrom

Laid Over to the Legislative Hearings due back on 12/13/2011

- 40 [RLH FCO 11-536](#) Appeal of Mark Cemensky to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 927 IGLEHART AVENUE.

Sponsors: Carter III

Deny the appeal and grant an extension to January 1, 2012 for compliance except for the ground cover which must be done in the spring. Appellant will also need to have all permits signed off by January 1, 2012.

RE: 927 Iglehart Ave (single family)

Mark Cemensky, owner, appeared.

Fire Inspector Leanna Shaff:

- May, 20, 2011 referral for a gross unsanitary
- inspector tried to gain entry and was unsuccessful
- thru a series of events, Inspector Shaff gained entry and worked throughout the summer with tenant on taking care of their interior issues, which she has since signed-off on Sep 1, 2011
- in the meantime, she told Mr. Cemensky that expected him to take care of the exterior and that the house was due for a Fire Certificate of Occupancy Inspection
- she conducted a courtesy walk-thru with Mr. Cemensky letting him know which

things she expected to be taken care of for the C of O inspection

- the C of O inspection took place Oct 19, 2011; not all things were corrected and she conducted another inspection
- remaining: exterior grading, ground cover, re-venting water heater and furnace
- Mr. Cemensky is asking for additional time
- he spoke with Karen Zachow re: ground cover / seeding (he would need to haul in dirt and seed)
- it's very important that Mr. Cemensky knows that maintaining the property is his responsibility, not the tenant's
- if Mr. Cemensky has questions about the what the expectations are, he should talk with the inspector
- she wrote Orders for painting, etc. for the interior, which didn't get started or finished when it was supposed to
- written Order for ground cover was given in Oct 2011
- when it starts to rain, there will be a mote in the front of the house - the yard is not sloping away from the foundation very wells - it goes down and then, back up
- water heater/furnace venting was done incorrectly; needs to be re-done (Benjamin Franklin Plumbing); it's not complete
- re: soil stabilization over winter: first, he'll need to prep the soil

Mr. Cemensky:

- he can't produce grass at this time of year
- the tenants were parking vehicles in the back yard and had other stuff back there which took them a while to remove (he left it up to the tenants to move it to save them money)
- re: open permit for reventing water heater, furnace and dryer venting, he called contractor a couple times - they said they were working with the inspection dept to get something scheduled for final inspection
- re: grading on outside of house, back dirt was added but Inspector's Shaff's expectations were a little different but he can get that done
- the grass will take some time to take hold
- the front elevation goes up and water drains to the back of the house; there has never been a water issue with this property; this never came up before in an inspection but he will go ahead and add more black dirt in front
- he had paid the tenants to do the painting; they wanted to do it to save some money
- this whole process was about helping the tenant (unique situation because of the tenant's mental health)
- on 3 sides of the house, there's a good slope to the back of the house (Ms. Shaff agrees somewhat)
- he would like some clarification on how to get a good slope in the front yard (8-10 feet)
- the dryer duct is in - just needs to be inspected; inspector will be coming out tomorrow morning
- if Ms. Shaff could give him some insight on how it should be, he would be more than happy to address it to her satisfaction; needs someone to let me know how I should approach this
- will talk to Karen Zachow in zoning about parking; the back yard was never intended to be a parking lot

Ms. Moermond:

- the next step in the process for noncompliance would be Revocation of the Certificate of Occupancy
- right now, it doesn't look as though Appellant can address the gound cover (the assessment is that there is water flowing toward the foundation instead of away from the foundation; there will be run-off issues in the spring if something isn't done; perhaps the ground could be seeded over winter with an overlay of straw and

landscape netting - it might work here; it would stabilize the soil; re-grading needs to be done quickly

- thinks Appellant might have success if he drew up a plan of what he's going to do and send it in for evaluation (send to Inspector Shaff and copy MM)

- need to get the permits closed out - she will need to see in the computer that the inspector signed off

- City Council Public Hearing Dec 21, 2011

- compliance deadline is Jan 1, 2012, except for the groundcover (do protective covering on bare spots over winter); don't have to worry about the straw; inspector is satisfied that Appellant won't have a run-off problem

- re-do the backyard in the spring

Referred to the City Council due back on 12/21/2011

41 [RLH FCO
11-539](#)

Appeal of Jayant Saraph and Anna Rauvola to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 601 CLIFFORD STREET.

Sponsors: Stark

Deny the appeal in the basement unit and allow continued use of the space for storage but may not use the basement as a third unit. The gas line connected to the gas stove must be "dead capped" under permit by a licensed plumber or mechanical contractor by January 15, 2012.

RE: 601 Clifford St (duplex)

Jayant Saraph, owner, appeared.

Fire Inspector Mike Urmann:

- inspector out on paternity leave; could not interview him

- appears that inspector asked for a conversion of space: take kitchen out (take out appliances) of 3rd unit (basement)

- range in basement is not dead capped

- dead capping needs to be done by a licensed contractor to make sure that it doesn't leak gas

Mr. Saraph:

- they use this room for storage (evident from photographs he has); they use it for cleaning windows, screens (only place that has water; laundry room has too small of a tub); it's a sink cabinet where they store chemicals for cleaning, etc.; the appliances are not connected; basically, the appliances are back-up appliances;

- owned property for 30 yrs and doesn't want to change it

- re the sink and cabinet for storage - we use that because there is no other storage or no other water supply

- appliances are only back-up; basement is not used as unit

- last winter, he ran water from that tap so that the pipes wouldn't freeze

Ms. Moermond:

- need to get gas line for stove in basement dead capped, then, the stove can stay in basement

- re: sink and refrigerator, they can stay

Referred to the City Council due back on 12/21/2011

2:30 p.m. Hearings

Vacant Building Registrations

- 42 [RLH VBR 11-85](#) Appeal of Titus Contracting LLC, on behalf of Osprey I Lic, to a Vacant Building Registration Requirement at 511 EDMUND AVENUE.

Sponsors: Carter III

Waive the vacant building fee for 90 days and Appellant must get the Fire Certificate of Occupancy reinstated within 45 days; if the Fire Certificate of Occupancy is not reinstated, appellant will need to obtain a code compliance inspection.

RE: 511 Edmund Ave (single family)

Scott Rajavuori, Titus Contracting LLC, and Mr. Hertz, on behalf of Osprey I LLC, appeared.

Inspector Matt Dornfeld, Vacant Buildings:

- *Condemned by Fire Inspector Lisa Martin Oct 10, 2011; 9 code deficiencies*
- *Oct 20, 2011, Mr. Dornfeld opened a Cat 2 Vacant Building with the help of Mike Kalas and Inspector Martin*
- *they were allowed into the property by the property manager; photos were taken; house was secured*
- *property wasn't "gross unsanitary" in his opinion but there was a very strong odor that prevented anyone from being in there for an extended period of time; he didn't notice any latent life safety issues*

Mr. Rajavuori:

- *they object to this building being on the Vacant Building list; they are unclear as to why it is considered a "vacant building"*
- *Osprey owns 24 properties and he does all their work; this is their first Cat 2 VB*
- *Ms. Martin was out and the tenant did not allow access on the first inspection; between that inspection and the re-scheduled inspection on Oct 18, 2011, the tenants did not pay their electrical bill, and the power was turned off, the property Condemned*
- *they had problems with those tenants and at the time of power shut-off, they discussed the problems with the tenants and were considering using Mr. Hertz to evict the tenants*
- *those tenants were still on the property a day or two prior to the inspection and they still have possessions in the property*
- *the property is secured; tenants never moved out - they were supposed to and were trying to get the power back on so they could stay*
- *he is not sure how "vacant" is defined but the tenants were there; the property was a mess; they have cleaned it up since then (interior and exterior)*
- *they just want to fix up the property and get a tenant back in there*
- *power was back on beginning of Nov 2011*
- *waiting to fix other items because it is their understanding that if it stays a Cat 2, there will be a full Code Compliance necessary and they need to understand what that is and what it's going to require*
- *inspector didn't document any interior deficiencies*
- *they have put in \$7,000 worth of repairs before these tenants moved in and they will do it again so it will be ready to be occupied*

Mr. Hertz:

- *owner's hands are tied; they can't, legally, get the power turned back on; Xcel wants to make sure that the landlord isn't putting it in their name and allowing the tenant to*

have free rein over the electricity because they want to have a collection mechanism

- Condemnation is usually lifted after the utility is turned back on
- they never considered the property to be vacant or unoccupied; there will always be a transition between tenants
- obviously, the utilities need to be on for the tenant to safely inhabit a property - the owner is in a Catch-22
- this owner has clearly demonstrated that he has done a good job of keeping his properties up and putting in a lot of effort doing that

Ms. Moermond:

- it's empty and condemned and that's all it takes to be on the VB list
- by definition, when a bldg is Condemned, the Certificate of Occupancy is simultaneously Revoked
- will need to have the inspector walk through
- let's get the Certificate of Occupancy reinstated, if Appellant can get it reinstated within 45 days, he won't need to do a Code Compliance Inspection; if after 45 days the C of O is not re-instated, he will need to have a Code Compliance Inspection
- will recommend waiving the Vacant Building fee for 90 days to give Appellant a chance to get the C of O reinstated

Mr. Dornfeld:

- meet with Inspector Lisa Martin again and she will compile a list of deficiencies; Appellant will need to finish the repairs on that list within 45 days

Referred to the City Council due back on 12/21/2011

- 43 [RLH VBR 11-88](#) Appeal of Kelly Urista, on behalf of Amherst H. Wilder Foundation, to a Vacant Building Registration Notice at 935 LAFOND AVENUE.

Sponsors: Carter III

Grant the appeal on the vacant building registration notice.

RE: 935 Lafond Ave

Kelly Urista, on behalf of Amherst H. Wilder Foundation, appeared.

Matt Dornfeld, Vacant Buildings:

- Fire Certificate of Occupancy Revocation by Inspector Mitch Imbertson Oct 25, 2011
- properties 935 Lafond and 941 Lafond share the same pin numbers
- opened as a Cat 1 VB with 4 deficiencies
- vacant and secure; both exteriors are in really good shape
- the VB fee has not yet been assessed but will be very soon

Ms. Urista:

- asking that 935 Lafond not be classified as a vacant building
- the bldg is a part of a campus of Wilder Foundation closely located to 2 other bldgs plus 1 across Milton; they treat it as a campus bldg; it used to be a 24/7 residential home and Wilder does not use it as such, currently; however, they are looking for different types of programs to go in there (it will never be a 24/7 occupancy again)
- bldg has fire alarms, burglar alarms, etc, and it's a valuable asset to the organization
- they maintain it well
- spent close to \$13,000 on improvements to exterior
- she believes that a couple of the deficiencies (#2, #3) are deficiencies only if it's a 24/7 bldg

- currently, the bldg is used for storage
- they do smoke detector affidavit annually
- #1 was corrected on Nov 29, 2011 (lock box)

Inspector Mike Urmann:

- looking at Inspector Imbertson's Orders, #2 is uncertified building - must not be occupied until inspected and approved by this office; inspection and approval is required for occupancy of the bldg (any non-owner occupied property)
- if it's used for just storage, we can leave it as a Cat 1; for something more, call us
- #3 - heating system test report: mainly for an occupied bldg to ensure that there's no carbon monoxide being produced by heating appliance

Ms. Moermond:

- under the Vacant Building definition, if a bldg doesn't have any code violations, it has to have been vacant for 1 year before it would be referred to the Vacant Building Program
- will recommend granting the appeal because the bldg hasn't been empty for more than 1 year

Referred to the City Council due back on 12/21/2011

- 44 [RLH VBR 11-87](#) Appeal of Michael Ahrndt to a Vacant Building Registration Requirement at 1901 MARYLAND AVENUE EAST.

Sponsors: Bostrom

Laid Over to the Legislative Hearings due back on 12/13/2011

- 45 [RLH VBR 11-86](#) Appeal of Lawrence Walker to a Vacant Building Registration Requirement at 818 SHERBURNE AVENUE.

Sponsors: Carter III

Deny the appeal.

RE: 818 Sherburne Ave (single family)

Lawrence Walker, owner, appeared.

Inspector Matt Dornfeld, Vacant Buildings:

- this is a follow-up on an appeal that was heard Aug 16, 2011
- a 90 day vacant building fee waiver was granted
- a deal was made to get a Fire Certificate of Occupancy re-instated in 6 weeks (Sep 27, 2011)
- according to VB Inspector Senty and Fire Inspector Martin, that did not happen so, a Cat 2 VB continued on Oct 3, 2011
- VB was assessed on Dec 2, 2011
- sees that a building permit is currently open

Ms. Moermond:

- sees a new Code Compliance Report - Nov 14, 2011

Mr. Walker:

- asking for the VB registration fee to be waived
- the Code Compliance Report has very few items on it
- new furnace installed Mar 2011; doesn't believe he needs an Orsat Test
- he has plumbing issues to deal with and very basic electrical issues to deal with

- has another 45 days worth of work to do
 - he paid for the Code Compliance Report Oct 18, 2011 and didn't get it back until Nov 14, 2011
 - some items can't be completed because it's winter
 - re: bathroom window - inspector says he needs to install a different window that opens from top to bottom because there is no fan and he is not sure what the inspector means because there is an appropriately opening window there - not sure of expectation (Ms. Moermond presumes there is no problem with this - it's not called out)

Ms. Moermond:

- this tax roll will probably be scheduled for hearing Jan 17, 2012 (Mr. Walker may have made a lot of progress by then; she could handle it in that context then - and Mr. Walker would be able to pull permits immediately) City Council's public hearing will be 5-6 weeks after that Legislative Hearing in Jan 2012
 - will recommend appeal be denied
 - Appellant still in VB Program

Referred to the City Council due back on 12/21/2011

Other

Staff Reports

- 46 [RLH VO 11-97](#) Appeal of John Obrey to a Fire Certificate of Occupancy Revocation and Order to Vacate at 518 CHARLES AVENUE.
- Sponsors:** Carter III
- Grant the appeal; Appellant is out of the vacant building program.*
- RE: 518 Charles Ave (duplex)*
- Mai Vang:*
- house is in Appellant's mom's name
 - Ms. Moermond wanted to see a letter from the Appellant showing that he's is part of the equity in the house
 - did receive the verification letter
- Ms. Moermond:*
- appeal granted - Appellant is out of the vacant bldg program
 - he is not appealing items on the exterior
- Referred to the City Council due back on 12/21/2011**
- 47 [RLH FCO 11-528](#) Appeal of Judith Fries to a Fire Certificate of Occupancy Correction Notice at 1023 FARRINGTON STREET.
- Sponsors:** Helgen
- Ms. Moermond reviewed the file further and recommended denying the appeal and granting an extension for 90 days to get the window frames into compliance.*
- RE: 1023 Farrington St (single family)*
- Mai Vang:*

- Inspector Lisa Martin sent an email about this

Ms. Moermond:

- the window dimensions are fine
- the problem is with the rotted window frames
- will recommend denying appeal and granting a 90 day extension to get the window frames into compliance

Referred to the City Council due back on 12/21/2011

48 **RLH FCO**
11-454

Appeal of Paul Magelssen to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 1577 HOYT AVENUE EAST.

Sponsors: Bostrom

Ms. Moermond to contact Inspector Thomas for clarification on chimney liner.

Laid Over to the Legislative Hearings due back on 12/20/2011

49 **RLH FCO**
11-511

Appeal of William Walters to a Fire Certificate of Occupancy Inspection Correction Notice at 1027 PORTLAND AVENUE.

Sponsors: Carter III

Grant a variance on conditions outlined under permit approval issued by the Heritage Preservation Commission (HPC) File No. 11-305433.

RE: 1027 - 1029 Portland Ave (duplex)

Mai Vang:

- continued to today to get feedback from Christine Boulware, Heritage Preservation Commission (HPC) regarding the window in Unit 1029 third floor, south bedroom
- received email from Ms. Boulware

Ms. Moermond:

- Appellant will be replacing the window in this room under permit (copy of permit has been entered)
- Ms. Boulware recommends approval
- will recommend a variance be granted consistent with the permit approval issued by the Heritage Preservation Commission (HPC) File No. 11-305433, which outlines all of the conditions

Referred to the City Council due back on 12/21/2011

Window Variances: No Hearing Necessary

50 **RLH FOW**
11-252

Appeal of Judith Day to a Fire Certificate of Occupancy Inspection Correction Notice at 934 ASHLAND AVENUE.

Sponsors: Carter III

No hearing necessary; grant a 4-inch variance on the openable height of the egress windows in the north bedroom of Unit 5.

Referred to the City Council due back on 12/21/2011

51 **RLH WP 11-119**

Appeal of Renewal by Andersen, on behalf of Claudia Gumbiner, to an

Egress Window Non-Compliance Determination at 8 CROCUS HILL.

Sponsors: Thune

No hearing necessary; grant a 2-inch variance on the openable width of two casement replacement egress bedroom windows measuring 48.5 inches high by 18 inches wide.

Referred to the City Council due back on 12/21/2011

52 [RLH FOW
11-247](#)

Appeal of Ken Anderson to a Fire Certificate of Occupancy Inspection Correction Notice at 324 DALY STREET.

Sponsors: Thune

No hearing necessary; grant a 4-inch variance on the openable height of the egress windows in the 2nd floor west and east bedrooms.

Referred to the City Council due back on 12/21/2011

53 [RLH WP 11-117](#)

Appeal of Daniel Schmidt, Department of Public Health, on behalf of Lue Williams, to an Egress Window Non-Compliance Determination 844 FULLER AVENUE.

Sponsors: Carter III

No hearing necessary; grant a 1.4-inch variance on the openable height of three double hung replacement egress bedroom windows measuring 22.6 inches high by 22 inches wide.

Referred to the City Council due back on 12/21/2011

54 [RLH FOW
11-245](#)

Appeal of Eric Lein to a Fire Certificate of Occupancy Correction Notice at 894 GRAND AVENUE.

Sponsors: Thune

No hearing necessary; grant variances on the sill height issue in Units B1, B2 and B3 provided two fixed steps are installed below the egress bedroom windows (5" – 7" in height and full width) and tread must be a minimum of 10" in depth.

Referred to the City Council due back on 12/21/2011

55 [RLH FOW
11-250](#)

Appeal of Mark Severtsgaard to a Fire Certificate of Occupancy Inspection Correction Notice at 998 GRAND AVENUE.

Sponsors: Thune

No hearing necessary; grant a 7-inch variance on the openable height of the egress window in Unit 4, second floor south bedroom; grant a 4.5-inch variance on the openable height of the egress window in Unit 4, second floor middle bedroom; and grant a 3-inch variance on the openable height of the egress window in Unit 3 bedroom.

Referred to the City Council due back on 12/21/2011

56 [RLH FOW
11-253](#)

Appeal of Thomas Dooley to a Fire Certificate of Occupancy Inspection Correction Notice at 534 and 536 HOYT AVENUE EAST.

Sponsors: Helgen

No hearing necessary; grant a 2-inch variance on the openable width of the egress windows in 534 and 536, north bedrooms and grant a 2.5-inch variance on the openable height of the egress windows in 534 and 536, south bedrooms.

Referred to the City Council due back on 12/21/2011

57 [RLH FOW
11-246](#)

Appeal of Benjamin Roberts to a Fire Certificate of Occupancy Inspection Correction Notice at 124 LEXINGTON PARKWAY NORTH.

Sponsors: Carter III

No hearing necessary; grant a 4.5-inch variance on the openable height of the egress window in the second floor north bedroom and a 5.5-inch variance on the openable height of the egress window in the second floor south bedroom.

Referred to the City Council due back on 12/21/2011

58 [RLH FOW
11-249](#)

Appeal of David Kendrick to a Fire Certificate of Occupancy Inspection Correction Notice at 771 NEBRASKA AVENUE EAST.

Sponsors: Bostrom

No hearing necessary; grant a 3-inch variance on the openable height of the egress windows in the northwest and south bedrooms and grant a 4-inch variance on the openable height of the egress window in the southwest bedroom.

Referred to the City Council due back on 12/21/2011

59 [RLH WP 11-124](#)

Appeal of Scherer Window and Door (Chris Judd), on behalf of Ben Osmond, to an Egress Window Non-Compliance Determination at 872 KENNETH STREET.

Sponsors: Harris

No hearing necessary; grant a 2-inch variance on the openable height of two double hung replacement egress bedroom windows measuring 22.375 inches high by 42.1 inches wide.

Referred to the City Council due back on 12/21/2011

60 [RLH WP 11-125](#)

Appeal of Scherer Window and Door, Chris Judd, (oh behalf of Gail Riddle) to an Egress Window Non-Compliance Determination at 1270 NILES AVENUE.

Sponsors: Harris

No hearing necessary; grant a 3-inch variance on the openable height of one double hung replacement egress bedroom window measuring 21 7/16 inches high by 26 3/8 inches wide.

Referred to the City Council due back on 12/21/2011

61 [RLH WP 11-120](#)

Appeal of Ha T. Duong to an Egress Window Non-Compliance Determination at 1523 and 1525 REANEY AVENUE.

Sponsors: Lantry

No hearing necessary; grant a 4-inch variance on the openable height of four double hung replacement egress bedroom windows measuring 20 inches high by 30 inches wide.

Referred to the City Council due back on 12/21/2011

- 62 [RLH WP 11-118](#) Appeal of Bob Shackelford to an Egress Window Non-Compliance Determination at 1403 SCHEFFER AVENUE.

Sponsors: Harris

No hearing necessary; grant a 2-inch variance on the openable width of two casement replacement egress bedroom windows measuring 32.9 inches high by 18 inches wide.

Referred to the City Council due back on 12/21/2011

- 63 [RLH FOW 11-248](#) Appeal of Keith Collins to a Fire Certificate of Occupancy Correction Notice at 329/331 WILDER STREET NORTH.

Sponsors: Stark

No hearing necessary; grant a 2.75-inch variance on the openable height of the egress windows in both units on the third floor, front bedrooms.

Referred to the City Council due back on 12/21/2011