



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final Legislative Hearings

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

Tuesday, June 19, 2012

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Remove/Repair Orders

- 1 **RLH RR** Ordering the rehabilitation or razing and removal of the structures at 721
12-20 WILSON AVENUE within fifteen (15) days after the June 6, 2012 City
 Council Public Hearing. (To be referred back to June 19, 2012 Legislative
 Hearing and July 3, 2012 City Council public hearing)`

Sponsors: Lantry

Laid Over to the Legislative Hearings due back on 6/26/2012

Special Tax Assessments

- 2 **RLH TA** Ratifying the Appealed Special Tax Assessment for Real Estate Project No.
12-342 VB1208, Assessment No. 128810 at 400 BATES AVENUE.

Sponsors: Lantry

No show; approve the assessment.

Referred to the City Council due back on 8/1/2012

- 3 **RLH TA** Ratifying the Appealed Special Tax Assessment for Real Estate Project No.
12-303 J1210A, Assessment No. 128517 at 1031 BRADLEY STREET.

Sponsors: Brendmoen

Delete the assessment.

RE: 1031 Bradley St (duplex)

Geri Barber, owner, appeared.

Inspector Paula Seeley:

- Summary Abatement pre-authorized Work Order

- she went out there Mar 21, 2012 and found a huge pile of garbage

- sent SA to owner and occupant
- work was done Mar 27, 2012 for a cost of \$471
- no returned mail
- Orders have been issued on garbage Feb 3 and Apr 23, 2012

Ms. Barber:

- she did clean-up that particular garbage; the garbage the city ended up clearing was garbage that had been put there after she did the initial clean-up
- since the first Notice, she had terminated the lease of the occupants but the termination didn't hold because it wasn't properly served
- at the end of Jan 2012, they were in dispute
- the occupants were not taking care of their garbage according to their lease; she was out there every week; the trash cans would remain empty and the garbage bags would be on the ground
- after each SA came to her, she went and cleaned up the garbage
- her tenants were prolific in producing garbage
- she had cleaned up the garbage on Sunday, Mar 25; then, tenants put out more
- Tuesday is garbage day for these tenants
- she cleaned up after each SA and also once a week
- she was evicting for non-payment or rent and a crime had been committed
- tenant had a felon on the property
- did not take photos after she did the clean-up
- she does tenant screening and has gone through the first phase of the city's landlord class, Crime Free Multi-Housing
- the tenants are gone now; she has renovated the property and has new tenants

Viewed Video

Ms. Seeley:

- it looks like either she cleaned it up or the tenants put more down
- tenants would throw the garbage out the window

Ms. Moermond:

- looks like Appellant did the clean up and the tenants have been causing a lot of problems
- the city has been out there providing services
- this will be coming up in the Excessive Consumption tax rolls, which would look legitimate at this juncture
- she will recommend deletion of this assessment

Referred to the City Council due back on 7/18/2012

- 4** **RLH TA** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1208B, Assessment No. 128108 at 126 COLORADO STREET EAST.

Sponsors: Thune

No show; approve the assessment.

Referred to the City Council due back on 8/1/2012

- 5** **RLH TA** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1209G, Assessment No. 128709 at 483 COMO AVENUE.

Sponsors: Brendmoen

No show; approve the assessment.

Referred to the City Council due back on 8/1/2012

- 6 **RLH TA** Ratifying the Appealed Special Tax Assessment for Real Estate Project No.
12-338 J1208B, Assessment No.128108 at 1202 DALE STREET NORTH.

Sponsors: Brendmoen

No show; approve the assessment.

Referred to the City Council due back on 8/1/2012

- 7 **RLH TA** Ratifying the Appealed Special Tax Assessment for Real Estate Project No.
12-314 J1210A, Assessment No.128517 at 1003 EDGERTON STREET.

Sponsors: Brendmoen

Approve the assessment and spread the payments over 5 years.

RE: 1003 Edgerton St (single family)

Rosa Berreondo, owner, appeared.

Laura Carroll, interpreter

Inspector Paula Seeley:

- *Summary Abatement issued Feb 23, 2012; compliance Feb 28*
- *re-checked Mar 1, 2012; sent Work Order*
- *Parks cleaned up on Mar 5, 2012 for a cost of \$499*
- *no returned mail*
- *Orders sent to Rosa Berreondo*
- *still has open file on interior and exterior of the house*
- *a complaint came in a while ago saying Ms. Berreondo was renting out several rooms; when Inspector Seeley went in, there were locks on all the doors so, she did not gain access*
- *since then, she has sent out appointment letters; there's a language barrier*
- *she would like to see Appellant hooked up with the lead program to get new windows (they are probably lead based)*

Viewed Video

Ms. Moermond:

- *there's no returned mail so, notification was received*

Ms. Berreondo:

- *her daughter, sister and another woman helps with communication*
- *is not disputing the clean up; she understood the communication she was receiving; she cleaned up some of it but wasn't able to finish*
- *she was unsure about how to pay the assessment; she's not working and is worried about how to pay for it*

Ms. Moermond:

- *will recommend the assessment be approved, payable over 5 years*

Ms. Seeley:

- *need to get Alex' phone number from the Union Gospel Mission in order to connect about gaining access to the individual rooms*
- *the rooms had double key locks on them; they can have only single key locks from*

the inside

- a complaint came in about bed bugs
- Ms. Berreondo's kids need to go to Ramsey County Public Health to get their lead levels tested; if the levels are at all high, she can qualify for getting new windows, which she really needs (Jim Yannarely 266-1138)

Ms. Berreondo:

- all the locks have been changed
- doesn't think she has bed bugs (Ms. Seeley needs to take a look; also needs to find out if there are more than 4 unrelated adults living there)

Ms. Moermond:

- Alex can interpret at the inspection

Referred to the City Council due back on 7/18/2012

**8 RLH TA
12-343**

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1208, Assessment No. 128810 at 1093 EDGERTON STREET.

Sponsors: Brendmoen

To be referred back to September 4, 2012 Legislative Hearing and September 19, 2012 City Council Public Hearing. If work is done by September 1, will reduce the assessment from \$1,250 to \$625.

RE: 1093 Edgerton St (duplex)

Mai Vang appeared.

Inspector Joe Yannarely:

- Vacant Building registration fee: \$1,100 + \$150 service charge = \$1,250
- been on the VB list since Mar 10, 2010
- it's a Category 2 duplex
- still needs to go through the Sale Review process

Ms. Vang:

- she is buying this property and turning it into a single family home
- would like the VB fee waived
- she has paid for nearly everything; she is waiting for the city to approve the transaction because it's a Cat 2
- once that's done, she will fix it
- the yard has already been cleaned up
- Code Compliance Report done Apr 26, 2012
- no permits have been pulled
- anniversary date Mar 10
- depending how long it will take the inspector to come out, she expects work to get done within 3 months

Ms. Moermond:

- if the repairs are done by Sep 1, 2012, she will recommend that the Council cut the assessment in half; if repairs are not complete by Sep 1, 2012, Appellant will pay the full year's assessment.
- will lay the matter over until Sep 4, 2012
- Appellant will be allowed to go ahead and pull permits and do the work
- we can check to see if the Appellant has gotten her Code Compliance Certificate
- City Council Public Hearing Sep 4, 2012

Referred to the City Council due back on 8/1/2012

- 9 **RLH TA** Ratifying the Appealed Special Tax Assessment for Real Estate Project No.
12-331 J1210A, Assessment No. 128517 at 482 EDMUND AVENUE.

Sponsors: Carter III

This matter was laid over from June 5, 2012 to get feedback from Inspector Kalis. On June 6, 2012 Inspector Kalis sent an email stating that it was the same trash that was picked up by the City. Ms. Moermond recommended approving the assessment.

Referred to the City Council due back on 7/18/2012

- 10 **RLH TA** Ratifying the Appealed Special Tax Assessment for Real Estate Project No.
12-329 CRT1208, Assessment No. 128210 at 946 GALTIER STREET.

Sponsors: Brendmoen

No show; approve the assessment.

Referred to the City Council due back on 7/18/2012

- 11 **RLH TA** Ratifying the Appealed Special Tax Assessment for Real Estate Project No.
12-335 J1210A, Assessment No.128517 at 1265 HARTFORD AVENUE .

Sponsors: Tolbert

No show; approve the assessment.

Referred to the City Council due back on 7/18/2012

- 12 **RLH TA** Ratifying the Appealed Special Tax Assessment for Real Estate Project No.
12-341 VB1208, Assessment No. 128810 at 922 SIXTH STREET EAST.

Sponsors: Lantry

Reduce the assessment from \$1,250 to \$625.

RE: 922 6th St E (duplex)

Som Lee, owner, appeared.

Inspector Joe Yannarely:

- Vacant Building registration fee \$1,100 + \$150 service charge = \$1,250
- Category 2 VB since Dec 22, 2009
- the Code Compliance Certificate was issued late afternoon yesterday
- no problem with pro-rating this property

Ms. Moermond:

- will recommend decreasing the VB fee by half because it was finished is less than 6 months from the anniversary date
- down to \$625

Mr. Lee:

- it took a long time to process all the paperwork
- waiting for contractors took a long time

Referred to the City Council due back on 8/1/2012

- 13 **RLH TA**
 12-340 Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1208B, Assessment No.128108 at 877 WESTMINSTER STREET.

Sponsors: Brendmoen

No show; approve the assessment.

Referred to the City Council due back on 8/1/2012

- 14 **RLH AR**
 12-75 Ratifying Collection of Vacant Building fees from March 2012. (File No. VB1208, Asmt No. 128810)

Sponsors: Lantry

Referred to the City Council due back on 8/1/2012

- 15 **RLH AR**
 12-76 Ratifying Demolition services from March 2012. (File No. J1212C, Asmt No. 122013)

Sponsors: Lantry

Referred to the City Council due back on 8/1/2012

- 16 **RLH AR**
 12-77 Ratifying Tree Removal services from March 2012. (File No. 1208T, Asmt No. 129010)

Sponsors: Lantry

Referred to the City Council due back on 8/1/2012

- 17 **RLH AR**
 12-80 Ratifying Boarding and/Securing services from March 2012. (File No. J1208B, Asmt No. 128108)

Sponsors: Lantry

Referred to the City Council due back on 8/1/2012

- 18 **RLH AR**
 12-81 Ratifying Trash Hauling services from April 2012. (File No. J1209G, Asmt No. 128709)

Sponsors: Lantry

Referred to the City Council due back on 8/1/2012

11:00 a.m. Hearings

Summary Abatement Orders

19 **RLH SAO**
 12-19 Appeal of Mary Kaye to a Summary Abatement Order at 880 CLARK STREET.

Sponsors: Brendmoen

Deny the appeal and grant an extension to June 28, 2012 for compliance.

RE: 880 Clark St (duplex)

Mary Kaye, tenant, appeared.

Ms. Kaye:

- she fixes washers and dryers; when women come out of the battered women's shelter, she donates to them*
- had some parts in the back yard and some long grass*
- she had pneumonia, was in the hospital and then, she had strep*
- she needs an extra week*
- the washer and dryer parts are all gone*
- she needs to fix her lawn mower and mow the lawn*

Ms. Moermond:

- will recommend denying the appeal and grant an extension to Jun 28, 2012 for compliance*

Referred to the City Council due back on 7/3/2012

Orders To Vacate, Condemnations and Revocations

20 [RLH VO](#)
 [12-36](#) Appeal of Joseph J. Skelly to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 1231 KENNARD STREET.

Sponsors: Bostrom

Deny the appeal and grant an extension to October 1, 2012 for full compliance.

RE: 1231 Kennard St (duplex)

Joseph Skelly, owner, appeared.

Fire Supervisor Leanna Shaff:

- was laid over for 3 weeks in order to get Mr. Haider's insight in solving this issue*
- this is a duplex that needs 2 separate heating systems*

Mr. Skelly:

- he contacted Mr. Haider, who came out and took a look at the situation*
- Mr. Haider said that special dampers may work but he couldn't make a determination*
- Mr. Haider said that ultimately, Jim Bloom, his supervisor, would make the decision on it*
- he got the information he could in the time allotted*
- talked to Bonfe, who thought special dampers may not be the best solution and it's not inexpensive, either*
- talked with Scott Renstrom a few times just to let them know what's going on; Mr. Renstrom said he'd also look into it; just yesterday, he expressed great confidence in Ms. Moermond's ability to resolve this*

Ms. Moermond:

- ultimately, Councilmember Dan Bostrom is the sponsor for whatever resolution comes forward to the Council
- Council looks to Ms. Moermond to develop a recommendation; they can agree, disagree or modify at that point

Mr. Skelly:

- Mr. Haider suggested that he talk with Jim Bloom directly about it (Mr. Bloom was out of town last week)
- he spent a large amount of money last year on the furnace without knowing that he had to comply with this code
- the property's under water; he will not be able to get a home equity loan; and he's not going to put it on the credit card
- the bids he has are between \$9,000 - \$12,000 to put in a second furnace, separate all the venting (Bonfe says that would take a week)
- Supreme Electric said it would cost a bit more than \$9,000 to put in baseboard heat upstairs
- the biggest issue is safety - he understands that
- his father's in hospice; and in telling his 80 year old mother about this, she said, "We all slept on the second floor of the house; all the vents were open; the furnace was in the basement; there was only one stairwell; there was no ladder out the house..." so, he thinks that a reasonable solution would be (for the safety of the tenant upstairs), why not hardwire a fire alarm, each floor connected to the furnace; if the alarm goes off on any floor, everybody knows about it and the furnace gets turned off
- the issue of air quality and return air between the units: he's talked to his 10-year tenant and his 3-year tenant and both say that they have no concern about air quality; if they did, he'd get some air cleaners
- he will talk with Jim Bloom
- he has more electricians lined up to get bids on these fire alarms and he'll put it on a proposal in the next 2-3 weeks

Ms. Moermond:

- this Order is written on the mechanical code; if there's compliance with that, the C of O won't be Revoked
- the Sr inspector wants to involve the building official who would grant an equivalency saying that putting in dampers and fire alarms would be the equivalent of having it separated
- in terms of the Revocation related to that, she will recommend granting an extension to Oct 1, 2012 for everything to be completed.
- along the way, someone converted this single family home into a duplex; then, a higher level of regulation kicked in where a separation between units is needed

Mr. Skelly:

- noted that state inspectors have expressed their opinions on the city's codes but also added that the officials need to work with the integrity of the property; Mr. Haider said, "We do not expect you to rebuild your house."
- Fire started these inspections on duplexes in 2007; he wished that he'd known in order to be able to budget for this
- asked if there were some statistic showing the risk involved in updating an older property like this; at this point, it's very expensive
- the house was actually built this way with 2 hot water heaters, 2 electric systems and for some reason, only 1 furnace
- it would change the dynamic to now put in 2 heating sources; he may lose the great tenants he has

Ms. Shaff:

- before the program for duplexes launched in 2007, Fire sent out thousands of letters and made videos informing people of the Fire C of O Program

Referred to the City Council due back on 7/3/2012

**21 RLH FCO
12-396**

Appeal of Odis Lewis to a Correction Notice - Complaint Inspection (Condemnation in Unit 1) at 1076 BRADLEY STREET.

Sponsors: Brendmoen

Deny the appeal and grant an extension to July 6, 2012 to vacate the property.

RE: 1076 Bradley St Unit #1 (duplex)

Odis Lewis, occupant, appeared along with David Breeze, upstairs tenant.

Fire Supervisor Leanna Shaff:

- a complaint inspection was conducted Jun 7, 2012 by Inspector Ben Ellis

- no electricity

- she spoke with Shelly, Xcel yesterday: electricity and gas were shut-off Apr 24, 2012

- May 17, 2012, Xcel had to re-lock (usually indicative of tampering)

- electricity and gas are still off

Mr. Lewis:

- he got hurt at work; he's been staying with his brother; off and on, he goes to the apartment to change clothes

- to resolve the issue, he talked with Xcel: he is supposed to set up an agreement

- he is trying to get other assistance but everything takes time; he applied for the assistance in Aug 2011; then, they told him to wait until he got a letter from them; he didn't get that letter until Feb 2012 - it was a denial letter

- so, he had to start over again

- just needs more time

- he's back working and his hours have picked back up

- Xcel bill: \$1,700; Xcel says he needs to pay \$1,400 up front to get it turned back on

- right now, the place is just his storage place

- he doesn't need to be vacated; he's staying with his brother

- Salvation Army will help him if he gets the bill down to \$1,000

Ms. Moermond:

- this has been going on for 8 weeks

- will recommend the City Council Order the place Vacated by Jul 6, 2012

- between now and then, Appellant can be there only between 8 a.m. and 8 p.m.

- he can't live there; he can go there to do repairs, check on things, get clothes, etc.

Mr. Breeze:

- suggested that Appellant be allowed to stay there until Aug 1, 2012

- they will get the bill down to below \$1,000 so that when he goes to Salvation Army, they will assist him; then, Xcel will turn the gas and electricity back on

- Appellant injured his back at work and his mom was sick so, he went out of town when his mom passed away - a lot of stuff

- pleaded to give Appellant until Aug 1 because he does take care of all his business

- he will help him get it turned back on with some other program

Ms. Moermond:

- explained that this is not about the Appellant; it's about the condition here and you

*have to have basic facilities to live in anywhere (gas, electricity, water, sewer)
- this has been going on for quite a long time and it needs to be wrapped up
- get Xcel to turn things back on or the unit must be vacated by Jul 6, 2012*

Referred to the City Council due back on 7/3/2012

**22 RLH VO
12-43**

Appeal of Lolita Cole to a Fire Certificate of Occupancy Revocation and Order to Vacate 1155 SEVENTH STREET WEST.

Sponsors: Thune

Deny the appeal and grant an extension to August 1, 2012 to vacate the property.

RE: 1155 7th St W (three/four family)

*Heather Meyers, Southern Minnesota Regional Legal Services, appeared on behalf of Lolita Cole and Dominiques Perkins
Christopher Deuth, Responsible Party, appeared.*

Fire Supervisor Leanna Shaff:

- Inspector Imbertson will give the report

Inspector Imbertson:

*- Revocation of Fire Certificate of Occupancy and Vacate Order
- property has been transferred to the Vacant Building Program for noncompliance
- needs a Code Compliance Inspection Report before being re-occupied
- exterior property issues: work has been done within the past months but not the code standards
- has been without a C of O since Aug 31, 2011
- property manager was given multiple Criminal Citations for occupancy without a C of O
- that didn't get the desired result of compliance so, the building was posted "Vacate" Jun 1, 2012
- first Orders on exterior painting and siding repair were part of a complaint inspection conducted Feb 10, 2011; the most serious item that remains
- photos on record
- the property has been improved to the extent that it looks better from a distance so, photos were a lot of close-ups
- the gaps allow moisture, small animals, etc. into the building and will lead to more serious issues*

Ms. Moermond:

*- commented that the photo document was so large, she had trouble attaching it to the Council's files on this; suggested that he broke up the file into smaller pieces
- noticed in the photos: there are gaps, some rotted out corners, some rotted boards, cement work was not great*

Ms. Meyers:

- their paralegal, Al Harris, visited the property

Mr. Deuth

*- supplied some background
- he wasn't aware that it didn't pass the inspection last Oct 2011 (he met Inspector Imbertson at the property)
- he thought that because the inspectors didn't pursue the Order to Vacate then, that he passed inspection
- Inspector Imbertson said that is why he got the citations; Mr. Deuth said it didn't all*

click for him

- he surprised to get another Order to Vacate in 6 months
- he was told that the licensed contractor doing the repairs had a hard time determining what repairs to do (in talking with the inspector, he said that licensed contractors should know what repairs to do)
- they fully intend to do the repairs correctly - up to code
- has talked with another contractor
- he is wondering whether the contractor could meet the inspector out there so that there's no confusion or misunderstanding about what needs to be done
- he does not think that exterior repairs should affect the tenants (no need to vacate); he doesn't think that it's a dangerous place to live; the repairs are mostly exterior
- he is not appealing that the work needs to be done; he just wanted to see if he, the inspector and the contractor could meet at the property to get a better explanation of what needs to be done
- he wants someone who knows what they are doing to do the repairs; he will hire a licensed contractor

Ms. Moermond:

- Appellant just needs to pull a building permit; a contractor does not need to pull a building permit; perhaps, if a structural contractor is needed, he will need to pull the permit
- asked the dispositions on the 2 Criminal Citations: Mai Vang called Megan Kisch (Ms. Moermond does not want to conflict with the court's decision)

Ms. Vang:

- there were 2 citations issued: 1) Nov 1, 2011, two counts: no C or O and failure to maintain exterior property; both were misdemeanor but defendant pled guilty as amended to petty misdemeanors; 2) Nov 16, 2011, three counts of misdemeanor: No C of O, foundation issue and failure to maintain exterior property - all three counts were dismissed

Ms. Shaff:

- there's more to this
- Inspector Imbertson emailed Megan Kisch asking about this and Megan wrote back Jan 30, 2012: Mitch, this case was not dismissed; the defendant pled guilty to counts 1 and 2: 1) no Certificate of Occupancy; and 2) failure to maintain exterior as petty misdemeanors and count 3 was dismissed. I do not have any information about why count 3: failure to maintain exterior wall was dismissed. May guess is that the prosecutor found the charge to be duplicative. If the defendant is not in compliance (still renting without a C of O / not repair the exterior), you may write a new tag (no date).

Ms. Moermond:

- has been without a C of O since Aug 2011
- so this is just a re-statement of having no C of O and there's a Vacate date, Jun 1, 2012 attached to it

Mr. Deuth:

- he has spent thousands trying to correct the repairs but apparently, not in a correct way
- the reason for being here today is so the tenants wouldn't have to move out
- he is fine with with the building going into the VB Program

Ms. Meyers:

- ideally, would be for both Ms. Cole and Ms. Perkins to stay there and Mr. Deuth be given time to do the repairs while the tenants remain

- Ms. Perkins and Ms. Cole are both low income; Ms. Perkins has 4 young children; both expressed pride about living in their home
- regarding the deficiencies: we have only talked about the exterior of the property so there doesn't seem to be any issues regarding health, safety or hazard issues regarding the interior of the property. If that's determined not feasible, she is asking for time so that Ms. Cole and Ms. Perkins can get a damage deposit together, moving expenses, find a place, etc.
- this is not a Section 8 property; not assisted
- rents are \$600 and \$850

Ms. Moermond:

- the dryer vent is in the interior

Mr. Imbertson:

- they have not been in the interior since Sep 2011; the property is due for a renewal inspection (Ms. Shaff: clearly, we aren't getting compliance; the only thing left is to Vacate or to go through a Code Compliance Inspection and have all the items fixed before it can be re-occupied)

Ms. Moermond:

- will recommend that this building needs to be in complete compliance by Aug 1, 2012 or Vacated; whatever needs to be repaired is taken care of
- the only reason she is giving this long of an extension is to give the tenants a chance to find a place because she doesn't think that it will be repaired by that time
- everything needs to be done letter perfect
- Mai just received some information: the guilty pea resulted in a total fine of \$181 (Appellant paid that fine the day of court)

Ms. Meyers:

- is it possible for Mr. Deuth's licensed contractor to meet with Inspector Imbertson and explain, specifically, what needs to be done (Ms. Shaff said that Fire Prevention will charge a complete re-inspection fee for that - this has been going on for a long time)

Mr. Deuth:

- he doesn't disagree with anyone's frustration
- they missed the first 2 inspections completely - it was their own fault - they were living with his parents at the time and were both sick (Notices went somewhere else)
- he fully intends to make these repairs happen by Aug 1, 2012; he doesn't want this to be his history

Ms. Shaff:

- siding needs a permit and they need to be completely signed off (anything costing over \$500 needs a building permit pulled)

Referred to the City Council due back on 7/3/2012

**23 RLH VO
12-45**

Appeal of Christopher Deuth to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 1155 SEVENTH STREET WEST.

Sponsors: Thune

Deny the appeal and grant an extension to August 1, 2012 for full compliance or vacate the property.

RE: 1155 7th St W (three/four family)

*Heather Meyers, Southern Minnesota Regional Legal Services, appeared on behalf of Lolita Cole and Dominiques Perkins
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Fire Supervisor Leanna Shaff:

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Mr. Deuth

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- he wasn't aware that it didn't pass the inspection last Oct 2011 (he met Inspector Imbertson at the property)
- he thought that because the inspectors didn't pursue the Order to Vacate then, that he passed inspection
- Inspector Imbertson said that is why he got the citations; Mr. Deuth said it didn't all click for him
- he surprised to get another Order to Vacate in 6 months
- he was told that the licensed contractor doing the repairs had a hard time determining what repairs to do (in talking with the inspector, he said that licensed contractors should know what repairs to do)
- they fully intend to do the repairs correctly - up to code
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Ms. Shaff:

- there's more to this
- Inspector Imbertson emailed Megan Kisch asking about this and Megan wrote back Jan 30, 2012: Mitch, this case was not dismissed; the defendant pled guilty to counts 1 and 2: 1) no Certificate of Occupancy; and 2) failure to maintain exterior as petty misdemeanors and count 3 was dismissed. I do not have any information about why count 3: failure to maintain exterior wall was dismissed. May guess is that the prosecutor found the charge to be duplicative. If the defendant is not in compliance (still renting without a C of O / not repair the exterior), you may write a new tag (no date).

Ms. Moermond:

- has been without a C of O since Aug 2011
- so this is just a re-statement of having no C of O and there's a Vacate date, Jun 1, 2012 attached to it

Mr. Deuth:

- he has spent thousands trying to correct the repairs but apparently, not in a correct way
- the reason for being here today is so the tenants wouldn't have to move out
- he is fine with with the building going into the VB Program

Ms. Meyers:

- ideally, would be for both Ms. Cole and Ms. Perkins to stay there and Mr. Deuth be given time to do the repairs while the tenants remain
- Ms. Perkins and Ms. Cole are both low income; Ms. Perkins has 4 young children; both expressed pride about living in their home
- regarding the deficiencies: we have only talked about the exterior of the property so there doesn't seem to be any issues regarding health, safety or hazard issues regarding the interior of the property. If that's determined not feasible, she is asking for time so that Ms. Cole and Ms. Perkins can get a damage deposit together, moving expenses, find a place, etc.
- this is not a Section 8 property; not assisted
- rents are \$600 and \$850

Ms. Moermond:

- the dryer vent is in the interior

Mr. Imbertson:

- they have not been in the interior since Sep 2011; the property is due for a renewal inspection (Ms. Shaff: clearly, we aren't getting compliance; the only thing left is to Vacate or to go through a Code Compliance Inspection and have all the items fixed before it can be re-occupied)

Ms. Moermond:

- will recommend that this building needs to be in complete compliance by Aug 1, 2012 or Vacated; whatever needs to be repaired is taken care of
 - the only reason she is giving this long of an extension is to give the tenants a chance to find a place because she doesn't think that it will be repaired by that time
 - everything needs to be done letter perfect
 - Mai just received some information: the guilty pea resulted in a total fine of \$181 (Appellant paid that fine the day of court)

Ms. Meyers:

- is it possible for Mr. Deuth's licensed contractor to meet with Inspector Imbertson and explain, specifically, what needs to be done (Ms. Shaff said that Fire Prevention will charge a complete re-inspection fee for that - this has been going on for a long time)

Mr. Deuth:

- he doesn't disagree with anyone's frustration
 - they missed the first 2 inspections completely - it was their own fault - they were living with his parents at the time and were both sick (Notices went somewhere else)
 - he fully intends to make these repairs happen by Aug 1, 2012; he doesn't want this to be his history

Ms. Shaff:

- siding needs a permit and they need to be completely signed off (anything costing over \$500 needs a building permit pulled)

Referred to the City Council due back on 7/3/2012

**24 RLH VO
12-54**

Appeal of Dominiques Perkins to a Certificate of Occupancy Revocation and Order to Vacate at 1155 SEVENTH STREET WEST.

Sponsors: Thune

Deny the appeal and grant an extension to August 1, 2012 to vacate the property.

RE: 1155 7th St W (three/four family)

*Heather Meyers, Southern Minnesota Regional Legal Services, appeared on behalf of Lolita Cole and Dominiques Perkins
 Christopher Deuth, Responsible Party, appeared.*

Fire Supervisor Leanna Shaff:

- Inspector Imbertson will give the report

Inspector Imbertson:

- Revocation of Fire Certificate of Occupancy and Vacate Order
 - property has been transferred to the Vacant Building Program for noncompliance
 - needs a Code Compliance Inspection Report before being re-occupied
 - exterior property issues: work has been done within the past months but not the code standards
 - has been without a C of O since Aug 31, 2011
 - property manager was given multiple Criminal Citations for occupancy without a C

of O

- that didn't get the desired result of compliance so, the building was posted "Vacate" Jun 1, 2012
- first Orders on exterior painting and siding repair were part of a complaint inspection conducted Feb 10, 2011; the most serious item that remains
- photos on record
- the property has been improved to the extent that it looks better from a distance so, photos were a lot of close-ups
- the gaps allow moisture, small animals, etc. into the building and will lead to more serious issues

Ms. Moermond:

- commented that the photo document was so large, she had trouble attaching it to the Council's files on this; suggested that he broke up the file into smaller pieces
- noticed in the photos: there are gaps, some rotted out corners, some rotted boards, cement work was not great

Ms. Meyers:

- their paralegal, Al Harris, visited the property

Mr. Deuth

- supplied some background
- he wasn't aware that it didn't pass the inspection last Oct 2011 (he met Inspector Imbertson at the property)
- he thought that because the inspectors didn't pursue the Order to Vacate then, that he passed inspection
- Inspector Imbertson said that is why he got the citations; Mr. Deuth said it didn't all click for him
- he surprised to get another Order to Vacate in 6 months
- he was told that the licensed contractor doing the repairs had a hard time determining what repairs to do (in talking with the inspector, he said that licensed contractors should know what repairs to do)
- they fully intend to do the repairs correctly - up to code
- has talked with another contractor
- he is wondering whether the contractor could meet the inspector out there so that there's no confusion or misunderstanding about what needs to be done
- he does not think that exterior repairs should affect the tenants (no need to vacate); he doesn't think that it's a dangerous place to live; the repairs are mostly exterior
- he is not appealing that the work needs to be done; he just wanted to see if he, the inspector and the contractor could meet at the property to get a better explanation of what needs to be done
- he wants someone who knows what they are doing to do the repairs; he will hire a licensed contractor

Ms. Moermond:

- Appellant just needs to pull a building permit; a contractor does not need to pull a building permit; perhaps, if a structural contractor is needed, he will need to pull the permit
- asked the dispositions on the 2 Criminal Citations: Mai Vang called Megan Kisch (Ms. Moermond does not want to conflict with the court's decision)

Ms. Vang:

- there were 2 citations issued: 1) Nov 1, 2011, two counts: no C or O and failure to maintain exterior property; both were misdemeanor but defendant pled guilty as amended to petty misdemeanors; 2) Nov 16, 2011, three counts of misdemeanor: No C of O, foundation issue and failure to maintain exterior property - all three counts

were dismissed

Ms. Shaff:

- there's more to this
- Inspector Imbertson emailed Megan Kisch asking about this and Megan wrote back Jan 30, 2012: Mitch, this case was not dismissed; the defendant pled guilty to counts 1 and 2: 1) no Certificate of Occupancy; and 2) failure to maintain exterior as petty misdemeanors and count 3 was dismissed. I do not have any information about why count 3: failure to maintain exterior wall was dismissed. My guess is that the prosecutor found the charge to be duplicative. If the defendant is not in compliance (still renting without a C of O / not repair the exterior), you may write a new tag (no date).

Ms. Moermond:

- has been without a C of O since Aug 2011
- so this is just a re-statement of having no C of O and there's a Vacate date, Jun 1, 2012 attached to it

Mr. Deuth:

- he has spent thousands trying to correct the repairs but apparently, not in a correct way
- the reason for being here today is so the tenants wouldn't have to move out
- he is fine with with the building going into the VB Program

Ms. Meyers:

- ideally, would be for both Ms. Cole and Ms. Perkins to stay there and Mr. Deuth be given time to do the repairs while the tenants remain
- Ms. Perkins and Ms. Cole are both low income; Ms. Perkins has 4 young children; both expressed pride about living in their home
- regarding the deficiencies: we have only talked about the exterior of the property so there doesn't seem to be any issues regarding health, safety or hazard issues regarding the interior of the property. If that's determined not feasible, she is asking for time so that Ms. Cole and Ms. Perkins can get a damage deposit together, moving expenses, find a place, etc.
- this is not a Section 8 property; not assisted
- rents are \$600 and \$850

Ms. Moermond:

- the dryer vent is in the interior

Mr. Imbertson:

- they have not been in the interior since Sep 2011; the property is due for a renewal inspection (Ms. Shaff: clearly, we aren't getting compliance; the only thing left is to Vacate or to go through a Code Compliance Inspection and have all the items fixed before it can be re-occupied)

Ms. Moermond:

- will recommend that this building needs to be in complete compliance by Aug 1, 2012 or Vacated; whatever needs to be repaired is taken care of
- the only reason she is giving this long of an extension is to give the tenants a chance to find a place because she doesn't think that it will be repaired by that time
- everything needs to be done letter perfect
- Mai just received some information: the guilty plea resulted in a total fine of \$181 (Appellant paid that fine the day of court)

Ms. Meyers:

- is it possible for Mr. Deuth's licensed contractor to meet with Inspector Imbertson and explain, specifically, what needs to be done (Ms. Shaff said that Fire Prevention will charge a complete re-inspection fee for that - this has been going on for a long time)

Mr. Deuth:

- he doesn't disagree with anyone's frustration
- they missed the first 2 inspections completely - it was their own fault - they were living with his parents at the time and were both sick (Notices went somewhere else)
- he fully intends to make these repairs happen by Aug 1, 2012; he doesn't want this to be his history

Ms. Shaff:

- siding needs a permit and they need to be completely signed off (anything costing over \$500 needs a building permit pulled)

Referred to the City Council due back on 7/3/2012

11:30 a.m. Hearings

25

RLH VO
12-56

Appeal of Howard Jones to a Correction Order-Complaint Inspection (includes condemnation) at 867 HAGUE AVENUE.

Sponsors: Carter III

Deny the appeal and grant an extension to July 5, 2012 to vacate the property.

RE: 867 Hague Ave (three/four family)

Howard Jones, tenants, appeared.

Ms. Moermond:

- this is a Condemnation and Order to Vacate
- City Council Public Hearing Jul 3, 2012

Fire Supervisor Leanna Shaff:

- complaint inspection conducted Jun 8, 2012 for lack of electric service
- re-inspection was supposed to be on Jun 18, 2012
- yesterday, Jun 18, she spoke with Shelly, Xcel, who said that electric service is still shut-off
- Xcel's records show that Unit 2 has the electric shut-off; Unit 2 has Theresa Jones as the name on the account; Howard Jones is also on the account for Unit 2
- Apr 16, 2012, electricity was shut off for the first time; Apr 26, it had to be re-locked
- Appellant contends that he lives in Unit 1; Shelly, Xcel, said there is a different name on that account and the electricity was off in Unit 1 at one time but was back on Apr 27, 2012
- C of O history: it had been a B building; came up due last month; this referral is from 2012; Feb 2011, there was a referral with an old couch and construction material; Jan 2011, no heat in any apartment - using stove with 6 kids in the apartment

Ms. Moermond:

- this is about Unit 2: Theresa Jones is the account holder; Howard Jones' name is also listed

Mr. Jones:

- currently, he will be going to legal aid, who will help them negotiate the situation
- what brought about the high bill was the fact that the landlord would not fix the heat (had heat about 3% of the whole winter)
- it's a boiler system within the apartment
- landlord would keep sending people there to look at the boiler but the heat was never there; so, they kept the electric stove on nearly 24 hours a day; they used space heaters, extra blankets, etc.; they did have help from Catholic Charities to help pay their rent (subsidy); they notified Catholic Charities about the lack of heat and they contacted the landlord, as well, but the boiler needed to be replaced and it was never replaced; they kept resetting it but it kept shutting off
- they did not complain about this to the city because they were afraid of being evicted and he wasn't motivated by anger
- when they got the place, they had just come off homelessness
- the landlord doesn't fix anything; it's not just the heat; he owns a large number of apartment buildings and doesn't fix anything anywhere
- there are 4 children there: 15, 13, 11, 10
- they ran an electric cord from the basement so, they weren't without electricity
- he is looking for a little more time to vacate and get situated (he wants to talk with Xcel and Legal Aid)
- they had not used their energy assistance; their emergency assistance they used when they moved in
- Xcel bill is over \$3,000
- moved in Oct 1, 2011

Ms. Moermond:

- she can be flexible about vacate dates if the power is off; kids heighten her concern
- running power a cord is not a safe way to provide electricity
- she also heard staff report that it looks like someone tapped into the electric back in Apr
- is also hearing that the Appellant was heating with the stove and over, which is an extremely unsafe practice

Mr. Jones:

- at this time, they are not heating with the stove
- they don't even want to stay there anymore
- they just need a little more time to get another place; a couple of weeks, maybe
- need to find resources
- they are not trying to maintain long term occupancy
- if they would need to vacate now, there would be no place to go; they know the situation at the shelters
- are good friends with the neighbor; could leave food in their refrigerator
- the cord is running the refrigerator and one light
- Theresa is home most of the time

Ms. Moermond:

- seems to her that the most important thing is the refrigerator
- she will recommend granting an extension to Jul 5, 2012 to vacate but they need to unplug the electric cord
- an inspector will come to check on that a couple times; if inspectors are refused access or if they find a cord running, Appellant will need to be out in 48 hours
- provided Appellant with SMRLS' phone number 651/222-5863
- a letter will be sent
- in terms of the repair, it's a matter between the Appellant and the landlord, Calabash Properties
- there's also the matter between the Appellant and Xcel

Referred to the City Council due back on 7/3/2012

1:30 p.m. Hearings**Window Variances: Hearing Required**

- 26** **RLH FOW** Appeal of David Graves, on behalf of Baker Street Trust, to a Correction
12-241 Notice-Complaint Inspection at 310 BAKER STREET EAST.
- Sponsors:** Thune
- Deny the appeal on the lower unit southwest and southeast bedroom windows; grant a 4.75-inch variance on the openable height of the egress window in the upper unit west bedroom; grant an 8-inch variance on the openable height of the egress window in the upper unit southeast bedroom (south window only); grant a 3.75-inch variance on the openable height of the egress window in the upper southeast bedroom (east window only); and grant an 8-inch variance on the openable height of the egress window in the upper unit southwest bedroom.*
- RE: 310 Baker St E (duplex)*
- David Graves, owner, appeared.*
- Fire Supervisor Mike Urmann:*
- came under referral from Section 8 for inspection of property per egress windows
 - lower Unit SW bedroom double hung: 15h x 29w openable; 32h x 27w glazed
 - lower Unit SE bedroom double hung: 15h x 29w openable; 32h x 27 w glazed

 - upper Unit W bedroom double hung: 19.25h x 36 w openable; 38.75 x 34 glazed
 - upper Unit SE bedroom double hung S window only: 16h x 29.5 openable; 32.25h x 27.5 glazed
 - upper Unit SE bedroom double hung E window only: 20.25h x 29w openable; 40.5h x 27w glazed
 - upper Unit SW bedroom double hung: 16h x 29w openable; 32 x 27 glazed
- Ms. Moermond:*
- will grant a variance on upper unit windows
 - will deny appeal on lower unit windows: the problem with those 2 windows is the height; her cut-off is 16 inches
 - will grant 90 days to come into compliance with the lower unit egress windows
 - she expects a permit sign-off
- Mr. Graves:*
- will replace the lower unit egress windows with casement windows
- Referred to the City Council due back on 7/18/2012**
- 27** **RLH WP** Appeal of Molly McGrane, on behalf of Window World, to an Egress Window
12-61 Non-Compliance Determination at 1631 BIRMINGHAM STREET.
- Sponsors:** Bostrom
- No one appeared. Deny a variance on the awning egress window replacement measuring 12 inches high by 40 inches wide and deny a variance on the sill height issue.*
- Referred to the City Council due back on 7/18/2012**

28 **RLH FOW**
 12-236

Appeal of Houa Lee to a Fire Inspection Correction Notice (windows only) at 469 MARYLAND AVENUE EAST.

Sponsors: Brendmoen

Deny a variance on the egress bedroom window in Unit 1 and grant until August 17, 2012 for compliance.

RE: 469 Maryland Ave E (duplex)

Houa Lee, owner, appeared.

Fire Supervisor Mike Urmann:

- they have an egress window that is large enough but it exits into an enclosed porch
- the enclosed porch has walls; it's not a windowed porch
- pictures in the file
- each sleeping room needs 2 distinct exits from the room, one of which can be an egress window

Mr. Lee:

- this is how the house was when he bought it
- at the time of a fire, he thinks a person can break the window and get out the porch door
- there is no other way to put in a window
- this is on the ground level of the house
- asking for a variance
- hoping Ms. Moermond will help him with this

Ms. Moermond:

- she can't tell from the photos which is the porch and which is the room
- she would really like a photo of the front of this house
- asked Mr. Urmann to explain
- in this case, if there's a fire on the porch, it locks both exits to the outside
- will recommend denying a variance; you need 2 ways to get out of the bedroom - need to go straight outside, not through another room
- some people put a window into the side of the house (Mr. Urmann noted that in this case, that may not be possible because the room is in the center of the house); looks as though this room was not originally a bedroom
- City Council Public Hearing Jul 18, 2012
- will recommend granting an extension to Aug 17, 2012 to put a window into this room or stop using it as a sleeping room

Referred to the City Council due back on 7/18/2012

Fire Certificates of Occupancy

29 [RLH FCO](#)
 [12-270](#)

Appeal of Charles Turi to a Fire Certificate of Occupancy Inspection Correction Notice at 941 HUDSON ROAD.

Sponsors: Lantry

Grant a 1.5-inch variance on the openable height of the egress window. As to the building use, if owner files an appeal with Zoning by July 18, 2012 and completes the electrical light fixtures in the attic and submits a written letter from the asbestos contractor, Ms. Moermond will recommend that the City Council grant an extension to

August 14, 2012 to come into compliance.

RE: 941 Hudson Rd

Charles Turi, owner, appeared.

Ms. Moermond:

- this was laid over to give Mr. Turi a chance to talk with Yaya Diatta, Department of Safety and Inspections, about making this an actual duplex

Mr. Turi:

- Mr. Diatta was helpful; he mailed forms for Mr. Turi to apply for a variance
- he was confused so he sat down with Karin DuPaul, Dayton's Bluff Community Council, who walked him through the process of applying for the variance
- she suggested that he take photos; bring a copy of an affidavit - all his neighbors signed-off saying they don't have a problem with him pursuing to continue to use this structure as a duplex; and draw up a street plan of the property
- still has some questions: if he were to be granted a variance, will it be short term or long term, etc. (Ms. Moermond said it would stay with the property forever unless the house is razed, it's turned in to a triplex or the use is otherwise changed; she suggested he read it carefully)
- the application fee for the variance gave him sticker shock - \$520 (he has not yet applied)
- will he be able to continue to lease the property to the people he has under lease (one expires Oct 1; other expires Sep 1-lower Unit, unless they decide to re-lease it)
- he has chosen an electrical contractor
- had someone who works for an abatement company come in to take a look at the asbestos problem; he said the asbestos is not a hazard because it's wrapped properly and he has forwarded him a letter explaining that
- he has not yet taken out the window set to make the repair
- the lower front door lock has been repaired
- all closets have low voltage bulbs
- dryer has been removed; the vent going outdoors has been covered
- gas pipes been capped
- the zoning issue remains (duplex)
- would like to have all electric work done at one time

Ms. Moermond:

- concerned about the exposed wiring in the attic (Mr. Turi: doesn't see putting money into electrical work if it's not going forward as a duplex)

Mr. Turi:

- Helgeson Electric's bid for the deficiency list repairs will be around \$2,200; he said the problem in the attic is not really a big deal; they can terminate it there in a box and put in a pop light
- they are trying to determine if there are enough outlets

Ms. Moermond:

- in order to get a layover, Mr. Turi will need to deal with the electricity item in the attic (terminating into a box is acceptable)
- the Appellant wants to wait to do some of these repairs until after he finds out whether or not this can be a duplex; she needs to have some basic repairs done in order to allow him the additional time; she also wants to require the Appellant to file the application for a variance (duplex) sooner rather than later
- she needs a commitment to the duplex

Mr. Urmann:

- cited critical issues left: attic electrical work; carbon monoxide issue

Ms. Moermond:

- City Council Public Hearing is scheduled for Jul 18, 2012
- if the aforementioned conditions are met by Jul 18, 2012, she will recommend 8 weeks to come into compliance with the rest of the Orders (plenty of time to get a decision about the duplex)
- electric work: the licensed electrician would work under permit and the permit needs to be finalized
- you will get a letter confirming today's results
- we will mail the photos from last LH

Mr. Turi:

- provided a copy of the Fuel Burning Equipment Safety Test Report
- provided a copy of the Smoke and Carbon Monoxide Inspection Affidavit

Referred to the City Council due back on 6/20/2012

30 [RLH FCO
12-379](#)

Appeal of Linda Jerome to a Fire Inspection Correction Notice at 1849 MARYLAND AVENUE EAST.

Sponsors: Bostrom

Owner missed hearing. Rescheduled to July 10, 2012 on the ceiling height issue in the attic.

No show; deny the appeal on the ceiling height; grant a 2-inch variance on the openable height of the egress window in the main floor bedroom.

Laid Over to the Legislative Hearings due back on 7/10/2012

31 [RLH FCO
12-390](#)

Appeal of Lon Hoffmann to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 1074 BREEN STREET.

Sponsors: Bostrom

Rescheduled per owner's request on the clearance issue and grant a 6-inch variance on the openable height of the egress windows in the main floor east and west side bedrooms.

Laid Over to the Legislative Hearings

32 **RLH FOW
12-232**

Appeal of Allan G. Petersen to a Fire Certificate of Occupancy Inspection Correction Notice at 806 COMO AVENUE.

Sponsors: Brendmoen

Grant an 8-inch variance on the openable height of the egress windows in Unit 806, 806 guest room, 808 bedroom and grant the appeal on the driveway.

RE: 806-808 Como Ave (duplex)

Allan Petersen, owner, appeared.

Ms. Moermond:

- will recommend a variance on the windows

Fire Supervisor Mike Urmann:

- issue of a Class 5 parking space and driveway
- the apron cut into the public way is concrete; it's an approved roadway
- the Class 5 is well kept; there's no growth through it, no trenches, no deterioration
- was called by the inspector because of the ruling coming out of zoning that it can no longer be Class 5

Mr. Petersen:

- he'd love a new driveway; that's not the issue

Ms. Moermond:

- the driveway is pretty tidy
- sees only a couple of tiny things where Appellant needs to add Class 5
- will recommend granting the appeal on the driveway

Referred to the City Council due back on 7/18/2012

33 [RLH FCO
12-367](#)

Appeal of John Mezzenga to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 677 SUMMIT AVENUE.

Sponsors: Carter III

On June 25, owner called and stated he did not received notice of the hearing. Rescheduled to July 10 on the garage issue.

Grant a 7-inch variance on the openable height of the egress window in the second floor bedroom; and deny the appeal on the garage issue. (no one appeared).

Laid Over to the Legislative Hearings due back on 7/10/2012

34 **RLH FCO
12-368**

Appeal of Mary Pat Laboda to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 1195 EDMUND AVENUE.

Sponsors: Stark

Deny the appeal for owner to get out of the Fire C of O Program; grant the appeal on the stove issue; and deny the appeal on the furnace testing and grant an extension to September 15, 2012 for compliance.

RE: 1195 Edmund Ave (single family)

Mary Pat Laboda and husband, owners, appeared.

Fire Supervisor Mike Urmann:

- the inspector confirms what the Appellant says: that the home is occupied by a relative
- home is not owner-occupied

Ms. Laboda's husband:

- Mary Pat's daughter has lived there since 2006 while attending U of M
- and the grandson lives there, too
- the house is not rental; it's homesteaded as family
- they have been trying to take care of it
- they pay the mortgage on it and the taxes
- they live in Stillwater
- Mary Pat bought it from her mother
- it's not rental; that's why they are appealing

- he is a licensed master HVAC contractor and the city told him that he needed to hire someone from Saint Paul to come in and do the ORSAT test on the boiler (Ms. Moermond said it just needs to be someone licensed to do it; he can do it)
- there's no lease agreement; Ms. Laboda has never collected rent; her daughter pitches in when she can; she has only a part time job
- Ms. Laboda has lost money on it; paid \$181,000 in 2003 for it; now it's worth only \$110,000 - \$111,000; does not generate income

Ms. Moermond:

- unfortunately, the law doesn't talk about rental or not rental; it talks about whether it's owner-occupied or non-owner-occupied
- and, Ms. Laboda is the owner but does not live there; it's not about homesteading
- she does give consideration to a disabled adult who is dependent but this is not the case here
- this is 2 households in different locations

Ms. Laboda's husband:

- has a problem with one item: the fire inspector said that because one burner doesn't work on the old electric stove, it needs to be fixed or replaced; he is asking why? (Mr. Urmann: because the Property Maintenance code requires it)

Ms. Moermond:

- will grant the appeal on the microwave (got a new one)
- will grant the appeal on the stove
- Ms. Laboda's husband can't do the ORSAT test
- will deny the appeal to get out of the Fire C of O Program although City Council may think differently
- will recommend granting an extension to Sep 15, 2012 to come into compliance

Referred to the City Council due back on 7/18/2012

**35 RLH FCO
12-372**

Appeal of Hillary Hujanen to a Correction Notice - Re-Inspection Complaint at 971 CASE AVENUE.

Sponsors: Bostrom

Grant the appeal.

RE: 971 Case Ave (duplex)

Hillary Hujanen appeared.

Fire Supervisor Mike Urmann:

- outstanding Orders for exterior repairs
- looks like it's been here before regarding these issues
- the exteriors have not been repaired in an approved manner; not repaired to code
- the soffit and fascia are in pretty bad condition in a couple of places
- entered photos with no date (Appellant says it was from last fall)

Ms. Hujanen:

- May 22, 2012 Inspector Thomas inspected their property
- she had contacted a general contractor, Lloyd Low, on Apr 30 - he agreed to complete the work by May 5, 2012
- he brought in 2 laborers; they matched up paint samples and went over what needed to be done at the property
- he completed the work May 5, 2012 (replacing rotting wood on fascia and painting)
- Inspector Thomas notice more deficiencies with the fascia at the time of inspection

so she had Mr. Low give Mr. Thomas a call, directly, in order to flesh out what needed to be done, exactly, because both she and Lloyd were missing what Inspector Thomas wanted (no success)

- Mr. Low went over everything again and completed the work May 28, 2012
- apparently, there was an inspection May 29, 2012 (she doesn't know whether Mr. Thomas did the inspection or there was some mis-paperwork because the inspection was May 29; the inspection letter that was generated was dated May 29; and they received it on May 29, 2012 (seems rather odd)
- she knows that Mr. Thomas does drive-by inspections; her concern is that they are not being given a fair chance
- she has photos that were taken of the property last night
- Mr. Low tried to make an appointment with Mr. Thomas to actually go to the property but Inspector Thomas wouldn't make that appointment so, Mr. Low was left doing it according to his eye and her eye
- she entered photos of tuckpointing done on foundation; haven't skimmed coated yet
- a contractor will be coming to seal coat; entered photos of no peeling paint or fascia issues; entered close-up photos of front of the building where wood was replaced and no fascia issues; entered photos of back of building where rotted wood was replaced and no fascia issues; entered photos of side of the building where tuckpointing took place
- entered a letter from Mr. Low: he doesn't know what else to do for Mr. Thomas
- the stairs are all weather protected wood; the stairs were all replaced

Ms. Moermond:

- the cellar door looks like it needs a little repair (Appellant said that was never a part of the inspection)
- the rest looks tidy
- will recommend granting this appeal; there is compliance right now

Mr. Urmann:

- if it is true that the inspector wasn't willing to accommodate the Appellant to meet their contractor on site, it's a concern; it's a customer service issue and they may want to contact the director of the Department of Safety and Inspections, Ricardo Cervantes (Appellant said they have already made at least a dozen complaints and have tried to get a different inspector on this but haven't heard anything back. Her contractors have made it clear that they don't want to work for her as long as Mr. Thomas is the inspector)

Referred to the City Council due back on 7/18/2012

**36 RLH FCO
12-373**

Appeal of Shirley and Jay Olson to a Fire Certificate of Occupancy Correction Notice - Complaint Inspection at 501 DESNOYER AVENUE.

Sponsors: Stark

Grant the appeal on the driveway.

RE: 501 Desnoyer Ave (duplex)

Jay Olson, owner, appeared.

Fire Supervisor Mike Urmann:

- situation of a Class 5 driveway
- pictures in the file of both properties (501 Desnoyer Ave and 528 Frontenac Place)
- both properties have the same owner
- the properties were built on peat and it shifts up and down; it's a constant problem; he is not sure that a complete concrete driveway would hold up with peat underneath

it unless all of the peat were dug out and replaced with solid soil

Ms. Moermond:

- Appellant looked at photos with Ms. Moermond; his parents built these houses

Mr. Olson:

- explained that he had been raising up the sidewalk because all the soil is bad; it's peat (the area's problem)

- when his parents owned the property, the neighbors decided they didn't want the alley anymore so, they turned all the garages around to face the street and put the driveways coming out the front but they didn't dig out all the peat so the driveways go up and down all the time and the sidewalks go down

- he skim coated with Class 5; his dad had put in 2 concrete runners for the driveway but the side went down so, he decided to put Class 5 over the whole thing (the Class 5 is covering up the concrete runners)

- his neighbor replaced his concrete driveway 3 years ago with Class 5 all the way back and the parking area (he entered photos)

- within 1 block of both properties, he found at least 26 other driveways that are Class 5 because of the peat

- there was an anonymous complaint about the Class 5 for rental so, he stopped the process; now, it's completed (photos)

Ms. Moermond:

- will recommend granting the appeal on both properties

- it's nice and neat

Referred to the City Council due back on 7/18/2012

**37 RLH FCO
12-374**

Appeal of Shirley and Jay Olson to a Fire Certificate of Occupancy
Correction Notice - Complaint Inspectiton at 528 FRONTENAC PLACE.

Sponsors: Stark

Grant the appeal on the driveway.

RE: 528 Frontenac Place

Jay Olson, owner, appeared.

Fire Supervisor Mike Urmann:

- situation of a Class 5 driveway

- pictures in the file of both properties (501 Desnoyer Ave and 528 Frontenac Place)

- both properties have the same owner

- the properties were built on peat and it shifts up and down; it's a constant problem; he is not sure that a complete concrete driveway would hold up with peat underneath it unless all of the peat were dug out and replaced with solid soil

Ms. Moermond:

- Appellant looked at photos with Ms. Moermond; his parents built these houses

Mr. Olson:

- explained that he had been raising up the sidewalk because all the soil is bad; it's peat (the area's problem)

- when his parents owned the property, the neighbors decided they didn't want the alley anymore so, they turned all the garages around to face the street and put the driveways coming out the front but they didn't dig out all the peat so the driveways go up and down all the time and the sidewalks go down

- he skim coated with Class 5; his dad had put in 2 concrete runners for the driveway but the side went down so, he decided to put Class 5 over the whole thing (the Class 5 is covering up the concrete runners)
- his neighbor replaced his concrete driveway 3 years ago with Class 5 all the way back and the parking area (he entered photos)
- within 1 block of both properties, he found at least 26 other driveways that are Class 5 because of the peat
- there was an anonymous complaint about the Class 5 for rental so, he stopped the process; now, it's completed (photos)

Ms. Moermond:

- will recommend granting the appeal on both properties
- it's nice and neat

Referred to the City Council due back on 7/18/2012

**38 RLH FCO
12-377**

Appeal of Shah Vang to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 1114 BUSH AVENUE.

Sponsors: Lantry

Deny the appeal on the driveway and grant 30 days for compliance; forthcoming on the fire rated floor. Ms. Moermond requests that a diagram of the basement be submitted for her review.

Referred to the City Council due back on 7/18/2012

**39 RLH FCO
12-355**

Appeal of Tia Lee to a Fire Inspection Correction Notice at 694 SHERBURNE AVENUE.

Sponsors: Carter III

Deny the appeal and grant an extension to Friday, July 13, 2012 for full compliance.

RE: 694 Sherburne Ave (duplex)

Tia Lee, owner, appeared.

Mr. Lee:

- he needs more time to call contractors and get help doing the repairs
- he had permits pulled but everything takes time

Fire Supervisor Mike Urmann:

- a building permit was pulled for the construction of the front porch and sheet rocking on the 2nd floor
- but no permits have been pulled for any of the work that has occurred for plumbing, electrical and mechanical; and nothing has been inspected or approved
- the ceiling height is a major issue in this circumstance and no plans have been submitted
- both Unit 1 and Unit 2 are occupied; the attic space is not

Mr. Lee:

- has a job and works on these repairs himself and asks people to help; calls contractors
- would like to have 3 months extension
- he goes to work there every day
- house is 2 1/2 stories high; needs to find very high ladder so he can paint up there

Ms. Moermond:

- asked Mr. Urmann what on the list affects the occupant on the first level?

Mr. Urmann:

- understand that we have not been allowed access to the whole building yet; have been refused access to Unit 1 on the first floor and the basement
 - the basement access gives them information about the mechanicals for the rest of the building
 - other trades work that's been done affects the occupancy of the other spaces because they are not sure that the work has been done safely
 - need to get this done quickly because if there's a cross connection in the plumbing, that's a probably water issue and it could be a health hazard; if there are electrical shorts within the walls, it's a fire hazard
 - #19 in Unit 2 - issue needs to be addressed ASAP: right now it appears that the plumbing is cross connected so it's actually backflowing one to the other (that work was not done by a licensed or qualified contractor)
 - a family member in Unit 1 did not allow access to Unit 1 and the basement
 - Condemnation is the next step; their first attempt is to get compliance and keep the people in the structure

Ms. Moermond:

- looking at the deficiency list: there's a little bit of everything and all bad; pretty serious issues here
 - will be at City Council Public Hearing Jul 3, 2012
 - will recommend to deny the appeal and grant an extension to Friday, Jul 13, 2012; if the work has not been completed under permit and signed-off by that time, the Fire C of O should go forward and continue enforcement activities (Revocation, Condemnation, Criminal Citation)
 - these violations are very serious and we can't let it go on; i.e., illegally installed bathroom with bad venting
 - Appellant can talk with the City Council Jul 3, 2012

Referred to the City Council due back on 7/3/2012

40 **RLH FCO**
12-389

Appeal of Greg Ryan to a Fire Inspection Correction Notice at 1963 MARSHALL AVENUE.

Sponsors: Stark

Deny the appeal and grant an extension until August 1, 2012 for compliance. The MSFC items were withdrawn by owner.

Referred to the City Council due back on 7/18/2012

2:30 p.m. Hearings

Vacant Building Registrations

41 **RLH VBR**
12-39

Appeal of Bohlen Properties LLC to a Vacant Building Registration Notice at 683 MAGNOLIA AVENUE EAST.

Sponsors: Bostrom

VB closed.

Withdrawn**Other****Staff Reports**

- 42 RLH FCO
12-292** Appeal of Craig W. Baumann, Attorney at Law, on behalf of Brent and Lisa Sharp, to a Fire Certificate of Occupancy Inspection Correction Notice at 695 PARKWAY DRIVE.

Sponsors: Bostrom

Referred to the City Council due back on 7/3/2012

- 43 RLH VO
12-29** Appeal of Joel Ashbacher to a Fire Certificate of Occupancy Revocation and Order to Vacate 104 DALE STREET. (Public hearing continued from May 16) (To be referred back to Legislative Hearing on June 19, 2012 and City Council public hearing on July 3, 2012)

Sponsors: Carter III

Deny the appeal and grant until July 6, 2012 to vacate the property.

RE: 104 Dale St (single family)

Mai Vang will send Appellant a letter.

Referred to the City Council due back on 7/3/2012

- 44 RLH FCO
12-353** Appeal of David Larkin to a Fire Certificate of Occupancy Correction Notice at 728 LAWSON AVENUE EAST.

Sponsors: Bostrom

June 19: grant the appeal on the guardrail.

June 12: Grant a 5-inch variance on the openable height of the egress window in the second floor bedroom; deny the appeal on the furnace testing and grant an extension to October 1, 2012; roof issue is moot-need final inspection; forthcoming on the guardrail.

Referred to the City Council due back on 7/18/2012

Window Variances: No Hearing Necessary

- 45 RLH WP
12-67** Appeal of Daniel Schmidt, Ramsey County Public Health, to an Egress Window Non-Compliance Determination at 1083 ARUNDEL STREET.

Sponsors: Brendmoen

No hearing necessary; grant a 4-inch variance on the openable height of two double hung replacement egress bedroom windows measuring 20.06 inches high by 25.2 inches wide.

Referred to the City Council due back on 7/18/2012

- 46** **RLH WP**
12-68 Appeal of Daniel Schmidt, Ramsey County Public Health, to an Egress Window Non-Compliance Determination at 155 BAKER STREET WEST.
- Sponsors:** Thune
- No hearing necessary; grant a 2-inch variance on the openable height of three double hung replacement egress bedroom windows measuring 22.06 inches high by 27 inches wide.*
- Referred to the City Council due back on 7/18/2012**
- 47** **RLH WP**
12-69 Appeal of Daniel Schmidt, Ramsey County Public Health, to an Egress Window Non-Compliance Determination at 963 JUNO AVENUE.
- Sponsors:** Thune
- No hearing necessary; grant a 4-inch variance on the openable height of one double hung replacement egress bedroom window measuring 20 inches high by 23.2 inches wide.*
- Referred to the City Council due back on 7/18/2012**
- 48** **RLH WP**
12-70 Appeal of Daniel Schmidt, Ramsey County Public Health, to an Egress Window Non-Compliance Determination at 979 LAWSON AVENUE.
- Sponsors:** Bostrom
- No hearing necessary; grant a 4-inch variance on the openable height of two double hung replacement egress bedroom windows measuring 19.87 inches high by 27 inches wide.*
- Referred to the City Council due back on 7/18/2012**
- 49** **RLH FOW**
12-222 Appeal of Donald Franke to a Fire Certificate of Occupancy Correction Notice at 671 CLEAR AVENUE.
- Sponsors:** Bostrom
- No hearing necessary; grant a 6-inch variance on the openable height of the egress window in the second floor east bedroom.*
- Referred to the City Council due back on 7/18/2012**
- 50** **RLH FOW**
12-246 Appeal of Anthony Swanson, Public Housing Agency, to a Fire Certificate of Occupancy Inspection Correction Notice at 221 DALE STREET NORTH.
- Sponsors:** Carter III
- No hearing necessary; grant a 4-inch variance on the openable width of the egress window in the lower and upper bedrooms.*
- Referred to the City Council due back on 7/18/2012**
- 51** **RLH FOW**
12-233 Appeal of Shirley and Jay Olson to a Fire Inspection Correction Notice (windows only) at 487 DESNOYER AVENUE.
- Sponsors:** Stark

No hearing necessary; grant a 3-inch variance on the openable height of the egress windows in the first floor bedrooms of Unit 487 and 493.

Referred to the City Council due back on 7/18/2012

**52 RLH FOW
12-242**

Appeal of Hong Yang to a Fire Inspection Correction Notice (windows only) at 645 GOTZIAN STREET.

Sponsors: Lantry

No hearing necessary; grant a 2.5-inch variance on the openable height of the egress window in the second floor west bedroom.

Referred to the City Council due back on 7/18/2012

**53 RLH FOW
12-226**

Appeal of Shelly Pettit to a Fire Inspection Correction Notice at 777 HAZELWOOD STREET.

Sponsors: Lantry

No hearing necessary; grant a 6-inch variance on the openable height of the egress bedroom window.

Referred to the City Council due back on 7/18/2012

**54 RLH FOW
12-223**

Appeal of Joseph Kummer to a Fire Inspection Correction Notice at 324 JENKS AVENUE EAST.

Sponsors: Brendmoen

No hearing necessary; grant a 1-inch variance on the openable height of the egress window in the first floor west bedroom.

Referred to the City Council due back on 7/18/2012

**55 RLH FOW
12-225**

Appeal of Anne McGuire to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 1084 OSCEOLA AVENUE.

Sponsors: Thune

No hearing necessary; grant a 5-inch variance on the openable height of the egress window in Unit 1086 bedroom.

Referred to the City Council due back on 7/18/2012

**56 RLH WP
12-64**

Appeal of Erick Simola to an Egress Window Non-Compliance Determination at 806 PARKWAY DRIVE.

Sponsors: Bostrom

Referred to the City Council due back on 7/18/2012

**57 RLH FOW
12-238**

Appeal of Katherine Fleming to a Fire Certificate of Occupancy Inspection Correction Notice at 2180 PINEHURST AVENUE.

Sponsors: Tolbert

No hearing necessary; grant a 7-inch variance on the openable height of the egress windows in both first floor bedrooms.

Referred to the City Council due back on 7/18/2012

**58 RLH FOW
12-228**

Appeal of Tony Swanson, on behalf of Public Housing Agency of St. Paul, to a Fire Inspection Correction Notice at 717 RANDOLPH AVENUE.

Sponsors: Thune

No hearing necessary; grant an 8-inch variance on the openable height of the egress window in the lower bedroom and grant a 3-inch variance on the openable height of the egress window in the upper bedroom.

Referred to the City Council due back on 7/18/2012

**59 RLH FOW
12-240**

Appeal of Sean Protter to a Fire Inspection Correction Notice (windows only) at 541 SUPERIOR STREET.

Sponsors: Thune

No hearing necessary; grant a 7-inch variance on the openable height of the egress bedroom window.

Referred to the City Council due back on 7/18/2012

**60 RLH FOW
12-235**

Appeal of Scott Spiess to a Fire Inspection Correction Notice (windows only) at 1412 TAYLOR AVENUE.

Sponsors: Stark

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

Referred to the City Council due back on 7/18/2012

**61 RLH FOW
12-234**

Appeal of Shirley M. Thom to a Fire Inspection Correction Notice (windows only) at 1611 TAYLOR AVENUE.

Sponsors: Stark

No hearing necessary; grant a 7.75-inch variance on the openable height of the egress windows in the two rear bedrooms and grant a 4.75-inch variance on the openable height of the egress window in the two side bedrooms.

Referred to the City Council due back on 7/18/2012

**62 RLH FCO
12-395**

Appeal of InvestProp LLC, on behalf of Eizabeth A. Carlson, to a Fire Certificate of Occupancy Inspection Correction Notice at 1608 VAN BUREN AVENUE.

Sponsors: Stark

No hearing necessary; grant a 2.25-inch variance on the openable height of the egress window in the second floor southeast bedroom and grant a variance on the ceiling height in the basement two bedrooms.

Referred to the City Council due back on 7/18/2012

63 **RLH FOW**
12-237

Appeal of Michael Doody to a Fire Certificate of Occupancy Correction Notice (windows only) at 1223 WELLESLEY AVENUE.

Sponsors: Tolbert

No hearing necessary; grant a 3.5-inch variance on the openable height of the egress window in the north bedroom and grant a 2.5-inch variance on the openable height of the egress window in the south bedroom.

Referred to the City Council due back on 7/18/2012

64 **RLH WP**
12-63

Appeal of Molly McGrane, Window World, to an Egress Window Non-Compliance Determination at 905 WHITE BEAR AVENUE NORTH.

Sponsors: Bostrom

No hearing necessary; grant a 6-inch variance on the sill height provided owner install steps below the egress windows.

Referred to the City Council due back on 7/18/2012