



# City of Saint Paul

15 West Kellogg Blvd.  
Saint Paul, MN 55102

## Minutes - Final Legislative Hearings

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

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Tuesday, May 19, 2015

9:00 AM

Room 330 City Hall & Court House

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### 9:00 a.m. Hearings

#### Special Tax Assessments

- 1     [RLH TA 15-274](#)     Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1506P, Assessment No. 158405 at 520 FIFTH STREET EAST.

**Sponsors:**     Thune

*Delete the assessment; waiver on file.*

**Referred to the City Council due back on 6/17/2015**
- 2     [RLH TA 15-287](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1508B, Assessment No. 158107 at 218 GROTTO STREET NORTH.

**Sponsors:**     Thao

*No show; approve the assessment.*

**Referred to the City Council due back on 7/1/2015**
- 3     [RLH TA 15-286](#)     Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1506P, Assessment No. 158405 at 1607 HARTFORD AVENUE.

**Sponsors:**     Tolbert

*Delete the assessment; waiver on file.*

**Referred to the City Council due back on 6/17/2015**
- 4     **RLH TA 15-293**     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1508B, Assessment No. 158107 at 915 IOWA AVENUE WEST.

**Sponsors:**     Brendmoen

*No show; approve the assessment.*

**Referred to the City Council due back on 7/1/2015**

- 5 RLH TA 15-288** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1508B, Assessment No. 158107 at 78 JESSAMINE AVENUE WEST.

**Sponsors:** Brendmoen

*Shah Vang, RAS Enterprises LLC, one of the owners, appeared.*

*Inspector Joe Yannarely:*

- emergency boarding requested by St. Paul Fire Dept Feb 23, 2015 at 3:45 am
- cost: \$305.85 + \$160 = \$465.85

*Mr. Vang:*

- a rental property
- he did not get the billing so he has nothing to submit to the insurance company
- he is comfortable paying half of this; otherwise, he would need a detailed invoice to submit to the insurance company
- did not get a letter dated Mar 3, 2015
- they did register this as rental property with DSI

*Ms. Moermond:*

- provided Mr. Vang with a copy of the letter dated Mar 3 and the invoice that the city received from the boarding contractor
- the letter was addressed to S & R Consulting LLC, 71 Maple LN, St. Paul

*Mr. Vang:*

- S & R doesn't own this property; legal owner is RAS Enterprises LLC, 71 Maple Lane, St. Paul
- he got the fire report about 1 month ago

*Ms. Moermond:*

- people usually don't have any problems submitting these invoices to their insurance company
- your company is more than welcome to contact the city with questions; Matt Dornfeld's name is on the letter

*Mr. Yannarely:*

- Ramsey Co record shows: RAS Enterprises LLC, 71 Maple Lane, St. Paul as owner; and S & R Consulting LLC, 71 Maple Lane, St. Paul, as C of O Responsible Party

*Ms. Moermond:*

- why would that be ?
- someone filled out a form and gave it to Fire Inspection saying that S & R is the responsible party for the Fire Certificate of Occupancy and it's the same business address as RAS Enterprises LLC; it's troubling to her that Mr. Vang didn't know this
- will recommend approval of this assessment

*Approve the assessment.*

**Referred to the City Council due back on 7/1/2015**

- 6 [RLH TA 15-281](#)** Ratifying the Appealed Special Tax Assessment for Real Estate

Project No. J1508A, Assessment No. 158514 at 897 JESSIE STREET.

Sponsors: Brendmoen

*Clara Gallagher, Trustee, appeared.*

*Mai Vang:*

*- has been in communication with Ms. Gallagher a number of times; she has been sending letters instead of coming to the hearings; recently, she received a clean-up assessment but she was still in Texas when this happened; the letter had been forwarded to Ms. Gallagher but by the time the letter got to TX, the work had already been done by the city*

*Ms. Moermond:*

*- these things keep happening at the property; she is hoping to talk about a strategy to avoid these issues moving forward*

*Ms. Gallagher:*

*- talk to the building about that*  
*- there was a fire in Mar 2013 and the builder said that he'd be done with the work by Nov; she said, "OK" but did not get it in writing; consequently, the builder has been dragging it out*  
*- finally, all the permits were finalized about 1 month ago; so, she listed it with a realtor and it's been sold and everything should be fine moving forward*  
*- the builder had 2 or 3 big dumpsters setting in the yard; they had to take apart some of the chain link fence; the dumpsters were finally removed when someone threw some furniture: mattress, couch, chair in the yard*

*Inspector Joe Yannarely:*

*- this was a Vacant Building at the time of the clean-up*  
*- Summary Abatement Notice to remove discarded furniture from the back yard was issued Dec 31, 2014; compliance Jan 6, 2015; re-checked Jan 7*  
*- work done Jan 8, 2015 for a cost of \$288 + \$160 service charge = \$448*  
*- there have been 8 Work Orders within the last year*  
*- photo*

*Ms. Gallagher:*

*- she has someone doing the property maintenance now*

*VIDEO - removal of a 3-piece sectional*

*Ms. Gallagher:*

*- has bills from 4 different depts; doesn't know what they all are for*

*Ms. Moermond:*

*- provided Ms. Gallagher with copies of the assessments: 1) 2015 ROW/street maintenance: \$185; 2) Storm Sewers: \$85.36; 3) Property Clean-Up: \$448; 4) an old Vacant Building fee: \$1613; and 5) a new VB fee*

*Ms. Gallagher:*

*- is disputing the new VB fee, due Jun 2*  
*- will be closing in Jun 24, she thinks*

*Ms. Moermond:*

*- suggested that she put some money into escrow; talk to your realtor; he will understand what needs to be done*

*Ms. Gallagher:*

*- she was told yesterday by Mr. Vick the assessor, that the VB fee was off the books*

*Ms. Moermond:*

*- if the VB fee isn't paid, the dept asks the City Council to put it onto the property taxes; that hasn't happened yet; there's a meeting scheduled to talk about it with her on Jun 2, 2015 at LH; but you can tell whomever you need to that she is going to recommend that VB fee gets deleted*

*- you won't need to come to that Jun 2 hearing*

*Approve the assessment.*

**Referred to the City Council due back on 5/20/2015**

- 7      [RLH TA 15-279](#)      Deleting the Appealed Special Tax Assessment for Real Estate Project No. CRT1509, Assessment No. 158209 at 1264 REANEY AVENUE.

**Sponsors:**      Finney

*Delete the assessment, came out of Vacant Building Category 2 and received Certificate of Occupancy of Code Compliance on February 6, 2013. Inspector error. (No hearing necessary)*

**Referred to the City Council due back on 7/1/2015**

- 8      [RLH TA 15-285](#)      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. 1505T, Assessment No. 159004 at 936 SIMS AVENUE.

**Sponsors:**      Bostrom

*No show; approve the assessment.*

**Referred to the City Council due back on 7/1/2015**

- 9      [RLH TA 15-289](#)      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1508B, Assessment No. 158107 at 1481 WILSON AVENUE.

**Sponsors:**      Finney

*No show; approve the assessment.*

**Referred to the City Council due back on 7/1/2015**

- 10     [RLH TA 15-290](#)      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1508, Assessment No. 158812 at 647 YORK AVENUE.

**Sponsors:**      Bostrom

*No show; approve the assessment.*

**Referred to the City Council due back on 6/17/2015**

## Staff Reports

- 11 [RLH TA 15-271](#) Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1509A, Assessment No. 158519 at 731 BLAIR AVENUE.

**Sponsors:** Thao

*Letter and photos were reviewed and recommended deleting of the assessment due to illegal dumping.*

**STAFF REPORT:**

**Ms. Seeley:**

*-after looking at the photos, she believes it was illegal dumping  
-she recommends deleting the assessment  
-there were 10 mattresses, tires; somebody dumped that*

**Ms. Moermond:**

*-she asked if it was in an alley*

**Ms. Seeley:**

*-from the photos, there were some halfway into the alley and then some up against the garage  
-from her experiences, it's illegal dumping*

**Ms. Moermond:**

*-she will hold off on recommendation and talk to Public Works to see if they deal with this or should be dealing with this; ie DSI vs. Parks and Rec  
-it would be one of those calls*

**Ms. Seeley:**

*-probably need a conversation with Kathy Lantry  
-the inspectors see these all the times*

*5/21: owner was called about the recommendation*

**Ms. Moermond:**

*-she will go ahead and delete this but needs to develop a standard procedure for when these things happened*

**Referred to the City Council due back on 6/17/2015**

### Special Tax Assessments - ROLLS

- 12 **RLH AR 15-35** Ratifying Collection of Certificate of Occupancy billed December 16, 2014 to January 13, 2015. (File No. CRT1509, Assessment No. 158209)

**Sponsors:** Stark

**Referred to the City Council due back on 7/1/2015**

- 13 **RLH AR 15-36** Ratifying Boarding and/or Securing services during February 2015. (File No. J1508B, Assessment No. 158107)

**Sponsors:** Stark

**Referred to the City Council due back on 7/1/2015**

- 14 **RLH AR 15-37** Ratifying Graffiti Removal services during February 7 to March 28, 2015. (File No. J1506P, Assessment No. 158405)  
*Sponsors:* Stark  
Referred to the City Council due back on 7/1/2015
- 15 **RLH AR 15-38** Ratifying Tree Removal services from February 2015. (File No. 1505T, Assessment No. 159004)  
*Sponsors:* Stark  
Referred to the City Council due back on 7/1/2015

### 11:00 a.m. Hearings

#### Summary Abatement Orders

- 16 [RLH SAO 15-27](#) Appeal of Shirley Wyttenback to a Summary Abatement Order at 1053 BEECH STREET.

*Sponsors:* Finney

*Shirley Wyttenback, owner, and her son, Jeremiah Wyttenback appeared.*

*Ms. Wyttenback:*

- *thinks that everything has been resolved*
- *her property was in dire need of a clean-up; thanks to Inspector Martin who called attention to it; now, it's like a different place*
- *she is appealing about adding Class 5 in her parking lot; since then, she has added new Class 5*
- *the vehicles, tow truck, junk are all gone; owner came and got the tow truck before SPPD had it towed*
- *she lives with 2 males who are busy and had acquired stuff; they have cleaned it all up*

*Inspector Paula Seeley:*

- *complaint came in May 4*
- *Lisa Martin went out May 6; sent Summary Abatement Order: REMOVE all car parts and debris from the property and alley area*
- *she also sent a Vehicle Abatement Order: 5 vehicles- inoperable and parked on an unapproved surface; one was a tow truck that can't be parked in a residential zoning district, even if it's on the street*
- *she also sent a zoning enforcement letter - found many vehicles in disrepair with tow truck; concerned about a potential illegal car repair business*

*Ms. Wyttenback:*

- *her house sits on the alley; there's a 7th Day Adventis Church across the alley; they made a deal years ago that she could use their trash container and they could use her parking lot; so, some of the vehicles were from the church people*
- *melting snow run-off and rain takes a lot of her Class 5 off the parking lot; it's the 3rd time that she's put on new*
- *someone came and bought 1 of the boats, there were 2*

*Ms. Seeley:*

- wishes we could have talked to the Appellant before she put down more Class 5 because it's not allowed anymore unless LHO OK's it
- also, make sure there's current registration on the boat
- asked why there were so many surveillance cameras

Jeremiah Wyttenback:

- things have been stolen by a so-called "friend" - he got caught breaking into the shed; he was arrested for it; so, he put up all the cameras

Ms. Wyttenback:

- she has a double lot; maybe a square 40' x 40' is parking lot (a quarter of her property)

Ms. Seeley:

- the photo looks as though half the lot was asphalt at one time
- zoning is RT-1 residential

Ms. Wyttenback:

- she has lived there for 32 years and has never had asphalt; that's old Class 5
- this will never happen again; it got out of control

Ms. Moermond:

- she doesn't have a copy of the Vehicle Abatement Order or zoning letter where it says: parked on an unapproved surface
- it's fantastic that the whole place is cleaned-up, which is what the Orders asked for; checking the Orders for an approved surface
- the code has changed and we are shifting to more asphalt and cement for hard surfaces for parking
- about the run-off - that's a concern; she doesn't want to add any more problems to the sewer system

Ms. Wyttenback:

- we are fixing that problem; the guy who lives at her house is going to build it up so that all the water that comes down the alley will go to the street and down the sewer; none of that water will go into the Class 5 any more; you'd have to see it to know that it'll work

Ms. Moermond:

- she expects that the Appellant will get another Order that talks specifically, about the Class 5 and how much of her land is covered in Class 5; this is not in front of her today
- you will be talking with Inspector Martin about figuring out a strategy; you can get a variance about having Class 5 but it has to be set up in a way so that there are no erosion issues; will probably need a site plan review
- today, all that is not an issue
- people will come to check to see if there's a business operating there

Ms. Wyttenback:

- the guy who lives with her fixes his kids' vehicles from time to time
- her son wants to build a garage

Ms. Moermond:

- I can fix my own car in my own driveway but I can't fix someone else's car in my driveway; only people who live at the property can fix their vehicles on the property
- Grant the appeal. Owner in compliance.

**Referred to the City Council due back on 6/3/2015**

- 17     **RLH SAO 15-22**     Appeal of George Holdgrafer to a Summary Abatement Order at 841 MARION STREET.

Sponsors:        Thao

*Rescheduled to 2:30 p.m. VB hearing per inspector's request.*

**Laid Over to the Legislative Hearings due back on 5/26/2015**

- 18     [RLH SAO 15-25](#)     Appeal of Vlada Gazalabova, BLM Management Group, to a Summary Abatement Order at 599 MAGNOLIA AVENUE EAST.

Sponsors:        Bostrom

*Issues have been resolved.*

**Withdrawn**

- 19     [RLH SAO 15-26](#)     Appeal of Vlada Gazalabova, BLM Management Group, to a Summary Abatement Order at 666 SIMS AVENUE.

Sponsors:        Bostrom

*Issues have been resolved.*

**Withdrawn**

- 20     [RLH SAO 15-24](#)     Appeal of Vlada Gazalabova, BLM Management Group, to a Summary Abatement Order at 307 TOPPING STREET.

Sponsors:        Thao

*Issues have been resolved.*

**Withdrawn**

#### **Correction Orders**

#### **11:30 a.m. Hearings**

#### **Orders To Vacate, Condemnations and Revocations**

- 21     [RLH VO 15-28](#)     Appeal of Wenona Johnson to a Notice of Condemnation Unfit for Human Habitation and Order to Vacate at 2133 FOURTH STREET EAST.

Sponsors:        Finney

*Wenona Johnson, tenant, and her daughter appeared.*

*Fire Inspector Leanna Shaff:*

*- Fire Certificate of Occupancy: Condemnation/Unfit for human habitation/Vacate Order*



- heat exchanger is cracked; it has been disabled by a licensed contractor; however, there is no heat
- the owner has failed to correct cockroach situation
- the tenant is looking for more time
- Ordering Vacate by May 21, 2015

Ms. Johnson:

- Section 8 has received a copy of the Orders and are moving forward; it's OK to move
- landlord had given her a 60-day Notice; then, everything else happened

Ms. Shaff:

- the Condemnation Revokes the Fire Certificate of Occupancy; so, it's not lawful for him to rent you this property because he hasn't fulfilled his duty
- suggested that Ms. Johnson talk with an attorney; provided # for Southern Minnesota Regional Legal Services (SMRLS)
- be looking to transfer that Section 8 voucher somewhere else

Ms. Moermond:

- knows that when a place is Condemned, a person doesn't have to pay rent for that month; that might be useful money

Ms. Johnson:

- I was already on Section 8; shouldn't Section 8 already know this

Ms. Shaff:

- they don't know some of this; basically, they are the payee; they are not looking to enforce a lot of things

Ms. Moermond:

- for the money you pay each month, you could have a conversation with the attorneys at SMRLS and they might be able to help you out - because you are asking for more time to find a place; usually, people are also trying to get together the deposit money
- in this city, you cannot rent a place once it's been Condemned and Ordered Vacated; you can't collect the money or enforce a contract

Ms. Shaff:

- your landlord didn't provide you heat or take care of the bugs

Mai Vang:

- SMRLS does intake from 9 am - Noon and from 1 - 3 pm every day, located at #400, Alliance Bank bldg, 55 5th St East, St. Paul

Ms. Johnson:

- Sat, he had someone come out and put a new furnace in; he had exterminator come on the 22nd
- she has been looking for a new place; 6 people in the family

Ms. Shaff:

- the problem is that there's no permit for that the furnace installation; so, it may be working but it hasn't been checked out for CO
- they have not received any paperwork about the extermination

Ms. Moermond:

- grant a new vacate date: Jun 2, 2015

- there's no running furnace or oven; could use a space heater  
- will lay this over for a couple of weeks to see where the dust settles - Jun 2, 2015  
LH

Layover to see where tenant is at with housing. Tenant(s) may not turn on the furnace or oven to be used as heat.

**Laid Over to the Legislative Hearings due back on 6/2/2015**

22 [RLH VO 15-27](#)

Appeal of Andrew Kirchoff to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 1544 MONTANA AVENUE EAST.

**Sponsors:** Bostrom

*Andrew and Debra Kirchoff, owners, appeared.*

*Fire Inspector Leanna Shaff:*

- Fire Certificate of Occupancy inspection conducted by Inspector Franquiz, who is here today  
- it started with the C of O inspection that was completed in Jan 21, 2015; we were waiting for the permits to be finalized; that didn't happen  
- inspector's notes: looking for an extended time to get the plumbing and electrical work to be done; he required Mr. Kirchoff to get a permit for the construction of the bathroom and in the basement; it kept getting re-scheduled; at that point, she advised that he approve the Fire C of O in good faith that all this work would be completed; and since they were unable to get an end game on the work, they Revoked the Fire C of O for noncompliance  
- originally, this entered the Fire C of O Program Oct 8, 2013; first inspection cycle began in Jan 2015

*Ms. Moermond:*

- what's going on with the exterior?

*Mr. Franquiz:*

- doesn't believe there's anything  
- it was unoccupied when he got there  
- he noticed just the construction in the basement; wiring, plumbing, a wall was being constructed, which rose the question about the permits; he contacted Peggy for electrical; Steve for the plumbing; and the building inspector

*Mr. Kirchoff:*

- background is important here  
- this is a beautiful home; they have owned it for a number of years; they have a disabled daughter, who was living there; earlier this year, she was forced to move out; she is now wheelchair ridden and unable to live in a non-handicapped home  
- right now, no one lives there  
- he and his wife do not turn houses for a living; they are both nurses; his background was in aviation; he comes from a highly regulated world; nothing is more regulated than aviation and medicine  
- he understands the need for permits; he is not trying to avoid them  
- he has photos; it's one of the nicer houses on the block  
- the house is not about making money but they want to give someone a very nice home to move into  
- he wants to make sure that whatever he does with the house is impeccable  
- when Inspector Franquiz came out, he couldn't find any issues but they had started to do some work in the basement; he said that we needed to get some permits

*Debra Kirchoff:*

- however, when Mr. Franquiz left, he didn't say anything about that; it took him a while to call back and tell them, "Oh! By the way, you need to get this"... took him another time to call back and say, "Oh! By the way, you need to do this" - he didn't tell us up front what we needed to do - this took time

*Mr. Kirchoff:*

- he bought the property about 5+ years ago  
- they had a time table for doing the work: they had to have this wall built and he didn't realize that he needed a permit for an 8 ft interior wall until Mr. Franquiz brought it to his attention  
- when he had contractors come and give him bids on this 8 ft interior wall, they told him that he didn't need a permit, so, that was last on his list; his priority was getting the plumbing rough-in done and finalized; getting the electrical done.... and when the guys came to do the work, he had them also do other things that needed to be done, which he thought would enhance the house --- so, all this took a while; Fire thinks that this is taking him too long and maybe for a contractor, it is; but for him, who's working full time and trying to get on the list for contractors to come in and do these small jobs, it's not an unreasonable amount of time  
- the plumbing and electrical are done and finalized; the general guy is coming out today to approve the wall (has photos of wall)  
- he thinks the timeline is unrealistic; he feels as though the city is pushing him in 2 different directions: 1) these guys are saying, "You're not fast enough!" and on the other side, 2) the inspections' people have been very polite and they told him that he had "a year to do it; don't feel pressured; you're doing fine; the work is great; call me when you get it done but give me a good week out because I'm busy;" they don't find any issues  
- he doesn't understand what the big push is from Fire; it's not unsafe; he is doing this voluntarily to enhance the property  
- there's a disconnect between Fire and Inspections; he doesn't get it

*Ms. Shaff:*

- the TISH report is from 2008

*Mr. Kirchoff:*

- never had anyone contact them before about this zoning thing; last Oct he got the Notice in the mail and he paid the bill and didn't think about it until they contacted me  
-said they wanted to do a walk-thru

*Ms. Moermond:*

- asked Ms. Shaff what brought this to their attention  
- how did it get into the Fire C of O Program?

*Ms. Shaff:*

- it appears that it was just due for an inspection  
- it doesn't say how it got into the program

*Mr. Kirchoff:*

- probably because it's not homesteaded; the title wasn't in my daughter's name; the city probably thinks it's rental property

*Ms. Shaff:*

- the file says that Maynard Vinge wrote: invoice returned 3-14-14, To Whom it May Concern: mine is not rental property; it's the 2nd home that I use when I come to MN for 2-3 months in the summer (Kirchoffs: that's not true); these comments are a little odd ...

- added that she is sorry that they feel they are being misconstrued - they are just stating the facts; some of their concern was that some of this work was started without permit; the permit dates are after they approved the Fire C of O, in good faith; most coming in early Mar; the building permit for the wall, etc. was required because the value of that permitted work is \$3000 according to the contractor

Mr. Kirchoff:

- that's because he is also doing other things: put in doors; framing around windows; painting; etc; he can't hire a contractor to come in and take out a permit for an 8 ft wall that's been there for years but he can hire a contractor to come in, get the permit for a wall if he has him do a whole bunch of other stuff, which is what he opted to do; and that's was the reason for the delay in getting the general guy

Ms. Moermond:

- subsequent to the Jan 15 inspection, there was another when?  
- how many inspections led to the initial issuance of the C of O?

Ms. Shaff:

- the Jan 15 C of O was approved with deficiencies for getting these permits that were required and when the property owners did not get the required permits, they Revoked that Fire C of O  
- two

Ms. Moermond:

- so, this is not the first round; it's the 2nd round

Mr. Franquiz:

- he called and sent emails with the property owners and inspectors; we've been in communication by email, mostly

Mr. Kirchoff:

- when Mr. Franquiz first came out to do the inspection, he said that he wasn't going to give him the C of O, which he was fine with; he knew he had to get it all done and that it would take a while; however, he had this invoice setting on the counter and he paid it (doesn't recall what it was)  
- he was surprised when he received the C of O in the mail because he was told that he wasn't going to get one  
- Mr. Franquiz did the initial inspection but hasn't been out since to review the property

Ms. Kirchoff:

- Andy didn't work on it for a while because he was in the hospital; he was very, very sick; that delayed their progress, of course

Mr. Kirchoff:

- they have not lived in the property; they bought it exclusively for their daughter; when she came back from Tennessee, where she was a teacher and had gotten her Masters, she stayed at their house for a while; they bought this house for her to help her be more independent and not have to live with them

Ms. Moermond:

- is surprised that no one talked to them about the fact that this was their daughter and had a disability status; she would consider this a part of their household; it's one household in 2 locations; a dependent relationship  
- she would have released them from the Fire C of O Program had she seen this in appeal

- unfortunately, you did not get information along the way for whatever reason

Mr. Kirchoff:

- the general permit should be signed-off this afternoon at 1:30
- will sell the property

Ms. Moermond:

- you can get a TISH or you can use your Fire C of O letter instead
  - will recommend that their C of O be issued immediately upon the last permit sign-off
  - this property should not go into the Vacant Building Program; there are no exterior code violations and the property has not been empty for more than 1 year; there are no major code violations; it's not open to elements; and it's not secured by other than normal means - all of those things would trigger it becoming a registered VB; none apply here
  - ironically, as an owner, you could be doing a lot of this work without a building permit
  - will recommend this be out of the C of O Program
  - your appeal is granted
- Grant the appeal and this property is released from the Fire Certificate of Occupancy Program.

**Referred to the City Council due back on 6/3/2015**

**23 RLH VO 15-26**

Appeal of Eugene Kotz to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 1052 ROSS AVENUE.

Sponsors: Bostrom

Eugene Kotz, owner, appeared.

Fire Inspector Leanna Shaff:

- started with a referral Feb 20, 2015: defective ceilings-falling apart and coming down
- Inspector Franquiz went out Feb 23 and discovered many ceiling tiles missing, some are sagging, some are cracked; support rods for ceiling tiles are cracked; subfloor appears to have some cracks, as well; a piece of ceiling missing in stairway leading to basement
- Unit 2-missing CO and smoke detector was chirping
- Unit 3-missing smoke detector (tenant took back; advised to put it back)
- he returned on the 24th and found enough significantly wrong and started C of O inspections
- he didn't get much cooperation from Mr. Kotz; Mr. Kotz re-scheduled quite a few times or emailed that he wasn't available; the work was not being complied with - even with safety issues; the Fire C of O was Revoked for long term noncompliance Apr 30
- owner was advised to fix ceiling in Unit 1
- photos

Mr. Franquiz:

- he sent emails to Mr. Kotz to set up appointment; he got 1 email saying he needed to re-schedule because he was going out of town; he got a 2nd email saying that he needed to re-schedule again
- first appointment was for Mar 11, which was cancelled
- he set an appointment from Apr 10; owner didn't show
- Mar 16, after he had the ceiling repaired; the referral was closed and he set up the whole Fire C of O
- he spoke with Ms. Shaff about what he could do about this situation and that's when

we Revoked for noncompliance  
-he still had had no access to Unit 4

Mr. Kotz:

-back ground: he first took care of the ceiling complaint; Mr. Franquiz asked him to remedy some things immediately and he did those; he also identified some smoke and CO detectors where either the batteries were removed or the tenant had removed them; the tenants were there listening to him telling them to not take out the batteries, etc; the next day, he asked me to remove the falling dropped ceiling, which he took all down that evening; he came back the next day and said, "Good Job; how long did it take you?" He closed the complaint issue; he noticed that the smoke detectors were again removed; Mr. Kotz asked him why he didn't cite these tenants because obviously, they don't respect your advise and they won't do it; Mr. Franquiz said they don't cite tenants, which is very odd to him  
-they scheduled another inspection for Mar 16; he works for Xcel Energy and he travels throughout the 5 state area; he proved to Mr. Franquiz his inability to show up  
-Apr 10 was the date for the inspection of his 315 Blair property, which had already been scheduled, so, he told Mr. Franquiz that he could not be at the Ross address on Apr 10 because the 315 Blair property is a priority because he had a 6-week window to finish with Ms. Moermond and he can't be at 2 places at once; he asked Mr. Franquiz if he could re-schedule the Ross inspection but Mr. Franquiz said, "No; that's the date; you better show up;" he told him that he had to be at the 315 inspection, which passed, no problem; Mr. Franquiz said that the re-schedule had to be by Apr 30 or he'd Revoke the C of O; Mr. Kotz said that he'd have one of his tenants let him into the building; he was able to get into 3 units on Apr 28 (Mr. Kotz is in Denver); apparently, the tenant in Unit 4 was there but he drove away;he had asked to re-schedule for legitimate reasons  
-May 1, he gets the letter with deficiencies listed and he instantly fixed what he could (2 items are left)  
-he'd love to re-schedule; he never had a problem re-scheduling with inspectors in the past; has had this building for 14 years; has never had any issues  
-there were no safety issues in the building; I fix anything that's wrong

Ms. Moermond:

-tell me about tenants in this building

Mr. Kotz:

-has a referral into Diane Swanson, Attorney General, on this mentoring young adults group; he thought he was doing a favor but this group has been a disaster for him; these people feed this lady, Dora Jones, a bunch of crap and she places them (they lie about their backgrounds, etc.); her background check is totally bogus; they are problem people and he wants Diane Swanson to investigate this group; it's a mess; they have caused him havoc on his 2 buildings; he was able to resolve 315 Blair; the guy in Unit 4 is from this group  
-another lady is going downhill; she leaves the place a mess; is waiting to get on Section 8; he gave her a 30-day notice, as well  
-another tenant has been there 5 years; the other, over 1 1/2 years  
-questioned needing 3 outlets in the kitchen, one of which needs to be a 20 amp unit  
- that's not been an issue in the past; these are micro kitchens (the owner before him had meters put in up to code with new wiring)  
-some things (maybe 45) on the list are ridiculously picky, like burn marks on the linoleum, really? What does that have to do with safety?  
-he did fix nearly everything on the list; Mr. Franquiz will not find anything undone

Ms. Shaff:

-withdrawing #30

Mr. Kotz:

-#36- window frame trim not completely installed; it's about the trim around a decorative window (serves no purpose; is cosmetic); it's ugly and he wants to change it (Mr. Franquiz: there's an opening over the trim that shows insulation; tenant said it was very cold)

-#19 is confusing to him: can't have 3 locks on their door (he doesn't see a requirement for a certain number of locks); also, can't have a night latch on doors (applies to 10 + units, according to code); they removed the night latches while Mr. Franquiz was there; he is going to change out that door when the people move

Ms. Shaff:

-ease of access is the reason; in a fire/emergency situation, exiting needs to be as easy as possible - to get people out quickly (Mr. Kotz: he will fix it once they move out of Unit 1)

Pause: while Ms. Moermond reads the deficiency list

Ms. Moermond:

-assumes that #22 and #42 are being withdrawn

-suggested that since Mr. Kotz works for Xcel and travels a lot, he find a person to handle these things in his absence

-we will get you set up for another inspection; will give you a fresh deadline so you can be re-instated

-have these completed by Jun 16, 2015; if not done, you have a week to figure out what to do because Jul 1, 2015 this will be at City Council

Ms. Shaff:

-will be accompanying Inspector Franquiz on the inspection

Grant until June 16, 2015 for everything on list to come into compliance. If not in compliance, all units must be vacated by August 1, 2015.

**Referred to the City Council due back on 7/1/2015**

**24**     [RLH VO 15-25](#)

Appeal of Mary Jo Charpentier to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 1551 RUTH STREET NORTH.

**Sponsors:**     Bostrom

*No one appeared. Deny the appeal.*

*5/26/15: Tenant, Mary Jo Charpentier, called and stated she received the confirmation letter denying her appeal. She thought her rescheduled hearing was May 26 and not May 19. Ms. Vang told her she will consult with legislative hearing officer about her request to get an extension until August 15. Ms. Vang confirmed with Ms. Moermond and she denies her request and left her a voice mail to attend the June 3 Council meeting.*

**Referred to the City Council due back on 6/3/2015**

## 1:30 p.m. Hearings

### Fire Certificates of Occupancy

- 25 [RLH FCO 15-65](#) Appeal of Tara Schweiger, Maypop Sales and Services, to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 2554 COMO AVENUE, BUILDING C.

**Sponsors:** Stark

*Tara Schweiger, Maypop Sales and Services, appeared.*

*Ms. Moermond:*

- based on the conversation that Mai Vang and she had yesterday, Ms. Schweiger didn't know whether or not she needed to be here; Ms. Moermond told Ms. Vang that she was receiving information even late afternoon yesterday from DSI; and she hasn't finished reviewing what they've told you
- DSI was forwarding information to her as late as yesterday afternoon

*Ms. Schweiger:*

- she thought we were waiting to get a determination from the City Attorney on what license was required
- Ms. Vang had told her that she didn't really have to come today but could, if we wanted to

*Ms. Moermond:*

- she knows that Ms. Schweiger has contacted DSI about licensing issues and she wants to make sure that we are all in the same place before she takes any action
- you need a license, we just don't know which yet
- the tires are being picked up there and dropped off there in a way that looks like it needs a license; a professional activity, not a friends & family undertaking
- she wants to have DSI (licensing) review all the information and talk with their attorney about it; and until they do, she can't come to a conclusion; her goal is to have it done by the end of this week

*Ms. Schweiger:*

- we don't have a problem applying for a license; they were told not to pay for the license until they know which license they are applying for
- we may need an extension of time

*Ms. Moermond:*

- checking out the minutes from last LH; in summary, it says that I want to talk with the CA and come up with a determination about how this situation be best defined: semi; pick-off; drop-off; if hauling from warehouse to here in a pick-up truck, it's not mercantile.....etc..
  - re: the tank: it's leaking - will not give more time; 2-week layover to May 19 - we will have a chance to talk with licensing and get bids; you can either email or come in .... in meantime, she will get a better sense from CA about licensing.. ...
  - she is stuck here, in terms of the tank; not seeing a drop dead deadline on the tank (they are moving the tank)
  - will get a hold of you by the end of the week
- Recommendation is forthcoming.*

**Referred to the City Council due back on 6/3/2015**

- 26 [RLH FCO 15-80](#) Appeal of David Libman, Chief Manager of Libman Bros LLC, to a Fire Inspection Correction Notice at 76 LAWSON AVENUE WEST.

**Sponsors:** Brendmoen

*David Libman, Chief Mgr, Libman Bros LLC, owner, appeared.*



*Fire Inspector A. J. Neis:*

- *Fire C of O Correction; Inspector James Thomas*
- *appealed is the attic ceiling height, measured at 6.5 feet at the peak; code requires that any habitable area have a ceiling height over 7 feet with the exception of basement areas; approximately 7 inches too short; remainder of ceiling slopes down; total floor area is 130 sq.ft.*
- *it's one of those houses that has 1 or 2 bedrooms on the main floor, main floor bathroom; typical 1 1/2 stories; upper floor attic space never intended to be used for sleeping*

*Mr. Libman:*

- *the inspector suggested that he appeal this; there's 130 finished sq.ft. which he thought was large enough to be granted a bedroom*
- *if this room were illegal, it would make it hard to his occupants to stay there*

*Ms. Moermond:*

- *the code is 7 feet high for at least half the sq.ft floor area; you are 6 inches short of that*
- *doesn't think it's OK for living space*
- *wants to figure out a deadline that's respectful to his tenants*

*Mr. Libman:*

- *their lease has a ways to go*

*Mr. Neis:*

- *very nice house*
- *the top window looks as though it's almost to the peak*

*Mr. Libman:*

- *could look at opening up the ceiling*
- *the room feels large - not like an unlivable space*

*Ms. Moermond:*

- *will give you until Oct 1, 2015 to vacate the bedroom*
- *doesn't think it's tenable*

*Deny the appeal and grant until October 1, 2015 for tenant to vacate the attic room. It cannot be used for sleeping purposes.*

**Referred to the City Council due back on 6/17/2015**

- 27**     [RLH FCO 15-77](#)     Appeal of Harry "Dutch" Erkenbrack, 429 Inc. to a Correction Notice-Complaint Inspection at 429 ROBERT STREET SOUTH.

**Sponsors:**     Thune

*Harry "Dutch" Erkenbrack, 429 Inc, owner, appeared.*

*Fire Inspector A. J. Neis:*

- *Fire Certificate of Occupancy Correction Notice based on a complaint inspection after a fire that occurred at this address*
- *owner is requesting additional time to get the repairs done*
- *the property was not Condemned due to the fire damage*
- *property was at LH last hear to get the awnings on the front of the building repaired (that has been done)*

Mr. Erkenbrack:

- he never asked for additional time
- inspection took place the day of the fire and most of the clean-up work has been done
- is appealing item #4 no smoking underneath the canopy area; this will be a big problem for him unless the city can resolve it; they have already said that because of noise complaints in the area, we can't smoke on the side walk; Christine Schweinler and SPPD said folks are supposed to smoke on the patio; now, because of this inspection, we were told that no one can smoke under the canopy on the patio, which would put them at a serious disadvantage to any other businesses; the canopy was put up when the city passed the smoking ban, which was prior to his ownership; it's in the same spot
- when he bought the property, it had been Condemned; previous owner didn't pay their water bill, etc.; he brought everything up to code; the canopy was installed and inspected at the time and was approved by all
- people are smoking under canopies all over town; doesn't see a difference with this situation; it's open on all 4 sides
- for him to have no smoking outside will be pretty tough for business in a little neighborhood bar
- the fire was on the far corner of the patio on Robert St; there's a stairwell on that corner that goes into the basement; it has wood siding; fire inspector said that his best guess was that a cigarette butt had gotten under there and started to smolder; his bartender and security guard smelled smoke out there so, they went out to look but they didn't see anything; it smelled like a wood fire but there were no flames yet and so, they ignored it thinking that someone in the neighborhood had a fire place going; he got a call at about 4:30 am (he lives in Anoka); the fire dept broke the fence in order to put out the fire - only damage was basic to the exterior of that wooden part of the stairway going down
- the corner is right on the fence on Robert St and the patio cover is about 30 feet west of there - all the way to the other end of the patio; patio is probably 60-70 feet on the far end; it had nothing to do with the fire

Mr. Neis:

- the Fire Code is quite clear; MN State Fire Code 310.3
- Inspector Niemeyer put: "Post approved 'No Smoking' signs in conspicuous locations throughout the area; there is to be no smoking under the outside canopy;" nowhere in the Orders does it say that they cannot smoke on their patio
- MN State Fire Code 2404.6 - clearly says, "There's no smoking under a canopy, tent or membrane structure; and No Smoking signs shall be posted in accordance with MN State Fire Code, section 310;"
- take the canopy down and we don't have an issue or don't smoke under the canopy

Mr. Erkenbrack:

- could we try to get some relief, then, so that they can smoke outside

Mr. Neis:

- smoking on the front sidewalk is a licensing issue
- the structure in question looks like it's about 10 x 20

Mr. Erkenbrack:

- my competitors, who have those structures but who didn't have a fire right before Cinco de Mayo, they can have my customers, which to me is just not fair; I'm restricted and they can smoke outside and under their canopies
- I have no problems at my bar; probably have the fewest police calls in the city for a bar; this is terrible

*Mr. Neis:*

*- if someone calls in and complains about a bar that allows smoking under a canopy, we would send out an inspector to investigate*

*Mr. Erkenbrack:*

*- why did the building pass every inspection up until this incident? (when Condemned and also for numerous fire inspections, it always passed)*

*Ms. Moermond:*

*- sometimes, it's an oversight on the part of the inspector; a fresh set of eyes; change in code; and canopies and tents are being used more frequently now, since the change in the smoking regulation*

*- she wants to take a look at their license and allow time for compliance*

*- she wants to give this more thought, talk with a hearing officer who deals with licensing matters, and look into the possibility of a more stable, solid roof permanent structure at bars that are built with open air*

*- suggested that Mr. Erkenbrack look into putting up some kind of simple framed structure that would be more stable and less flammable; draw up a plan and check with the permit desk at DSI and you need to pull a building permit; they will be able to help you a lot with it*

*- she doesn't want to put you at a disadvantage business-wise*

*Mr. Neis:*

*- to explain more fully: part of the reason that more enforcement doesn't take place is that permits aren't required for a tent structure until you get over 399 sq.ft. for a canopy; your canopy is under 200 sq.ft; therefore, there is no inspection requirement on that; although, you still need to comply with all the requirements of it; we would not have inspected or required a permit for you to construct that - we are fine with it being there; it's the smoking aspect.... and the only time we can call a violation is if we witness the violation to exist when we're there; the inspector took photos of an ashtray being underneath that canopy; that was his proof that the violation existed; this Order would never have been written had there not been evidence of that ashtray*

*Mr. Erkenbrack:*

*- could he get more time to comply?*

*Ms. Moermond:*

*- yes, you can get more time*

*- will Lay this Over for 1 month to allow time to talk with others and look at this more broadly and also about uniform enforcement; when she looks at this again in a month, she will probably grant another 2 weeks (6 weeks from today)*

*- in the meantime, it's under appeal and you can smoke under the canopy; her strong preference would be to remove the canopy*

*Mr. Erkenbrack:*

*- his point was, could he get relief on this whole thing while they do the construction because he might decide to put that in in conjunction with all the repair on the fire damage; everything but the fire damage has been taken of on this inspection; but the fire damage repair, itself, is supposed to start this week but they may not finish by the 28th if he decides to include something else in that structure (framed solid roof structure)*

*Ms. Moermond:*

*- OK; got it*

*- will recommend granting an extension to Jul 1, 2015, including the canopy - for the whole thing*

*Deny and grant until July 1, 2015 for everything to come into compliance.*

**Referred to the City Council due back on 6/17/2015**

**28**    [RLH FCO 15-83](#)    Appeal of William Dunnigan to a Fire Inspection Correction Notice at 365 SMITH AVENUE NORTH.

**Sponsors:**        Thune

*William Dunnigan, owner, appeared.*

*Fire Inspector A. J. Neis:*

*- Fire C of O Correction Notice issued by Inspector Justin Elvestad accompanied by Supervisor Leanna Shaff*  
*- appealed is #8 minimum floor area for sleeping purposes in Unit 365: the floor in one of the upstairs bedrooms is 64.625 sq.ft. (minimum req is 70 sq.ft.); he spoke with Ms. Shaff yesterday; she indicated that the room, most likely, had been an approved bedroom and intended as such; however, she noticed that the closet was considerably deeper than a closet of that era; looks as though someone had enlarged the closet, making the room smaller*

*Mr. Dunnigan:*

*- provided photos on his camera*  
*- that unit has 3 bedrooms if you include this one*  
*- there are 4 units in that house - 2 up, 2 down*  
*- he had a complaint inspection there in Jan; one inspector was out; at that time, there were 4 people living there and the inspector was OK with that; had no problem with occupancy; since then, the person who was in that larger room moved and they decided to open it up and make it into a lounge area*  
*- the other 3 units are rented out as regular apartments; here, we rent out a room, furnish the utilities, cable TV and internet access, bed, dresser, night stand; we charge \$500 for that - a way to provide very affordable housing that is needed in the area*  
*- they have not had any problems with the residents there*  
*- the other 3 units have had long term tenancies (2+ years)*  
*- has owned the property for 20 years; sold it 5 years ago to a church group that was operating the gas station next door but they ended up getting it back in foreclosure; in that 20 years, it has always been accepted as a bedroom; was built in 1880*

*Mr. Neis:*

*- Inspector Shaff assisted on this inspection with a brand new inspector*  
*- just since Jan 2014, there were 6 complaints on this building (interior) and 4 for snow walk (11 complaints in last 18 months)*

*Mr. Dunnigan:*

*- the side walk shoveling complaints are filed religiously even though, they are shoveled out within 4 hours; he noticed and calls the inspector, who has his number on speed dial; the complaint comes in for the whole block; there has never been an Order issued for them to clear it*  
*- a number of the other complaints this winter were from an advocate for one of the women living in one of the rooms; the woman has some mental health issues and calls all the time (her room's too cold or there's no heat, etc.); an inspector came out and we reviewed it; he spoke with Phil Owens and explained the situation (he has paperwork for the last 20 years and that's never been called); when he spoke with Mr. Owens, he reviewed the issues that he had with the way this inspection was conducted most recently; and he agreed with Mr. Dunnigan; Mr. Owens called back*

*Mr. Dunnigan and told him to file an appeal, which they would not oppose and it should be resolved*

*Mr. Neis:*

*- this room does not appear to be an illegal sleeping room; it just appears that a closet was either added or enlarged, which reduced the room's square footage*

*Ms. Moermond:*

*- will recommend the appeal be granted; the room can't have anything larger than a single twin bed and must have a clear walk way*

*Grant a variance for Unit 365 upstairs room to be used as a bedroom on the condition that there can be only a twin bed in the room and use one-third of the area as a pathway for emergency purposes.*

**Referred to the City Council due back on 6/17/2015**

**29**     [RLH FCO 15-78](#)     Appeal of Michael Pruszinske to a Correction Notice-Complaint Inspection at 1241 WATSON AVENUE.

**Sponsors:**     Tolbert

*Michael Pruszinske, owner, appeared.*

*Fire Inspector A. J. Neis:*

*- Fire Certificate of Occupancy Correction Notice  
- complaint inspection re garage; Fire Inspector Mike Cassidy  
- garage needs foundation, roof and siding repair - been going on since Jul 2014  
- Mr. Cassidy granted an extension to May 1, 2015  
- Appellant asking for more time to get more bids  
- has a very clean history with their office; permits have been pulled whenever work's needed to be done  
- Class B grade  
- property is being maintained except for this garage*

*Mr. Pruszinske:*

*- a rental property - single family  
- has 2 bids, waiting for 1 more; then, will decide  
- 1 bid was ridiculous: \$70,000 for a 26 x 24 garage  
- it's complex with retaining walls  
- brought along the 2 bids; just a matter of time  
- last year, it got late; some contractors wanted to do the job but they didn't want to do the concrete/block work  
- hopes to have the permit pulled by the end of the week*

*Mr. Neis:*

*- they are not necessarily asking that a new garage be built, at this point; however, if the garage were taken down, that would satisfy their Orders as long as it was taken down properly*

*Ms. Moermond:*

*- she is seeing a dilapidated garage but is not seeing a dangerous structure (Mr. Neis agreed)  
- is not worried about collapse while waiting  
- wants to give him more time  
- will recommend granting an extension to Sep 1, 2015*

*Deny appeal and grant until September 1, 2015 for the garage to come into compliance.*

**Referred to the City Council due back on 6/17/2015**

## 2:30 p.m. Hearings

### Vacant Building Registrations

**30**     [RLH VBR 15-37](#)     Appeal of Terry Glass to a Vacant Building Registration Notice at 646 AURORA AVENUE.

**Sponsors:**     Thao

*Terry Glass, owner, appeared.*

*Fire Inspector A. J. Neis:*

*- this was at a hearing several months ago as a Revocation of the Certificate of Occupancy*

*- on the Revocation, Ms. Moermond recommended that the City Council grant an appeal on the Revocation, noting that the owner could not live at the property until the water, heat and exposed wire issues had been addressed; compliance date was May 1, 2015; if that were done, Ms. Moermond would grant additional time, until Jul 1, 2015, for the remainder of the items to be done; if that done and if Mr. Glass moved into the property, it would be out of the Fire C of O Program; Ms. Moermond noted that it would be turned over to Code Enforcement but she wanted Fire to continue to follow-up with this file just to verify occupancy, etc, which is what Inspector Jeremy Hall did*

*- Inspector Hall, per your recommendation and ratified by Council, was to do an inspection May 1, 2015; however, no one showed up; he contacted Mr. Glass, who called Mr. Neis and arrangements were made to inspect May 8, 2015*

*- items that were to come into compliance were not completed: water had been turned on but there's no working toilet on the property; the bathroom upstairs had been gutted; the furnace and issues were not completed and finalized by May 1, as required*

*- Inspector Hall indicated that since he was there last, more inside demo work had been done upstairs*

*- photos in file - clearly, not in a habitable condition*

*- based on that, Mr. Hall consulted with Mr. Neis, who advised that since, it was not in full compliance with Council Orders, to sent the building over to the Vacant Building Program as Condemned*

*Inspector Matt Dornfeld:*

*- May 12, 2015, Inspector Senty opened a Category 2 VB*

*- documented: house unoccupied; secured by normal means; chipped-peeling paint; unapproved hand/guardrails on rear deck; damaged stucco; damaged and missing storm/screen windows; photos attached; posted VB placards on front and rear doors*

*Mr. Glass:*

*- he has a working toilet, working water, working heater, new boiler and new hot water heater*

*- his dad passed away Mar 27, 2015, while he was in the process of getting things done, which knocked him off balance*

*- then, they got to work (he, his brother and a couple friends)*

*- water was already in the house; it had never been a problem; smoke detectors are*

*in, etc.*

- *all this came about because of his address - saying the mail should be sent to his girlfriend's house because he was waiting to have a new boiler put in*
- *now, the house has been deemed inhabitable*
- *gave me until Jul 1*
- *once they got in to work, they took off the plaster and the insulation*
- *has no money for windows right now; so, he put up new sheet rock because the plaster is old; took off plywood; new insulation*
- *he has a toilet and a tub*
- *on the Order, you said that I could fix it up; to have the outside done by Jul 1, 2015*
- *he got someone to help him take off the old stucco and re-stucco*
- *if he stays at his girlfriend's house sometimes, does the city consider his house vacant? He goes to work at 5:30 am and had to leave work today to come here; normally, he doesn't get off until about 6 pm*
- *now, they put signs up and he doesn't have permission to go into his own home again*
- *his sister met the inspector there May 1, 2015; inspector called me and asked where I was; told him that I was at work and can't get off*

*Recess was taken for a few minutes for Ms. Moermond to review the Orders*

*Ms. Moermond:*

- *the way it was left at the last LH, she recommended to the City Council that your appeal was granted on the Revocation/Order to Vacate, noting that you cannot live at the property until the water, heating units, exposed wiring are addressed; and she granted an extension to May 1, 2015 for those items to be taken care of; Mr. Neis says that there was no permit pulled to deal with the exposed wiring or heating units*

*Mr. Neis:*

- *there was a permit pulled for the heating unit; however, it was not fully finished on the install - no permits have been finalized*
- *there are pictures of the exposed wiring; there's knob & tube wiring; a photo of an attempt to improperly wire into a plastic box; still exposed wiring, additionally*
- *Mr. Glass said that there is a toilet and a bathtub; however, when Inspector Hall was out there, he indicated that there's only 1 bathroom - photos indicated that there is no working bathroom*
- *Mr. Glass said that he ran new plumbing lines without ..... any permits*

*Mr. Glass:*

- *there's water in the kitchen and in the toilet upstairs; there is working water in his house and a working toilet*

*Ms. Moermond:*

- *looking at photos; seeing exposed wiring; don't have the heating unit taken care of yet - just permits pulled, not finalized*

*Mr. Glass:*

- *the paperwork didn't say I had to pull permits; he was in his own home; he has done carpentry for years and he started pulling down sheet rock; he didn't think that pulling out insulation and putting up sheet rock required a permit*

*Ms. Moermond:*

- *we are going to focus on plumbing and electrical; she agrees with him about the carpentry things*

*Mr. Glass:*

- Ramsey Action Program had paid the contractors to put the heater in, a new boiler; their person did come thru to inspect the boiler

Ms. Moermond:

- unfortunately, a city inspector needs to check it (Mr. Neis: probably, the permit was never called for a final; photos from May 8 show a new boiler but the work hadn't been quite finished; the insulation is not completed in the boiler - that was one of the least of Mr. Neis' concerns because a permit has been pulled and if RAP is paying for it, he knows that it will eventually get done correctly); the work just wasn't completed by May 8

Mr. Glass:

- the insulation in the photo is for the hot water heater

Mr. Neis:

- the bathroom was intact when Inspector Hall was there several months ago; on May 8, the bathroom was no longer in tact (Mr. Glass: but there was an operable toilet - operable water)

- based on Inspector Hall's inspection on May 8, there was no operable toilet, no operable bathtub; photos show; the water heater was not properly vented; the furnace was not properly installed; there was exposed wiring; there was new wiring installed that was not done properly and without permit; if this had been a fresh inspection without having gone thru the appeals process, this building would have been Condemned with an immediate Vacate, regardless; that's why it went from a Revocation to a Condemnation

- once a wall has been opened up, knob & tube wiring has to be replaced with regular wiring

Mr. Glass:

- repeated that he did have an operable toilet on May 8, 2015

- he is usually at work and he sleeps both at his house and at his girlfriend's house

- at his house he has a couch, a cover, a TV, take-out food for now, has a brand new refrigerator, a toilet and running water

Ms. Moermond:

- a few months back, she was trying to help him to address these couple of issues so that he could get assistance from RAP; so, we went that extra mile so that he could get those things squared away

- RAP should be finishing up the permit stuff but there are other things wrong that need to be fixed; and in the meantime, a lot of other things developed into problems that weren't there before

Mr. Glass:

- he has too much on his plate: has to work every day (60 hrs/week) and can work on the house only on the weekends

- his plan is to complete the renovation; he keeps working to keep and insure the house; and keep his other bills at bay, student loan, child support, etc.; he is doing his best

Ms. Moermond:

- you have open walls and a lot of violations that look legit to her; she already went around helping with the Condemnation

- here were are at round 2

- the next step coming is there's a annual Vacant Building fee and the house would have to be brought up to minimum code before it could be occupied; she'd like to help him out on that



- you have some supplies on hand; you have a friend who's licensed electrician (you're looking at some serious expenses; you may/may not want to keep the house, depending upon how much those expenses are)  
- she thinks the house should be Condemned; next step, it should go to the VB Program and there would be a fee - she will work with him on that fee  
- the other piece is the Code Compliance Inspection (trades people look at it)  
- City Council Public Hearing on this will be Jun 3, 2015; at that time, she will recommend that your appeal on the Condemnation/Order to Vacate is denied; that it become a Registered VB but the fee is waived for 4 months, which will give you time to order the Code Compliance Inspection  
- after you get the report from the code compliance inspection, you need to assess the costs, evaluate your options and make a decision that's best for you  
- if there's any chance that you'd qualify for legal aid, call SMRLS 651/222-5863; NeighborWorks also has programs to help people in your circumstances - contacts Andy Barnett and Donna Worbo (Community Development Corporations) at 523 Dale St N - #651/292-8710

Deny the appeal but waive the vacant building for 4 months. Owner needs to obtain a code compliance inspection.

**Referred to the City Council due back on 6/3/2015**

### 3:00 p.m. Hearings

#### Other

- 31 [RLH OA 15-4](#) Appeal of Clifton Holliday to a Letter Dated May 5, 2015 from Building Inspector Isaac Stensland Requiring Fence to be Removed at 149 SIDNEY STREET EAST.

**Sponsors:** Thune

*Appellant(s): Clifton Holliday and wife*

*STAFF: Isaac Stensland, DSI-Building Inspector, Jean Birkholz and Mai Vang-Council Research, Marcia Moermond-LHO*

*Mr. Stensland:*

*-I have an aerial that I print out this morning*

*[Ms. Moermond and Mr. Stensland reviewing the aerial map]*

*Ms. Moermond:*

*-we are running an aerial map of the houses and it will have the streets and view of the property*

*-she will be adding plat lines*

*Ms. Holliday:*

*-it will be hard to find the plats because they worked with Zoning and if there were any...*

*Ms. Moermond:*

*-we got the Public Works talking about the fence being in the public right-of-way*

*-questioned if they know what this means and yes they understood*

*-she said they got a concern from the building folks about permitted work in the public right-of-way*

-we can easily be talking from a Public Work's perspective because she hears those appeals on encroachment right-of-way  
-she is not sure if there can be a conclusion to this

Mr. Stensland:

-last year he was out there and there were some insulation work done to the house in May and he noticed some fence work going on at that time.  
-Mr. Holliday was made ware of the fence requirement and was to get a permit to locate the property pins  
-he seemed to understand that  
-he has been monitoring Amanda and didn't see the fence permit so there was a double fee penalty  
-he sent owners a letter stating that a permit needed to be obtained  
-Mr. Holliday proceeded to get a permit on June 2nd and got the permit  
-his letter on Oct 2 stated that fence was constructing the right of way along Riverview Ave which is a 13-ft setback of the curb and where City utility can be located and needed access at any given point; it's obstructing the alley's sight lines onto Riverview Ave to make safe turns and it's not allowable for the fence guidelines for a building permit  
-they had 14 days to follow-up; sent another letter on Nov 5 and there was no response. A conversation finally took place sometime in May to apply for an encroachment variance and rec'd a letter from Terry Vasquez on Dec 10 sent to Mr. Holliday denying a variance  
-fell off the radar and then he sent a third letter on May 5th  
-due to the denial, no inspectors had been called in and the fence is still there

[owners showing LHO the fence line on the map and marking it]

Ms. Moermond:

-asking what was fencing

Mr. Holliday:

-the backyard  
-fencing along the garage; alley is angle to my garage and there is no obstruction alongside his garage; back of his house, fence end at garage driveway.

Ms. Moermond:

-asking how far from the curb and what is the length of it  
-this is one foot there from curb  
-asking how tall is the fence

Mr. Holliday:

-about 6 ft  
-the letter said it was denied

Mr. Stensland:

-there was a letter from Public Works

Ms. Holliday:

-rec'd a call from Mr. Stensland that it was denied and then final notice to have the fence torn down  
-in June he came out and we did some work at that time, did go down there once we learned we needed a permit  
-was told that the line we drew to get the permit was out of our property line; by that time fence was already put in  
-we went and spoke to Terry Vasquez and was told to write up an encroachment right

*of way permit and was told probably would not be an issue*  
*-was given information about work being done there*  
*-we would told we would need to work with City for work that need to be done, make an agreement with the City that we would tear down our fence and cover the cost of the fee*  
*-this is a small street with no sidewalk so there is no obstruction for pedestrians nor near traffic control*  
*-if we would to build within our property line, we would have to go through a tree*  
*-we run a business and need the fence for our privacy and security concern.*

*Mr. Holliday:*

*-putting up the fence was for our safety concerns; have two small children*  
*-was not aware that it needed a permit*  
*-have been maintaining the little area of the grass*  
*-his is not even close to the sidewalk, the fence angle to the side of the garage with no obstruction issue*

*Ms. Moermond:*

*-she is focusing on the obstruction of the view from the alley*  
*- asking if it is a 6 ft corner of privacy fence so someone will have to be well into the right of way to be able to see traffic*

*Mr. Stensland:*

*-when the fence open to the driveway here, they can start to see down Riverview; a big obstruction in his view being that it's a corner*  
*-his issue is the right of way*

*Ms. Moermond:*

*-the public right of way is for the public to use and needs to be accessible, no matter what is signed it would be their expense if it needs to be removed.*  
*-in terms of the height, if it was a blvd planting we have regulation about how high it can be when it's on a corner especially, it's not great.*  
*-not sure where the snow would be*  
*-the Council has been sympathetic for case like this*  
*-would like for them to fill out another permit application and get it signed and deliver to our office and will attach the permit application to the resolution she will send through*  
*-need to know about the tree on the blvd as well and she will talk to Forestry about long term maintenance*

*Grant the appeal allowing encroachment into the right of way, noting City may require use of the right-of-way, which could require removal of the fence and any other improvements, at the owner's expense.*

**Referred to the City Council due back on 6/17/2015**