

# City of Saint Paul

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



## **Minutes - Final - Final**

**Tuesday, May 17, 2011**

**9:00 AM**

**Room 330 City Hall & Court House**

## **Legislative Hearings**

*Marcia Moermond, Legislative Hearing Officer*

*Mai Vang, Hearing Coordinator*

*Jean Birkholz, Hearing Secretary*

*Mary Erickson, Hearing Secretary*

*legislativehearings@ci.stpaul.mn.us*

*651-266-8560*

**9:00 a.m. Hearings****Special Tax Assessments**

- 1      [RLH AR 11-30](#)      Ratifying Collection of Trash Hauling services during March 02 to March 30, 2011. (File No. J1109G, Asmt No. 118065)

**Sponsors:**      Lantry

**Attachments:**      [Assessment Roll](#)

**Referred to the City Council due back on 6/1/2011**

- 2      [RLH TA 11-36](#)      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1109G ; Assessment No. 118065 at 1256 HARTFORD AVENUE.

**Sponsors:**      Harris

**Attachments:**      [1256 Hartford-hauler SA 3.09.11.DOC](#)  
[1256 Hartfor SA 3.09.11.DOC](#)  
[1256 Hartford photo 3.08.11.DOC](#)  
[1256 Hartford SA 3.15.11.DOC](#)  
[1256 Hartford SA 3.15.11.DOC](#)

*No show; approve the assessment.*

**Referred to the City Council due back on 6/1/2011**

- 3      [RLH AR 11-27](#)      Ratifying Collection of Property Clean Up services during March 01 to March 31, 2011. (File No. J1112A, Asmt No. 118064)

**Sponsors:**      Lantry

**Attachments:**      [Assessment Roll](#)

**Referred to the City Council due back on 6/1/2011**

- 4      [RLH TA 11-64](#)      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1112A, Assessment No. 118064 at 468 BELLOWS STREET.

**Sponsors:**      Thune

*No show; approve the assessment.*

**Referred to the City Council due back on 6/1/2011**

- 5      [RLH TA 11-51](#)      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1112A, Assessment No. 118064 at 719 CASE AVENUE.

**Sponsors:**      Bostrom

**Attachments:**      [719 Case Ave. snow letters.pdf](#)

*Approve the assessment.*

*RE: 719 Case Avenue*

*Ken du Fung, appeared, with a translator.*

*Inspector Seeley, Department of Safety and Inspections (DSI), reported that this assessment is for snow removal. Orders were sent February 22, 2011 with a compliance date of February 25, 2011. It was re-checked on March 1, 2011 and the work was done March 3, 2011 at a cost of \$160 plus a service charge of \$140 for a total of \$300. Orders were sent to Ken Du Fung, 528 Rice Street and Occupant.*

*Mr. Fung is appealing this because he bought the property in 2008 and paid a lot of money to repair it, and it had cost a lot to maintain it. Then, the City removed it and he lost a lot of money because of that. He has spent enough money on it; he doesn't want to pay for the snow removal.*

*The video was viewed. It showed 3 feet high snow. The City removed the snow, salt and sanded.*

*Ms. Moermond stated that she can't decrease an assessment because there was a demo a few years earlier; the snow on the property still needs to be shoveled.*

*Mr. Fung said that he wants to give up the whole property. The removal of the house was not legally done. The City should pay for the damage because of the City's actions. Now, he wants to give the property back to the City and he has already told you that. Ms. Moermond asked if he had followed through with Sheri Pemberton at Planning and Economic Development (PED) on that. Mr. Fung added that he bought the property in August 2008. He asked the City to transfer ownership and he got the permits for the repair. In four (4) months, he did the necessary repairs but the property was removed in December 2008. He did what he was supposed to do and the City removed it. Ms. Moermond responded that she understood his frustration but she can deal only with the snow removal today. The City gave proper Notice and did the work; that's all she can look at today. Ms. Moermond will recommend approval of this assessment.*

*Mr. Fung stated again that he had talked with the City officer and he gave everything back to the City. Now, the City owns it; that's why he doesn't want to pay for this snow removal. Ms. Moermond responded that she will follow through with Shari Pemberton at PED about his giving the property back to the City. Mr. Fung asked if the assessment was linked to a person or to a property. Ms. Moermond responded that it is linked to the property and if the property owner has changed, the assessment will go to the current owner. She added that she can't take care of this right now. Mai Vang will check with Shari Pemberton to see if she can come over now, since the interpreter is here.*

**Referred to the City Council due back on 6/1/2011**

**6**      [RLH TA 11-47](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1112A, Assessment No. 118064 at 673 CHARLES AVENUE.

**Sponsors:**      Carter III

**Attachments:**      [673 Charles Ave snow letter 2.24 11.pdf](#)

*Approve the assessment.*

RE: 673 Charles Avenue

Tom Benda, BRB, appeared.

Inspector Seeley, Department of Safety and Inspections (DSI), reported that this assessment is for snow removal. The Orders were issued February 24, 2011 with a compliance date of February 27, 2011. It was re-checked on March 2, 2011 and found to be in non-compliance. The Work Order was issued and the work was done on March 3, 2011 at a cost of \$160 plus a service charge of \$140 for a total of \$300. The Orders were sent to DRB LLC, PO Box 16595, Saint Paul and to occupant.

Mr. Benda is appealing because he was unsure what it was for. He will not argue about this; he will take it up with the tenant.

Ms. Moermond will recommend approving the assessment.

**Referred to 6/1/11 City Council**

- 7      **RLH TA 11-48**      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1112A, Assessment No. 118064 at 393 CLEVELAND AVENUE NORTH.

**Sponsors:**      Stark

**Attachments:**      393 cleveland Ave N Snow letter 2.23.11.pdf

*No show; approve the assessment.*

**Referred to the City Council due back on 6/1/2011**

- 8      **RLH TA 11-40**      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1112A, Assessment No. 118064 at 702 CONWAY STREET.

**Sponsors:**      Lantry

**Attachments:**      [702 Conway St-Photos 3-22-11.pdf](#)  
                                         [702 Conway.Sa.DOC](#)

*No show; approve the assessment.*

**Referred to the City Council due back on 6/1/2011**

- 9      **RLH TA 11-37**      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1112A, Assessment No. 118064 at 914 EARL STREET.

**Sponsors:**      Bostrom

**Attachments:**      [snow letters.914 earl st.pdf](#)

*No show; approve the assessment.*

**Referred to the City Council due back on 6/1/2011**

- 10      **RLH TA 11-69**      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1112A, Assessment No. 118064 at 561 EDMUND AVENUE.

**Sponsors:**      Carter III

*Approve the assessment.*

*RE: 561 Edmund Avenue*

*Stephen Filing, owner, appeared.*

*Inspector Yannarely, Department of Safety and Inspections (DSI), reported that this assessment is for snow/walk removal. Snow walk was printed on February 24, 2011 with a compliance date of 48 hours after postmark. It was re-checked on February 28, 2011 and the work was done on March 2, 2011 at a cost of \$240 plus a service charge of \$140 for a total of \$380.*

*Mr. Filing questioned those Orders. He has Orders for property clean-up of private property, not for snow removal. Ms. Moermond said that the City classifies snow removal as a part of clean-up. He didn't know what had been cleaned-up.*

*The video was viewed. City removed snow and ice full-width; salted and sanded.*

*Mr. Filing stated that he travels a lot and he hires local kids to clean the snow and he sees sidewalk on that video although the kids didn't do a very good job. \$380 seems a lot.*

*Ms. Moermond recommended approving the assessment.*

**Referred to the City Council due back on 6/1/2011**

11 [RLH TA 11-49](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1112A, Assessment No. 118064 at 1401 EDMUND AVENUE.

**Attachments:** [1401 Edmund Ave. Snow letter.pdf](#)

*Delete the assessment.*

*Re: 1401 Edmund Avenue*

*Kelly Gafford appeared.*

*Inspector Seeley, Department of Safety and Inspections (DSI), reported that this assessment is for snow removal. The Order was issued on February 24, 2011 with a compliance date of February 27, 2011. It was re-checked on March 1, 2011 and the work was done on March 4, 2011 at a cost of \$160 plus a service charge of \$140 for a total of \$300. Orders were mailed to Kelly V. Gafford, 1401 Edmund and Occupant.*

*Mr. Gafford stated that he is 69 years old and on Social Security. He broke his back cleaning the snow after the storm in December, 2010. He couldn't do anything and he didn't have the money to pay for anyone else to shovel the snow. He provided a letter from the hospital regarding his broken back. He pleaded for clemency. He noted that in the 50 years that he has lived at this address, he has always cleaned his snow.*

*Ms. Moermond stated that this property has an extremely good history. She suggested that in the future, if he gets a Notice from the City and he cannot do the work, to call the inspector immediately, who will be able to help him figure out how to take care of it. She will recommend that this assessment be deleted.*

**Referred to the City Council due back on 6/1/2011**

- 12      [RLH TA 11-59](#)      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1112A, Assessment No. 118064 at 1138 FOREST STREET.

**Sponsors:**      Bostrom

**Attachments:**      [1138 Forest St Summary Abatement 3.25.11.DOC](#)

*No show; approve the assessment.*

**Referred to the City Council due back on 6/1/2011**

- 13      [RLH TA 11-53](#)      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1112A, Assessment No. 118064 at 486 GERANIUM AVENUE EAST.

**Sponsors:**      Helgen

**Attachments:**      [486 Geranium Ave E. snow letters.pdf](#)

*Approve the assessment.*

*RE: 486 Geranium Avenue East*

*Lauretha Randle, owner, appeared.*

*Inspector Seeley, Department of Safety and Inspections, reported that this assessment is for snow removal. Orders were issued February 24, 2011 with a compliance date of February 26, 2011. It was re-checked on February 28, 2011 and found to be in non-compliance. The work was done March 5, 2011 at a cost of \$160 with a service charge of \$140 for a total of \$300. Orders were mailed to Lauretha Randle, 486 Geranium and to Occupant.*

*Ms. Randle explained that she has a snow blower and does remove her snow each time it snows. She has a corner house and couldn't keep with the wheel chair access to the streets because of the hard snow pushed over by the snow plows. Her snowblower was unable to get through the snow and ice.*

*They viewed the video and found that the sidewalk hadn't been removed full width and the corners were started but not finished. (Retain the video.)*

*Ms. Moermond will recommend approval. She suggested that Ms. Randle go to the City Council for a different outcome.*

**Referred to the City Council due back on 6/1/2011**

- 14      [RLH TA 11-46](#)      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1112A, Assessment No.118064 at 1759 IGLEHART AVE AVENUE (AKA 277 WHEELER STREET NORTH).

**Sponsors:**      Stark

**Attachments:**      [1759 Iglehart ave, snow letters.pdf](#)

*No show; approve the assessment.*

**Referred to the City Council due back on 6/1/2011**

- 15      [RLH TA 11-39](#)      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1112A, Assessment No. 118064 at 614 JESSMINE AVENUE EAST.

**Sponsors:**            Bostrom

**Attachments:**        [614 Jessamine Ave E. Photos.DOC](#)  
[614 Jessamine Ave E. SA.DOC](#)

*Approve the assessment.*

*RE: 614 Jessamine Avenue East*

*James Thurber appeared for Carol Bartelmy*

*Mr. Thurber was asked by Ms. Bartelmy to attend this hearing. He read a letter from Ms. Bartelmy:*

*To Whom it may concern:*

*This letter is in regards to file J1112A, Assessment No. 118064 at 614 Jessamine Avenue East, Saint Paul MN 55130-3745. The property clean-up in the alley near my property between March 1, 2011 and March 31, 2011 is not mine nor anyone associated with me. It was dumped by persons unknown. I'm disabled and living on a small budget and trying very hard to keep my home with the taxes getting higher and higher. Hope this is all being considered at this hearing. I am just asking for it to be fair.*

*Mr. Thurber stated that he does snow shoveling for Ms. Bartelmy and usually does clean-up. Regarding the trash, those bags were dumped in the alley. They later found out that the bags were filled with auto body parts. Mr. Thurber did volunteer to clean up the bags, however, he was unable to do it by the time of re-inspection.*

*They viewed the video. Photos were also entered.*

*Inspector Seeley, Department of Safety and Inspections (DSI), reported that this assessment is for a Summary Abatement telling Ms. Bartelmy to maintain the exterior property. Orders were issued March 2, 2011 with a compliance date of March 7, 2011. She re-checked it March 8, 2011 and found it to be non-compliant. The work was done on March 10, 2011 at a cost of \$344 plus a service charge of \$140 for a total of \$484. The Notice was sent to Carol Bartelmy, 614 Jessamine Avenue East. She added that no dumping goes on in this neighborhood that she is aware of. Mr. Thurber disagreed. Inspector Seeley stated that she has been dealing with this property for quite a while. Police have been involved with her in trying to a guy out of there living in an RV, who knows Carol. The RV had been parked directly in front of the garage on the apron; it's been there off and on with an extension cord going to the house. There were several Orders sent and she had the police go out there. Sometimes, he moves the RV across the alley. Scrapping has been going on; the garage is totally full. Mr. Thurber interjected that the garage is empty. She got a report from the neighbor about this garbage being stuff from this guy that she believes resides at the property. In the front, there is always a scrapping truck that's overflowing. At the same time that this refuse was in the back, there was a discarded chair on the boulevard and stuff in the front yard of the property.*

*Mr. Thurber stated that none of that has been going on at that property prior to any snow falling. The garage is empty; and the whole entire yard is completely empty, except for lawn chairs and a couple of round outdoor tables. The garage door hasn't even been opened all winter long. There were several bags of auto body stuff. He*

said he ripped open bags to see if he could tell where they came from. Someone with a 4-wheel drive vehicle had to have brought those bags down the alley because no other vehicle would have been able to get down that alley. That camper has been gone since the first snow fall.

Ms. Seeley noted that the property has an extensive history going back to 2007 - tall grass and weeds, garbage, garbage, garbage; 2008 - summary abatements; 2010 - summary abatements in July, August and in December.

Mr. Thurber added there's a lot of dumping. The only address along the whole alley that doesn't have trash or rubbish there is 614 Jessamine Avenue East; and it has been that way pretty much all winter long. There were problems in the past; they complied and got things done.

Ms. Moermond stated that if the garbage bags were not Ms. Bartelmy's, a phone call could have been made. Mr. Thurber responded that he did make a phone call to Ms. Seeley. Ms. Seeley added that Mr. Thurber did call and said he was going to clean it up. She went back a week later and the bags were still there. Mr. Thurber said that he was unable to get there in that period of time.

Ms. Moermond will recommend approval of the assessment. She suggested that Mr. Thurber go to the City Council public hearing.

**Referred to the City Council due back on 6/1/2011**

16 [RLH TA 11-41](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1112A, Assessment No.118064 at 276 MARIA AVENUE.

**Sponsors:** Lantry

**Attachments:** [276 maria Ave. snow letters.pdf](#)

Reduce the assessment from \$300 to \$100.

RE: 276 Maria Avenue

Vatou Her, owner, appeared.

Inspector Seeley, Department of Safety and Inspections (DSI), reported that this assessment is for snow removal. Orders were sent February 24, 2011 with a compliance date of February 25, 2011. It was re-checked on February 28, 2011 and found it non-compliant. The work was done on March 4, 2011 at a cost of \$160 plus a service charge of \$140 for a total of \$300. The Orders were mailed to Vatou Her, 166 McCarrons Blvd S, Roseville, MN 55113 and to Occupant.

Mr. Her explained that he received the letter from the City, talked with his tenant about removing the snow; and when he went there, the path was very narrow. Next, he received a phone call from Ms. Seeley telling him to go out there and remove the snow. Then, he hired another guy and told him to shovel the sidewalk all the way; he thought it was over and done with. Then, he received a bill.

They viewed the video. The width that had been shoveled was very narrow with ice underneath. The City widened the path.

Ms. Moermond stated that Mr. Her made a good faith effort. She will recommend reducing the assessment from \$300 to \$100.



**Referred to the City Council due back on 6/1/2011**

- 17      [RLH TA 11-71](#)      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1112A, Assessment No. 118064 at 1011 MCLEAN AVENUE.

**Sponsors:**      Lantry

*Dept. staff recommends deleting the assessment as Summary Abatement was never sent. The Hearing Officer concurs with the recommendation.*

*No one appeared.*

**Referred to the City Council due back on 6/1/2011**

- 18      [RLH TA 11-56](#)      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1112A, Assessment No. 118064 at 690 MOUNT HOPE AVENUE.

**Sponsors:**      Thune

**Attachments:**      [690 Mount Hope. snow letters.pdf](#)

*Approve the assessment.*

*RE: 690 Mount Hope Avenue*

*Marc Hoffman, Lakes Area Home Buyers, appeared.*

*Inspector Seeley, Department of Safety and Inspections (DSI), reported that this assessment is for snow removal. Orders were issued February 25, 2011 with a compliance date of February 28, 2011. It was re-checked March 2, 2011 and found to be non-compliant. The work was done March 8, 2011 at a cost of \$160 plus a service charge of \$140 for a total of \$300. Orders were sent to Lakes Area Home Buyers Inc., PO Box 8043, Saint Paul, MN and to Occupant.*

*Mr. Hoffman stated that he is appealing the Notice because PO Box 8043, Saint Paul MN 55108 was a previous address. As of February 23, 2011, two days prior to the Notice going out, the office was moved to a new location. The post office was notified on February 25, 2011. Lakes Area Home Buyers never received the Notice. He wondered if a receipt was issued for the Certified letter that was sent. Ms. Moermond responded that the letter was not sent Certified. He asked, "How do we know that one was sent other than word.?" Ms. Moermond replied that the requirement of the City is to send the letter first class. Mr. Hoffman noted that the post office says they will mail within ten (10) business days; they guarantee first class mail 10 days even if it's forwarded.*

*Mr. Hoffman said that the tenants were going to take care of it but tenants are not always as responsible as you'd like them to be. If they would have received notice, they would have hired a crew to take care of it.*

*Mr. Essling noted that the City mails out notices according to who's listed on the tax records. Mr. Hoffman responded that he did call the tax office on that, as well as wrote a letter. He said even this notice had been forwarded. The tax office also told him that sometimes it takes 6 months to change an address.*

*The video was viewed. Only a narrow opening had been shoveled.*

*Ms. Moermond stated that the City met its Notice requirement by sending it to the owner of record per Ramsey County Property Tax records.*

*Ms. Moermond will recommend approving the assessment. She suggested that he go to the City Council public hearing if he wanted a different outcome.*

**Referred to the City Council due back on 6/1/2011**

- 19      [RLH TA 11-42](#)      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1112A, Assessment No.118064 at 835 OAKDALE AVENUE.

**Sponsors:**      Thune

**Attachments:**      [835 Oakdale Ave. snow letters.pdf](#)

*Approve the assessment.*

*RE: 835 Oakdale Avenue*

*Scott Jungbauer, owner, appeared.*

*Inspector Seeley, Department of Safety and Inspections (DSI), reported that this assessment is for snow removal. Orders were issued March 18, 2011 with a compliance date of March 22, 2011. It was re-checked on March 25, 2011. The work was done on March 28, 2011 at a cost of \$160 plus a service charge of \$140 for a total of \$300. Orders were mailed to Scott Jungbauer, 835 Oakdale, Occupant and to Emily Ross, 227 Dale Street East, South Saint Paul.*

*They watched the video, which showed a lot of snow, nothing of which had been removed. The City removed it full-width.*

*Mr. Jungbauer said there is no dispute with that. He had been taking care of it until nearer the winter's end when we got rain with snow on top of it.*

*Ms. Moermond will recommend approval of the assessment.*

**Referred to the City Council due back on 6/1/2011**

- 20      [RLH TA 11-54](#)      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1112A, Assessment No. 118064 at 956 PACIFIC STREET.

**Sponsors:**      Lantry

**Attachments:**      [956 Pacific st. snow letters.pdf](#)

*No show; approve the assessment.*

**Referred to the City Council due back on 6/1/2011**

- 21      [RLH TA 11-44](#)      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1112A, Assessment No. 118064 at 1229 RICE STREET.

**Sponsors:**      Helgen

**Attachments:**      [1229 Rice St. SA.DOC](#)

*No show; approve the assessment.*

**Referred to the City Council due back on 6/1/2011**

- 22      [RLH TA 11-45](#)      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1112A, Assessment No. 118064 at 138 ROBIE STREET WEST.
- Sponsors:**      Thune
- Attachments:**      [138 Robie St W. snow letters.pdf](#)
- Approve the assessment.*
- RE: 138 Robie Street West*
- Ashley Zborowsky, owner, appeared.*
- Inspector Seeley, Department of Safety and Inspections (DSI), reported that this assessment is for snow removal. Orders were issued March 7, 2011 with a compliance date of March 9, 2011. It was re-checked on March 9, 2011, and the work was done on March 14, 2011 at a cost of \$160 plus a service charge of \$140 for a total of \$300. Orders were sent to Ashley Zborowsky, 138 Robie and also to the Occupant.*
- Ms. Zborowsky stated that she knows that she doesn't always shovel the sidewalk full width; she can barely lift the shovel, so, she does the best that she can. She also pays her neighbor's son to do some shoveling. She stated that she didn't get a Work Order in the mail so she wasn't aware that it was a problem for the City if it was not shoveled full width. She has two (2) small dogs, so, she doesn't use salt or ice melt; she uses Safety Paws, which doesn't always do a very good job of breaking up the ice. And, she doesn't own a snow blower because she can't use it on her steep stairs.*
- The video showed snow about three (3) feet on one side of the stairs and one (1) foot deep on the other side. The City finished the job with heavy salt and sand to take care of the 3-inch ice build up underneath.*
- Ms. Zborowsky added that it can get bad; she does the best that she can. She is a single parent, a full-time student and works. She re-stated that she hadn't been noticed.*
- Ms. Moermond stated that the snow/ice were definitely a problem, and, according to the City's records, Ms. Zborowsky was properly noticed. Ms. Moermond will recommend approval. She asked staff to retain the video.*
- Referred to the City Council due back on 6/1/2011**
- 23      [RLH TA 11-65](#)      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1112A, Assessment No. 118064 at 1180 SEVENTH STREET EAST.
- Sponsors:**      Bostrom
- No show; approve the assessment.*
- Referred to the City Council due back on 6/1/2011**
- 24      [RLH TA 11-43](#)      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1112A, Assessment No. 118064 at 979 SHERBURNE AVENUE.
- Sponsors:**      Carter III

**Attachments:** [979 Sherburne Ave. snow letters.pdf](#)

*No show; approve the assessment.*

**Referred to the City Council due back on 6/1/2011**

- 25      [RLH TA 11-50](#)      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1112A, Assessment No. 118064 at 1330 SIMPSON STREET.

**Sponsors:**      Stark

**Attachments:**      [1330 Simpson St Snow letter 2.23.11.pdf](#)

*No show; approve the assessment.*

**Referred to the City Council due back on 6/1/2011**

- 26      [RLH TA 11-55](#)      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1112A, Assessment No. 118064 at 528 SMITH AVENUE SOUTH.

**Sponsors:**      Thune

**Attachments:**      [528 Smith Ave S. snow letters.pdf](#)

*No show; approve the assessment.*

**Referred to the City Council due back on 6/1/2011**

- 27      [RLH TA 11-38](#)      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1112A, Assessment No. 118064 at 1727 UPPER AFTON ROAD.

**Sponsors:**      Lantry

**Attachments:**      [1717 Upper Afton Rd. snow letters.pdf](#)

*Reduce from \$300.00 to \$150.00.*

*RE: 1727 Upper Afton Road*

*Amy Baltes appeared.*

*Inspector Seeley, Department of Safety and Inspections (DSI), reported that this assessment is for snow removal. Orders were mailed March 2, 2011 with a compliance date of March 5, 2011. It was re-checked on March 7 and found to be in non-compliance. The work was done March 9, 2011 at a cost of \$160 plus a service charge of \$140 for a total of \$300. Orders were mailed to Douglas Hensen, 1727 Upper Afton Road and to Occupant.*

*Ms. Baltes stated that she and her fiance live at this address. She provided a statement for Ms. Moermond; also a record of phone calls. Ms. Moermond said it looked as though there were a number of attempts to call the inspector (outgoing calls to the City; none incoming). The Orders were sent out March 2, 2011; there was a call made to the City on March 3, 2011 at 5:40 p.m. and again on March 9, 2011. Ms. Baltes said no one called her back. She asked Ms. Seeley whether she had any back and forth records of communication on this. Ms. Seeley responded*

that she had no voice mails. She had been the inspector there and her notes indicate that there was a walking path shoveled, only. Ms. Baltus said that a couple times after the Orders were processed, they main phone line sent her to an inspector's voice mail. The first time she called the office was closed, so she left a message for someone to call her back. The latter calls were made to find out why they had not received a call back. Ms. Moermond stated that Ms. Baltus made a good faith effort; she will recommend reducing the assessment by half (from \$300 to \$150).

**Referred to the City Council due back on 6/1/2011**

- 28      [RLH TA 11-67](#)      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1112A, Assessment No. 118064 at 921 WELLS STREET.

**Sponsors:**      Bostrom

*No show; approve the assessment.*

**Referred to the City Council due back on 6/1/2011**

- 29      [RLH TA 11-52](#)      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1112A, Assessment No. 118064 at 371 WILDER STREET NORTH.

**Sponsors:**      Stark

**Attachments:**      [371 wilder St N Snow letter 2.23.11.pdf](#)

*Approve the assessment.*

*RE: 371 Wilder Street North*

*Judith Daniel, appeared.*

*Inspector Seeley, Department of Safety and Inspections (DSI), reported that this assessment is for snow removal. Orders were issued February 23, 2011 with a compliance date of February 26, 2011. It was re-checked on March 3, 2011 and the work was done on March 8, 2011 at a cost of \$160 plus a service charge of \$140 for a total of \$300. Orders were sent to Brian McIntyre, 801 Hague Avenue and Occupant.*

*Ms. Daniel stated that Mr. McIntyre is deceased; she is his sister, trying to take care of the house situation. The house had been up for sale and supposedly was sold on the December 15, 2010; then, the people couldn't come through with their financing. She noted that she has been paying people to do the shoveling. She was on holiday from March 2-11, 2010.*

*The video was viewed. It showed that a narrow path had been shoveled and the City opened it up full width, salt and sanded.*

*Ms. Daniel said that she got someone to do the shoveling right after she got the Notice before she left on holiday. All along her block, no one could get all the way through to the side. It was totally ice. She and the neighbors did the best they could.*

*Ms. Moermond noted that it looked as though there was only one skinny path done. She thought that perhaps, it snowed after Ms. Daniel had someone shovel. Mr. Yannarely checked and read the weather report. The snow event took place on February 20, 2011; the letter went out a couple days later. On March 3, 4 and 5 had zero precipitation. March 6 had .03 inch; March 7 had .03 inch, as well.*

*Ms. Moermond will recommend approval of the assessment.*

**Referred to the City Council due back on 6/1/2011**

- 30      [RLH AR 11-31](#)      Ratifying Collection of Vacant Building fees from February, 2011. (File No. VB1108, Asmt No. 118050)

**Sponsors:**      Lantry

**Attachments:**      [Assessment Roll](#)

**Referred to the City Council due back on 6/1/2011**

- 31      [RLH TA 11-61](#)      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1108, Assessment No. 118050 at 953 FREMONT AVENUE.

**Sponsors:**      Lantry

*Ms. Moermond recommends deleting the assessment provided that Appellant submit a copy of the purchase agreement by June 1, 2011.*

*RE: 953 Fremont Avenue*

*John Parranto appeared.*

*Inspector Yannarely, Department of Safety and Inspections (DSI), reported that this assessment is for a Vacant Building fee (\$1,100 plus a service charge of \$135 for a total of \$1,236). The VB file was opened January 1, 2010 as a Category 1 VB. The property has a history of 4 Orders issued in 2010.*

*Mr. Parranto stated that they just bought the property on March 3, 2010 and are in the process of renovating it. They will be having a new homeowner in there next month. It won't be vacant any longer.*

*Ms. Moermond stated that if he gets the Code Compliance Certificate by June 15, 2011, she will recommend that the assessment be cut in half.*

*Mr. Yannarely said that it's a Category 1; he asked Mr. Parranto if he is going to rent it out. Mr. Parranto responded that he is selling it.*

*Ms. Moermond will recommend deletion of the assessment if the owner can produce a copy of the Purchase Agreement by the first week in June.*

*Mr. Yannarely added that he will need a Truth in Sale and Housing disclosure document. He also added that Mr. Parranto should let the inspector know when the house is sold.*

**Referred to the City Council due back on 6/1/2011**

- 32      [RLH TA 11-62](#)      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1108, Assessment No. 118050 at 331 AURORA AVENUE.

**Sponsors:**      Carter III

*Forthcoming. (Need staff report from VB)*

RE: 331 Aurora

*Jonathan Bruntjen, Twin Cities Real Estate Partners and Twin Cities Real Estate Holdings, appeared along with Elizabeth Bruntjen and Randall McClanahan*

*Inspector Yannarely, Department of Safety and Inspections (DSI), reported that this assessment is for a Vacant Building fee. The Vacant Building file was opened on December 28, 2010. He continued to read from the Inspector Matt Dornfeld's report: opening a Category 2 Vacant Building at 331 Aurora Avenue due to Condemnation by Fire Inspector Martin. See Condemnation for list of violations. Current 331 Aurora Ave is occupied and not condemned. At time of inspection, I found front door and west basement window open to trespass. There is standing water in the basement, defective smoke detectors and a hole in first floor ceiling. I have photos of hole in ceiling. Issued immediate Work Order to secure house as this was the second time I've been called to the house and found it open to entry. Furthermore, issuing snow letter for unshoveled sidewalk. Posted placards and took exterior photos to go along with previous interior inspections photos.*

*Mr. Bruntjen stated that the problem lies in the fact that they got rid of the management company that was responsible during this time of this rental building. They acquired the building in late 2008 and took it through a complete renovation. He has pictures of the "before" and "after" which he entered into the record. They upgraded all the utilities, everything. They completed the old code compliance work sheet. They spent about \$100,000 on the whole project (he has all the invoices). After the old management company was fired, they found that the tenants had done damage to the building and they were in there repairing. He didn't understand why it was a Vacant Building again since they had just completely renovated it in under 14 months. Ms. Bruntjen clarified that the City shut down 333 Aurora; 331 was occupied over the winter. Then, we finished all the work in 333 and had a re-inspection. The tenant moved out of 331 and Inspector Martin inspected the next day after they moved out and the new tenants moved in - it was not a Vacant Building. The, Inspector Martin went through that side and she found deficiencies. Ms. Bruntjen got a call two days later that they were going to put that on the Vacant Building list, as well.*

*Mr. McClanahan stated that the deficiencies Inspector Martin found in 331 were that the walls needed to be painted, a light bulb was missing and the basement exit door needed attention because of the lock. Inspector Martin called and said they were putting it on the VB list.*

*Ms. Moermond asked when the Condemnation of 331 happened. Inspector Seeley responded that it was revoked April 27, 2011; inspection was conducted April 25, 2011. There's nothing on it ever being Condemned. On March 1, 2011, Inspector Martin's notes say, "will discuss with supervisor revoking it."*

*Ms. Moermond asked about the legal address. Ms. Seeley responded that the tax records show both 331 Aurora and 333 Aurora.*

*Mr. Bruntjen stated they have tenants in the building with executed leases. Ms. Moermond noted that this is a complicated situation.*

*The Bruntjens stated that they are not arguing 333; it was in horrible condition from the previous tenants. They are contesting that 331 was put onto the Vacant Building list when.....*

*Mr. Yannarely said that it's a duplex, so, it's under one address in their file: 331-333*

Aurora. Matt has 333 the only one being the Vacant Building. As defined by the code, he did it under a Condemned or partially. Ms. Moermond said that they have the same pin number and the real estate tax address is 331.

Mr. Yannarely stated that Inspector Martin Condemned it December 2010 and it doesn't look as though she actually followed through on the Condemnation. She called Matt out there. On reflection, Ms. Martin must have just revoked it and set it over to Vacant Buildings as a recommended revoke vacant. He asked the Bruntjens how far they were with 333. They responded that that it was finished, complete and passed by the Fire Inspector on the 25th. 331 is the only one she had an issue with. On the 25th, when Ms. Martin did her inspection, she said that 333 is good to go; the only thing she wanted to check was if they needed a permit to hang one sheet of drywall. Mr. Yannarely stated that, according to Vacant Buildings, 333 is the only one that is a Vacant Building at the time. According to Matt Dornfeld, 331 was occupied at the time. Ms. Bruntjens said that it's been occupied this whole time - all winter. Mr. Yannarely asked if they had a C of O for both 331 and 333. Mr. Bruntjens replied that they did. Jim Seeger walked the project with them about 5 times because it was such a massive rehab. They have had tenants in there since it was completed and refinanced at the bank in 2009. The December 28, 2010 date, on which Ms. Martin apparently revoked it Vacant, was because the tenants in 333 had done some damage and moved out and they were doing a turn. The new tenants moved in just weeks ago. Mr. Yannarely stated that Matt Dornfeld was under the impression that Ms. Martin was Condemning it but she wasn't. He added that he doesn't see any current C of O for it. Ms. Seeley added that 333's C of O was pulled.

Ms. Moermond stated that all of this needs to be listed out and she will sort through it; there's a lot of stuff going on. She asked for a staff report by the end of today.

**Referred to the City Council due back on 6/1/2011**

- 33      [RLH TA 11-63](#)      Ratifying the Appealed Special Tax Assessment for Real Estate Project No.VB1108, Assessment No. 118050 at 1651 FREMONT AVENUE.

**Sponsors:**      Lantry

*No show; approve the assessment.*

**Referred to the City Council due back on 6/1/2011**

- 34      [RLH TA 11-60](#)      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1108, Assessment No. 118050 at 559 MCKNIGHT ROAD SOUTH.

**Sponsors:**      Lantry

*Refer back to Legislative Hearing on June 21, 2011 and October 5, 2011 City Council Public Hearing.*

*No one appeared.*

**Referred to the 10/5/2011 City Council**

- 35      [RLH TA 11-66](#)      Ratifying the Appealed Special Tax Assessment for Real Estate Project No.VB1108, Assessment No. 118050 at 674 RIVOLI STREET.

**Sponsors:**      Thune

*No show; approve the assessment.*



**Referred to the City Council due back on 6/1/2011**

- 36      [RLH TA 11-58](#)      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1109G Assessment No. 118065 at 1719 ORANGE AVENUE EAST.

**Sponsors:**      Bostrom

**Attachments:**      [1719 Orange Ave E. hauler.DOC](#)

*No show; approve the assessment.*

**Referred to the City Council due back on 6/1/2011**

- 37      [RLH TA 11-70](#)      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1108, Assessment No. 118050 at 619 WESTERN AVENUE.

**Sponsors:**      Carter III

*Dept staff recommends deleting the assessment as Fire Exempt went just over 90 days. The hearing officer concurs with the recommendation.*

*No one appeared.*

**Referred to the City Council due back on 6/1/2011**

- 38      [RLH TA 11-72](#)      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1108, Assessment No.118050 at 925 COOK AVENUE EAST.

**Sponsors:**      Bostrom

*Delete the assessment.*

*RE: 925 Cook Avenue East*

*Mark Underdahl, owner, appeared.*

*Joel Yannarely, Department of Safety and Inspections (DSI), said that he spoke with Mr. Underdahl earlier this morning saying that DSI would recommend deleting the assessment. This assessment is regarding a Vacant Building fee. The anniversary is January 17, 2011. He got his Certificate of Occupancy granted on March 24, 2011, so, Mr. Yannarely is recommending deletion.*

**Referred to the City Council due back on 6/1/2011**

- 39      [RLH TA 11-73](#)      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1108, Assessment No. 118050 at 565 JEFFERSON AVENUE.

**Sponsors:**      Thune

**Attachments:**      565 Jefferson.Assess Roll.VB1108.pdf

*Approve the assessment.*

*RE: 565 Jefferson*

*Joe Osterbauer, owner, appeared.*

*Inspector Yannarely, Department of Safety and Inspections (DSI), reported that this has been a Category 2 Vacant Building since October 16, 2009. There have been 5 Work Orders. There was a sale approval by Reid Soley, DSI, on March 2, 2011. A Code Compliance Report done on September 24, 2010. The owner must have just recently acquired the property.*

*Ms. Moermond asked if any permits have been pulled. Mr. Yannarely responded that building and electrical permits are active right now.*

*Mr. Osterbauer explained that he is looking for some relief. He bought this property on March 8 and had it rented between June 15 and July 1. He paid \$4,000 in assessments.*

*Ms. Moermond stated that if he could get his Code Compliance Certificate by June 15, 2011, she would recommend reducing this by half, which would be for one-half of the year (\$550).*

**Referred to the City Council due back on 6/1/2011**

- 40      [RLH AR 11-32](#)      Ratifying Collection of Boarding and Securing services during January, 2011. (File No. J1107B, Asmt No. 118059)

**Sponsors:**      Lantry

**Attachments:**      [Assessment Roll](#)

**Referred to the City Council due back on 6/1/2011**

- 41      [RLH TA 11-68](#)      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1107B Assessment No.118059 at 1537 ETNA STREET.

**Sponsors:**      Bostrom

**Attachments:**      [1537 Etna St.Boarding Invoice.1-27-11.pdf](#)

*Approve the assessment.*

*RE: 1537 Etna Street*

*William Xiong, tax owner, 1147 Euclid St, appeared. (Yeng Yang listed as owner, 1527 Etna St); Mai Vang, interpreter*

*Inspector Yannarely, Department of Safety and Inspections (DSI), reported that this assessment is for a boarding. The Fire Department was called out to this property in response to an emergency call regarding water flowing from frozen pipes and water damage. They called in the Saint Paul Regional Water Service to shut off the water and requested restoration professionals to come out at 7:00 p.m. on January 26, 2011 to secure the building. This was not a Vacant Building at the time this happened.*

*Mr. Xiong stated that the house went into foreclosure and they left a week before this incident happened so, he doesn't know anything about it.*

*Ms. Moermond asked if there had been a sheriff's sale. Ms. Vang read a letter from the bank and said that Ms. Xiong didn't understand any of this. Ms. Moermond stated that the bank has initiated foreclosure proceedings but haven't gone any further than*

*that. The tax assessment will stay with the property.*

*Ms. Moermond will recommend approving the assessment. (Mr. Xiong will not be responsible for the assessment.)*

**Referred to the City Council due back on 6/1/2011**

- 42      [RLH AR 11-34](#)      Ratifying Collection of Demolition services during February, 2011 [C.D.B.G.Funds]. (File No. J1109C, Asmt No. 118057)

**Sponsors:**      Lantry

**Attachments:**      [Assessment Roll](#)

**Referred to the City Council due back on 6/1/2011**

- 43      [RLH AR 11-33](#)      Ratifying Collection of Demolition services during February, 2011. (File No. J1110C, Asmt No. 118058)

**Sponsors:**      Lantry

**Attachments:**      [Assessment Roll](#)

**Referred to the City Council due back on 6/1/2011**

- 44      [RES 11-301](#)      Ratifying Tree Removal services at 1352 Galtier Street during the month of October 2010. (File No. 1103T2, Asmt No. 119092) [Laid over from February 2, 2011 for separate consideration to Legislative Hearing May 17, 2011 and Public Hearing June 15, 2011]

**Sponsors:**      Lantry

**Attachments:**      [Assessment Roll](#)  
                                 [1352 Galtier St.Staff Report.pdf](#)  
                                 [1352 Galtier DED letter.pdf](#)

*5/17/11 - Forthcoming (Ms. Moermond need Karl Mueller, Forestry) to provide notice regarding proper notification).*

*RE: 1352 Galtier Street*

*Karl Mueller, Forestry, reported that an American elm (18-inch, with two 4-inch clumps) having Dutch Elm Disease was marked on July 7, 2010. The tree was re-checked on August 16, 2010 and it was still there. The tree was removed on October 18, 2010 at a cost of \$803.94. He entered a photo of where the tree was located in the unapproved alley. It is on the other side of the fence. The owners disputed that it wasn't on their property; however, it was actually within their portion of the right-of-way. The Notice was sent to Mai Kao Yang on July 7, 2010.*

*On May 19, 2011 Mr. Mueller submitted the notice letter for Ms. Moermond's review and it was sent to Mai Kao Yang; therefore, Ms. Moermond will recommend approving the assessment.*

**Referred to 6/15/2011 City Council**

- 45      [RLH AR 11-35](#)      Ratifying the assessment for Collection of Vacant Building Fees Services

from November 2010 at 758 6th Street East. (File No. VB1104A, Asmt No. 118055) (Laid over from March 2)

**Sponsors:** Lantry

**Attachments:** [Assessment Roll](#)

*No one appeared. Approve the assessment*

**Referred to the City Council due back on 6/1/2011**

- 46      [RLH AR 11-36](#)      Ratifying the assessment for Collection of Vacant Building Fees Services from November 2010 at 390 Sherburne Ave. (File No. VB1104B, Asmt No. 118056) (Laid over from March 2)

**Sponsors:** Lantry

**Attachments:** [Assessment Roll](#)

*No show; approve the assessment.*

**Referred to the City Council due back on 6/1/2011**

### 10:45 a.m. Hearings

- 47      [RLH OA 11-2](#)      Appeal of Michael J. Trost to a Street Lighting at 838 LAKE STREET NORTH.

**Sponsors:** Lantry

**Attachments:** [838 Lake.appeal.5-17-11.pdf](#)

*Deny the appeal.*

*RE: 838 Lake Street North*

*Michael Trost, owner, appeared; and Paul St. Martin, Public Works Traffic Engineering*

*Ms. Moermond noted that this is a particularly complicated situation because this is as much about Orders as it is about the tax associated with it. Hopefully, she will be able to facilitate some understanding to get it to the City Council. If she is unable to, she will forward that information to the Council, as well.*

*Mr. St. Martin explained that the property owner has some concerns about how he has been assessed for street lighting on his property. He lives at the southeast corner of Lake and 7th Street. The short side of his lot faces Lake Street; the long side of the lot is along 7th Street. According to Public Works' records, in 1988 under the sewer separation program, 7th Street adjacent to the property was reconstructed and street lighting was installed. At the time, the City standard per City Council Lighting Policy was bent straw type lighting. Under that project in 1988, the bent straw street lighting (30 feet tall) was installed. As part of that project, a light was installed adjacent to 838 Lake Street, on the side of his lot. There was no assessment for that construction back in 1988. In 1993 during their sewer separation program, they constructed Lake Street between Bush and 7th Street. At that time,*

the City Council changed the policy on their street lighting system to an ornamental street lighting system. So, when Lake Street from Bush to 7th was re-constructed, they installed 4 ornamental lantern style street lights on Lake between 7th and Bush. All the properties on Lake Street (west side) from Bush to 7th were assessed. There are 4 lights on that block, 2 on each side.

Mr. Trost argued that Mr. St. Martin had provided false information. He explained that in 1988, there was never a light on 7th Street between Lake and the alley. There was a light on the northwest corner of Lake and East 7th back in the 80s; he bought the place in 1979 and at that time, there was a light at the northwest corner of Lake and East 7th, kaddy corner from his house, which was a telephone pole style light with the metal arm that came out from it. It stayed there until they did the storm sewer separation and installed the curbs and gutters in 1994. At that time, they did Lake Street and East 7th at the same time. East 7th never had any curbs when they came out to do the storm sewer separation. They installed curbs and gutters, widened the street to the correct width (38 feet). Before that, it was an oiled street and there was never a light on East 7th. When they did the curbs and gutters, they installed a bent straw light about 80 feet east of Lake Street on the south side of East 7th Street. Ms. Moermond said, "So, either way, you're not being charged for a 7th Street side." Mr. Trost responded that because he was under the magic foot number, he wasn't charged. Ms. Moermond said that she would like to set that aside since he's not being charged for that. Mr. Trost came back to say that he's being charged for the frontage - \$26 per foot on Lake. Ms. Moermond wanted to set aside the 7th Street stuff. Mr. Trost argued that he is here to discuss the 7th Street piece of this. Ms. Moermond repeated that he wasn't charged for that. Mr. Trost stated that he is not looking to have his charges changed; he's looking to have the correct light installed at that location. When they did the curbs and gutters, they were also supposed to put in the lantern style lighting; and instead, they installed a bent straw on East 7th (where the red star is on the sheet he provided to Ms. Moermond). Mr. Trost re-iterated that there was no light on East 7th Street at the location where the bent straw is now; that was installed in 1994.

Ms. Moermond asked Mr. St. Martin what the spacing requirements were at that time for the bent straw lighting on 7th. Mr. St. Martin replied, "Probably, one per block."

Mr. Trost stated that he is looking for the correct light to be installed. He wants the one that they put in there taken out and the correct one put in. They put in a bent straw but he was assessed for a lantern style; he wants the lantern style. Ms. Moermond said that it sounded to her that he was assessed for a lantern style on Lake Street not on 7th. Mr. Trost responded that he was assessed by what his Lake Street frontage is. Ms. Moermond replied, "Which is what the process is." Mr. Trost responded that he is not questioning that. He has been paying the assessment for a lantern style lighting but there is a bent straw light in place. There is lantern style lighting all around. The only people who got shafted on the lighting were the people on 7th Street from McKnight to Waukon and on Lake Street from Stillwater to East 7th because the city inspector who was in charge of that project left the contractor get away with putting in the wrong footings and putting in the bent straw lighting. Ms. Moermond asked Mr. St. Martin if there were future plans to change that lighting. Mr. St. Martin replied that it is part of the adopted City Council Street Lighting Plan to swap out the bent straw lighting in 2018-2019. Mr. Trost stated that was not acceptable to him. Ms. Moermond stated that to her it looked as though he was appropriately charged. Mr. Trost argued that the wrong light was installed. Ms. Moermond said that she was not going to recommend any change to the Council. She thinks that Public Works did what they were committed to do. Mr. Trost commented that he has been fighting with Public Works for 4-5 years about this and he keeps getting pushed into the circular file. They keep saying that they will send

information on what was done but no one ever sent him a thing. He added that if this is going to be pushed back again, he may pursue a class action suit.

Ms. Moermond asked Mr. St. Martin about Mr. Trost's communication with Public Works over the past years. Mr. St. Martin responded that he, personally, has talked with Mr. Trost discussing the same information. Mr. Trost came to the office with John McNamara to talk about this. Ms. Moermond asked if they have driven by and found any thing that was inconsistent with the plan. The reply was that they had checked it out and found to be consistent.

Mr. Trost reiterated that he is not looking for an assessment change; he is looking for the correct lighting to be installed for which he is being assessed. Ms. Moermond stated that Mr. Trost was not assessed on the 7th Street side. His assessment for the Lake Street side was appropriate for the lantern style that was installed. He was not assessed on the 7th Street side. Public Works has assessed the situation and disagrees with Mr. Trost. The next time this will come up is RSVP in 2018 unless the City goes under in state cuts in the interim. Mr. Trost said either the City deals with this one light now or deals with 15 lights in a class action.

**Referred to the City Council due back on 6/15/2011**

## 11:00 a.m. Hearings

### Orders To Vacate, Condemnations and Revocations

- 48      [RLH VO 11-19](#)      Appeal of Michael Rosenblum to a Notice of Condemnation as Unfit for Human Habitation and Order to Vacate at 433 CRETIN AVENUE SOUTH.

**Sponsors:**            Harris

**Attachments:**        [433 cretin.appeal.5-9-11.pdf](#)

*Deny the appeal and grant an extension to June 1, 2011 to vacate the building. At that time, the file will be transferred to Vacant Building and Appellant can only be there from 8:00 a.m. to 8:00 p.m. to clean and repair. (Joel Essling)*

RE: 433 Cretin Avenue South

*Michael Rosenblum and his mother, Mrs. Irving Rosenblum appeared. Kay Wittgenstein, Ramsey County House Calls, also appeared.*

*Inspector Essling reported that a Notice of Condemnation/Order to Vacate was mailed May 6, 2011 with a Vacate date of May 12, 2011. He doesn't have any photos, so, he has asked Kay Wittgenstein to appear today to verify his report. The Condemnation is related to an excessive accumulation of combustible material on the first floor of the dwelling as well as an excessive accumulation of storage. There were blocked exits, blocked access to exits and unsanitary conditions. On the floors is an accumulation of paper, tissues, refuse, debris, plastic containers, etc. It is not piled to the point where there are paths through it but it does impede movement. The initial inspection was conducted December 27, 2010. At that time, House Calls and Inspector Essling met with the property owner and a family member. They drew up a plan to address the issue, which was to give the property owner an opportunity to clean the house himself. If not by himself, perhaps his family would come in and help him. If he wasn't able to follow through, the house would be condemned and he would have to vacate. If the house was vacated and he got help from his family;*

perhaps, it would just be condemned for a day if it was cleaned out, then, he could move back in. House Calls brought in some other organization to do an assessment. Mr. Rosenblum got an independent organization to assist him for about six (6) weeks. House Calls provided a roll-off, which is in front of the house right now; it has been there for about ten (10) days. (Final opportunity to get the house cleared-up.) It is his understanding that there is very little in that roll-off. He added that when Mr. Rosenblum's family came to assist him, he would not allow them access to the house. At this time, he is recommending that the house be vacated until it can be cleared out.

Ms. Moermond asked Mr. Essling if he had written a Correction Order back in December 28, 2010. He replied, "Yes." She also asked what type of time period was developed. Mr. Essling responded that there were issues with scheduling with the appellant's family; so, it was understood that after the scheduling issues were taken care of, the house would be cleared out approximately when the snow melted away so that the exterior issues could be addressed, as well. The exterior has been cleaned up a bit; however, there are still some motorcycles/scooters in the yard that need to be removed or stored. There may also be an additional vehicle there. There is one garage with quite a bit of storage.

Mr. Rosenblum explained that his understanding was that by this spring, they were going to go in steps. Mr. Essling was going to come and inspect the back yard and the porch. Mr. Rosenblum asked Ms. Wittgenstein, specifically, what should be done. He had stuff stored on the porch so that no one could enter it. Ms. Wittgenstein said that the bed needed to go. He expected that after Mr. Essling came out to inspect the yard and the porch, he would move onto another part of the property. Basically, on the first floor, Mr. Essling wanted to see a clear path; and then, the basement cleaned after that. Mr. Essling also told these things to Mr. Rosenblum's parents. Ms. Wittgenstein added that at that time, it was also the garage (back yard and porch). She added that even in December, 2010, Mr. Rosenblum knew that he had to clean the whole house, eventually. Mr. Rosenblum wants to do it but he has a hard time getting anything accomplished.

Mr. Rosenblum said that he was given two (2) days and they were going to inspect the porch and the back yard. Unfortunately, the reason the bed was out on the front porch was that he hadn't decided if he was going to use it or do something else with it. So, he put it inside of the house. He hadn't been concentrating on the inside of the house, and it probably was the worst that it has ever been. He understands that the house is a fire hazard. He has cleared out an area at the front entrance and the back entrance. The porch doesn't have a lot of clutter - you can go in and out. There are two (2) scooters and two (2) cars in the yard.

Ms. Moermond asked Mr. Essling for a copy of the initial Correction Order.

Mr. Rosenblum noted that he was going to get help from his parents. He is not sure who told Mr. Essling that he didn't want to but he intends to cooperate. His parents have been out of the country for a while since this has happened. His mom, Toby Rosenblum, explained that she had told her son that the problem over the winter was that she was going to have two (2) surgeries and in the middle of April, they were going out of the country for two (2) weeks. In May, they were really going to get started with the house cleaning. Mr. Essling responded that he agreed with that and added that's why the roll-off was brought in May.

Mr. Rosenblum stated that he actually agrees with some of the things that Mr. Essling has said. He also has pictures - the roll-off is really big; it's not full but he has been putting stuff in it. The front entrance has been worked on and you can go in and out.

*It's a work in process. He has lived alone, has not pets and doesn't smoke.*

*Ms. Moermond said that the photos revealed that there were two (2) doorways somewhat blocked with some opening. Also, the bottom of the dumpster had an even level of coverage, probably between 5 percent or 10 percent full. Ms. Moermond noted that the Orders that were written December 2010 are nearly identical to the Orders written this month and she is hearing that the conditions remain, largely, unchanged. There's a ton of stuff plus garbage mixed in- unsanitary conditions. Mr. Rosenblum countered that he doesn't have garbage mixed in; he doesn't have unsanitary conditions. Everything else that Mr. Essling said is pretty accurate except about not working with parents. He added that the sink is clean; there's no food in the trash and there's no smell in the house.*

*Ms. Wittgenstein stated that both the appellant's parents have told her that he won't let them in to clean unless that has changed overnight. Toby Rosenblum said that she had people come with her yesterday. Ms. Wittgenstein added that she got the roll-off because Toby had told her she had a crew coming in that weekend. Toby also told her that they were getting him an apartment. Mr. Rosenblum said that he wanted to go through a couple rooms first before his mom came in with people to clean so that she wouldn't throw out things that he needs. Mr. Essling addressed Michael saying, "It's not an issue of sorting or cleaning; it's an issue of throwing." Michael responded that he has someone whom he's working with now because he does have a problem throwing things away.*

*Ms. Moermond asked Ms. Wittgenstein what the likelihood is of this problem re-developing after he got an apartment. Ms. Wittgenstein responded that if he started over in a new place, they would need to make sure that someone is there, at least, once a week. Michael is getting help, now; and that person could help Michael sort if he were to go live elsewhere.*

*Mr. Rosenblum added that Ms. Moermond can see only what is presented to her but the Order was given as you see it, in December 2010. But, he was told that Ms. Essling was going to come back and inspect but he wasn't going to come back and inspect everything all at once. When they called on Tuesday and said they were going come on Thursday, they were going to check the porch and back yard. Ms. Wittgenstein added, "And garage." Ms. Essling stated he knows what Michael is saying; however, the problem was that some progress had been made clearing out the house (he hadn't been there for a while); when he came back, it was worse than it was when they started.*

*Ms. Moermond stated that she agrees with staff. Mr. Rosenblum has to move out while the house is cleared out. She doesn't think it's a safe place to live. She thinks he's been given more than a fair chance. Toby Rosenblum added that they are renting an apartment for Michael beginning June 1, 2011. Ms. Moermond will recommend he vacate by June 1, 2011. At that time, it will be come a registered Vacant Building. At that point, he and others can be in there cleaning, etc., from 8 a.m. to 8 p.m.*

**Referred to the City Council due back on 6/1/2011**

49 [RLH VO 11-16](#)

Appeal of Gary Munkelwitz to a Notice of Condemnation As Unfit for Human Habitation and Order to Vacate at 1361 SEVENTH STREET EAST.

**Sponsors:** Lantry

**Attachments:** [1361 7th.appeal.5-6-11.pdf](#)



*Laid over to check on water. (Paula Seeley)*

*RE: 1361 7th Street East*

*No one appeared.*

*Inspector Seeley, Department of Safety and Inspections (DSI), reported that as of this morning, the water is still off according to Saint Paul Regional Water Service and is still Condemned. She spoke with Jackie Carey, engineer at Water, who said that she does not believe that the curb stop is broken. The owner needs to call her to let them in to show them that the water is on.*

*Ms. Moermond will recommend for one (1) month.*

**Laid Over to the Legislative Hearings due back on 6/21/2011**

### 11:30 a.m. Hearings

50 [RLH CO 11-2](#) Appeal of Richard H. Nicholson to a Correction Notice at 260 SUMMIT AVENUE.

**Sponsors:** Thune

**Attachments:** [260 Summit.appeal.4-28-11.pdf](#)  
[260 Summit-Additional Materials.pdf](#)  
[260 Summit Ave.Legal Opinion.8-6-04.pdf](#)

*Forthcoming. (Staff will visit site to determine repair of retaining wall)*

*RE: 260 Summit Avenue*

*Richard Nicholson, owner, appeared; Michael Fleming, representing Mr. Nicholson, also appeared.*

*Ms. Moermond stated that she did receive the materials that were sent and staff provided photos.*

*Inspector Essling, Department of Safety and Inspections (DSI), reported that Orders were issued for a retaining/privacy wall that runs along a public sidewalk that extends from Summit Avenue to Pleasant Avenue. Mr. Essling views this not as a structural issue but a maintenance issue. He stated that his inspection is based on a walk up and down the sidewalk by him and his boss. Mr. Essling and Ms. Moermond viewed the photos. Ms. Essling noted that the extent of his knowledge on this is that he was advised by his boss that there's some documentation that it is the responsibility of the property owner of 260 Summit. He stated that he does not know the history of the Walnut-Hill Staircase that includes the retaining wall.*

*Mr. Fleming stated that he doesn't see this as a structural issue, either. He said that they did submit the historical background on it. The short version is that this is a little more complicated than citing a homeowner for not taking appropriate maintenance. It was built in 1901 by J. J. Hill and there was an agreement between J. J. Hill and the City of Saint Paul that impacted what happened here. This survey represents 260 Summit Avenue, the Richard Nicholson parcel. On the northerly side of that is 240 Summit Avenue, which is the Hill Mansion. James J. Hill built his mansion in the late 1800s and then decided that he would acquire the property next to his and build the Louie Hill (his son) Mansion at 260 Summit. As part of that there was an existed*

platted road called Walnut Street that ran from Summit Avenue down to Irvine Avenue. Mr. Hill petitioned the City to vacate Walnut so that he could have a larger footprint to build the house at 260 Summit for his son, Louie Hill. Around 1901, there were petitions filed with the City (Ms. Moermond has copies in her file), whereby Mr. Hill requested the vacation of Walnut Street. The City allowed for the vacation of Walnut Street with the condition that the Hill family provide a 10-foot easement for the City of Saint Paul. In addition to that, they required that Mr. Hill construct, what we now know as the Walnut Street Staircase, according to specifications provided by the City of Saint Paul and approved by the City of Saint Paul. The Hill family did grant this 10-foot easement and in approximately 1900-01, they built the staircase and wall as one unit (the wall is integral to the staircase). On the survey, he showed where the 10-foot easement is. Since 1900-01, that staircase/wall has been, for the most part, maintained by the City of Saint Paul as part of their public improvements. The appellant's view is that the Hills dedicated an easement and they built an improvement that was dedicated as a part of that easement. As part of that easement, they made it clear in the dedication that the City had the right to maintain that public improvement. Over the years, the City has maintained it. The only exception to that is that in 2008, the top portion of the wall needed some maintenance work. Mr. Nicholson received a citation with the threat of criminal sanctions, very similar to the citation that he received today, requiring him to do some maintenance on that wall. So, Mr. Nicholson entered into a contract to have the wall repaired, which cost him between \$180,000-\$200,000. He did this without talking to his counsel. After Mr. Nicholson went to the City (correspondence in the file) in an attempt to get some contribution from the City for the work he did on this public improvement, the City's position was that they were not in a position to contribute anything to the wall at that point because Mr. Nicholson had done an improvement to a public improvement without getting prior legislative approval for that improvement. As a result of all that, he sent a letter to Mayor Coleman indicating this history and the fact that in the future, there needed to be some sort of agreement between the property owner and the City of Saint Paul as to who has responsibility here; and that he wasn't going to undertake any further improvements. He entered photos. The first set of pictures is of the north side of the wall (side of the Hill Mansion at 240 Summit). First, they viewed the portion of the wall that was repaired in 2008. Then, they saw that as the wall goes downhill, it starts to have some repair issues. The problems may be more serious than just maintenance (salt damage, needs tuckpointing, etc.). They viewed earlier work that had been done by the City. The last major repair was closer to Summit. Then, they viewed photos taken from the other side, the Nicholson side at 260 Summit (brand new done in 2008), along with other photos of the deteriorating wall. There's no dispute that the wall needs repair. The question is in the first instance, where what they view as a public improvement on a public easement, whose responsibility is it to repair it. The next question is the cost. In light of the background, they have had substantial discussions with the City of Saint Paul: 1) City Attorney's Office; 2) Public Works (Kevin Nelson); and 3) Mayor Coleman's Office. They were just a little disappointed that the City cited Mr. Nicholson with potential criminal responsibility for something they should have probably called them about to discuss.

Mr. Essling stated that for the record, he knows that these Notices sound threatening but he did insert into the Order some language that says, "Please contact me with any questions or for further information." He is just starting the process. Mr. Fleming asked Ms. Essling if he was aware of any of the discussions that taken place in 2008 with the City and Kevin Nelson, bridge inspector. The problem they ran into was that the money had been spent and in the City's view, there was no way to do anything about that because it had been done prior to any legislative review. Mr. Essling was unaware of this history.

Mr. Essling asked Mr. Nicholson if he had done the earlier repair to the wall in 2008 strictly as a result of the Correction Notice that had been sent to him previously. Mr. Nicholson responded that he had. He added that he had talked to Kevin Nelson later in 2008 and he said that from then on, the City would take care of their side. Then, Mr. Nicholson took pictures where a couple of bricks had started to be missing. Six months later, more bricks fell; later, some had been pushed through. Mr. Fleming stated that their concern is that they are not engineers and maybe someone needs to look at it but it seems to them that there's a real likelihood that the bottom portion of the wall is in serious enough condition that it might involved substantial repairs. If a couple hundred thousand dollars would have been spent on that Summit Avenue side of the wall a few years back, it might have saved a lot of money compared to what that cost may be today. It's important that the property owner and the City to have a reasonable discussion about how to resolve this issue. The other issue is that this neighborhood is also in the Summit Hill Historic District, so this needs to go before the Historic Preservation Commission, as well. It's just not the kind of thing where the wall can be knocked down and a railing be put in. There's a number of layers of responsibility and significant issues with substantial potential cost. They certainly hope that it's not the City's position that those costs should be born by Mr. Nicholson on something that's located on a public easement and has been dedicated as a public improvement.

Mr. Essling suggested that Mr. Berg, structural engineer, take a look at it, along with Kevin Nelson.

Ms. Moermond stated that there is definitely some good history going on to help sort this out. She would like to have an engineer's perspective. She will coordinate a field tour with Frank Berg, DSI; Amy Spong, HPC; Kevin Nelson, PW; Inspector Essling, DSI; City Attorneys; and her to walk it. Mr. Fleming stated that in his view, instead of treating this as a simple penalty or criminal matter, there ought to be some discussion between the City and property owner as to what's a reasonable way to go.

Ms. Moermond added that enforcement is stayed during the appeal's process. The longer that it is in appeals, that length would be added to the end of the end of the time period. The Orders were written in mid-April with a deadline at the end of July. She will take into account that there is some sorting through to do. At the very least, that will extend the deadline on the things that need to be done. She added that she may never have an answer on accountability and expense apportionment; they may end up litigating it further. She will study the history and speak with Peter Warner, City Attorney, who is particularly versed in land use law.

Ms. Moermond will lay this over for 3-4 weeks during which they will meet on site. Mr. Nicholson and Mr. Fleming will be notified of the meeting so that they can be there also.

**Laid Over to the Legislative Hearings due back on 6/21/2011**

## 1:30 p.m. Hearings

### Correction Orders

51 [RLH CO 11-4](#) Appeal of Mark Abdel, on behalf of Markus Homes LLC, to a Code Compliance Report at 897 JAMES AVENUE.

**Sponsors:** Thune

**Attachments:** [897 James.appeal.5-12-11.pdf](#)

*Grant a variance on the egress windows measuring 26x20 in the second floor bedrooms.*

*RE: 897 James Avenue*

*Mark Abdel, on behalf of Markus Homes LLC, owner, appeared.*

*Mr. Abdel stated that he had talked with the building official, Jim Seeger, who told him to apply for an appeal because there are a few windows upstairs in the bedroom that have been there since they bought the house. He is asking for a variance on the egress windows measuring 26-in wide x 20-in high.*

*Ms. Moermond stated that she will recommend granting a variance on those windows.*

**Referred to the City Council due back on 6/15/2011**

#### **Window Variances: Hearing Required**

- 52 [RLH WP 11-17](#) Appeal of Renewal by Andersen, on behalf of Annette and Kirby Hansen, to an Egress Window Non-Compliance Determination at 2221 EDGCUMBE ROAD.

**Sponsors:** Harris

**Attachments:** [2221 Edgumbe.appeal.4-29-11.pdf](#)

*Deny the appeal for the three casement windows. (No Show)*

**Referred to the City Council due back on 6/15/2011**

- 53 [RLH FOW 11-43](#) Appeal of Patricia Ware to a Fire Certificate of Occupancy Correction Notice at 1209 DAYTON AVENUE.

**Sponsors:** Carter III

**Attachments:** [1209 Dayton.appeal.5-9-11.pdf](#)  
[1209 Dayton Ave.Fire Orders.4-18-11.dot](#)

*Grant a 6.5-inch variance on the openable height of the egress window in the lower unit, northeast bedroom. Appellant must disclose on lease agreement that the third level south bedroom is not to be used as a sleeping room. (Rick Gavin)*

*RE: 1209 Dayton Avenue*

*Patrician Ware, property manager, appeared.*

*Ms. Moermond stated that she is fine with one of the windows but she has concerns about the lower unit, northeast bedroom window, which has an opening height of 17.5-inch high x 26-inch wide. She will recommend a variance on that.*

*Regarding the third floor window, Ms. Ware said that window wasn't in the Orders because the inspector could not gain access to that room on the first inspection. Ms.*

Ware pointed it out to him on the next inspection May 5, 2011. She added that there are 2 windows there the same size. Also, it is an unoccupied room. It has never been used as a bedroom since they have had it, and currently, it is being used as a storage room by Keith Miller, who does not live there. She doesn't see it being used as a bedroom in the future. The property is a duplex with 7 bedrooms, 5 of which are occupied. There are 3 bedrooms on the main level; 3 bedrooms on the second level; and 1 in use on the third level. The first level is 1 unit; the second and third levels are 1 unit. Only one person occupies the upstairs unit.

Mike Urmann, Fire Inspector Supervisor, reported that he didn't see any Orders in the record for the third level. If he noticed the room to be a storage area, he wouldn't have issued Orders on it. Orders are only issued if the room is being used as a sleeping room. According to the file, Mr. Gavin approved the building as it stands.

Ms. Moermond stated that a provision should be put into the lease that the third level (storage room) cannot be used for sleeping.

**Referred to the City Council due back on 6/15/2011**

- 54 [RLH FOW 11-44](#) Appeal of Dana Verdeja, on behalf of Danalex Partners, to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 1896 GRAND AVENUE.

Sponsors: Harris

Attachments: [1896 Grand.appeal.5-9-11.pdf](#)

Grant a 4-inch variance on the openable height of the egress window in the 2nd floor, north bedroom; deny the appeal on the egress windows in the first floor, north and south bedrooms and grant an extension for 90 days to come into compliance or have the porch windows open up to meet egress requirement. (William Beumer)

RE: 1896 Grand Avenue

Dana Verdeja, on behalf of Danalex Partners, owners, appeared.

Mike Urmann, Fire Inspector Supervisor, reported that the windows in question are on the 1st floor - north and south (same room layouts). They have an openable window 16.5 x 16.5 with a glazed area of 4.9. There's a window on the 2nd floor which is 20 x 37 with a glazed area of 10.7.

Ms. Moermond said that she has no concern with the window on the 2nd floor north bedroom; she will recommend that Council grant a variance. She has significant concerns about the 1st floor north and south bedroom windows.

Ms. Verdeja that regarding the north bedroom, these windows were in the house when they purchased it. There are a total of 5 windows in the first bedroom, 2 of them do not meet the requirements. 3 of the windows face a porch; the other 2 are on the side. Ms. Moermond asked if it were an open or enclosed porch. Ms. Verdeja said it was enclosed. Ms. Moermond responded that windows that open into another enclosed area can not be used as egress. If they try to replace these double hung windows with a different style, it probably won't be possible to fit any other window into that space. If they can get the openable width to 16, Ms. Moermond can grant a variance at that time. If less than 16, she would not do a variance. Ms. Verdeja asked if she could speak to Ms. Moermond about that prior to actually installing the window. Ms. Moermond responded that when whomever goes to pull a building permit on the windows, they won't issue a building permit if these are egress windows. They will give out a form that officially, turns them down. Then, it would be

time to appeal. Ms. Moermond said that opening up the porch is another option. Mr. Urmann stated that the porch windows were not measured and the windows facing the porch were not measured. Ms. Verdeja added that Inspector Beumer said those windows would be fine.

Ms. Moermond will recommend granting 90-days to get this done.

**Referred to the City Council due back on 6/15/2011**

- 55      [RLH FOW 11-34](#) Appeal of William Kamb to a Fire Certificate of Occupancy Correction Notice at 401 HOYT AVENUE EAST.

**Sponsors:**            Helgen

**Attachments:**        [401 Hoyt.appeal.4-28-11.pdf](#)

*Grant a 5-inch variance on the openable height of the egress windows in the upper floor northwest and northeast bedrooms; a step must be installed, if not already, full width below the egress windows to address the sill height in the lower floor south and northeast bedrooms; and deny the appeal on the lower floor, south and northeast bedrooms and grant an extension for 90 days to bring the windows into compliance. (Mike Cassidy)*

RE: 401 Hoyt Avenue East

William Kamb, owner, appeared.

*Fire Inspector Urmann reported that this is another egress window issue. First of all, no building permit was pulled for the work that was done. Had there been a permit pulled and approved, this would be a different issue. Secondly, 19-inches high x 36-inches wide. Glazed area of 40 x 33 inches.*

*Mr. Kamb explained that this duplex was built in 1969. Regarding the openable window size on the lower floor, he had the double hung windows replaced in 1998 to the same size. He expected that his contractor would pull the permit. The papers from the contractor listed "permit."*

*Ms. Moermond stated that 13.5 inches in height is just not enough; she hasn't ever recommended a variance that's less than 16 inches. She added that there should have been a permit pulled; it was not a small project that was done in '98. Ms. Moermond suggested that Mr. Kamb ask his contractors about not pulling a permit. She said that she would not be able to recommend a variance for 13.5 inches; she will recommend denial on this. She said she can recommend a variance on the other windows (19-in x 36-in) upper floor, NW and NE bedrooms. On the lower floor where the sill height is 55-in, a step needs to be installed (one step per bedroom). She will recommend a 90-day extension to bring the windows/sill height into compliance.*

**Referred to the City Council due back on 6/15/2011**

- 56      [RLH FOW 11-35](#) Appeal of Keith Keeley to a Fire Certificate of Occupancy Correction Notice at 2116 NOKOMIS AVENUE.

**Sponsors:**            Lantry

**Attachments:**        [2116 Nokomis.appeal.5-3-11.pdf](#)

*Grant a 5-inch variance on the openable height of the egress window in the main*

*floor northwest bedroom (grant a 2.5-inch variance on the openable width of the second window (glider) egress bedroom window but a step would need to be installed full width below the egress window to address the sill height issue; however, it's not necessary to install step(s) because the northwest bedroom window met the egress requirement); deny the appeal on the upper floor bedroom; however, Appellant indicated that the room is not being used as a sleeping room. Ms. Moermond requests that all sleeping materials be removed from the room or get the window to open 16-in. in height. (Wayne Spiering)*

RE: 2116 Nokomis

*Keith Keeley, Keeley Properties, appeared.*

*Fire Inspector Urmann, Department of Safety and Inspections (DSI), reported that 3 windows: 1) main floor, NW bedroom (double-hung) is 19h x 27w with a glazed area of 40h x 26w; 2) second floor, (glider) is 22h x 17.5w, glazed area 20h x 38w; sill height is 53-in; 3) upper floor bedroom (double-hung) 15h x 32w, glazed area 32h x 29w.*

*Mr. Keeley explained that he has complied with all of the requirements and is waiting for this one. It was purchased as a foreclosed home; his sister-in-law lives there by herself. Many windows had been broken by neighborhood kids. He had to special order the new windows. It appears as though he is only a couple inches off. The upper floor does not have a bedroom; the inspector recorded the office as a bedroom. His sister-in-law's daughter used to live there and left a dresser and some clothes, so, it looked as though it was being used as a bedroom.*

*Ms. Moermond took these one by one: 1) main floor, NW bedroom - she will recommend a 5-in variance in height; 2) second floor glider - she will recommend a variance on that. Sill height of 53-in will require a step be installed. 3) upper floor - she requested that all sleeping material be removed from the room. She will not recommend granting a variance on anything less than 16-in. in height; The City Council might grant such a variance.*

**Referred to the City Council due back on 6/15/2011**

- 57      [RLH FOW 11-42](#)      Appeal of Tina Huber to a Fire Certificate of Occupancy Correction Notice at 1667 REANEY AVENUE.

**Sponsors:**      Lantry

**Attachments:**      [1667 Reaney.appeal.5-5-11.pdf](#)  
                                 [1667 Reaney.Permit Mail Form.8-17-09.pdf](#)  
                                 [1667 Reaney.Permit Placard.8-17-09.pdf](#)

*Grant the appeal on the window measuring 12 inches high by 32 wide during current tenancy. If the home is rented in the future, owner must disclose on the lease agreement that the room cannot be used as a sleeping room. Ms. Moermond also granted the property be removed from the Certificate of Occupancy Program. (James Thomas)*

RE: 1667 Reaney Avenue

*Tina Huber, owner, appeared.*

*Fire Inspector Urmann, Department of Safety and Inspections (DSI), provided a copy of Saint Paul's window policy. He reported that this is an issue where inadequate*

windows were installed. A permit was pulled on August 17, 2009; the windows were installed after they could be approved by Fire's policy. In other words, the person who approved them made a mistake and Fire cannot approve them just because the permit was signed-off. The size of those windows has an openable height of 12-in x 32-in openable width with a sill height of 44-in; glazed area of 27h x 28w.

Ms. Huber explained that she had trusted the contractors. This is her dad's home; he lives there alone and he doesn't sleep in the bedroom, He sleeps in the living room. He has lived there since the 70s. The house is Ms. Huber's and her sister, Marlene Miller's name.

Ms. Moermond stated that the permit should not have been approved to begin with; this is a City error, no question. 12-in. in height is just not enough room to get out of in an emergency.

Ms. Moermond will recommend that this property be released from the C of O Program. She will not recommend that the window be replaced. As long as it's not being used as a sleeping room during his occupancy, it will be fine. If or when the house is rented in the future, the owner must disclose on the lease agreement that the room cannot be used as a sleeping room unless the window is replaced by one that meets code.

Mr. Urmann said that he will contact the inspector that this property is no longer rental; it's owner-occupied.

**Referred to the City Council due back on 6/15/2011**

### Fire Certificates of Occupancy

- 58 [RLH FCO 11-53](#) Appeal of Great Fans and Blinds to a Last Extension Re-Inspection Fire Certificate of Occupancy With Deficiencies at 680 SNELLING AVENUE SOUTH.

**Sponsors:** Stark

**Attachments:** [680 Snelling.appeal.4-18-11.pdf](#)

Inspector Neis inspected the property today (May 17) and met with the owners. They have removed the showpieces from the back storage room and this space will no longer be open to the public. They indicate that this actually works better for them as more product is visible to the public. They will obtain permits and have the walls inspected by DSI as a storage area only (which is an approved use), so there will not be a change in occupancy.

Owners have requested to withdraw the appeal. (AJ Neis)

**Withdrawn**

- 59 [ALH 11-500](#) Appeal of Common Bond Communities, representing Torre De San Miguel Homes, to a Correction Notice-Complaint Inspection at 70 WOOD STREET.

**Sponsors:** Thune

**Attachments:** [70 Wood.appeal.4-12-11.pdf](#)  
[70 Wood St.Dillon Ltr 4-19-11.doc](#)

Fire Marshall staff and DSI staff withdrawn the orders.



**Withdrawn**

60      RLH FCO 11-59      Appeal of Jane Lynch to a Fire Certificate of Occupancy Correction Notice at 1899 ORANGE AVENUE EAST.

**Sponsors:**      Bostrom

**Attachments:**      1899 Orange.appeal.4-28-11.pdf

*Ms. Moermond recommends the following:*

- 1) *Item 2 (attic) - deny the appeal on the ceiling height (should not use as sleeping room);*
- 2) *Item 3 (attic window) - 16h by 31w - grant an 8-inch variance on the openable height of the egress window;*
- 3) *Item 4 (basement) - deny the appeal - need to be more organized and reduce by 50%;*
- 4) *Item 5 (front/rear doors) - forthcoming (DSI to confirm with Jim Bloom);*
- 5) *Item 6 (front sidewalk) - grant the appeal for the time being but may re-issue in the future;*
- 6) *Item 7 (front steps to house) - grant the appeal;*
- 7) *Items 9, 10 and 11 - done per Appellant;*
- 8) *Item 12 (main floor window) - grant a 2-inch variance on the openable height of the egress bedroom window;*
- 9) *Item 18 (window screens) - grant the appeal.*

*RE: 1899 Orange Avenue East*

*Jane Lynch, owner, appeared.*

*Fire Inspector Urmann reported that his notes say that this property won't be a rental after August 1, 2011; it won't be owner occupied, either, so , it will still fit in the Fire Certificate of Occupancy Program. A relative will be moving in; not the owner of record.*

*Ms. Lynch stated that she has a laundry list of appeals/questions. She began with the windows, #3 and #12. Mr. Urman responded that regarding #3, the window is listed as having an openable height of 16-in, openable width of 31-in, sill height of 33-in, and glazed area of 15h x 27w on upper floor. On main floor, the window is listed as 22h x 24w, sill height of 28-in, glazed area of 46h x 22w. Ms. Moermond will recommend variances on #3 and #12.*

*Ms. Lynch stated that #2 says the ceiling height isn't high enough. What does she need to do to legally call it a bedroom? House was built in 1926. Mr. Urmann said that the ceiling height is 5 feet, 11 3/4 inches over the floor area and it needs to be 7.5 feet high. It drops from 5 feet, 11 3/4 inches to 5 feet. Ms. Moermond asked how this space was used. Ms. Lynch responded that the occupant's daughter has her mattress and dresser on the upper floor. Because it's such a short term rental, Ms. Lynch will have the occupant not use the space as a bedroom. Ms. Moermond stated that such a space is really not good for much beyond storage or occasional use, only. Ms. Lynch explained that the house was custom built for little people. Mr. Urmann clarified that the code doesn't only talk about 'sleeping' space but 'occupied' space, so, any occupied space (other than storage) needs to be 7 feet high over half the space.*

*Ms. Lynch had questions about #4 - remove accumulation of combustible materials. Reduce by 50%. Mr. Urmann explained that this is about an accumulation of wood,*

paper, plastic, clothing, fabrics, etc. Ms. Lynch introduced photos of the basement area. Ms. Moermond suggested industrial shelving to organize the storage.

Ms. Lynch asked about #5: install handles, pulls, latches, locks, etc. 34 inches minimum and 48 inches maximum above the floor (currently at 27 inches). Ms. Moermond wonders how the code talks about special accommodations, which may influence this case. Perhaps, Jim Bloom could provide some advice. Mr. Urmann responded that special accommodations might fit for the right person but not in this case. Ms. Moermond understood but was not sure that she agreed because this whole house was built to meet special accommodations. She will need more feedback.

Ms. Lynch asked to have #6 clarified - repair, replace and maintain exterior sidewalks, stairs. She doesn't think she should have to replace. Ms. Moermond said that repair would be fine. Ms. Lynch responded that it hasn't moved or shifted since she bought it. Ms. Moermond thinks that there is a good way to repair it. Mr. Urmann thought it might not be so simple. Ms. Moermond will recommend that the City Council grant the appeal on #6 for the time being.

Ms. Lynch said she has no idea what is meant by #7 - regarding front steps. She introduced photos. Ms. Moermond sees no problem; she will grant the appeal on #7.

Ms. Lynch said that #8 and #9 are already corrected. Regarding #10 - main floor bathroom. Provide floor impervious to water, secure toilet to floor and caulk base. Ms. Lynch provided a photo. There's a ceramic floor; they tightened the toilet and caulked. Ms. Moermond will recommend granting the appeal.

Ms. Lynch said that #11, #13, #14, #15, #16, #17 and #19 have been corrected. #18 - ripped screen. Ms. Lynch said there's a hole the size of a dime on the back door screen. Ms. Moermond will grant the appeal on this.

**Referred to the Legislative Hearings due back on 6/7/2011**

61 [RLH FCO  
11-102](#)

Appeal of Samuel Ng to a Re-inspection Fire Certificate of Occupancy with Deficiencies at 1621 MARSHALL AVENUE.

**Sponsors:** Stark

**Attachments:** [1621 Marshall.appeal.5-17-11.pdf](#)

Ms. Moermond recommends the following:

Item 4 (basement north room) - deny the appeal on the egress bedroom window and must not be used as sleeping room;

Item 5 (sill height in basement north room) - deny the appeal;

Item 6 (basement south room) - deny and discontinue use of illegal basement rooming unit;

Item 7 (basement south room) - deny the appeal on the egress bedroom window unless Appellant be bring into compliance;

Item 8 (sill height in basement south room) - deny the appeal;

Item 9 (fire rated door) - deny the appeal. Appellant to install an automatic door closer, but if not using as sleeping room, no need for door closer;

Item 11 (basement vent or vent liner) - deny the appeal;

Item 17 (exterior) - deny the appeal.

All items must be in compliance by the June 20, 2011 re-inspection date. Ms. Moermond grant until July 30, 2011 for the windows. (William Beumer)

RE: 1621 Marshall Avenue (legal non-conforming lot - three units)

*Samuel Ng, owner, appeared.*

*Fire Inspector Urmann stated that Ms. Moermond may want to view the photos that are attached to the file for clarity on some of the issues. He reported that the appellant has circled several items that are in the Orders:*

*Item #4 & #5 - the basement egress window is 23.5h x 13w, glazed area of 2.3 square feet, sill height of 56 inches*

*Items #6 - there's a single room occupancy in the basement that has an individual locking door - a separate tenant than the space with the kitchenette. A rooming unit being used in the basement in addition to the basement unit that was approved in the past. In this unit there is also an issue with an egress window, #7, which is 23.5h x 13w, glazed area of 2.3 square feet.*

*Ms. Moermond asked whether this was a duplex. Mr. Urmann responded that it appears to be a triplex in the file. The last inspector through there, Supervisor Shaff, is aware that there was an efficiency type unit in the basement but not two (2) separate sleeping rooms, which is what we have now.*

*The 3rd unit is an efficiency in the basement but there is now a father and son who live in the basement and the son occupies the rooming unit. The biggest issue here is that the egress windows don't meet the minimum code requirement in either space. Regarding #11, the vent liner has been repaired; need a permit to sign-off. A door closer to be fixed on the approved unit side.*

*Mr. Ng stated that he basically, just doesn't understand some of these things. He asked if the 'egress' window and the 'escape' window were the same. Ms. Moermond said there are the same. Mr. Ng stated that this house was inspected three (3) times within the last 10 years and the egress windows were also looked at by previous inspectors. They passed inspection until now. Why? Ms. Moermond asked if this room was used for sleeping in the past. Mr. Ng replied that it was. Ms. Moermond responded that she is not sure why the inspector hadn't caught it in the past. Mr. Urmann added that the window size in both rooms is exactly the same. Ms. Moermond questioned the locks. Mr. Ng said that they have their own private locks for both rooms.*

*Mr. Urmann noted that in between these 2 units is the common laundry so, they may need to lock their rooms for their own security because the laundry area is open to the whole building.*

*Mr. Ng added that it had been a 7 unit building but some renter burned it, probably more that 10 years ago. The remodeling company converted it into 3 units: 1) upper; 2) main floor; and 3) basement.*

*Ms. Moermond stated that the basement windows aren't big enough. They are 23.5h x 13w and aren't large enough for someone to get through in an emergency; they need to be larger. Those spaces can't be used for sleeping. She is curious about how the building permits were processed after the fire. Mr. Ng responded that there have been 3 inspections after the fire. Ms. Moermond finds the construction of the basement unit after fire very strange. Mr. Urmann added that when he asked Ms. Shaff about the 2 rooms downstairs, her recollection of the space was that one was a room and the other was storage; it was not a sleeping room. This unit has been approved in the past as an efficiency unit. Ms. Moermond said that one of those rooms will need to be de-converted. Mr. Ng added that the son had been living out of state and Mr. Ng suggested that he come and live with his dad. He said that he actually didn't know that the room was not supposed to be a sleeping room. He will move him out. Ms. Moermond said that the other bedroom needs to have a window*

that someone can get out of. The bedroom window should have been called out earlier. It needs to be, at least, 16 inches in width. The height is supposed to be 24 inches; the width, 20 inches. She will recommend a variance on the height. Regarding the window well size, she said that the contractor should know what the requirement is. Mr. Ng said that if the expense is more than he can handle, he will move them out. Ms. Moermond added that if he does that, he should notify his fire inspector.

Mr. Ng asked for clarification on #11. The furnace vent has been like that for the last 10 years. Mr. Urmann explained that there's a crack in the vent liner that comes off of the water heater/furnace that goes into the chimney. It just needs to be corrected by a licensed contractor under permit. It's just a separation in the vent liner. The elbow needs to be replaced.

Mr. Ng said he also wanted clarification on #9. He spoke with previous inspectors about this, too. The structure doesn't allow to put in another door when you go to the basement. The inspectors recommended that the basement rooms all have fire doors, which have been done. Mr. Urmann said that all the inspector is looking for here is a door closer. Ms. Moermond clarified that there needed to be an automatic door closer. Mr. Urmann added that if there is not a bedroom in the basement, an automatic door closer is not required.

Mr. Ng asked about #17, specifically to define "foundation elements." The photos were checked out. Mr. Urmann said that there's a big crack. Ms. Moermond said that Mr. Ng needs to hire a masonry contractor to do this work. He can call the Department of Safety and Inspections (DSI), 266-8989 and ask them for a list of licensed contractors.

Mr. Ng said he has a scheduled inspection May 20, 2011. Ms. Moermond extended his deadline to June 20, 2011 to have everything done. If the basement windows aren't going to be replaced, have the people moved out no later than July 30, 2011.

**Referred to the City Council due back on 6/15/2011**

- 62      [RLH FCO 11-66](#)      Appeal of Brett J. Horttor to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 637 HAZEL STREET NORTH.

**Sponsors:**      Lantry

**Attachments:**      [637 Hazel N.appeal.5-2-11.pdf](#)

All items, except Items 3 and 4, must be in compliance by the May 20, 2011 re-inspection. New set of orders will be written for progress on the petition for vacation. Laid over to July 19. (James Thomas)

RE: 637 Hazel Street North

Brett Horttor, owner, appeared.

Fire Inspector Urmann reported that this is an area that is used for parking that is actually part of a public right-of-way. The surface is not being maintained as is required by code and it still continues to be used as a parking space. The inspectors have asked them to contact zoning, provide site plans and to make it a durable dustless surface. Also, to get the public right-of-way signed off by zoning.

Mr. Horttor stated that apparently, the area in question is owned in some fashion by the City of Saint Paul - something called a right-of-way. He contacted the City

property department and they said that he wouldn't be doing a site plan approval under item #3 and he wouldn't be doing an encroachment permit under item #4 but according to them, I should first do a petition for vacation, in which Saint Paul actually gives him that piece of property. It's a more expensive and lengthy process. He is asking for time because he needs to do title searches for his property and also for the next door neighbors because both properties are impacted by this petition. He has hired attorneys who are looking into the title. In other words, he cannot comply with the Fire Department until he can figure out how he can get it under his control. If he paved it, he would be violating one piece of Saint Paul law because it's not his yet. He has been mowing it, keeping it landscaped, shoveling the sidewalks, etc., as previous owners have done for decades. His goal is to comply with the dustless surface when he can control the property. He, Mr. Urmann and Ms. Moermond viewed and discussed Mr. Horttor's photos.

Ms. Moermond noted that she didn't see any reference to erosion problems in the Orders, and it doesn't look as though it's subject to erosion. She asked Mr. Horttor if he was told how long it would take to go through the vacation process. Mr. Horttor responded that he understands that once he files the petition, there's a \$700 fee, and 3 hearings. He imagines that would be 120 days or longer. Ms. Moermond said she thought it would be only 1 hearing, 3 readings, and it wouldn't take that long, overall, probably 4-5 months.

Mr. Horttor stated that Caroline in DSI talked with Terry in Real Estate after he had sent a letter to Inspector James Thomas explaining this. Terry had told him that he needed to do a petition for vacation.

Ms. Moermond stated that she would like to lay this over for 2 months to get a status report.

Mr. Horttor said his re-inspection has been scheduled for May 20, 2011 and he has complied with everything else. He asked if that would still take place or would it be pushed back. Mr. Urmann suggested that the things that are outstanding be completed and the rest be transferred to an RF. Ms. Moermond said that was a great idea. As soon as the May 20th inspection is completed, Mr. Horttor will get a new set of Orders that will come from an RF. Ms. Moermond asked that those Orders be forwarded to her office so that they could be attached to the appeal file. Mr. Urmann will send her an email.

**Laid Over to the Legislative Hearings due back on 7/19/2011**

63      [RLH FCO 11-67](#)      Appeal of Ying Yang to a Fire Certificate of Occupancy Correction Notice at 1463 THIRD STREET EAST.

**Sponsors:**      Lantry

**Attachments:**      [1463 3rd.appeal.5-2-11.pdf](#)

*Grant an 7.5-inch variance on the openable height of the egress windows in the main floor northeast, southeast and southwest bedrooms; deny the appeal on the water heater in the basement (item 5); and deny on the appeal on the main floor NE, SE and SW bedrooms. (Wayne Spiering)*

RE: 1463 Third Street East

Ying Yang, owner, appeared.

Fire Inspector Urmann reported that this appears to be an issue of an egress window

(#7) 16.75h x 33w - openable; 33h x 32w - glazed. Ms. Moermond stated that she will recommend a variance on the main floor bedrooms.

Mr. Yang explained that this is not a rental property. It had been rented before but after my son came back from college, he is living there together with his brothers. Mr. Yang wonders whether the egress window still applies. Ms. Moermond responded that the egress window would still apply but she is going to recommend a variance on that.

Mr. Urmann stated that the other issue, #5, is that of a gas shut-off valve for the water heater. Mr. Yang said he would have a licensed mechanical worker take care of that.

Mr. Urmann said that #18 is basically, window maintenance. The glass needs to be re-glazed and caulked.

**Referred to the City Council due back on 6/15/2011**

**64 RLH FCO 11-69** Appeal of Kenneth Gyasi to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 913 SAINT ANTHONY AVENUE.

**Sponsors:** Carter III

**Attachments:** 913 St. Anthony.appeal.5-2-11.pdf  
913 St. Anthony Ave.letter 6-3-11.pdf

*Grant until August 31, 2011 for the painting (Item 5); grant an 7.5-inch variance on the openable height of the lower unit, front side bedroom; deny the appeal for Item 15 and grant an extension for 1 year to attend Crime Free Multi Housing training program. Laid over to June 7, 2011 for Appellant to submit a written letter regarding the skills and landlord responsibilities he may have had. (Mitch Imbertson)*

*RE: 613 St. Anthony*

*Kenneth Gyasi, owner, appeared.*

*Fire Inspector Urmann reported that the appellant is questioning #8 - egress window. Also, #5. Appellant also wants to know why there were more Orders issued by the inspector. Mr. Urmann responded that in this case, the process started under referral. The referral inspection was done and the Orders were issued under referral. On the re-inspection, they had scheduled to do the Certificate of Occupancy inspection on this provisional buildings so that there wouldn't be 2 different series of inspections going on. When they came out to do the full inspection, they issued Orders on things that they hadn't inspected during the referral inspection. Item #5 - Exterior - the appellant had talked with the inspector to try to get some extra time and the inspector thinks that extra time would be appropriate on this issue.*

*Ms. Moermond stated that she is more than happy to recommend that he get a variance on the lower unit front bedroom egress window (7.5-inch variance).*

*Mr. Gyasi explained that the upstairs renter's daughter turned the tap on and went to sleep. Mr. Gyasi was on vacation at the time. The renter downstairs couldn't get anyone to come to the door when she knocked on the upstairs door. She called the Fire Department and the Police. The Fire Department never showed up and the Police came in and turned off the water. The ceiling fell. When he came back, he called someone to come and repair it. After that, Mr. Imbertson called him and told him that someone had called to complain about the house. Mr. Gyasi told him that*

there weren't any complaints about the house but this water incident had happened. Mr. Imbertson came and inspected everything and he complained about the front side of the house, which we had painted within the past 2 years. Because the house faces east, it is bombarded by the elements. The house is over 100 years old and the paint peels easily. He will paint the house and said that his house is far better than most of the houses in the neighborhood. Also, he applied for the Certificate of Occupancy when he bought the house and he received it (he doesn't have a copy with him). If possible, he would like to be released from the C of O program (#15).

Mr. Gyasi said he already bought and installed a new Carbon Monoxide/Fire Alarm.

Ms. Moermond stated that she will recommend an extension to August 31, 2011 to scrape and paint the exterior.

Regarding #15, Ms. Moermond asked when the first provisional C of O was issued. Mr. Urmann responded that was not tied to this program, so, it's hard for him to tell how long it's been going on. It looks as though it started in 2007 (\$50 provisional fees were paid). Mr. Urmann said that Mr. Gyasi was never required to do the class until he was inspected. Ms. Moermond will recommend denial on #15 and Mr. Gyasi she gave him a year to complete the class. Mr. Gyasi thinks he has already had the class because he is a real estate agent and an appraiser, too. Ms. Moermond will lay that item over for 2 weeks. If she receives a letter from him explaining what he thinks is comparable to training and skills at being a landlord/property manager, she will look at it and consider it. There should be training schedules through the DSI website. His field inspector can also provide the phone number of the person running the program.

Mr. Gyasi asked if it were possible to request a different inspector because the last time that he came, he wouldn't let Mr. Gyasi speak and Mr. Gyasi did not appreciate that. Also, he came and said that he had to leave for another appointment before he could test everything else. Ms. Moermond responded that she is not in a position to assign a different fire inspector to his property. Mr. Gyasi added that he felt as though he was being picked on and he is really angry about the whole issue. He wants to sell the house.

Mr. Gyasi asked about #13. Mr. Urmann explained that he needs to get a licensed heating contractor out to do an Orset test (they check the burners to make sure they are burning cleanly and efficiently and not emitting any carbon monoxide into the building). Mr. Gyasi responded that the guy came and tested it. Ms. Moermond said there should be a 1-page report. Mr. Gyasi submitted it. Mr. Urmann stated that he couldn't accept that report because a maintenance person is not licensed to do the report.

**Laid Over to the Legislative Hearings due back on 6/7/2011**

65      [RLH FCO 11-70](#)      Appeal of Alvin Henke to a Fire Certificate of Occupancy Correction Notice at 880 DAYTON AVENUE.

**Sponsors:**              Carter III

**Attachments:**              [880 Dayton.appeal.5-3-11.pdf](#)

*Deny the appeal and grant an extension for 90 days on the remaining balance of the items not done; grant a 3-inch variance on the openable height of the egress window in th middle bedroom; grant a 2-inch variance on the openable height of the egress window in the rear bedroom; and grant a 3-inch variance on the openable height of the egress windows in Upper Unit, 3 bedrooms. (Mitchel Imbertson)*

RE: 880 Dayton Avenue

Alvin Henke, owner, appeared.

Mr. Henke stated that he would like some extra time to finish what he needs to do. He submitted a list of the things he has done.

Ms. Moermond asked when the boiler would be looked at. Mr. Henke responded that both are going to be replaced this summer - 90 days would work.

Mr. Henke said that no one lives in the lower unit; they are working in it.

Ms. Moermond will recommend a 90-day extension to finish the balance of the list.

Mr. Urmann asked about #13 and #26 - egress windows. Ms. Moermond stated that she would recommend variances on both windows.

**Referred to the City Council due back on 6/15/2011**

66      RLH FCO 11-74      Appeal of David and Jeannette Morisette to a Fire Certificate of Occupancy Correction Notice at 1539 BIRMINGHAM STREET.

Sponsors:      Bostrom

Attachments:      1539 Birmingham.appeal.4-29-11.pdf

Laid over for staff report on code for the dryer exhaust duct. (James Thomas)

RE: 1539 Birmingham Street

David and Jeannette Morisette, owners, appeared.

Fire Inspector Urmann provided back and forth emails between the appellant and Inspector Thomas. The appellant has some questions as to what is needed regarding item #3.

Mr. Morisette explained that he doesn't understand where it's in violation of the code. He is concerned because he had to pull a permit. He has many other properties with a similar set-up. He spoke with some mechanical contractor (the guy who did the furnace testing), and he couldn't understand where it violated the code. He said that he's an engineer and he designs buildings, so, he looked at the mechanical code and he still doesn't see where it violates the code. He suggested reading what the inspector said: "Uniform Mechanical Code 504.6 - Provide, repair or replace the dryer exhaust vent. Exhaust ducts for domestic clothes dryers shall be constructed of metal and shall have a smooth interior finish. The exhaust duct shall be a minimum of four inches in diameter. This work will require a permit. Call DSI at 651-266-8989 - the dryer duct is not the code required duct. No label." It is 4-inch and it is smooth. Looking at the mechanical code - "Clothes dryer transition ducts used to connect the appliance to the exhaust duct system shall be limited to single lengths not to exceed 8 feet and shall be listed and labeled for the application." He said that a clothes dryer transition duct is not an exhaust duct. It's a totally different thing. He entered photos. He said that he owns 10 properties all over the metro area and they are all done like this, and he doesn't understand what the inspector is talking about. He added that he has talked to a whole bunch of people about this and they don't understand what he is talking about. He explained that in the emails back and forth, he was trying to understand what the inspector was talking about. Then, Mr. Thomas started to



change his tune; it was different from this. The inspector called this out on one side (duplex) but not on the other one and they are both done the same way. Mr. Morisette stated that he wants to make sure he's doing this right, so he needs to know how he's in violation; although, he doesn't believe that he is.

Ms. Moermond asked Mr. Urmann whether not having a label is the problem here. Mr. Urmann stated that according to the mechanical senior, all of the products within that system have to be labeled. So, if they find a product that's not labeled, not just the transitions, the whole system has to be labeled. If that is the issue, the City's mechanical inspector can go out and take a look at it to see if it meets the minimum code requirement. Ms. Moermond said that she is going to talk with the City's building official; it sounds a little funny to her, as well. It might be a matter of interpretation. Given that it's a matter of interpretation, she has purview over the Fire Code. Mr. Morisette said that the code, specifically, talks about transition ducts; and this is not a transition duct. This is an exhaust duct, straight up and out. Ms. Moermond agreed.

Ms. Moermond will recommend a 3-week layover. She will get a staff report and put it on the record. She invited Mr. Morisette back for that or she can email him. Mr. Morisette responded that he prefers an email or a call. He would like to have the City officials show him in the code where it says this because if it's not in the state code or some code, he doesn't understand how it can be required. Mr. Morisette added that he knows that Inspector Thomas is searching for stuff now to get him on.

Ms. Moermond stated that Mr. Morisette's questions are just the right questions and this is how things get adjusted over time; it's by people like him coming to talk about what makes sense and what doesn't.

**Laid Over to the Legislative Hearings due back on 6/7/2011**

- 67      [RLH FCO 11-80](#)      Appeal of Gary Odeen to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 784 PEDERSEN STREET.

**Sponsors:**            Lantry

**Attachments:**        [784 Pedersen.appeal.5-9-11.pdf](#)

Grant a 3-inch variance on the openable height of the egress window in the main floor northeast bedroom; deny the appeal on the ceiling height and shall not be used as a sleeping room; and grant an extension until June 15, 2011 for the exterior items. (Wayne Spiering)

RE: 784 Pedersen Street

Gary Odeen, owner, appeared.

Mr. Odeen is appealing window dimensions and attic height.

Fire Inspector Urmann entered photos of the attic. The height is 6' 9" only at the peak and goes down to 3'. Mr. Odeen said that he doesn't need it as a bedroom; he needs it as office space. Currently, it looks like a bedroom but no one is sleeping up there; the furniture is just stored there. Only 2 people live at this address; no children. Perhaps, children come to visit. Mr. Odeen wants to be able to use the attic space for something other than storage. He is going to sell the house. Ms. Moermond noted that the required ceiling height is 7'. She stated that it cannot be used as a sleeping room; it can be used as a play room or office.

*She will recommend granting a 3-inch variance on the egress window on main floor.*

*Mr. Odeen asked for an extension also. Ms. Moermond will grant an extension to June 15, 2011 for the exterior items.*

**Referred to the City Council due back on 6/15/2011**

- 68      [RLH FCO 11-78](#)      Appeal of Mark Pasvogel, on behalf of Marpe Holdings, to a Fire Certificate of Occupancy Correction Notice at 748 DESOTO STREET.

**Sponsors:**            Thune

**Attachments:**        [748-750 Desoto.appeal.5-6-11.pdf](#)

*No show; deny the appeal on the painting and other items. Grant a 3-inch variance on the openable height of the egress bedroom in 748 Desoto. (Kelly Booker)*

**Referred to the City Council due back on 6/15/2011**

## 2:30 p.m. Hearings

### Vacant Building Registrations

- 69      [RLH VBR 11-36](#)      Appeal of Mark Pasvogel on behalf of Morrison and Associates Investments to a Vacant Building Registration Renewal Notice at 757 SAINT ANTHONY AVENUE.

**Sponsors:**            Carter III

**Attachments:**        [757 St. Anthony.appeal.5-6-11.pdf](#)

*Supervisor Dornfeld spoke with Property Owner, Mark Pasvogel, and he stated he has all permits finalized except for a building permit sign off. He has a call into Jim Seeger to schedule the final building inspection. Supervisor Dornfeld held the Vacant Building fee for 60 days. (Matt Dornfeld)*

**Withdrawn**

### Window Variances: No Hearing Necessary

- 70      [RLH FOW 11-39](#)      Appeal of Charles R. Petrich to a Fire Certificate of Occupancy Approval With Corrections at 861 ALBERT STREET NORTH.

**Sponsors:**            Stark

**Attachments:**        [861 Albert.appeal.5-4-11.pdf](#)

*Grant a 4-inch variance on the openable width of the egress window in the main floor north bedroom. (Michael Urmann)*

**Referred to the City Council due back on 6/15/2011**

- 71      [RLH WP 11-19](#)      Appeal of Daniel Schmidt, Saint Paul Ramsey County Department of Public Health, to an Egress Window Non-Compliance Determination at 865 COOK

AVENUE EAST.

**Sponsors:** Bostrom

**Attachments:** [865 Cook E.appeal.5-3-11.pdf](#)

*Grant a 3-inch variance on the openable width of one double hung replacement egress bedroom window measuring 24 inches high by 17.3 inches wide.*

**Referred to the City Council due back on 6/15/2011**

- 72      [RLH WP 11-18](#)      Appeal of Saint Paul Ramsey County Department of Public Health, to an Egress Window Non-Compliance Determination at 646 VAN BUREN AVENUE.

**Sponsors:** Carter III

**Attachments:** [646 Van Buren.appeal.4-28-11.pdf](#)

*Grant a 4.5-inch variance on the openable height of three double hung replacement egress bedroom windows measuring 19.93 inches high by 24.2 inches wide.*

**Referred to the City Council due back on 6/15/2011**

- 73      [RLH FOW 11-38](#)      Appeal of Joshua Geurts, on behalf of Lynn Larsen, to a Fire Certificate of Occupancy Correction Notice at 1670 FORD PARKWAY.

**Sponsors:** Harris

**Attachments:** [1670 Ford.appeal.5-2-11.pdf](#)

*Grant a 4.5-inch variance on the openable height of the egress windows in the four bedrooms of Units 1670 and 1672. (Rick Gavin)*

**Referred to the City Council due back on 6/15/2011**

- 74      [RLH FOW 11-36](#)      Appeal of Steven Davis to a Fire Certificate of Occupancy Correction Notice at 1537 SAINT CLAIR AVENUE.

**Sponsors:** Harris

**Attachments:** [1537 St Clair.appeal.5-2-11.pdf](#)

*Grant a 3.5-inch variance on the openable height of the egress window in the 2nd floor bedroom. (William Beumer)*

**Referred to the City Council due back on 6/15/2011**

- 75      [RLH FOW 11-40](#)      Appeal of Allison Klis to a Fire Certificate of Occupancy Correction Notice at 958 WILDER STREET SOUTH.

**Sponsors:** Harris

**Attachments:** [958 Wilder.appeal.5-4-11.pdf](#)

*Grant a 3-inch variance on the openable height of the egress bedroom windows (Item 3). (Rick Gavin)*

Referred to the City Council due back on 6/15/2011