



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final Legislative Hearings

Marcia Moermond, Legislative Hearing Officer
Mai Vang, Hearing Coordinator
Jean Birkholz, Hearing Secretary
Mary Erickson, Hearing Secretary
legislativehearings@ci.stpaul.mn.us
651-266-8560

Tuesday, December 4, 2012

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Special Tax Assessments

- 1 [RLH TA
12-581](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1302B, Assessment No. 138101 at 1574-1580 ARUNDEL STREET.
- Sponsors:** Brendmoen
- No show; approve the assessment*
- Referred to the City Council due back on 1/16/2013**
- 2 [RLH TA
12-588](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1302A, Assessment No. 138501 at 1151 BEECH STREET.
- Sponsors:** Lantry
- Delete the assessment.*
- RE: 1151 Beech St (single family)*
- Chou Xiong appeared.*
- Inspector Joe Yannarely:*
- tall grass and weeds complaint for \$160 plus \$155 service charge = \$315
 - letter issued Jul 27, 2012; compliance date Jul 30, 2012
 - re-checked Aug 6, 2012
 - work done Aug 9, 2012
 - letter sent to Occupant; Xiaichou B. Xiong and Youa K. Vue
 - has been on the Vacant Building list since Jun 2012
 - mechanical and plumbing permits have recently been pulled
- Ms. Xiong:*
- bought house Aug 15, 2012 and have taken care of it since then
 - before that, there was a different owner
 - she doesn't think she's responsible for this
- Ms. Moermond:*
- letter was sent to previous owner

- when you buy a property, you also assume it's debts but they did not disclose this assessment to the Appellant
- Ms. Xiong's recourse is to go to the previous owners for re-imbursement
- will provide her with a copy of the Summary Abatement Notice that was sent to previous owner

VIDEO (not much here)

Ms. Moermond:

- will recommend this assessment be deleted

Referred to the City Council due back on 1/16/2013

3 [RLH TA
12-572](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1302B, Assessment No. 138101 at 787 BLAIR AVENUE.

Sponsors: Carter III

Approve the assessment.

RE: 787 Blair Ave (single family)

Pat Ware appeared.

Inspector Paula Seeley:

- emergency boarding by SPPD Jul 18, 2012 at 12:13 a.m.
- trespassers broke into building; open to illegal entry
- Jul 25, 2012, it was confirmed by inspector
- cost \$426.95
- has part of police report

Ms. Ware:

- there was an eviction at this property Jul 6, 2012
- prior to this board-up, they believe the tenants came back and broke into the building; they fixed that themselves
- they had someone working at the property every single day
- this was inside an enclosed porch; a glass panel in the door was broken out
- the owner posting was on that particular panel; she could have been called and been there in 10 minutes
- problem she has is that it wasn't open to the elements or people unless they stepped into the closed door on the porch, which wasn't locked but it was closed; they believe it was the previous tenants out of anger trying to get back in to cause trouble
- this building was by no means a vacant, unattended property; this was vandalism and criminal entry

Ms. Moermond:

- three juveniles known as Trapp, C Money and Rat, broke into the property (Ms. Ware: Trapp was the nephew of David Harden, who may have lived there but was not on the lease)
- police report says: glass broken out and door wide open (interior door)
- will recommend approval of the assessment
- the police had to secure the premise; it was 12:13 a.m.; it was reasonable that they handled the situation as they did

Ms. Ware:

- she disagrees because it would be the same as if she were living in her home and

she left leaving her interior door open and the exterior door shut - anyone can get into that porch but the house is not wide open to the elements; she doesn't believe that it needed to be secured; there was nothing of value in the house
- it would have been only 7 hours before someone (she) would have been there and taken care of it

Referred to the City Council due back on 1/16/2013

4 [RLH TA
12-573](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1302A, Assessment No. 138501 at 852 CASE AVENUE.

Sponsors: Bostrom

Delete the assessment. (Work order was supposed to be sent to PW to remove debris in alley but a mistake was made by clerical. They sent to Parks to remove.)

Referred to the City Council due back on 1/16/2013

5 [RLH TA
12-593](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1302, Assessment No. 138801 at 1512 CONCORDIA AVENUE.

Sponsors: Carter III

Delete the assessment. (Inspector Kalis after conferring with Martin is closing file as only thing remaining is exterior paint. DSI recommends deleting VB Fee.)

Referred to the City Council due back on 1/2/2013

6 [RLH TA
12-594](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1302A, Assessment No. 138501 at 987 DAYTON AVENUE.

Sponsors: Carter III

Approve the assessment and make payable over three (3) years.

RE: 987 Dayton Ave (two family dwelling)

Willie May Day, owner, appeared.

Inspector Joel Essling:

- Summary Abatement mailed Aug 21, 2012; compliance date Aug 27, 2012*
- re-inspected Aug 29, 2012*
- work done Aug 31, 2012 (more than 10 bags of garbage outside container) for a cost of \$471*
- sent to Willie May Day and Birdie Foster at this address*

Ms. Day:

- those 10 bags of garbage was put there by someone other than the residents*
- their garbage hauler could not take all of them at one time so, they decided to put them into the trash container as they would fit but they did not make the deadline; so, now, they decided to put them into the garage until pick up*

Ms. Moermond:

- sounds as though there were 10 bags still there and the city picked them up*

Ms. Day:

- she did not see the Order herself; her niece, who lives downstairs, saw the Order but didn't notify Ms. Day in time*

- she does not live in this building; her family does
- Birdie Foster was her mother and she has died

Ms. Moermond:

- there is no Video but there are photos
- adequate notification was provided
- will recommend this assessment be approved

Referred to the City Council due back on 1/16/2013

- 7 [RLH TA 13-19](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1302A, Assessment No.138501 at 792 FULLER AVENUE.

Sponsors: Carter III

12/26/12 - Called owner to reschedule to 1-8-13. Owner was okayed with rescheduling.

12/14/12 - Kasim Abdurrazzaq, 792 Fuller Avenue, 651-329-6171, called and said he missed his Legislative Hearing on 12-4-12 and wanted to know if it can be rescheduled. Ms. Moermond said it could be rescheduled to January 3, 2013. Staff informed Abdurrazzaq of this, and said the 1-16-13 Council date remains the same.

12/4/12--No show; approve the assessment

Laid Over to the Legislative Hearings due back on 1/8/2013

- 8 [RLH TA 12-590](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1302, Assessment No. 138201 at 1123 EDGERTON STREET.

Sponsors: Brendmoen

Delete the assessment. (Already paid to Real Estate)

Referred to the City Council due back on 1/16/2013

- 9 [RLH TA 12-571](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1302A, Assessment No. 138501 at 1413 GRAND AVENUE.

Sponsors: Tolbert

No show; approve the assessment.

Referred to the City Council due back on 1/16/2013

- 10 [RLH TA 12-589](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1302A, Assessment No. 138501 at 271 HAZELWOOD STREET.

Sponsors: Lantry

No show; approve the assessment.

Referred to the City Council due back on 1/16/2013

- 11 [RLH TA 12-579](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1302A, Assessment No. 138501 at 1443 HAZELWOOD STREET.

Sponsors: Bostrom

No show; approve the assessment.

Referred to the City Council due back on 1/16/2013

- 12 [RLH TA
12-587](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1302, Assessment No. 138201 at 1688 HYACINTH AVENUE EAST.

Sponsors: Bostrom

No show; approve the assessment.

Referred to the City Council due back on 1/16/2013

- 13 [RLH TA
12-574](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1302A, Assessment No. 138501 at 614 JESSAMINE AVENUE EAST.

Sponsors: Bostrom

No show; approve the assessment.

Referred to the City Council due back on 1/16/2013

- 14 [RLH TA
12-569](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1302A, Assessment No. 138501 at 1791 LAFOND AVENUE.

Sponsors: Stark

Approve the assessment.

RE: 1791 Lafond Ave (single family)

Jerrold Slitts, owner, appeared.

Inspector Paula Seeley:

- tall grass and weeds Order sent Aug 1, 2012; compliance Aug 5, 2012
- re-checked Aug 7, 2012
- work done Aug 10, 2012; cost: \$160 + \$155 service charge = \$315
- no returned mail
- sent to Jerrold Slitts, 12827 32nd St S, Afton, MN; and Occupant
- history: tall grass and weeds Jun 29, 2010 and garbage on Nov 13, 2012

Mr. Slitts:

- neither he nor the Occupant received Notice
- Occupant cuts the grass on a regular basis and trims along the alley
- they seem to be getting a lot of Notices for very minor things

Viewed VIDEO (showed plants/grass 2 feet high)

Mr. Slitts:

- the city cut down my wife's plants and 20-30 square feet of grass charged me \$315 for the cutting! That's ridiculous!
- obviously, the tenant didn't do what he should have

Ms. Moermond:

- will recommend approval of this assessment

Referred to the City Council due back on 1/16/2013

- 15** **RLH TA**
12-591 Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1302, Assessment No. 138201 at 1152 MARION STREET.

Sponsors: Brendmoen

12/6/12: Owner called and stated she missed hearing. I rescheduled owner to December 18.

12/4/12: No show; approve the assessment.

Laid Over to the Legislative Hearings due back on 12/18/2012

- 16** [RLH TA](#)
[12-592](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1302A, Assessment No. 138501 at 576 MARYLAND AVENUE WEST.

Sponsors: Brendmoen

No show; approve the assessment.

Referred to the City Council due back on 1/16/2013

- 17** **RLH TA**
12-577 Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1302A, Assessment No. 138501 at 1137 MATILDA STREET.

Sponsors: Brendmoen

Approve the assessment.

RE: 1137 Matilda St (single family)

Gholamreza Ashrafzadehkian, owner, appeared.

Inspector Paula Seeley:

- Summary Abatement Order issued Jul 24, 2012 to clean up the exterior and cut tall grass and weeds; compliance Jul 30, 2012

- re-checked Aug 3, 2012

- clean up work done Aug 6, 2012; cut grass and weeds Aug 9, 2012 for a cost of \$472 + \$155 service charge = \$627

- sent to Ghloam Kian, 3817 Beard Ave S, Minneapolis and Occupant

- note on SA: including removing misc refuse on the ground by Waste Management container and the City of Mpls container

- quite a bit of history, all on refuse in yard: Feb 14, 2012; May 14, 2012; Jun 12, 2012

Mr. Ashrafzadehkian:

- this is rental property

- he gave the Orders to the tenants

- when talked with his tenant, who had talked with the inspector; he understood that they had a good plan to take care of it

- he was surprised that it wasn't done

Viewed VIDEO for work done Aug 6, 2012

Viewed VIDEO for work done Aug 9, 2012

Ms. Moermond:

- obviously, the work hadn't been taken care of
- it is the Appellant's responsibility
- nearly 2 weeks was provided for the garbage clean up and a full 2 weeks was provided for the tall grass and weeds to be taken care of
- will recommend approval of this assessment

Referred to the City Council due back on 1/16/2013

**18 RLH TA
12-583**

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1302A, Assessment No. 138501 at 1051 MCLEAN AVENUE.

Sponsors: Lantry

Approve the assessment.

RE: 1051 McLean Ave (single family)

Lolita Francisco, owner, appeared.

Inspector Paula Seeley:

- Summary Abatement issued Aug 14, 2012 for clean up; compliance Aug 20, 2012
- re-checked Aug 20, 2012
- work done Aug 22, 2012 for a cost of \$416 + \$155 service charge = \$571
- no returned mail
- Orders for rubbish: Aug 27, 2012 and Sep 4, 2012
- sent to Lowell Francisco at this address
- underlined: remove couch, broken TV, yard waste, brush from the north end of the property and cut the grass

Ms. Francisco:

- they city did not do the cleaning; they did
- they rented a dumpster and others put in materials at night

Viewed VIDEO

Ms. Moermond:

- looks like the same material that's described in the Order itself

Ms. Francisco:

- after they cleaned, she called the inspector and he said he saw that it was corrected so, he will fix the record
- she thinks that after the dumpster was gone, the neighbor dumped their material near the garage
- the house is far from the garage
- the other garage in the video is not ours
- the person who was working in the house picked up our old couch

Ms. Moermond:

- I'm seeing that the city went out there and cleaned up
- the notification is very clear about what should be taken care of
- it looks like the tenants took care of the couch by moving it to the neighbor's property
- will recommend approval of this assessment
- seeing dead grass under the pile of TVs

Referred to the City Council due back on 1/16/2013

- 19 [RLH TA
12-576](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1302A, Assessment No. 138501 at 569 PASCAL STREET NORTH.

Sponsors: Stark

No show; approve the assessment.

Referred to the City Council due back on 1/16/2013

- 20 [RLH TA
12-584](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1302G, Assessment No. 138701 at 999 PAYNE AVENUE.

Sponsors: Bostrom

No show; approve the assessment.

Referred to the City Council due back on 1/16/2013

- 21 **RLH TA
12-578** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1302A, Assessment No. 138501 at 965 SHERBURNE AVENUE.

Sponsors: Carter III

Delete the assessment.

RE: 965 Sherburne Ave (single family)

Alan Hupp, owner, appeared.

Inspector Paula Seeley:

- *Summary Abatement mailed Jul 25, 2012; compliance date Aug 1, 2012*
- *re-checked Aug 1, 2012*
- *work done Aug 6, 2012 for a cost of \$288 + \$155 service charge = \$443*
- *notes: including trash bags and shopping carts with refuse by the garage*
- *sent to Alan and Karen Hupp, 10431 Homeward Hills Rd, Eden Prairie; LMP Services, Minneapolis; and Occupant*
- *no returned mail*

Mr. Hupp:

- *not necessary to see Video*
- *when he got the letter, he called the tenant and asked her, Cynthia, what was going on; she said that the materials were not hers; the house next door is abandoned and the garage was being occupied by squatters; she had called either the police or DSI several times to try to get that taken care of*
- *if you read it on DSI website, it says "Remove red shopping cart with refuse and trash bags from behind 969 Sherburne" (the house next door); then, it says, "Assessed to 965 Sherburne"*
- *after he spoke with the tenant, he called and spoke with Mike Kalas, code compliance guy, who had responsibility for the house next door; he said, "Yes, we have an issue at 969; we need to get that boarded up and we acknowledge there is garbage and trash around there;"*
- *if you look at website for 969 Sherburne, you'll see a long list of existing Orders*
- *he spoke with Mike two different times trying to address this; he was under the impression that Mike was going to take care of this*

Ms. Seeley:

- we have 2 photos here; it was definitely on 965

Inspector Joel Essling:

*- looking at notes for 965 Sherburne; inspector says that the red shopping cart with refuse and trash bags were moved from 965 Sherburne to 969 Sherburne
- inspector talked with the supervisor who told him to send a Work Order and assess it to 969 Sherburne
- given that note and looking at the Vacant Building file, he recommends this assessment be deleted*

Ms. Moermond:

- will recommend this assessment be deleted per Inspector Essling's recommendation

Referred to the City Council due back on 1/16/2013

**22 RLH TA
12-568**

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1302A, Assessment No.138501 at 1411 SHERBURNE AVENUE.

Sponsors: Stark

Delete the assessment.

RE: 1411 Sherburne Ave (single family)

Joanne Hodgeman, owner, appeared.

Inspector Paula Seeley:

*- Orders for tall grass and weeds went out Aug 3, 2012; compliance date Aug 7, 2012
- re-checked Aug 8
- work done Aug 10, 2012 for a cost of \$315
- no returned mail
- sent to Joanne Hodgeman at this address and Occupant
- no history on the property*

Ms. Hodgeman:

*- she did not get the Notice for tall grass and weeds; she has received other Notices
- she received a vehicle Notice about the same time and that was taken care of*

Viewed VIDEO

Ms. Hodgeman:

- if you look at the grass around it; it was all mowed but the area in the front and the area on the boulevard: they recently had their entire yard dug up because they had their sewer and water lines replaced; the hole that was filled-in kept sinking - there was actually a gap between the top of the hill and where the hole was filled-in about 6-8 inches; it was also filled with rocks that they tried to take out (she has clearer photos that show the top of the hill and the hole that was dug); the hole was not re-filled completely when the work was done; when the city came in to investigate why they were getting sink holes, they re-seeded the boulevard; when the company who did the actual replacement came back (they did not replace the sidewalk and fill in the hole in a timely manner), they did not re-seed anything; the Hodgemans maintained the yard around that area; it was hard to mow when there is such a huge gap and it's on a hill and the rocks kept sliding down

Ms. Moermond:
 - will recommend deleting this assessment

Referred to the City Council due back on 1/16/2013

- 23** [RLH TA
12-575](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No.J1302A, Assessment No.138501 at 1666 SHERBURNE AVENUE.

Sponsors: Stark

No show; approve the assessment.

Referred to the City Council due back on 1/16/2013

- 24** [RLH TA
12-580](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No.J1302A, Assessment No. 138501 at 1268 SIXTH STREET EAST.

Sponsors: Lantry

No show; approve the assessment.

Referred to the City Council due back on 1/16/2013

- 25** **RLH TA
12-585** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1302A, Assessment No. 138501 at 601 WESTERN AVENUE NORTH.

Sponsors: Carter III

Delete the assessment.

RE: 601 Western Ave N (commercial)

Ameena Samatar, owner, appeared.

Inspector Joe Yannarely:

- Summary Abatement Order for tall grass and weeds and 3 mattresses issued Aug 8, 2012; compliance date Aug 13, 2012
- work done Aug 16, 2012 for a cost of \$298 plus service charge of \$155 = \$453
- Category 3 Vacant Building; on VB list since Dec 14, 2011
- history of Work Orders is attached
- sent to BayView Loan Servicing LLC, Florida; and Alex Jerome, Minneapolis
- there are no Work Orders after Appellant assumed property

Viewed VIDEO (shows only 1 mattress, some scattered debris and brush)

Ms. Samatar:

- they received Order to clean up; so, they paid someone (Brian, a neighbor) \$40 to clean it up and he did it; she was there
- this may be a different mattress
- purchased property Jul 20, 2012

Ms. Moermond:

- will recommend deleting this assessment

Referred to the City Council due back on 1/16/2013

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[RLH TA
12-570](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1302A, Assessment No. 138501 at 33 WYOMING STREET EAST.

Sponsors: Thune

Delete the assessment.

RE: 33 Wyoming St E (single family)

John Mohs, owner, appeared.

Inspector Paula Seeley:

- tall grass and weeds Orders mailed Aug 3, 2012; compliance Aug 7, 2012
- re-checked Aug 8, 2012
- work done Aug 1, 2012 for a cost of \$315
- no returned mail
- sent to John Mohs, 33 Wyoming St E and to Occupant
- photo

Ms. Moermond:

- looking at photo: lovely, green, very tall

Mr. Mohs:

- he did not receive any Notice prior to getting the Work Order
- his neighbor, 25 Wyoming St, also had some of his lawn mowed the same day and he also didn't receive Notice
- he went down to the office and someone their told him that the letters were written but they were never sent out that day
- he would like to see the Video

Inspector Joel Essling:

- looking at the file for 25 Wyoming - and it's marked "done by owner"
- no letter was sent to 25 Wyoming
- a Word Order was sent to the crew to go out and mow the grass; when the crew got out there, the grass had already been mowed, generating a PAEC

Video

(during the 215 Wyoming hearing - next)

Ms. Moermond:

- she's looking at 8-10 inches that needed to be mowed
- the crew did the work 1 week after the Notice went out
- she's guessing that it is 1-2 inches shorter the week before when the Order was issued which would make it 6-8 inches; therefore, she will grant this appeal

Referred to the City Council due back on 1/16/2013

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[RLH TA
12-556](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1302A, Assessment No. 138501 at 215 WYOMING STREET EAST.

Sponsors: Thune

Forthcoming

RE: 215 Wyoming St E (single family)

Todd Swaggert, owner, appeared.

Mr. Swaggert:

- did not get a Notice
- the print out he received was sent to him by Inspector Essling's office; something for 25 Wyoming was included
- introduced photos of damage that was done by the work crew
- he is hoping, that because he did not receive Notice, we won't need to go any farther
- he has issues with the way this was handled
- suggested that a Notice also be placed on the door of the property

Inspector Joel Essling:

- he doesn't understand either gentleman's position (33 Wyoming and 215 Wyoming)
- the Notices appear to have been sent out

VIDEO for 215 Wyoming (cut tall grass and weeds)

Mr. Essling:

- explained how letters are generated and mailed: when a complaint comes in, it is entered into the computer each day; the computer prints out between 100 150 letters each day because of the volume, if those letters didn't get mailed out, there'd be 100-150 people calling to say they didn't get a Notice; we send 1 copy to the owner; 1 letter to the Occupant

Mr. Swaggert:

- does that mean that this didn't happen because everyone else isn't showing up; is that what you're saying
- if 2 copies were sent, I didn't receive any

Ms. Moermond:

- (the 33 Wyoming case of tall grass and weeds was deleted)
- she will be doing some research on this one and she'd also like to know a little bit more about 25 Wyoming (Ms. Seeley: a Work Order was sent on 25 Wyoming, photo was taken; it wasn't cut and Parks went out and it had been done by owner; they got an \$85 Excessive Consumption fee)
- both 25 Wyoming and 215 Wyoming got Orders on the same day

Mr. Swaggert:

- he did not receive any Notices and when he called, they said that they had sent him the Orders for 25 Wyoming

Ms. Moermond:

- sounds like a clerical error
- she's going to look into this
- will lay this over for 2 weeks
- Appellant does not need to come back

Mr. Swaggert:

- he would like to hear what Ms. Moermond has to say (email will be good)
- he has a number of issues
- as you can see by the photos, the grass is not anywhere near 6-8 inches tall
- the raised bed is 6 1/2 inches tall and you can clearly see several inches of that
- granted, the grass was tall in the front but there was no reason for them to mow the entire lawn thereby damaging his property
- he plans to put in a claim for damages; is was completely unnecessary for them to be in that area of his yard

Laid over to the Legislative Hearings due back on 12/18/2012

- 28** [RLH AR
12-124](#) Ratifying Certificate of Occupancy fees billed June 4 to June 26, 2012. (File No. CRT1302, Asmt No. 138201)

 Sponsors: Lantry

 Referred to the City Council due back on 1/16/2013
- 29** [RLH AR
12-125](#) Ratifying Boarding and/or Securing Services during July 2012 (File No. J1302B, Assessment No. 138101).

 Sponsors: Lantry

 Referred to the City Council due back on 1/16/2013
- 30** [RLH AR
12-126](#) Ratifying Property Clean Up services during July 25 to August 31, 2012. (File No. J1302A, Asmt No. 138501)

 Sponsors: Lantry

 Referred to the City Council due back on 1/16/2013
- 31** [RLH AR
12-127](#) Ratifying Trash Hauling services during August 2012. (File No. J1302G, Asmt No. 138701)

 Sponsors: Lantry

 Referred to the City Council due back on 1/16/2013
- 32** **RLH AR
12-128** Ratifying Demolition services from August 2012. (File No. J1303C, Asmt No. 132002)

 Sponsors: Lantry

 Referred to the City Council due back on 1/16/2013

11:00 a.m. Hearings**Correction Orders**

- 33** [RLH CO
12-24](#) Appeal of Cherry Flowers to a Correction Notice at 1243 HEWITT AVENUE.

 Sponsors: Stark

 Deny the appeal and grant an extension to April 1, 2013 for compliance on the accessory structure/green house; grant 30 days to obtain zoning application on Home Occupation and compliance by April 1, 2013; the compost container order was withdrawn by DSI.

 RE: 1243 Hewitt Ave (single family)

 Cherry Flowers, owner, appeared.

Inspector Joel Essling:

- Correction Notice issued Oct 29 with a compliance date of Nov 30, 2012
- re: an accessory structure, green house; there's no record of a permit on file
- spoke with Zoning; it appears that a business is being operated from this site, which is zoned residential
- the size of the compost containers are also in question; he's not sure about the size of the lot; according to Ms. Flowers, the double lot is over 10,000 sq. ft.
- real issues here are: 1) no permit for the green house; and 2) the home occupation question

Ms. Flowers:

- background - has been involved with urban agriculture for the last few years in St. Paul, Minneapolis and North Branch
- is finding that's is hard to keep up with all the changes in each of the locations
- has attended the St. Paul / Ramsey County Urban Nutrition Task Force meetings a number of times
- Jun, 2012, they reviewed some of the recommendations; it's her understanding that this was all going to go through pretty quickly
- thinks there has been some confusion about what's been happening in Mpls vs. what's been happening in St. Paul
- her understanding was that it was not using a concrete foundation, that the hoop house was considered a "temporary" structure, and as a "temporary" structure, no permit was required
- she spoke with the neighbors about what she was doing for courtesy reasons
- right now, the hoop house is over 120 sq. ft. that is required for a permit; and at this time, because the recommendations haven't gone through, there really isn't a permitting process for it because at this point, it's not allowed
- under the new recommendation, it would be allowed (if it passes)
- hopes that this can wait until the recommendation is reviewed

Ms. Moermond:

- she understands that hoop houses are allowed now and they would be allowed in the future
- it's all about the square footage
- we just call it a "structure" because it doesn't matter if it's temporary or not
- the main thing is to pull a permit to make sure that it's sound, according to St. Paul building officials

Mr. Essling:

- the hoop house is a structure, it needs a permit and it has to be built according to the building code (any building has to be built according to code but once it's over 140 sq. ft, it needs a permit)
- suggested Ms. Flowers call the permit clerk, 651-266-8989, about this

Ms. Moermond:

- Ms. Flowers does need to apply for a permit; it can be made online or in person
- they will approve / disapprove the permit based on their review of the soundness of the structure; square footage; proximity to lot line, etc.

Ms. Flowers:

- there are no sales happening at the property
- the produce that they are growing is consumed, preserved and a little of it is sold
- we grow on a half acre at North End and another half acre at North Branch (that is sold at Mill City Farmers Market and Linden Hills Farmers Market)

Ms. Moermond:

- if you are growing produce that's "for sale" at your home, that's a home occupation
- DSI needs an application for a home occupation designation; at this time, she is not sure how they are viewing it; suggested Ms. Flowers talk with Ann Hunt, Mayor's Office, 266-8520 or Anton Jerve, PED (Ms. Flowers has discussed this with him)

Ms. Flowers:

- the 3 compost containers are 30 x 40 x 48 = 33.33 cubic feet each (you can have 150 sq. ft. of compost of a lot over 10,000 sq. ft. (Mr. Essling withdrew this order in light of this new information)

Ms. Moermond:

- thinks that Ms. Flowers can process the home occupation application now but call the office if they are waiting for the Ordinance on that
- go ahead and pull the building permit
- Appellant has 60 days to have a permit reviewed and approved or remove the hoop house
- the home occupation application must be made within 30 days and approved by Apr 1, 2013
- wants to get feedback from the building official about the soundness of the structure; if there's a concern, she wants a tighter deadline if the structure is to be removed

Referred to the City Council due back on 12/19/2012

Summary Abatement Orders

34

[RLH SAO
12-37](#)

Appeal of Parke M. Schilling and Lynn Warnecke to a Summary Abatement Order at 824 FREMONT AVENUE.

Sponsors: Lantry

Deny the appeal and grant an extension to January 1, 2013 to remove half of the materials and February 1, 2013 to remove the remainder.

RE: 824 Fremont Ave (single family)

Lynn Warnecke, occupant, appeared.

Inspector Paula Seeley:

*- we had laid this over to look at aerial maps, site plan, etc.
- spoke with Karen Zachow, Zoning, who found no record of an approved site plan for parking; only for a fence (Ms. Warnecke: It was on the same drawing)*

Ms. Moermond:

- 1995 - an application for a fence was filled out with an attachment, which includes the area for parking and storage

Ms. Warnecke:

- that wasn't what we were told; before the fence was put up and Class 5 put down, they went down to get a permit; they also made application with the Heritage Preservation Commission (HPC); both DSI and HPC assured them that they were doing everything by the book; it was their understanding with the elderly code enforcement officer, that if they wanted it, they needed to put it on the drawing exactly where they wanted the parking area; he suggested that they put up a privacy fence and put down the Class 5 and they would be able to park the vehicles there

- they have the fence padlocked so that kids can't get in there and get hurt
- she explained where everything was on the diagram for Ms. Moermond, especially, where there's Class 5 on which they store the RV
- the Class 5 has not disintegrated as if you'd be driving on it; vehicles have just been parked there
- as long as the vehicles are up on blocks, they take out the batteries and store them somewhere else so that they don't corrode

Ms. Seeley:

- the area where there's Class 5 is not a driveway; if you're not going in and out of it and you're just enclosing something inside a fence, it's storage; probably improper storage
- thinks that they should go back to HPC because Ms. Zachow said that they would not have approved that for a parking area; she believes the HPC approved the privacy fence, not the driveway

Ms. Moermond:

- is not sure that HPC would have anything to do with the site plan itself; they would look at the structures; she believes this is a zoning issue and exterior maintenance, called out in Chapter 34 (improper exterior storage)

Ms. Warnecke:

- they used the plow truck with the blade to moved the Class 5 across the area
- when they pulled the fence permit, they were told that they could consider this a parking area without any trouble; they spoke with either "Jan" or "Amy;" after she approved it, they were told to take it to Mr. YaYa and he will further take care of it for them; he looked at and said it was fine; you can park your vehicles on it as long as that fence is locked so children cannot get back there and get hurt (their big concern)
- they have 2 small sheds where they store power tools
- the old house has very little storage room

Ms. Seeley:

- suggested that they file a site plan with Zoning to see what they say about it
- the snow plows need to be parked on an approved surface; they should be inside
- the vehicles should be operable, have current tabs, be secured
- we need to define what we're going to do about an approved surface

Ms. Warnecke:

- perhaps, they could store the lawn mowers and snow blowers at the off-site garage on Rice St
- her own belongings are stored in 2 separate storage units

Ms. Moermond:

- she will recommend that half the materials be removed from the yard by Jan 1, 2013; the other half by Feb 1, 2013
- the vehicles can be parked on the Class 5 surface for the time being and take the site plan to Zoning to get their approval

Referred to the City Council due back on 12/19/2012

35 [RLH SAO
12-39](#)

Appeal of Jessica Justat to a Summary Abatement Order at 1070
MINNEHAHA AVENUE EAST.

Sponsors: Lantry

Summary abatement issued to wrong property.

Withdrawn

- 36 [RLH SAO
12-40](#) Appeal of Timothy J. Spann to a Vehicle Abatement Order at 731 VAN BUREN AVENUE.

Sponsors: Carter III

Inspector gave extension to December 10, 2012.

Withdrawn**11:30 a.m. Hearings****Orders To Vacate, Condemnations and Revocations**

- 37 [RLH VO
12-122](#) Appeal of Paulette Gartner to a Fire Certificate of Occupancy Revocation and Order to Vacate 860 LAWSON AVENUE EAST.

Sponsors: Bostrom

Appeal denied and extension granted to February 1, 2013 to get permits signed off or else vacate.

RE: 860 Lawson Ave E (duplex)

Paulett E. Gartner, owner, and her son, John Gartner, appeared.

Fire Inspector Leanna Shaff:

- *Fire Certificate of Occupancy inspection conducted by Inspector Wayne Spiering on Nov 26, 2012*
- *started Jun 4, 2012 when Xcel notified them of an electrical shut-off in Unit 1*
- *the Fire C of O inspection was due so the inspector started the process*
- *first inspection was scheduled for Jun 21, 2012; owner called to have it re-scheduled*
- *the inspection took place Jun 26, 2012 with more inspections Aug 14, Sep 17, Oct 17 and Nov 26*
- *the plumbing underneath the kitchen sink is not installed correctly*
- *photos show an S-trap, which is not vented, which can result in allowing sewer gases back into the house if the trap is sucked dry*
- *the S-trap was replaced with an alternative way of venting it (not allowing for outside venting)*
- *the problem is that there is no plumbing permit on the installation in the system*

Mr. Gartner:

- *entered a copy of a letter from the plumber and the permit application*
- *they took the work of the plumber that he did apply for a permit*
- *his mother paid the contractor to get the permit; thinks she may have been swindled; the contractor won't return their calls*

Ms. Shaff:

- *the state plumbing code requires a building permit so that the work meets minimum code requirements; and that an inspector makes sure the work was done according to code and signs off on the permit (or finals the permit)*
- *what your plumber gave you is a copy of the permit application; it wasn't the permit itself*

- the contractor should know that they don't begin work without a permit unless it's an emergency situation; especially, since the plumbing inspector consulted with the contractor
- it was the failure of your contractor to get the permit and have it signed-off; unfortunately, the owner is still responsible for getting the permit and having it signed-off
- they can't approve work that doesn't have a permit

Mr. Gartner:

- the contractor said he knew Steve Fernland, the plumbing inspector, and he was willing to work with him
- the basement is all concrete, so you can't put a trap underneath the floor anymore and because it was built in 1904, it should be grandfathered-in or we need to come up with an alternative method of compliance
- basically, the contractor just made it into a "p" trap instead of the "s" trap and it is vented
- he didn't think this would become such a scary thing;
- house was purchased in 1993

Mrs. Gartner:

- now, because of all this, they are evicting her tenant Dec 26, 2012, and that's not fair to them (Mr. Gartner's grandson lives downstairs with his mom)
- she wants to resolve this before her tenants are evicted

Ms. Moermond:

- there is not an approved permit; the paperwork was filled out but there's nothing in the system that says the application was turned in; so, a permit was never issued
- the contractor has an obligation to take care of that for you but they didn't do it

RECESS for 10 minutes while Ms. Shaff called the plumbing contractor, Joel Franke, directly

Ms. Shaff:

- Appellant bought house 8-10 years ago and it was approved at that time
- apparently, there is a solution to fixing all this plumbing but it's expensive and the reason it hasn't been completed is because the Appellant doesn't have the money to make the repairs and is trying to figure out if there's someone to go after in order to take care of this; (she's getting a different story from the plumber)
- she didn't ask how much the repairs would cost
- the inspector said that the plumber said the plumbing was installed correctly but that's not the case; from the photos, you can see that it's PVC; it's not the original plumbing to an older home; and whoever installed it, it isn't code compliant and it needs to be

Mrs. Gartner:

- the extreme fix is not affordable but there's another way you can also do it for \$500, which she is willing to pay but she can't come up with \$5,000
- she has put the house up "for sale"
- she's tired of dealing with all these things; this has been working for the past 12 years since has owned it
- her original list had 26 items, which she took care of except for this last one
- didn't realize that for that little trap replacement, you needed a licensed contractor or a permit

Ms. Moermond:

- there are equivalent way of achieving code compliance given certain conditions

- wants to see the bids from plumbers
- Fire wants to revoke because of long-term noncompliance

Mrs. Gartner:

- will get 3 more estimates; will do it if it's less than \$5,000

Ms. Moermond:

- will grant an extension to Feb 1, 2013 for this plumbing work to be completed under permit and city inspectors to have signed-off on it; if it's not done by then, the tenants will need to vacate

Referred to the City Council due back on 12/19/2012

1:30 p.m. Hearings

Fire Certificates of Occupancy

38

[RLH FCO
12-639](#)

Appeal of Joseph H. Chuang, on behalf of Hunan Garden, to a Correction Order at 380 CEDAR STREET (aka 55 Fifth Street East).

Sponsors: Thune

Grant the appeal on condition that no flammable material is to be stored in the area.

RE: 380 Cedar St (restaurant/bar - commercial) Hunan Garden

Joseph H. Chuang, Security Natl Prop Funding, appeared.

Fire Inspector A. J. Neis:

- *Fire Certificate of Occupancy inspection Correction Notice*
- *entire building was inspected; there were 53 code violations*
- *appealed today is #28 for one of the tenants' spaces: to provide and maintain fire resistant construction; to remove the storage where Hunan Garden store their pop and provide a 1-hour fire separation*
- *no photos in file*
- *typically in a large commercial building where storage is provided, they are required to have 1-hour fire separation*
- *there is no fire protection where the pop is being stored*

Mr. Chuang:

- *they can store the pop in any room*
- *they have been in that space for 30 years; before that, it was Mr. Pedro; before that, it was Albert's; the restaurant has been there for over 60 years*
- *and the storage has been in the same location in the basement*
- *no one ever goes there; he is the only one with the key*
- *he doesn't understand; it's been that way for over 60 years; a new inspector comes now, and she says that this is a violation*
- *what's different today from the last 60 years*
- *the room is all concrete; it's in a corner*
- *the pop is stored in plastic bags for the machine*

Ms. Moermond:

- *a new inspector may see things differently from previous inspectors*

Mr. Neis:

- noticed in Amanda, that this space has partial sprinklers; many times, in lieu of a fire separation, they accept sprinklers

Ms. Moermond:

- she is comfortable recommending a variance on this as long as pop or other nonflammable materials are being stored there

- this appeal is granted

Referred to the City Council due back on 1/2/2013

39 [RLH FCO
12-641](#)

Appeal of Theodore Gliske, on behalf of Maryland Bible Chapel, to a Fire Certificate of Occupancy Correction Notice at 606 MARYLAND AVENUE EAST.

Sponsors: Bostrom

Grant the appeal. Maximum occupancy load is 50. Will be re-evaluated if there is a change in use.

RE: 606 Maryland Ave E (church, synagogue, temple)

Theodore Gliske appeared on behalf of Maryland Bible Chapel

Fire Inspector A. J. Neis:

- Fire Certificate of Occupancy inspection Correction Notice dated, Oct 30, 2012

- 4 code violations noted by Fire Inspector Sebastian Megdahl

- main violation: the 2nd exit of the church has been blocked / sealed off; that door leads through a kitchen, which would never be admissible under the Fire Code; in addition, the door is under 6 ft tall

- photos

- the occupant load of the church, based on total square footage of the building, exceeds 49 persons; therefore, 2 exits are required

- the calculated maximum occupant load on this building is 90; calculated in 2001 based on "chairs only"

- total square footage of the building 3,100 sq. ft.; main floor is 1,200 sq. ft.

Mr. Gliske:

- that back door has never been opened / used

- the building has 27 occupants; it does not exceed 49 - that's his main reason for the appeal

- if they had more than 49 people in the building, they would have opened that exit or put in another door

- no events are held in the building

- they don't even use the range; only the coffee maker

Ms. Moermond:

- will recommend that this appeal be granted on the condition that the occupant level does not exceed 50; this will be re-evaluated if there's a change in use of the building

Referred to the City Council due back on 1/2/2013

40 [RLH FCO
12-638](#)

Appeal of Tim McCarty to a Fire Certificate of Occupancy Correction Notice at 442 SUMMIT AVENUE #2.

Sponsors: Thune

Appeal denied and extension granted to December 2019. Signage must be posted

inside the room nearest to the fire escape indicating the fire escape landing is not useable.

RE: 442 Summit Ave #2 (condominium)

Tim McCarty, President, Summit Court Homeowners Association, appeared.

Fire Inspector A. J. Neis:

- Fire Certificate of Occupancy Correction Notice dated Nov 5, 2012*
- appealed is item #4: Fire escapes shall be kept clear and unobstructed at all times and shall be maintained in good working order (Repair/replace the fire escape on the west side of the building)*
- photos*
- for some reason, this is no longer a required exit*
- concern: if someone attempts to use this old fire escape in the event of a fire, the stability of this landing is questionable*

Mr. McCarty:

- history: he has lived in this building for 16 years; every 2 years, a fire inspector comes around to inspect and there's never a problem and their caretaker usually meets with the inspector*
- he called the inspector and told him that the association was in the middle of a 10-year restoration on the whole building and removing the old fire escape was part of the plan, only not in the near future*
- as long as he's lived there, no one has gone out on that landing; no one has access to go out on the landing; it's been there since the building was built*
- he believes that someone may have to crawl out of a window in order to get out onto the landing*
- when they started the 10-year restoration, a number of studies were done, someone did evaluate the fire escape and the porches on the east side of the building; the HPC was part of that evaluation and he was told that they were all in good shape; there was nothing to worry about (he explained all this to Inspector Efferson); Mr. Efferson wanted to see a copy of that report; however, Mr. McCarty could not find it anymore*
- On Nov 5, 2012, he sent out the same list and an addition: or provide an engineer's report that the existing stairs and platforms are stable*
- the structural engineer, who worked on the front porches said that he'd want \$1,200 to write a 1-page report, saying that the fire escape was sound*
- looked up the code 34.092a: every outside stair, porch, deck shall be constructed safely and shall be capable of supporting the load as determined in the building code (doesn't say what the building code is) -- or should be maintained in accordance with the building code in effect when it was originally constructed*
- Mr. McCarty asked the inspector if he had tested the landing to that load - to which he answered, "I wouldn't go near that with a 10-foot pole; why don't you just go up there and cut it down."*
- he wouldn't even be here but the letters that Inspector Efferson sent him, started off with filing criminal charges against Mr. McCarty if he doesn't fix this and his only interest is in compliance; then, he suggested appealing and going in front of the LH officer*
- he then, sent another Order - Remove or Repair the fire escape*
- he is not about dismantling the building to remove the fire escape; it's been hanging there since 1898 --- why is this an issue, now? and what can be done about it?*
- has a 5-page restoration plan, which was started last year; one phase is done every 2 years; this piece doesn't happen until at least 5 years down the line*
- is not unwilling to do this; however, the language that Inspector Efferson uses is a little coercive to him (condemning the portion of the building that the fire escape is attached to or charging him criminally for not doing it in the timeline that he's laid out*

or not signing the C of O and forcing people to be removed from the building ???)
- he doesn't take lightly to having that kind of language given to him

Mr. Neis:

- that language is standard language sent with every inspection, regardless; unfortunately, those things can happen for noncompliance; the law requires us to list what could happen for noncompliance
- looking at the photos, you can clearly see that a ladder or steps was clearly going down the wall; this is no longer designed as it was initially constructed - the ladder / steps were removed and it was not maintained properly
- we don't want to give the Fire Fighters a false sense of security; we would not want them to ladder a structure that may not be secure
- is not opposed to granting an extended amount of time to have this completed

Ms. Moermond:

- thinks this problem could be solved with 2 signs - one on the inside and one on the outside saying that "this is exempt" or "not usable", etc.

Mr. McCarty:

- believes that there's just one egress window in each bedroom (Mr. Neis: in case of a fire, that old fire escape obstructs access to that window in order for a ladder to be placed up to it)
- is not opposed to taking down the old fire escape landing but he does not want the city to come back in a couple years, telling him that a fire escape is necessary (Mr. Neis: currently, this is not a fire escape; it's a dangling metal structure)
- is not opposed to taking it down but it will not be done by Dec 4, 2012 or Dec 15, 2012; the inspector seems to want compliance within his timeline

Ms. Moermond:

- inspectors can't give indefinite deadlines at the inspector level; and they can't give longer term deadlines - that's her job
- she wants to take into account that this is in his capital improvement plan
- seems to her that signage on the inside say, "Fire Escape landing not usable" or "Fire Escape landing only" or ____

Mr. Neis:

- his main concern is that someone exit that window to go out to smoke or look at the stairs, etc., not realizing there's no steps and they fall
- another inspection on Dec 12, 2012 may not be necessary; Mr. McCarty will send in the smoke detector affidavit

Ms. Moermond:

- will grant an extension to 7 years for the removal of the old fire escape landing

Mr. McCarty:

- he was thinking that it could be removed next summer; when the restoration company comes back and puts up their scaffolding up around the whole building like they had this past summer, they will address the removal of the fire escape landing

Referred to the City Council due back on 1/2/2013

2:30 p.m. Hearings

Vacant Building Registrations

41 [RLH VBR](#)
[12-92](#)

Appeal of Brian and Sabrina Reed to a Vacant Building Registration Notice at 1033 ARCADE STREET.

Sponsors: Bostrom

Deny the appeal on the vacant building registration and grant a 90-day waiver on the vacant building fee.

RE: 1033 Arcade St (two-family dwelling)

Brian Reed, owner, appeared.

Matt Dornfeld, Vacant Buildings:

- he was called to this property Sep 21, 2012 at 5:30 a.m. by the Saint Paul Police Dept. FORCE Unit; arrests were pending for narcotics and stolen property*
- the dwelling is zoned as a duplex; however, at the time of his inspection, it was being used as an illegal triplex*
- unit #1 was not inspected at that time due to no warrant by the SPPD; it was secured and vacant*
- he issued Orders on Unit #2, copy attached; the unit was occupied at the time of the inspection*
- a warrant was served on Unit #2*
- Orders for Unit #2: his licensed electrician to certify that all electrical systems and wiring meet minimum electrical code standards; repair / replace inoperable smoke detectors; remove all clutter from bedrooms and basement; repair holes in walls and ceilings; repair damaged door frames; repair a broken / missing windows;*
- tenants were given until Sep 28, 2012 to make those repairs*
- at that time, he also Condemned the illegal Unit #3 - there were electrical cords running to it from Unit #2; there was no running water and no heat service; there was a self-made door cut from Unit 2 into this unit, which was being used as a sleeping unit*
- let it be noted that the property owners, Brian and Sabrina Reed, were not occupying this illegal unit at the time of inspection; he believes that it was Sabrina Reed's brother, who was occupying Unit #2 and had the narcotics and trouble with stolen property*
- Sep 22, 2012, he spoke with Sabrina Reed, who was living in Wisconsin - said she was unable to check on the property routinely*
- he emailed her copy of all the Orders*
- Sep 28, 2012 he and Sabrina scheduled to meet at the property on Oct 1, 2012*
- Oct 1, 2012; they met and found that Unit #3 had been secured from the interior and the exterior; both units were padlocked; all extension cords had been removed; all of the sleeping items had been removed; it appeared vacant and secured*
- Unit 2 remained occupied; smoke detectors were operable; clutter was removed from basement bedrooms; no change to drywall ceilings and door frames but he noted that work was in progress*
- he gave the property owner until Oct 8, 2012 to get the electrical taken care of; (work was not done on Oct 8 and no permits had been pulled); so, he Condemned Unit #2 due to faulty electrical*
- the property remained occupied because he gave a vacate date of Oct 15, 2012*
- Oct 12, 2012, the electrical permit was pulled and the work was expected to be completed by Oct 22, 2012*
- Oct 30, 2012 - correction still required by electrical inspector Peggy Schlichty*
- he emailed Sabrina for a timeline update; she said it would take more time - had been a death in the family - they were working on removing the brother from Unit #2; work still not done; property still Condemned; he's getting multiple complaints from neighbors*

- Nov 7, 2012 - some work has been done; electrical permit still not signed-off; he issued a Summary Abatement to board, secure and vacate property
- Nov 19, 2012 - he received a call from their electrician, Nick David, Affordable Electric, who said he was having a tough time getting some outlets to spark; so, he would need to re-wire all of Unit #2 and it would cost several thousands of dollars to do the work
- at that point, he put it into the Category 2 Vacant Building status
- upon re-check a couple of days ago, the dwelling appears to be vacant and secure
- he has tried to give them every chance; Brian and Sabrina are very cordial and easy to work with; and are trying very hard but he couldn't give them any more time

Mr. Reed:

- big family problems; he's finally out; his wife called the cops and had him removed
- they had to rip out a wall upstairs to find the junction box the electrician was looking for
- don't know if they can even sell it; maybe through Home Vestors
- the house is over 100 years old and it will take a lot of work to get it all fixed up

Mr. Dornfeld:

- structurally, the house is solid; there are obvious electrical issues
- the illegal triplex is a concern
- the exterior has a torn screen; siding is fair; crack in a window
- he issued a Summary Abatement for some trash, tires, etc.

Mr. Neis:

- this building should be in the Certificate of Occupancy Program

Ms. Moermond:

- there are significant electrical problems; interior building work needs to be done; converting it back into a duplex; owners want to sell the property
- there is a potential VB fee
- want to sell it "as is"
- this should be a Category 2 Registered Vacant Building (repairs (code compliance inspection list repairs) need to be made before it's re-occupied)
- will recommend a 90-day waiver on the VB fee; when that fee gets processed in 90 days, if Appellant doesn't pay it, he will not be able to pull a building permit; next, if you don't pay it, it will be processed as a special assessment to go onto the taxes and as soon as it's assessed, permits can be pulled; if you appeal that assessment, you can come back here and ask that it be divided over several years

Referred to the City Council due back on 1/2/2013

42 [RLH VBR
12-90](#)

Appeal of Lisa Hollingsworth (SMRLS), on behalf of Pearlie Reid, to a Vacant Building Registration Requirement at 1094 REANEY AVENUE.

Sponsors: Lantry

RE: 1094 Reaney Ave (single family)

Tovah Flygare, for Lisa Hollingsworth, SMRLS, appeared.

Fire Inspector A. J. Neis:

- Category 2 Vacant Building appeal
- has been in contact with Ms. Flygare today
- in addition to Renters' Warehouse, it appears that there's been some misinformation

as to who the property owner was

- they had Renato Otten, 291 Addison Road, Wooddale, IL, listed as owner
- he had actually retained Renters' Warehouse back in Jan 2012, which had not been update in their office; so the letters were going to the owner in IL and the property management company had not been receiving those
- the tenant has refused access to the inspector on a couple occasions
- the inspector has concerns with overcrowding in the unit; he indicated that when he pulls up near the property, multiple people tend to scatter from the building
- now, however, they are willing to allow the inspector access in order to conduct the Certificate of Occupancy inspection
- he has spoken with Renters Warehouse and they are willing to meet the inspector and take care of any problems
- if the inspector can get in within a week or so, they have no problem recommending this moved back to a C of O until they can determine the condition of the property

Ms. Flygare:

- she spoke with tenant Pearly Reid and she did not know what had been going on
- someone had come to the door while her relative was babysitting and that person did not allow him access
- Ms. Reid stated that she had tried to contact the inspector
- with the tenant's permission, she gave Mr. Neis the tenant's phone number

Ms. Moermond:

- will lay this over for 2 weeks

Laid over to the Legislative Hearings due back on 12/18/2012

43 [RLH VBR
12-91](#)

Appeal of Kirk O'Neal to a Vacant Building Registration Requirement at 419 VAN DYKE STREET.

Sponsors: Lantry

Appeal denied and extension granted to June 1, 2013 to bring the garage into compliance, and one month to bring the remaining items into compliance.

RE: 419 Van Dyke St (single family)

Kirk O'Neal appeared.

Mr. O'Neal:

- he is Kera Lesure's father; she is the owner and is going through foreclosure
- he moved into the house to clean-up the place and to make sure no one stole the copper, etc.
- it still needs a bit of work
- is asking for an extension

Fire Inspector A. J. Neis:

- Vacant Building registration appeal which started over a complaint inspection back in Jun 2012
- Inspector James Thomas initiated the inspection process
- when he knocked on the door on Jul 2, 2012, there was no answer; so, he put the complaint under investigation
- the Certificate of Occupancy inspection was due on the building; he transferred the file from a complaint over to a Certificate of Occupancy file
- Jul 18, 2012, he made entry and noted several code violations in addition to some possible prostitution and drug activities in the basement area
- he Revoked the C of O Nov 15, 2012

- photos on file
- based on the continued noncompliance since Jun and the activities that were going on in the house, Fire Inspection recommended this property remain a Category 2 Vacant Building

Mr. O'Neal:

- his daughter had a friend, who had a nephew, who needed a place to go
- Mr. O'Neal had thought there was some illegal activity going on; they finally got him to leave because of that Notice
- he talked to Inspector Thomas about it, saying he didn't trust this nephew - thought there was drug use and "out-call" service
- he was afraid of what this nephew would bring upon the rest of the household

Matt Dornfeld, Vacant Buildings:

- Inspector Dave Nelmark opened a Cat 2 VB on Nov 20, 2012 per the Certificate of Occupancy Revocation by Inspector Thomas
- at the time on Mr. Nelmark's inspection, he found the dwelling to be occupied; he, along with Inspector Singerhouse and Officers Dean Keenan and Dave Stryker, spoke with a tenant
- the building was not posted; a tenant said they were not notified of Revocation, although, they said they would leave the next week
- no tenants' names were given

Mr. O'Neal:

- the inspector told him that he could appeal the Revocation but not to tell the tenant so that he would leave
- he changed the locks 15 minutes after he left
- he cleaned the place and the debris on the outside

Ms. Moermond:

- will recommend that if Mr. O'Neal (his daughter) can get the Certificate of Occupancy re-instated within a month, you (his daughter) can get out of the VB Program; if the C of O isn't re-instated within that month, then, you will be in the VB Program and the house must be vacated
- need to schedule a C of O inspection and have these items all addressed
- maintaining the exterior surface of the garage - deadline: Jun 1, 2013

Mr. O'Neal:

- he doesn't know if his daughter actually cares about the place any more; she's going through a short sale; she knows she's losing the property
- he has no financial interest in the property but he's homeless and it allows him a place to stay; he thought it would buy him 6 months to save

Ms. Moermond:

- the expensive item on the list is the fuel burning equipment test (Orsat); the rest are more standard home repairs
- the whole list needs to be done except for the seasonal part
- now, the responsible party is the Occupant

Referred to the City Council due back on 1/2/2013