



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final Legislative Hearings

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Tuesday, September 13, 2011

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Remove/Repair Orders

- 1 [RLH RR 11-56](#) Ordering the rehabilitation or razing and removal of the structures at 591 MACKUBIN STREET within fifteen (15) days after the September 21, 2011, City Council Public Hearing.

Sponsors: Carter III

Attachments: [591 Mackubin St Order to Abate.pdf](#)
[591 Mackubin St Public Hearing Notification.pdf](#)
[591 Mackubin St Photos.pdf](#)
[591 Mackubin St.Kujala Ltr 8-29-11.doc](#)

File never made it to Sept 21 and Oct 5 CPH. Put on Oct 4 Agenda to consult with hearing officer. mxv

Will recommend a 2 week LAYOVER to Oct 5, 2011 at CCPH Sep 21, 2011.

RE: 591 Mackubin St (CCPH Sep 21, 2011)

Kris Kujala and Paul Scharf, Ramsey County, appeared.

Ms. Kujala:

- Mr. Scharf walked thru last week*
- ice damage is confined to one room*

Mr. Scharf:

- concern is that it has a twin house next to it that is rehabbable; both are vacant*
- if we take this one down, it will be by force, not entirely the decision we want to make because water damage is confined to one room*
- we're being told not to take it down unless absolutely necessary*

Amy Spong, Heritage Preservation Commission (HPC):

- Christine Boulware did the report on this one*
- originally, this lot was 4 properties (subdivided over time)*
- this was the only house of those that remained a single family dwelling*
- to the west was a brick auto shop*

- located in 2011 Legacy Grant Survey Area for Frogtown (got those findings in Jul 2011)
- was not part of a potential historic district nor identified as individually
- demolition will have no adverse affect
- Sanborn map entered

Ms. Moermond:

- on CCPH Sep 21, 2011; happy to recommend additional time then
- let's get a Code Compliance inspection ordered and Performance Deposit posted
- on CCPH Sep 21, she will recommend a 2 week Layover to Oct 5, 2011

Laid Over to the Legislative Hearings due back on 10/4/2011

- 2 [RLH RR 11-58](#) Ordering the rehabilitation or razing and removal of the structures at 353 SHERBURNE AVENUE within fifteen (15) days after the September 21, 2011, City Council Public Hearing.

Sponsors: Carter III

Attachments: [353 Sherburne Ave Order to Abate.pdf](#)
[353 Sherburne Ave Public Hearing Notification.pdf](#)
[353 Sherburne Ave Code Compliance Report.pdf](#)
[353 Sherburne Ave Photos.pdf](#)
[353 Sherburne Ave.Kneer Ltr 8-29-11.doc](#)

Withdrawn

Steve Magner:

- Code Compliance Certificate has been issued today, Sep 13, 2011

Withdrawn

- 3 [RLH RR 11-61](#) Ordering the rehabilitation or razing and removal of the structures at 499 LYNNHURST AVENUE WEST within fifteen (15) days after the October 5, 2011, City Council Public Hearing.

Sponsors: Stark

Attachments: [499 Lynnhurst Ave W Order to Abate a Nuisance.pdf](#)
[499 Lynnhurst Ave W Public Hearing Notification.pdf](#)
[499 Lynnhurst.Photos.6-22-11.pdf](#)

Remove within 15 days with no option for rehabilitation.

RE: 499 Lynnhurst Ave W (duplex) (CCPH Oct 5, 2011)

Steve Magner, Vacant Buildings:

- 2-story wood frame duplex with an attached 2-stall garage on a lot of 5,227 sq ft
- VB since Dec 1, 2011
- current owner, Lani M Farrell and Stephen D Farrell per Ramsey County property records
- Jun 21, 2011 inspection conducted; list of deficiencies which constitute a nuisance condition was developed; photos taken
- Order to Abate Nuisance Building posted Jul 1, 2011; compliance date Aug 1, 2011

- as of this date, property remains in a condition which comprises a nuisance as defined by the legislative code
- estimated market value \$51,900 on land; \$201,800 on bldg
- taxes are current
- VB fees pd by assessment Feb 18, 2011
- as of Sep 9, 2011, Code Compliance inspection has not been done; \$5,000 Performance Deposit not posted
- 3 SA since 2010; 6 WO issued for: garbage/rubbish; snow/ice; grass/weeds; boarding/securing
- estimated cost to repair exceeds \$75,000; estimated cost to demolish \$15,000-\$20,000

Ms. Amy Spong, Heritage Preservation Commission (HPC):

- 1895 Queen Anne structure
- original owner was a builder/contractor
- wood siding, hip roof, dormers
- porch was enclosed early on
- very large non-historic addition coming off the back to an attached garage
- a part of the original Union Park plat
- was determined that this area had too much inappropriate alterations to be integral as a district for the national register
- has not yet been evaluated on a local level
- in the Episcopal Homes area of the district
- a map was done (68% of the original are still in tack) - rather high percentage
- in a row of 5 houses, all part of the original Union Park plat
- staff encourages rehab but the whole back addition is not historic and could go away

Ms. Moermond:

- there are a lot of photos
- will recommend removal within 15 days with no option for rehabilitation

Referred to the City Council due back on 10/5/2011

- 4 [RLH RR 11-60](#) Ordering the rehabilitation or razing and removal of the structure(s) at 107 LITCHFIELD STREET within fifteen (15) days after the October 5, 2011 City Council Public Hearing.

Sponsors: Stark

Attachments: [107 Litchfield St Order to Abate a Nuisance Bldg.pdf](#)
[107 Litchfield St Public Hearing Notice.pdf](#)
[107 Litchfield St.Photos.pdf](#)
[107 Litchfield - Minutes.pdf](#)

LAYOVER for 2 weeks (LH Sep 27, 2011) (CCPH Oct 5, 2011)

RE: 107 Litchfield (duplex)

Kris Kujala and Paul Scharf, Ramsey County, appeared
Patricia Zweber, next door neighbor at 115 Litchfield, appeared.

This property belongs to the State; Ramsey County manages it.

Steve Magner, Vacant Buildings:

- 2-story wood frame duplex with a detached 2-stall garage on a lot of 6,098 sq ft
- been VB since Dec 5, 2008
- property owner is State of MN Trust Exempt (at the time of mailing, Capitol City Rentals LLC was the property owner of record) per Ramsey County Property records
- Jun 24, 2011 inspection was conducted; list of deficiencies which constitutes a nuisance condition was developed; photos taken
- Order to Abate a Nuisance Bldg posted Jul 1, 2011; compliance date Aug 1, 2011
- as of today, property remains in a condition which comprises a nuisance as defined by the legislative code.
- went tax forfeit Aug 2, 2011
- estimated market value \$18,000 on land; \$32,200 on bldg
- VB reg fees pd by assessment Dec 15, 2010
- as of Sep 9, 2011, Code Compliance insp has not been done; performance bond not posted
- 9 Summary Abatement Notices since 2008
- 21 Work Orders for garbage/rubbish; boarding/security; grass/weeds; snow/ice
- estimated cost to repair exceeds \$75,000; estimated cost to demolish \$10,000-\$12,000
- a Code Compliance inspection may be able to be done next week

Mr. Scharf:

- pipes have burst; otherwise, it's structurally sound
- may have once been a single family home
- garage has lead based paint on it
- county's intention is to rehab

Amy Spong, Heritage Preservation Commission (HPC):

- southern end of Oakland Cemetary
- consistent with late 1800, early 1900 properties around Oakland
- not a lot of individually designated sites or districts around that that have been identified
- a lot of alteration on this property; vinyl siding, porch gone - a lot of integrity lost
- likely not a candidate for either contributing to a historic district or individual designation
- demolition would not have an adverse effect

Ms. Kulala:

- just the preliminary review has been done; no contractor review yet
- haven't had a Code Compliance insp done yet
- just came in Aug 2, 2010
- their priority has ben to make sureit's secure and th egrass is cut
- next, will be to have a contractor go in and a Code Compliance done
- then, a further evaluation will be made
- contractor may be able to get in next week

Ms. Zweber:

- neighborhood representative
- she's asked for nghd letters because the property has been a nuisance since 1978
- property has been abandoned for a very long time
- police have boarded it up numerous times
- 4 owner-occupied homes in the whole section; mostly rental
- rental property is killing the neighborhood
- there was a fire there once
- nbhd wants it torn down; has been a nuisance for too long

Ms. Moermond:

- 3 weeks between now and the City Council Public Hearing
- try to expedite the Code Compliance without payment (payment forthcoming) to get it done faster
- hopefully, County can get a contractor in next week
- will Layover for 2 weeks to see what progress has been made (Sept 27 LH)
- CCPH Oct 5, 2011

Laid Over to the Legislative Hearings due back on 9/27/2011

11:00 a.m. Hearings

Summary Abatement Orders

- 5 [RLH SAO 11-27](#) Appeal of Southern Minnesota Regional Legal Services (SMRLS), on behalf of Loukia Evans, to a Summary Abatement Order at 331 and 333 Aurora Avenue.

Sponsors: Carter III

Attachments: [331-333 Aurora.appeal.8-29-11.pdf](#)
[331-333 Aurora.Photos.9-13-11.pdf](#)
[331 Aurora.SAO.8-25-11.pdf](#)
[331 Aurora.VAO.8-25-11.pdf](#)

Ms. Moermond:

- will recommend granting an Extension to Oct 1, 2011 for the vacation of Unit 331
- will also indicate to staff to proceed with criminal tag to owner of the property
- will recommend that Unit 333 be vacated in 1 week
- let's give them until Monday week to clean-up (grass, junk, garbage, expired tabs, furniture, scrap metal, etc.); continued occupancy will be contingent upon compliance with these Orders (forthcoming)

RE: 331-333 Aurora Ave

Lisa Hollingsworth, Southern Minnesota Regional Legal Services (SMRLS), appeared.

Matt Dornfeld, Vacant Buildings:

- 333: Cat 2 VB - Revoked C of O Dec 2, 2010 by Inspector Lisa Martin
- 331: was made Cat 2 VB by Inspector Matt Dornfeld
- Apr 20, 2011 C of O Revocation by Inspector Lisa Martin; documented 34 deficiencies (this was appealed Jun 2, 2011)
- currently, both units are illegally occupied
- have been 5 SA: trash, vehicles, expired tabs, tall grass/weeds
- 3 WO
- the Bruntgens claim they no longer own this property

Ms. Moermond:

- Order in front of her today is dated Aug 25, 2011 for securing bldg and removing discarded furniture, etc.

Ms. Hollingsworth:

- has been hard to discern the history of this because 333 was earlier declared a Cat 2 reg VB

- Inspector Martin's earlier inspection Notice said that 331 was occupied
- she only found out that 331 (her clients residence) was registered Vacant as of Aug 25 when client finally received the SA Order as Occupant
- client's only goal is to try see if the City will give her a little bit more time
- client has 6 children and is disabled (4 children under 18; 2 adult children 18 & 19)
- client rented this thru the Bruntgens with no indication that there were these problems
- client has been looking for another place but because of her 5 children and low income, she hasn't yet found a place
- Ms. Hollingsworth told her client she'd ask for an Oct 1, 2011 extension
- the Bruntgens rented this place on a 1-yr lease from Apr 1, 2011 (they knew as of Mar 22, 2011, that the C of O was Revoked) and they appealed all of that
- Bruntgens took Ms. Evans' her emergency assistance to move her in (which she can access only once every 12 months)
- will provide a copy of the lease to MM
- entered letter dated Jul 29, 2011 from Robert Andrews, Twin Cities Real Estate Holdings saying this property was being foreclosed

Ms. Moermond:

- this is not thru the fault of Ms. Hollingsworth's client but she questions whether the City can allow occupancy of a bldg that has already been determined vacated

Fire Inspector Leanna Shaff:

- looking at Orders date Mar 22, 2011, most of the issues cited are interior - basement full of mold is most disturbing; also glass, screens, window frames, heating report

Ms. Moermond:

- will recommend granting an Extension to Oct 1, 2011 for the vacation of Unit 331
- will also indicate to staff to proceed with criminal tag to owner of the property
- will recommend that Unit 333 be vacated in 1 week
- let's give them until Monday week to clean-up (grass, junk, garbage, expired tabs, furniture, scrap metal, etc.); continued occupancy will be contingent upon compliance with these Orders (will show up on Tue)
- if she hears from someone at 331, she would be willing to talk with them

Referred to the City Council due back on 10/5/2011

6 **RLH SAO 11-24** Appeal of Albert Fitzgibbons to a Vehicle Abatement Order at 901 FAIRMOUNT AVENUE.

Sponsors: Thune

Attachments: 901 Fairmount.appeal.8-24-11.pdf

Per MM, withdrawn the appeal since Inspector gave property owner extension.

RE: 901 Fairmount Ave

No one appeared.

Inspector Ed Smith:

- Vehicle Abatement Order
- Mr. Fitzgibbons and the enforcement officer have come to an agreement on this
- Mr. Fitzgibbons has been given a 30-day extension to take care of the vehicle and has been told that if he does need additional time, it will be granted

Ms. Moermond:

- we need to send a letter to Albert Fitzgibbons indicating that we need him to confirm that the appeal has been Withdrawn based on the extension given by the enforcement officer

Withdrawn

- 7 [RLH SAO 11-26](#) Appeal of Eric and Seher Peterson to a Summary Abatement Order at 2204 PINEHURST AVENUE.

Sponsors: Harris

Attachments: [2204 Pinehurst.appeal.8-26-11.pdf](#)

Appeal granted on the condition that the door(s) are no longer stored outside on Monday, September 19, 2011.

RE: 2204 Pinehurst Ave

Eric and Seher Peterson appeared.

Inspector Ed Smith:

- Code Enforcement Correction Notice
- received complaint regarding improperly stored or accumulated refuse including appliances, scrap wood and doors on west side of the property between garage and alley
- Inspector Smith went out to confirm that there was an appliance out there
- there was an appliance SW corner of garage; issued SA
- entered photos

Mr. Peterson:

- he said that he didn't quite understand the SA
- he tried to call Mr. Smith; left messages - Mr. Smith didn't return his calls
- when he did phone, he informed Appellant that no appliances should be outdoors - he got rid of the freezer
- also discarded the wood
- still has not removed 2 doors on the side which he uses as a table to cut wood

Ms. Moermond:

- get the door(s) stored inside by Monday
- will get confirmation from Mr. Smith

Referred to the City Council due back on 10/5/2011

- 8 [RLH SAO 11-28](#) Appeal of Neil Dieterich to a Summary Abatement Order at 2171 KNAPP STREET.

Sponsors: Stark

Attachments: [2171 Knapp.appeal.9-2-11.pdf](#)

Appeal Withdrawn; property is now in compliance

RE: 2171 Knaap St

Inspector Ed Smith:

- owner has resolved the issue (sent MM email on this)

- file closed

Ms. Moermond:

- appeal Withdrawn
- property now in compliance

Withdrawn

- 9 [RLH SAO 11-29](#) Appeal of Joanne Schultz to a Summary Abatement Order at 1600
HAMLIN AVENUE NORTH.

Sponsors: Helgen

Attachments: [1600 Hamline.appeal.9-6-11.pdf](#)

On 9/27/11, Inspector Essling indicated the property owner is now in compliance; therefore, the appeal is withdrawn.

if in compliance on Monday, Sep 19, 2011, Ms. Moermond will recommend DSI Withdraw the Excessive Consumption; -if it's not in compliance, she will recommend to go forward with the EC charge

RE: 1600 Hamline Ave (single family)

Joanne Schultz, owner, appeared.

Ms. Schultz had been scheduled for Sep 20, 2011 LH; she said she came back into the office and changed it to Sep 13, 2011 LH. (SAO 11-29)

Inspector Steve Magner:

- SA for tall grass and weeds
- complaint came in Aug 9, 2011 – front yard and blvd overgrown with plants – taking over sidewalk; thinks the garden is attractive and natural, however, it is taking over the sidewalk. Some plants grow very high. Can she be asked to cut back the plants to make the sidewalk accessible or can the City mow the plants back?
- Inspector Essling did an inspection Aug 11, 2011
- his notes: yard is overgrown to a height of approx. 5 feet; appears to be garden. Vegetation is growing over and obstructing the public sidewalk. Sent SA
- attached photos in file

Ms. Moermond:

- asked if staff enforces on the 8" grass code or the blvd height code

Mr. Magner:

- if it's specifically, tall grass and weeds, they enforce the 8" max ht
- if natural planting or garden, they enforce the blvd based on maximum allowable height at a non-intersection height of 46"; code goes on to identify max ht at intersections. They also enforce noxious weeds or invasive plantings (female plants).
- Aug 22, 2011 Inspector Essling re-inspected and indicated that some attempt had been made to trim the vegetation away from the sidewalk but some plants were still growing over the walk; and private walk to front door was overgrown (safety hazard). All vegetation must be removed from the edge of the sidewalk.
- asking that plantings be maintained and noxious plants be removed or dealt with
- blvd: plants must not exceed 36" ht
- was at property last week and believes that there are still some things that need to be done (just happened to be in the neighborhood)
- WO was cancelled because we were informed of appeal

-City is primarily concerned about the egress to the house, sidewalk and 36" ht limit
 -have photos from Aug 23 which clearly show that vegetation is not back to the edges
 -history: previous Aug 4, 2009 complaint about prairie grass on the blvd being long and encroaching on sidewalk; and same type of complaint from Sep 2003
 -EC today is for non-compliance with the Order
 -an inspector will be happy to go out and check that there's nothing more that needs to be cleared which should resolve that

Ms. Schultz;

-grows a very natural environment providing habitat for birds and butterflies
 -chooses flowers that grew in the area
 -owned property since 1990 and was one of the first to do a more natural setting
 -receives many compliments on her yard
 -some vegetation is a food crop for jams, jellies, cobblers and pies
 -after the first killing frost, she cuts most of the plant down to the ground
 -rec'd the SAO on Aug 15, dated Aug 13 and she cut back the plants using her own discretion
 -entered before and after photos showing her attempt to make things right
 -was on vacation Aug 20 – Aug 27
 -Aug 29 – City crew came to cut more plants; she wasn't aware that she hadn't met compliance
 -advantages of wild lawn: use no fertilizer, no weed killer, doesn't water the lawn; documented 40 species of birds, many butterflies
 -her property is certified by the Natural Wildlife Federation as a Wildlife Habitat
 -rec'd Excessive Consumption – doesn't think she should have to pay for that
 -tried to make the inspector happy and the City happy, and the only one who's unhappy is she (owner and taxpayer for this property)
 -what the City considers a noxious weed has never been explained to her

Ms. Moermond:

-viewed photos
 -cleaning up those edges should be pretty straight forward
 -let's have them cleared by Friday
 -someone will go and check next Monday; then call Ms. Schultz on her cell to let her know whether she's in compliance
 -if in compliance on Monday, Sep 19, 2011, she will recommend DSI Withdraw the Excessive Consumption; -if it's not in compliance, she will recommend to go forward with the EC charge

Withdrawn

Orders To Vacate, Condemnations and Revocations

- 10 [RLH VO 11-69](#) Appeal of Vicki Osterkamp to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 1414 FURNESS PARKWAY.

Sponsors: Bostrom

Attachments: [1414 Furness.appeal.8-24-11.pdf](#)

Ms. Moermond will recommend denying the appeal and granting an extension to Oct 15, 2011 to repair the garage door; all other items (heating report, permits finalized, final inspection) must be completed within 2 weeks. (Inspector James Thomas)

RE: 1414 Furness Parkway (single family)

Vickie Osterkamp, owner, appeared.

Fire Inspector Leanna Shaff:

- *Fire C of O inspection inspection started with appointment letter Jan 24, 2011*
- *first inspection Feb 16, 2011*
- *Correction Orders Mar 16, 2011*
- *noncompliance caused Revocation Aug 19, 2011*
- *remaining issues: 1) waiting 8 mos for a residential heating report; 2) requiring/replacing dryer exhaust vent - a permit pulled Sep 8, 2011; 3) garage door painting/repair - those issues were first written in winter*

Ms. Osterkamp:

- *it wasn't in Jan 2011; her first inspection came in Mar 2011*
- *she did have someone out for the furnace test and heat duct but she was not aware that he was the wrong person (didn't have the right license)*
- *she waited for the inspector to come to another property of hers to ask him what, specifically, she needed*
- *to her knowledge, someone has taken care of the furnace, heat duct and dryer work now (unless it hasn't been done right)*
- *what's left is the garage door; don't have the money to repair it (the rubber stop is coming off the bottom and needs paint but she wants to replace it); she uses it for storage; no one else uses the garage*
- *the repair person was there and did all the work and he's been paid*
- *this has been a very frustrating ordeal*

Ms. Moermond:

- *for routine work, it's not uncommon that contractor's do the work before they apply for the permit (not the preferred method)*
- *furnace paperwork needs to be turned in; contractor usually fills it out and gives it to the property owner, who turns it in to Fire Prevention for approval*
- *will be at CC Oct 5, 2011; this looks doable by then*
- *sign-off on permit; getting final inspection*
- *garage door needs to be painted by Oct 15, 2011*
- *other items must be done in 2 weeks*

Referred to the City Council due back on 10/5/2011

- 11 [RLH VO 11-71](#) Appeal of Adam Strobel to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 1889 MONTANA AVENUE EAST.

Sponsors: Bostrom

Attachments: [1889 Montana E.appeal.9-1-11.pdf](#)
 [1889-91 Montana.New Railing1.JPG](#)
 [1889-91 Montana.New Railing.JPG](#)
 [1889-91 Montana.New Railings Street View.JPG](#)
 [1889-91 Montana.Old Railing.JPG](#)
 [1889-91 Montana.Steps - Old.JPG](#)
 [1889-91 Montana.Steps - New.JPG](#)

Deny appeal. Grant extension of 90-days and waive the VB fee for that time in order to process the following:

- *Code Compliance Inspection and deficiency list completed by licensed contractors who have pulled permits*
- *all permits must be signed-off to receive the Code Compliance Certificate*

RE: 1889 Montana Ave E (duplex)

Adam Strobel, owner; and Kevin Motz, tenant's fiance, appeared.

Fire Inspector Leanna Shaff:

- dept has concerns that Adam Strobel and his brother look significantly alike (his brother has pretended to be him); asked to see Mr. Strobel's ID*
- complicated story with sidebars*
- Apr 12, 2011 complaint to DSI about someone putting up sheetrock in garage (asbestos floating around) without a permit; was closed by the bldg insp and re-appeared May 3, 2011 (sheetrock had been removed)*
- Inspector Thomas responded and subsequently referred it to Fire C of O Program (one was due)*
- has report from neighbors - had material flying around tested and found it to be 15% asbestos type material (entered report)*
- in July, 2011, Mr. Strobel's reported maintenance person came to discuss those things with Ms. Shaff*
- looking for 1-hr occupancy separation (typically 5/8" sheetrock) between tuck under garage and a living space above it which requires a permit & done by a licensed contractor*
- subsequent Orders Jul 27, 2011- property's up for short sale; owner will not respond to phone calls and has not been at inspections*
- both tenants were given letters showing Vacate date of Aug 30, 2011 at that time*
- for lack of compliance, a Fire C of O inspection was written*
- issues: 1) wiring done without permit; 2) Revocation Order*
- after that Mr. Strobel and Ms. Shaff discussed the fact that Mr. Motz, his tenant's fiance was not supposed to be working on his bldg; Scott Hogan would be taking over doing repairs*
- heard from nbrs that Mr. Motz did live there until a nbr sought an Order of Protection against him*
- Aug 29, Mr. Motz came to DSI to pull a permit(s) for the work he had done on the bldg (DSI had email from owner stating that Mr. Motz was not to work on bldg, so, could not pull permits*
- Aug 30, Insp Thomas went to property and asked for Police to accompany him and Vacated the property*
- Sep 2, an electrical permit was pulled by Webb Electric*
- Mr. Strobel sent email indicating all the other work is done (Ms. Shaff believes there are still some occupancy separation issues that need to be done by a licensed contractor- no permit for that on record)*
- long history of less than desirable tenants (some were removed for their meth dealings)*
- since Apr 2003, there have been 63 Police reports, many of them happening in the last few months*
- lack of cooperation and getting the work done by licensed contractors (Fire C of O Revoked for noncompliance)*
- many nbrs wished to be here today but decided not to because they didn't want to be in the same room with Mr. Motz*
- nbrs expressed concern that if Mr. Strobel had taken proper care of his property, they wouldn't have the constant parade of less than desirable nbrs*
- Kevin Motz and Ms. Traitor reported to be the owner's manage/legal representatvie*
- electrical permit is still open (Mr. Strobel paid and has receipts from contractor); it's incumbent upon the person who pulled the permit to call for a final inspection*

Ms. Moermond:

- asked whether a Nuisance Letter was sent to City Attorney's Office or Police Dept (Ms. Shaff responded, "No")*

Mr. Magner, Vacant Buildings:

- re DSI hasn't sent Nuisance Letter to CA or Police because 1) Pat Fish is currently handling the file; 2) had to do a Revocation and will transfer to VB so haven't sent the letter that the C of O is in jeopardy because there is no C of O at this point; and 3) person who handles that is on leave
- this case has gone extremely fast
- currently, it's a Revocation for bldg issues not for behavior issues
- DSI requires that a licensed contractor come to DSI's counter, not a tenant, to obtain permits
- based on the deficiencies, this was referred from Fire Prevention to the VB Program based upon the evidence laid out (activity at property, condition of the property and the violations of the property)
- have opened a Cat 3 VB (Chaps 43 and 45)
- police activity since Feb 2011 - 16 police calls: disturbance; family child violations; violations of restraining order; harassing phone calls; theft under \$500; domestics; repeat calls, etc. (very high police activity)
- make sure all items with permits are signed-off

Mr. Strobel:

- moved to Indianapolis 5 yrs ago
- thought work was getting done; this is horrible
- spoke with Ms. Shaff Aug 31 - flew into town
- worked on list
- goal is to not rent the property again; too hard to manage
- want to get the property up to code; never wanted it to get to this point; will do whatever it takes
- entered list of things he worked on
- Ms. Traitor and Mr. Motz were not his legal representatives; she wanted to be, along with Kevin Motz
- dwelling is currently Vacant (tenant's possessions may still be there but no one lives there)
- every item on list has been repaired
- a local company, MPK Properties LLC, St. Paul, offered to buy property on short sale (up-side-down) and providing a cash offer; bank has agreed to a short sale (Mr. Strobel had to pay \$17,000 fee); he had never missed a payment
- tenants at the time of Revocation: 1) Amanda Traitor was in one unit (Sep 2010 - Sep 2011 lease); and 2) Krista LaBelle was in the other unit; Mr. Motz never lived there

Ms. Moermond:

- if the City Council were to grant the appeal on the VB status, what would be the implication? (Mr. Magner replied, if CC granted appeal of VB status, Mr. Strobel would need to: 1) have Webb Electric final the permit; and 2) contact Ms. Shaff to have her staff go out and do a re-inspection for compliance based on the Aug 30, 2011 document. If those items were done, Mr. Strobel would be able to get a new C of O
- it's currently Revoked and if Revocation is lifted, then there is a C of O but would still be a list of Orders that needed to be dealt with (Mr. Strobel claims they have been completed)
- granting the appeal would get Mr. Strobel out from under the Code Compliance inspection and the VB fee and he could legally sell the property (currently, he can't legally sell the property)
- if the CC denies the appeal on the VB fee and Revocation, he'd need a Code Compliance inspection and wouldn't be able to sell
- does DSI require a Nuisance Abatement Plan for dealing with these rare types of

situations (problem behaviors)? (Mr. Magner said he thinks they ultimately do have but this progressed too fast and they didn't have a chance to address that. So far, there's nothing that shows him that these types of problems won't occur again)

Mr. Magner:

- prospective owner would need to know about the possibility of going thru the Code Compliance process (disclosed to him)
- Truth in Housing was completed Jun 2011 identified some conditions
- DSI's ultimate concern: have to stop what's going on out there; get the bldg back into compliance; get the tenant's possessions out of the property (City's Orders speak specifically to physical occupancy) - Mr. Strobel needs to seek legal counsel re: tenant's possessions removal

Mr. Motz:

- did/do not live on property; lives in Maplewood
- there is a restraining order because the nbrs and he couldn't agree on a few things, so, a nbr felt obligated to get one against him
- in meantime, his fiancée, Amanda Traitor, has obtained a restraining order against Sean Baker and Melanie Baker because of repeated harassment from them
- in Feb, he told the owner that the property qualified for the Weatherization Program, which, after an inspection by them would net 2 new furnaces, complete insullation of the house and other upgrades to the house; he informed Mr. Strobel that the ceiling material in garage needed to be removed because the insulation would not be able to be forced in - was like gypsum board, very thin (was like concrete when broken apart); was agreed upon by Mr. Strobel; Mr. Motz provided Mr. Strobel with receipts for the board 5/8" X-fire rated. Before he tore it out, he went to City and spoke to someone about this project. That person, who is now on leave, told Mr. Motz that he did not need a permit. Mr. Motz proceeded to tear the old out to save the owner money; then, came the complaints and it can't be verified where the insulation in the air came from
- later, he went to talk with Jim Bloom; after Mr. Bloom heard his story, he said all that needed to be done was to pull a basic permit for \$500 as if you were doing the work yourself but he needed documentation from the owner, Mr. Strobel. Mr. Strobel emailed Ms. Traitor saying that she was the property mgr of 1889-1891 Montana; City said they needed more proof. Mr. Strobel sent something back signed (FAX) a couple months ago stating that Amanda Traitor was his representative, so that she could pull the permit. Mr. Motz knew that had to have an electrician pull the permit for the light. Mr. Motz felt he wouldn't get his money back, so he didn't pay for that. Further, Mr. Motz talked with Mr. Owens about a week after Revocation, who assured him that if the majority of items on the list was done, they would come out, inspect and give a short extension. He went down to inspections division on Aug 20, 2011 to pull the permit for the garages and was denied; that only Scott Hogan could pull the permit (Mr. Strobel had forgotten to tell Mr. Motz). If Mr. Hogan was supposed to be doing those repairs, why wasn't he there doing them? No one came to do any work. Amanda Traitor did not receive anything from the City; did not know that she would need to vacate Aug 30 until Aug 29 - the City doesn't send the tenant that information. Although, the tenant receives Notice of things that need to be done around the bldg.
- he and Amanda have gone out of their way to help Mr. Strobel out
- Mr. Strobel knows about all the problems at the property and nbrs; Mr. Motz phoned him about all the issues (the neighborhood dispute)
- tenant in 1889 wouldn't let anyone in to inspect the property
- Ms. Traitor offered to walk Mr. Thomas thru the property as Adam's representative
- Mr. Motz did not received any notarized document saying who was Mr. Strobel's representative
- most of those police calls are from 1884 Montana for 1891

- he has permission to be on the property from 8 am - 6 pm
- Mr. Thomas spent over an hour at the property because he was listening to the nbrs (Ms. Baker wasn't supposed to be on the property in the first place)
- currently, Ms. Traitor is staying with him
- Mr. Strobel will probably be hearing from Ms. Traitor's lawyer because she was kicked out of her house; she had a lease that rolled over but because the house was posted Condemned, the HAP contract was cancelled by Public Housing Agency and she was given moving papers; she will be moving into a new place Oct 1, 2011
- Section 8 inspector passed the house for inspection on Aug 26, 2011
- all in all, he was trying to help Mr. Strobel fix things and help Amanda so that she wouldn't just have to get up and go; so, she would have a place
- all Ms. Traitor's possessions will be out by the end of this month

Mr. Magner:

- DSI doesn't have a problem with the Category changing downward so that some things could happen; long term concern is that everything is taken care of at this property; we'll leave the deficiency list on the table for the hearing officer to make a recommendation to the CC to take action

Ms. Moermond:

- will call this very strictly
- when a property is Ordered Vacated, policy says it needs to go thru a Code Compliance inspection
- Code Compliance inspection will need to occur (apply for that)
- Categorization is currently Cat 3 VB which means that it can't be transacted; she believes that this property meets the definition of a Nuisance bldg under Ch 45.02 which says that a VB or portion of the VB as defined in 43.02 (multiple housing code/bldg code violations) or has been Ordered Vacated by the City and which has conditions constituting material endangerment in the Legislative Code or which has a documented and confirmed history as a blighting influence on the community
- here, we've have some bldg code violations that are in the past that would be picked up in the Code Compliance inspection (perhaps a light list)
- we need to give DSI to work with the Police Dept to come up with a Nuisance Abatement Plan as it relates to future management of the property
- VB fee can be held in abeyance for 90 days
- in terms of the sale of the property, code says that the nuisance condition has to be abated at the point of sale (usually meaning bldg conditions rather than behavioral conditions); here, we have a blend. So, in this case, if the nuisance is abated to the satisfaction of the DSI, a transaction can occur (crux of the matter)

Mr. Magner:

- apply for Code Compliance inspection today (\$526 for duplex)
- put a lock box on bldg; give inspector the code (inspection should occur in next 2 1/2 weeks)
- deficiency list must be fixed by licensed contractors with pulled permits
- permits need to be signed-off and get Code Compliance Certificate and property will be ready to sell or rent
- probably will take 90 days to get this all resolved (make buyers aware of this process)
- will need confirmation that property is sold; who will be manager
- if Mr. Strobel continues to own this property, DSI would need him to have landlord training, screen tenants and written leases with provisions for evictions

Ms. Moermond:

- City Council Public Hearing Oct 5, 2011 to look for a different outcome

Ms. Shaff:

- asked if there were set hours for Amanda Traitor and Kevin Motz to go in and get Amanda's possessions? (Ms. Moermond responded that as a Registered Vacant Building, it can be accessed between 8 am and 8 pm for anyone to go in and work on it, clean, remove items, etc.; blend that with the restraining order ruling to come up with what works, perhaps 8 am - 6 pm.)

Referred to the City Council due back on 10/5/2011

- 12 [RLH VO 11-73](#) Appeal of Shelby C. Strawn to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 1793 ARLINGTON AVENUE EAST.

Sponsors: Bostrom

Attachments: [1793 Arlington.appeal.9-12-11.pdf](#)

Deny appeal and grant an extension to Nov 1, 2011 to vacate.

RE: 1793 Arlington Ave E

Mr. and Mrs. Shelby Strawn appeared.

Fire Inspector Shaff:

- Fire C of O inspection done by Inspector James Thomas on May 12, 2011; no entry
- Subsequent re-inspections: 6-7-11; 8-25-11; 9-7-11 with Revocation
- Aug 26, 2011, Insp Thomas told her that he was having a difficult getting the owner, Patrick Miller, to communicate with him
- Ms. Shaff called Mr. Miller who returned her call that afternoon saying he was going thru bankruptcy and that house would be going thru foreclosure so, he wasn't going to do any of the work
- also said that tenants lease ran out at the end of the year but he figured they could still live there until the end of the year
- Ms. Shaff explained to Mr. Miller that a few things needed to be addressed if the tenants were to remain in the house
- again, he said that he would not do any of the work
- in that case, the Fire C of O would be Revoked with a 30 day (end of Sep) vacate date
- Ms. Shaff said that he should explain to his tenants why they were being told to vacate
- Insp Thomas waited until 7th to post the Revocation; she expected the owner to notify his tenants; he did not
- issues not addressed: heating report; egress window issues; no carbon monoxide detector; excessive combustible materials; bathroom floors; securing the toilet; things in front of the electrical panel
- Insp Thomas also supplied tenants with name and number for SMRLS

Ms. Moermond:

- noticed this is 4th round before the Revocation happened

Mr. and Mrs. Strawn:

- owner lives in Florida (4913 SW 17th Place, Cape Coral FL)
- since they found this out, they did what they could do on the list
- asking for more time, perhaps a couple months
- don't have the cash to move out right now
- has a lot of woodworking equipment in garage (hard to move into an apartment)
- lived there 3 yrs
- didn't know he couldn't use the heavy appliance cord to plug in appliances (MM

- suggested using power strips)
- they will do anything else they can to make it safe enough to get an extension of time
 - exterior maintenance has been well taken care of; nbrs compliment their yard
 - their income is too large to get any assistance
 - Kay Wittgenstein gave them some addresses and phone numbers of places to move to
 - Ramsey County Care Center, where they work, is helping them look for a place and may be able to help out with a deposit
 - Julie Miller called them Tue and said that the house was in foreclosure; they could stay for the rest of the year for free; they would release them from the lease
 - Wed the Fire Marshal came and told them they needed to vacate
 - they received no notice re: the foreclosure

Ms. Moermond:

- there's 2 levels of notification requirements: 1) state requires that financial institutions provide this information; normally see houses posted with info; and 2) city requires that the landlord disclose the situation to tenants
- staff may pursue a Criminal Citation
- grant an extension to Nov 1, 2011 vacate date
- suggested they go to the City Council Public Hearing (Oct 5, 2011 at 5:30 pm) to let them know about the lack of notification (they may have some resources to share)
- also suggested the Attorney General's Office for advice (how long a tenant has to claim personal property, etc.)

Mr. and Mrs. Strawn:

- will put carbon monoxide detectors within 10 feet of sleeping room
- not eligible until March 2012 to buy another house

Referred to the City Council due back on 10/5/2011

1:30 p.m. Hearings

Window Variances: Hearing Required

- 13 [RLH FOW](#)
[11-146](#) Appeal of Shah Vang to a Fire Certificate of Occupancy Inspection
Correction Notice at 1193 COOK AVENUE EAST.

Sponsors: Bostrom

Attachments: [1193 Cook.appeal.8-25-11.pdf](#)

Ms. Moermond:

- will recommend a 5-in variance for the double hung window in south bedroom
- will recommend denial of variance for the awning window in north bedroom and sill height and grant a 90-day extension to replace the awning window and install a step the width of the window

RE: 1193 Cook Ave E (single family)

Shah Vang, owner, appeared.

Fire Inspector Leanna Shaff:

- Fire C of O conducted Aug 18, 2011 by Inspection Kelly Booker
- appealing egress windows and sill height

- #8 sill height in north bedroom is 55 in (code requires maximum of 48 in)
- #9 - awning window in north bedroom measures 24h x 42w; double hung window in south bedroom measures 19h x 26w (code requires minimum 24h x 20w)

Mr. Vang:

- property built in late 1920s some of these are original windows
- entered photos

Ms. Moermond:

- will recommend a 5-in variance for the double hung window in south bedroom
- will recommend denial of variance for the awning window in north bedroom and sill height and grant a 90-day extension to replace the awning window in north bedroom and install a step the width of the window

Referred to the City Council due back on 10/5/2011

Fire Certificates of Occupancy

- 14 [RLH FCO 11-241](#) Appeal of Song Lor to a Fire Certificate of Occupancy Inspection Correction Notice at 1044 FOURTH STREET EAST.

Sponsors: Lantry

Attachments: [1044 4th.appeal.7-12-11.pdf](#)
[1044 4th St E.Lor Ltr 8-9-11.doc](#)

Withdrawn

- 15 [RLH CO 11-20](#) Appeal of Xiong Lao to a Correction Notice at 1042 FOURTH STREET EAST.

Sponsors: Lantry

Attachments: [1042 4th E.appeal.9-1-11.pdf](#)

Ms. Moermond will recommend this appeal be denied; grant an extension to Nov 1, 2011 to come into compliance.

RE: 1042 4th St E (Single family)

Jannie Lao, owner, appeared along with the owner of 1044 4th St, Paoze Her

Fire Inspector Leanna Shaff:

- retaining wall situation
- Inspector Spiering was working with 1044 4th St E as a Fire C of O property
- he consulted with Code Enforcement Supervisor Paula Seeley and determined that the retaining wall belongs to the property at 1042 4th St E, not 1044
- Code Enforcement has issued Orders to 1042

Mr. Her:

- will grant permission for contractors to be on his property to repair the retaining wall (4 ft high)

Ms. Moermond:

- there's an Order on the property at 1044 4th St that says the retaining wall should be fixed by Oct 3, 2011

Ms. Lao:

- thinks the retaining wall is not on her property because her house was built 40 yrs before the house at 1044 4th St when there didn't need to be a retaining wall; and in 2000, she borrowed money from City to fix the retaining wall on the front and the contractor told her that they could only fix in the front because the side did not belong to her
- looked at Ramsey County website for the property which says that her property is 40 feet wide; she measured herself and the retaining wall is further away than 40 ft of width
- if she does the survey, who is responsible to reimburse her for the cost (\$600)?

Ms. Moermond:

- the contractor is not a surveyor
- unfortunately, the contractor is not a surveyor
- Ms. Lao may want to have the property surveyed or informally, have someone come to find the property markers with a metal detector
- City inspectors are convinced that the retaining wall falls on Ms. Lao's land so, Ms. Lao would need to demonstrate that it's not on her land
- will grant an extension to Nov 30, 2011 to address this - to dispute the property lines or get the wall repaired
- if the wall is found to not be on Ms. Lao's property when properly surveyed, Ms. Lao should call Ms. Moermond's office
- Ms. Lao may want to consult with Inspector Seeley to see what she was looking at
- the cost of the survey would be Ms. Lao's responsibility

Referred to the City Council due back on 10/5/2011

16 [RLH FCO
11-303](#)

Appeal of Jayant Saraph to a Fire Certificate of Occupancy Inspection Correction Notice at 601 CLIFFORD STREET.

Sponsors: Stark

Attachments: [601 Clifford.appeal.8-9-11.pdf](#)
[601 Clifford St.Saraph Ltr 8-29-11.doc](#)
[601 Clifford.Photo.pdf](#)

Ms. Moermond will deny the appeal on the sill height of the awning style bedroom windows; appellant will install a bench full width of the windows. Grant a variance on the double hung window in rear bedroom, upper unit, if appellant can demonstrate it can be opened to 16 inches on photo to be entered by the end of next week.

On Sept 16, 2011 Property owner submitted photos showing that the window in the rear bedroom do open to 16 inches. Ms. Moermond recommended granting an 8-inch variance on the openable height of the egress window.

RE: 601 Clifford St (duplex)

Jayant Saraph and wife, Ann Robola, owners, appeared.

Fire Inspector Leanna Shaff:

- Fire C of O
- 2 items under appeal: 1) window sill height issue; and 2) driveway
- can't substantiate verbal messages from inspectors

Ms. Robola:

- have applied for a variance for the driveway with Zoning; will have mtg next week

Ms. Moermond:

- appellant had looked for egress hardware that would widen the openable area
- viewed windows in photos

Mr. Saraph and Ms. Robola

- entered photos of double hung windows; sill height is 43" not 53" (thinks it's a typo) and a pair of awnings
- spoke with Inspector Imbertson on the phone a couple of times and he was not aware that a bench (about 1 foot deep) had been installed underneath the window - bolted to the wall; they will also install a bench underneath the upstairs window which would simplify the issue
- in 2005 when the windows were replaced, the Code said "like for like" so didn't change the opening; in 2008, it passed the Fire inspection
- got info from the state Fire Marshal's office (Ms. Shaff said the leave it up to the authority having jurisdiction for interpretation; it's not consistent with City policy
- they removed the stops on the double hung which adds about 4 inches (now 16-17 inches) (Mr. Imbertson had measured the opening with the stops and he measured 12.75 inches)

Ms. Moermond:

- appellant doesn't need a variance on the dimension of the egress opening but needs one on the sill height - satisfied if appellant install a bench, as well, in the other space but it should run the full width of the window
- install a bench full width of the other window, as well
- will recommend granting a variance on the double hung window in upper unit rear bedroom if appellant can demonstrate the openable height of 16 inches (provide photo by the end of next week)

Referred to the City Council due back on 10/5/2011

17 **RLH FCO
11-344**

Appeal of Michael Severin to a Correction Notice-Complaint Inspection at 367 CHARLES AVENUE.

Sponsors: Carter III

Attachments: 367 Charles.appeal.8-26-11.pdf

Ms. Moermond:

- if clean-up of mold and mildew is done in 2 weeks, Appellant will get the C of O for the upper unit
- will recommend granting an extension to Dec 31, 2011 to finish the work in the lower unit (not occupied until finished)

RE: 367 Charles Ave (two family dwelling)

Michael Severin, owner, appeared along with his attorney, Kathryn O'Connor

Fire Inspector Leanna Shaff:

- started as referral inspection Aug 8, 2011
- Inspector Bill Beumer went out Aug 15, 2011; re-inspected and wrote
- 14 Orders and transferred it to the Fire C of O program
- Fire C of O inspection is scheduled for Sep 16, 2011
- the referral is currently being appealed
- questions how mold and mildew issues in basement are coming along; no progress up to now
- no photos

Ms. O'Connor:

- Mr. Severin doesn't dispute that all items on list need to be corrected
- 14 items need to be done and 2 need permits
- he's on a fixed income and in arrears in his mortgage, recently received a temporary loan modification
- asking for more time
- arranged with contractor to do some of the work but can't pay all at once
- has moved the tenant out from lower unit to the upstairs where the tenant had been evicted
- a lot of the problems aren't immediate concerns because no one is living there; no one will be living there until all is complete
- mold and mildew issues will be addressed
- has dehumidifier

Ms. Moermond:

- run dehumidifier to get dampness out of basement; scrub with bleach (continue for 2 weeks)
- will recommend that Fire do a partial C of O inspection covering that portion of the bldg and not allow occupancy of the lower unit of bldg until the balance of the issues are addressed (Ms. Shaff said she would rather do the upper unit on a referral basis - put it into the Fire C of O program at a later date)
- if clean-up of mold and mildew is done in 2 weeks, Appellant will get the C of O for the upper unit
- will recommend granting an extension to Dec 31, 2011 to finish the work in the lower unit (not occupied until finished)

Referred to the City Council due back on 10/5/2011

18 [RLH FCO
11-345](#)

Appeal of Mark Hurley to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 2169 and 2171 GLENRIDGE AVENUE.

Sponsors: Lantry

Attachments: [2169 Glenridge appeal.8-25-11.pdf](#)

Ms. Moermond will recommend denying the appeal and granting an extension to Nov 1, 2011 and ask that a parallel set of Order be issued on the neighboring property, 2173 and 2175 Glenridge Ave with the same deadline. (Inspector Wayne Speiring)

RE: 2169 and 2171 Glenridge Ave (twin home duplex)

Mark Hurley, owner, appeared.

Mr. Hurley:

- entered photos of his driveway and five or six similar driveways up and down his street

Fire Inspector Leanna Shaff:

- re-inspection of Fire C of O conducted by Inspector Wayne Spiering
- driveway needs repair/replacing
- no photos
- appointment ltr sent Jan 5, 2011; first inspection Feb 2, 2011
- driveway runs between 2 separate bldgs of 2 homes each - driveway is shared property with 2173 and 2175 Glenridge; the boundary runs down the middle
- owned by a large group
- BAC Home Loan Servicing owns it

Mr. Hurley:

- cannot get a hold of owner of 2173 and 2175 Glenridge; it's for sale (realtor is Angel _____)
- Insp Spiering said he needed a plan; Mr. Hurley said he would get a plan after he contacted the other owner; Insp Spiering said, "No; you have to fix this."
- each time the inspector came out, he cited more items
- also trying to close a permit for windows; should be closed this week
- the bank will own this property by Feb 2011

Ms. Moermond:

- asked Matt Dornfeld if the City could issue Orders on 2173 and 2175 Glenridge so there's a parallel set of Orders on both properties to repair the shared driveway; if it's unoccupied; it can go to VB Program
- will recommend denial of this appeal and grant an extension to Nov 1, 2011 and ask that a parallel set of Orders be issued on the neighboring property with the same deadline
- try to track down BAC Home Loan Servicing LP, 400 National Way, Semi Valley, CA
- if this is not done by Nov 1, 2011, both Mr. Hurley and the bank would be subject to Criminal Citation
- on CC agenda Oct 5, 2011
- will Lay this over to Nov 1, 2011 LH at 1:30 p.m.

Referred to the City Council due back on 10/5/2011

19 [RLH FCO
11-352](#)

Appeal of Carlton E. Morris to a Fire Certificate of Occupancy Inspection Correction Notice at 387 GRAND AVENUE.

Sponsors: Thune

Attachments: [387 Grand.appeal.9-13-11.pdf](#)

Ms. Moermond will recommend denying the appeal and grant an extension to Oct 17, 2011 to come into compliance.

RE: 387 Grand Ave (two family dwelling)

Carlton Morris, owner, appeared.

Fire Inspector Leanna Shaff:

- referral inspection by Xcel shut-off conducted by Inspector Bill Beumer
- Insp Beumer turned it into the Fire C of O program
- wrote Orders after rescheduling twice
- photos of the basement in Amanda
- water in hole looks black and oily

Mr. Morris:

- has been doing this for 21 yrs and have never gotten one this extensive
- appealing #16 and #18 - that basement will always get dampness in it due to how it's located on a hill (all properties south of Lincoln on Grand)
- called Water and told him that he was cited for water around the intake from the water main line into his house and he said there's a spring (he said he'd sent an email but never got it)
- have been running humidifier and currently no dampness but whenever it rains, it's always going to get some dampness in that basement
- hasn't been cited for this in 20 yrs

- been cited for 24 items; doing most work himself
- asked Water to come to evaluate and he said that everyone on Grand south of Lincoln can have issues with the same things; he wouldn't come out
- under the hole is dirt as he told the inspector; that's nothing but dirt - it's not an outlet to anything
- he told Water that Fire should know about the water thing and the guy from Water agreed; he also agreed to send an affidavit which he would email (but he hasn't gotten it)
- asking for time; doesn't have the money to do the repairs

Ms. Shaff:

- notice water meter - it's in a pit so, there's no backflow prevention on it #17 where inspector Beumer says that water meter and piping is leaking - contact a licensed plumber to repair the leak in an approved manner (without backflow, it's possible to contaminate the City's water system)

Ms. Moermond:

- perhaps Jerry Ludden, Water, could do an assessment of this; copy Steve Schneider (they can affirm whether or not these Orders are appropriate for this situation)
- said that Mr. Morris should try to contact Jerry Ludden by phone 266-6853; Ms. Moermond will email him
- at CCPH Oct 5, 2011, will recommend 2 additional weeks to come into compliance (Oct 17, 2011)
- will reserve judgment and extension dates on the appealed items re water in basement and hole in floor with black liquid

Referred to the City Council due back on 10/5/2011

20 [RLH FCO
11-334](#)

Appeal of Michael May to a Fire Certificate of Occupancy Inspection Correction Notice at 1026 GRAND AVENUE.

Sponsors: Bostrom

Attachments: [1026 Grand.appeal.8-22-11.pdf](#)

Ms. Moermond will recommend denial on the basement ceiling height of 6'6".

RE: 1026 Grand Ave (single family)

Michael May, owner, appeared.

Fire Inspector Leanna Shaff:

- basement ceiling height is 6'6"
- photos in Amanda

Mr. May:

- there is an egress window
- single family home they couldn't sell so, they made it into a rental
- 2003, put in an egress so his inlaws could sleep there when they came to town
- now, a married couple lives there and a male friend lives in basement with side entrance
- it's sheetrocked to the ceiling joist so there's no height to gain
- an old house with a small basement
- bathroom and bed only in basement

Ms. Moermond:

- odd situation
- will recommend denial on the basement ceiling height; she's not comfortable with a habitable space at 6'6"
- will need to take this to the CCPH Oct 5, 2011 if you want a different outcome

Referred to the City Council due back on 10/5/2011

- 21 [RLH FCO 11-337](#) Appeal of John Herbeck, M & J Grand LLC, to a Correction Notice-Complaint Inspection at 1722 GRAND AVENUE.

Sponsors: Harris

Attachments: [1722 Grand.appeal.8-24-11.pdf](#)

Withdrawn

RE: 1722 Grand Ave (10-19 rental units)

Fire Inspector/Supervisor Leanna Shaff:

- started as a complaint over a year ago
- Inspector Bill Beumer and Mike Urmann
- it became Ms. Shaff's referral; she closed the old referral and opened a new one
- sent her email that said he didn't have any money
- she had told him that he needed to be in compliance by the end of Aug 2011
- he appealed before the end of Aug
- emailed last Thu saying he was done with the tuckpointing
- Ms. Shaff looked at it yesterday and it's minimally code compliant
- dept is satisfied that the Order has been complied with
- work has been abated

Ms. Moermond:

- appeal has been Withdrawn because Appellant has become compliant

Withdrawn

2:30 p.m. Hearings

Vacant Building Registrations

- 22 [RLH VBR 11-64](#) Appeal of Katherine Holmquist-Burks to a Vacant Building Registration Notice and Fire Inspection Correction Notice at 107 GERANIUM AVENUE WEST.

Sponsors: Helgen

Attachments: [107 Geranium.appeal.8-10-11.pdf](#)

Ms. Moermond will recommend granting the appeal. They don't have to be in the Fire Certificate of Occupancy Program provided that they are code compliant, determined by Inspector Dornfeld using the existing Fire C of O report. If they do not comply within the 90 days allotted, they will be put into the VB Program and subject to fees.

RE: 107 Geranium Ave W (single family)

No one appeared.

Matt Dornfeld, Vacant Buildings:

- heard at LH Aug 16, 2010 (why is it on here again)
- I was to do the prelim on this and they were to contact me in 90 days

Ms. Moermond:

- it was Laid Over to Sep 13, 2011 on the roof and steps; waive the VB fee for 90 days
- Mr. Dornfeld was to have looked at the roof and steps

Mr. Dornfeld:

- has not looked at the roof and steps but he will and report back (was anticipating a call from them)
- Change to Preliminary VB to avoid VB fee
- no longer in C of O program
- legal to owner occupied; daughter's name was on mortgage statement that was presented to Ms. Moermond
- will be doing the re-inspection on the remaining items on the Revocation list

Ms. Moermond:

- they have an insurance claim going on - waiting for it to come thru on the roof
- waived VB fee for 90 days at LH Aug 16, 2011
- their daughter could move in right now; her name is on the mortgage and property record
- will send this back to CC and recommend granting the appeal; they don't have to be in the Fire C of O Program requiring that it be determined to be code compliant by Mr. Dornfeld using the existing Fire C of O report and they are not a VB; if they do not comply within the 90 days that have been allotted, they will be put into the VB program and subject to fees.

Referred to the City Council due back on 10/5/2011

- 23 [RLH VBR 11-72](#) Appeal of Greg Ryan to a Vacant Building Registration Renewal Notice at 1644 BUSH AVENUE.

Sponsors: Lantry

Attachments: [1644 Bush.appeal.8-26-11.pdf](#)

Withdrawn

- 24 [RLH VBR 11-69](#) Appeal of Julie Carlson to a Vacant Building Registration Notice at 1455 MARGARET STREET.

Sponsors: Lantry

Attachments: [1455 Margaret.appeal.8-25-11.pdf](#)

Withdrawn

- 25 [RLH VBR 11-70](#) Appeal of Lawrence Walker to a Vacant Building Registration Notice at 478 THOMAS AVENUE.

Sponsors: Carter III

Attachments: [478 Thomas.appeal.8-25-11.pdf](#)

Ms. Moermond recommends denying the appeal.

RE: 478 Thomas Ave (single family)

Lawrence Walker, owner, appeared.

Matt Dornfeld, Vacant Buildings:

- Jun 29, 2011 - C of O Revocation by Fire Inspector/Supervisor Leanna Shaff*
- Inspector documented 33 code deficiencies*
- Aug 24, 2011 - Inspector Dornfeld opened a Cat 2 VB due to the C of O Revocation*

Ms. Moermond:

- the first appeal on this property*

Fire Inspector/Supervisor Shaff:

- Fire C of O inspection*
- initial appointment letter went out Jan 5, 2011 by Inspector Martin for appointment on Feb 28, 2011, which Mr. Walker failed to show for*
- Mr. Walker spoke with her and due to DSI mailing error (she told Inspector Martin this would be rescheduled)*
- inspection was rescheduled to Apr 18, 2011*
- Ms. Shaff accompanied Ms. Martin to that inspection on Apr 22, 2011; there was no access to the interior*
- subsequent inspection held Jun 29, 2011*
- in the interim on May 2-26, Mr. Walker had some issues with his tenant, who was vacating by the end of May - he needed about 30 days to reinspect, which was granted*
- Jul 27, 2011- Ms. Shaff talked with Mr. Walker at 8:53 am; he said he hadn't finished yet but he said he would be completed by Aug 20, 2011*
- Ms. Shaff told Mr. Walker that she would hold him to that date or send it to VB*
- Aug 20, 2011 bldg was not yet done and Mr. Walker failed to meet her for the inspection (Mr. Dornfeld said that Mr. Walker showed up 10 minutes late)*
- Ms. Shaff sent it to VB*

Mr. Walker:

- said he has been the owner and taxpayer for years; BAC is the mortgagor - we are working on the ownership issue, getting it corrected at the county*
- had been a VA property*
- tenants trashed the property: a dog too big for the kennel; tore up hardwood flooring*
- when he asked them to vacate, they did more damage and left all of their belongings*
- 75% of list items are done*
- trying to get a contractor do repair the sidewalk and roof line (sagging front porch); - haven't yet pulled permits*
- another contractor inside is taking too long*
- took him 6 wks to get a reputable contractor to start work*
- asking for more time, perhaps 6 more weeks to finish up*
- all safety issues have been taken care of*
- it was explained to him was that "it's OK to take away the occupancy as long as it's not occupied, to complete the work"; then a reinspection be done; then regain occupancy*

Ms. Moermond:

- question today - should this become a Registered VB and subject to those requirements?*
- everything she sees indicates it should be (multiple violations, Revocation that*

happened some time ago after a long period to come into compliance)
- this fits the definition of a VB
- if it were simply not occupied and have no C of O by virtue of being unoccupied, then, it would be a Registered VB after a year
- this one has multiple code violations according to the C of O letters
- will recommend deny this appeal
- at CCPH Oct 5, 2011

Referred to the City Council due back on 10/5/2011

26 [RLH VO 11-74](#) Appeal of Lawrence Walker to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 675 AURORA AVENUE.

Sponsors: Carter III

Attachments: [675 Aurora.appeal.9-12-11.pdf](#)
 [675 Aurora.Revocation.8-3-11.pdf](#)

Ms. Moermond will recommend appeal be denied; house must be vacated Oct 15, 2011 unless the Fire Certificate of Occupancy has been re-instated.

RE: 675 Aurora Ave (single family)

Lawrence Walker, owner, appeared.

Matt Dornfeld, Vacant Buildings:

*- Aug 3, 2011 - Revoked C of O by Inspector Mitch Imbertson - documented 10 code violations
- Sep 12, 2011 Inspector Mike Kalas opened a Cat 2 VB due to C of O Revocation*

Fire Inspector/Supervisor Leanna Shaff:

*- Insp Imbertson's notes: some of the current Orders have been outstanding since Aug 16, 2010 (over one yr); primary remaining issue is bathroom window frame first noted at C of O renewal inspection on Aug 16, 2011. 14 re-inspections have been made (8 times I haven't been met for scheduled appointments and tenant hasn't been notified. Sep 13, 2010 - extension request from owner was approved; rescheduled appointment; Sep 14, 2010 - re-inspection made, some work completed, window still remaining. Nov 10, 2010 - reinspection made - approved Certificate with Correction as all work was completed except for the bathroom window. Dec 3, 2010 - re-inspection made thru referral file for window - work not completed - tenant home but not aware of appointment but allowed access. Dec 22, 2010 - re-inspection made for window - work not completed - tenant home, not aware of appointment but allowed access. Owner requested a 12:30 pm appointment for Dec 30, 2010. Dec 30, 2010 - re-inspection made - wasn't met by owner, child answered the door, states no adults were home so no interior inspection was made. Jan 18, 2011 - reinspection made - wasn't met by owner. Feb 24, 2011 - re-inspection made - wasn't met by owner. Feb 22, 2011 - re-inspectioin made - wasn't met - occupant didn't allow access - snow remove, issued a citation. Mar 31, 2011 - citation was dismissed by the City Attorney's office - called the owner, states work completed and agreed to meet for the scheduled reinspection on Apr 20, 2011. Apr 20, 2011 - called owner in morning for reminder of appointment - Property owner was extremely upset - swore at me and said I shouldn't reinspect because they already went to court and was given til Jun. I repeatedly tried to explain that this property was not in court since the tag was dismissed and we had discussed this previously (goes on about that).
- Apr 26, 2011 - Ms. Shaff talked to the owner about it
- May 16, 2011 - he hadn't been called yet; Jun 3, 2011 - re-inspection made; wasn't met by owner, occupant not aware, issued a citation. Jul 5, 2011- met by owner for*

re-inspection - some attempt was made to complete the window but work is not completed and not being constructed correctly. Water damage not repaired; cabinet not repaired. Aug 1, 2011 - re-inspection made - wasn't met, occupant not aware. C of O Revoked for noncompliance: Vacate or Comply by Sep 2, 2011. Ssep 2, 2011 - met by owner and tenant, some were completed but window and other still not complete (goes on to say that he advised the tenant they would be Vacating)
 - C of O fees as of today: \$710
 - noncompliance with the bathroom window has caused significant water damage (ceiling, walls)
 - photos in Amanda from Jun 2011
 - no required permit pulled on window

Mr. Walker:

- trying to comply on everything on 4 properties is astronomical
 - complied as much as he could and still working on it; robbing Peter to pay Paul
 - property has not been vacated; he appealed
 - Fire inspectors can't distinguish the difference between what's incurred by the tenant and what's there (put new cabinet in before low income Section 8 tenant moved in; cabinet was broken off during her tenancy and she doesn't have money to pay him) - he's losing money every day
 - passed Section 8 inspection; biggest thing was to paint exterior of house
 - re-ordered new block glass window; first person who put window in did not do it correctly
 - railing has been repaired; window's been repaired

Ms. Moermond:

- sees long term noncompliance
 - Order was correct
 - CCPH Oct 5, 2011
 - house should be vacated Oct 15, 2011 unless the C of O has been re-instated
 - Aug 3, 2011 - most recent document for Mr. Walker to work from
 - if C of O is re-instated, the bldg can remain occupied; if not, it must be vacated by Oct 15, 2011 and referred to VB program

Referred to the City Council due back on 10/5/2011

Window Variances: No Hearing Necessary

- 27 [RLH FCO 11-372](#) Appeal of Carla Goss to a Fire Certificate of Occupancy Inspection Correction Notice at 1136 BURR STREET.

Sponsors: Helgen

Attachments: [1136 Burr.appeal.9-6-11.pdf](#)
[1136 Burr St.Goss Ltr 9-29-11.doc](#)

No hearing necessary. Grant egress window variances for the first floor - north, first floor northeast and southeast, basement - east and south bedrooms. (Mike Cassidy)

Referred to the City Council due back on 10/19/2011

- 28 [RLH WP 11-65](#) Appeal of The Home Depot At-Home Services, on behalf of Robin Fate, to an Egress Window Non-Compliance Determination at 1191 FAIRMOUNT AVENUE.

Sponsors: Thune

Attachments: 1191 Fairmount.appeal.8-26-11.pdf
1191 Fairmount Ave.HOME Depot Ltr 9-29-11.doc

No hearing necessary. Grant a 5-inch variance on the openable height of two double hung replacement egress bedroom windows measuring 19 inches high by 24.5 inches wide.

Referred to the City Council due back on 10/19/2011

29 RLH FOW
11-148

Appeal of Olga Flores to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 1526 and 1528 FURNESS PARKWAY.

Sponsors: Bostrom

Attachments: 1528 Furness.appeal.8-30-11.pdf
1526-1528 Furness.Flores Ltr 9-29-11.doc

No hearing necessary. Grant a 4-inch variance on the openable height of the egress bedroom windows in both units. (James Thomas)

Referred to the City Council due back on 10/19/2011

30 RLH FOW
11-150

Appeal of Lori Kustritz to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 2037 GRAND AVENUE.

Sponsors: Stark

Attachments: 2037 Grand.appeal.9-2-11.pdf
2037 Grand Ave.Kustritz Ltr 9-29-11.doc

No hearing necessary. Grant a 3.5-inch variance on the openable height of the egress window in the lower unit, front room. (AJ Neis)

Referred to the City Council due back on 10/19/2011

31 RLH FOW
11-142

Appeal of Koua Lee to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 522 LAWSON AVENUE EAST.

Sponsors: Helgen

Attachments: 522 Lawson.appeal.8-19-11.pdf
522 Lawson AVE E.Lee Ltr 9-29-11.doc

No hearing necessary. Grant variances on the openable height of the egress windows in the east and middle bedrooms. (Kelly Booker)

Referred to the City Council due back on 10/19/2011

32 RLH FOW
11-147

Appeal of Michael and Marcia Conroy to a Fire Certificate of Occupancy Inspection Correction Notice at 881 MCKNIGHT ROAD NORTH.

Sponsors: Lantry

Attachments: 881 Mcknight.appeal.8-25-11.pdf
881 McKnight Rd N.Conroy Ltr 9-29-11.doc

No hearing necessary. Grant a 2-inch variance on the openable height of the egress

windows in all bedrooms. (AJ Neis)

Referred to the City Council due back on 10/19/2011

33 RLH FOW
11-145

Appeal of Margaret Chyba to a Fire Certificate of Occupancy Correction Notice at 1620 NEVADA AVENUE EAST.

Sponsors: Bostrom

Attachments: 1620 Nevada.appeal.8-24-11.pdf
1620 Nevada Ave E.Chyba Ltr 9-29-11.doc

No hearing necessary. Grant a 4-inch variance on the openable height of the egress windows in the attic and main floor bedrooms. (James Thomas)

Referred to the City Council due back on 10/19/2011

34 RLH FOW
11-144

Appeal of Katherine Emmons to a Fire Certificate of Occupancy Correction Notice at 1842 NEVADA AVENUE.

Sponsors: Bostrom

Attachments: 1842 Nevada.appeal.8-22-11.pdf
1842 Nevada AVe E.Emmons Ltr 9-29-11.doc

No hearing necessary. Grant a 3-inch variance on the openable height of the egress windows in all bedrooms. (James Thomas)

Referred to the City Council due back on 10/19/2011

35 RLH FOW
11-149

Appeal of Joe Ryan to an Inspection Fire Certificate of Occupancy With Deficiencies at 639 PORTLAND AVENUE.

Sponsors: Carter III

Attachments: 639 Portland.appeal.8-31-11.pdf
639 Portland Ave.Ryan Ltr 9-29-11.doc

No hearing necessary. Grant a 1.5-inch variance on the openable width of the egress window in the upper unit, west bedroom. (AJ Neis)

Referred to the City Council due back on 10/19/2011

36 RLH WP 11-66

Appeal of Mark Mason to an Egress Window Non-Compliance Determination at 1152 ROSE AVENUE EAST.

Sponsors: Bostrom

Attachments: 1152 Rose E.appeal.8-29-11.pdf
1152 Rose Ave E.Cuts Custom Ltr 9-29-11.doc

No hearing necessary. Grant a 1-inch variance on the openable width and a 5-inch variance on the openable height of one double hung replacement egress bedroom window measuring 19 inches wide by 19 inches high and grant a 3-inch variance on the openable width of one crank out replacement egress bedroom window measuring 17 inches wide by 43 inches high.

Referred to the City Council due back on 10/19/2011

- 37 **RLH WP 11-64** Appeal of Renewal by Andersen, on behalf of Russell Klein, to Egress Window Non-Compliance Determinations at 522 SARATOGA STREET SOUTH.

Sponsors: Harris

Attachments: 522 Saratoga.appeal.8-25-11.pdf
522 Saratoga St S.Renewal by Andersen Ltr 9-29-11.doc

No hearing necessary. Grant a 5-inch variance on the openable height of one double hung replacement egress bedroom window measuring 19 inches high by 20 inches wide and grant a 5-inch variance on the openable height of one double hung replacement egress bedroom window measuring 19 inches high by 28 inches wide.

Referred to the City Council due back on 10/19/2011

- 38 **RLH WP 11-63** Appeal of Ker Moua to an Egress Window Non-Compliance Determination at 922 WILSON AVENUE.

Sponsors: Lantry

Attachments: 922 Wilson.appeal.8-25-11.pdf
922 Wilson Ave.Moua Ltr 9-13-11.doc

No hearing necessary. Grant a 4-inch variance on the openable width of one casement replacement egress bedroom window measuring 43 inches high by 16.25 inches wide.

Referred to the City Council due back on 10/19/2011