



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final Legislative Hearings

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

Tuesday, March 19, 2013

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Special Tax Assessments

- 1 [RLH TA 13-158](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1306C, Assessment No. 132005 at 576 MARYLAND AVENUE WEST.

Sponsors: Brendmoen

RE: 576 Maryland Ave W (General Retail & Svc-B-Commercial)

Jonathan Greenlee, owner, appeared.

Ms. Moermond:

- looks like this is a city ordered demolition

Mr. Greenlee:

- purchased property Nov 29, 2010

- appealing because the building was demolished; he found out when he went to sell it

- it was a complete surprise to him

- he was never given a chance to take action; how did this happen?

- he had no interest in seeing this building demolished

- he was given no Notice; he understands that a Notice was sent to that address

- the governing body did not seek his consent

- believes that a reasonable effort to contact him was not made (the taxes are current and he has receipts)

- this is his first commercial property

- he had no chance to take action; was not notified

- received an email from Laura Fridgen, Commercial Property Appraiser, Ramsey County Assessor's Office, Jan 12, 2011 for Sale Review; he responded to it - thought it would establish email communication

- believes this assessment should be stricken

- email would have been a reasonable way to contact him on the notification

Ms. Moermond:

- a title search automatically happens in these cases so, the owner of record and any mortgage holder is automatically notified of all the hearings; the building is posted and photos are taken of the posting

- would like to pull the proposed Order
- the owner or record's address at Ramsey County is listed as 576 Maryland Ave W

Inspector Joe Yannarely:

- this is the first time ever seeing the fee owner come back and the Owner Encumbrance Report with no known address per Ramsey County records
- they also notified the mortgage company, IB Holdings, Coral Gables, FL
- looks as though Mr. Dornfeld, Vacant Buildings, has been out there numerous times
- lots of returned mail
- posted, front and back, as a Registered Vacant Building giving Mr. Greenlee ample opportunity to call Mr. Dornfeld to fill out a VB registration form
- hearing notices were posted front and back, as well
- plenty of Work Orders - looks as though no one was out there taking care of the property

Mr. Greenlee:

- that mortgage company is the previous mortgage company, not his
- his mortgage was paid in cash

Ms. Moermond:

- the city is not required to use email, officially
- she will not decide today
- will find out more about what's going on with the county
- will review all documents
- on the face of it, it doesn't look promising
- explained the appeal process after this
- \$14,105.92 cost
- the key here is when this was taken care of last year and the county didn't have the right record (?)
- will Lay this over for 2 weeks to Apr 2, 2013 LH
- CCPH Apr 17, 2013

Mr. Greenlee:

- will be traveling and not be here Apr 16, 2013, perhaps, he could come back for Apr 17, 2013

Laid Over to the Legislative Hearings due back on 4/2/2013

2 RLH TA 13-225

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1307A, Assessment No. 138511 at 856 ALBEMARLE STREET.

Sponsors: Brendmoen

Delete the assessment.

RE: 856 Albemarle St (single family)

Tonya Tofka, daughter of owner, Dina Toratunina, appeared.

Inspector Joe Yannarely:

- it's a Vacant Building
- Inspector Mike Kalas was at the property Jan 3, 2013
- he sent a Snow and Ice letter with a 48-hour re-check after postmark
- he re-checked Jan 7, 2013 and found it in noncompliance; sent Work Order
- work done Jan 9, 2013 for a cost of \$160 + \$160 service charge = \$320

Ms. Tofka:

- that have been taking care of the property since Jun 2012; closed Jan 22, 2012
- once a week they go to the house to check out things
- when they could not get there, their neighbors have done snow removal
- we have always been responsible owners
- did not receive Notice
- she contacted S & B Holdings, ones who had owned the property, and they had never received any Notices from the city; entered that statement
- has a lot of photos

Viewed VIDEO - Ms. Moermond: not a great job; half cleared; legal requirement is to shovel the width of the sidewalk

Mr. Yannarely:

- Notice was sent to S & B Holdings LLC in Tulsa, OK; occupant; Tangletown Realty, Roseville, MN
- no returned mail

Ms. Tofka:

- S & B Holdings sold it to Division Property in Mar 2012; she and her mom purchased in Jan 22, 2013 has Purchase Agreement
- none of us are receiving Notices
- has a closing statement of when mom purchased the house

Ms. Moermond:

- balancing whether Notice went to legal owner of record with the county at the time
- neither tax statement (2012; 2013) indicate SB or Division; is not sure what's showing up on the title work

VIDEO, one more time

Ms. Moermond:

- will recommend deleting this assessment

Referred to the City Council due back on 5/1/2013

- 3** [RLH TA 13-175](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. 1302T, Assessment No. 139001 at 1073 ASHLAND AVENUE.

Sponsors: Carter III

This diseased tree assessment has been ratified by Council on February 20, 2013. Property owner is asking to spread the payment over several years.

Preparing a new version for this file to amend Council action taken on February 30, 2013 to approve the assessment and spread the payment over 5 years.

Referred to the City Council due back on 4/3/2013

- 4** **RLH TA 13-199** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1307A, Assessment No. 138511 at 947 BEECH STREET.

Sponsors: Lantry

Approve the assessment and spread the payment over three (3) years.

RE: 947 Beech St (single family)

Cristy Her, owner, appeared.

Inspector Paula Seeley:

- Summary Abatement Order sent Jan 3, 2013; compliance Jan 9, 2013
- re-checked Jan 9, 2013; Work Order sent
- work done Jan 11, 2013 for a cost of \$270 + \$160 service charge = \$430
- sent to Cristy Her
- no returned mail
- no history; since they bought the house; no other Orders
- mattress by garage
- all inspections are finalized

Ms. Her:

- doesn't know anything about the mattress
- she received no mail about a clean-up to be done (until she got this paper)

Viewed VIDEO (mattress in alley)

- moved into property late Jan; always looks at her mail
- did not get Notice, just the assessment

Ms. Moermond:

- sounds like the letter went to the Beech address before Ms. Her moved in there (it didn't bounce back to the city)
- even if it's dumping, it's the owner's responsibility
- CCPH May 1, 2013
- will recommend approval divided over 3 years

Referred to the City Council due back on 5/1/2013

- 5 RLH TA 13-182** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1306, Assessment No. 138205 at 1270 BIRMINGHAM STREET.

Sponsors: Bostrom

Delete the assessment; orders and billing sent to previous owner. It was a vacant building and now occupied.

Referred to the City Council due back on 5/1/2013

- 6 RLH TA 13-207** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1307A, Assessment No. 138511 at 606 CASE AVENUE.

Sponsors: Bostrom

3/27/13: Owner called stating she missed the hearing. Asking for another hearing; rescheduled to April 2, 2013.

3/19/13: No show; approve the assessment.

Laid Over to the Legislative Hearings due back on 4/2/2013

- 7 RLH TA 13-200** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1307A, Assessment No. 138511 at 738 CHARLES AVENUE.

Sponsors: Carter III

Rescheduled to April 2 per owner's request.

Laid Over to the Legislative Hearings due back on 4/2/2013

- 8 RLH TA 13-215** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1307A, Assessment No. 138511 at 1207 COOK AVENUE EAST.

Sponsors: Bostrom

No show; approve the assessment.

Referred to the City Council due back on 5/1/2013

- 9 RLH TA 13-195** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1307G, Assessment No. 138707 at 1269 EARL STREET.

Sponsors: Bostrom

Reduce the assessment from \$360.00 to \$180.00 and spread the payments over two (2) years.

RE: 1269 Earl St (single family)

Yeni Aragon Meza, owner, appeared.

Laura Carroll, interpreted.

Inspector Paula Seeley:

- she issued a Hauler Order Jan 9, 2013 due to a large amount of garbage piled in the front yard with no visible container*
- compliance date: Jan 14, 2013; re-checked Jan 14 and still no visible container but garbage was gone*
- Ordered a container and 3 weeks of trash service for a cost of \$150 + \$160 service charge = \$360*
- sent to Federal Home Loan Mortgage and Occupant*
- photo*

Ms. Meza:

- the container was in the garage*
- her husband tried to contact Ms. Seeley - he went down to the Department of Safety and Inspections (DSI); (Ms. Seeley: "No one contacted me. If someone's at the service desk for me, they usually call me down there.")*
- she can provide a copy of the contract*

Inspector Joel Essling:

- he called Aspen and Highland and found out that according to Aspen, service began Jan 23, 2013; she has service with Highland at their previous address, 757 Bush address, where Ms. Meza's sister lives*

Ms. Moermond:

- is not seeing a drop-off and pick-up date/charge for city container (Mr. Essling: there are no more charges; they must have been combined)*

Ms. Moermond:

- will recommend the assessment be divided in half payable over 2 years*

Referred to the City Council due back on 5/1/2013

- 10 RLH TA 13-180** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1307G, Assessment No. 138707 at 987 EDGERTON STREET.

Sponsors: Brendmoen

Rescheduled to April 2 per owner's request.

Laid Over to the Legislative Hearings due back on 4/2/2013

- 11 RLH TA 13-181** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1307A, Assessment No. 138511 at 987 EDGERTON STREET.

Sponsors: Brendmoen

Rescheduled to April 2 per owner's request.

Referred to the Legislative Hearings due back on 4/2/2013

- 12 RLH TA 13-226** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1307A, Assessment No. 138511 at 230 FRONT AVENUE.

Sponsors: Brendmoen

Reduce the assessment from \$320.00 to \$75.00.

RE: 230 Front Ave (Restaurant/Bar-B-Commercial)

Jasmine Maarschalk, occupant, appeared.

Inspector Paula Seeley:

- Snow letter sent Jan 10, 2013; compliance Jan 13, 2013*
- re-checked Jan 16, 2013 - walk wasn't cleared*
- work done Jan 17, 2013 for a cost of \$160 + \$160 service charge = \$320*
- sent to Front Ave Investments LLC on Arcade St; and Occupant*
- no returned mail*

Ms. Maarschalk:

- they did not get a Notice; she received a text from their leasing agent, who told them what the Notice said about the snow removal*
- not sure if the leasing agent sent the text late or on time, which set them back - we were told to clear it within 48 hours*
- her husband did clear the sidewalk and thought everything was taken care of*
- the city may have cleared the street - that's all they saw of what the city may have done (Front and Marion)*
- VIDEO - chipped, salted, sanded north side of building and opened up the corner (ice)*

Ms. Moermond:

- Appellant made a good faith effort - did see shoveling had been done; ice still there; should have been sanded*
- will recommend reducing the assessment to \$75*

Referred to the City Council due back on 5/1/2013

- 013 RLH TA 13-201** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1307A, Assessment No. 138511 at 280 FRONT AVENUE.

Sponsors: Brendmoen

Delete the assessment.

RE: 280 Front Ave (single family)

Greg Brendemuehl, owner, appeared.

Inspector Joe Yannarely:

- *Snow and ice complaint*
- *Orders date Jan 7, 2013 with a 48 hour compliance from postmark*
- *re-checked Jan 10, 2013 and found in noncompliance*
- *work done Jan 14, 2013 for a cost of \$160 + \$160 service charge = \$320*
- *Notice sent to US Bank, Palm Beach, CA; Peak Realty, Westminster, CO; Ocwind Financial, Atlanta, GA and MKL Tram Vu Tran, Mpls*
- *no returned mail*
- *Inspector Dornfeld notes on a following Work Order that the walkway has not been maintained all winter*
- *7 Work Orders since last May and 1 Excessive Consumption letter*

Mr. Brendemuehl:

- *recently purchased the property; closed 2nd week in Jan 2013*
- *since then, he has shoveled, salted and chiseled 2-3 inches of ice*
- *to him, \$320 is a lot of money*

Mr. Yannarely:

- *Jan 31, 2013 - another snow walk complaint; Work Order sent Feb 4, 2013 for snow and ice; work was done by owner*
- *no history on any other property of his*

Ms. Moermond:

- *happening under previous owner; he got Notice*
- *he sold the property and did not disclose the existing Orders to take care of business*
- *seems to her, Mr. Brendemuehl's complaint is with the previous owner for not taking care of business and not disclosing the Order*

VIDEO

Mr. Brendemuehl:

- *the city did not do any scraping of ice; they just sanded over; he did the chiseling*
- *he lives across the street at 267 Front; the 2nd Notice went there and also to 263 Front*

Ms. Moermond:

- *will recommend this assessment be deleted*

Referred to the City Council due back on 5/1/2013

- 14 RLH TA 13-219** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1307A, Assessment No. 138511 at 688 HAGUE AVENUE.

Sponsors: Carter III

No show; approve the assessment.

Referred to the City Council due back on 5/1/2013

- 15 RLH TA 13-220** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1307B, Assessment No. 138106 at 795 GERANIUM AVENUE EAST.

Sponsors: Bostrom

No show; approve the assessment.

Referred to the City Council due back on 5/1/2013

16 RLH TA 13-217

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1307A, Assessment No. 138511 at 357 HAMLIN AVENUE SOUTH.

Sponsors: Tolbert

Approve the assessment.

RE: 357 Hamline Ave S (single family)

Rickey Dukes, owner, appeared.

Inspector Paula Seeley:

- Summary Abatement Order to remove snow and ice on public sidewalk Dec 31, 2012; compliance Jan 4*
- re-checked Jan 4, 2013; Work Order sent*
- work done Jan 7, 2013 for a cost of \$80 + \$160 service charge = \$240*
- sent to Gina Signorella, Elmwood Park, IL; and to Occupant*

Mr. Dukes:

- Gina called him and said she was taking care of it*
 - he was scheduled to come in Feb 1, 2013; she said she had hired someone to do it*
 - after she called him, he started to go out there and maintain*
- VIDEO - packed snow and ice*

Ms. Moermond:

- looks like someone did a light-weight shoveling job on this first*

Inspector Joel Essling:

- noted that this is across the street from a grade school and next door to a church at a major intersection*
- it's very important to have the snow and ice taken care of*

Ms. Moermond:

- will recommend approval of this assessment*

Referred to the City Council due back on 5/1/2013

17 RLH TA 13-216

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1307C, Assessment No. 132006 at 315 LARCH STREET.

Sponsors: Brendmoen

Owner's attorney, Terry Duggins, requests for a continuance of the matter. Per LHO, the matter has been rescheduled to Legislative Hearing on June 4, 2013 and City Council Public Hearing on July 10, 2013.

RE: 315 Larch St (M-Misc. Structure)

John E. Norris, owner, appeared.

Ms. Moermond:

- Mr. Norris' attorney has rejected the next 5 available hearing dates
 - given the very large amount of money we're talking about, she will conduct the LH on Jun 4, 2013
 - she sees in an email from Mr. Duggins' paralegal, Christine Ruud, he has some concerns about received the Notice; also when Mr. Norris got the Notice

Mr. Norris:

- he is referencing the Notice of LH Feb 22, 2013; we did not get the Notice until Feb 27, 2013

Ms. Moermond:

- these Notices go to the owner of record according to Ramsey County taxation records, which would be Mr. Norris; and it would be Mr. Norris' responsibility to convey those Notices to his attorney, which he has done
 - she will not be happy if Mr. Duggins is unable to make the Jun 4, 2013 LH
 - CCPH Jul 10, 2013

Inspector Joe Yannarely:

- on the Gold Card, he indicated that he wanted a line-by-line breakdown of the costs
 - the 23 pp are attached to this record (Ms. Moermond gave it to Mr. Norris)

Referred to the City Council due back on 5/1/2013

- 18** **RLH TA 13-179** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1307G, Assessment No. 138707 at 557 LAWSON AVENUE EAST/1019 EDGERTON STREET.

Sponsors: Brendmoen

Delete the assessment. Waste Management mis-informed inspector that the owner did not have trash service. (No hearing necessary)

Referred to the City Council due back on 5/1/2013

- 19** **RLH TA 13-190** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1307A, Assessment No. 138511 at 557 LAWSON AVENUE EAST/1019 EDGERTON STREET.

Sponsors: Brendmoen

Delete the assessment; trash service told inspector they did not have service because of the two addresses when they did have service under different address. (No hearing necessary)

Referred to the City Council due back on 5/1/2013

- 20** [RLH TA 13-202](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1306B, Assessment No. 138105 at 1649 LUELLA STREET.

Sponsors: Bostrom

No show; approve the assessment.

Referred to the City Council due back on 5/1/2013

- 21** [RLH TA 13-213](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1306, Assessment No. 138805 at 1648 MCLEAN AVENUE.

Sponsors: Lantry

Delete the assessment; property was in compliance by renewal date. Just an oversight that code compliance was not issued. (No hearing necessary)

Referred to the City Council due back on 4/17/2013

22 RLH TA 13-194 Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1307A, Assessment No. 138511 at 1500 MARYLAND AVENUE.

Sponsors: Bostrom

Approve the assessment.

RE: 1500 Maryland Ave E (Multi-family)

Yahya Abukhudeer, owner, appeared.

Inspector Paula Seeley:

- Summary Abatement Order sent Jan 10, 2013; compliance Jan 14, 2013*
- re-checked Jan 14, 2013; Work Order sent*
- work done Jan 15, 2013 for a cost of \$344 + \$160 service charge = \$504*
- sent to Yahya Abukhudeer, Coon Rapids, MN; and Occupant*
- no returned mail*
- trash and furniture in front yard*
- VIDEO - loose and scattered all over yard*

Mr. Abukhudeer:

- is looking at the original photo - mattresses and garbage*
- got the Notice on Saturday; the guy cleaned-up on Monday*
- the tenant moved out; he gave the caretaker \$140 to move the mattresses to a dumping site, along with the TV; he called and said the city was there cleaning; Mr. Abukhudeer stopped by and the city had been there for 15 minutes; he spoke with them*
- extremely short period of time to get the whole job done*
- there were about 4-5 mattresses and we had taken those*

Ms. Moermond:

- looks like the worst of it had been taken care of already; it just wasn't finished*
- the city crew didn't show up until Wed*
- it's still your responsibility*
- will recommend approval of this assessment; there was enough there*
- CCPH May 1, 2013*

Referred to the City Council due back on 5/1/2013

23 RLH TA 13-196 Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1307A, Assessment No. 138511 at 164 MILFORD STREET.

Sponsors: Brendmoen

Approve the assessment and spread the payment over two (2) years.

RE: 164 Milford St (duplex)

Vadim Cherner, owner, appeared.

Inspector Paula Seeley:

- snow letter was sent Jan 17, 2013; compliance Jan 20, 2013
- re-checked Jan 23, 2013; Work Order sent
- work done Jan 24, 2013 for a cost of \$160 + \$160 service charge = \$320
- sent to Occupant and Vadim Cherner, Eagan MN
- no returned mail
- photos show a very icy sidewalk

Mr. Cherner:

- when he got the letter, he spent a couple of nights cleaning as good as he could; he shoveled and sanded
- he worked until midnight on it

VIDEO shows mainly ice - city put down salt and sand; cleaned up the corner

Ms. Moermond:

- has photo; it was a little better in the VIDEO than in the photo; a lot of ice
- will recommend approval payable over 2 years
- CCPH May 1; call her office if an interpreter is desired

Referred to the City Council due back on 5/1/2013

- 24 RLH TA 13-197** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1307A, Assessment No. 138511 at 766 MINNEHAHA AVENUE WEST.

Sponsors: Carter III

Rescheduled to April 2 per owner's request.

Laid Over to the Legislative Hearings due back on 4/2/2013

- 25 RLH TA 13-189** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1307A, Assessment No. 138511 at 549 NEVADA AVENUE EAST.

Sponsors: Brendmoen

No show; approve the assessment.

Referred to the City Council due back on 5/1/2013

- 26 RLH TA 13-212** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1306, Assessment No. 138205 at 1010 OXFORD STREET NORTH.

Sponsors: Brendmoen

No show; approve the assessment.

Referred to the City Council due back on 5/1/2013

- 27 RLH TA 13-191** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1307G, Assessment No. 138707 at 1264 PAYNE AVENUE.

Sponsors: Bostrom

RE: 1264 Payne Ave (single family)

Hamline Property Mgmt representative appeared.

Ms. Moermond:

- 2 assessments: 1) garbage hauling; and 2) clean-up

Appellant:

*- doesn't know how the clean-up was missed
- the owners just got back into town yesterday
- she did get the garbage hauling one; it's paid for Jan, Feb, Mar 2013*

Inspector Paula Seeley:

*- Summary Abatement Order for clean-up was issued Jan 10, 2013; compliance Jan 14, 2013
- re-checked Jan 14, 2013; Work Order sent
- work done Jan 15, 2013 for a cost of \$316 + \$160 service charge = \$476
- there was a lot of garbage
- sent to Lucky Investments LLC, Edina MN; Hamline Property Mgmt, St. Paul MN
- no returned mail
- inspector wrote: overflowing garbage, tire, several bags, no service (suspended for nonpayment)
- photo*

Appellant:

- saw the garbage but she does know that Waste Mgmt just confirmed that there was service

Ms. Seeley:

*- Jan 10, 2013: she called Waste Mgmt and they said there was no service - suspended nonpay
- compliance date was Jan 14, and there were still overflowing bags on the ground; called Waste Mgmt - still suspended
- Jan 23, 2013: city container here; monitor
- Feb 1, 2013: called Waste Mgmt - no current; bill paid 1-24-13*

Ms. Moermond:

- looks like that hauler service might have been off for as much as a month

Appellant:

*- their billing cycle is 3 months; so, their Jan bill was paid in Nov (?); she doesn't have an answer - she just got this information
- is concerned because she did not get Notice
- asked that she be able to provide something from the hauler*

Ms. Moermond:

- will lay this over for 2 weeks: Apr 2, 2013 LH

Laid Over to the Legislative Hearings due back on 4/2/2013

28 RLH TA 13-192

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1307A, Assessment No. 138511 at 1264 PAYNE AVENUE.

Sponsors: Bostrom

RE: 1264 Payne Ave (single family)

Hamline Property Mgmt representative appeared.

Ms. Moermond:

- 2 assessments: 1) garbage hauling; and 2) clean-up

Appellant:

*- doesn't know how the clean-up was missed
- the owners just got back into town yesterday
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Appellant:

*- their billing cycle is 3 months; so, their Jan bill was paid in Nov (?); she doesn't have an answer - she just got this information
- is concerned because she did not get Notice
- asked that she be able to provide something from the hauler*

Ms. Moermond:

- will lay this over for 2 weeks: Apr 2, 2013 LH

Laid Over to the Legislative Hearings due back on 4/2/2013

29 RLH TA 13-174

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1307A, Assessment No. 138511 at 460 PRIOR AVENUE NORTH.

Sponsors: Stark

Delete the assessment; \$300 to remove one illegally dumped tire at commercial property.

Referred to the City Council due back on 5/1/2013

- 30 RLH TA 13-185** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1307G, Assessment No.138707 at 1762 REANEY AVENUE.
- Sponsors:** Lantry
- No show; approve the assessment.*
- Referred to the City Council due back on 5/1/2013**
- 31 RLH TA 13-186** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1307A, Assessment No.138511 at 1762 REANEY AVENUE.
- Sponsors:** Lantry
- No show; approve the assessment.*
- Referred to the City Council due back on 5/1/2013**
- 32 RLH TA 13-173** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1307A, Assessment No. 138511 at 1755 SELBY AVENUE.
- Sponsors:** Stark
- Delete the assessment.*
- 1755 Selby Ave
(Appellant appeared at 3-5-13 LH but address won't be on LH Agenda until 3-19-13)*
- Craig R. Miller, owner, appeared.*
- Inspector Joel Essling:*
- Summary Abatement for a couch on the blvd – issued Dec 27, 2012; compliance Dec 31*
 - re-inspected Dec 31, 2012 – noncompliance; WO sent*
 - work done Jan 3, 2013 for a cost of \$288 + \$160 service charge = \$448*
- Mr. Miller:*
- showed a map of building*
 - his father has owned this building since 1984*
 - nice little building in Merriam Park neighborhood*
 - has a current Certificate of Occupancy*
 - the bad thing about it is that it's 2 blocks away from St. Thomas College and 4 blocks away from Macalester*
 - when he spoke with Inspector Essling on the phone, he said that there have been 8 similar Summary Abatements Notices sent to them for furniture; about once every 2 months, someone leaves a TV or a couch on their door; often a college student writes "Free" on it and just drives away*
 - he and his father usually ask their tenants if they have left the piece of furniture there; if they have, we tell them they need to get rid of it; unfortunately, many time, they have to call their trash hauler*
 - he does not doubt that this piece was picked up by the city*
 - Dec 27 was over the holidays – the end of the semester; their trash hauler picks up on a Friday, which was Jan 4, 2013; so, after checking with the tenants, he called the trash hauler, who said he would pick it up; it disappeared and so he thought the trash hauler had taken it*
 - he's not disputing that the city picked it up; he's asking for mercy – looks like the city*

got to it 1 day before his trash hauler was to pick it up – his charge would have been \$40

- \$448 is a high price to pay for abandoned property

Mr. Essling:

-clarification: there have been 7 or 8 Orders issued at this property since March of 2008 but they're not all for furniture; but there's never been a Work Order done before

Ms. Moermond:

-looks like a conversion of a lot of difficult circumstances with a very good history on the Appellant's part

-will recommend the City Council delete this assessment

Referred to the City Council due back on 5/1/2013

- 33** [RLH TA 13-203](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1304P, Assessment No. 138405 at 414 SEVENTH STREET WEST.

Sponsors: Thune

Delete the assessment (per DSI); waiver on file. LHO concurs.

Referred to the City Council due back on 4/3/2013

- 34** **RLH TA 13-209** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1307A, Assessment No. 138511 at 820 STELLAR STREET.

Sponsors: Brendmoen

No show; approve the assessment.

Referred to the City Council due back on 5/1/2013

- 35** **RLH TA 13-204** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1306P, Assessment No. 138405 at 414 SEVENTH STREET WEST.

Sponsors: Thune

Delete the assessment (per DSI). Waiver on file. LHO concurs.

Referred to the City Council due back on 5/1/2013

- 36** **RLH TA 13-177** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1307A, Assessment No. 138511 at 1204 SEVENTH STREET EAST.

Sponsors: Bostrom

No show; approve the assessment.

Referred to the City Council due back on 5/1/2013

- 37** **RLH TA 13-188** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1307B, Assessment No. 138106 at 597 SNELLING AVENUE NORTH.

Sponsors: Stark

3/22/13---Owner, James Kilau, called indicated he missed the legislative hearing date, thought it was the May 1 that he needed to appear. I rescheduled him to April 2, 2013.

3-19-13--No show; approve the assessment.

Laid Over to the Legislative Hearings due back on 4/2/2013

- 38 RLH TA 13-176** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. 1304T, Assessment No. 139004 at 1730 TAYLOR AVENUE.

Sponsors: Stark

Delete the assessment.

(Karl Mueller, Forestry, reported that he had contacted the City tree removal contractor, who confirmed that they, in fact, did not remove the 21" diseased elm tree)

RE: 1730 Taylor Ave (single family)

John Lippert appeared on behalf of Betsy Phillips, owner.

Karl Mueller, Forestry:

- diseased 21" elm tree in back yard
- Orders dated Jul 11, 2012; compliance date Aug 19, 2012
- re-checked Aug 22, 2012 and found to be still standing
- work completed Oct 31, 2012
- sent to Betsy Phillips, Shoreview
- no returned mail
- photo

Mr. Lippert:

- he got the notice and called his tree service, S & S Tree Services; they couldn't get out until Sep 17, 2012, so he called the city and got an extension on it
- S & S came out and did the work Sep 17, 2012; has invoice from S & S; also a copy of his cancelled check

Ms. Moermond:

- scanned the documents from Mr. Lippert
- looked as though the city contractor mis-billed this
- will double check and give the contractor a chance to explain from their perspective
- will recommend deleting this assessment based on the evidence presented by Mr. Lippert

Referred to the City Council due back on 5/1/2013

- 39 RLH TA 13-178** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1307A, Assessment No. 138511 at 305 THOMAS AVENUE.

Sponsors: Carter III

No show; approve the assessment.

Referred to the City Council due back on 5/1/2013

- 40 RLH TA 13-210** Ratifying the Appealed Special Tax Assessment for Real Estate Project No.

CRT1306, Assessment No. 138205 at 767 THOMAS AVENUE.

Sponsors: Carter III

No show; approve the assessment.

Referred to the City Council due back on 5/1/2013

- 41 RLH TA 13-183** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1306, Assessment No. 138205 at 1609 UPPER AFTON ROAD.

Sponsors: Lantry

No show; approve the assessment.

Referred to the City Council due back on 5/1/2013

- 42 RLH TA 13-184** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1307A, Assessment No. 138511 at 101 WINNIPEG AVENUE.

Sponsors: Brendmoen

Reduce the assessment from \$448.00 to \$150.00.

RE: 101 Winnipeg Ave (vacant land)

Terry Barnes, Twin Cities Habitat for Humanity Inc, appeared.

Inspector Paula Seeley:

- Summary Abatement issues Jan 25, 2013; compliance Jan 30, 2013*
- re-checked Jan 30, 2013; Work Order sent*
- work done Jan 31, 2013 for a cost of \$448*
- sent to Twin Cities Habitat*
- no returned mail*
- history of illegal dumping on this lot*
- mattress; large brush pile; broken bags of garbage*
- VIDEO shows that Habitat must have removed the mattress, garbage, rubbish but did not remove the brush pile*

Ms. Barnes:

- couch, mattress, significant amount of bags of rubbish has been dropped on this vacant lot*
 - Habitat sent a person who filled up an entire trailer with all of the rubbish; they could not get the very long tree on the trailer (Fri)*
 - they returned on Mon but the work had been done - the tree was gone*
- VIDEO*
- recent owner of this vacant lot*
 - will be building there the middle of summer*

Ms. Moermond:

- it was an exceedingly tight turn around; a good effort was made*
- will recommend reducing the assessment to \$150*
- CCPH May 1, 2013*

Referred to the City Council due back on 5/1/2013

- 43 RLH AR 13-23** Ratifying Collection of Certificate of Occupancy fees billed October 4 to 26,

2012. (File No. CRT1306, Asmt No. 138205)

Sponsors: Lantry

Referred to the City Council due back on 5/1/2013

- 44** [RLH AR 13-24](#) Ratifying Demolition Services from December 2012 at 315 Larch St. (File No. J1307C, Assessment No. 132006)

Sponsors: Lantry and Carter III

To be laid over to LH on June 4, 2013 and CC on July 10, 2013.

Referred to the City Council due back on 5/1/2013

- 45** **RLH AR 13-25** Ratifying Boarding and/or Securing services during December 2012. (File No. J1307B, Asmt No. 138106)

Sponsors: Lantry

Referred to the City Council due back on 5/1/2013

- 46** **RLH AR 13-26** Ratifying Property Clean Up services during January 2 to 31, 2013. (File No. J1307A, Asmt No. 138511)

Sponsors: Lantry

Referred to the City Council due back on 5/1/2013

- 47** **RLH AR 13-27** Ratifying Trash Hauling services during January 1 to 31, 2013. (File No. J1307G, Asmt No. 138707)

Sponsors: Lantry

Referred to the City Council due back on 5/1/2013

- 48** **RLH AR 13-28** Ratifying Tree Removal services from November 2012. (File No. 1304T, Asmt No. 139004)

Sponsors: Lantry

Referred to the City Council due back on 5/1/2013

11:00 a.m. Hearings

Summary Abatement Orders

- 49** [RLH SAO 13-10](#) Appeal of Bee Vue to a Summary Abatement Order at 825 UNIVERSITY AVENUE WEST.

Sponsors: Carter III

Deny the appeal and grant until April 15, 2013 for compliance.

RE: 825 University Ave W (commercial/apartment -B-Commercial)

Bee Vue, owner, appeared.

Ms. Moermond:

- at City Council Public Hearing tomorrow, Mar 20, 2013

Inspector Joe Yannarely:

- Inspector Matt Dornfeld, Vacant Buildings, has been apprised by the Certificate of Occupancy Program that Mr. Vue is using this property as a storage building; he has been told by the C of O that this will require a use permit for cold storage

- Feb 20, 2013 - Inspector Wayne Spiering reviewed the building with Inspector Dornfeld; building is an historic building and cannot be razed; he explained that this building is being used for storage; Inspector Dornfeld advised that he will issue Orders to discontinue this use

- became a Registered Vacant Building on 4-20-09 Category 2 Commercial

Mr. Vue:

- stores cabinets and doors to use for his own properties; no paper or anything else

- he is the only person who has access to this property

- asking that he be allowed to store these things

- he pays over \$10,000/year in taxes since 2004

- hasn't been able to rehab the property

- doesn't see any danger in this use

Ms. Moermond:

- questioned why he wasn't getting a Fire C of O if that's all he's doing (Mr. Vue: doesn't know)

- this building is not actually zoned for storage (Zoned T2 - Traditional Neighborhood, which does not include warehouse/storage use); retail and office would be acceptable

Mr. Vue:

- when he bought the building, he didn't know that it was a Registered Vacant Building (2005)

- was used as his business address for a while

- didn't realize it was a VB in 2009 - doesn't know why it became a VB

- one day he received a VB Notice (Ms. Moermond: he could have appealed the tax assessments)

Ms. Moermond:

- 2 problems: 1) no C of O; and 2) couldn't get a C of O for this use because it's not consistent with Zoning)

- without a Fire C of O - that storage constitutes a nuisance and dangerous condition and the city has the authority to abate it

- will recommend granting an extension to Apr 15, 2013 to remove the materials

Referred to the City Council due back on 3/20/2013

50 [RLH SAO 13-11](#)

Appeal of Timothy J. Jordan to a Summary Abatement Order at 1982 PORTLAND AVENUE.

Sponsors: Stark

Owner withdrew his appeal due to issue with the trash containers is resolved.

Withdrawn

- 51 [RLH SAO 13-12](#) Appeal of Linda Clute to a Vehicle Abatement Order at 2029 SELBY AVENUE.

Sponsors: Stark

Owner withdrew appeal stating inspector and owner worked out an agreement.

Withdrawn

Orders To Vacate, Condemnations and Revocations

1:30 p.m. Hearings

Fire Certificates of Occupancy

- 52 [RLH VO 13-12](#) Appeal of Tovah Flygare, SMRLS (Southern Minnesota Regional Legal Services), on behalf of Meghan Cody, to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 839 THOMAS AVENUE.

Sponsors: Carter III

Inspector to inspect the interior of the building and if there are no life safety issues, tenant can remain an occupant until May 1, 2013.

RE: 839 Thomas Ave (single family)

Tovah Flygare, Southern Minnesota Regional Legal Services (SMRLS), appeared on behalf of Meghan Cody, owner.

Ms. Moermond:

- layover
- Order to Vacate

Fire Inspector A. J. Neis:

- he understands that at the last hearing, it was suggested that if the tenants occupy until Apr, Fire should do an inspection

Ms. Flygare:

- spoke with at Usset Weingarden and Liebo, attorneys for the bank, which is foreclosing after purchasing the property at the sheriff's sale; redemption period is until Jul 2013
- Usset Weingarden and Liebo are willing to forward information to their client (city's recommendations)
- at the end of the redemption period, the property may be turned over to HUD
- the tenants are looking for a different place
- understands that Apr 1, 2013 is the current deadline; they would be grateful for an extension and willing to have the inspection done
- will be happy to be the contact person

Mr. Neis:

- an inspection will be scheduled
- challenge: the owner lives in Sacramento, CA, and has walked on it but is still the owner of record until Jul 2013
- the bank wants no interest in it
- if the tenants are willing to allow access to determine the safety and habitability of

the building, it can be a routine inspection

- needs the tenants contact information to make them the Responsible Party for now

Ms. Moermond:

- if the inspection provides a clean enough bill of health, occupancy can continue from the current deadline of Apr 1, 2013 until May 1, 2013 (no continuances beyond that)

Referred to the City Council due back on 4/17/2013

53 [RLH VO 13-13](#)

Appeal of Sunday Olayinka, on behalf of African Christian Fellowship, to a Fire Certificate of Occupancy Revocation and Order to Vacate at 756 JACKSON STREET.

Sponsors: Brendmoen

Staff Report Only. Need feedback from inspector and building official.

RE: 756 Jackson St (Church/Synagogue/Temple)

Sunday Olayinka and another gentleman, on behalf of African Christian Fellowship, appeared.

Fire Inspector A. J. Neis:

- Revocation of a Fire Certificate of Occupancy / Order to Vacate, dated Mar 1, 2013; re-inspection Apr 1, 2013

- this was formerly a business occupancy converted into a church (from business to assembly)

- the inspector was invited into the property by Mr. Olayinka to find out what he could do to get it converted

- Mr. Olayinka obtained necessary permits

- they have given Mr. Olayinka time to allow continuance of operating the church while he's going through the repairs because the building has the required exits; other things need to be done

- however, it's well passed a reasonable time for compliance; some action will need to be taken

- this started Oct 2012

- Inspector Migdal was doing an inspection at another one of Mr. Olayinka's buildings on the same property, and was invited in to check and inspect conditions in the church; Inspector Migdal advised the Appellant on what needs to be done

- they got the ball rolling: went to Larry Zangs; pulled building permits; but the project is taking long than expected a change in use would be

Mr. Olayinka:

- a group (10-12) of them formed the African Christian Fellowship of MN, Inc

- the problem is that for this small group of people, they received a huge bid of \$78,000

- they went to the city and were told they needed to hire an architect to draw up the plan (huge bill); they decided that they needed to do some of the work themselves; a member, who is a contractor started to do some of the work

- then, the inspector said they needed to vacate; he called the architect, who told him that generally, you have a year to finish the project; so he is asking, in good faith, more time to get the work done - Apr 1, 2013 is a little harsh

Mr. Neis:

- that "year" refers to how long a building permit is good; he is not disputing that they can't be working on the church for another year; they are enforcing the "change in

use" from the business to an assembly (the reason for the Order to Vacate); not opposed to allowing a year for them to make the repairs

- Jan 28, 2013 at letter was addressed to African Christian Fellowship of MN Inc: Correction Notice with a Re-inspection:

A Re-inspection was made of your building on Dec 18, 2012 in response to a complaint. You are hereby notified that the deficiencies must be corrected prior to the re-inspection date. A final Re-inspection will be made on Mar 1, 2013 at 9:30 a.m. (the date the Fire C of O was Revoked) It indicated that the "change in use" had to be approved and all work needed to be completed no later than Mar 1, 2013.

- no one showed up for the inspection on Mar 1, 2013; he identified that the permits were not finalized and approved per his Order, which triggered the Order to Vacate

Ms. Moermond:

- what concerns does Mr. Neis have for using this as an assembly space?

Mr. Neis:

- Inspector Skow-Fisk previously inspected here in 2009 (inspected as a business occupancy) and there were 5 code violations: 1) light globes; 2) repair and maintain door when weather permits; 3) fire extinguisher; 4) multi plugs

Ms. Moermond:

- is inclined to keep working on the building permit with the understanding that you still haven't completed the "Change in Use" (still outstanding); in the meantime, let's give the Appellants an opportunity to work on it

- will ask the inspector to go back out and take a look to see what concerns remain in order for an assembly to continue

- these are building codes being called out

- this is a building code change in use; not a zoning code change in use

- she wants to talk with the building official about his take on how we should proceed

- the building permit gives you a full year but that doesn't mean the Fire Inspector will give you a full year

- is inclined to give the Appellant until the end of the building permit but needs to make sure the building is safe

- will lay this over for 2 weeks; will call/email the Appellant if he needs to come back to the LH

Mr. Neis:

- will be in communication with Ms. Moermond

Laid Over to the Legislative Hearings due back on 4/2/2013

54 [RLH FCO 13-60](#)

Appeal of Nataliia Karia to a Fire Inspection Correction Notice at 751 MINNEHAHA AVENUE WEST.

Sponsors: Carter III

Grant appeals for Items 11 and 13; deny and grant an extension to June 30, 2013 for driveway and painting to come into compliance.

RE: 751 Minnehaha Ave W (single family)

Sudhir Karia appeared on behalf of Nataliia Karia, owner.

Fire Inspector A. J. Neis:

- Fire Certificate of Occupancy Correction Notice Feb 21, 2013 by Inspector Lisa Martin

- 20 code violations identified

- appealing items 5: scrape / paint wood trim; repair damaged siding on garage (asking for additional time)
- 11: replace missing stairs to basement; secure door and provide approved permit for new stairs
- 13: discontinue use as a duplex; remove second kitchen on 2nd floor; cap all plumbing; permit may be required

Ms. Karia:

- when they purchased the property (Feb 2012) on a short sale last year, it was listed as a duplex
- when they reviewed the property information at Ramsey County, it was listed as a duplex
- they called the city and asked about which paid more taxes, a single family or a duplex, they city informed them that it was a duplex and because it has a kitchen on the 2nd floor, they cannot change it to a single family; therefore, they rented out the house to a family: the son and his girlfriend live downstairs and the mother and her son live upstairs
- so, they were willing to have it as a duplex
- when they had the inspection, the inspector said that they needed to tear out the kitchen, sink, etc. on the 2nd floor and change it back to single family
- they called Mary Montgomery at Zoning; she informed them that the inspector made an error and the house is a duplex

Mr. Neis:

- looking back at the TISH Reports 2004, 2005, 2007 and 2011 - all indicate that it's a legal nonconforming duplex
- the catch in this - this verified legal nonconforming duplex went to the Vacant Building Program in 2012 (opened Jun 2012; closed Oct 2012)
- if it sat vacant for more than 1 year, it would lose its legal nonconforming status

Ms. Moermond:

- it hasn't been vacant for more than 1 year; it's a legal nonconforming duplex
- she will take a look at the VB materials to find out when that decision was made and go back and fix it
- it's too cold to do scraping and painting; also, too cold for concrete
- will grant an extension to Jun 30, 2013 for the exterior work

Mr. Karia:

- explained that they removed the sheetrock blocking the interior staircase that had been put up by the previous owner and repaired some of the steps
- there are electrical panels in the basement and upstairs
- will secure the exterior access to the basement via padlocks

Referred to the City Council due back on 4/17/2013

55 [RLH FCO 13-62](#) Appeal of Michael Koch to a Fire Inspection Correction Notice at 1611 SPRUCE TREE DRIVE.

Sponsors: Stark

Grant an extension for 60 days to install delay emergency exit hardware as an alternative means of compliance which will be monitored by AnswerNet when the building is closed. If the monitoring changes, the alternative means of compliance will be disapproved for future use by the City.

RE: 1611 Spruce Tree Drive (Miscellaneous-H-Utility & Other)

Michael Koch, Metro Plains Management; Gary Grabko, Planning and Economic Development (PED), Parking Manager for the Housing Redevelopment Program; and Reid Banet, Park Ed Construction, appeared.

Fire Inspector A. J. Neis:

- *Fire Certificate of Occupancy Correction Notice Feb 25, 2013 re-inspection Mar 25, 2013*
- *the building is owned differently from the parking ramp, which is owned by the City of Saint Paul*
- *both are managed by Metro Plains Management*
- *when the parking garage was originally built, it was code compliant in that there were 2 required exits out of the 3 floors in the building; one of them exiting into a protected stairwell (the one in violation); the other one was through another staircase on the far west end of the building*
- *it was identified in the last fire inspection that these doors had been changed from what was legal (they put locks on the doors, so the 2nd required exit was rendered unusable in the event of an emergency); the inspector consulted with him and he went out to the property - indeed, the doors need to open into the stairwell in question*
- *the Appellant wanted to make sure that Fire was accurate; so Walker Parking Consultants was contracted and they came to the same conclusion (document already in the record)*
- *he advised Mr. Koch to hire a consultant because he was confident; they did provide some alternative methods of compliance, none of which actually meet code*
- *the only thing that meets code is to make those doors openable again*
- *the Appellant's concern: there is a large transient population in that area some of which sneak into the ramp and stairwell for shelter, which is scaring the occupants of the building*
- *4 methods have been proposed, none of which are truly code compliant*
- *Alternative #1: a monitoring company, AnswerNet, would install a 32 camera security system; when a fire occurs, they would remotely unlock the doors*
- *Alternative #3: install a heat sensor - it wouldn't work in the event that there's a fire far down at the other end*
- *the best solution if they can't reverse the doors: install some type of a fire alarm pull station where if someone panicked, they could pull that button - it would wait approximately 10 seconds and the doors would remotely unlock*
- *looking back at previous records, he believes that the parking garage may never have been inspected by the city; it never got on the C of O Program*

Mr. Grabko:

- *this is a licensed parking ramp*
- *there may have been an inspection through licensing*

Mr. Koch:

- *Metro Plains is concerned about their tenants' and customers' safety during the hours of 10:00 p.m. - 5:30 a.m. when the parking ramp is closed and the gates are down and no one can come in; that's why they have the doors to the parking ramp side of the stair tower locked*
- *the parking ramp has very low occupancy at that time; 10-12 cars stored by Ramsey County Corrections; the only other 2 cars would be the AnswerNet cars*
- *early arrivers are already greeted by people sleeping on the bench at the Snelling - University entry*
- *one Alternative: have AnswerNet monitor; if there's a fire, the doors would open; they have offered install emergency call boxes, which if there is a fire, and the east entry needs to be used, press the call box and the AnswerNet person can unlock it (from 10 pm - 5:30 am only); if someone is working late, he would need his access card, which would get you back in if there's a fire as you go out that door*

- 3rd option they suggest: cut a door into the exit corridor on the east side of the first level
- they will have to renovate every of their doors coming into the building if this Order is enforced because they are wood doors and will not survive; the parking ramp doors are fire-rated
- 134,000 sq ft bldg

Mr. Neis:

- can't find any record that indicates a Fire inspection was done at any time on the parking ramp
- the fire inspector was there doing a regular Fire C of O inspection on the building, itself and asked about the parking ramp assuming it was connected to it -went ahead and did the inspection on the ramp and found these concerns

Mr. Grabko:

- the HRA is concerned about the security of the office building
- doesn't know what may cause fire in the ramp except for a car and there's no cars around the exit

Mr. Neis:

- a fire is only one situation where the exits are required in a building of that size; there was a reason why the 2 exits were required when the building was built
- people need a way to get out of a building safely in an emergency situation
- ramp was built in 1988

Ms. Moermond:

- wants to ask Jim Bloom to take a look at these plans and find out more about what he approved when it was built
- there's definitely a safety concern with people breaking in (violent crime; nuisance value - balancing that)

Mr. Koch:

- the last time the ramp was unsecured, the ATM was taken out of the building

Mr. Neis:

- a delayed egress system with a call box-pull station would meet their concerns; it's not code compliant but would meet the intent (it would trigger AnswerNet; if unauthorized, they can call police or fire)

Ms. Moermond:

- doesn't quite address everything
- wants to set this up so that this was an acceptable alternative means of compliance on the condition that we continue to have AnswerNet still in place and serving this function; would need to be reviewed with every Fire C of O inspection; those 3 locations/levels would need the "delayed egress"

Mr. Banet:

- he was around in 1988 when the ramp was built and they've always had locks (nothing new)
- pull station - could be a local alarm; does not need to be a monitored alarm system and AnswerNet can monitor it (during the time the ramp is locked)

Mr. Neis:

- this is not code compliant but the best noncompliant solution (all agree)
- proper signage

Ms. Moermond:

- let's give it a try
- will recommend granting a 60-day extension
- the resolution will state that this gets checked at each Fire C of O inspection
- re-inspection in 60 days
- City Council Public Hearing Apr 17, 2013

Referred to the City Council due back on 4/17/2013

- 56** [RLH FCO 13-66](#) Appeal of Gidget Bailey, Tin Cups, to a Re-inspection Fire Certificate of Occupancy with Deficiencies at 1220 RICE STREET.

Sponsors: Brendmoen

RE: 1220 Rice St (restaurant/bar-B-Commercial)

Gidget Bailey, operator, appeared.

Fire Inspector A. J. Neis:

- Fire Certificate of Occupancy Correction Notice Feb 15, 2013 by Inspector Chris Skow-Fiske
- one remaining concern
- appealed is the lower level back exit
- Nov 16, 2012 inspection - "provide an additional approved means of egress due to an inadequate number of exits in the basement" (based on the sq. footage of the occupant load)
- previously, the basement was approved for a maximum use of 49 people but the basement was configured differently at that time; current configuration allows for 60 occupants, which triggers the need for a 2nd exit
- Fire has provided 3 alternative options: 1) return to re-existing approved conditions; 2) establish an approved occupant load of 60 persons by installing a fire sprinkler system in the lower level and improve the direction of exit - doors need to swing in the right direction; or 3) provide an additional means of egress other than through the kitchen and storage areas

Ms. Bailey:

- wants to keep it at 49
- she rents the building; owner lives in Seattle WA
- she hasn't touched the basement since they took over the business
- Inspector Skow-Fiske said there was too much square footage (?) better than cramming 49 people in
- if it needed to be that way, why wasn't it taken care of with the previous owner?
- she has occupancy signs: 1) 121 upstairs; and 2) 49 downstairs

Mr. Neis:

- when Inspector Skow-Fiske was there, the basement was set-up for more than 49 persons (Ms. Bailey: there's not more than 49 chairs downstairs)
- there's different requirements for different configurations (tables and chairs, chairs only, etc.)
- this was identified in the past because there was an agreement on file (cannot find that agreement)
- would like to lay this over to search for that agreement

Ms. Bailey:

- there are no doors downstairs

- there's one door at the very top of the stairs
- has the business plan that's part of their license

Ms. Moermond:

- basements are the most dangerous spaces to have people assembled in the case of a fire
- trying to think of how the fire risk can be mitigated (limiting the occupancy to fewer than 50 is one good way)
- Mr. Neis will check with licensing to try to find the agreement
- enforcement is stayed until this is resolved
- will Lay this over for 3 weeks; Appellant should return

Laid Over to the Legislative Hearings due back on 4/9/2013

57 [RLH FCO 13-65](#) Appeal of Gilbert Marty to a Fire Certificate of Occupancy Correction Notice at 935 UNIVERSITY AVENUE WEST.

Sponsors: Carter III

RE: 935 University Ave W (C-Retail-2nd Hand Dealer)

Gilbert C. Marty, owner, and building contractor, Al Stoby, appeared.

Fire Inspector A. J. Neis:

- Fire inspector Correction Notice from a complaint inspection conducted Mar 4, 2013
- complaint generated by Fire Dept, who responded on an emergency call Feb 28, 2013 at 7:20
- there was some short circuiting in an electrical box with some exposed wires
- while the Fire Dept was there, they were concerned with some of the hazards and contacted his office to address the safety concerns of the building
- in addition to their concern of the electrical issues, they noticed the back staircase was extremely unsteady as they climbed it
- Fire Inspector Mike Urmann went out to inspect the property and noted that the back staircase was indeed unsteady and Condemned it as unsafe
- Fire inspector took photos and showed them to building inspector Ken Eggars, who concurred that repairs needed to be made

Mr. Stoby:

- has no problem replacing the stairway and deck
- as a building contractor, he understands some of the concerns;
- deck is anchored to the building per current building code; however, it's up about 12 feet and screwed to the building with screw anchors
- he recommends adding vertical posts down to the concrete slab to add support, replacing the 4 x 4 posts with new 6 x 6 posts
- also, replacing the actual stairway completely

Mr. Neis:

- looking at the inspector's Orders more clearly, it states "remove or replace required exit stairway on the north"
- the deck, itself, does not appear to be a required exit; it's used to access the electrical meters
- need to have the Orders clarified with Mr. Urmann

Mr. Stoby:

- talked with Inspector Urmann personally, who said, "tear the deck down and make it

about 10 ft long"

Ms. Moermond:

- has no interest in making this more expensive than what it needs to be
- needs a building inspector to go out there and give her some feedback/advise on this (contact Mr. Stoby to be there at that time, also)
- will speak with Building Official Steve Ubl about this issue, too; will copy Inspector Mike Urmann
- will lay this over for 2 weeks

Laid Over to the Legislative Hearings due back on 4/2/2013

2:30 p.m. Hearings

Vacant Building Registrations

- 58 [RLH VBR 13-11](#) Appeal of Kevin Knudsen, on behalf of CP Real Estate LLC, to a Vacant Building Registration Renewal Notice at 1134 JULIET AVENUE.

Sponsors: Tolbert

Waive the Vacant Building fee until August 1, 2013 if the Code Compliance Certificate is received.

RE: 1134 Juliet Ave (single family)

*Kevin Knudsen, appeared on behalf of CP Real Estate LLC.
VB Registration Fee -CCPH 4-17-13*

Inspector Matt Dornfeld, Vacant Buildings:

- Category 2 Vacant Building opened Mar 12, 2012 per Condemnation by Code Inspector Joel Essling
- multiple code violations documented: lack of water service; defective storm door; gutters; large break in sewer line; multiple neighborhood complaints (rats going in and out of holes), emergency abated by city and now repaired
- current ownership went through a Sale Review process
- a Code Compliance Inspection is on file
- some permits remain open
- the VB fee is due; was unable to touch base with Mr. Knudsen
- the previous ownership had many neighborhood complaints about tall grass and weeds and unkemptness; since this ownership, there have been no complaints
- his intention was to put a waiver on the fee

Mr. Knudsen:

- foreclosed property - bought from Fannie Mai
- Mr. Dornfeld spoke of pre-existing conditions
- when they closed on it in Oct 2012, they paid the outstanding assessment
- got the code compliance inspection report
- they corrected the items and the property is beautiful: they did landscaping, replaced sidewalks - invested over \$40,000
- it will go on the market shortly
- his original intent was to move into the house but at this point, he thinks he will sell it
- finishing plumbing today; contractor will then Order final inspections
- put it on the market in the next 2-3 weeks

Ms. Moermond:

- City Council Public Hearing Apr 17, 2013
- will recommend a waiver on the VB fee if the Code Compliance Certificate is received by Aug 1, 2013

Referred to the City Council due back on 4/17/2013

59 [RLH VBR 13-12](#) Appeal of Steven and DonnaSue Flanders to a Vacant Building Registration Notice at 707 EDMUND AVENUE.

Sponsors: Carter III

Dept withdrew appeal. VB held for 120 days.

Withdrawn