



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final Legislative Hearings

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Tuesday, May 7, 2013

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Special Tax Assessments

- 1 [RLH AR 13-5](#) Ratifying the assessments for Tree Removal Services during Spring 2005 at 771 PIERCE BUTLER ROUTE. (File No. 0501T3, Assessment No. 139003) (To be laid over to April 16, 2013 Legislative Hearing and May 1, 2013 City Council public hearing)
- Sponsors:** Lantry
- Delete the assessment.*
- 771 Pierce Butler Route (duplex)*
- Lynette and Ronald Fohrenkamm, owners, appeared.*
- Inspector Karl Mueller, Forestry:*
- Orders dated Dec 8, 2004
 - 28" diseased elm tree was marked on Oct 18, 2004; compliance date Jan 8, 2005
 - re-checked Jan 21, 2005 - tree still standing
 - work done Mar 8, 2005 for a total cost of \$2,343.68; since is had been so long ago, a bill could not be located from the tree company
 - after tree was marked Oct 18, 2004, the letter was sent to LeRoy Engel (previous owner), 767 Pierce Butler Route
 - Oct 25, 2004, Mr. Engel called and stated that the tree was not on his property
 - they did a re-inspection Oct 27, 2004 at which time, the inspector said the tree was actually on 771 Pierce Butler Route
 - the current owner of 767 called and said this was not his assessment
 - Mr. Mueller went back out to do another survey; a survey marker was found in the back and it was determined that the property line runs right through the middle of that stump (now rotting)
 - when the property line runs through the middle of a tree/stump, the Orders are generally sent to both parcels and eventually, both parties are billed
 - in this case, Mr. Engel received the entire bill
- Appellants:*
- had owned the property at 771 back in 2004 but did not receive any notification; they knew that Mr. Engel had received notification

Ms. Moermond:

- in 2004, the Notice was sent to Mr. Engel and the resident at 767 but notification to the resident is not adequate to give legal Notice that there's a nuisance that needs to be abated
- Notice was provided to Mr. Engel and he should have been billed when it wasn't done; however, he should have been billed for only half of the entire cost

Mr. Mueller:

- this assessment is hanging on 771 Pierce Butler Route from 2004
- there's a resolution Dec 5, 2012 where the assessment was taken from 767 to 771 because the last letter that was sent was to 771 and the assumption was that the total assessment should go to 771 (767 was deleted and 771 was charged but did not receive proper notification)
- this assessment will be deleted
- she is feeling very awkward about re-assessing 767; although, assessments stay with a property (she will talk with attorneys and research the tax records regarding re-assessing 767)

Referred to the City Council due back on 5/15/2013

2 [RLH TA 13-87](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. 0501T3, Assessment No. 139003 at 771 PIERCE BUTLER ROUTE. (To be referred back to Legislative Hearing on May 7, 2013 and City Council Public Hearing on May 15, 2013)

Sponsors: Carter III

Delete the assessment.

771 Pierce Butler Route (duplex)

Lynette and Ronald Fohrenkamm, owners, appeared.

Inspector Karl Mueller, Forestry:

- Orders dated Dec 8, 2004
- 28" diseased elm tree was marked on Oct 18, 2004; compliance date Jan 8, 2005
- re-checked Jan 21, 2005 - tree still standing
- work done Mar 8, 2005 for a total cost of \$2,343.68; since it had been so long ago, a bill could not be located from the tree company
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- when the property line runs through the middle of a tree/stump, the Orders are generally sent to both parcels and eventually, both parties are billed
- in this case, Mr. Engel received the entire bill

Appellants:

- had owned the property at 771 back in 2004 but did not receive any notification; they knew that Mr. Engel had received notification

Ms. Moermond:

- in 2004, the Notice was sent to Mr. Engel and the resident at 767 but notification to the resident is not adequate to give legal Notice that there's a nuisance that needs to be abated

- Notice was provided to Mr. Engel and he should have been billed when it wasn't done; however, he should have been billed for only half of the entire cost

Mr. Mueller:

- this assessment is hanging on 771 Pierce Butler Route from 2004

- there's a resolution Dec 5, 2012 where the assessment was taken from 767 to 771 because the last letter that was sent was to 771 and the assumption was that the total assessment should go to 771 (767 was deleted and 771 was charged but did not receive proper notification)

- this assessment will be deleted

- she is feeling very awkward about re-assessing 767; although, assessments stay with a property (she will talk with attorneys and research the tax records regarding re-assessing 767)

Referred to the City Council due back on 5/15/2013

3 [RLH TA 13-264](#)

 Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1308A, Assessment No.138515 at 1185 BURNS AVENUE.

Sponsors: Lantry

 Approve the assessment and spread the payments over 2 years.

 RE: 1185 Burns Ave (duplex)

 Jacob Hyer, Occupant, appeared on behalf of the property owner

 Inspector Paula Seeley:

 - Snow Order issued Feb 21, 2013; compliance date Feb 23, 2013

 - re-checked Feb 27, 2013; work order sent

 - work done Feb 28 for a cost of \$160 + \$160 service charge = \$320

 - sent to Diane Gamm, 2217 32nd Ave S, Mpls and Occupant

 - no returned mail

 Mr. Hyer:

 - he got the Notice 11 days after he should have received it; it was in the wrong box; the other occupant was out of town

 - after his neighbor returned home, Mr. Hyer notices that the letter was still in the box so, he opened it and found the Notice

 - his landlord, Ms. Gamm, was in Asia on a trip; so he hadn't received the Notice from her, either

 - he went out and cleaned the sidewalk; he spent 4 hours chopping ice

 - when Ms. Gamm came home, she got another bill from the city

 - he has lived there about 3 years and has never shoveled

 - his landlord has been paying his neighbor to use his snow blower on the walk but he hadn't done it

 - he is not originally from Saint Paul and is not familiar with the law

 Ms. Moermond:

 - there's a lot of frontage - 80-100 foot lot

 VIDEO

 - even though the property owner is out of town, the work must be done anyway

 - will recommend approval of this assessment payable over 2 years

 - City Council Public Hearing Jun 5, 2013

Referred to the City Council due back on 6/5/2013

4 [RLH TA 13-301](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1304E, Assessment No. 138304 at 262 CONGRESS STREET EAST.

Sponsors: Thune

Delete the assessment.

RE: 262 Congress St E (Single Family)

Xai Mei Xiong, owner, and her mother appeared.

Inspector Joe Yannarely:

- Excessive Consumption
- while it was being rehabbed, it was also being illegally occupied, according to Inspector Senty
- notes: eventually, the sign-off was obtained; he went out several times; he could have issued a tag but he didn't
- Ms. Xiong moved into the house before she received her Certificate of Code Compliance saying that it was safe to live there
- the inspector explained to Ms. Xiong's brother, at one point, that you cannot live in the house before you get that certificate
- the charge is for the repeated visits by the inspector, who was trying to get them to leave the house until the certificate was issued
- the VB file is closed now; Feb is the anniversary date; there's no VB fee

Ms. Xiong:

- doesn't know what the letter is for; she called and someone said it was a bill for not cutting the grass
- she told them that she didn't move in until Sep 2012
- her first time buying a house; she didn't know what to do
- she did talk to Mr. Senty who said that unless Douglas fixed that one small problem, we couldn't live there

Ms. Moermond:

- there's a lot of different things going on in addition to cutting grass
- if the inspector went out and found no problem, there would not be a charge; but there always was a violation of the code; so, you get a trip charge

Ms. Xiong:

- when she bought the house, her realtor and the seller told her the house was ready to move into but she didn't physically move in until about 2 weeks after closing
- she was a first time home buyer

Mr. Yannarely:

- the approval letter is dated Jan 24
- the code compliance certificate was issued Nov 29, 2011 (all was fixed)
- there was no TISH
- plumbing permit was finalized in Aug; all permits were finalized in Aug 2012
- mechanical permit was finalized Jan 23, 2013 by Gary Stevenson (had been pulled Sep 4, 2012 for cleaning ducts and waiting for the air conditioner condenser to be inspected - the condenser had been stolen on Aug 15, 2012)
- they were waiting for documentation from the installer of the condenser on the air conditioner
- the permit was stuck open for 2 minor items that were not life safety issues

Ms. Moermond:

- the realtor and seller didn't tell Ms. Xiong the truth
- will recommend that the City Council delete this assessment; it appears that the items on the Code Compliance Inspection Report were 95% complete at the point of purchase but because of a couple of minor mechanical items, the Certificate was held up and not finalized until Jan 23, 2013; those 2 minor items are not reason enough to charge them for these inspections during this time period
- will call Mr. Ubl about this

Referred to the City Council due back on 6/5/2013

- 5 [RLH TA 13-291](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1308A, Assessment No.138515 at 2057 DAYTON AVENUE.

Sponsors: Stark

No show; approve the assessment.

Referred to the City Council due back on 6/5/2013

- 6 [RLH TA 13-319](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1307A1, Assessment No. 138523 at 537 RICE STREET.

Sponsors: Carter III

Delete the assessment; made some effort to remove the snow and ice.

RE: 537 Rice St (Misc-H-Utility & Other)

Sham Hassan, owner, Friendly Grocery and Deli Inc, appeared.

Inspector Joe Yannarely:

- snow and ice letter complaint came in and Orders were issued Jan 8, 2013 by Inspector Dennis Senty; compliance 48 hours after postmark
- re-checked Jan 11, 2013 and found in noncompliance
- work done Jan 14, 2013 for a cost of \$160 + \$160 service charge - \$320
- did have returned mail
- notice sent to Friendly Grocery and Deli, Inc, 537 Rice St, St. Paul (owner of record)
- the 2nd snow walk Notice was sent to Mounds View address
- Registered Vacant Building Form was submitted - has 537 Rice St address and U.S. Bank, California and previous owner in Bloomington, MN
- VB file was opened Nov 30, 2011 and closed Apr 3, 2013; the CS folder has the Mounds View address

VIDEO

Ms. Moermond:

- it looked to be a shoveled sidewalk after it had been trampled down and ice was compacted but not ankle breaking - decent effort to remove snow
- there was also returned mail
- will recommend this assessment be deleted

Referred to the City Council due back on 5/15/2013

- 7 [RLH TA 13-302](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1307, Assessment No. 138810 at 537 RICE STREET.

Sponsors: Brendmoen

Reduce the assessment from \$1255 to \$400.

RE: 537 Rice St (Misc-H-Utility & Other)

Sham Hassan, owner, Friendly Grocery and Deli Inc, appeared.

Inspector Joe Yannarely:

- in Category 1 Vacant Building Program from Nov 30, 2011 to Apr 3, 2013
- Mr. Senty noted: the Certificate of Occupancy Inspector Spiering stated that he is in the process of issuing a C of O and the VB file can be closed
- would recommend pro-rating the VB fee

Ms. Moermond:

- will recommend the City Council reduce the VB fee to \$400

Mr. Yannarely:

- 2 electric permits are closed
- it wasn't under a Team Inspection; it was under a Certificate of Occupancy inspection

Mr. Hassan:

- pulled electrical permit in Dec 2012 and was waiting for someone to come to make final inspection just to get the power back on
- no other permits were needed; just clean-up

Ms. Moermond:

- will call the electrical inspector to find out what went on with their schedules; the assessment should be \$400 or less
- will call Appellant after she talks to electrical inspector

Referred to the City Council due back on 5/15/2013

8 [RLH TA 13-240](#)

 Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1306A, Assessment No. 138505 at 1094 ST. CLAIR AVENUE. (To be referred back to May 7, 2013 Legislative Hearing and June 5, 2013 City Council Public Hearing)

Sponsors: Thune

Reduce the assessment from \$320 to \$160.

RE: 1094 St. Clair Ave (single family)

Kathleen Dolliff, owner, appeared.

Inspector Paula Seeley:

- Snow Order issued Dec 17, 2012; compliance date Dec 19, 2013
- re-checked Dec 20
- work done Dec 26, 2012 for a cost of \$160 + \$160 service charge = \$320
- sent to Dan Klobuchar, 1094 St. Clair Ave; Katlyn Buledge, Excelsior; and Occupant
- no returned mail
- correct owner in the county record now

Ms. Dolliff:

- her husband and she are owners; bought property end of Sep 2012
- her son lives there with some roommates

- her son has some mental issues
- didn't receive a notice that said an inspector was out day certain and they had x days to clean it up
- is not disputing it that the city did the work
- she is new to St. Paul and was not aware of a snow clean-up
- just got the notice of the assessment once it was done
- Klobuchars are the previous owners who now live in CA

Ms. Moermond:

- this Notice went to the previous owner and to Ms. Dolliff's son at 1094 St. Clair Ave
 - looks as though paper work wasn't filed to get Ms. Dolliff into the Fire Certificate of Occupancy Program (she didn't know)
 - balancing that Notice went to the Occupant and the Fire C of O paperwork wasn't filled out, she will recommend splitting the assessment (reducing it to \$160)
- VIDEO

- doesn't look like any attempt had been made to take care of the snow

Referred to the City Council due back on 6/5/2013

9 [RLH TA 13-241](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1308A, Assessment No. 138515 at 1094 ST. CLAIR AVENUE.

Sponsors: Thune

Approve the assessment.

RE: 1094 St. Clair Ave (single family)

Kathleen Dolliff, owner, appeared.

Inspector Paula Seeley:

- Snow Order issued Feb 8, 2013; compliance date Feb 10, 2013
- re-checked Feb 13, 2013; work order sent
- work done Feb 15, 2013 for a cost of \$160 + \$160 service charge - \$320
- sent to Kathleen Dolliff, Occupant and Mr. Klobuchar
- no VIDEO is available

Ms. Dolliff:

- again, she did not receive the Notice but did received the assessment
- is not disputing the charges

Ms. Moermond:

- printed out the Notices for Appellant
- will recommend this assessment be approved

Referred to the City Council due back on 6/5/2013

10 [RLH TA 13-290](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1304E, Assessment No. 138304 at 160 RICHMOND STREET.

Sponsors: Thune

No show; approve the assessment.

Referred to the City Council due back on 6/5/2013

11 [RLH TA 13-293](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No.

J1308P, Assessment No. 138407 at 1221 UNIVERSITY AVENUE WEST.

Sponsors: Stark

Delete the assessment; waive on file.

Referred to the City Council due back on 6/19/2013

- 12 RLH TA 13-330** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1308P, Assessment No. 138407 at 995 UNIVERSITY AVENUE WEST.

Sponsors: Carter III

delete the assessment; waiver signed at hearing.

Referred to the City Council due back on 6/19/2013

Staff Reports

- 13 [SR 13-21](#)** Reviewing request of Owner, Khai Lim, to a Vacant Building Fee at 111 HOYT AVENUE WEST.

Sponsors: Brendmoen

Called owner about the reduction and he is still not happy with it.

Laid Over to the Legislative Hearings due back on 5/14/2013

Special Tax Assessment Rolls

- 14 RLH AR 13-45** Ratifying Graffiti Removal services during February 5 to March 11, 2013. (File No. J1308P, Asmt No. 138407)

Sponsors: Lantry

Referred to the City Council due back on 6/19/2013

- 15 RLH AR 13-46** Ratifying Boarding and/or Securing services during February 2013. (File No. J1309B, Asmt No. 138109)

Sponsors: Lantry

Referred to the City Council due back on 6/19/2013

- 16 RLH AR 13-47** Ratifying Tree Removal services from January to February 2013. (File No. 1305T, Asmt No. 139005)

Sponsors: Lantry

Referred to the City Council due back on 6/19/2013

11:00 a.m. Hearings

Orders To Vacate, Condemnations and Revocations

- 17 [RLH VO 13-16](#) Appeal of Abdiwahab Ali Omar to a Fire Certificate of Occupancy Revocation and Order to Vacate at 1842 STILLWATER AVENUE.

Sponsors: Lantry

Owner missed hearing due to car accident. Rescheduled.

RE: 1842 Stillwater Ave (single family)

Laid Over to the Legislative Hearings due back on 5/14/2013

- 18 [RLH VO 13-21](#) Appeal of Cheng Vang to a Fire Certificate of Occupancy Revocation and Order to Vacate at 1525 IVY AVENUE EAST.

Sponsors: Bostrom

Grant until June 7, 2013 for compliance or tenant(s) must vacate the property.

RE: 1525 Ivy Ave E (single family)

Cheng Vang, tenant, appeared.

Fire Inspector Leanna Shaff:

- *Fire Certificate of Occupancy Revocation*
- *inspection conducted by Inspector James Thomas on Mar 22, 2013 (tenant allowed access)*
- *no work has been done; inspector can't get a hold of owner*
- *the phone number just takes messages; tenants don't know how to contact the owner either*
- *so, there's no choice but to Revoke the Fire C of O for noncompliance*
- *appointment letter was sent Jan 22, 2013; original appointment was for Feb 20, 2013; Orders were written*
- *Apr 23, 2013, inspector tried to call owner a couple of times with no response and no return calls*

Ms. Moermond:

- *recapped: Feb 20 - original inspection; follow-up inspection Mar 22, 2013 - no show by owner but tenant appeared*
- *another set of Orders went out Mar 23, 2013*
- *next appointment Apr 23, 2013 - spoke with tenant; owner was a no-show*
- *Apr 24, 2013 - letter of Revocation went out*

Mr. Vang:

- *the owner is his cousin and he lives in Florida*
- *the letter went to owner; Mr. Vang didn't get one*
- *most of the items on the list are completed except for what they are waiting for the contractor to do (#6 & #9)*
- *#9 - he has contacted someone for it*
- *#6 - doesn't know who the right person would be; city needs a form (HVAC)*
- *#7 - needs to be completed by owner; smoke detector affidavit*
- *the Notices go to the owner's old office, Hyacinth LLC on Rice St, Roseville*

Ms. Moermond:

- *walks through the 11 items on list*
- *basement - needs handrail - DONE*
- *light fixtures with protected globes - DONE*
- *bathroom floor impervious to water; toilet needs tightening and caulk; - DONE - he*

put in a new toilet
 - multi-plug adaptors - DONE
 - heating facility inspection form filled out - will do
 - smoke detector affidavit - will do
 - snow blower and propane in breezeway - DONE
 - dryer duct - mechanical person is coming to look at it
 - sleeping in basement - do have an egress window that has been unblocked
 - main floor bedroom - all DONE

Ms. Shaff:

- there's no permit in file for toilet replacement; toilet replacement requires a permit and the work done by a licensed plumbing contractor
 - it is incumbent upon the owner to provide current contact information of which they have none; but, they have also not received any returned mail

Ms. Moermond:

- provided Appellant with a Fire Certificate of Occupancy application form which he must send to his cousin, the owner, who must fill it out with his current contact information
 - if Mr. Vang is the property manager, etc., his contact information can also go on that form so he will be contacted
 - mechanical contractor must pull a permit
 - the toilet replacement must be permitted by a licensed plumbing contractor and the city's plumbing inspector needs to sign off on it
 - if Mr. Vang is named as property manager, she will accept his signature on the smoke detector affidavit; owner can get that on-line and send it to Fire Inspections / Inspector Thomas
 - will set a deadline of Jun 7, 2013 for all the work to be done and the work signed-off or the property Vacated
 - Appellant should call Mr. Thomas to make an appointment for before Jun 7, 2013
 - City Council Public Hearing Jun 5, 2013

Referred to the City Council due back on 6/5/2013

19 [RLH VO 13-22](#)

Appeal of John Domagall to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 1434 MCAFEE STREET.

Sponsors: Bostrom

On May 14, 2013, documents were submitted showing that Eric Domagall is now part owner of the property; therefore, Ms. Moermond recommends that the owners are out of the Fire C of O program.

Grant until June 7, 2013 for compliance (Legislative Hearing Officer withdrew Item 2 - smoke detector affidavit). Son must provide proof, per document, that he is part owner in order to get out of the Fire Certificate of Occupancy Program.

RE: 1434 Mcafee St (single family)

John Domagall, owner, and son, Eric, occupant, appeared.

Fire Inspector Leanna Shaff:

- Revocation of Fire Certificate of Occupancy - Inspection conducted by James Thomas
 - first inspection: Feb 10, 2012; second inspection: May 24, 2012;
 - Aug 6, 2012 - owner called and said that he and his son are in Sturgis and won't be able to have permits finalized until he and his son return

- notes that son was doing the work
- a new furnace was installed by son Eric without a permit; unless it's looked at by the appropriate inspector and signed-off, it's not a safe appliance
- Feb 13, 2013 - gas and warm air permits were pulled
- Apr 2012 - permit was pulled for dryer vent and corrections were required (secure and seal the window that is next to the dryer exhaust outlet)
- she spoke to a man who called and said he was a friend of the family; he was going to check things out and call for permit finals but she hasn't heard back
- last time Inspector Thomas was at the house: Apr 30, 2013

Mr. Domagall:

- he doesn't want his son, his son's wife and the baby thrown out of the house
- he believes that right now, all the items have been satisfied; an inspector is coming today at 1 p.m.
- this is a family home; his parents lived in the house for 28 years
- they didn't understand why the inspector was there
- the property is currently homesteaded
- they have complied with the list; it just needs to be verified
- the house is very well-kept
- they pulled a permit for the furnace
- they faxed all documentation to the appropriate parties

Ms. Moermond:

- asked if son Eric would be getting an ownership stake in the house (mortgage; putting his name on the deed; acknowledging his ownership, in some way), which would get them out of the Fire C of O Program

Mr. Domagall:

- we can get that done

Ms. Moermond:

- the permitting situation needs to be taken care of (dryer vent to be inspected; furnace also; and those permits signed-off)
- get the work done by Jun 7, 2013 (can skip the smoke detector affidavit)
- show her a piece of paper that indicates son Eric is an owner in some fashion and this will be out of the Fire C of O Program (no more inspections)

Referred to the City Council due back on 6/5/2013

11:30 a.m. Hearings

- 20 [RLH FCO 13-91](#) Appeal of John Hynan to a Fire Certificate of Occupancy Correction Notice at 475 UNIVERSITY AVENUE WEST.

Sponsors: Carter III

Staff Report follow-up. LHO to confirm with building inspector.

RE: 475 University Ave W (General Retail & Services -B-Commercial)

John Hynan, owner, appeared.

Fire Inspector Leanna Shaff:

- Fire Certificate of Occupancy Correction Notice
- inspection conducted by Sebastian Megdahl
- item: provide rungs where missing or completely remove the roof access ladder (6

rungs are missing)

- in the appeal, Appellant writes about the building code section, which is absolutely correct; however, if it doesn't need to be there, take it off; if it's there, it has to have all of its pieces

- photos

Mr. Hynan:

- his dad built the building

- spoke with Pope Architects

- that space up there is needed for storage

- it's been inspected for 10-12 or more years and no one has said anything about it

- it will cost him more money to move that equipment off site

- they could take all the rungs out but it's not functionable the way it is now because the rungs begin about 6 feet up

- does not believe that the Fire Dept will ever use that ladder as access

Ms. Shaff:

- the Minnesota state code says it is a requirement for servicing of that; if the ladder's not there, it's fine; just use the ladder that you have leaned up there but if that ladder is there, it has to be in good repair

Mr. Hynan:

- replace the rungs or remove that whole steel structure (?)

- the railings are bolted to the structure and it's on a cement slab

- if a bridge is not usable, they put barriers across it, they don't take it down

- and no one can get to that room unless they have a key or they break the door down

Ms. Moermond:

- inclined to recommend the Council grant a waiver on this but she will need to make a quick call to the building official on this

- she will get back to Mr. Hynan on this

- follow up next Tue, May 14, 2013

- will send Appellant a letter of explanation

Laid Over to the Legislative Hearings due back on 5/14/2013

1:30 p.m. Hearings

Fire Certificates of Occupancy

21 RLH FCO Appeal of Michelle Nuttall to a Fire Certificate of Occupancy Correction
13-102 Notice at 988 FIFTH STREET EAST.

Sponsors: Lantry

Laid over to get photos and feedback from plumbing inspector.

RE: 988 Fifth St E (duplex)

Michelle Nuttal, owner, appeared.

Fire Inspector A. J. Neis:

- Fire Certificate of Occupancy Correction Notice Apr 15, 2013

- inspection conducted by Bill Beumer

- appealed are 2 deficiencies out of the 7 listed
- #2 water heater venting concern
- #5 missing hard wired smoke detectors
- he spoke with Inspector Beumer and plumbing inspector, Rick Jacobs earlier today
- he cannot tell what may or may not be wrong with the water heater venting (the inspector could not recall and photos were not available) without some verification; he asks that Inspector Beumer go back out to take some photographs of the concern
- #5 - the Order was written to replace the old and improperly working hard wired smoke detectors; however, according to Inspector Beumer, the property owners did put up battery-operated smoke detectors next to the non-functioning old hard wired smoke detectors; if smoke detectors are hard wired, they need to be maintained as such
- when buildings are built today, the code requires that all smoke detectors be connected and hard wired

Ms. Nuttal:

- the smoke detector rule was not explained to her in the same way that Inspector Neis explained it
- there are 3 hard wired smoke detectors in the house; one on each floor
- the one on the 1st floor works but the inspector didn't think it was loud enough; so, they put the battery one right next to it
- the one in the basement - could not figure out how to make it go off
- she told the inspector that she had brand new hard-wired smoke detectors to install, she just didn't get to it before the inspection
- her concern is that they base your next inspection date on deficiency points and she didn't think it was fair to get points knocked off because the smoke detectors just hadn't gotten installed in time

Mr. Neis:

- inspectors have to write it up if the item is not installed even if the equipment is there and ready to go; they can't assume that it's going to be installed
- in this case, it worked out to the property owner's favor; that deficiency had no bearing on their grade, whatsoever (currently, it's a "B" building)
- the #2 violation has 6 points (even if those 6 points were taken off, the grade would remain "B")

Ms. Nuttal:

- the hard-wired smoke detectors are now installed
- actually, the one on the 3rd floor was working properly
- #2 - they have 2 hot water heaters that are vented into 1 pipe going into the chimney; they have never been cited for this before and they have owned this rental property for 20 years and the water heaters have been functioning for 20 years; at the time of installation, you did not have to have a chimney liner, which you need now; they would like to wait until they need to replace the hot water heaters to put in a chimney liner - all at one time; they have no evidence that there's any issue with the way it is now; the possibility is of a back draft; everything was measured and is fine; it would be extremely expensive for them to do it now; she had a couple of plumbers out and they didn't understand what the problem was, either, and both of them suggested different ways in which to do this

Ms. Moermond:

- outside of a code compliance inspection and a major replacement, she hasn't seen chimney liners called out

Mr. Neis:

- he would like Rick Jacobs or one of his plumbing inspectors to take a closer look at

that venting issue and if there is no issue, he is willing to abate that Order; if there is an issue, the plumbing inspector would be able to provide guidance to the Appellant

Ms. Nuttal:

- the last time this property was inspected, she specifically remembers the inspector (Wayne Spiering) saying, "Wow! Someone finally vented 2 hot water heaters properly." It didn't occur to her to tell that to the inspector this time

Mr. Neis:

- is looking back at Inspector's notes
- 2011 inspection: approved; see no issues in regard to water heaters
- 2008 inspection: approved; again, not an issue

Ms. Moermond:

- asked the Appellant to take some pictures of the situation and email them to Ms. Moermond
- will lay this over for 2 weeks just in case, she can't tell from the photos, etc.
- thinks they will be able to abate the Order and the evidence will be on file

Laid Over to the Legislative Hearings due back on 5/21/2013

22 [RLH FCO 13-97](#)

Appeal of Dan Kubat to a Fire Certificate of Occupancy Correction Notice at 1369 HEWITT AVENUE.

Sponsors: Stark

Grant a 2-inch variance on the ceiling height of the second level; grant until October 1, 2013 for exterior painting, noting that a future variance for the basement ceiling height may be necessary if it is completed.

RE: 1369 Hewitt Ave (single family)

Dan Kubat, owner, appeared.

Mr. Kubat:

- doesn't want the painting issue to hold him up from getting his Certificate of Occupancy

Fire Inspector A. J. Neis:

- a rather unique file
- Inspector Lisa Martin consulted with Mr. Neis on this
- this building had been sold in 2012
- the Appellant purchased the property and started working on the building
- it had been unoccupied for quite some time as the inspector tried to access the property
- the building was a Revoked Unoccupied status as of Aug 2012
- Oct 2, 2012, it was still vacant; so, Inspector Martin sent it to the Vacant Building Program and they gave it a Category 1 status; however, it doesn't appeal that they ever opened up a VB file
- the house is in pretty nice shape
- there is some work being done in the basement and there are open permits: plumbing and general remodel
- because the VB file was never opened, he instructed Ms. Martin to go back out to the property and do a closer C of O inspection; if everything is in line, there's no need to open a VB file - let the Appellant finish and give him a C of O
- Appellant is looking for more time to resolve some of the exterior violations (minor peeling paint - #2)

- Mr. Neis would like to see the permits finalized for the finishing of the basement (bathroom, bedroom, egress window)

Ms. Moermond:

- rather disappointed with the way the ceiling order is written- #7- it doesn't describe what proportion of the floor area is 6'11" area covers, although eyeballing it, it looks like approximately 1/4.

Mr. Kubat:

- the knee wall is approximately 49-50 inches
- when he took the square footage of the floor, he took out the stairs and the other knee walls that could be approximately 5 feet
- there is 242 sq.ft. floor area and 92 sq.ft. of flat ceiling area than ranges from 6' 11 1/4" to 7'6"

Ms. Moermond:

- it does look like a 4 ft. height to her, so the area comes closer to a third than a fourth
- the area that's relevant to the measure does not include the floor area outside of the 5 feet zone
- so, about 1/3 of the area is 6' 11" - the code says 1/2 should be 7 feet and this is close enough
- she will recommend that the Council grant up to a 2 inch variance in the height of the ceiling and a variance allowing 1/3 as opposed to 1/2

Mr. Kubat:

- the exterior is mostly stucco with all aluminum soffit and fascia; the brick mold on the window and sill has some peeling paint which needs to be re-painted; the gable ends has vinyl siding
- there's some peeling paint on the sills under and around the storm windows of the front porch and there may be a shadow board going up along the soffit
- he intends to repaint soon, he just doesn't want that to delay occupancy now

Ms. Moermond:

- she is concerned with the peeling areas for now and will grant until Oct 1, 2013 to get that done
- the house can be occupied before the permits for work in the basement are closed but no one can be living in the basement

Mr. Kubat:

- his daughter will be living in the basement when it's finished
- the re-inspection is scheduled for the 30th
- Inspector Martin can check the permit status in the computer system
- he will replace one of the windows upstairs (currently, neither window up there opens far enough)
- she will email Mr. Kubat regarding the outcome and a resolution will go on file

Referred to the City Council due back on 6/5/2013

23 [RLH FCO 13-94](#)

Appeal of Michaelene Spence to a Fire Inspection Correction Notice at 975 WAKEFIELD AVENUE.

Sponsors: Lantry

Grant the appeal conditioned on: 1) this upstairs space continuing to be used as a single bedroom; and 2) additional plumbing fixtures are in other parts of the unit do meet room separation requirements.

RE: 975 Wakefield Ave (single family)

Michaelene Spence, owner, appeared.

Fire Inspector A. J. Neis:

- Fire Certificate of Occupancy Correction Notice dated Mar 4, 2013
- appealed is #3 - every dwelling requires the privacy of a bathroom
- spoke with Inspector Bill Beumer and this inspection coincided with an application for a rooming and boarding house license, which triggered an Environmental Health inspection and the Fire inspector went out, as well
- the Appellant was granted that license and everything is good to go
- the room in question is up on the 3rd floor; it's a master suite that has a bed, vanity, toilet, etc. and affords privacy to the occupant
- not opposed to recommending a variance

Ms. Moermond:

- as long as this room continues to be used in its current fashion, she will recommend that the Council grant a variance on the separation of the bathroom fixtures from the main sleeping area
- City Council Public Hearing Jun 5, 2013

Mr. Neis:

- he will have the fire inspector set up a re-inspection to take place in 2-3 weeks

Referred to the City Council due back on 6/5/2013

24 RLH FCO 13-95

Appeal of John D. Foster to a Fire Inspection Correction Notice at 1666 MARYLAND AVENUE EAST.

Sponsors: Bostrom

Grant until July 1, 2013 for the fuel burning equipment report; laid over to give owner a chance to allow inspector interior access.

RE: 1666 Maryland Ave E (single family)

No one appeared.

Mai Vang:

- owner, John Foster, lives out of state
- the last time Mary talked with him, he works at a school and he wanted this appeal scheduled for after school was dismissed because he has no one here to take care of his property; we told Mr. Foster that he'd be scheduled for today's LH
- he filed this appeal Apr 22, 2013 and he is asking for an extension to get the fuel burning equipment report
- provided Mr. Foster's email

Inspector A. J. Neis:

- a unique situation that should probably go to the Vacant Building Program
- he consulted with Inspector James Thomas, who has not gained access to this building yet but that's not in the Orders
- they understand that this building is vacant; the Appellant indicates that in his appeal
- according to the inspector, this may soon be in foreclosure

Ms. Moermond:

- will grant an extension to Jul 1, 2013 to come into compliance with the fuel burning equipment report
- will lay this over for 2 weeks to give Inspector Thomas a chance to write corrected Orders and assume that those Orders are also under appeal

Laid Over to the Legislative Hearings due back on 5/21/2013

Staff Reports

- 25 [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
- Recommend the Council grant a variance allowing the space to be used with only one exit, due to substantial decrease in usable floor area with the addition of the permanent serving area.*
- RE: 1220 Rice St (Restaurant/Bar-B-Commercial) Tin Cups*
- Ms. Moermond:*
- explained the agreed upon solution with diagram to Fire Inspector A. J. Neis
 - the occupancy level, according to the square footage of the lower level, is 66 but the Fire Certificate of Occupancy paper says 49 and they want only 49
 - options: 1) to provide a 2nd exit so that they could use the space for 66 (the 2nd exit would be incredibly circuitous); or 2) to decrease the square footage of the usable space
 - the decided upon solution: create a cabinet and serving area to automatically decrease the usable space for tables, etc.
 - the owner agreed to that solution this morning; he sent his architect's rendering
 - we will scan and make this part of the record
- Referred to the City Council due back on 6/5/2013**

2:30 p.m. Hearings

Vacant Building Registrations

- 26 [RLH VBR 13-20](#) Appeal of Robert and Christine Johansen to a Vacant Building Registration Requirement at 1409 JULIET AVENUE.
- Sponsors:** Tolbert
- Appeal withdrawn by DSI; VB fee held for 90 days.*
- Withdrawn**
- 27 [RLH VBR 13-18](#) Appeal of To Ha Nguyen to a Vacant Building Registration Renewal Notice at 1368 MARION STREET.
- Sponsors:** Brendmoen
- Waive the Vacant Building fee for 6 months to become code compliant.*
- RE: 1368 Marion St (single family)*

To Ha Nguyen, owner, appeared.

Inspector Matt Dornfeld, Vacant Buildings:

- has been a Category 2 Vacant Building since 2008
- the VB fee has gone to assessment the last 3 years
- was at LH in Jun 2010; Ms. Moermond recommended granting an extension on the expired code compliance and a possible fee proration pending how long it took to get the sign-off; since then, nothing was done until recently
- Mar 14, 2013, a new code compliance inspection was ordered, paid for; and performed on Mar 29, 2013
- building permit and plumbing/gas fitting permit were pulled May 6 and May 7, 2013
- a VB fee is due now; property owner asked for an extension, which he did not grant
- electrical permit still needs to be pulled
- the pulled permits will expire May 15, 2013 unless the VB fee is paid

Ms. Nguyen:

- bought this house 5 years ago
- she started to fix it 5 years ago with a contractor who took her \$30,000 and ran away when he was only half-way done
- it's been very hard for her to find the money again until now
- in Mar, she called for a final inspection and they told her about all this, so, she has no clue as to how to handle this
- the new contractor has more than 90% done and is waiting for the inspector to come
- she provided the contract with Kiet Construction for Ms. Moermond to review; the contractor is licensed

Mr. Dornfeld:

- the recent code compliance has a few electrical items on it
- Appellant has paid for 4 VB fees already

Ms. Moermond:

- contract shows cost estimates for plumbing and building work (permits already pulled); and then an additional estimate for \$1,000 to do venting work in the upstairs bathroom (no permit for that yet)
- nothing related to electrical in the paperwork
- wants to see this house fixed up and done
- would like to waive the VB fee to give Appellant a chance to finish the work

Ms. Nguyen:

- the work should take from 2-3 months because of the back and forth inspections with the city; would like to finish in 2 months because the a window has already been broken twice

Ms. Moermond:

- the VB fee that's currently due will cover from now, May 2013 through May 2014
- will recommend waiving the VB fee for 6 months
- if the work isn't done in 6 months, Appellant will get a bill for the entire year
- if the work is done in 6 months, the VB fee will disappear

Referred to the City Council due back on 6/5/2013

28 [RLH VBR 13-19](#)

Appeal of Bruce Singer, Roblin Investments, LLC, to a Vacant Building Registration Notice at 748 TATUM STREET.

Sponsors: Stark

Appeal withdrawn by DSI-Fire. Allow 40 days to complete work.

Withdrawn

- 29 [RLH VBR 13-21](#) Appeal of Lien Kim Dang to a Vacant Building Registration Requirement at 572 VAN BUREN AVENUE.

Sponsors: Carter III

Deny the appeal.

RE: 572 Van Buren Ave (single family)

Lien Kim Dang, owner, and interpreter, Tong Nguyen, appeared.

Ms. Dang:

- she is currently living across the street with a neighbor but on May 15, 2013, she will have to move from that house

Matt Dornfeld, Vacant Buildings:

- a Category 2 Vacant Building file was opened Sep 20, 2012 per Condemnation by Craig Meshuga (mental health and House Calls were involved)
- Oct 3, 2012 - a 6 month Vacant Building fee waiver was granted by Ms. Moermond
- since then, city had to perform a Work Order in the back yard to remove hay, household items, refuse, loose litter and recycling materials; also had to clean up the side walk from snow and ice
- Apr 30, 2013, he received an email complaint stating that the property owner was illegally occupying the property (he cannot confirm that)
- photos in the record on the Condemnation
- Mr. Nguyen is not involved
- have a recent code compliance fee paid; inspection was completed yesterday (report is pending)
- believes Appellant is looking for an extension of the VB fee

Mr. Nguyen for appellant:

- he is helping Ms. Dang as an interpreter; he is also a real estate agent
- he is trying to find a contractor for her; we got the code compliance report
- Ms. Dang can pay someone a little at a time
- contractors said they will sit down to help her get this done

Ms. Moermond:

- Ms. Dang has a very limited income
- the conditions of the house are quite bad
- House Calls and Ramsey County Mental Health Program have been involved
- is concerned about: 1) making sure Ms. Dang has housing and that it is safe; and 2) protecting her asset (maybe getting it fixed so that she could live there or sell it)

Mr. Nguyen:

- she has no plan for after May 15, 2012 when she loses her current housing
- the house is paid for

Ms. Moermond:

- House Calls Program, Kay Wittgenstein; Project Hope, Southern Minnesota Regional Legal Services, 222-5863, Martha Eabes (after the hearing today, they will call from this office on speaker phone)
- the Vacant Building fee is being appealed because Ms. Dang doesn't have the

money to pay that

- but in order for a contractor to be able to pull permits to do the work, Ms. Dang will need to have the VB fee paid; it goes to assessment mid-Jun, 2013

- she will ask the Department of Safety and Inspections (DSI) to allow permits to be pulled and when the assessment comes through, we'll divide it over 5 years as property tax

- as she looks at the house - that asset is worth almost nothing; it's in very bad shape and there's no equity to finance getting it fixed or to get another place

- Mr. Dornfeld has had a lot of experience working with Vacant Buildings and he thinks that it would be good to sell the house right now (she already has the Code Compliant Inspection); the money could go to help Ms. Dang to be more comfortable; perhaps she could sell it for \$5,000 - \$15,000, which would be a nice savings account for her moving forward, which would be better than struggling to get it fixed and still falling short and then, losing whatever resources she has

Mr. Nguyen:

- Ms. Dang really wants to stay in that neighborhood; it's close to her daughter, her church and her grocery store, etc.

- she also owes the Frogtown Housing Company some money, which will come out of the sale of the house

Ms. Moermond:

- she'd like to adjourn now and go into a conference room to call Project Hope or House Calls to help her get into some housing very quickly

- hopefully, they can find somewhere in Frogtown

Mr. Nguyen:

- Ms. Dang says she has no other choice

- also, she has a problem with her head - if she has to use an elevator, it makes her very dizzy

- the house has a plumbing leak

- the lights and the heat still work

Ms. Moermond:

- DSI estimates there is between \$50,000 - \$80,000 work to be done, going from the Code Compliance inspection report

- will recommend denying this appeal

Referred to the City Council due back on 6/5/2013

Window Variances: No Hearing Necessary

- 30 [RLH FOW 13-7](#) Appeal of Nicole Chessnoe to a Correction Notice - Child Care Inspection at 1611 CHAMBER STREET.

Sponsors: Bostrom

Grant a 4-inch variance on the openable height of the egress windows in the second story bedroom. (No hearing necessary)

Referred to the City Council due back on 6/5/2013