



# City of Saint Paul

15 West Kellogg Blvd.  
Saint Paul, MN 55102

## Minutes - Final Legislative Hearings

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

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Tuesday, May 3, 2011

9:00 AM

Room 330 City Hall & Court House

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### 9:00 a.m. Hearings

#### Special Tax Assessments

- 1 [RLH TA 11-31](#) Appeal of Special Tax Assessment for 579 BIDWELL STREET for Project #: 1106T, Assessment #: 119096 in Ward 2.

**Sponsors:** Thune

**Attachments:** [579 Bidwell St- Tree letter - 7-30-10.pdf](#)  
[579 Bidwell St - Picture - 10-26-10.pdf](#)  
[579 Bidwell St.McCoy Ltr.4-12-11.pdf](#)

*No one appeared. Delete the assessment.*

*RE: 579 Bidwell Street*

*Karl Mueller, Forestry, reported that he received a letter from Michael McCoy saying that he was flyer but never got a follow-up letter. The letter was sent to Scotts Bluff, Nebraska. Ms. Moermond noted that was MERS, a clearing house for land titles. She asked if the City knew when Mr. McCoy acquired the property. Mr. Mueller said, "No." He said the tree was marked and flyered on July 26, 2010; the letter was sent July 30, 2010. The tree was removed February 4, 2011. Mr. Mueller added that they had been using Triton to locate owner information; however, he learned after a while that they were no longer updating their information. Currently, they are using STAMP.*

*After researching the tax records, Ms. Moermond stated that the letter went to the wrong party. She will recommend the assessment be deleted.*

**Referred to the 5/4/2011 City Council**

- 2      [RLH TA 11-32](#)      Appeal of Special Tax Assessment for 127 FRONT AVENUE for Project #: 1106T, Assessment #: 119096 in Ward 5.

**Sponsors:**      Helgen

**Attachments:**      [127 Front Ave - letter - 7-15-10.pdf](#)  
                                 [127 Front Ave - Picture - 8-16-10.pdf](#)  
                                 [127 Front Ave.Deed.pdf](#)

*No one appeared. Delete the assessment.*

RE: 127 Front Avenue

*Ms. Moermond stated that this Notice, perhaps, also went to the wrong party. She researched the tax records and found that the 2010 property tax statement went to the previous owner.*

*Charity McCoy, current owner, sent a copy of her closing documents, citing October 21, 2010 as her closing date.*

*Ms. Moermond will recommend that this assessment be deleted.*

**Referred to the 5/4/2011 City Council**

- 3      **RLH TA 11-29**      Appeal of Special Tax Assessment for 310 TORONTO STREET for Project #: 1105T, Assessment #: 119092 in Ward 2.

**Sponsors:**      Thune

**Attachments:**      310 Toronto St - letter - 7-8-10.pdf  
                                 310 Toronto St - picture - 10-21-10.pdf

*No one appeared. Approve the assessment and spread the payments over ten (10) years.*

RE: 310 Toronto Street

*Mr. Karl Mueller, Forestry, reported that the owner, James Hillier, is on a fixed income and would appreciate having the payments spread over ten (10) years.*

*Ms. Moermond will recommend approving the assessment, spreading the payments over ten (10) years.*

**Referred to the 5/18/2011 City Council**

*No one appeared. Approve the assessment and spread the payments over ten (10) years.*

RE: 310 Toronto Street

*Mr. Karl Mueller, Forestry, reported that the owner, James Hillier, is on a fixed income and would appreciate having the payments spread over ten (10) years.*

*Ms. Moermond will recommend approving the assessment, spreading the payments over ten (10) years.*

**Referred to the 5/18/2011 City Council**

- 6      [ALH 11-485](#)      Appeal of Special Tax Assessment for 852 JENKS AVENUE for Project #: J1106E, Assessment #: 118051 in Ward 6.

**Sponsors:**      Bostrom

**Attachments:**      [852 Jenks Ave. snow letter 12.21.10.pdf](#)

*Delete the assessment.*

*RE: 852 Jenks Avenue*

*Asia Original, tenant, and her daughter appeared.*

*Ms. Moermond noted that this is a tax assessment is for Excessive Consumption. When the inspector has to go out a certain number of times, they start charging for the extra trips.*

*Mr. Joe Yannarely, the Department of Safety and Inspections (DSI), reported that the snow Work Order was sent out on December 21, 2010 with a compliance date of December 24, 2010. Upon re-inspection on December 27, 2010, it was found in non-compliance. A Work Order was issued. The work crew went out there on December 30, 2010 and noted that it had been done by the owner. The cost is \$50 with a service charge of \$20 for a total of \$70; the Excessive Consumption charge is based on the fact that it wasn't done upon re-inspection. He added that there is not a lot of history on this property.*

*Ms. Original stated that she had shoveled the walk; however, the work crew said that it had been done too narrowly. It was supposed to be wide enough so that a wheel chair could navigate through it. Ms. Original said that she was not aware that it needed to be shoveled so wide. She has lived there for two (2) years and she doesn't have extra money to pay for the assessment.*

*Ms. Moermond stated that Ms. Original had made a good faith effort; she will recommend that the assessment be deleted.*

**Referred to the 5/4/2011 City Council**

- 5      [RLH AR 11-19](#)      Ratifying Tree Removal services in the month of November, 2010 at 1344 4th St E. (File No. 1104T2, Asmt No. 119097)

**Sponsors:**      Lantry

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

*No one appeared. Approve the assessment.*

**Referred to 5/18/11 City Council**

- 7      [RLH TA 11-35](#)      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1105B; Assessment No. 118045 at 1187 EDGERTON STREET.
- Sponsors:**      Helgen
- Attachments:**      [1187 Edgerton St.Nguyen letter.pdf](#)
- No one appeared. Approve the assessment.  
5-3-11--letter sent by property owner after hearing. Decision forthcoming--need to see police report.*
- After reviewing the police report, Ms. Moermond recommended approval of the assessment.*
- Referred to the 5/4/2011 City Council**
- 8      [RLH AR 11-14](#)      Ratifying Trash Hauling services during the time period of February 01 to February 23, 2011. (File No. J1108G, Asmt No. 118054)
- Sponsors:**      Lantry
- Attachments:**      [Assessment Roll](#)
- Laid over to the 6/21/2011 Legislative Hearings**
- 9      [RLH AR 11-15](#)      Ratifying Property Clean Up services during the time period of January 31 to February 25, 2011. (File No. J1111A, Asmt No. 118053)
- Sponsors:**      Lantry
- Attachments:**      [Assessment Roll](#)
- Laid over to the 6/21/2011 Legislative Hearings**
- 10      [RLH AR 11-16](#)      Ratifying Graffiti Removal services during the time period of January 18 to February 09, 2011. (File No. J1110P, Asmt No. 118052)
- Sponsors:**      Lantry
- Attachments:**      [Assessment Roll](#)
- Laid over to the 6/21/2011 Legislative Hearings**
- 11      [RLH AR 11-17](#)      Ratifying Boarding and Securing services during the month of December, 2010. (File No. J1106B, Asmt No. 118043)
- Sponsors:**      Lantry
- Attachments:**      [Assessment Roll](#)
- Laid over to the 6/21/2011 Legislative Hearings**

- 12      [RLH AR 11-18](#)      Ratifying Collection of Vacant Building fees from the month of January, 2011. (File No. VB1107, Asmt No. 118036)

**Sponsors:**      Lantry

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

Laid over to the 6/21/2011 Legislative Hearings

### 11:00 a.m. Hearings

#### Summary Abatement Orders

- 13      [RLH SAO 11-9](#)      Appeal of Benjamin Johnson to a Summary Abatement Order at 1045 LAWSON AVENUE EAST.

**Sponsors:**      Bostrom

**Attachments:**      [1045 Lawson.appeal.4-26-11.pdf](#)

*Owner called inspector and is withdrawing appeal. The property was condemned last Thurs and they went over and cleaned up the yard and removed the vehicle over the weekend. (Paula Seeley)*

**Withdrawn**

#### Orders To Vacate, Condemnations and Revocations

- 14      **RLH VO 11-13**      Appeal of Jenny Chin to a Condemnation (Correction Notice - Complaint Inspection) at 289 FIFTH STREET EAST.

**Sponsors:**      Thune

**Attachments:**      289 5th.appeal.5-3-11.pdf  
                                 289 5th St.Photos.4-29-11.pdf  
                                 289 5th St E.Photos.5-2-11.pdf

*Deny the appeal and grant an extension of vacate date to Monday, May 9, 2011 at 9:00 a.m. on the condition that Appellants decrease the volume of the materials and must remove everything from the hallway into the apartment. (W. Spiering)*

*RE: 289 Fifth Street East Unit 309 (Jenny Chin, owner)*

*Jenny Chin and David Mullis appeared.*

*Inspector Leanna Shaff, Fire, reported that Inspector Wayne Spiering conducted an inspection on April 27, 2011 in response to a referral (complaint). There was an excessive amount of combustible materials strewn around. There were blocked exits and storage also in the common hallway. They were ordered to reduce material by 50%. Upon review with Ms. Shaff on Friday morning, Inspector Spiering was to post a Condemnation. Since Mr. Spiering was to be out for the rest of Friday, Ms. Shaff posted it herself. Upon re-inspection yesterday, Monday, May 2, 2011 at 11:45 a.m., Mr. Spiering found that the tenants had removed some items; although, not a significant enough amount to lift the Condemnation.*

*Ms. Moermond viewed the photos.*

*Ms. Chin stated that they filed an appeal because they are in the process of moving out of the unit and are not the neatest packers. She sorts as she packs. There were empty boxes and packing material in the hallway. The inspector stated that he did not believe that we were moving because there were not enough boxes out in the hallway. The hallway is blocked by the moving boxes and packing materials. Since they filed the appeal yesterday, they feel that they have made significant progress. They hired a moving truck yesterday and packed a lot of boxes in it; they also have acquired a storage unit. They have photos to show what progress has been made. They intend to leave Saturday, May 7, 2011. They really don't want any of there packing time cut off. Some of their employed friends come to help in the evening after they have finished their jobs. Mr. Mullis added that they have been working from 6 p.m. to 2 a.m. They are trying hard to come into compliance. If they are allowed to remain in the unit, he said, they will be much more able to work on the project; they will be gone on Saturday and want to get as much as possible done as soon as possible. They will be able to achieve more if they can stay.*

*Ms. Chin stated that they are flying out to Seattle on Saturday. They are shipping all of the things that they want to take to Seattle; the rest will go into a their storage unit. Much of their stuff will be donated, as well. She has been unemployed for two (2) years and four (4) months. Now, Mr. Mullis also is unemployed as well (August 2009). She has a final interview in Seattle and they are hopeful that he will also be able to find work there.*

*Ms. Chin showed Ms. Moermond the photos on her camera.*

*Ms. Moermond said that all the stuff in the hallway has to be brought into the living*

*room. She added that they can stay in the unit until 9 a.m. Monday, May 9, 2011, with one condition - that the volume must be decreased, a clear pathway inside the unit to the exit door must be maintained and all of the items in the hallway must be moved inside the unit. The Condemnation will be lifted when these things are addressed. She will extend the vacate date to Monday at 9 a.m.*

*Ms. Shaff stated that they will contact the management company to acquire access to the unit to re-inspect on Monday, May 9, 2011 at 9 a.m.*

**Laid Over to the Legislative Hearings due back on 5/10/2011**

- 15      RLH VO 11-14      Appeal of Larry Alexander to a Notice of Condemnation as Unfit for Human Habitation and Order to Vacate 224 AVON STREET NORTH.

**Sponsors:**            Carter III

**Attachments:**        224 Avon.appeal.5-3-11.pdf  
                                  224 Avon St N.Garbage Notice.3-30-11.pdf  
                                  224 Avon St N.Photos.3-30-11.pdf

*Deny the appeal on the condemnation and order to vacate and grant an extension to the end of business on Wednesday, May 4, 2011. (Joel Essling)*

RE: 224 Avon Street North

*Larry Alexander appeared. (Owner, Georgina Stephens)*

*Ms. Moermond commented that this appears to be a complicated case, looking at all of the history in the STAMP system.*

*Inspector Joe Essling, the Department of Safety and Inspections (DSI), reported that on September 13, 2010, the Fire inspector issued a Notice of Revocation of Fire Certificate of Occupancy and Order to Vacate. That Order had a list of 34 deficiencies. At that time, the property owner appealed the Order stating that this duplex was owner-occupied (Georgina Stephens). The Legislative Hearing Officer determined at that time, that the duplex was owner-occupied and should be removed from the Certificate of Occupancy Program. The file was then transferred to Code Enforcement. For the record, Mr. Larry Alexander is not listed as the owner on the tax records. The listed owner is Georgina Stephens, 224 Avon Street North. Mr. Alexander's driver license lists him at 875 Laurel Avenue, which is a single-family dwelling, owned and homesteaded by Mr. Alexander. Mr. Alexander has five (5) vehicles listed with the Department of Vehicle Services, all of which list the owner's address as 875 Laurel Avenue. The Water Department has the bill listed to Mr. Alexander, 875 Laurel Avenue. The Xcel Energy bill is in the name of William W....., at 224 Avon Street North. The tenant at 224 Avon Street North has stated to Mr. Essling that Mr. Alexander does not live at this property nor does Georgina Stephens. Mr. Essling believes that both units of this property (224 Avon Street North) are rentals and thus, would be subject to the Certificate of Occupancy inspection. When the file was transferred to Mr. Essling, he met with Mr. Alexander at the property on November 4, 2010. At that time, Mr. Alexander stated that he could not give me access to the upper unit. They looked at some issues in the lower unit and on the exterior of the property. At that time, Mr. Alexander told Mr. Essling that he would arrange for him to access the upper unit for an inspection, which never happened. A couple appointment letters had been mailed out and phone calls were made but Mr. Alexander never assisted Mr. Essling in gaining access to the upper unit. During that time period, Mr. Essling determined that the property did not have garbage service. The City has been providing garbage service to the property since February 28, 2011. Mr. Essling issued a Correction Order on a few items, none of which have been corrected. None of the items on the previous Correction Order have been corrected. Mr. Essling issued Mr. Alexander a Citation on March 30, 2011; that arraignment is scheduled for Thursday, May 5, 2011.*

*When Inspector Essling was out at the property with the abatement crew, he was able to make contact with the upstairs tenant, who allowed access. At that time, he determined that the upper unit was unsafe for the tenants, so he issued a Condemnation. There is an extensive history of violations at this duplex. Since*



November 3, 2010, he has issued five (5) Orders on the exterior, and Excessive Consumption fee and a Citation. In 2005, the City issued eight (8) sets if Orders on the property both interior and exterior. There is a history of Orders issued to the property but the violations not being corrected. In 2005, when the property was under the Rental Registration Program, a Correction Notice was issued with 14 deficiencies and three (3) Excessive Consumption fees. It is Mr. Essling's contention that the upper unit needs to remain vacated and he believes that the entire building needs to be vacated; and the property needs to undergo a Code Compliance inspection to bring it up to code.

Ms. Moermond asked Mr. Essling about the charges listed in the Criminal Citation. Mr. Essling responded that the violations listed on the tag are:

- failure to provide weekly refuse removal by a licensed hauler;
- failure to maintain exterior property in a sanitary condition; and
- failure to maintain the exterior walls in a condition that would prevent intrusion of water into the structure.

Ms. Essling added that the roof is in bad condition; however, the compliance date for bringing the roof into compliance has not yet been reached. There is siding missing; unpainted woodwork; windows that have been put on without caulking so that water can get into the building; there's issues with the guardrail; stairs; etc. When he issued the Summary Abatement, someone did clean up a portion of the yard; however the City crew finished the job. Yesterday, there was a garbage bag in the back and one on the front port and litter in the yard. There is history here of not taking care of the garbage, the most basic thing. Every Order that has been issued has had something to do with the garbage. Ms. Essling asked whether this duplex should be subject to a Certificate of Occupancy and if not, how does the City ensure that this property is safe. He feels that it either needs a Code Compliance inspection / yearly inspection by Fire.

Mr. Alexander stated that he has had consistent service from Waste Management. What happened in this case is that they wouldn't take the garbage one time because it was in a snow embankment. Ms. Moermond had a copy of a Waste Management statement for this property dated March 3, 2011 which showed a past due amount of \$88.62. Mr. Alexander responded that Waste Management never came back after the garbage can was dug out of the snow embankment; so in the interim, he put the garbage bags into his van and took it away. This address has been re-instated with Waste Management; and that contract predates the time that the City began picking it up. Mr. Essling asked for a copy of the re-instatement letter and stated that he has had conversations with Waste Management on two (2) occasions: 1) February 24, 2011; and 2) March 24, 2011. Both times they told him that this accout was suspended for non-payment. Mr. Alexander said that all of that has been resolved. He provided Mr. Essling with a phone number to call Waste Management about the re-instatement.

Mr. Alexander noted that he has had nothing but trouble from the lady upstairs. She even refused to allow the Section 8 inspectors to come into her unit. Her tenancy will expire on May 31, 2011. Throughout her tenancy, she has refused to allow Mr. Alexander access into her unit, so, he gave her the number of a third party, Kelly, so that when she needed something fixed, she could call him. The last time Mr. Alexander was in the unit was August, 2005, the same time that Section 8 was doing an inspection. Everything was in good enough shape at that time for Section 8 to pass it. When Mr. Essling came out to inspect in November, 2010, Mr. Alexander explained to him that he had a problem getting her to cooperate. The biggest issue on the list was the roof; everthing else seemed to be easily doable. He has been dealing with his insurance company about a new roof. Initially, they said, "No," but

finally approved the new roof and issued him a check for \$10,165 (roof and related damages). However, he hasn't been able to confirm the interior related damages because of the tenant's refusal to allow him into the unit. He had decided not to fight her because she was planning to leave in April, now, the end of May. Mr. Alexander admitted that he had not communicated with Inspector Essling about what had transpired because he was waiting to hear back from the insurance company. He plans to resolve the roof situation with the check that he received from the insurance company.

Ms. Moermond asked Mr. Alexander who lives downstairs. Mr. Alexander replied that he lives downstairs. He said that he hadn't given a change of address; he was hoping to resolve issues with his wife. He is not trying to hide things, and he wants to resolve all the issues with this address. He was having financial problems before but the \$10,000 from the insurance company puts him into a position where he can do the repairs. He wants to make the property is safe. He was hoping to call Mr. Essling and finally let him know that the tenant issue was resolved - she was finally moving. He could now go in and see what all needs repair.

Ms. Moermond reviewed a Section 8 document dated March 16, 2011 and directed to Mr. Alexander at 875 Laurel. It indicates that an inspection was not conducted because no one was present. The next letter dated March 23, 2011 also directed to Mr. Alexander at 875 Laurel, indicated that no one was there. The letter also indicated "common problems with inspections." The letter from Section 8 dated March 31, 2011 is a Notice of Termination of Housing Assistance. The reason is because the tenant says she is moving.

Ms. Moermond asked Mr. Essling to tell her more about the second floor unit. Mr. Essling listed:

- the interior front door to the unit is off its hinges;
- the front door won't lock when she leaves the building - will lock when she's home;
- rear door is off its hinges but its been kind of boarded into place;
- hardware, smoke detectors, carbon monoxide detector mssing;
- missing cover plates on receptacles;
- a hole in the eaves above the porch and appears that animals are getting into.

Mr. Alexander stated that the doors off hinges are the result of mis-use by the tenant and her boyfriend; those are maintenance issues. Ms. Moermond responded that it is Mr. Alexander's responsibility as a landlord to provide doors that actually function. And, although Mr. Alexander says that he didn't have access to the unit, he legally do have access and can force the issue. There have been problems going on for quite a length of time. The things on the list are things that would reasonably lead to a Condemnation Order to Vacate. Regarding the financing to do the repairs, she acknowledged proof of a statement from American Security Insurance Company, dated March 30, 2011, indicating that they will pay out approximately \$10,000 towards the replacement of the roof (wind storm damage on September 28, 2010).

Ms. Moermond stated that she will deny the appeal on the Order of Condemnation and Order to Vacate. This will require a Code Compliance inspection. There will be a Vacant Building fee on an annual basis. Following the issuance of the Certificate of Occupancy, the Department of Safety and Inspections (DSI) will need to re-assess whether or not it's an owner-occupied or rental structure. Based on the conversation regarding this address last fall and what Mr. Essling is reporting now, she is disappointed. She does not trust that this is an owner-occupied unit in the house. She orders the duplex vacated and empty by close of business tomorrow, Wednesday, May 4, 2011.

**Referred to the City Council due back on 5/18/2011**

**1:30 p.m. Hearings**

**Fire Certificates of Occupancy**

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

**Sponsors:** Stark

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

*Laid over to May 17, 2011 at 1:30 p.m. to find out where Appellant are at with the plans. (A.J. Neis)*

*Tuesday, May 3, 2011 LH Hearing*

*RE: 680 Snelling Avenue South*

*Donald Curtice and Chris Drake appeared.*

*Fire Inspector A. J. Neis reported that since the initial inspection, the owners have corrected all of the violations with the exception of the show floor addition. On October 25, 2010, Mr. Neis re-inspected and Nick Curtice was in the process of getting some plans together to use this addition (had been existing warehouse space). All necessary permits were to be pulled and the work approved or they were to discontinue the use of this space as a public show floor. On November 29, 2010 re-inspection, Mr. Neis came to resolution with Mr. Curtice that the show floor addition would remain closed to the public (to be used only as warehouse until they obtained a code analysis and got approval to use it as existing show floor space). He made another inspection on January 21, 2011, at which time, the code analysis had still not been completely submitted (they attempted but apparently, the plans submitted to the City were not proper), so Mr. Neis Ordered the walls to be removed. On March 21, 2011, Mr. Neis was driving down Snelling Avenue and he noticed a sign which got his attention that said, "Bargain Room Open to the Public." He stopped in to speak with Nick Curtice who told him that the show floor addition was closed to the public; it had just been coincidence that they happened to be getting a shipment at the exact same time that he was there. Mr. Neis asked Mr. Curtice if he was sure that the bargain room was closed to the public and he indicated, "Yes." After Mr. Neis showed Mr. Curtice the sign outside the building, Mr. Curtice retracted that statement and admitted that they have been opening it to the public for use. Because of that and in lieu of ordering a Criminal Citation, Mr. Neis ordered that the walls be fully removed by April 21, 2011 since Fire is unable to continually monitor this property.*

*Mr. Curtice noted that he agrees with everything that Inspector Neis said except for a couple of things. One of his employees put up a sign that the showroom was open; why he did it, he doesn't know. He didn't ask; he can only guess. Business has been bad and maybe he thought that since a truck shipment was coming in, he could open it. That room has been closed except for that particular day. He continued to say that he is a little befuddled on what they can do.*

*Mr. Drake said that there are ten (10) or twelve (12) signs available but why the employee happened to pick that one, he didn't know. They do complain about how bad business is, a lot; so, maybe he thought this was an opportunity. The building is 80 years old and trying to get the plans for it was an absolute nightmare. It is owned by a trust from a New York where the families are arguing amongst themselves. Some old plans were finally sent to us from someone downtown Saint Paul. They submitted what they thought might work. There are recommendations to update the building. He thought the problem had been solved. About two (2) weeks ago, the*

department called and said they needed to know where the walls are. Mr. Drake submitted a plan back sometime last week he hasn't heard back, yet from Ryan. They do not want to create a large expense; it's an inefficient, terrible old building. Tearing down the walls is a major expense. They are just trying to stay in business. This should have been resolved a long time ago.

Ms. Moermond asked Mr. Neis if he had talked with Ryan. Mr. Neis replied that he put an email into Ryan. Ryan responded back that he had received some plans there's other documents that he's requesting. Ms. Moermond asked Mr. Neis if he had been the inspector in the past. Mr. Neis said that May 2010 was his first time in the building. According to their inspection records from the previous inspection, everything was approved (photos, as well). The walls were not constructed until June 14, 2009. Ms. Moermond checked out the photos. She asked Mr. Neis, "If this is the space only used by the tenants, the business employees, are the regulations any different?" Inspector Neis responded that he was agreeable to let them use it just as storage, only if they were willing to do that; and they had agreed to do that but he still needed a code analysis to make sure that those walls were constructed properly and that they would be structurally sound. If they wanted to keep it closed to the public, he would be open to that. Inspector Urmann added that exiting requirements are different for a storage space than they are for a space open to the public. If that were a "storage only" arrangement, they would try to accommodate the clients. They would need to have document showing that the construction was done safely; then, they could make the determination whether the exiting was adequate. Currently, it is not because it's an occupied space for the public. Mr. Neis explained that when the business expanded into the warehouse and built the showroom space, it enlarged the occupancy, which requires a second exit based on the square footage. In addition, when you expand and change occupancy classification, there may be additional code regulations that are required; that's why Fire has required a code analysis to determine what else needs to be done to make that space compliant. Steve Ubl, upon Inspector Neis' request, went out and he did not approve the walls; he approved the electrical. The business is responsible to obtain a code analysis (engineer, architect), submit the plans to the City (plan review) and have the City make the determination if the plans would be approved. If approved, a permit would be issued. (Since the walls are already up, this would be a permit that's issued for work that's already been done.)

Mr. Curtice said that he doesn't have the money to fix up that building; it's not his. \$2,000 or \$3,000 is going to put him under. To draw plans will cost a lot. He may have to close it down. He feels very safe in that building, and it's one of the nicest looking stores on Snelling Avenue. Ms. Moermond asked if he has called the contractor. Mr. Curtice replied that it was his understanding that the contractor was going to get prints and draw up plans. He added that they could rope the area off so that no one goes in there. That space is too hot in the summer and too cold in the winter added Mr. Drake. Maybe eight (8) people per week ever go through there.

Ms. Moermond asked why the walls were constructed. Mr. Drake responded that the guy who had the lease before them put them up. They have used it to put fixtures on the walls to show people. Inspector Neis pointed out the new walls on the drawing. Ms. Moermond asked what would happen if one (1) wall were to be taken down. Mr. Neis responded that the walls being up is not the problem; the problem is that they are using the warehouse as mercantile space. The reason he requested that the walls be removed was so they wouldn't continue to use this unapproved space until they get a code analysis. He questioned whether the appellants want to use the space as mercantile or as storage. Mr. Curtice replied that his first option would be to keep it as a showroom. Inspector Urmann stated that the warehouse space under the code would not be open to the public. The file does not show that any permits

were pulled and approved by a building inspector for the walls. Ms. Moermond stated that she would like to give the appellants time to solve the problem but she also wants to ensure that the space is not open to the public during that time. Mr. Curtice asked if a fence would work? Ms. Moermond responded that she is not happy with that idea. Mr. Drake thought perhaps that Ryan might have some suggestions.

Ms. Moermond recommended a two (2) week layover to the next LH on 17, 2011. That gives the appellants time to apply for a building permit. Mr. Neis stated that the file shows a building permit pulled with Ryan; however, he needs plans of the build-out. Jonathan Gardner, contractor, on that. Now, they need the full plans and the approvals.

**Laid Over to the Legislative Hearings due back on 5/17/2011**

- 17      **RLH VBR 11-33**      Appeal of John Norris to a Vacant Building Registration Notice at 315 LARCH STREET.

**Sponsors:**            Helgen

**Attachments:**        315 Larch.appeal.4-12-11.pdf  
                                  315 Larch LUTF Letter April 2011.pdf

**Laid over to the 5/10/2011 Legislative Hearings**

- 18      **RLH FCO 11-49**      Appeal of Jan Gasterland to an Inspection Appointment at 1020 JESSAMINE AVENUE EAST.

**Sponsors:**            Bostrom

**Attachments:**        [1020 Jessamine.appeal.4-6-11.pdf](#)  
                                  [1020 Jessamine Ave E.Gasterland Ltr 4-19-11.doc](#)

*(As per my earlier phone message, I am withdrawing the appeal for 1020 Jessamine, file ID: ALH 11-480. I have left a message on the voice mail of Leanna Shaff that she could call to schedule an inspection. I also asked that she provide some information that 229 Earl is no longer on the list to require an inspection or payment of Certificate of Occupancy fees. Thank you. Jan Gasterland)*

**Withdrawn per appellant**

19 [SR 11-39](#)

Appeal of Jan Gasterland on behalf of Gretchen Gilbertson to an Inspection Appointment at 229 EARL STREET.

**Sponsors:** Lantry

*Preliminary File; nothing to act on at this time.*

*LH: Tuesday, May 3, 2011*

*229 Earl Street*

*Appellant, Mr. Jan Gasterland, appeared despite his earlier phone message requesting a withdrawal. He is withdrawing his withdrawal for 229 Earl Street.*

*Inspector Michael Urmann reported that there was nothing to add from what was reported two (2) weeks ago, which is that 229 Earl Street is not listed as an owner-occupied property; it is not the occupancy primary to the building owner.*

*Mr. Gasterland noted that he had written a letter of appeal to Leanna Shaff regarding 1020 Jessamine Avenue East stating that the property is owned by his daughter and son-in-law and that they occupy two (2) houses in Saint Paul, one on Earl and one on Jessamine and that they should be exempt. He had assumed that they had this building on the Vacant Building list because there was need for a Certificate of Occupancy. I learned at the hearing two (2) weeks ago that any building that is not the principal residence of a Saint Paul resident must have a Certificate of Occupancy. He believes that the Certificate of Occupancy in those cases is very onerous.*

*Regarding his sister's house at 229 Earl, which is nearly the same, Ms. Shaff stated that she would buy the situation at 229 Earl; she would not buy it on 1020 Jessamine. So, he had not appealed 229 Earl because he was told by Ms. Shaff that because of this unique situation, it did not need a Certificate of Occupancy. When he phoned this morning to withdraw from the appeal process, he also left a message from Ms. Shaff requesting a copy of something in writing that his sister's house at 229 Earl has been removed from the requirement of the Certificate of Occupancy. Today, Ms. Shaff called Mr. Gasterland at 12:30 p.m. to say that she had never said that; that she was powerless to take it off the list.*

*Mr. Urmann stated that two (2) weeks ago, it was discussed that the owner of this property shows a P.O. Box in Finland, MN, not 229 Earl. So, the decision is left to the Legislative Hearing officer. By the code, it is not an owner-occupied home. Mr. Gasterland responded that he believes the code applies only to Saint Paul and does not apply to Finland, MN; 229 Earl is her only residence in Saint Paul and it is indeed owner-occupied. She is homesteaded in Finland, MN. Her driver's license is in Finland. She rehabbed the house; purchased it from the City of Saint Paul. No one occupies the house when she is not there. Ms. Moermond asked what portion of the year was spent in this house. Mr. Gasterland responded, "A lot." He doesn't keep track of his sister; doesn't know exactly how much time is spent in Saint Paul. Ms. Moermond asked if 229 Earl is an open Vacant Building file. Mr. Gasterland replied that it should not be. Ms. Moermond said that there's a not in the file saying that it was posted on Craigs List as a house for rent back in January 2011. Mr. Gasterland replied, "No. The house is not a rental." Mr. Gasterland is listed as the responsible party (March 2011).*

*Ms. Moermond noted that she has no C of O Orders on this. Mr. Urmann responded that it hasn't come due yet. Ms. Moermond noted that there's a preliminary file opened related to Vacant Building status. Mr. Urmann added that they feel it's been*

*unoccupied for a period of time, per their notes. Mr. Gasterland added that there isn't a nicer house on the block; there isn't a house that anyone has spent more money on on the block than this one. It is not a threat to anyone. She lives there and it should be taken off the list. She is being subjected to enforcement unnecessarily and he feels professionally embarrassed about it. He said there are real problems on the East Side; this isn't one of them. Ms. Moermond noted that there was a complaint: someone said it had been vacant and abandoned for eight (8) months and no one's taking care of the property. When she lives in Finland, MN, it may appear that no one is there.*

*Ms. Moermond stated that she doesn't have anything to put into the C of O program nor the Vacant Building program; this is just a preliminary file. For now, it can't be rented to a third party. There is nothing for her to act on.*

**Received and Filed**

- 20      [RLH FCO 11-23](#)      Appeal of Tom Martinson to a Fire Inspection Correction Notice at 1861 JULIET AVENUE.

**Sponsors:**      Harris

**Attachments:**      [1861Juliet.appeal.4-15-11.pdf](#)

*The City staff is withdrawing the appeal on Item 1 of the April 8, 2011 Fire Inspection Correction Notice; however, if in the future, property owner chooses to rent or sell the building, he or she must disclose that the second floor attic shall not be used as sleeping room. Appellant has been notified of same. (R. Gavin)*

**Withdrawn per DSI**



21      **RLH FCO 11-51**      Appeal of Ronald Christenson to a Fire Inspection Correction Notice at 1406 HAZEL STREET NORTH.

**Sponsors:**              Bostrom

**Attachments:**              1406 Hazel.appeal.4-15-11.pdf

*Grant a 5-inch variance on the openable height of the egress bedroom window in the attic; grant a 2-inch variance on the openable height of the egress window in the main floor bedroom and grant the appeal on the driveway; deny the appeal on the ceiling height in the basement and may not use the room as a bedroom or habitable space. (James Thomas)*

*LH: Tuesday, May 3, 2011*

*RE: 1406 Hazel Street North*

*Ron Christenson appeared.*

*Mr. Christenson stated that he purchased this property a couple of years ago. Inspector Thomas came to inspect and gave him a huge list of things to do. One of the main things that he can't do anything about is in the basement. There's a bedroom and a 1 1/2 bath. The ceiling height in the bedroom is only 6.5 feet but he understands that it has to be 7 feet.*

*Inspector Urmann reported that the inspector's notes say that the basement is 6 feet high through out. There's not an area where it is higher or lower. Therefore, it is not an occupiable space because it doesn't meet the requirement of 7 1/2 feet over 50% of the area. Mr. Christenson added that the steel beam that goes through the center of the basement is 6 feet exactly. The rest of the basement is used for a furnace and laundry area.*

*Mr. Urmann added that #7 addresses the Egress window's hardware issues in the basement.*

*Ms. Moermond stated that she is not comfortable recommending a variance to the Council on the basement. She said that Mr. Christenson is welcome to take the case to the City Council. She is not happy that someone may be sleeping in the basement or using the bedroom as a den, office, library, etc.*

*Mr. Christenson stated that he has 28-inch wide windows on the main floor of the house (standard 30"). Ms. Moermond stated that she would recommend to Council that they grant a variance for the attic windows: 24" of openable height x 20 inches openable width. On the main floor, the windows are 22" of openable height x 28" openable width. She will recommend that the Council give a variance on that, as well. The appellant said that he may want to upgrade those windows in the future.*

*Regarding the driveway, Ms. Moermond will grant the appeal.*

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

22      **RLH FCO 11-20**      Appeal of Lance Reisetter to a Fire Certificate of Occupancy Correction Notice at 1493 MCLEAN AVENUE.

**Sponsors:**      Lantry

**Attachments:**      1493 Mclean.appeal.4-20-11.pdf

*Grant a 3.5-inch variance on the openable height of the egress windows in the main floor northeast and southeast bedrooms. Appellant must contact Building Inspector, Dave Nelson, prior to the May 16, 2011 re-inspection regarding the open permit for the installation of the basement egress window; grant an extension to June 30, 2011 for all the other items on the deficiency list; deny on the illegal kitchen in the basement. (Wayne Spiering)*

*LH: Tuesday, May 3, 2011*

*RE: 1493 Mclean Avenue*

*Lance Reisetter appeared.*

*Inspector Urmann stated that it appears that Mr. Reisetter is appealing the basement as a pre-existing situation. The issue is that the basement is fully finished basement that could be used as an individual unit; it has a full kitchen but right now, this building is approved as a single-family dwelling and would not meet the zoning requirements for two (2) kitchens and a full unit. Mr. Urmann was not sure as to what was being appealed in conjunction with the garage.*

*Mr. Reisetter stated that he has owned the property since 1999 or 2000. He used to take care of the owner but she passed away. The place was in such disrepair that when her family asked him to take ownership, his insurance company made him clean-up everything. This property was inspected about three (3) years ago, and there were only a couple things that needed to be fixed. This past inspector gave him a laundry list of things to do, the basement kitchen being part of it. The storage of his things in the garage was not an issue at the inspection three (3) years ago because it was not used by the renter. This time, the inspector listed the unapproved exposed wiring as a safety issue. The lady who used to own it didn't like spring and summer storms, so she lived downstairs through the springs and most of the summers. When Mr. Reisetter's renter started to sleep in the basement, he pulled a permit for an egress window, which was never finalized. He called this morning for a final on it but Dave said that the permit had been closed in 2003; he would be happy to meet Mr. Reisetter at the house when Wayne came back to re-inspect. Mr. Urmann stated that the egress window permit is the only one he is seeing in the system; he sees nothing for a sink being replaced downstairs in the 90s.*

*Ms. Moermond, viewing the photos, stated that the photos reveal a full blown kitchen downstairs; Mr. Reisetter responded that it was an efficiency type of kitchen and no refrigerator. He contended that it's not a fire hazard and it has been like that for a very long time. His renter was initially house-sharing with his sister. It's not used as a duplex; no separate utilities, etc. Ms. Moermond stated that this is a big zoning problem; it is illegal to have a kitchen in the basement. The appellant will need to have the house de-converted from a duplex to a single-family home. It will need to go through the zoning process. It is evident to Ms. Moermond that this house is operating as a duplex and it shouldn't be unless the zoning is changed. Ms. Moermond will give Mr. Reisetter until June 30, 2011 to get rid of the kitchen in the basement or have the house cleared as a duplex through the zoning process.*

Regarding the egress windows, Ms. Moermond said the openable dimension of the windows in the bedroom is 20.5-inches high x 33-inches wide. She will recommend that the Council give him a variance on that.

Regarding the wiring in the garage and the use of the garage, Mr. Reisetter said that he took out the wire on the light switch and replaced the cord on the garage door opener. Ms. Moermond asked if the garage were excluded in the lease agreement. Mr. Reisetter replied that it is, verbally; he uses it to store a boat, boat trailer, golf carts, etc. Ms. Moermond wants him to come up with a written statement to that effect, signed by all. When she sees that, she will take it out of the C of O program (fax, email, mail).

This property will be re-inspected on May 16, 2011, unless the egress window in the basement (only immediate life safety issue) were signed-off by building inspections and approved. Then, the re-inspection could be held off until June 30, 2011. At that time, all other deficiencies need to be taken care of.

The appellant stated that he had told the inspector he intends to replace the roof, soffit, fascia and put a new cap on the chimney in the very near future.

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

- 23      **RLH FCO 11-50**      Appeal of Jeffrey T. DeLisle, Delisle Company Limited Partnership, to a Fire Inspection Correction Notice and basement bedroom condemnation at 2195 SIXTH STREET EAST.

**Sponsors:**      Lantry

**Attachments:**      2195 6th.appeal.4-15-11.pdf

*Deny the appeal on the awning windows in Unit 2193, main floor northwest and southwest bedrooms and Unit 2195, main floor northeast and southeast bedrooms and deny the appeal on the sill height issue in all four bedrooms and steps must be installed full width below the windows. (Wayne Spiering)*

*RE: 2195 Sixth Street East*

*Jeffrey T. DeLisle, owner, appeared.*

*Inspector Urmann, Fire, noted that he is not sure what is being appealed.*

*Mr. DeLisle stated that he is appealing #2- Egress Windows.*

*Ms. Moermond informed Mr. DeLisle that all awning windows need to be replaced. Mr. DeLisle replied that they were allowed back in 2008. Ms. Moermond said that Mr. DeLisle will need to replace one (1) window in each bedroom. Each bedroom needs one (1) code compliant window and steps need to be installed full width below the windows.*

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

- 24      **RLH FCO 11-31**      Appeal of Charles Knudsen to a Fire Certificate of Occupancy Correction Notice at 2085 STILLWATER AVENUE.

**Sponsors:**      Bostrom

**Attachments:**      2085 Stillwater.appeal.4-21-11.pdf

*Grant the appeal on the driveway on the condition that Appellant make repairs to address the holes and edges to prevent further deteriorating. Grant until June 30, 2011 for all other items. (Wayne Spiering)*

*LH: May 3, 2011*

*RE: 2085 Stillwater Avenue*

*Charles Knudsen and his wife appeared.*

*Inspector Urmann, Fire, referred Ms. Moermond to the photos in the file. He reported that the driveway is deteriorating and there appears to be some pooling - water coming off the garage.*

*Mrs. Knudsen stated that this building had been inspected last year and they needed to put in six (6) egress windows and a railing, which they are still paying for. Her husband used to live in this house and they rehabbed it about ten (10) years ago. It's a building they care about and the people who live there are friends, so, they do want it to be safe. Right now, they are unable to afford \$11,000 to replace the driveway. They want to eliminate the problem of pooling. They might be able to put in some fill or put in some drain tile; a solution that they can do themselves for under \$500. She thinks the driveway is in pretty good shape compared to the streets around there that she drives every day.*

*Ms. Moermond responded that she would be OK with a repaired driveway this year instead of a replaced driveway; although she is not sure of a repair solution. She added that one cannot pave part of the property without running it by zoning first. They need to look at the site plan and they want to know that you'll be paving it. They also want to ensure that what you're doing won't create run-off onto the neighbor's property.*

*Ms. Moermond will grant the appeal on the driveway provided that the appellant repair the deterioration in the driveway. Clean-up the edges. She will grant an extension to June 30, 2011 for the whole re-inspection.*

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

## Staff Reports

- 25      [RLH VO 11-12](#)      Appeal of Elizabeth Osborne to a Notice of Condemnation Unfit for Human Habitation Order to Vacate at 1142 MCLEAN AVENUE.

**Sponsors:**            Lantry

**Attachments:**      [1142 Mclean.appeal.2-23-11.pdf](#)  
[1142 Mclean Ave.Photos.2-11-11.pdf](#)  
[1142 Mclean Ave.Fire Inspection Orders.2-2-11.pdf](#)  
[1142 McLean Ave.Osborne ltr 3-8-11.doc](#)

*Staff Report*

*LH: May 3, 2011*

*RE: 1142 McLean (looking for confirmatioin on window measurements)*

*Inspector Urmann, Fire, reported that his notes are not clear and he didn't bring anything from Booker. He will email Ms. Moermond tomorrow.*

**Window Variances: No Hearing Necessary**

- 26      [RLH FOW 11-14](#)      Appeal of Joe McKasy to a Fire Inspection Correction Notice at 660 BURLINGTON ROAD.

**Sponsors:**            Lantry

**Attachments:**      660 Burlington.appeal.4-18-11.pdf

*No hearing necessary. Grant a 2-inch variance on the openable width of the egress windows in the upper floor northwest, northeast, and southeast bedrooms. (Wayne Spiering)*

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

- 27      [RLH FOW 11-16](#)      Appeal of Frank Clancy, Calcio Rose Real Estate, to a Fire Inspection Correction Notice at 610 CHATSWORTH STREET NORTH.

**Sponsors:**            Carter III

**Attachments:**      610 Chatworth.appeal.4-15-11.pdf

*No hearing necessary. Grant a 2-inch variance on the openable width of the egress bedroom windows in all units. (Mitch Imbertson)*

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

- 28      **RLH FOW 11-30**    Appeal of DRB #24 LLC to a Fire Certificate of Occupancy Correction Notice at 610 EDMUND AVENUE.
- Sponsors:**            Carter III
- Attachments:**        610 Edmund.appeal.4-21-11.pdf
- No hearing necessary. Grant a 4-inch variance on the openable height of the egress upper front bedroom window. (Lisa Martin)*
- Referred to the City Council due back on 6/1/2011**
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- 29      **RLH FOW 11-15**    Appeal of Nichole Sletten to a Fire Inspection Correction Notice at 1668 ENGLISH STREET.
- Sponsors:**            Bostrom
- Attachments:**        1668 English.appeal.4-18-11.pdf
- No hearing necessary. Grant a 5-inch variance on the openable height of the egress upstairs bedroom window. (James Thomas)*
- Referred to the City Council due back on 6/1/2011**
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- 30      **RLH FOW 11-13**    Appeal of Sheila Poulson to a Fire Inspection Correction Notice at 2165 JEFFERSON AVENUE.
- Sponsors:**            Harris
- Attachments:**        2165 Jefferson.appeal.4-18-11.pdf
- No hearing necessary. Grant a 2.5-inch variance on the openable height of the egress windows in the first floor south and north bedrooms. (Rick Gavin)*
- Referred to the City Council due back on 6/1/2011**
- 
- 31      **RLH FOW 11-21**    Appeal of Carol Beck to a Fire Certificate of Occupancy Correction Notice at 1640 and 1642 MCAFEE STREET.
- Sponsors:**            Bostrom
- Attachments:**        1640-42 McAfee.appeal.4-26-11.pdf
- No hearing necessary. Grant a 5-inch variance on the openable height of the egress windows in all bedrooms for 1640 and in both bedrooms for 1642. (James Thomas)*
- Referred to the City Council due back on 6/1/2011**

- 32      **RLH WP 11-10**      Appeal of Keven Steen to an Egress Window Non-Compliance Determination at 2156 NOKOMIS AVENUE.
- Sponsors:**      Lantry
- Attachments:**      2156 Nokomis.appeal.4-20-11.pdf
- No hearing necessary. Grant a 7-inch variance on the openable height of three double hung replacement egress bedroom windows measuring 17 inches high by 33 inches wide. (David Nelson)*
- Referred to the City Council due back on 6/1/2011**
- 33      **RLH FOW 11-17**      Appeal of Paul Kelley, 33rd Company, to a Fire Inspection Correction Notice at 1742 SAINT CLAIR AVENUE.
- Sponsors:**      Harris
- Attachments:**      1742 St.Clair.appeal.4-13-11.pdf
- No hearing necessary. Grant a .5-inch variance on the openable height of the egress windows in the first floor north, south and second floor bedrooms. (R. Gavin)*
- Referred to the City Council due back on 6/1/2011**
- 34      **RLH FOW 11-18**      Appeal of Rita Tierney, 33rd Company, to a Fire Inspection Correction Notice at 2116 SCHEFFER AVENUE.
- Sponsors:**      Harris
- Attachments:**      2116 Scheffer.appeal.4-13-11.pdf
- No hearing necessary. Grant a 5.7-inch variance on the openable height of the egress windows in the second floor east and west bedrooms. (R. Gavin)*
- Referred to the City Council due back on 6/1/2011**
- 35      **RLH FOW 11-31**      Appeal of Andy Hybben to a Fire Inspection Correction Notice at 913 THIRD STREET EAST.
- Sponsors:**      Lantry
- Attachments:**      913 3rd.appeal.4-19-11.pdf
- No hearing necessary. Grant a 3.5-inch variance on the openable width of the egress windows in all three bedrooms. (Scott St. Martin)*
- Referred to the City Council due back on 6/1/2011**