



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
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Tuesday, March 5, 2013

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Special Tax Assessments - Laid Over

- 1 [RLH TA](#)
 [13-125](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1305A, Assessment No. 138504 at 903 BEECH STREET.

Sponsors: Lantry

After hearing, PO called and stated he missed hearing due to snow; requested that this get rescheduled. Ms. Vang offered March 19 as the rescheduled date; PO stated he won't be able to make it on March 19. Consulted with Legislative Hearing Officer and she denied his request for a continuance, because original LH date was February 5, so already had 2 opportunities to be heard, and March 19 would have been the third. Going beyond that would be a 4th opportunity.

Approve the assessment.

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

- 2 [RLH TA](#)
 [13-126](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1304B1, Assessment No. 138108 at 903 BEECH STREET. (Public hearing continued from February 20, 2013)

Sponsors: Lantry

No show; approve the assessment.

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

- 3 [RLH TA](#)
 [13-162](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1303E, Assessment No. 138303 at 1620 SEVENTH STREET EAST.

Sponsors: Lantry

Delete the assessment due to illegal dumping and incompletet city record.

(No additional minutes)

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

Special Tax Assessments

- 4 **RLH TA** Ratifying the Appealed Special Tax Assessment for Real Estate Project No.
13-156 J1306A, Assessment No. 138505 at 1251 ALBEMARLE STREET.

Sponsors: Brendmoen

Approve the assessment.

RE: 1251 Albemarle St (single family)

Todd Franzen, Prospect Place, owner, appeared.

Inspector Paula Seeley:

- Snow Order letter sent Dec 12, 2012; compliance date Dec 15, 2012
- re-checked Dec 18, 2012; Work Order Sent
- work done Dec 18, 2012 for a cost of \$160 + \$155 service charge = \$320
- no returned mail
- somewhat of a history
- sent to Secretary of Housing, HUD; the Occupant; and to Prospect Place LLC, Mpls, MN

Mr. Franzen:

- doesn't need to see the Video
- he just didn't know what it was for

Ms. Moermond:

- VIEWED VIDEO
- will recommend approval of the assessment

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

- 5 **RLH TA** Ratifying the Appealed Special Tax Assessment for Real Estate Project No.
13-170 J1305P, Assessment No. 138404 817 ALDINE STREET NORTH

Sponsors: Stark

Delete the assessment.

RE: 817 Aldine St N (single family)

John Krenik, owner, appeared.

Ms. Moermond:

- has a note from Parks recommending that this assessment be deleted

Mr. Krenik:

- was very appreciative of Paula Seeley - when he sent in the Gold Card, she called him; after that, they communicated by email
- has 2 date-stamped pictures of graffiti on house
- after that, it was removed
- entered a receipt from Menards for graffiti removal material
- he didn't feel right about signing a waiver when the graffiti had already been taken care of
- he appreciates the situation being worked out

- communication is the key; since he is not available by phone access because he works in a secure facility, he thought Ms. Seeley's action was really key

Ms. Moermond:

- will recommend this assessment be deleted

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

6 **RLH TA
13-150**

Ratifying the Appealed Special Tax Assessment for Real Estate Project No.J1306A, Assessment No. 138505 at 1620 AMES AVENUE.

Sponsors: Bostrom

Delete the assessment. Parks property and they should have removed.

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

7 **RLH TA
13-153**

Deleting the Appealed Special Tax Assessment for Real Estate Project No. VB1306, Assessment No.138805 at 419 BAY STREET.

Sponsors: Thune

Delete the assessment; rehab completed shortly after anniversary date.

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

8 **RLH TA
13-224**

Deleting the Appealed Special Tax Assessment for Real Estate Project No. VB1306, Assessment No. 138805 at 533 BAY STREET.

Sponsors: Thune

Delete the assessment.

RE: 533 Bay St (single family)

Anne Edmunds, owner, appeared.

Ms. Moermond:

- received a lot of information from Jane Prince on this

Ms. Edmunds:

- Sep 18, 2012 - David Tank came and didn't find many things wrong; he shot the whole project down and turned it into a Category 2 Vacant Building
- there was a mix-up in the computer and Mr. Tank didn't understand it; in the meantime, he told her contractor that it could take months to figure it out, so he probably would want to get some other jobs; she told her contractor to "hold on"
- she tried to get a hold of several people but no one replied back to her so, she hired Weinblatt and Gaylord, that's where Jane came in
- then, the Cat 2 VB was removed; everything was OK to rent by the 12th
- she was having a hard time getting on the Certificate of Occupancy inspection schedule
- she call Mai Vang to ask her what to do because she knew she was on a timeline
- when Inspector Westenhofer came back into town, he called her back and he was surprised that it was still a rental; he didn't know anything about the Cat 2 VB history

Inspector Joel Essling:

- was a Category 1 VB since 4-11-12; the VB file was closed 12-11-12, the date the C

of O was issued (7 mos in VB Program)

- 4-17-12, inspector notes: spoke to property owner who intended to file an appeal on the Cat 2 status; inspector said he was holding off until the appeal
- the appeal was heard and denied per LH officer 4-24-12; waived VB fees for 120 days; keep Cat 2 status; get code compliance inspection; pull permits; get sign-offs
- all has been done because the C of O was issued
- there was a slew of Orders issued between Sep 2010 and Feb 2011

Ms. Edmunds:

- vandalism brought it to the city's attention before the VB status

Ms. Seeley:

- 4-11: Revocation from Inspector Westenhofer for 22 code violations - open to entry - house was being gutted - photos taken

Ms. Edmunds:

- back to the beginning: they were evicting the tenants; after April there was a 90-day waiver, then a 120-day waiver; the deadline could not be met because she was shut down by the city (Inspector Westenhofer); and, she was trying to open everything up and she was working with the insurance company and the contractor; a toilet had been kicked over during an act of vandalism - water had been running on the property for days; they opened it up and State Farm came through again and said it needed to be dried out - more things needed to be opened up; then, State Farm said it would be easier to continue with the demo; she came and gave all her information and she was denied; in April, she lost her contractor; she tried to find a new contractor; she doesn't have a general contractor; then, they would have been done in Sep but for some reason, they were shut down; she couldn't rent it until Nov, even after she was done because she the inspectors were backed-up; couldn't get someone until Dec; she passed on the first inspection
- she put in a new furnace; new air conditioner; high end cabinets; new flooring and nice lighting; maple floors
- heating people needed to have sheetrock and insulation be put in before they could install the new vents, so they were held back
- plumbers were also set back; also electricians
- it was a domino effect
- she likes to keep her properties nice; she is proud of what she does
- she doesn't understand what is going on with this property
- she understands that there's some strike against the manager that she has at this property
- also, she understands that there's someone in the city that has issues with her property; she was told straight out by someone but that should be no reason for anyone to pick on someone who is trying to make something very nice
- she invited Betty Moran to come look at the property and asked her if she has complaining; she said that she has never had issues with her or the property; she loved the property
- the city did not want their tenants to live there anymore

Ms. Moermond:

- she can't deal with Ms. Edmunds' belief that she has been targeted because someone didn't like her property manager
- she is looking only at these permitting issues right now
- whether or not this should be a registered VB is water under the bridge
- she is looking only at the Code Compliance Certificate being issued and how that should influence the VB fee
- it entered the VB Program in Apr and was issued a Code Compliance Certificate in Dec

- a 90-day waiver extended to 120-days; then, a 3-month gap and the Certificate issued

- heard her say that she called for a final in Nov which didn't happen until Dec

Ms. Edmunds:

- she was also delayed 2 different times for this project because of the city, which she appealed and won; however, she lost her contractor, so work didn't start again until much later; then, the inspector was going to come and double check a few minor things; he said he would be there at X time; when he came, he saw that the contractor had \$2,000 worth of material sitting at the property, the inspector walks in and says, "Shutting you down to a Cat 2 VB" which didn't even make sense; she talked to Matt immediately after and he was upset that it had happened - he didn't understand why it happened; so, she couldn't get the insulation and sheet rock in; then, everything was delayed; the property was rentable in Nov; however, she could not get it finalized - another month delay

Ms. Moermond:

- looking at 2-3 months delay total and the city should take a bite of that

- will recommend that the City Council delete this assessment

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

**9 RLH TA
13-155**

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1306A, Assessment No.138505 at 594 CASE AVENUE.

Sponsors: Bostrom

Reduce the assessment from \$692 to \$315 (Delete the clean up and approve the grass and weeds).

RE: 594 Case Ave (duplex)

Les Daugherty, property manager, appeared.

Inspector Paula Seeley:

- Summary Abatement Order sent Nov 29, 2012; compliance date: Dec 3, 2012

- re-checked Dec 5, 2012

- done Dec 6, 2012 for cost of \$532 + \$155 service charge = \$692

- 2 assessments: 1) tall grass and weeds; 2) clean-up

- Nov 29, 2012, Ms. Seeley called property mgr Scott Brecher and told him to clean-up ASAP; he said that he would; but Orders went to Jeffrey Sutphen, Wayzata; and Scott Brecher, 684 Pine Timber Lane, Hudson, WI

- no returned mail

- there were also Orders on a vehicle but it was taken care of

Mr. Daugherty:

- helps take care of these places

- Scott called him and he and Mr. Daugherty went over and cleaned the property - they thought everything was fine; there was quite a bit of material

- Scott's the prior owner; he sold it to Jeffrey Sutphen

- they spent a half a day picking things up; they are wondering what was left after they got through?

VIDEO #1 - tall grass and weeds: cut tall grass and weeds along the alley and rear yard (over 8 inches)

VIDEO # 2 - clean-up: rear of property; removed tree debris and brush along side of

fence; garbage near containers and on ground

Mr. Daugherty:

- *the brush and debris piled up against the fence was all hauled away by him and Scott; they weren't sure they were supposed to cut the stuff in the alley way*
- *we were surprised when we got this*
- *we did have a tenant moving out*
- *the trash hauler will pick up extra bags and charge us for it*

Ms. Moermond:

- *there was a lot more material described in the Orders than was shown on the video*
- *a good faith effort was made on the clean-up*
- *she will recommend the City Council delete the clean-up part of the assessment*
- *she will recommend the Council approve the grass/weed cutting assessment (\$315 for the grass)*

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

**10 RLH TA
13-149**

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1305P, Assessment No. 138404 at 222 CONGRESS STREET EAST.

Sponsors: Thune

Delete the assessment; waiver on file.

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

**11 RLH TA
13-154**

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1306, Assessment No. 138805 at 732 LAWSON AVENUE EAST.

Sponsors: Bostrom

Reduce the assessment from \$1,250.00 to \$250.00 if in compliance by April 2, 2013.

RE: 732 Lawson Ave E (duplex)

Ronald F. Davidson, owner, appeared.

Inspector Joel Essling:

- *Vacant Building fee assessment: \$1,100 + \$150 service charge = \$1,250*
- *Category 1 VB since Nov 2011*
- *inspector spoke with owner; Mr. Davidson said it would be ready to occupy in Mar 2013*
- *the VB Program is recommending that the VB fee be prorated (anniversary date: Nov 10, 2011)*

Mr. Davidson:

- *bought property in Oct*
- *he wasn't aware that a fee was associated with it until he got the Notice; so, he is asking for some relief*

Ms. Moermond:

- *will lay this over to Apr 2, 2013 LH*
- *if Appellant has Certificate of Occupancy or Certificate of Code Compliance before Apr 2, 2013, she will reduce the assessment to \$250*

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

- 12** **RLH TA** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1306A, Assessment No. 138505 at 860 LAWSON AVENUE EAST.
13-147
- Sponsors:** Bostrom
- No show; approve the assessment.*
- Referred to the City Council due back on 4/17/2013**
- 13** **RLH TA** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1306A, Assessment No. 138505 at 1036 LAWSON AVENUE EAST.
13-171
- Sponsors:** Bostrom
- Delete the assessment.*
- RE: 1036 Lawson Ave E (single family)*
- Rachel Morain, owner, appeared.*
- Inspector Paula Seeley:*
- *Summary Abatement Order issued Nov 19, 2012; compliance date of Nov 23, 2012 to remove large brush pile*
 - *re-checked Nov 29 - Work Order sent to Parks*
 - *work done Dec 3, 2012 for a cost of \$288 plus \$160 service charge = \$448*
 - *sent to Rachel Morain at this address*
 - *no returned mail*
 - *no history on property*
- Ms. Morain:*
- *is appealing because she actually cleaned it up*
 - *got the letter after the day it was supposed to be cleaned up*
 - *they had noticed before that someone had taken the logs for fire wood but they left the brush*
 - *they put it into 2 piles: one with logs we wanted to keep and one with brush (they had cut down 5 trees)*
 - *she went out with clippers - sat there all day clipping up the brush*
 - *when she got this, she was upset because she had actually done the work herself*
- VIDEO- 2 brush piles*
- Inspector Joel Essling:*
- *that's not the same brush pile as in the photo that was taken by the inspector*
- Ms. Moermond:*
- *that was a good faith effort*
 - *will recommend deleting this assessment*
- Referred to the City Council due back on 4/17/2013**
- 14** **RLH TA** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1306A, Assessment No. 138505 at 374 LEXINGTON PARKWAY NORTH.
13-161
- Sponsors:** Carter III
- Reduce the assessment from \$320 to \$160.*

RE: 374 Lexington Parkway N (apartments)

Tony Marouf, Lexington Convenience Property Inc, owner, and Mr. Osman appeared.

Inspector Paula Seeley:

- Snow Order sent Dec 12, 2012; compliance date Dec 15, 2012*
- re-checked Dec 18 and work wasn't done*
- sent Work Order*
- work done Dec 20, 2012 for a cost of \$160 plus \$155 service charge = \$320*
- no returned mail*
- sent to: Lexington Convenience Property, Eagan, MN; to Occupant*

Ms. Moermond:

- VIDEO - very narrow path; removed snow and ice from sidewalk; salted and sanded*

Mr. Marouf:

- that all came from the street; the sidewalk was clean*
- this area could not be done with a shovel or snow blower because it was very wet and heavy; they tried and 2 other guys tried but they could not get that heavy street snow up*
- one corner is hard and heavy; the other corner is not*

Mr. Osman:

- when the city truck comes through; they put snow in that corner*

Ms. Moermond:

- people all over the city has corners and they have to do it*
- here, the city crew did it and the Appellants are a commercial business*

Mr. Marouf:

- they have a regular snow blower for the sidewalk*
- have been in that business for the last 12 years and we've never had that issue before*
- they took care of that part of the sidewalk that they could move and then, took a little snow off the grass so that the path was wider; had to leave the snow that was thrown from the plow*

Inspector Essling:

- he agrees that the snow plows come from 2 major thoroughfares and they dump the snow on that corner; however, there are photos and the sidewalk, itself, is not clear*

Ms. Moermond:

- will recommend reducing the assessment from \$320 to \$160*

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

**15 RLH TA
13-163**

Ratifying the Appealed Special Tax Assessment for Real Estate Project No.J1306A, Assessment No.138505 at 390 LEXINGTON PARKWAY NORTH.

Sponsors: Carter III

Approve the assessment.

RE: 390 Lexington Pkwy N (apartment)

Tony Marouf, Lexington Convenience Property, owner, and Mr. Ozman appeared.

Inspector Paula Seeley:

- Snow Order sent Dec 12, 2012; compliance date Dec 15, 2012
- work done Dec 20, 2012 for a cost of \$160 + \$155 service charge = \$320
- sent to Lexington Convenience Property, 2190 Marilyn Ave, Eagan, MN and to Occupant

Mr. Marouf:

- he did not receive this Notice

VIDEO - vacant lot; sidewalk adjacent to Central Ave and Lexington Pkwy; opened up, salted and sanded

Mr. Marouf:

- it was done by hand and not done very well
- he did not check this one
- he paid the guy \$25 and he said he'd go clean it

Ms. Moermond:

- based on the information from staff, she will recommend approval of this assessment

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

**16 RLH TA
13-169**

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1306A, Assessment No. 138505 at 874 MARION STREET.

Sponsors: Brendmoen

Approve the assessment, payable over two years.

RE: 874 Marion (single family)

Sidney Yang, owner, appeared.

Inspector Paula Seeley:

- Snow Order sent Dec 14, 2012; compliance date Dec 17, 2012
- re-checked Dec 20, 2012; Work Order sent
- work done Dec 20, 2012 for a cost of \$160 plus \$155 service charge = \$320
- no returned mail
- no history on the property
- sent to G & I Holdings LLC, Plymouth, MN; to the Occupant; and to Sidney Yang at this address
- photos indicate a very narrow path was shoveled
- all permits have been pulled and finalized

Ms. Yang:

- bought property 3 years ago
- is appealing because her husband had a hernia and was scheduled to have surgery; her boys tried their best to make a small path
- didn't receive the Notice; got the bill after the snow had been completely shoveled and they didn't know who had shoveled it

Ms. Moermond:

- the Notice was sent Dec 14 with compliance on Dec 17 but the work wasn't actually done until the 20th

- thinks the work should have been done; there was adequate notification
- 3 parties were sent the Notice

Ms. Yang:

- but I didn't receive any Notice, just the bill

VIDEO - shows very narrow path (remove snow and ice; salt and sand, as needed)

Ms. Moermond:

- will recommend approving this assessment payable over 2 years

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

**17 RLH TA
13-160**

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1306A, Assessment No. 138505 at 1160 MARYLAND AVENUE EAST.

Sponsors: Bostrom

No show; approve the assessment.

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

**18 RLH TA
13-151**

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1306A, Assessment No. 138505 at 286 PAGE STREET EAST.

Sponsors: Thune

Delete the assessment.

RE: 286 Page St E (single family)

Holly Stallons, owner, appeared.

Inspector Paula Seeley:

- Summary Abatement Orders issued Dec 7, 2012; compliance date Dec 12, 2012
- re-checked Dec 13; Work Order sent
- work done Dec 13, 2012 for a cost of \$288 + \$155 service charge = \$448
- sent to: Federal National Mortgage Association, Dallas, TX; and to the Occupant
- no returned mail
- comment: it was a Vacant Building until Oct 12, 2012
- no history on property at all

Ms. Stallons:

- new owner; they moved in the end of Nov 2012; closing date Nov 29, 2012
- she called then and set up Veolia Trash Service, which told them to put everything outside; so, they assumed that Veolia had picked it all up; when they came back to finish moving in, it was all gone
- she didn't know that they had to do something special with it of that the city was coming to get it

Ms. Moermond:

- can see that a lot of things could have been confused
- will recommend deleting this assessment

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

- 19** **RLH TA**
13-164 Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1306A, Assessment No. 138505 at 778 PASCAL STREET NORTH.
- Sponsors: Stark
- No show; approve the assessment.*
- Referred to the City Council due back on 4/17/2013**
- 20** **RLH TA**
13-165 Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1306G, Assessment No. 138707 at 778 PASCAL STREET NORTH.
- Sponsors: Stark
- No show; approve the assessment.*
- Referred to the City Council due back on 4/17/2013**
- 21** **RLH TA**
13-159 Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1306A, Assessment No. 138505 at 628 PINE STREET.
- Sponsors: Thune
- No show; approve the assessment.*
- Referred to the City Council due back on 4/17/2013**
- 22** **RLH TA**
13-148 Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1306A, Assessment No. 138505 at 904 ROSE AVENUE EAST.
- Sponsors: Bostrom
- No show; approve the assessment.*
- Referred to the City Council due back on 4/17/2013**
- 23** **RLH TA**
13-172 Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1306, Assessment No. 138805 at 872 SELBY AVENUE.
- Sponsors: Carter III
- Reduce the assessment from \$1250 to \$625 if work is completed in 6 months. If not, dept will rebill.*
- RE: 872 Selby Ave (single family)*
- James A. Logan, owner, appeared.*
- Inspector Joel Essling:*
- Category 3 Registered Vacant Building - file opened Sep 21, 2001
 - some recent activity
 - Code Compliance Inspection done Feb 21, 2012, now expired
 - some permit have been pulled - he's not sure if an extension on code compliance was given
 - there's an active building permit, active electrical permit
 - plumbing permit's been finaled

- the demolition process looks to have been started and stopped in Oct 2011
- Jan 2012 LH: because the Code Compliance Inspection was done and permits were pulled
- the process was stopped
- the VB fee went to assessment in Dec 2012

Mr. Logan:

- they went through the property and cleaned and cleaned
- since they started to work on it, they have been set back a couple of times - people keep breaking in and stealing materials; so, they had to re-do the electrical and during that process, the electric energy was cut off at the pole; so, then the city and Xcel came out and they didn't know why the lines were cut at the pole; then, the city's electrical inspector and Xcel met at the house with Mr. Loan to figure out what they had to do to get the electricity back on; the electrician took care of that but Xcel delayed switching on by a month; other than that, they've been working on the house
- is appealing the assessment
- will put in the slab after winter

Ms. Moermond:

- will recommend reducing the assessment in half; if the project is done in 6 months, the department will re-bill

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

24 **RLH TA**
13-228

Deleting the Appealed Special Tax Assessment for Real Estate Project No. VB1306, Assessment No. 138805 at 993 SHERBURNE AVENUE.

Sponsors: Carter III

Delete the assessment; rehab completed shortly after anniversary date.

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

25 [RLH TA](#)
[13-166](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1306A, Assessment No. 138505 at 2386 VALENTINE AVENUE.

Sponsors: Stark

Approve the assessment.

RE: 2386 Valentine Ave (single family)

David Gallogly, Hawkeye Real Estate Investments LLC, owner, appeared.

Inspector Paula Seeley:

- Vacant Building Clean-up Summary Abatement issued Nov 26, 2012; compliance date of Nov 30, 2012
- re-checked Nov 30 - owner called and was given an extension to Dec 4, 2012
- re-checked Dec 4 - debris still around house; he called owner and told him the debris was still there; he said he would call back but didn't
- sent Work Order
- work done Dec 13, 2012 for a cost of \$632 plus \$160 service charge = \$792
- exterior storage of construction materials and debris
- sent to Hawkeye Real Estate Investments LLC, Broadway Ave, St. Paul Park
- VB file opened Jan 18, 2012 as a Category 2

Mr. Gallogly:

- it had been a triplex
 - they bought it as an investment; they converted it back to single family and rehabbed it
 - it was a huge remodel job
 - they had a trailer there with which they moved garbage; when it was pulled away, they stacked garbage outside
 - the inspector came by and told them to move it by a date certain; Mr. Gallogly asked if they could get it through the weekend and move it on Mon the following Mon; inspector said, "That's fine." Inspector came back in the morning on Mon and saw the pile; he called Mr. Gallogly who said they were going to move it on Mon, which they did; Mr. Gallogly's partner actually moved it and thought they got it all

Ms. Moermond:

- Orders were issued Nov 6 but the work wasn't done until Dec 13, 2012 although the compliance date was 2 weeks earlier on Nov 30, 2012
 VIDEO - loose and scattered debris in rear of property; demo debris; pile of stuff; wood shingles; wood; brush; trash loose and scattered in front

Ms. Moermond:

- will recommend approval of the assessment

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

26 RLH AR Ratifying Collection of Vacant Building fees billed March 28 to October 24, 2012. (File No. VB1306, Asmt No. 138805)
13-17

Sponsors: Lantry

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

27 RLH AR Ratifying Boarding and/or Securing services during November 2012. (File No. J1306B, Asmt No. 138105)
13-18

Sponsors: Lantry

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

28 RLH AR Ratifying Graffiti Removal services during November 29 to December 24, 2012. (File No. J1305P, Asmt No. 138404)
13-19

Sponsors: Lantry

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

29 RLH AR Ratifying Property Clean Up services during December 2012. (File No. J1306A, Asmt No. 138505)
13-20

Sponsors: Lantry

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

30 RLH AR Ratifying Trash Removal services during December 2012. (File No. J1306G, Asmt No. 138705)
13-21

Sponsors: Lantry

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

- 31 **RLH AR** Ratifying Demolition services from November 2012. (File No. J1306C, Asmt
13-22 No. 132005)

Sponsors: Lantry

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

11:00 a.m. Hearings

Summary Abatement Orders (None)

Orders To Vacate, Condemnations and Revocations

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

Sponsors: Carter III

Laid over to March 19 for Ms. Flygare to give staff report on the ownership/foreclosure situation. LHO grants until April 1, 2013 for tenant(s) to vacate the property.

RE: 839 Thomas Ave (single family)

Tovah Flygare, Southern Minnesota Regional Legal Services (SMRLS) and Meghan Cody appeared.

Fire Inspector Leanna Shaff:

- Revocation

- started with a complaint Nov 19, 2012 for broken pipe in ceiling, no smoke detectors, counter and cabinets not secured, hanging wires in basement, bathroom floor water damaged and never repaired

- Inspector Efferson responded Nov 20, 2012 and found leaking water in the upstairs bathroom but all other issues were unfounded

- he scheduled a Certificate of Occupancy Inspection for Dec 28, 2012; owner did not show

- Jan 28, 2013 - second attempt for inspection; owner did not show; he received another mailing address for the owner in CA

- Feb 20, 2013 - inspector spoke with owner; on that date, the tenant did not respond and no one showed up for the appointment

- owner states that he has no one here to represent his interest in the property and isn't going to have anyone

Ms. Moermond:

- in her opinion, he has chosen to abandon the property

Ms. Shaff:

- the inspector explained to the owner that he needed to take responsibility otherwise his Fire Certificate of Occupancy would be Revoked and the property would be vacated; the owner affirmed that was what he wanted to do; hence, the Revocation

Ms. Tovah:

- looking for time
- she understands that there was a sheriff's sale; now, the bank owns it; and Weingarten is representing them
- she was not able to reach them as of today
- Inspector Efferson found there were no smoke detectors but did not find any serious health/life safety issues; so, the family is asking until the end of the month to move; one person in the family has a new job; they need more time to find 3 bedroom place to live

Ms. Moermond:

- asked Ms. Cody if she received a letter from Mr. Young saying he was going into foreclosure

Ms. Cody:

- the Sheriff brought them foreclosure papers but Mr. Young told them that he was going to try to keep the house; then, he moved to CA; they tried calling him but he never picked up the phone

Ms. Moermond:

- a citation should be written

Ms. Cody:

- after the inspector came out, they asked Mr. Young to fix the damages and he fixed the ceiling, the bathroom floor and the wires - after that, he didn't fix anything else; he didn't put up smoke detectors; they did; anything that was wrong with the house, they had to fix

Ms. Moermond:

- will be happy to grant an extension to Apr 1, 2013 but is concerned about the timing

Ms. Tovah:

- has a concern about the tight rental market
- will be happy to contact Weingarten to see what their intentions are toward the property (within 2 weeks)

Ms. Moermond:

- will lay this over for 2 weeks until Mar 19, 2013 LH
- the question is will Ms. Cody need more time and will the bank be willing to give her more time
- if they stay into Apr, the inspector should probably do a check
- Ms. Cody won't need to come back; only Ms. Tovah

Laid Over to the Legislative Hearings due back on 3/19/2013

Staff Reports

33

[RLH FCO
13-48](#)

Appeal of Andy Hybben to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 582 OHIO STREET.

Sponsors: Thune

Deny a variance on the ceiling height in the 2nd floor west room. May not be used as a bedroom.

RE: 582 Ohio St (single family)

Staff Report, only

Fire Inspector Leanna Shaff:

- at the last hearing, there seemed to be some confusion in the Orders
- Inspector Sean Westenhofer and she went to inspect
- this house has 3 bedrooms but they are using another room on the 2nd floor as a bedroom
- the 11 ft 2 in x 10 ft 2 in bedroom on main floor has an 8 foot ceiling height
- the upstairs sleeping rooms have a 7 ft plus ceiling height, depending on the carpet
- the bedroom in question (4th bedroom) has a peaked ceiling; at the ceiling in about 7 ft 7.1 (total floor space is 107 inches x 218); over 5 ft is 150 in x 5 ft; there is a little alcove area (introduced a diagram); the math hadn't been done; roughly 162 sq ft total floor space; 17.08 sq ft is 7 ft high or over; from the 5 ft mark is 7 ft; so, there's 62.5 sq ft that's between 5 and 7 ft high
- the minimum square foot area for a bedroom is 70 sq ft

Ms. Moermond:

- there's not enough square footage of floor space to even be a bedroom
- the proportion of that's between 5 and 7 ft high
- 17 sq ft is over 7 ft high
- total area is 62.5 sq ft
- 27% of the legal floor area is over 7 ft high
- so, the bedroom area is too small and the ceiling height is too low
- will recommend denial on both counts
- the Order has been rewritten

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

1:30 p.m. Hearings

Correction Orders (None)

Fire Certificates of Occupancy

- 34** [RLH FCO
13-51](#) Appeal of John W. Sweeney to a Fire Inspection Correction Notice at 1064 ENGLEWOOD AVENUE.

Sponsors: Carter III

Deny a variance on the ceiling height in the 2nd floor room. The room cannot be used as a sleeping room by June 1, 2013.

RE: 1064 Englewood Ave (single family)

John Sweeney, owner, appeared.

Fire Inspector A. J. Neis:

- Fire Certificate of Occupancy Correction Notice dated Feb 1, 2013 when Fire Inspector Lisa Martin conducted a routine fire inspection and identified 10 code violations
- appealed is the ceiling height in a 2nd floor sleeping room; 6 ft 4 inches of height slopes down to 3 ft
- the code requires a minimum of 7 ft over half of the habitable floor space
- this falls inches short of what the code requires

- according to Mr. Sweeney's notes, the house has been in the family for quite some time but due to a recent refinancing, this house is considered rental property, which triggered the inspection; a fire inspector had never been in the house before

Mr. Sweeney:

- bought house about 10 yrs ago; was used for their children who have transitioned to their own housing
- his first son lived there for nearly 10 yrs
- now, his second son lives there
- the upper floor has been used as a bedroom as long as he's owned the house; 2 bedrooms on first floor
- no children live there; his son and his roommates live there
- it's not a rental property used as income property; the people stay there and pay the mortgage
- it was listed as a 2nd home for 10 yrs and then they changed the law; now, it's considered as rental property
- he'd would like to keep the upper floor as a bedroom but he understands that it doesn't meet code

Ms. Moermond:

- doesn't see any egress windows called out
- is wondering how many sq ft are above 5 ft (about the width of the bed ?); perhaps 6 ft wide is the space above 5 ft
- the length of the room is the whole length of the house

Mr. Neis:

- the issue was the ceiling height; the inspector was not able to determine whether it could or could not be used for sleeping purposes
- just looking at the photo of the slider window, he can't determine whether or not it is large enough for egress (Mr. Sweeney: his first son was able to get through the window to fix some things)
- the only other concern that Fire has in a space like this is that the maximum height is 6 ft 4 in, which leaves little space for taller people; if there is smoke, it leaves little space for smoke to spread - it would fill the room much faster than a room with higher ceilings
- typically, when these homes were constructed, these attics were never designed to be finished off as rooms; they were accessory use for storage - not livable space
- the house was built in 1923; labeled as a 1-story home per Ramsey County

Ms. Moermond:

- technically, there's enough sq footage above 5 ft to give enough floor area to meet the code
- the ceiling is too low and falls short of what the code requires, it's highest point is 8 inches below the code requirement
- will recommend the City Council deny this appeal
- will grant an extension until Jun 1, 2013
- if looking for a different outcome, Appellant can attend the City Council Public Hearing Mar 20, 2013

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

35 [RLH FCO
13-38](#)

Appeal of Hermino Pena Jr. to a Correction Order at 119 WYOMING STREET EAST.

Sponsors: Thune

Owner called and stated he is withdrawing his appeal.

Withdrawn

- 36 [RLH FCO](#)
[13-56](#) Appeal of Jan Parker to a Correction Notice - Re-Inspection Complaint at 1382 JULIET AVENUE.

Sponsors: Tolbert

Rescheduled to Mar 12, 2013 LH per owner's request.

RE: 1382 Juliet Ave (single family)

Staff Report:

Fire Inspector A. J. Neis:

- received a referral Feb 7, 2013 by Fire Inspector Michael Cassidy*
- owner was requesting to use the basement as a bedroom; however, the ceiling height is 6 ft 6 1/2 in; the room is 105 sq ft*
- the room has a legal egress window, installed under permit*
- this space has been used as a bedroom in the past*
- research revealed that a permit had been pulled for the basement but the window was not for egress; the permit said that it was to add a larger window to add light to the basement study; it was clear from the permit that this room was not intended to be used as a bedroom*
- when inspected last year, the inspector had indicated from the owner/responsible party that they had included in a lease addendum that the basement would not be used as a bedroom or livable space; only for storage*

Laid Over to the Legislative Hearings due back on 3/12/2013

2:30 p.m. Hearings**Vacant Building Registrations (None)****Window Variances: No Hearing Necessary**

- 37 [RLH FOW](#)
[13-5](#) Appeal of Roseanne Wynn to an Egress Window Non-Compliance Determination at 1415 MARGARET STREET.

Sponsors: Lantry

Grant a 5-inch variance on the openable height of the egress window in the main level bedroom. (No hearing necessary)

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