



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
legislativehearings@ci.stpaul.mn.us
651-266-8560

Tuesday, March 1, 2011

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Special Tax Assessments

- 1 [ALH 11-173](#) Appeal of Special Tax Assessment for 525-527 CHARLES AVENUE for Project #: J1108A, Assessment #: 118015 in Ward 1

Sponsors: Carter III

Attachments: [525-527 Charles Ave. SA.DOC](#)

Approve the assessment.

Mai Doua Lee Vang appeared. Mai Vang provided Hmong translation.

Ms. Lee stated that there is no house located on 525 Charles Avenue; it's on 527 Charles Avenue. Ms. Moermond noted that it looks as though the City looks at 525-527 Charles Avenue as one parcel.

Inspector Essling reported that this assessment at 525/527 Charles Avenue is for removing a mattress in the rear of the property. The Orders were mailed November 4, 2010 with a compliance date of November 12, 2010. It was re-checked November 17, 2010 and found to be in non-compliance. A Work Order was sent to Parks and the work was done November 19, 2010. The Summary Abatement was mailed to Gow and Molly Lee, 4405 Century Avenue South and Mai Lee and Doua Vang, 527 Charles and Occupant at 525 Charles. There was no returned mail. The cost is \$150 plus \$140 service charge for a total of \$290. There is no video.

The appellant stated that they moved out of the house in September 2010; they were not aware of the problem. They had leased the property and couldn't afford to pay any more so they moved out. Actually, it was a "rent to own" (Contract for Deed), maybe. In May 2010, they gave the property back. Because they were paying taxes, the owner told them that their name should remain on the record. The appellant went to Ramsey County a couple of weeks ago and they told her they would take their names off the record.

Ms. Moermond will recommend that this assessment be approved but the City of Saint Paul and Ramsey County won't be holding the appellant and her family accountable for the assessment; that will go to the owner of the property.

Mr. Essling researched Ramsey County tax records and noted that the appellant is

no longer on the tax records.

Referred Under Master Resolution

- 2 [ALH 11-190](#) Appeal of Special Tax Assessment for 796 CONCORDIA AVENUE for Project #: J1105G, Assessment #: 118013 in Ward 1

Sponsors: Carter III

Attachments: [796 Concordia Ave SA hauler 7.26.10.DOC](#)

No one appeared. Delete the assessment per DSI.

This is a layover.

Inspector Essling reported that the assessment for 1269 Payne Avenue had been for garbage hauling for \$225 from December 3 to December 24, 2010.

Ms. Moermond stated that the work was done after the redemption time period (ordered July 26, 2010); it should be deleted.

Ms. Moermond recommended deleting the assessment.

Referred Under Master Resolution (delete)

- 3 [ALH 11-232](#) Appeal of Special Tax Assessment for 1305 MARYLAND AVENUE EAST for Project #: VB1102, Assessment #: 118993 in Ward 6

Sponsors: Bostrom

Attachments: [1305 Maryland Ave E.VB1102.pdf](#)

No one appeared. LO for two weeks (Mar 15, 2011) to LH.

No one appeared.

Inspector Yannarely reported that he had spoken with Mr. Singerhouse, who said that Mr. Kotz is scrambling to get this done; he's very close. He suggested laying it over for another two (2) weeks.

Ms. Moermond will recommend a two (2) week layover to March 15, 2011.

City Council was February 2, 2011; may need to do a Resolution to amend.

Laid Over to the Legislative Hearings due back on 3/15/2011

- 4 [ALH 11-284](#) Appeal of Special Tax Assessment for for Project #: 2044 REANEY AVENUE, Assessment #: VB1104 in Ward 7

Sponsors: Lantry

Attachments: [2044 Reaney Ave.VB1104.pdf](#)

Delete the assessment.

Akjandra Lovedo appeared. (Laura Carroll, interpreter)

Inspector Yannarely reported that this assessment is a Vacant Building fee for 2044 Reaney Avenue. It was referred to Vacant Buildings, Code Enforcement, for a lack of basic utilities (gas and electric). No Condemnation was issued. The gas has been off since August 17, 2010 and the electric has been off since July 29, 2010.

Inspector Nelmark though the house looked in good shape from the exterior so, he just opened it up as a Category 1 Vacant Building, trying to allow the tenant time to have the utilities switched back on in a timely fashion so they could close out the file.

Through interpretation, Ms. Lovedo explained that she is unable to afford the mortgage payments and the utilities. She moved out when the City placed the placard. She owes Xcel \$2,000. There has not yet been a sheriff's sale. She made the last mortgage payment before the placard was placed. Ms. Moermond encouraged Ms. Lovedo to seek help from NEDA.

Ms. Moermond asked staff what definition of a Vacant Building was used in this case. Mr. Yannarely was unsure; however, he believes that the inspector didn't want to Condemn the house and was hoping that Ms. Lovedo would be able to get the utilities back on. Eventually, the house will be in foreclosure. There is no bank on record. Ms. Lovedo has been maintaining the property.

Ms. Moermond encouraged Ms. Lovedo to try to get the utilities paid and to try to work out something with the bank. Ms. Carroll may be able to help with resources.

Ms. Moermond will recommend the Vacant Building fee be deleted because she does not feel that the Vacant Building Program is adequate for this property at this point. The Department of Safety and Inspections will re-evaluate this situation in September 2011. If the house is not occupied at that time, it will go to the Vacant Building Program and there will be a fee attached to it.

Referred Under Master Resolution (delete)

5 [ALH 11-270](#)

Appeal of Special Tax Assessment for 842 CLEAR AVENUE for Project #: J1104E, Assessment #: 1180202 in Ward 6

Sponsors: Bostrom

Attachments: [842 Clear Ave EC 10.21.10.DOC](#)
[842 Clear Ave Photos 10.21.10.DOC](#)

Approve the assessment.

Tom Rogge appeared.

Inspector Essling reported that this assessment for 842 Clear Avenue is an Excessive Consumption fee for a cost of \$75 plus a \$20 service charge for a total of \$95. Orders were issued April 10, May 20, July 22 and September 14, 2010.

Mr. Rogge said that he went to court on this and everything was dropped, supposedly. No work was done by the City. Why are these charges so high? The last time he was here, he said that Ms. Moermond had told him that he could work on stuff for 72 hours - there has been nothing over 72 hours. This is harassment from Inspector Seeley. He wants to appear before the City Council.

Ms. Moermond noted that it is not in the prosecutor's jurisdiction to talk about the taxes; that would be court fines. This charge is for Excessive Consumption. There are four (4) founded allegations during this time period of which the maximum number is three (3). Once three (3) has been reached, the City will charge you for

additional trips. This assessment has nothing to do with the 72 hour time period.

Mr. Rogge stated that it has been over three (3) years now that he has had to deal with the same complainants, who keep calling, and Ms. Seeley drives around the house and up the alley and writes up things with Ed Smith's name on them.

Mr. Rogge asked Ms. Moermond what he needs to do to appear before the City Council. Ms. Moermond responded that he could write to his councilmember or to the City Council, as a whole. Mr. Rogge argued that the City has done no work; it's ridiculous harassment. He noted that he can't make the City Council public hearing date in the letter; he's out of town. Could he have a different date. Ms. Moermond stated that she will recommend that the Council do a two (2) week layover to April 6, 2010.

Referred to RES 11-137 for City Council on March 16 (to continue the PH to April 6)

- 6 [ALH 11-286](#) Appeal of Special Tax Assessment for 1581 PAYNE AVE for Project #: J1109A, Assessment #: 118023 in Ward 6

Sponsors: Bostrom

Attachments: [1581 Payne Ave SA 12.10.10.DOC](#)
[1581 Payne Ave Photo 12.09.10.DOC](#)

No one appeared. Approve the assessment.

Referred to RES 11-139 for City Council on March 16

- 7 [ALH 11-287](#) Appeal of Special Tax Assessment for 717 FRY STREET for Project #: J1109A, Assessment #: 118023 in Ward 4

Sponsors: Stark

Attachments: [717 Fry snow letters 12-22-10 .pdf](#)

No one appeared. Approve the assessment.

Referred to RES 11-139 for City Council on March 16

- 8 [ALH 11-292](#) Appeal of Special Tax Assessment for 155 RUTH STREET NORTH for Project #: J1104E, Assessment #: 118020 in Ward 7

Sponsors: Lantry

Attachments: [155 Ruth St N CN 6.7.10.DOC](#)
[155 Ruth St N EC 10.6.10.DOC](#)
[155 Ruth St N photos 10.6.10.DOC](#)

Approve the assessment.

Bouawan Xiong appeared.

Inspector Essling reported that the assessment for 155 North Ruth Street is an Excessive Consumption fee for exterior maintenance. Orders were issued June 7, 2010 regarding windows, siding, paint. The compliance dates for that Order were June 28 and July 26, 2010. It was re-inspected on October 6, 2010 and found to be

non-compliant. At that time, \$150 Excessive Consumption fee was assessed plus a service charge of \$20 for a total of \$170. There are two (2) previous Excessive Consumption fees for this same violation. There have also been assessments for an abatement clean-up, vehicle tow; and a citation was issued. The extensive history on this property goes back to when it came off the Vacant Building list in 2003-04.

Mr. Xiong explained that he just didn't have the money to fix the exterior right after he bought it in 2008. At that time, his dad had been helping him pay for things but he lost his job six (6) months after he bought the house. He had to fix up things on the inside of the house first. Regarding the cars: one of them is not driveable; all the tabs are current. He lives at this house.

Ms. Moermond asked if a criminal tag had been issued. Mr. Essling replied, "Yes." Mr. Xiong explained that he didn't know he had a citation, but as he was coming home from work, the officer pulled him over and arrested him on February 10, 2010 and took him to jail. His court date is March 10. They didn't tell him what the citation was for. Inspector Seeley added that two (2) vehicles would be towed, perhaps today. Mr. Xiong responded that one of the vehicles is his brother, who has a DWI, so he can't drive the car. Mr. Xiong has another vehicle that he drives only in summer, so he parks it in the driveway on the side of his house. They are operable; one needs some brake work. His dad had a mini van parked there that has a cracked window, so, it was towed.

Ms. Moermond asked if there was any sort of plea arrangement whereby Mr. Xiong would have things done by a particular date. Mr. Essling replied that he didn't show up for court so there was a warrant issued. Mr. Xiong responded that he didn't know he had a court date. Ms. Seeley said that she believed that they sent the citation over to DMV; it was sent to Mr. Xiong's previous address. (He had changed the address on his driver's license; moved 2008).

Ms. Moermond will recommend approval of this assessment. She will also give Mr. Xiong a time certain by which this exterior work needs to be done; that date can carry over to his court proceedings.

Inspector Essling stated that on January 28, 2011, the inspector met with the tenant, who said that Mr. Xiong will have all of the violations on the house corrected by June 30, 2011. Mr. Xiong said that he doesn't have a tenant; some of his family members live there. He never talked with an inspector. The inspector probably had talked with his dad or someone else who lives there.

Ms. Moermond will give Mr. Xiong until June 1, 2011 to get all of the work done. She explained that there will be a tax assessment coming forward for the cost of removing the cars from Mr. Xiong's property (going on right now) and for the cost of storing them at the Police Impound Lot. She encouraged him to get them out of storage sooner rather than later or the police will auction them. What the police get at auction will be credited to Mr. Xiong's towing and storage bill. Call Ed Smith 266-1917.

Referred to RES 11-137 for City Council on March 16

9 [ALH 11-293](#)

Appeal of Special Tax Assessment for 1245 SIXTH STREET EAST for Project #: J1109A, Assessment #: 118023 in Ward 7

Sponsors: Lantry

Attachments: [1245 6th St E Snow letter 12.7.10.pdf](#)

No one appeared. Approve the assessment.

Referred to RES 11-139 for City Council on March 16.

- 10 [ALH 11-295](#) Appeal of Special Tax Assessment for 1596 CONCORDIA AVENUE for Project #: J1109A, Assessment #: 118023 in Ward 1

Sponsors: Carter III

Attachments: [1596 Concordia Ave SISA 12.16.10.DOC](#)
[1596 Condordia Ave Snow letters 12.6.10.pdf](#)

Approve the assessment.

Travis Ormsby appeared.

Inspector Essling reported that this assessment for 1596 Concordia is for removing snow from a public sidewalk. The letter was mailed on December 6, 2010 with a compliance date of December 9, 2010. It was re-checked on December 9, 2010 and found to be non-compliant. A Work Order was sent to Parks and the work was done on December 20, 2010 for a cost of \$160 plus \$140 service charge for a total of \$300. The letter was sent to Travis Ormsby, 869 Smith and Occupant, 1596 Concordia. After the snow letter was sent, the inspector did a re-inspection on December 16, 2010; sent a Snow & Ice Summary Abatement.

Mr. Ormsby explained that he is the property owner but he doesn't deal with tenant; he has a property management company, which said that the tenant who lives there is on a fixed income (collects Social Security Disability) and has a difficult time getting the snow shoveled in the first place. Margaret Uriah, the property manager, said that she spoke with the inspector, asking whether the assessment could be cut in half because of her disability. If not, could it be spread out over a longer period of time. The terms of the lease indicate that it's the tenant's responsibility to shovel snow.

Mr. Essling noted that there was an additional Work Order sent to Parks on December 31, 2010.

The video was viewed.

Ms. Moermond stated that she is not willing to recommend that there be a deferment of any kind or that the assessment be reduced. The work was supposed to have been done. Mr. Ormsby does have a management company; ultimately, it is his responsibility. He may choose to spread the tenant's payments over time.

Referred to RES 11-139 for City Council on March 16

- 11 [ALH 11-296](#) Appeal of Special Tax Assessment for 825 WATSON AVENUE for Project #: J1106G, Assessment #: 118024 in Ward 2

Sponsors: Thune

Attachments: [825 Watson Ave hauler SA 11.30.10.DOC](#)

No one appeared. Approve the assessment.

Referred to RES 11-140 for City Council on March 16

- 12 [ALH 11-302](#) Appeal of Special Tax Assessment for 970 SIXTH STREET EAST for Project #: J1106G, Assessment #: 118024 in Ward 7

Sponsors: Lantry

Attachments: [970 6th St E Hauler SA 11.24.10.DOC](#)

Reduce assessment from \$540 to \$290.

Sue Rosas, Urban Enterprises (management company), appeared.

Inspector Essling reported that this assessment for 970 Sixth Street East is for weekly refuse removal. The Summary Abatement was mailed on November 24, 2010 with a compliance date of November 29, 2010. It was re-checked on December 2, 2010 and found to be in non-compliance. A Work Order was sent to Parks and the City stated providing weekly refuse removal that same week (one container for four (4) weeks). The cost is \$400 plus \$120 service charge for a total of \$540.

Ms. Rosas stated that she really had no idea what this was for. She hadn't gotten any of the Notices. Mr. Essling responded that the Notices were sent to Daniel Kingston, Steve Schmitz and the Occupant. Ms. Moermond suggested that Urban Enterprises become the Certificate of Occupancy responsible party. Mr. Essling said that Ms. Rosas should call Maynard Vinge, 266-9057, to change the C of O responsible party from Mr. Schmitz to Urban Enterprises. He noted that Absolute Value Enterprises on Carroll is listed as the tax owner. Ms. Rosas commented that Mr. Kingston bought the property in October 2010. She said that Waste Management should have picked up all of December; they paid the bill. Mr. Essling related that according to the inspector's notes, the garbage service had been stopped on November 3, 2010 for non-payment. It was resumed December 11, 2010. Ms. Rosas added that she had been told the garbage services resumed December 1, 2010.

Mr. Essling added that there is another assessment for cleaning the property that has already been levied for \$622 (done between November 1 and December 2, 2010).

Ms. Moermond stated that she is willing to take a portion off the total assessment because the City re-checked on December 2, 2010 to see if the service had started and the appellant's service started on December 1, 2010, of which the City would not have been notified about until later; so, she will recommend to the City Council that they charge the appellant for the drop-off of the container, the pick-up of the container and a week's service plus the administrative fee for a total of \$290 from \$540.

Referred to RES 11-140 for City Council on March 16

- 13 [ALH 11-305](#) Appeal of Special Tax Assessment for 734 CHARLES AVENUE for Project #: J1109A, Assessment #: 118023 in Ward 1

Sponsors: Carter III

Attachments: [734 Charles Ave SA 11.30.10.DOC](#)

No one appeared. Approve the assessment.

Referred to RES 11-139 for City Council on March 16

- 14 [ALH 11-306](#) Appeal of Special Tax Assessment for 1269 PAYNE AVENUE for Project #: J1109A, Assessment #: 118023 in Ward 4

Sponsors: Bostrom

Attachments: [1269 Payne Ave SA 12.09.10.DOC](#)

No one appeared. Delete the assessment per DSI.

Referred to RES 11-139 for City Council on March 16 (delete)

- 15 [ALH 11-307](#) Appeal of Special Tax Assessment for 694 IVY AVENUE EAST for Project #: J1109A, Assessment #: 118023 in Ward 6

Sponsors: Bostrom

Attachments: [694 Ivy Ave E SA 12.15.10.DOC](#)

Approve the assessment.

Julissa Carnero appeared.

Inspector Essling reported that the assessment for 694 Ivy Avenue East is for clean-up of accumulated refuse, including garbage bags from the southeast end of the property between the fence and the alley. Orders were mailed December 15, 2010 with a compliance date of December 19, 2010. A re-check was done on December 20, 2010 and found to be in non-compliance. A Work Order was sent to Parks and the work was done on December 29, 2010 at a cost of \$288 plus a service charge of \$140 for a total of \$428. The Notice was mailed to Lisa Carnero, 694 Ivy Avenue East.

Ms. Carnero said that when she got the letter was right after the big snow storm. She tried to pick up the bags of leaves but they would just tear. Finally, when the weather warmed up around February 15, 2011, she was able to clean it all up. Ms. Moermond noted that the City did a clean-up, as well, on December 29, 2010.

The video was viewed showing the pick-up.

Ms. Moermond will recommend approval of the assessment.

Referred to RES 11-139 for City Council on March 16

- 16 [ALH 11-308](#) Appeal of Special Tax Assessment for 909 MARGARET STREET for Project #: J1104E, Assessment #: 118020 in Ward 6

Sponsors: Lantry

Attachments: [909 Margaret St SA 10.1.10.DOC](#)
[909 Margaret St Photo10.19.10.DOC](#)
[909 Margaret St EC 10.20.10.DOC](#)

No one appeared. Approve the assessment.

Referred to RES 11-137 for City Council on March 16

- 17 [ALH 11-309](#) Appeal of Special Tax Assessment for 537 RICE STREET for Project #: J1109A, Assessment #: 118023 in Ward 1

Sponsors: Carter III

Attachments: [537 Rice St snow letter 12.23.10.pdf](#)

No one appeared. Approve the assessment.

Referred to RES 11-139 for City Council on March 16

- 18 [ALH 11-310](#) Appeal of Special Tax Assessment for 737 DAYTON AVENUE for Project #: J1109A, Assessment #: 118023 in Ward 1

Sponsors: Carter III

Attachments: [737 Dayton Ave snow letter 12.22.10.pdf](#)

No one appeared. Approve the assessment.

Referred to RES 11-139 for City Council on March 16

- 19 [ALH 11-311](#) Appeal of Special Tax Assessment for 353 ROBIE STREET WEST for Project #: J1109A, Assessment #: 118023 in Ward 2

Sponsors: Thune

Attachments: [353 Robie St W Snow letter 12.17.10.pdf](#)

Reduce assessment from \$300 to \$200.

Marit Salvarson appeared.

Inspector Essling reported that the assessment for 353 Robie Street West is for snow removal on the public sidewalk. The letter was mailed to Marit Salvarson, 353 Robie Street West and to Occupant on December 17, 2010 with a compliance date of December 20, 2010. It was re-inspected on December 22, 2010 and found to be in non-compliance. A Work Order was sent to Parks and the work was done on December 27, 2010 for a cost of \$160 plus a service charge of \$140 for a total of \$300.

Ms. Salvarson is appealing because she thinks that the amount of snow the City removed was excessive and not necessary. She lives on a double corner lot. The City cut out four (4) exits to the street but her lot is so shallow that her driveway is just a few paces from one (1) of the corners. They actually cut four (4) more exits than were needed. On the corners, they cut out two (2) exits but the ramp in the center/corner they failed to clear. She expected them to clear the wider ramp area in the center of the corner. Actually, they did twice as much work as they needed to and failed to clear the ramp areas.

The video was viewed along with the photographs that Ms. Salvarson brought.

Ms. Salvarson asked why she was targeted. Mr. Essling responded that Notices are sent based upon complaints. He said that nearly all of the snow removal complaints come from people who walk those sidewalks.

Ms. Moermond will recommend reducing the assessment by \$100 (from \$300 to \$200) based on a good faith effort.

Referred to RES 11-139 for City Council March 16

- 20 [ALH 11-312](#) Appeal of Special Tax Assessment for 669 DAYTON AVENUE for Project #: J1109A, Assessment #: 118023 in Ward 1

Sponsors: Carter III

Attachments: [669 Dayton Ave snow letter 12.22.10.pdf](#)

Approve the assessment.

Alex Lindorf, tenant, appeared.

Inspector Essling reported that the assessment at 669 Dayton Avenue is for an Abatement for removal of snow from the public sidewalk. The letter was mailed December 22, 2010 with a compliance date of December 25, 2010. It was re-checked on December 29, 2010 and found to be in non-compliance. A Work Order was sent to Parks and the work was done on December 30, 2010 at a cost of \$160 plus a service charge of \$140 for a total of \$300. The letter was mailed to PRC Acquisitions, LLC in Edina, and the Occupant.

Mr. Lindorf noted that he and PRC Acquisitions arranged that the tenant is responsible for snow removal. For that month, Mr. Lindorf was responsible for the front of the house and his roommate was responsible for the back of the house. He said that he hadn't received a letter in the mail; if he had, he would have addressed it. He landlord said that he hadn't received a letter either. Mr. Essling stated that there was no returned mail.

They viewed the video (sidewalk had not been shoveled full width).

Ms. Moermond stated that there may be a Notice question; however, that is a private issue between Mr. Lindorf, his roommates and his landlord. From the City's perspective, Notice was provided to the owner and the occupant and there was no returned mail. She will recommend that the assessment be approved.

**Referred Under Master Resolution
(3-16-11)**

- 21 [ALH 11-313](#) Appeal of Special Tax Assessment for 206 AVON STREET NORTH for Project #: J1109A, Assessment #: 118023 in Ward 1

Sponsors: Carter III

Attachments: [206 Avon St Snow letter 12.22.10.pdf](#)

Approve the assessment.

John Robichaud appeared.

Inspector Essling reported that this assessment is for snow removal from the public sidewalk at 206 Avon Street. The letter was mailed on December 22, 2010 with a compliance date of December 25, 2010. It was re-inspected on December 29, 2010 and found to be in non-compliance. A Work Order was sent to Parks and the work was done on December 30, 2010 for a cost of \$320 plus \$140 service charge for a total of \$460. The letter was sent to John Robichaud, 1237 Nursery Hill Lane, New Brighton, the Occupant and Jeff Scott, Founders' Lane, Saint Paul. Mr. Essling commented that the large charge implies that the City removed quite a lot of snow.

Mr. Robichaud replied that they also removed part of his lawn as well as put a chip in the sidewalk. He noted that he is in the process of selling the home and he has asked the City to repair it. He continued to say that the day he opened his mail and received the Notice, he went to the house the next day and found that the City had already done the work. He thinks that the City gave him too short a period of time for him to actually respond to the Notice. He certainly would have done the work if he had enough time.

Ms. Moermond asked the appellant his address to which Mr. Robichaud replied, "1237 Nursery Hill Lane, New Brighton." Ms. Moermond noted that the letter was mailed on December 22 and the crew did the work on December 30, 2010. Mr. Robichaud responded that it didn't seem like adequate time - the Christmas holidays were in there. He feels that there are three (3) issues here: 1) not proper notification to get the work done; 2) excessive cost; and 3) City damaged his property as a result.

They viewed the video.

Ms. Moermond stated that a lot of work needed to be done. One week notice was provided to the owner's address and the Occupant, along with another address and there was no returned mail. If Mr. Robichaud feels that there was damage to his property, he will need to file a claim against the City for the cost of those repairs. Ms. Moermond will recommend approval.

Referred to RES 11-139 on City Council March 16

22 [ALH 11-314](#)

Appeal of Special Tax Assessment for 843 EDMUND AVENUE for Project #: J1102B, Assessment #: 118007 in Ward 1

Sponsors: Carter III

Attachments: [843 Edmund Ave-Assess Roll.pdf](#)
[843 Edmund Ave-Boarding invoice.pdf](#)
[843 Edmund Ave-Boarding WO.pdf](#)

Delete the assessment per DSI.

NeNe Matey-Keke, Model Cities, appeared.

Inspector Essling reported that the assessment for 843 Edmund Avenue is for securing a garage service door. The work was done September 30, 2010 at a cost of \$11.95 plus a service charge of \$140 for a total of \$151.95. This has been a Category 2 Registered Vacant Building since August 21, 2009. The Summary Abatement Order was mailed on September 23, 2010 to Citi Mortgage, Irving, Texas.

Mr. Matey-Keke explained that they purchased the property sometime between September 15-30, 2010. They had assumed that this was taken care of at closing.

Mr. Essling stated that due to the amount of the assessment and the fact that the Orders may have been mailed to City Mortgage after Model Cities purchased the property, the Department of Safety and Inspections is recommending deleting the assessment.

Referred Under Master Resolution (delete per DSI)

23 [ALH 11-315](#)

Appeal of Special Tax Assessment for 895 FREMONT AVENUE for Project #: J1104E, Assessment #: 118020 in Ward 7

Sponsors: Lantry

Attachments: [895 Fremont Ave ECM 10.7.10.DOC](#)
[895 Fremont Ave Photo 10.7.10.DOC](#)
[895 Fremont Ave history 2010.mht](#)

Approve the assessment.

Seukonh Yang, appeared.

Inspector Essling reported that the assessment for 895 Fremont Avenue is for an Excessive Consumption fee. Orders were mailed October 7, 2010 with a compliance date of October 11, 2010. It was re-inspected on October 27, 2010 and found to be in non-compliance. A \$75 Excessive Consumption fee was assessed plus a \$20 service charge for a total of \$95. There was a \$50 Excessive Consumption fee previously at this address. He entered a photo. There were four (4) previous Summary Abatements issued in 2010: May 20, June 11, September 7 and October 7.

Mr. Yang explained that he took over ownership of this property on November 22, 2010 from Title Smart Inc. All this is new to him. Mr. Essling added that on October 7, 2010, there were two (2) Summary Abatements issued: 1) one for a hauler; and 2) the other for a clean-up. There have been multiple Orders within a twelve (12) month time period.

Ms. Moermond stated that all these Orders occurred under the previous owner. She asked staff whether the previous owner was Noticed to take care of these things. If the previous owner did get the Notices and it was during their ownership period, it stays with the property and Mr. Yang needs to talk with them. If the previous owner didn't get Noticed, then, it could probably be deleted. Whoever owns the property is ultimately responsible for paying. If there are any assessments on property, they should be divulged during closing. Mr. Essling responded that Notifications from May 20, 2010 through October 7, 2010, were sent to Jesse Uncles Bay on Nebraska Avenue, Saint Paul (previous owner). Mr. Yang replied that his realtor told him that there were no assessments on this property. Ms. Moermond said that proper Notice was provided to the owner on record at the time the work was done. Unfortunately, Mr. Yang is left holding the bag. Ms. Moermond suggested that Mr. Yang talk with his realtor, the previous owner and the title company.

Ms. Moermond will recommend approval of the assessment.

Referred to RES 11-137 for City Council on March 16

24 [ALH 11-316](#)

Appeal of Special Tax Assessment for 1152 REANEY AVENUE for Project #: J1104A, Assessment #: 118995 in Ward 7

Sponsors: Lantry

Attachments: [1152 Reaney TGW letter 8.31.10.pdf](#)

Approve the assessment.

Brenda Connors appeared.

Inspector Essling reported that the assessment at 1152 Reaney Avenue is for tall grass and weeds. The Order was mailed August 31, 2010 with a compliance date of

September 3, 2010. It was re-checked on September 7, 2010 and found to be non-compliant. A Work Order was sent to Parks and the work was done on September 7, 2010 for a cost of \$160 plus \$140 service charge for a total of \$300. The letter was sent to Brenda Connors, 1152 Reaney; and Occupant, 1152 Reaney Avenue.

Ms. Connors explained that she had moved and had not notified the City of her new address. The letter didn't get stamped until September 7, 2010 and when she received it on September 10, 2010, she went to look at the property. (Her dad was to have cleaned the property the weekend previous to receiving the letter.) When she got to the property, the work had already been completed. Ms. Moermond asked who was the occupant at that time. Ms. Connors answered, "Nobody." She noted that the house was in foreclosure but she ended up doing a short sale on it. She had forwarded her mail the beginning of August, 2010 and the house was sold on September 21, 2010.

The video was viewed.

Ms. Moermond noted that the property taxes go with the property and Ms. Connors no longer owns the property. Ms. Connors responded that she was the homeowner at the time and the person responsible; that's why she is here.

Mr. Essling asked if the buyers were aware of this assessment. Ms. Connors replied, "Yes."

Ms. Moermond will recommend approval of the assessment.

Referred Under Master Resolution

- 25 [ALH 11-318](#) Appeal of Special Tax Assessment for 1383 SYLVAN STREET for Project #: J1104A, Assessment #: 118995 in Ward 5

Sponsors: Helgen

Attachments: [1383 Sylvan St-Assess Roll.pdf](#)
 [1383 Sylvan St-TGW Ltr.pdf](#)
 [1383 Sylvan St-WO.pdf](#)

No one appeared. Approve the assessment.

Referred Under Master Resolution

- 26 [ALH 11-320](#) Appeal of Special Tax Assessment for 137 CAYUGA ST for Project #: J1108A, Assessment #:118015 in Ward 5

Sponsors: Helgen

Attachments: [137 Cayuga St. SA.DOC](#)
 [137 Cayuga. photo.DOC](#)

No one appeared. Approve the assessment.

Referred Under Master Resolution

- 27 [ALH 11-323](#) Appeal of Special Tax Assessment for 528 COMO AVENUE for Project

#J1109A, Assessment #: 118023 in Ward 1

Sponsors: Helgen

Attachments: [528 como Ave. snow letters.pdf](#)

Delete the assessment.

Xong Her appeared.

Inspector Essling reported that the assessment for 528 Como Avenue is for snow removal from the public sidewalk. A letter was mailed to Patrick Her and Bellazia Her on Edgemount Street in Maplewood and the Occupant on December 24, 2010 with a compliance date of December 27, 2010. It was re-inspected on December 29, 2010 and found to be in non-compliance. A Work Order was sent to Parks and the work was done on December 30, 2010 at a cost of \$160 with a service charge of \$140 for a total of \$300.

Ms. Her explained that she is appealing this because during the month of December, she and her husband had a new baby on the 15th and it passed away, so they had so very many things going on. In addition, her grandfather passed away on December 29, 2010. She believes that she got the second Notice, not the first; or perhaps, they just weren't able to catch up with the mail because of her baby passing. She and her husband are very responsible landlords but with all that going on, they missed it. They live in Baldwin, WI. The tenant, they daughter, Brenda Her, is supposed to take care of the shoveling. Their daughter goes to school and works.

They viewed the video being opened by the City.

Ms. Moermond will recommend deleting the assessment. She stated that Ms. Her needs to change her address with Ramsey County (266-1000) and to call Maynard Vinge, DSI, 266-9057.

Referred to RES 11-139 for City Council on March 16 (delete)

28 [ALH 11-344](#)

Appeal of Special Tax Assessment for 927 CHARLES AVE for Project #: J1108A, Assessment #: 118015 in Ward1

Sponsors: Carter III

No one appeared. Delete the assessment per DSI.

Inspector Essling reported that DSI recommends that the assessment for 927 Charles Avenue be deleted. The Orders did not get mailed.

Referred Under Master Resolution (delete per DSI)

29 [ALH 11-5](#)

Appeal of Special Tax Assessment for 858-860 ALBERT STREET NORTH for Project #: CRT1101, Assessment #: 118968 in Ward 4.

Sponsors: Stark

Attachments: [858albertfeescreen.doc](#)
[858albertnotescreen.doc](#)
[858albert1stbill.pdf](#)
[858albertfinalbill.pdf](#)

- 30 [ALH 11-254](#) Appeal of Special Tax Assessment for 513-515 PORTLAND AVENUE for Project #: CRT1103, Assessment #: 118012 in Ward 1
- Sponsors:** Carter III
- Attachments:** [513-515 Portland Ave 1st.pdf](#)
[513-515 Portland Ave Final.pdf](#)
[513-515 Portland Ave People Screen.doc](#)
[513-515 Portland Ave Prior CO Payment.doc](#)
[513-515 Portland Ave Billing Paid by Assessment.doc](#)
- No show; approve the assessment.*
- Referred Under Master Resolution**
- 31 [ALH 11-290](#) Appeal of Special Tax Assessment for 255 SIXTH STREET EAST for Project # CRT1103, Assessment # 118012 in Ward 2
- Sponsors:** Thune
- Delete the assessment per DSI.*
- Referred Under Master Resolution**
- 32 [ALH 11-353](#) Appeal of Special Tax Assessment for 1977 GRAND AVE for Project #: J1109A, Assessment #: 118023 in Ward # 4
- Sponsors:** Stark
- Attachments:** [1977 Grand Ave. snow letters.pdf](#)
- No one appeared. Approve the assessment.*
- Referred to RES 11-139 for City Council on March 16**
- 33 [ALH 11-354](#) Appeal of Special Tax Assessment for 874 EDMUND AVE for Project #: J1106G, Assessment #: 118024 in Ward 1
- Sponsors:** Carter III
- Attachments:** [874 Edmund Ave 9.30.10 Hauler SA.DOC](#)
- Tina Lee appeared.*
- Inspector Essling reported that the assessment for 874 Edmund is for four (4) weeks of weekly refuse removal. (The total period is 28 weeks from September 30, 2010 through January 1, 2011.) More assessments are pending; the City is no longer providing services. Orders were mailed September 30, 2010 with a compliance date of October 5, 2010. It was re-checked on October 6, 2010 and found to be in non-compliance. A Work Order was sent to Parks. The cost is \$200 plus a service charge of \$25 for a total of \$225.*
- Ms. Lee stated that she has owned the property since April 2010. She didn't get*

these Notices until February and she doesn't know which assessment is for what. The county does not have her registered for 874 Edmund. When she contacted the title company, they told her that they had 874 Edmund registered in her name although they don't seem to. All Notices came to 1136 Albemarle although she has never lived there.

Ms. Moermond stated that the title company must have filled in the wrong address. She will lay this matter over for two (2) weeks to get this straightened out.

Mr. Essling stated that the Notice was sent to Tina Lee, 874 Edmund, the Occupant and Tina Lee, 1136 Albemarle Street. Ms. Lee lives at 1512 North 15th Avenue, Wasau, WI 54401; 874 Edmund is a rental property. It had been a HUD house. He instructed Ms. Lee to contact Maynard Vinge, 266-9057, to ensure that the City has her correct address. There are three (3) assessments for clean-up; and the rest are for hauling. Between June 1 and June 9, 2010, there was a clean-up for \$545; between September 30 and October 27, there was a clean-up for \$456.

Ms. Moermond will recommend a two (2) - week layover to March 15, 2010 to sort things out.

Laid over to 3/15/2011 Legislative Hearings to consider with other assessments (under RES 11-137 on CCPH on March 16)

11:00 a.m. Hearings

- 35 [ALH 11-335](#) 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](#)

Grant on the Vacant Building Registration per Department of Safety and Inspections; deny on the condemnation and order to vacate. Laid over windows issue to March 8, 2011 at 1:30 p.m.

No one appeared for 1142 McLean Avenue.

Ms. Moermond stated that this is a Vacate Order/Condemnation as well as a Vacant Building Registration fee. It is her understanding that Rich Singerhouse has met with the appellant and Rich has changed this from being a Category 2 Registered Vacant Building to a Category 1 Registered Vacant Building. The Notice of Condemnation and Order to Vacate is still in play so the building cannot be re-occupied until all of the items in the February 16, 2011 Orders have been addressed. If it is a Category 2, it has to have a Code Compliance inspection before it can be re-occupied. The way it's set up right now, they just need to finish the fire list in the February 16 Order before it can be re-occupied.

Laid Over to the Legislative Hearings due back on 3/8/2011

1:30 p.m. Hearings

Fire Certificates of Occupancy Correction Orders

36 [ALH 11-226](#) Appeal of Qi Jin Huang to a Correction Notice-Reinspection Complaint at 704 PARKWAY DRIVE.

Sponsors: Bostrom

Attachments: [704 Parkway.appeal.1-31-11.pdf](#)
[704 Parkway Dr.Huang ltr 2-15-11.doc](#)

No show. Deny the appeal on the ceiling height issue.

3/2/11--the property manager called to reschedule.

3/3/11-the property owner called to reschedule. Confirmed with Ms. Moermond and she is ok with the continuance. Rescheduled to March 8 at 1:30 p.m.

Rescheduled to the Legislative Hearings due back on 3/8/2011

37 [ALH 11-241](#) Appeal of Cheri Kappas to a Fire Inspection Correction Notice at 241 SEVENTH STREET EAST.

Sponsors: Thune

Attachments: [241 7th St E.Appeal.1-31-11.pdf](#)
[241 Seventh St E.Kappas ltr 2-15-11.doc](#)
[241 Seventh St E.Kappas ltr 3-1-11.doc](#)

Inspector Leanna Shaff reported there have been hood issues going back to 1996 with this establishment. The Minnesota Mechanical Code Section 507.2 states: "Any stove in a commercial setting must be under a hood for ventilation. A suppression system for a hood is required when cooking with grease laden vapors. This suppression system would be set up for basically the worst case scenario." Minnesota State Fire Code 609.1 requires commercial kitchen hoods to comply with the International Mechanical Code. Minnesota State Fire Code 602.2 says a Type 1 hood is required when cooking with grease laden vapors. It's a hood that is welded together so that grease and water can not escape under the hood. At this establishment, the griddle, fryer and warming units are under a hood but there is a 6-burner stovetop in the next room without a hood and one is required.

The other issues are the door swing and the layout of the kitchen. Ms. Shaff said she could not find anything in the inspectors' files on the door swing. She talked to Kim Carlson in Environmental Health and asked her why a screen door would be required and Ms. Carlson said she could only think it would be because of bugs coming in. The Code requires that the door open in the direction of exit travel.

Marcia Moermond, Legislative Hearing Officer, asked if the door is considered part of the exiting system for the assembly area. Ms. Kappas said it would be just for kitchen staff.

Ms. Moermond asked her if she was okay with the hood requirement. Ms. Kappas said she only uses the stove to reheat soups and sauces and there are no grease laden vapors in those; there is steam from the double boilers. She said if there were grease laden vapors from soups and sauces, then all commercial soup warmers would be under a hood vent which they are not. They are usually on stainless steel plates. She has been working with Northwest Fabrication and Albers Mechanical and the cost would be a minimum of \$50,000. She discussed everything that would be involved with installing the hood.

With regard to the door, Ms. Kappas brought with her the old and current health code which both say a screen door is required.

Regarding the panic release citation, Ms. Kappas asked if she can remove the handle locks and go back to the deadbolt lock. She had that previously but was told she had to have a door handle lock. She noted that SuperAmerica Stations only have turn locks. Panic releases are about \$2,000 each. Ms. Shaff said she would check on the requirements for the locks.

Ms. Kappas showed Ms. Moermond a diagram of the layout of the kitchen and noted there is an exhaust fan that is vented outside. Ms. Moermond asked if the frying vapors go beyond the area where the frying is done and if the venting removes the grease laden vapors. Ms. Kappas said all of the frying is done on a grill and she is confident that vent takes care of the vapors.

Ms. Shaff reiterated that the State Mechanical Code requires that any stove must be under a hood. Grease laden vapors can come from the meat or other things in the soups and sauces. Ms. Moermond said there are many different codes that come into play with the issues and she wants to do further review before she makes a decision.

Laid over 3/8/2011 Legislative Hearings

38 [ALH 11-250](#)

Appeal of Nanette Flynn to a Fire Inspection Correction Notice at 862 PALACE AVENUE.

Sponsors: Thune

Attachments: [862 Palace Ave.Appeal.2-7-11.pdf](#)

Rescheduled from March 1 to March 8 at the request of the Appellant.

Rescheduled to the Legislative Hearings on 3/8/2011

39 [ALH 11-252](#)

Appeal of John and Dahrys Knetter to a Fire Inspection Correction Notice at 1023 WATSON AVENUE.

Sponsors: Thune

Attachments: [1023 Watson Ave.Appeal.2-7-11.pdf](#)
[1023 Watson Ave.Knetter ltr 3-1-11.doc](#)

Inspector Leanna Shaff reported this was a Fire Certificate of Occupancy conducted on January 28, 2011 by Inspector Rick Gavin. She noted that a variance will be granted on the windows which are double hung windows with an opening of 17-1/2 inches high x 27 inches wide. Ms. Moermond explained to Mr. Knetter what he had to do to get the variance.

Ms. Shaff noted that Item 5 is being appealed – the handrail requirement for the front steps. John Knetter said there are only 3 steps and there is a handrail that there that is 30+ inches high and 45 inches spacing on the balusters. It ends 8 to 10 inches away from the wall of the house. He said it was never cited before and Marcia Moermond, Legislative Hearing Officer said often things are missed in inspections.

Ms. Shaff both said the Code requires a handrail for more than three steps. Ms. Moermond told him to take a picture of the steps and send it to her and if there are only three, she will grant a variance.

Laid over to the 3/8/2011 Legislative Hearings (need to provide photographs of steps)

40 [ALH 11-261](#)

Appeal of Roy Meixell to a Fire Inspection Correction Notice at 882 TUSCARORA AVENUE.

Sponsors: Thune

Attachments: [882 Tuscarora Ave.appeal.2-8-11.pdf](#)
[882 Tuscarora.Meixell ltr 3-1-11.doc](#)

Ms. Moermond recommends the following:

Item 1 (back door) – submit photograph(s) of the back door deadbolt lock for review.

Item 2 (basement-gas can) – done

Item 3 (basement-remove unused appliances) – grant the appeal

Item 4 (bathroom door) – done

Item 5 (kitchen stove) – need to submit photograph(s) of the kitchen stove for review.

Item 6 (fire extinguishers) – fire extinguisher is not required in single-family dwelling; must remove or replace if there is any.

Roy Meixell stated he was appealing Items 1, 2, 3, 5, and 6.

Item 1 – Back door requiring a one inch throw single cylinder deadbolt lock. Mr. Meixell said he had the deadbolt locks replaced on three entrance doors by a certified locksmith. Inspector Gavin did not measure the lock and it may be ¾ inches; it's what would fit the structure. Legislative Hearing Officer Marcia Moermond asked him to measure the lock and the opening with a tape measure and submit a photo to her. She may be able to grant a ¼ inch variance otherwise, if it appears to be fixable, she may ask him to change it.

Item 2 – Inspector Leanna Shaff said Mr. Meixell was told to immediately discontinue storing gas inside the dwelling and remove the gas can from the basement. Mr. Meixell said it was a propane bottle stored in the basement and he has removed it.

Item 3 – Remove refrigerator – Mr. Meixell said this is a working refrigerator that is presently not being used. He opened the door for ventilation and it's ready to be used if someone wants to.

Ms. Moermond granted the appeal.

Item 4 – Mr. Meixell said the bathroom door has a crack in lower panel and he will fix it.

Item 5 (kitchen stove) – Ms. Shaff said this was an appeal of the gas code which requires a shutoff valve within six feet of an appliance in accordance with the Mechanical Code. Mr. Meixell said it's within 24 inches and it was inspected twice before to ensure the flexible connector was proper. It's a lube cock and he has attached a handle. Ms. Moermond noted that distance is what's specifically mentioned. She asked him to send her a photo and she will grant appeal if looks okay.

Item 6 – Fire Extinguishers - Mr. Meixell said he placed two fire extinguishers in the kitchen. Ms. Shaff said they are not required in a single family home. If they are kept, the Code requires that they be serviced annually or replaced annually.

Laid Over to the Legislative Hearings due back on 3/8/2011 (need to provide

photos)

- 41 [ALH 11-266](#) Appeal of Scott Spiess to a Fire Inspection Correction Notice at 1416 TAYLOR AVENUE.

Sponsors: Stark

Attachments: [1416 Taylor.appeal.2-10-11.pdf](#)
[1416 Taylor Ave.Spiess ltr 3-1-11.doc](#)

Grant a 5-inch variance on the ceiling height on the second floor (Item 1); grant a 3-inch variance on the openable height of the double hung window in the southeast bedroom (Item 2); and grant the appeal for Item 4 (snow/ice from public and private sidewalk).

Inspector Leanna Shaff said this was a fire inspection conducted on February 4, 2011 by Michael Urmann. She noted that Legislative Hearing Officer Marcia Moermond has agreed to recommend granting a variance on the southeast bedroom windows.

Item 1 -Ceiling Height - Ms. Shaff said all habitable areas are required to have a ceiling height of 7 feet over half of the floor area. The second floor of this unit has an occupiable floor area of 196 sq. ft. Of that, 56 sq. ft. is 6' 5". Ms. Moermond said she will recommend granting a variance.

Item 4 – Snow/Ice on sidewalk – Mr. Spiess said there is no sidewalk around the house. Ms. Moermond granted the appeal.

Referred Under Master Resolution

- 42 [ALH 11-267](#) Appeal of John Tornquist to a Fire Inspection Correction Notice at 1683 MARSHALL AVENUE.

Sponsors: Stark

Attachments: [1683 Marshall.appeal.2-11-11.pdf](#)
[1683 Marshall Ave.Tornquist ltr 3-1-11.doc](#)

Grant a 2.5 inch variance on the openable height of the double-hung windows in the third floor bedroom (Item 6) and recommends the following:

Item 5 – withdrawn (see Item 27)

Item 7 (basement, bathroom) – must relocate the electrical panel under permit to another location.

Item 13 (basement) – deny the appeal on the unused fuel tank and grant an extension for 6 months.

Item 15 (exterior, rear) – deny the appeal.

Item 17 (garage) – deny the appeal (must remove tree).

Item 20 (interior) – grant the appeal

Item 24 (interior, damaged electrical fixtures) – deny the appeal.

Item 27 (discontinue individually locking bedroom doors) – deny the appeal

Item 35 (porch) – must be maintained.

Grant to June 1, 2011 for compliance except Item 13.

Items 5 – Bedroom Locks (See Item 27) - Inspector Leanna Shaff said this order will be withdrawn and the correct code section will be re-issued.

Inspector Leanna Shaff stated this is a single family home and the inspection took

place on February 2, 2011. Mr. Tornquist said it is currently vacant and he questioned the occupancy code aspect. He may sell it or renovate and rent again. Pipes froze and there is extensive water damage. The heat and water are turned down being no one is living there but he was cited on those. He noted that the tenants called the fire inspector because they wanted to continue to live there and that's the reason why it looks like it's occupied in the photos.

Marcia Moermond, Legislative Hearing Officer, said the best she can determine is that this property is condemned and ordered vacated and he has a list of things to get done. What normally happens with property in this situation is after a limited number of weeks, it will leave the Fire C of O program and it will go into the vacant building program until it is re-occupied. This could be more expensive for him. She told Mr. Tornquist that if he goes forward and gets the repairs done, he can get his C of O reinstated whether or not someone is living there. If he's referred to vacant buildings, he will have to order a Code Compliance Inspection report which will cost about \$500 and he will have to take care of all the items on the report. The orders now are primarily fire code problems and basic property maintenance code issues. If they go in with a code compliance team, it will involve four major trade areas and they will be looking for minimum compliance in each of those four areas. Mr. Tornquist said there are contractors working on it now. There is about \$70,000 worth of work and he is dealing with insurance. An Inspector is coming back on March 14 but it won't be done by then.

Ms. Moermond granted until June 1, 2011 to have the entire list completed or the property will go to the vacant building program.

Item 6 – Windows – Ms. Moermond said she would recommend granting a variance.

Item 7 - Electrical panel – Ms. Shaff said the Electrical Code says the electrical panel shall not be in the bathroom or to discontinue use of bathroom. Ms. Moermond said the panel must be removed by June 1.

Item 13 – Fuel tank in basement – Ms. Shaff said this is an old fuel tank and once they are an abandoned tank, they must be removed under permit. Mr. Tornquist said the tank is enclosed in concrete block in the furnace area, it's 100 years old, and he can't imagine a fire would be an issue. Ms. Moermond granted six months to remove the tank.

Item 15 – exterior rear of house rotting wood – Mr. Tornquist said he was told if the wood panels are pulled off he could end up with a disaster. It's a small area. Ms. Moermond said it looks bad and it must be fixed.

Item 17 – Tree on side of garage – It's close to the garage and damage has been done to the roof and garage. Ms. Moermond said the tree may have to come out but she will leave it up to him. Mr. Tornquist said he will make the repairs.

Item 20 – Thermostat – Ms. Moermond said she's okay with having the temperature kept down while the property is being worked on, and as long as it's not occupied, but to keep it high enough so the pipes don't freeze. Ms. Shaff said the mechanical inspector has a warning to repair the heating system in an approved manner and that a mechanical permit is required. Mr. Tornquist said because everything was frozen, the items were fixed as quickly as possible because it's a boiler system. The inspector was concerned that a permit was not pulled to fix the portion that went out. He talked to his plumber, Ben Franklin Plumbing, about the permit and was told that they were not replacing anything but only fixing so a permit was not required. The plumber has the orders so Ms. Moermond told Mr. Tornquist that he may have to

involve an attorney or get another plumber who will be willing to pull the permits and sign them.

Item 24 – Interior damaged electrical fixtures – Mr. Tornquist said he will have an inspection done by an electrical contractor.

Items 27 – Bedroom Locks - There are deadbolts on the bedroom doors which makes it look like a rooming house. He was ordered to discontinue the use of these locks.

Item 35 – Porch Windows - Ms. Moermond said they must be properly maintained.

Referred Under Master Resolution

43 [ALH 11-271](#)

Appeal of Angela Teegarden to a Fire Inspection Correction Notice at 934 EDGERTON STREET.

Sponsors: Bostrom

Attachments: [934 Edgerton.appeal.2-11-11.pdf](#)
[934 Edgerton St.Teegarden ltr 3-1-11.doc](#)

Recommends the following:

- Item 1 (exterior, exit obstruction) – deny the appeal.
- Item 2 (ice dams) – done per owner
- Item 4 (porches) – deny the appeal and grant an extension to June 1, 2011.
- Item 5 (roof/gutters) – deny the appeal and grant an extension to June 1, 2011.
- Item 8 (walls/painting) - deny the appeal and grant an extension to June 1, 2011.
- Item 9 (exterior basement-stairwell handrail) – laid over to March 8 for you to provide photos for Ms. Moermond's review.
- Item 15 – deny the appeal (call inspector to move the re-inspection date out a couple weeks).
- Item 26 (Unit 936 #2, floors/carpeting) – deny the appeal and grant 6 months for compliance.
- Item 31 (Co Detectors) – grant the appeal.

Inspector Leanna Shaff reported this was a Fire Certificate of Occupancy Inspection conducted on February 14, 2011 by Inspector Barb Cummings.

Item 1 – Exit Obstruction – Ms. Shaff said the orders are to remove the snow and ice from the exterior second floor porch and from the basement entry steps. Angela Teegarden said there is a deck on each floor and the tenant is responsible for removing the snow and ice. She questioned how much has to be cleared. The way she reads it is that only a wider path is necessary from the doors and steps. Ms. Shaff said it would be a good idea to clean off the decks as well.

Ms. Teegarden said there are stairs going to basement but no one goes down there; the tenants do not have access and it is presently used as storage area. Ms. Shaff said it must be kept open for emergency personnel to get down there.

Item 2 - Ice damns – Ms. Teegarden displayed photos showing they are now gone.

Item 4 – Porches – Repair or replace damaged guardrail. Ms. Teegarden said she would like time to have the work done after winter. Legislative Hearing Officer Marcia Moermond asked if the rail was currently strong enough to support someone. Ms. Teegarden said it's not placed where people walk but is off to the side of the porch.

She thought only a spoke or two had to be replaced. Ms. Moermond granted until June 1, 2011 to take care of this.

Item 5 – Roof/Gutters – Ms. Teegarden said the damage was not caused by ice dams but by kids in the unit who were using the gutter to pull themselves onto the roof. Ms. Moermond granted until June 1, 2011 to make the repairs.

Item 8 – Exterior Walls/Painting - Defective Siding, etc. – Ms. Teegarden said she was unsure as to which areas were being referred to as far as the siding. Ms. Shaff said there will be another inspection and she can ask the inspector at that time. Ms. Moermond granted until June 1, 2011 to make the repairs. If it's not adequately clarified at the next inspection, Ms. Moermond said she would schedule another hearing. She suggested Ms. Teegarden take a photo and print it so the inspector can point out exactly what needs to be done.

Item 9 – Exterior Basement Stairwell Handrail – Ms. Shaff said the orders are to provide an approved handrail the entire length of the basement entry steps. Ms. Teegarden said there is nothing to attach the handrail to and Ms. Moermond said she may need to sink a post. She asked if she could get a variance. Ms. Shaff responded that the fire code is quite specific about safety for emergency responders. Ms. Moermond said she can't tell from the picture where the steps and railing begins and she asked for a new photo and laid this item over one week.

Item 15 – Unit 934 – Cover Plates – This is a vacant unit Ms. Shaff said and she asked Ms. Teegarden if it will be completed by the time of the next inspection. Ms. Teegarden said it still needs to be painted and the carpet cleaned so it will not be ready for the next inspection. Ms. Moermond said she is going to assume that the C of O is for this building and that it's not being split apart. She questioned why that unit was pulled out from the overall. Ms. Shaff said if there is one unit that needs additional work, they may certify the rest of the building and let the completed part be occupied. Ms. Teegarden said she has an applicant who is interested in moving in but they don't want to move in until the end of March or April.

Ms. Moermond suggested moving the inspection date out two weeks so there won't be two inspections. She told Ms. Teegarden to contact Barb Cummings and Ms. Shaff will also talk to Ms. Cummings and/or Pat Fish.

Item 26 - Carpeting – Ms. Teegarden said she would prefer to wait to replace the carpeting when the tenants move. Ms. Moermond granted six months on this item.

Item 26 - Kitchen Floor Tile – Ms. Teegarden said the flooring is tile squares it will be easy to replace.

Item 28 – Kitchen Counters – Ms. Teegarden said she was unsure what needs to be done with the counter. Ms. Moermond told her to discuss that issue with Ms. Cummings also.

Ms. Moermond asked Ms. Shaff to ask Inspector Cummings to provide a report to Ms. Moermond about the points associated with the items on the list and where that would place Ms. Teegarden's property. She told Ms. Teegarden that staff will get her a copy of what the points are for each of the items. She will review this at the March 8 meeting.

Carbon Monoxide Detectors – Ms. Shaff asked Ms. Teegarden if she told Inspector Cummings that she had submitted the owner's certificate of exemption. Ms. Teegarden said she didn't know she had the option. Ms. Shaff explained that the

certificate of exemption with the State Fire Marshal's office is a self-certification. Ms. Moermond granted the appeal.

Laid over to the 3/8/2011 (Item 9)

- 44 [ALH 11-328](#) Appeal of David Hartman to a Fire Inspection Correction Notice at 1977 MONTANA AVENUE EAST.

Sponsors: Bostrom

Attachments: [1977 Montana.appeal.2-22-11.pdf](#)
 [1977 Montana.Hartman ltr 3-1-11.doc](#)

Grant a 5-inch variance on the openable height of the egress windows in all bedrooms; deny the appeal in Item 6 (caulking the base of the toilet).

Referred Under Master Resolution

Window Variances: Hearing Required

- 45 [ALH 11-262](#) Appeal of JSP Properties LLC, on behalf of Chad and Brooke Nokelby, to a Fire Inspection Correction Notice at 1285 BAYARD AVENUE.

Sponsors: Harris

Attachments: [1285 Bayard.appeal.2-9-11.pdf](#)
 [1285 Bayard Ave. Nokelby ltr 3-1-11.doc](#)

Deny the appeal on the egress window unless appellant can provide photograph(s) showing the dimensions of the other window meeting egress requirement. If the window is not granted after reviewing the photographs, an extension is given for 90 days to come into compliance.

Inspector Leanna Shaff stated this was a Fire Certificate of Occupancy inspection conducted on February 3, 2011 by Inspector Rick Gavin. There are double hung windows in the northeast bedroom that open 14 inches high x 28 inches wide and the code requires a minimum of 24 inches high and 20 wide.

Jason Parr, JSP Properties, said the window is in good order and was replaced around 2008 before the Nokelbys purchased the property.

Ms. Shaff noted there was not a permit.

Marcia Moermond, Legislative Hearing Officer, said she was not comfortable going under 16 inches. Mr. Parr said there is another window in the room. Ms. Moermond said if it meets egress requirement she's willing to look at it. She requested he submit a photo of the entire room with the other window and she's willing to look at a variance. The current window is 2 inches short of her minimum. If neither window meets minimum requirements, Ms. Moermond said she is willing to set up a public hearing or allow 90 days to replace the window.

Laid over to the 3/8/2011 Legislative Hearings (need to provide photographs of the other window).

- 46 [ALH 11-327](#) Appeal of Aaron Durkop, on behalf of Property Holdings, to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 858 EUCLID STREET.

Sponsors: Lantry

Attachments: [858 Euclid.appeal.2-24-11.pdf](#)
[858 Euclid.Durkop ltr 3-1-11.doc](#)

Ms. Moermond recommends the following:

South bedroom of Unit 1 – grant a 1-inch variance on the openable height of the egress window.

Downstairs bedroom of Unit 2 – grant a 1-inch variance on the openable height of the egress window.

North upstairs bedroom of Unit 2 – Lease agreement must reflect that the room is not being used as a sleeping room.

South upstairs bedroom of Unit 2 – provide photographs of the dimensions for Ms. Moermond's review or replace within 90 days.

Inspector Leanna Shaff reported this was a fire certificate of occupancy inspection conducted on January 25, 2011 by Kelly Booker. In Unit 1, the south bedroom, she said Marcia Moermond, Legislative Hearing Officer, has agreed to grant a variance.

In Unit 2, the downstairs bedroom, Ms. Moermond will grant a variance.

In Unit 2, the north and south bedrooms, there were questions if they were actually bedrooms. Mr. Durkop said the north bedroom is a TV/sitting room with no beds. It's rented as a two-bedroom.

Ms. Moermond told Mr. Durkop that she wants him to disclose on the lease that the north bedroom in Unit 2 can not be used as a sleeping room.

The window in the south bedroom in Unit 2 measures 17 high x 23 wide on top of the sill. Ms. Moermond asked him to send her a photo of the window with a tape measure measuring from the window sill. She said why this is important is that the shortfall is 8 inches in height and he only has 3 inches which compensate in width.

Ms. Moermond said she will grant three months if the window has to be replaced.

Laid over to the 3/8/2011 Legislative Hearings (PO to submit photos of south upstairs bedroom of Unit 2)

Laid Over Items (Housekeeping)

- 47 [ALH 10-271](#) Appeal of David Leventhal of Cecil Delicatessen to a Fire Certificate of Occupancy Correction Order at 651 Cleveland Avenue South.

Sponsors: Harris

Attachments: [651 Cleveland Ave S.Appeal.10-19-10.pdf](#)
[651 Cleveland Ave S.Fire Inspection Ltr.10-12-10](#)
[651 Cleveland Ave S.PC ltr.10-26-10.doc](#)
[651 Cleveland Ave S.PC ltr.12-13-10.doc](#)

- 48 [ALH 11-28](#) Appeal of Benjamin Roberts to a Notice of Condemnation Unfit for Human Habitation Order to Vacate and Vacant Building Registration Notice and Fees at 575 DAYTON AVENUE.

Sponsors: Carter III

Attachments: [575 Dayton Avenue.appeal.12-28-10.pdf](#)
[575 Dayton Ave.LH Ltr 1-4-11.doc](#)
[575 Dayton Revocation.2-8-11.dot](#)
[575 Dayton Ave.Photos.2-8-11.pdf](#)
[575 Dayton Ave.LH Ltr 3-1-11.doc](#)
[575 Dayton Email 2-23-11.pdf](#)
[575 Dayton Email 2-24-11.pdf](#)

Deny appeal. House will become a Category 2 Vacant Building and appellant must obtain a Code Compliance Inspection Report.

Referred Under Master Resolution

- 49 [ALH 11-170](#) Appeal of Boris Tsvetovat to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 1814 YORK AVENUE.

Sponsors: Bostrom

Attachments: [1814 York.appeal.1-20-11.pdf](#)
[1814 York Ave.Tsvetovat Ltr 2-1-11.doc](#)

Referred Under Master Resolution

- 50 [ALH 11-200](#) Appeal of Anny Dang to a Fire Inspection Correction Notice at 1517 OLD HUDSON ROAD.

Sponsors: Lantry

Attachments: [1517 Old Hudson Road.appeal.1-28-11.pdf](#)

Laid over for Ms. Moermond to review photos.

Mai Vang, Legislative Hearing Coordinator, reported she had not received anything regarding the shed which is next to a window. Ms. Moermond, Legislative Hearing Officer, said If nothing is submitted by March 8, the appeal will be denied.

Laid Over to the Legislative Hearings due back on 3/8/2011 (MM to review photos)

- 51 [ALH 11-246](#) Appeal of Susan Gilmer to a Fire Inspection Correction Notice at 443 and 447 FAIRVIEW AVENUE SOUTH.

Sponsors: Harris

Attachments: [443 & 447 Fairview.appeal.2-4-11.pdf](#)
[443-447 Fairview Ave S.Gilmer ltr 2-15-11.doc](#)

Inspector Gavin to verify window measurements.

Inspector Leanna Shaff said the inspector was to verify window measurements. They were able to get the windows open wide enough so that is abated.

Mai Vang, Legislative Hearing Coordinator, will send an e-mail to Rick Gavin requesting he provide the window dimensions

Laid Over to the Legislative Hearings due back on 3/8/2011

No Hearing Necessary

Window Variances: Fire Certificate of Occupancy

- 52 [ALH 11-263](#) Appeal of Dave Engstrom to a Fire Inspection Correction Notice at 1169 ROSE AVENUE EAST.
- Sponsors:** Bostrom
- Attachments:** [1169 Rose.appeal.2-9-11.pdf](#)
 [1169 Rose Ave E.Engstrom Ltr 3-1-11.doc](#)
- No hearing necessary; grant a 5-inch variance on the openable height of the egress bedroom window on the 2nd floor. (J. Girling)*
- Referred Under Master Resolution**
- 53 [ALH 11-264](#) Appeal of Jacqueline Simone to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 1644 MCLEAN AVENUE.
- Sponsors:** Lantry
- Attachments:** [1644 Mclean.appeal.2-10-11.pdf](#)
 [1644 Mclean Ave.Simone Ltr 3-1-11.doc](#)
- No hearing necessary; grant a 3-inch variance on the openable height of the egress windows in all sleeping rooms. (J. Thomas)*
- Referred Under Master Resolution**
- 54 [ALH 11-276](#) Appeal of Bernard and Karin Vassar to a Fire Inspection Correction Notice at 2148 GERANIUM AVENUE EAST.
- Sponsors:** Bostrom
- Attachments:** [2148 Geranium.appeal.2-14-11.pdf](#)
 [2148 Geranium Ave E.Vassar Ltr 3-1-11.doc](#)
- For windows which open and were measured: no hearing necessary, recommend granting a 1-inch variance on the openable height of the egress windows in the main floor southwest and southeast bedrooms. For windows which do not open because they are frozen shut, separate orders will need to be issued if there is a shortfall in the egress dimensions. There will need to be a separate appeal on those windows. (W. Spiering)*
- Referred Under Master Resolution**
- 55 [ALH 11-277](#) Appeal of Thomas E. Smith to a Fire Inspection Correction Notice at 888 CLARK STREET.
- Sponsors:** Helgen
- Attachments:** [888 Clark.appeal.2-14-11.pdf](#)
 [888 Clark St.Smith Ltr 3-1-11.doc](#)
- No hearing necessary; grant a 4-inch variance on the openable height of the egress*

window in bedroom one, Unit 2; and grant a 2.5-inch variance on the openable height of the egress window in bedroom two. (K. Booker)

Referred Under Master Resolution

- 56 [ALH 11-280](#) Appeal of Ker Vue to a Fire Inspection Correction Notice at 401 MONTANA AVENUE EAST.

Sponsors: Helgen

Attachments: [401 Montana.appeal.2-15-11.pdf](#)
[401 Montanta Ave E.Vue Ltr 3-1-11.doc](#)

No hearing necessary; grant a 3-inch variance on the openable height of the egress windows in all main floor bedrooms. (J Girling)

Referred Under Master Resolution

- 57 [ALH 11-325](#) Appeal of Tony Swanson to a Fire Inspection Correction Notice at 2190 SEVENTH STREET WEST.

Sponsors: Harris

Attachments: [2190 7th St W.appeal.2-23-11.pdf](#)
[2190 7th St W.Swanson Ltr 3-1-11.doc](#)

No hearing necessary; grant a 3.5-inch variance on the openable height of the egress windows in the second floor bedroom. (R. Gavin)

Referred Under Master Resolution

- 58 [ALH 11-340](#) Appeal of Marcus A. Brown to a Fire Inspection Correction Notice at 925 PALACE AVENUE.

Sponsors: Thune

Attachments: [925 Palace.appeal.2-23-11.pdf](#)

No hearing necessary; grant a 2-inch variance on the openable height of the egress windows in the north and south bedrooms.

Referred Under Master Resolution

Window Variances: Building Permits

- 59 [ALH 11-278](#) Appeal of Renewal by Andersen, on behalf of Kerrie and Fred (Alfred) Lounsbury, to an Egress Window Non-Compliance Determination at 1485 EDGCUMBE ROAD.

Sponsors: Harris

Attachments: [1485 Edgcumbe.appeal.2-14-11.pdf](#)
[1485 Edgcumbe Rd.Andersen Windows PC ltr 3-1-11.doc](#)

No hearing necessary; grant a 5 /18-inch variance on the openable height of eight double hung replacement egress bedroom windows which measured at 18 7/8 inches high by 26 inches wide. (Rehn)

Referred Under Master Resolution