



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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Mary Erickson, Hearing Secretary
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651-266-8560

Tuesday, March 22, 2011

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Remove/Repair Orders

- 1 [RES 11-470](#) Resolution ordering the rehabilitation or wrecking and removal of the structures at 68 JESSAMINE AVE W within fifteen (15) days after the April 20, 2011, City Council Public Hearing.

Sponsors: Helgen

Attachments: [68 Jessamine W.Order to Abate letter.1-21-11.doc](#)
[68 Jessamine Ave W.Public Hearing Notification.2-25-11.pdf](#)
[68 W Jessamine Ave W.District Council Ltr.3-22-11.doc](#)
[68 Jessamine Ave W.Tri Area Letter.3-4-11.doc](#)
[68 Jessamine Ave W.Tri Area Block Club Ltr to Owner.12-15-09.doc](#)
[68 Jessamine Ave W.R-R FTA Ltr 3-22-11.doc](#)
[68 Jessamine Ave W.Photos.9-28-10.pdf](#)

Remove within 15 days with no option for repair.

No one appeared.

Mr. Magner reported that 68 Jessamine Avenue West is a two-story wood frame siingle-family dwelling with a detached two-stall garage on a lot of 4,792 square feet. It has been a vacant building since September 28, 2010. The current property owner is Jerry Morgan and Chase Home Finance LLC per Ramsey County records. There have been three (3) Summary Abatement Notices since 2010, which resulted in three (3) Work Orders issued for boarding/securing, garbage/rubbish and snow/ice. On November 18, 2010, an inspcetion of the building was conducted, a list of deficiencies which constitute a nuisance condition was developed and photographs were taken. An Order to Abate a Nuisance Building was posted on January 21, 2011 with a compliance date of February 23, 2011. As of this date, the property remains in a condition which comprises a nuisance as defined by the legislative code. The Vacant Building registration fees were paid by assessment on 11/18/10. Taxation has placed an estimated market value of \$20,200 on the land and \$78,700 on the building. As of March 18, 2011, a Code Compliance Inspection has not been done and a \$5,000 Performance Deposit has not been posted. Real Estate taxes are current. Code Enforcement Officers estimate the cost to repair this structure to exceed \$50,000 and the cost of demolition to exceed \$10,000.

Ms. Moermond asked if there was a bid tab for this address. Mr. Magner responded that he will check that out on all four (4) addresses heard today and forward the information to Vicki.

Ms. Amy Spong, HPC, reported that this parcel is not listed in any upcoming survey area. Given its age and condition, she would encourage rehab. Some of the windows are 30s or 40s era.

Ms. Moermond will recommend removal within fifteen (15) days with no option for rehabilitation.

Remove within 15 days with no option for repair (4-20-11)

- 2 [RES 11-471](#) Resolution ordering the rehabilitation or wrecking and removal of the structures at 260 MARIA AVE within fifteen (15) days after the April 20, 2011, City Council Public Hearing.

Sponsors: Lantry

Attachments: [260 Maria Ave.Order to Abate.1-21-11.doc](#)
[260 Maria Ave.Public Hearng Notification.2-25-11.pdf](#)
[260 Maria.R-R FTA & HPC LO Ltr 3-22-11.doc](#)
[260 Maria Ave.Photos.12-30-10.pdf](#)

LO 3 weeks to LH April 12, 2011.

No one appeared.

Steve Magner, Department of Safety and Inspections, Vacant Buildings, reported that 260 Maria is a two-story wood frame single-family dwelling with a detached two-stall garage on a lot of 4,792 square feet that has been a Vacant Building since April 23, 2009. The current property owner is Twin Cities Real Estate Partners LLC per Ramsey County records. There have been ten (10) Summary Abatement Notices since 2009 resulting in ten (10) Work Orders issued for: 1) boarding/securing; 2) garbage/rubbish; 3) tall grass/weeds; 4) snow/ice; and 5) exterior (remove fence). On January 4, 2011, an inspection of the building was conducted, a list of deficiencies which constitute a nuisance condition was developed and photographs were taken. An Order to Abate a Nuisance Building was posted on January 21, 2011, with a compliance date of February 23, 2011. As of this date, the property remains in a condition which comprises a nuisance as defined by the legislative code. The Vacant Building registration fee was paid (assessed on 4/16/10). Taxation has placed an estimated market value of \$20,200 on the land and \$78,700 on the building. As of March 18, 2011, a Code Compliance Inspection has not been done. (Code Compliance Inspection August 6, 2009-Expired) As of March 18, 2001, the \$5,000 Performance Deposit has not been posted. Real Estate taxes for 2010 are delinquent in the amount of \$2,357.95 plus penalty and interest. Code Enforcement Officers estimate the cost to repair this structure exceeding \$35,000; the cost for demolition is estimated to exceed \$11,000.

Ms. Moermond noted that a forfeiture notice wouldn't be sent before 2012. She added that the photos suggest a lot of water, trim and plaster damage has occurred and the copper wiring is no longer there. There is nothing remarkable about the garage. There are no bid tabs yet.

Ms. Spong, HPC, reported that 260 Maria is known as the George and Jenny Madison House; it was built in 1882 and it's classified as pivotal to the Dayton's Bluff Historic District despite some of its alterations. It is a two-story Italianate house with a mansard roof and a frame structure with stucco over clapboard. One of the major features of this house is the cornice which is described as quarter wheel brackets and dog-toothed bed molds that are unique survivors in the historic district which is why it has a pivotal classification. The porch was enclosed in 1915. Originally, it did not have a full front porch; there was just a stoop. This was also surveyed as part of the 1981 Comprehensive Survey of Saint Paul, about eleven (11) years prior to the Dayton's Bluff Survey. At that time, it said that although it was altered with stucco, the house retains an unusually ornate cornice. It was stuccoed very early (before 1925), which increases it's integrity. It is one of several houses in the area which date from the early 1880s. The Italianate style is unique to Dayton's Bluff because of the collection. If Saint Paul starts to lose a lot of the Italianate

houses, the integrity of the historic district becomes compromised.

Mr. Magner stated that in December 2008, owner, Consiano, lost the building and it became vacant and the C of O was re-pulled. The City opened the Vacant Building file in April, 2009 (four (4) months after it became vacant). It became a Category 2 Vacant Building and then Twin Cities Real Estate Partners wanted to purchase the property. Wells Fargo got a Code Compliance and the City inspected it. They go through the sale review process and get approved.

Ms. Spong added that this property is on a corner; it kind of anchors that block base. When buildings are in an historic district, the HPC has to make four (4) findings and considerations when demolition is being applied for by a private entity: 1) the effect of the demolition on the surrounding neighborhood of historic district; 2) the architectural significance and integrity of the property; 3) what is being proposed in its place; and 4) Ms. Spong was unsure about the 4th one. If there were an individual applying for a demo permit, the HPC would require a structural engineer report. They need to supply a lot of documents to the HPC in order for them to make a decision according to historic district guidelines.

Ms. Moermond noted that it looks as though the owner hasn't maintained the property. She stated that this parcel is a legal nonconforming duplex and it has been vacant for more than one year so, it would need to be deconverted to a single-family structure unless it was originally constructed as a duplex. It looks like a case of abandonment given that maintenance has been bad in recent times, the taxes haven't been paid and that we haven't heard from the owner, Twin Cities Real Estate Partners.

Ms. Moermond asked Ms. Spong if it would be beneficial to lay this matter over for another two (2) weeks to get more information onto Legistar. Ms. Spong responded that if it were forwarded to HPC, the City would need to get very accurate numbers on rehab costs. Ms. Moermond suggested that perhaps the City could ask for an opinion from Dayton's Bluff, which should also go into the record. She asked Mr. Spong to put something on the record in two (2) weeks after consulting with PED.

Ms. Moermond noted that this will be on the City Council agenda April 20, 2011, so this body could look at it on April 12, 2011.

Mr. Magner asked if this address is in the ISP area. Ms. Spong replied, "Yes."

Ms. Moermond recommended laying this over to April 12, 2011 at which time a recommendation will be locked-in.

Layover 3 weeks to April 12, 2011 LH

- 3 [RES 11-472](#) Resolution ordering the rehabilitation or wrecking and removal of the structures at 671 COOK AVE E within fifteen (15) days after the April 20, 2011, City Council Public Hearing.

Sponsors: Bostrom

Attachments: [671 Cook E Order to Abate ltr 1-21-11.doc](#)
[671 Cook E Pub Hrng Notice 2-25-11.pdf](#)
[671 Cook Ave E.R-R FTA LO Ltr 3-22-11.doc](#)
[671 Cook Ave E.Photos.11-18-10.pdf](#)
[671 Cook Ave E.Photos.6-9-09.pdf](#)

Remove within 15 days with no option for rehabilitation.

No one appeared.

Mr. Steve Magner, Vacant Buildings, Department of Safety and Inspections (DSI), reported that 671 Cook Avenue East is a two-story wood frame single-family dwelling with a detached one-stall garage on a lot of 4,792 square feet. It has been a vacant building since June 1, 2009. The current property owner is Christina M. Monserud / Joshua J. Monserud per Ramsey County Records. There have been sixteen (16) Summary Abatement Notices since 2009 resulting in sixteen (16) Work Orders issued for: 1) boarding/securing; 2) garbage/rubbish; 3) tall grass/weeds; and 4) snow/ice. On November 18, 2010, an inspection of the building was conducted, a list of deficiencies which constitute a nuisance condition was developed and photographs were taken. An Order to Abate a Nuisance Building was posted on January 21, 2011 with a compliance date of February 23, 2011. As of this date, the property remains in a condition which comprises a nuisance as defined by the legislative code. The Vacant Building registration fees were paid by assessment on 6/17/10. Taxation has placed an estimated market value of \$14,600 on the land and \$37,400 on the building. As of March 18, 2001, a Code Compliance Inspection has not been done and the \$5,000 Performance Deposit has not been posted. Real Estate taxes for 2009 and 2010 are delinquent in the amount of \$5,177.78 plus penalty and interest (tax forfeiture 2015). Code Enforcement Officers estimate the cost to repair this structure to be between \$50,000 and \$60,000; the cost of demolition between \$9,000 and \$11,000. The Monseruds are homesteaders. Perhaps, the foreclosure process is just beginning.

Ms. Amy Spong, HPC, reported that there are several possible construction dates listed; STAMP shows 1879. It has an 1885 addition to the house. It is in the category of a worker's cottage, although it has more detail than a typical worker's cottage. It's an L-shaped plan with a bay window on the side. The original owner is noted as G. Carlson. It is in fair condition and is in the Legacy Survey Payne Phalen area for 2011. There is a limestone retaining wall and staircase to the main entry. The wood siding has been covered with vinyl. The garage is not historic. There have been some vinyl window replacements but many of the front windows appear to be early or original. Because the survey is going on and there won't be good findings until April or early May, she would say that this parcel has potential as an historic resource.

Ms. Moermond noted that the substantial retaining wall needs tuckpointing. She asked Mr. Magner how that wall would be treated in a demo process. Mr. Magner responded that lately, whenever they run into retaining walls on a demo property, he has been writing in the spec to leave the retaining wall, and the City might require them to repair anything that would be damaged in the demo process. From a

photograph, Ms. Moermond noticed the volunteer trees along the property edge. She asked how they will be dealt with since they seem to be right on the retaining wall. Mr. Magner stated that they will make an evaluation of those when they go out there. Perhaps, they will remove the ones closer to the house and leave the other ones, in an attempt to not disturb the neighboring property.

Ms. Moermond will recommend removing the structure within fifteen (15) days with no option for rehabilitation.

Remove within 15 days with no option for rehabilitation (4-20-11)

- 4 [RES 11-473](#) Resolution ordering the rehabilitation or wrecking and removal of the structures at 1068 NORTON ST within fifteen (15) days after the April 20, 2011, City Council Public Hearing.

Sponsors: Helgen

Attachments: [1068 Norton Order to Abate ltr 1-21-11.DOC](#)
[1068 Norton Pub Hrng Notice 2-25-11.pdf](#)
[1068 Norton.District Council Ltr 3-22-11.doc](#)
[1068 Norton St.R-R FTA LO Ltr 3-22-11.doc](#)
[1068 Norton St.Photos.12-9-10.pdf](#)

Remove within 15 days with no option for rehab.

No one appeared.

Mr. Steve Magner, Vacant Buildings, Department of Safety and Inspections (DSI), reported that 1068 Norton Street is a one-story wood frame single-family dwelling with a detached two-stall garage on a lot of 8,712 square feet and has been a vacant building since June 19, 2008. The current property owner is SB Holdings LLC per Ramsey County Property records. There have been fourteen (14) Summary Abatement Notices since 2008 resulting in fourteen (14) Work Orders issued for: 1) boarding/securing; 2) garbage/rubbish; 3) tall grass/weeds; and 4) snow/ice. On December 8, 2010, an inspection of the building was conducted, a list of deficiencies which constitute a nuisance condition was developed and photographs were taken. An Order to Abate a Nuisance Building was posted on January 21, 2011 with a compliance date of February 23, 2011. As of this date, the property remains in a condition which comprises a nuisance as defined by the legislative code. The Vacant Building registration fees were paid by assessment on 9/17/10. Taxation has placed an estimated market value of \$32,800 on the land and \$76,100 on the building. As of March 18, 2011, a Code Compliance Inspection has not been done and the \$5,000 Performance Deposit has not been posted. Real Estate taxes for 2009 and 2010 are delinquent in the amount of \$9,284.92 plus penalty and interest. (2009 - \$3,313.88; 2010 - \$5,971.04; Tax forfeiture 2013) Code Enforcement officers estimate the cost to repair this structure to exceed \$50,000; the cost to demolish exceeding \$10,000. DSI is seeking a resolution to remove the building.

Ms. Moermond noted that this is a foreclosure situation.

Ms. Amy Spong, HPC, reported that this structure is a one and a half story bungalow built in 1908. It could also be classified as a worker's cottage. It has not been surveyed so, there is very little information about this particular property. It runs on a very long north - south double lot. It's the only double lot on this block base so, it's a bit out of character. There was no Sanborn map available on this property. The early character of this neighborhood has much smaller homes and this house is consistent with that. Demolition would not have an adverse effect.

Ms. Moermond will recommend removal within fifteen (15) days with no option for rehabilitation.

Remove within 15 days with no option for rehabilitation.

5 [SR 11-25](#) Reviewing progress of rehabilitation for 1456 COHANSEY STREET.

Sponsors: Helgen

Attachments: [1456 Cohansey St.R-R Ltr 3-8-11.doc](#)
 [1456 Cohansey St.R-R Ltr 3-22-11.doc](#)
 [1456 Cohansey St.R-R Ltr 4-26-11.doc](#)

Laid over to April 26, 2011 LH.

Richard Bednar, owner and John Boyle appeared.

Ms. Moermond stated this hearing is to update the record on 1456 Cohansey Street. Looking at City records, it's difficult to discern whether follow-up inspections have been done on previously pulled permits. Usually, a permit is pulled, ruff-in work is done and then permit inspectors will come to review the ruff-in work. Then, the finishing work will be done followed by a second inspection. She is looking for a detailed progress report today.

Mr. Boyle entered paperwork. He highlighted the things that were done. Gas work still needs to be done; it will be connected to the heating contractor who is scheduled to do the Orset test this Friday (March 25, 2011). They don't know if the furnace needs to be replaced or if it can be fixed.

Mr. Steve Magner, Vacant Buildings, Department of Safety and Inspections (DSI), reported that two (2) weeks ago, there was only an active building permit and electrical permit. There was no mechanical or plumbing permits. There are quite a few items in both of those categories that need to be addressed. All the furnace ducts need to be cleaned, the dryer needs to be re-vented, the furnace, too, needs to be re-vented, and some gas work needs to be done. A plumbing permit, also, needs to be pulled. Mr. Bednar apologized. He thought that the building permit allowed him to select and hire other vendors to check out other things, as well. Mr. Manger responded that a homeowner can pull a building permit and an electrical permit; he can not pull a permit to do his own plumbing. In this case, Mr. Bednar will need to have a state licensed plumber pull a plumbing permit and conduct repairs under that permit. Then, the City inspectors need to inspect the work and sign-off on the permit. He added that Mr. Bednar needs to get a plumber in the house as soon as possible because they will need at least thirty (30) days to get this job done. Once all permits are finalized, then Jim Seager can come out and do a final walk-through inspection. He asked Mr. Bednar whether he had hired someone to do the other items beyond painting, such as the other building items. Mr. Bednar responded that he made the safety cables for the garage. Ms. Moermond asked if the deadlines from the first Order were still good. Mr. Magner responded that some have been pushed out, items that require good weather. Some items have been moved to April 15, 2011. Electricity has been restored to the house. Ms. Moermond added that the property has been maintained.

Ms. Moermond said she will lay this over for another month to April 26, 2011 LH for a progress report. The applicant need not attend the hearing but he can send a letter of progress.

LO to April 26, 2011 LH

- 6 [SR 11-26](#) Reviewing request of owner to have Council reconsider its Order to Remove or Repair the Structures at 1066 LAFOND AVENUE.

Sponsors: Carter III

Attachments: [1066 Lafond Ave.R-R.BelmonteLtr.3-8-11.doc](#)
 [1066 Lafond Ave.Belmonte Ltr.4-13-11.pdf](#)

Laid over to April 12, 2011 LH

No one appeared. (Housekeeping for 1066 Lafond Ave)

Ms. Moermond reported that a letter was sent to Mr. Paul Belmonte indicating there were three (3) remaining things he needed to do in order for her to recommend a grant of time, keeping in mind that the City Council has already adopted a resolution to remove this structure but they gave him a long deadline in the event he could put together some plans. He has demonstrated he has the finances available for the project but he did not have an adequate work plan. Mai Vang met with him at the City Council public hearing last week (he continues to be confused about which hearing is on which day and at what times he needs to come). Ms. Moermond does not know whether he has provided anything to Mai while she is on vacation; he may also show up today with something. At this time, he hasn't gotten it together but if he brings in something, she will grant him additional time.

Ms. Moermond laid this matter over to the April 12, 2011 Legislative Hearings.

Laid over to April 12, 2011 Legislative Hearings

- 7 [RES 11-77](#) Ordering the rehabilitation or razing and removal of the structures at 686 BRADLEY ST within fifteen (15) days after the February 16, 2011, City Council Public Hearing.

Sponsors: Thune

Attachments: [686 Bradley.Hearing Notice.12.30.10.pdf](#)
[686 Bradley.Order to Abate.11-17-10.pdf](#)
[686 Bradley.Photos.9-22-10.pdf](#)
[686 Bradley.Code Compliance Report.10-17-05.pdf](#)
[686 Bradley.Code Compliance Report.11-1-07.pdf](#)
[686 Bradley St.LH Referral to HPC.1-25-11.doc](#)
[686 Bradley St-HPC Packet 3-28-11.pdf](#)
[686 Bradley Notes 3-22-1 LH.doc](#)

686 Bradley Street Legislative Hearing, Tuesday, March 22, 2011, 9:00 a.m.

Housekeeping Item

Ms. Moermond explained that this matter was laid over by the City Council and will be heard again in mid-June. We will be getting a report from HPC so that it can be attached to the record. We may schedule something for May so that it can be reconsidered here before it's heard before City Council again.

Amy Spong, Historic Preservation Commission, reported that the HPC conducted an historic resource review on February 10, 2011. The staff report made specific findings and recommended to City Council that they delay demolition for rehab options to be explored. The HPC did adopt those findings. The resolution sites an architectural description of the property and it's referred to as the Noun Operson House. It talks about the integrity of the property. The resolution also sites specific strategies in the City's Comp Plan Chapter as it relates to the historic preservation chapter. The resolution states that a more intensive level survey would be required to determine if the building would be eligible for local designation or for the national register. The resolution resolves that the demolition be delayed for the site in order for alternatives to be explored, such as rehabilitating or _____ the property. Staff recommends that a qualified historian be hired to evaluate both the national register and local eligibility not only of the house but its contribution to the context of the historic Railroad Island neighborhood. That neighborhood is being re-surveyed as part of the Legacy Partnership Grant.

Ms. Moermond asked how much it costs to survey individual property, approximately. Ms. Spong responded that this property would most likely be determined contributing to an historic district, so, it really has to do with the neighborhood – you have to have that neighborhood context study. Once that context is completed, maybe the survey wouldn't cost as much. This is going to be surveyed again as part of the Legacy Project. Ms. Moermond asked if that survey would, in and of itself, be sufficient to pursue local designation. Ms. Spong answered, "No." Ms. Moermond asked what additional survey work would be needed to do that. Ms. Spong responded that it 686 Bradley is identified as part of a contributing district, then, you'd have to have another project that would write the nomination form for the district. To be eligible on its own, an intensive level survey would need to be done. Ms. Moermond noted that Councilmember Thune has delayed action on this property and two other properties in this immediate vicinity, so clearly, there's an interest to rehab; and clearly, the interest is based on the historic and the architectural characteristics of the house. The survey being pursued by Historic Saint Paul will take quite a while and yet, this

item is pressing. It will be back in front of the Council in June 2011. The City may be justified in doing a survey just on that house, depending on how Councilmember Thune feels about the findings. Ms. Spong noted that the commission has a responsibility to follow federal standards on what is deemed eligible on its own. If it isn't determined eligible on its own, but part of the district, that needs to be the path – looking at the district, which obviously, takes more time. If it's determined eligible on its own, then, one could do a local designation. A national register would be much more expensive. The Schmitt Brewery local nomination form, which was a collection of about thirty (30) buildings, probably was valued at \$20,000. Ms. Moermond asked if the City has recently done a local designation of a building. Ms. Spong responded that the Victoria Theater is in process right now. That was a grass roots effort. The designation form was written pro bono by community members who met the Secretary of the Interior standards for preservation. Ms. Moermond asked what the market rate would be for doing that. Ms. Spong estimated between \$3,000 and \$5,000 (rough estimate). Ms. Spong went on to say that the City Council should receive the same full packet that was presented to the Heritage Preservation Commission. Ms. Moermond noted that all should be attached to the Legistar file.

1:30 p.m. Hearings

Fire Certificates of Occupancy Correction Orders

- 8 [ALH 11-381](#) Appeal of Daniel Eggers to a Fire Inspection Correction Notice at 945 ALGONQUIN AVENUE.

Sponsors: Bostrom

Attachments: [945 Algonquin.appeal.3-7-11.pdf](#)
[945 Algonquin Ave.Eggers 3-22-11.doc](#)

Appeal granted. (W. Spiering)

Ms. Moermond noted that this is a ceiling height issue. The height of the upper floor bedroom is 6 ft. 8 inches and is short 4 inches. Mr. Eggers said it is partially pitched but the vast majority is at 6' 8".

Ms. Moermond said she will recommend to the City Council that a variance be granted.

Referred Under Master Resolution

9 [ALH 11-403](#) Appeal of Shoua Xiong to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 909 CLARK STREET.

Sponsors: Helgen

Attachments: [909 Clark.appeal.3-10-11.pdf](#)
[909 Clark St.Xiong 3-22-11.doc](#)

Granted 6 weeks extension (May 21) to bring garage door into compliance. (Item 1)
Granted appeal on window screens. (Item 2)
Granted appeal on issues with vehicles. (Item 3)
Granted a 4 inch variance on the openable height of the double-hung window in the west upstairs bedroom. (Item 4)
Smoke detector affidavit was given to appeallant to fill out and return. (Item 5) (K. Booker)

Mr. Shoua Xiong and his father-in-law, Nhia Toua Lee, appeared.

Inspector Leanna Shaff gave a staff report. This was a Fire Certificate of Occupancy Re-Inspection conducted on March 2, 2011 by Inspector Kelly Booker. All five items are being appealed:

Item 1 - Repair or replace the damaged garage the vehicle door. Mr. Xiong is asking for additional time.

Item 2 – Maintain the window screens.

Item 3 – License (tabs) all vehicles on the property

Item 4 – Double hung egress windows in the west bedroom upstairs. Measurements are 20 inches high x 25 inches wide.

Item 5 - Smoke detector affidavit

Ms. Moermond said she will recommend to the City Council that a variance be granted on Item 4, the egress windows.

Mr. Xiong said one of the sections on the garage door is Plexiglas and it was damaged. His insurance company is going to look at it this week and he will know if he should file a claim. He asked for more time to take care of it as the snow prevented him from doing the work earlier. He said the door does not open or close at all.

Marcia Moermond, Legislative Hearing Officer told Mr. Xiong that on March 2 he was given a month to get it done. She asked if he could get it done in six weeks. He thought he could but wants to get an opinion from his insurance company first. This was hail damage which happened in September 2010. The broken piece was caused by his tenant and that happened just recently.

Ms. Moermond said it's been a long time and she feels it's time to get it fixed. She granted six weeks (May 21) to get the work done.

With regard to the window screens, Ms. Moermond said he talked about having glass instead of screens. Mr. Xiong said he puts the glass in in the winter and the screens are put in in the summer. Ms. Moermond said she will recommend granting the appeal.

With regard to the vehicles, Mr. Xiong said they both belong to the upstairs tenant. The vehicle that is drivable has been removed and he feels he will get the other one moved soon. Tabs and insurance are current, He said.

Ms. Moermond told him the owner has to make sure the vehicle stays current and that it is parked on pavement and not on the lawn, etc. Ms. Moermond granted the appeal.

Item #5 – the smoke detector affidavit – Ms. Shaff gave Mr. Xiong a form to fill out.

Mr. Xiong translated for his father-in-law, Nhia Toua Lee. He said the house is his but Shoua Xiong holds the title. He questioned if he lives there whether an inspection is required.

Ms. Moermond asked Mr. Xiong why his name is on the title if his father-in-law paid the mortgage. Mr. Xiong said Mr. Lee recently came to the State, he doesn't have a job and Mr. Xiong gave him the money to buy the property.

Mr. Moermond asked if they had a document between them on the house issue. Mr. Xiong said no. He will take on the financial obligation if his father-in-law is not able to keep up. The upper unit is rented to help with the mortgage payment. Mr. Xiong pays the bank and Mr. Lee gives him what he can. Mr. Xiong is considering putting him on the homestead

Ms. Moermond said she would like to see a document or contract between the two regarding the arrangement as it would help her if she had something in writing. Mr. Xiong was in agreement with preparing a document. Ms. Moermond said there is no risk with homesteading; it's just filling out the tax form.

Mr. Xiong said Mr. Lee and his wife are both receiving SSI. Ms. Moermond said she could consider them as dependents of Mr. Xiong and call it an owner-occupied property under those circumstances. They are in his immediate family and dependent on his income, she said. She said the work on the list will still have to be completed and it will be turned over to Code Enforcement.

Ms. Moermond reiterated that the garage repair must be completed by May 21. There will be a different inspector for the follow-up and he will be out of the certificate of occupancy program. She told Mr. Xiong that if there is a change and his in-laws are not living there anymore, it will be called a rental.

Referred Under Master Resolution

Window Variances: Hearing Required

10 [ALH 11-375](#)

Appeal of Alyssa Xiong to a Fire Inspection Correction Notice at 1179 BEECH STREET.

Sponsors: Lantry

Attachments: [1179 Beech.appeal.3-2-11.pdf](#)
[1179 Beech St.Xiong Ltr 3-22-11.doc](#)

Deny appeal and grant until June 15 to bring garage exterior into compliance. (Item 1)

Grant a 5 inch variance on the openable height of the double-hung egress window in the south bedroom. (Item 9)

Deny appeal and granted 90 days to replace the egress window in the west bedroom. A building permit must be pulled. If the window is not replaced, the room can not be used for sleeping. (Item 9)

Grant a 4 inch variance on the openable height of the double hung egress window in the north bedroom. (Item 9) (K. Booker)

Inspector Leanna Shaff gave a staff report. This is a Fire Inspection Certificate of Occupancy conducted on February 17, 2011 by Inspector Kelly Booker. The double hung window in the south bedroom measures 19 inches high x 23-1/2 inches wide; the west bedroom measures 16-1/2 inches high x 19-1/2 inches wide; and the north bedroom measures 20 inches high x 23-1/2 inches wide. The minimum code requirement is 24 inches high x 20 inches wide.

Marcia Moermond, Legislative Hearing Officer, will recommend granting a variance on the windows in the south and north rooms, so Ms. Shaff said the only window that would be in question is in the west bedroom. Ms. Moermond said the west bedroom is short 8 inches in height of what it should be and there is nothing extra in the width to compensate so the window will have to be replaced or the room can not be used for sleeping.

Alyssa Xiong, appellant, said there are only two bedrooms so the renters must be using a small interior area as a sleeping room.

Ms. Shaff said a crank-out window may work but she will have to check the measurements as it must be 20 inches wide. Ms. Moermond said she would consider a variance if Ms. Xiong can get it to 16 inches wide and enough height.

Ms. Moermond said she would recommend to the City Council that they grant 90 days for replacement of the window and a building permit must be pulled. She will grant until June 15, 2011 to bring the garage into compliance (Item 1), and the junction box in question must be covered. (Item 6)

Referred Under Master Resolution

- 11 [ALH 11-412](#) Appeal of Floyd Johnson to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 1070 MARION STREET.

Sponsors: Helgen

Attachments: [1070 Marion.appeal.3-16-11.pdf](#)
 [1070 Marion St.Johnson Ltr 3-22-11.doc](#)

Order is withdrawn. One egress window was already replaced and Ms. Moermond will recommend to the City Council that a variance be granted on the remaining windows. (L. Martin)

Inspector Leanna Shaff provided a staff report. This is a Fire Certificate of Occupancy Re-Inspection conducted on March 14, 2011 by Inspector Lisa Martin. The front bedroom window measures 31 inches high x 15 inches wide and the rear bedroom measures 17 inches high x 26 inches wide. In the second floor unit, the children's room measures 21 inches high x 22 inches wide. She noted that Legislative Hearing Officer Marcia Moermond will be recommending variances for the rear bedroom and the second floor unit.

The front bedroom egress window on the first floor that is 31 inches high x 15 inches wide is at issue. Mr. Johnson said that was replaced under permit and an inspector was at the property.

Ms. Shaff noted that the permit is not signed off yet. It was assigned to Virgil Thomas.

Ms. Moermond said because the building permit has been issued and she sees no non-compliance determination, the order will be withdrawn.

Ms. Shaff told Mr. Johnson to talk with Virgil Thomas to get the permit finalized.

Mr. Johnson said when Mr. Thomas was out, he was told that he needed smoke detectors in each bedroom which he questioned. Ms. Shaff said when a permit is issued for interior work, it then becomes a code requirement that smoke detectors are put in the sleeping rooms.

Ms. Moermond noted he follow-up inspection for the certificate of occupancy is April 15 an the follow-up inspection with Virgil Thomas for the windows.

Referred Under Master Resolution

2:30 p.m. Hearings

Vacant Building Registrations

12 [ALH 11-382](#)

Appeal of Allen Black, on behalf of Saron Development, to a Vacant Building Registration Notice and Revocation of Fire Certificate of Occupancy and Order to Vacate at 1869 ORANGE AVENUE EAST.

Sponsors: Bostrom

Attachments: [1869 Orange E.appeal.3-22-11.pdf](#)
[1869 Orange Ave.Work Plan.pdf](#)
[1869 Orange Ave E.Black Ltr 3-22-11.doc](#)

Granted an 8 inch variance on all bedroom egress windows. (Item 8)

The vacant building fee will be waived and it will be a Category I Vacant Building until May 31, 2011. If the work on the current orders is not completed by May 31, it will become a Category II Vacant Building and a Code Compliance Inspection will be required. (S. Magner)

Marcia Moermond, Legislative Hearing Officer, said this property has a condemnation of one sleeping space, a fire certificate of occupancy, and Mr. Black was referred into the vacant building program once the building was emptied.

Inspector Leanne Shaff said this started out as a Fire certificate of Occupancy inspection in October 2010 with additional inspections on November 8 and November 24 and a couple times in February. The revocation orders ended up with excessive accumulation of combustible materials in the basement, the basement being used as a sleeping room with inadequate or no egress, extension cords, electrical fixtures, and exterior items such as the garage and sidewalk, dryer vent on the inside. The owner told Inspector Thomas on January 3 that he wasn't going to do any of the repairs and that the tenants were moving out on January 31.

Mr. Singerhouse from Vacant Buildings said Inspector Nalmark went out on February 22, 2011 and opened up a Category 1 vacant building and it looks like it should have been a Category II vacant building.

Allen Black, appellant, said he did not tell the inspector that he would not do the work. Many of the items were already taken care of right after the October inspection. He provided information as to what has transpired with the property and his tenant. He purchased the property in the spring of 2007 as a foreclosure and now he just wants to sell it.

Ms. Moermond said she will recommend that the City Council grant a variance on the windows.

The tenants still have not moved everything out of the garage but they are in poor health.

Mr. Black said the inspector was to have provided a list to the city of what he has completed. He has a few open items and he has a list of items going to contractors. He wants to get everything taken care of and get the house back on the market.

Ms. Moermond asked Mr. Black to reiterate what Inspector Thomas' remarks were about owner occupation and the windows versus rental and the windows. Mr. Black said he didn't want to make any remarks that weren't exactly correct but in his dialogue with Mr. Thomas when he said the windows had to be replaced, he challenged him and Mr. Thomas was rather abrupt. Mr. Black attempted to call him but didn't get a response. He sent him a letter and Thomas claimed he returned all

the phone calls. Mr. Thomas stuck to his position that the windows had to be replaced saying it's a requirement for rental property.

Ms. Moermond said the egress window code has been in place for a very long time. It shows up both in the Building Code and the Fire Code and possibly several other Codes. It says a certain size opening is required. Historically, the inspections have been mostly with new window installs and on apartment buildings where the city already has inspectors there. When the city started to do inspections on single-family and duplexes as rental properties, that same measuring was applied. It's quite old code.

Mr. Black asked why it was inspected and approved then. Ms. Moermond said she did not know what went on with the past inspection. The other option besides an inspection leading to that would have been that he would have got a provisional certificate of occupancy in the mail without an inspection. The Code also applies equally to rental property as it does to owner occupied property. The city does not go into owner-occupied properties unless a complaint was received on sleeping room windows, etc. If a building permit were pulled to replace a window, the inspectors will make sure that the window that was installed meets code.

She told Mr. Black he has a list of things to do, he's not going to be in the rental program anymore, but the violations still have to be corrected. Ms. Shaff added that he could sell the property using the Fire Certificate of Occupancy in lieu of the truth-in-sale of housing and he would save money.

Ms. Moermond said if Mr. Black completes the list, a certificate of occupancy will be issued but it will be C of O Vacant or Unoccupied.

Ms. Moermond explained the difference between Category I and II. When it gets sent to the Vacant Building Program, they need to make a determination as to how bad it is or how many repairs need to be made before it is occupied again. When this property was looked at originally by a vacant building inspector, he said it was a turn-key property and someone could just move in. When the supervisor looked at the list, he did not agree with the assessment and felt I needed to be more thoroughly rehabbed. She said she would like to get some time certain and save him the fee. If the work is completed by May 31 as proposed, the fee will be waived and it will be a Category 1 Vacant Building until May 31. On March 30, 2011, Ms. Moermond reviewed the photographs of the egress window provided by the property owner. Based on the documentation, Ms. Moermond recommended granting an 8-inch variance on the openable height of the egress bedroom window.

If everything is not completed by May 31, he will go into the vacant building program, the fee will kick in and he will have to get a code compliance inspection which will cost about \$500 and will be four trades inspectors going through the house. If he can get it done, he can be taken out of the vacant building program and see him again in ten months. If it's vacant for 12 months, then it's a vacant building.

Mr. Black said if they find they can not make any lead item on the list, they will provide immediate notification as to why and that would be only if they were waiting for materials.

Mr. Black asked about the windows. Ms. Moermond told him if windows are replaced, they must be replaced with windows that are code compliant. She will recommend to the City Council that he be given a variance on the current windows so they do not have to be replaced.

Ms. Moermond said a confirmation letter will be sent to Mr. Black within two weeks.

Referred Under Master Resolution

Laid Over Items (Housekeeping)

- 13 [ALH 11-363](#) Appeal of David Stieber to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 1210 RANDOLPH AVENUE.

Sponsors: Harris

Attachments: [1210 Randolph.appeal.3-1-11.pdf](#)
[1210 Randolph Ave.Stieber Ltr 3-15-11.doc](#)

Photographs requested on March 15 have not yet been provided; laid over to April 5.

On March 30, 2011, Ms. Moermond reviewed the photographs of the egress window provided by the property owner. Based on the documentation, Ms. Moermond recommended granting an 8-inch variance on the openable height of the egress bedroom window.

Referred Under Master Resolution

No Hearing Necessary

Window Variances: Fire Certificate of Occupancy

- 14 [ALH 11-376](#) Appeal of Steven Johnson to a Fire Inspection Correction Notice at 983 JAMES AVENUE.

Sponsors: Thune

Attachments: [983 James.appeal.3-22-11.pdf](#)
[983 James Ave.Johnson Ltr 3-22-11.doc](#)

No hearing necessary. Grant a 6-inch variance on the openable height of the egress window in the second floor east side bedroom. (R. Gavin)

Referred Under Master Resolution

- 15 [ALH 11-377](#) Appeal of Joseph Ward to a Fire Inspection Correction Notice at 1627 DARLENE STREET.

Sponsors: Bostrom

Attachments: [1627 Darlene.appeal.3-3-11.pdf](#)
[1627 Darlene St.Ward Ltr 3-22-11.doc](#)

No hearing necessary. Grant a 1-inch variance on the openable height of the egress window in the east side bedroom. (Appellant stated that there are actually two windows on the east side. The other window is the same measurement). Please have inspector confirmed window on March 23 inspection. (J. Thomas)

Referred Under Master Resolution

- 16 [ALH 11-379](#) Appeal of Wendy Teeters to a Fire Inspection Correction Notice at 1936 NEBRASKA AVENUE EAST.
- Sponsors:** Bostrom
- Attachments:** [1936 Nebraska.appeal.3-7-11.pdf](#)
 [1936 Nebraska Ave E.Teeters Ltr 3-22-11.doc](#)
- No hearing necessary. Grant a 2-inch variance on the openable height of the egress bedroom window. (J. Thomas)*
- Referred Under Master Resolution**
- 17 [ALH 11-380](#) Appeal of Dennis Ruettimann to a Fire Inspection Correction Notice at 1249 THIRD STREET EAST.
- Sponsors:** Lantry
- Attachments:** [1249 3rd.appeal.3-4-11.pdf](#)
 [1249 Third St E.Ruettimann Ltr 3-22-11.doc](#)
- No hearing necessary. Grant a 4.5-inch variance on the openable height of the egress window in the upstairs bedroom. (K. Booker)*
- Referred Under Master Resolution**
- 18 [ALH 11-384](#) Appeal of Bruce Johnson to a Fire Certificate of Occupancy Approval With Corrections at 1016 CARROLL AVENUE.
- Sponsors:** Carter III
- Attachments:** [1016 carroll.appeal.3-4-11.pdf](#)
 [1016 Carroll Ave.Johnson Ltr 3-22-11.doc](#)
- No hearing necessary. Grant a 3-inch variance on the openable height of the egress windows in the front and rear bedrooms. (M. Imbertson)*
- Referred Under Master Resolution**
- 19 [ALH 11-414](#) Appeal of Floyd Johnson to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 1571 HAZELWOOD STREET.
- Sponsors:** Bostrom
- Attachments:** [1571 Hazelwood.appeal.3-16-11.pdf](#)
 [1571 Hazelwood St.Johnson Ltr 3-22-11.doc](#)
- No hearing necessary. Grant a 4-inch variance on the openable height of the egress windows in all bedrooms except the basement bedroom south west side. (J. Thomas)*
- Referred Under Master Resolution**

- 20 [ALH 11-416](#) Appeal of Kibrom Haile to a Fire Inspection Correction Notice at 235 ANN STREET.
- Sponsors:** Thune
- Attachments:** [235 Ann.appeal.3-22-11.pdf](#)
 [235 Ann St.Haile Ltr 3-22-11.doc](#)
- No hearing necessary. Grant a 4-inch variance on the openable height of the egress window in the 2nd floor south bedroom. (M. Cassidy)*
- Referred Under Master Resolution**
- 21 [ALH 11-417](#) Appeal of Richard Chorlton, on behalf of Gunter Corp., to a Fire Inspection Report at 931 SAINT ANTHONY AVENUE.
- Sponsors:** Carter III
- Attachments:** [931 St.Anthony.appeal.3-22-11.pdf](#)
 [931 St. Anthony Ave.Chorlton Ltr 3-22-11.doc](#)
- No hearing necessary. Grant a 1-inch variance on the openable height of the egress bedroom window. (P. Fish)*
- Referred Under Master Resolution**

Window Variances: Building Permits

- 22 [ALH 11-378](#) Appeal of Brian L. Cunningham to an Egress Window Non-Compliance Determination at 1019 GERANIUM AVENUE EAST.
- Sponsors:** Bostrom
- Attachments:** [1019 Geranium E.appeal.3-4-11.pdf](#)
 [1019 Geranium Ave E.Cunningham Ltr 3-22-11.doc](#)
- No hearing necessary. Grant a 4.25-inch variance on the openable height of one double hung replacement egress bedroom window measuring at 19.75 inches high by 24 inches wide. (Virgil Thomas)*
- Referred Under Master Resolution**
- 23 [ALH 11-388](#) Appeal of Window Concepts of Minnesota, on behalf of Andreas Schramm, to an Egress Window Non-Compliance Determination at 1184 GOODRICH AVENUE.
- Sponsors:** Thune
- Attachments:** [1184 Goodrich.appeal.3-8-11.pdf](#)
 [1184 Goodrich Ave.Windows Concept Ltr 3-22-11.doc](#)
- No hearing necessary. Grant a 4.5-inch variance on the openable height of one double hung replacement egress bedroom window measuring at 19.5 inches high by 32 inches wide. (David Tank)*
- Referred Under Master Resolution**

- 24 [ALH 11-392](#) Appeal of Home Depot, on behalf of Sandy Carlson, to an Egress Window Non-Compliance Determination at 2130 PINEHURST AVENUE.
- Sponsors:** Harris
- Attachments:** [2130 Pinehurst.appeal.3-8-11.pdf](#)
 [2130 Pinehurst.HomeDepot Ltr 3-22-11.doc](#)
- No hearing necessary. Grant a 4-inch variance on the openable height of two double hung egress bedroom windows measuring at 20 inches high by 23.5 inches wide. (Michael A. Palm)*
- Referred Under Master Resolution**
- 25 [ALH 11-393](#) Appeal of Home Depot, on behalf of Tonia and Richard Stephani, to an Egress Window Non-Compliance Determination at 1217 ALAMEDA STREET.
- Sponsors:** Helgen
- Attachments:** [1217 Alameda.appeal.3-8-11.pdf](#)
 [1217 Alameda St.HomeDepot Ltr 3-22-11.doc](#)
- No hearing necessary. Grant a 2.5-inch variance on the openable height of two double hung replacement egress bedroom windows measuring at 21.5 inches high by 30 inches wide. (David Tank)*
- Referred Under Master Resolution**
- 26 [ALH 11-394](#) Appeal of Home Depot, on behalf of Travis Vandell, to an Egress Window Non-Compliance Determination at 1329 BEECH STREET.
- Sponsors:** Lantry
- Attachments:** [1329 Beech.appeal.3-8-11.pdf](#)
 [1329 Beech St.HomeDepot Ltr 3-22-11.doc](#)
- No hearing necessary. Grant a 2.5-inch variance on the openable height of two double hung replacement egress bedroom windows measuring at 21.5 inches high by 24 inches wide. (David Nelson)*
- Referred Under Master Resolution**