



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final - Final Legislative Hearings

Marcia Moermond, Legislative Hearing Officer
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651-266-8560

Tuesday, May 15, 2012

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Special Tax Assessments

- 1 [RLH TA
12-294](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1205A, Assessment No. 128815 at 405 BURGESS STREET. (Referred back from Council on May 2, 2012)

Sponsors: Brendmoen

No show; approve the assessment.

Referred to the City Council due back on 6/6/2012

- 2 [RLH TA
12-295](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1202B, Assessment No. 128101 at 827 CARROLL AVENUE. (Levied on February 1, 2012)

Sponsors: Carter III

Delete the assessment.

RE: 827 Carroll Ave (single family)

Joyce Long, appellant, appeared.

Ms. Moermond:
- Emergency Boarding

Ms. Long:
- has a medical machine, which went off inadvertently and alerted the people to call the police department
- she heard it but didn't get a response from anyone
- they were on their way out the door when this happened
- it went off for no reason that she could figure out
- Cecil and Mattie Neal, her deceased parents
- it's a Health East Health Alert Machine
- there was damage to the door; they just had it replaced
- entered her invoice and paperwork

Inspector Joe Yannarely:

- the Saint Paul Police Department requested an emergency boarding of this residence at 11:45 a.m. on Sep 14, 2011
- cost \$266.95 plus service charge of \$150 - \$416.95
- invoice and photos are on file
- was sent back by Councilmember Carter

Ms. Moermond:

- part of her wants Health East to be held accountable because it was their failure; the only way she can bring this to their attention is to put the assessment on the property and allow there to be a private discussion between Ms. Long and the Health East representatives
- asked that Ms. Long provide the contact information for Health East
- Ms. Moermond will send Health East a Notification that this was an emergency boarding situation because of their equipment malfunctioning
- the city can't bill Health East because it's private property so the city needs to hold the owner accountable
- for Ms. Long's sake, she will recommend this assessment be deleted but she will alert Health East
- suggested that Ms. Long contact Health East about the damaged door resulting from the emergency board caused by their malfunctioning machine

Referred to the City Council due back on 6/6/2012

3 [RLH TA](#)
[12-299](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1207, Assessment No. 128807 at 827 AURORA AVENUE.

Sponsors: Carter III

Forthcoming. Waive the VB fee until July 1, 2012. If in compliance, will reduce the assessment from \$1,250.00 to \$625.00. (Staff Report Only)

City Council Public Hearing is July 18, 2012.

827 Aurora Ave (duplex)

Aaron Hanson, representing lending institution, appeared.

Inspector Joe Yannarely:

- Vacant Building Registration annual fee \$1,250
- VB file opened Dec 30, 2011 as a Category 2
- Mr. Dornfeld's notes: per Condemnation Fire Inspector Imbertson

Mr. Hanson:

- currently, in the middle of doing a Code Compliance
- was under foreclosure-previous owner had not taken care of a deficiency list
- the lender stepped-in in hopes of keeping it out of losing the Certificate of Occupancy
- at the time the deed was supposed to be turned over at the end of 2011, it actually wasn't turned over to the lender until Mar 2012
- he has tried to appeal the VB Program, which wasn't successful
- as part of this building there were several other buildings, which they got code compliant
- in good faith, they were hoping to do the same with this one
- it will be brought up to code

Ms. Moermond:

-will recommend this assessment be reduced by half if the code compliance inspection list is completed by Jul 1, 2012

Laid Over to the Legislative Hearings due back on 7/3/2012

4 **RLH TA
12-262**

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1206E, Assessment No. 128308 at 533 CASE AVENUE.

Sponsors: Brendmoen

Delete the assessment per the Legislative Hearing Officer as decision was made on April 17, 2012.

Referred to the City Council due back on 7/18/2012

5 **[RLH TA](#)
[12-222](#)**

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1209A, Assessment No. 128515 at 388 CHARLES AVENUE.

Sponsors: Carter III

Reduce the assessment from \$443 to \$150 and payable over two years.

RE: 388 Charles Ave (single family)

Javier Munoz, owner, appeared.

Inspector Paula Seeley:

- Summary Abatement Order mailed Feb 3, 2012; compliance date Feb 10, 2012*
- re-checked Feb 14, 2012; Work Order sent*
- cost \$433 for cleaning yard of loose debris scattered throughout property*
- Orders sent to Robert Drake, Inver Grove Hgts; Javier Munoz and Cynthia Sherman, 388 Charles; and Occupant*
- there was returned mail for Robert Drake (Mr. Munoz said that he's been dead for 2 years; need to change title)*
- no history*
- photo*

- Viewed Video

Mr. Munoz:

- the cushions were there for the cats; they had no idea that they couldn't have them in back of the house*
- the other stuff was trash that just flies around; he usually picks that up*
- people just keep adding stuff near the trash can; he just left it there because it wasn't his*
- should have paid more attention to the rules of the city*
- plus, this time, he didn't get a Notice in the mail; other times, he has received Notices if there's something wrong*
- when he spoke with the inspector who sent the Notice, she said that people are always saying that they didn't get Noticed but if he had received Notice, it would have taken him only 15 minutes to clean it up, as it took the city*
- his girlfriend watched the city clean up and they were there about 10 minutes*
- he still saw things that they hadn't picked up*
- if he'd gotten the letter, he certainly would have picked it up; he would not have chosen to pay \$433 for 10 minutes worth of work*
- has been there for almost 15 years and never had a problem*

- doesn't think a penalty should be that high

Ms. Moermond:

- trying to balance things; she saw the Orders and the photo they took, which clearly shows the stuff identified that needed to be cleaned-up

- at the same time, Mr. Munoz says that he didn't get the Orders or he would have taken care of it and there's no history of other Orders

- taking that into account, she will recommend reducing the assessment to \$150 divided over 2 years

Referred to the City Council due back on 6/6/2012

**6 RLH TA
12-288**

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1208P, Assessment No. 128407 at 242 CONGRESS STREET EAST.

Sponsors: Thune

No show; approve the assessment.

Referred to the City Council due back on 7/18/2012

**7 RLH TA
12-301**

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1207, Assessment No. 128807 at 997 FARRINGTON STREET.

Sponsors: Brendmoen

No show; approve the assessment.

Referred to the City Council due back on 7/18/2012

**8 RLH TA
12-285**

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1206E, Assessment No. 128308 at 106 KING STREET EAST.

Sponsors: Thune

No show; approve the assessment.

Referred to the City Council due back on 7/18/2012

**9 [RLH TA](#)
[12-281](#)**

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1204E1, Assessment No. 128309 at 51 MCKNIGHT ROAD NORTH.
(Referred back from Council on April 18, 2012)

Sponsors: Lantry

No show; approve the assessment.

Referred back by Council on April 18, 2012.

Referred to the City Council due back on 6/6/2012

**10 [RLH TA](#)
[12-250](#)**

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1206, Assessment No. 128806 at 1072 MINNEHAHA AVENUE EAST.

Sponsors: Lantry

To be referred back to Legislative Hearing on July 3, 2012 and City Council Public

Hearing on July 18, 2012. Waive the VB fee until July 1, 2012. If in compliance, will reduce the assessment from \$1,250.00 to \$625.00. (Staff Report Only)

RE: 1072 Minnehaha Ave E (single family)

Inspector Joe Yannarely:

- Vacant Building Registration annual fee
- VB file opened Jan 20, 2009
- 2 permits have been finalized
- still not signed-off
- property has a history of Work Orders

Ms. Lor:

- owned home for about 1 ½ years
- have been working on home for a while but after every inspection, there's always something more that needs to be done
- after last inspection, all is finished except for installing a storm door-not a standard size so, it needs to be customized, which will take about 3 weeks

Ms. Moermond:

- this will probably be done in a month
- will recommend reducing the VB fee by half if Appellant can get this done by Jul 1, 2012
- to be referred back to Legislative Hearing Jul 3, 2012 and City Council Jul 18, 2012.

Referred to the City Council due back on 6/6/2012

**11 RLH TA
12-292**

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1206E, Assessment No.128308 at 2051 MINNEHAHA AVENUE EAST.

Sponsors: Lantry

No show; approve the assessment.

Referred to the City Council due back on 7/18/2012

**12 RLH TA
12-300**

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1207 Assessment No. 128807 at 633 PALACE AVENUE.

Sponsors: Thune

Forthcoming. MM to look at Resolution.

RE: 633 Palace Ave (duplex)

Ron Staeheli, Certificate of Occupancy Responsible Party, appeared.

Inspector Joe Yannarely:

- Vacant Building assessment of \$1,100 plus \$150 service charge = \$1,250
- VB file opened Oct 4, 2011 as a Category 2
- was changed to a Category 1 per Ms. Moermond's instructions with the provisions outlined in a note taken by Mr. Dornfeld

Mr. Staeheli:

- the City Council waived the fee for 120 days ending Feb 15 or 17, 2012
- he was scheduled for a CC public hearing Feb 1, 2012 but because of scheduling problems with Councilmember Thune, that was extended to Apr 18, 2012, at which

time it was declared a Category 1 Vacant Building
- the home was immediately occupied by Mr. Staeheli (now, owner-occupied)
- if the schedule would have happened as it was supposed to, it would never have been a Registered Vacant Building
- it's no longer a vacant building and the fee should never have been assessed

Mr. Yannarely:
- he spoke with Mr. Imbertson yesterday, who said this is kind of screwed up now but it doesn't have a Certificate of Occupancy (Mr. Staeheli responded that it doesn't require one because it is owner-occupied)

Ms. Moermond:
- she will go back and look at the resolution on this and get back to Mr. Staeheli later today, perhaps

Referred to the City Council due back on 7/18/2012

- 13** **RLH TA**
12-287 Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1206E, Assessment No. 128308 at 1911 SELBY AVENUE.

Sponsors: Stark

Delete the assessment because work order was sent in error. Illegal dumping removed by Public Works at no cost.

Referred to the City Council due back on 7/18/2012

- 14** **RLH TA**
12-286 Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1208P, Assessment No. 128407 at 776 SEVENTH STREET EAST.

Sponsors: Lantry

Delete the assessment because wavier on file.

Referred to the City Council due back on 7/18/2012

- 15** **RLH TA**
12-272 Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1206E, Assessment No. 128308 at 1743 SEVENTH STREET EAST.

Sponsors: Bostrom

No show; approve the assessment.

Referred to the City Council due back on 7/18/2012

- 16** **RLH TA**
12-298 Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1207, Assessment No. 128807 at 1653 SHERWOOD AVENUE.

Sponsors: Bostrom

Delete the assessment because the house was rehabbed and file should have been closed prior to assessment.

Referred to the City Council due back on 7/18/2012

- 17** **RLH TA**
12-290 Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1206E, Assessment No. 128308 at 1101 SIXTH STREET EAST.

Sponsors: Lantry

No show; approve the assessment.

Referred to the City Council due back on 7/18/2012

- 18 **RLH TA**
 12-279 Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1208P, Assessment No. 128407 at 671 SNELLING AVENUE NORTH.

Sponsors: Stark

Delete the assessment; there is a waiver on file.

Referred to the City Council due back on 7/18/2012

- 19 **RLH TA**
 12-302 Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1211C, Assessment No. 122012 at 773-779 UNIVERSITY AVENUE WEST.

Sponsors: Carter III

Approve the assessment and spread the payments over five years.

Referred to the City Council due back on 7/18/2012

- 20 **RLH TA**
 12-297 Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1206E, Assessment No. 128308 at 958 UNIVERSITY AVENUE WEST.

Sponsors: Carter III

Delete the assessment as extension should have been granted per DSI staff.

Referred to the City Council due back on 7/18/2012

- 21 **RLH TA**
 12-291 Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1206E, Assessment No. 128308 at 865 YORK AVENUE.

Sponsors: Bostrom

No show; approve the assessment.

Referred to the City Council due back on 7/18/2012

- 22 **RLH TA**
 12-289 Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1206E, Assessment No. 128308 at 1025 YORK AVENUE.

Sponsors: Bostrom

No show; approve the assessment.

Referred to the City Council due back on 7/18/2012

- 23 **RLH AR**
 12-67 Ratifying Collection of Vacant Building fees from February 2012. (File No. VB1207, Asmt No. 128807)

Sponsors: Lantry

Referred to the City Council due back on 7/18/2012

- 24** **RLH AR** Ratifying Graffiti Removal services from February 27 to March 21, 2012.
12-68 (File No. J1208P, Asmt No. 128407)

Sponsors: Lantry

Referred to the City Council due back on 7/18/2012

- 25** **RLH AR** Ratifying Demolition services from March 2012. (File No. J1211C, Asmt No.
12-69 122012)

Sponsors: Lantry

Referred to the City Council due back on 7/18/2012

- 26** **RLH AR** Ratifying Excessive Use of Inspection Services from January 18 to February
12-70 17, 2012 (File No. J1206E, Assessment No. 128308)

Sponsors: Lantry

Referred to the City Council due back on 7/18/2012

Staff Reports

- 27** [RLH TA](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No.
[12-227](#) J1209A, Assessment No. 128515 at 770 MINNEHAHA AVENUE EAST.

Sponsors: Lantry

Reduce the assessment from \$443.00 to \$295.00.

RE: 770 Minnehaha Ave E (duplex)

No one appeared.

Inspector Joel Essling:

- Ms. Moermond wanted to see the Video

- viewed Video

- this is the one where Appellant cleaned the yard but didn't know he had to clean back behind the garage

- the Work Order read: clean the yard and back behind the garage

- Appellant did clean-up the yard

Ms. Moermond:

- will recommend reducing the assessment by two-thirds

Referred to the City Council due back on 6/6/2012

11:00 a.m. Hearings

Summary Abatement Orders

- 28 [RLH SAO
12-13](#) Appeal of Lara Merrill to a Summary Abatement Order at 609 WELLS STREET.
- Sponsors:** Bostrom
- Grant the appeal on the overflowing garbage on the ground and deny the appeal on the residential parking on unapproved surface as no site plan was submitted to Zoning.*
- Referred to the City Council due back on 6/6/2012**

Orders To Vacate, Condemnations and Revocations

- 29 [RLH VO
12-35](#) Appeal of Steve Wilson and Maggie Harper-Copeland to a Notice of Condemnation as Unfit for Human Habitation and Order to Vacate at 909 MARSHALL AVENUE.
- Sponsors:** Carter III
- Laid over to May 22 LH for inspector to gain interior access to property.*
- RE: 909 Marshall Ave (single family)*
- Steve Wilson and Maggie Harper Copeland, owners, appeared.*
- Mr. Wilson:*
- *Condemning a house makes it seem as though it's unlivable and that's ridiculous; the last inspector in the house was almost 2 years ago and if it was unlivable in 2 years, he's sure it would have fallen by now*
- Inspector Joel Essling:*
- *was a referral from the Fire Certificate of Occupancy Program*
 - *Orders were originally issued Dec 8, 2010 and at some time, it was determined that the property was not subject to the Certificate of Occupancy Program*
 - *the file was transferred to Mr. Essling and he opened his file on Dec 29, 2011*
 - *he contacted Mr. Wilson numerous times: Dec, Feb and he had some scheduling problems*
 - *then, he advised Mr. Wilson that he would contact him to schedule the re-inspection in Apr 2012 but he did not get a response to his call or appointment letter, so, the Condemnation was issued*
 - *what they really need is access to the property to do a re-inspection*
 - *there's 39 items on the Correction Notice some of which have been done*
 - *he needs to get back in to see what items remain*
 - *he was in the property prior to the fire inspector in 2010 when SPPD executed a search warrant and there were some issues that he was concerned about at that time: 1) rear porch; 2) a large amount of pigeon feces in the attic; 3) some electrical issues; 4) leaking water meter, etc.*
 - *Mr. Wilson has told Mr. Essling that he has taken care of some of these things but Mr. Essling needs to verify what has been taken care of and what remains to be done*
 - *the Condemnation is just a copy of the Orders that the fire inspector issued*

- his notes say that after fire inspector issued Orders, the property owner, Steve Wilson, filed a warranty deed and put the property into his name,
- there were some Fire C of O activities before Dec 8, 2010
- there were just a couple notes in 2011: this fire inspector retired; file was transferred to another fire inspector, who also retired in that year

Mr. Wilson:

- just small things to do
- hasn't allowed access because the initial inspector came by and she was shown a deed because as far as she was concerned, the property was a rental property and it's not a rental property; once she was shown the deed to the house, she dropped it and that was the end of it
- the lender of the house came out a couple times to inspect and he never said anything negative about the house
- putting that sign on the door is ridiculous
- wants Mr. Essling to come back into the house and show him how that house can be Condemnable
- the back 4-season porch is falling down and needs to be replaced
- his adjuster is coming out today at 12:30, in case Mr. Essling wants to talk to him (they can tell Mr. Essling about some of the major things wrong with the house)

Ms. Copeland:

- expressed that she doesn't understand how someone can come in and tell them what to do with their house
- she has lived there all of her life - 52 years
- how can the city just come in and Condemn the house?
- they have had financial problems and now things are going good for them and now the city wants to come in and put them out!
- they pay the mortgage!
- the house is not that bad that it's Condemnable; there's just petty little stuff
- it's an old house; it takes time to fix things and it's not going to be like a brand new home

Ms. Moermond:

- looking at the list suggests the Condemnation is a result of general dilapidation
- asked if the Orders were originally written as a result of the warrant so that an inspector followed up (Mr. Essling said, "Yes."); a police referral to the inspector and the inspector was provided access
- the house is not in the Fire C of O Program anymore
- Mr. Essling is still responsible for closing out the set of Orders that were started
- it's perfect that the Appellant is willing to work with Mr. Essling (Mr. Essling and Mr. Wilson will report back in a week)
- will lay this over for 1 week (LH May 22, 2012 at 11 a.m.) and in the meantime, the Notice can come off the door and enforcement is stayed - you don't need to leave

Laid Over to the Legislative Hearings due back on 5/22/2012

30

[RLH VO
12-33](#)

Appeal of Nate Labatt to a Notice of Condemnation as Unfit for Human Habitation and Order to Vacate plus New Owner Vacant Building Registration Notice at 671 SIMS AVENUE.

Sponsors: Bostrom

Deny the appeal and grant an extension to June 22, 2012 for compliance or vacate the property by July 1, 2012.

RE: 671 Sims Ave (apartments)

Eric Hermanson, business associate, appeared on behalf of Nate Labatte

Fire Supervisor Leanna Shaff:

- originally came in as a referral Oct 4, 2011 for a water shut-off
- Inspector Booker found out through St. Paul Regional Water Services that the water had been switched off by request
- issued Orders to have water service restored
- found that property did not have a Fire Certificate of Occupancy either
- Oct 20, 2011, the water was still off and the house unoccupied so, she placarded the building for a Vacate but it was already vacated
- Mar 30, 2012, Inspector Thomas had scheduled a meeting and wrote Orders on the vacant building; he was told it was a Category 1 but when the Condemnation was originally sent, it was a Category 2
- photos in Amanda (shows bldg occupied and various code violations)

Supervisor Rich Singerhouse:

- Inspector Friel went out 10-21-11 and made it a Cat 2 VB; he is sure a letter was sent out
- later, on 12-15-11, he changed it to a Cat 1 after conversing with Manager Magner on the situation, no new correspondence went out
- water was turned on 4-6-12
- at the C of O inspection, the inspector found the property occupied (Mar 30, 2012)
- wrote a Condemnation 4-25-12
- they changed it back to a Cat 2 on 4-27-12

Ms. Moermond:

- checked out photos dated Mar 30, 2012 and Apr 25, 2012, second set
- asked if a full C of O inspection had been completed

Mr. Hermanson:

- he and Mr. Labatte are VNE Properties
- Urban Enterprises is a management company that manages some of VNE Properties
- currently Vince Suerth is sole owner of VNE Properties
- closed on this property Feb 2, 2012
- they had an accepted offer on it in Dec 2011, then it moved to a Cat 2 and at that point, they pulled back their offer and were not interested in it if it was a Cat 2
- realtor Lisa Prochell, Keller Williams, appealed the VB Cat 2 and it was transferred back to a Cat 1
- at that point, Feb 2, 2012, they called in and spoke with a guy named Maynard, who confirmed that it was a Cat 1
- they called the day of closing to make sure everything was set and good to go
- shortly afterwards, it was changed to a Cat 2 again
- they also use Renters Warehouse to place tenants and there was a miscommunication that there was a occupancy license, so Renters Warehouse put in those 2 tenants prior to Urban Enterprises knowing of that
- we would never had purchased the building being a Cat 2
- as far as they knew, it also wasn't on the VB list at that point (they called in to check on that before they closed, as well)
- since all the inspections have been done, everything has been corrected at the building except the basement needs to be drywalled and a fire wall needs to be installed between the basement and first floor units (scheduled to start Thu, May 17, 2012)

Mr. Singerhouse:

- this has always been a Vacant Building (Mr. Hermanson: Mr. Labatte called in to find out about that)
- whether it's a Cat 1 or Cat 2, it still needs a Certificate of Occupancy in order to occupy the building
- it was changed from a 1 to a 2 because it was found occupied and there were still things that needed to be done; it needed a C of O or a team inspection
- now it will need a team inspection in order to get the C of O
- if it hadn't been occupied, he is sure that Inspector Thomas would have written the C of O inspection and the Appellant would have had a list of things to complete by a certain date
- the VB fee was paid 10-26-11

Mr. Hermanson:

- they received some bad information from our management company with what needed to be done because they were under the impression that as long as it was a Cat 1, they didn't need a team inspection
- the first time, Inspector Thomas came out, it was not occupied and he said that as long as all the items get fixed, they were good to go
- the tenants moved in after all the items had been fixed and they were waiting for the re-inspection
- the building is in good conditions
- their goal is not to skirt the system; however, they are just a little naive, right now; they are just starting out
- their goal is to bring buildings up to livable conditions

Ms. Shaff:

- Inspector Thomas did a C of O inspection the last time around

Ms. Moermond:

- wants to see the building completely code compliant
- a Criminal Citation is the penalty for occupying a Registered Vacant Building (Mr. Singerhouse: they could have written a Citation for occupying the VB without having a C or O; in this case, it was appealed. Would advise getting the team inspection; get it signed off and everything should be taken care of)
- will recommend denying the appeal and grant an extension to June 22, 2012 for compliance or vacate the property by July 1, 2012.

Referred to the City Council due back on 6/6/2012

11:30 a.m. Hearings

31

[RLH VO
12-32](#)

Appeal of Leslie McMurray, Payne Phalen District 5 Planning Council, to a Correction Notice-Complaint Inspection at 713 BEDFORD STREET.

Sponsors: Brendmoen

Deny the appeal and grant an extension to August 1, 2012 to vacate the property. Inspector will verify if beds have been removed.

RE: 713 Bedford St (single family)

Leslie McMurray, Payne Phalen District 5 Planning Council, appeared.

Ms. McMurray:

- she had expected the occupants to be present along with the American Indian Family Center staff, who first contacted her

- the last communication with the American Indian Family Center staff was that the family was finding a new residence but she believes they need more time

Fire Supervisor Leanna Shaff:

- 2 adults and 5 children live here
- house has 626 sq. ft.
- the 4 daughters are sharing a 90 sq. ft. room with bunk beds in front of an egress window
- the minimum size room for 2 people is 100 sq. ft.
- relocating 2 girls into the living room will work as long as there are adequate smoke detector, CO detector and egress
- the son is in a 70 sq. ft room
- parents' bedroom is 132 sq. ft.
- the minimum requirement for 7 people is a space totaling 750 sq. ft.

Ms. Moermond:

- they can continue living there until Aug 1, 2012
- they need to move the bunk bed away from blocking the window
- inspector can verify within 2 weeks that the beds have been moved and egress is clear

Referred to the City Council due back on 6/6/2012

1:30 p.m. Hearings

Window Variances: Hearing Required

- 32** [RLH FOW
12-167](#) Appeal of Anna Ovsyannikova to a Fire Certificate of Occupancy Inspection Correction Notice at 1060 DESOTO STREET.
- Sponsors:** Brendmoen
- Grant a 2-inch variance on the openable height of the egress window in the second floor south bedroom.*
- RE: 1060 DeSoto St (single family)*
- No one appeared.*
- Fire Inspector Mike Urmann:*
- entered a copy of the May 15, 2012 Orders
 - window measurements 22h x 25w opening
- Ms. Moermond:*
- will recommend a 2 inch variance on egress opening height
- Referred to the City Council due back on 6/20/2012**

Fire Certificates of Occupancy

- 33** [RLH FCO
12-259](#) Appeal of Jeff Lemke to a Fire Certificate of Occupancy Inspection Correction Notice at 234 CLERMONT STREET.
- Sponsors:** Lantry

Deny the appeal and grant an extension to July 1, 2012 to vacate the property.

RE: 234 Clermont St (duplex)

Jeff Lemke, owner, appeared.

Fire Inspector Mike Urmann:

- there's a dispute about how the building is being used*
- the city and county have it listed as a duplex; approved as a duplex (legal nonconforming)*
- a third unit has been added to the building; however, the building is not zoned for or approved for a triplex, per zoning (zoning is R4 / RC-4)*
- owner would need to de-convert the third unit or go through the process of getting a nonconforming use permit*
- the building is listed as a duplex in the Truth in Sale of Housing (TISH) Report*
- a kitchen and bathroom were added to the basement without permits being pulled*

Ms. Moermond:

- her guess is that the lot size is less than 5,000 sq. ft.*

Mr. Lemke:

- when they purchased the property, the documentation listed it as a 2-3 unit building and it is still listed that way on their taxes, so, they thought it meant that they could use it as a triplex*
- there's 2 full 2-bedroom units with a large studio in the basement*
- they were under the impression that it was zoned for 2-3 units*
- a year after purchase, they received a call from the person who assesses taxes; he asked if they had been working on the basement to finish it; Mr. Lemke told him they had; and he asked for the dimensions; then, their taxes increased*
- they recently moved out and his sister uses it from Mon - Fri; she's a teacher in Saint Paul*
- this inspection surprised him*
- the building is not really sustainable as a duplex*
- they did not pull permits to finish the basement; they worked at it gradually*
- he talked with the Department of Safety and Inspections (DSI) about installing electricity right in that space*
- he attached documents which listed the building as 2-3 units, so he has always been under the impression that it's fine for 3 units*

Ms. Moermond:

- this is a duplex; not a triplex; there is nothing in the records that allows this to be used as a triplex*
- if a realtor represented to Appellant that it could be used as a triplex, a claim could be made with the realtor*
- any of the fire separation issues would have come up in a permit application process*
- perhaps, a tax classification is being confused with a zoning, building or fire code*
- the TISH Report did disclose to the Appellant that the building is a duplex*
- if the Appellant can get the Board of Zoning Appeals to agree that this could be used as a triplex, then it can be if the necessary modifications are done to create a proper fire separation between the basement and the first floor*
- the finished basement space could, possibly, be added onto the first floor unit so that the finished space could be put to a useful purpose; some adjustments would need to be made, however*
- she is very concerned that he was doing the work without a permit; concerned that it wasn't done in a safe manner*

- will recommend the City Council deny this appeal and grant until Jul 1, 2012 to vacate that space
- the City Council Public Hearing will take place Jun 20, 2012
- suggested that Appellant make application to the Board of Zoning Appeals to use it as a triplex (given that the building is currently a legal non-conforming duplex, they don't usually recommend that those properties can be used as triplexes)

Mr. Lemke:

- the city approved a lot split on it and split of the lot hasn't been used, yet; so, the city may still see it as 2 units even though that was supposed to expire a year ago (236 Clermont)

Ms. Moermond:

- advised Appellant to talk with zoning people about rejoining those 2 parcels
- referred him to YaYa Diatta, staff to Bd of Zoning Appeals, to walk him through the steps
- to build a new single-family home in the city, you need approximately 5,500 sq. ft.
- there will be a re-inspection appointment made after Jul 1, 2012

Mr. Urmann:

- in order to de-convert, the Appellant would need to do some construction
- if a triplex is allowed, there will be fire Orders associated with that about the fire separation

Referred to the City Council due back on 6/20/2012

34

[RLH FCO
12-260](#)

Appeal of Jennifer Vietmeier to a Correction Notice-Complaint Inspection at 1865 COTTAGE AVENUE EAST.

Sponsors: Bostrom

6/5/12 - Ms. Moermond reviewed the file further and did some calculations and stated that the ceiling height is too low.

Her calculation is this:

6' wide above 5'
4" above 6'7"

6x22 long=132 sq ft above 5'
2 sq ft above 6'7'

the highest point is less than 2%.

Therefore, she is recommending denying the appeal.

RE: 1865 Cottage Ave E (single family)

Jennifer Vietmeier, owner, appeared.

Fire Inspector Mike Urmann:

- new set of Orders
- some of the issues of his copy of the appeal have been remedied
- the squirrel issue has been taken off the Orders

Ms. Vietmeier:

- main concern is the attic
- seeking a variance for the ceiling height of the upstairs finished attic space
- has her original permit
- the bedroom up there has everything else that meets fire code
- she and her husband lived in the attic for 4 years
- her husband is 6 ft. tall and he was comfortable up there
- it's a very nice, finished space; very livable space
- the egress window is brand new, smoke detector; CO detector; approved handrail; rise on the stairs is adequate; tempered glass in the stairwell; nicely finished; ceiling fixtures; heating fixture - everything except for the ceiling height which she cannot do anything about without totally tearing the structure apart
- ceiling height is 6 ft. 8 in.
- it's 6 ft or above over half of the floor area
- they had addressed the squirrel and she hasn't heard anything from the renter who is currently there until a window broke from the inside and she said it was a squirrel; thought that it probably was a tall tale; they have been working there on various items and didn't even see any squirrels around the house

Ms. Moermond:

- the peak of the ceiling is 6' 8" and it diminishes down to a height of 3' 5"
- the city measures only 5' and above
- would like to see 1/3 to 1/2 of the room above 6 ft. 6 in.
- she needs to do the math on this with the pitched roof
- her decision is forthcoming

F/U:

Ms. Vietmeier sent an email stating that there is a 5 by 8 closet which takes up 40 square feet of floor space in the room and she is not sure if that would be subtracted from the total room floor area or not. It's not a walk-in closet though.

Referred to the City Council due back on 6/6/2012

**35 RLH FCO
12-270**

Appeal of Charles Turi to a Fire Certificate of Occupancy Inspection Correction Notice at 941 HUDSON ROAD.

Sponsors: Lantry

Grant a 1.5-inch variance on the openable height of the egress window and forthcoming on building use issue. LH on June 19, 2012 at 1:30 p.m.

RE: 941 Hudson Road (single family)

Charles Turi, owner, appeared.

Ms. Moermond:

- will recommend a variance on the openable height of the egress window

Fire Inspector Mike Urmann:

- this single family dwelling is now being used as a duplex
- through an investigation with zoning, this building could not and will not be approved as a duplex; it can be approved only as a single family dwelling because of lot size and because the issues of that per YaYa Diatta

Mr. Turi:

- he bought property in 1994; it was used as a duplex
- he and his family, however, never used it as a duplex
- there has been a kitchen upstairs the whole time; it's a full apartment

- his wife collected 1940-1950 kitchenware and that upstairs kitchen became a show place
- he had no idea that it was a space that could not be used as a duplex
- there are no appliances up there
- he entered photos
- put house up "for sale" in 2005
- this house had been used as a duplex for 40 years; he doesn't know how he would have assumed anything other than it was a legal duplex
- sold the property "contract for deed" and got it back Oct 2011
- then, he was in a position to rent it out
- there was no inspection because he sold it to a woman who was going to occupy it herself
- he talked with Maynard Vinge many times
- he is not sure why that he needs it inspected now that it's not owner-occupied; everything seemed to be working just fine before that
- in order for him to sustain the property, he needs the income as a duplex
- if he were to di-convert it back to a single-family home, he could not support it
- there's no cash flow now and it's costing him \$200/month just to leave it sit; can't afford to lose more than that
- he is trying to do the best he can to keep it a viable property; it's a beautiful piece of property
- there are 4 other duplexes with similar sized lots on that block
- he's not sure what he can do; perhaps, get a nonconforming use permit
- he wishes he could do the work himself; he could do the electrical work
- lot size: 124 x 41
- finished sq. ft.: 1,598 sq. ft.
- foundation size: 1,008 sq. ft
- built: 1903
- will gather all his estimates and develop a plan by Jun 19, 2012

Ms. Moermond:

- contact YaYa Diatta to move forward with the nonconforming use permit
- will do further research on it
- will layover to Jun 19, 2012 LH
- CCPH Jun 20, 2012

Referred to the City Council due back on 6/20/2012

36

[RLH FCO
12-294](#)

Appeal of Ryan Engelhardt to a Fire Certificate of Occupancy Inspection
Correction Notice at 1227 THIRD STREET EAST.

Sponsors: Lantry

Grant a 2-inch variance on the openable height of the egress windows in the main floor southwest and northwest bedrooms and deny the appeal on the parking surface.

RE: 1227 3rd St E (single family)

Ryan Engelhardt, owner, appeared.

Ms. Moermond:

- will recommend a variance on the openable height of the egress windows

Fire Inspector Mike Urmann:

- photos in the file
- there is an asphalt driveway and it appears that there's been parking alongside the garage

- some gravel has been poured in the ruts

Mr. Engelhardt:

- the tenants decided to make their own parking spot
- if they can park there, fine; if not, they will seed grass there and say, "No parking"

Ms. Moermond:

- the tenants can't park there as it is
- if you want to expand the driveway, show me a site plan
- there are requirements on how much of a lot can be paved
- if you don't want to expand the driveway, plant grass seed and have them not park there
- tape the area while the seed is growing
- will recommend denying the appeal

Referred to the City Council due back on 6/20/2012

37

[RLH FCO
12-281](#)

Appeal of Pang Blia Vang to a Fire Certificate of Occupancy Inspection
Correction Notice at 1871 MINNEHAHA AVENUE EAST.

Sponsors: Lantry

Grant the appeal to be out of the Fire C of O program provided that owner has the furnace testing done by a licensed contractor.

RE: 1871 Minnehaha Ave E (single family)

Pang Blia Vang, owner, and his daughter, Youa Vang, appeared. (Mai Vang interpreter)

Fire Inspector Mike Urmann:

- double hung window 20h x 34w; sill height of 36 inches

Ms. Moermond:

- will recommend a variance on the egress window

Mr. Urmann:

- need a heating system test report

Mr. Vang:

- he lives there Mon - Fri and sometimes on weekends
- he works at Harris in North Saint Paul
- has a WI driver's license
- water, trash and sewer bills are in his name and go to 1871 Minnehaha Ave E
- his nephew pays the electricity bill
- he has his own room there

Ms. Vang's daughter:

- we're Wisconsin residents but my dad works in Minnesota (Menomone)
- her cousin lives at 1871 Minnehaha Ave, too, and pays part of the mortgage
- flammable liquids are gone and dryer vent installed

Ms. Moermond:

- asked if the flammable liquids have been taken care of
- asked if the dryer exhaust vent had been taken care of
- would like to see that the furnace has been tested by 4 weeks from today
- with a good report, she will recommend that the Appellant be released from the Fire

*Certificate of Occupancy Program***Referred to the City Council due back on 6/20/2012**

38

[RLH FCO
12-251](#)

Appeal of Anthony Westcot, on behalf of G Ventures West, to a Fire Inspection Correction Notice at 1203 REANEY AVENUE.

Sponsors: Lantry

Deny the appeal on the exterior painting issue and grant an extension to July 15, 2012 (Items 2, 5 and 6); grant the appeal on the floor tile leading to basement; grant a 7-inch variance on the openable height of the egress window in the north rear bedroom; and grant the appeal on the heating test report as it was submitted; deny the appeal on the dryer vent and will need a licensed contractor to replace the venting under permit.

*RE: 1203 Reaney Ave (single family)**Anthony Westcot, owner, appeared.**Mr. Westcot:*

- regarding storm door on screened porch; had a window busted out; Mr. Westcot completely removed it and Inspector Thomas was angry when he came back for the re-inspection; he said, "You can't just remove it; it said repair or replace."
- that's the kind of attitude he was given by this inspector at this inspection
- he decided not to deal with that and go through the appeal process
- has photos of some of the things that were completed prior to the second inspection and Mr. Thomas still didn't sign off
- Inspector Thomas is out there inspecting right now; had sent a letter (Ms. Moermond said he shouldn't be inspecting; once an appeal is filed, enforcement is stayed)

Fire Inspector Mike Urmann:

- he spoke with the inspector this morning and he didn't say anything about going out there today to inspect (Mai Vang: it says the next scheduled inspection is 5-15); Mr. Urmann: I believe he scheduled it but I don't think he's conducting it because of this hearing)
- new set of Orders listed May 1, 2012
- under Chapter 34, there can't be any signs of flaking, peeling or chipping paint; has to be maintained in good condition; there are paints that will stick to the composite
- the concerns about the inspector's conduct should be brought to the attention of their supervisors

Mr. Westcot:

- there were 2 storm doors on the property: 1) one on the porch; and 2) one on the main/front door- the hydraulic return had been ripped out of the door jam; so, he replaced the hydraulic return and the door functions correctly
- he wasn't present for the follow-up inspection; doesn't understand why the inspector didn't sign-off but trying to get an explanation has been very difficult (they have emailed and called)
- his father actually filed the appeal; currently, he's in Colorado
- the most recent set of Orders he has is the Apr 3rd one (had 10 items remaining)
- #2 - garage repair for painting: the inspector left out a portion of the code that applied which said all exterior wood surfaces other than decay resistant wood (the entire garage is decay/weather resistant composite; and all the soffits and fascia have aluminum on them - the code didn't even apply to the garage); every couple years they put on some gray primer but the surface is non-absorbent and resistant to

paint and primer; after a few years, it looks shabby but it's weather resistant and safe; he will power-wash the surface

- leading to the basement-repair/replace the floor tile: inspector got upset when she saw that they had removed the linoleum time that someone had haphazardly put down and it was chipping so, they completely removed it, sanded the floor and painted over with floor paint (hardwood floor); now, it's actually nicer than it would be with the linoleum; inspector's comment was, "I didn't say remove; I said repair or replace." He said the same thing about an antique bathtub they removed.

- introduced photo of floor

- #5, #6 - part of that contract - they need some time

- #7 -window screen: the screens weren't on yet; they were lined up against the wall in the basement; he had 2 damaged screens repaired

- extermination has been completed (Mr. Urmann said he needed documentation)

- dryer vent - put in a smooth surfaced venting

- entered a copy of the heating equipment test report

Ms. Moermond:

- sounds like the door situation has been resolved

- perhaps, talk to a paint expert about painting composite (garage)

- will recommend an extension to Jul 15, 2012 to fix the garage

- will recommend appeal be granted on the floor

- asked Appellant to forward the photos to the office

- will grant a variance on the window

- will recommend an extension to Jul 15, 2012 for #5 and #6

- took a copy of extermination invoice

- will deny the dryer vent; you need a licensed mechanical contractor to replace the venting

- grant appeal on the heating equipment test report

Referred to the City Council due back on 6/20/2012

39

[RLH FCO
12-283](#)

Appeal of Brett Hesley, on behalf of Mitch Hesley, to a Fire Certificate of Occupancy Inspection Correction Notice at 672 VAN BUREN AVENUE.

Sponsors: Carter III

Appellant will need a hearing if he wants to discuss Item 2.

RE: 672 Van Buren

No one appeared.

Fire Inspector Mike Urmann:

- since the appellant isn't here, does it go to

Ms. Moermond:

- he seems to be saying that he is willing to come into compliance but he has a question

- she would be happy to talk to him if his question is process is related

- she won't talk to him off the record about the content of the appeal

- directed Mai Vang to talk to him

Ms. Moermond reviewed the file afterward and spoke to the appellant and item 2 has been taken care of.

Withdrawn

- 40 [RLH FCO](#)
[12-289](#)
- Appeal of Eric Pfeifer to a Fire Certificate of Occupancy Inspection Correction Notice at 1208 SIXTH STREET EAST.
- Sponsors:** Lantry
- Deny the appeal on the upper floor ceiling height issue.*
- RE: 1208 6th St E (single family)*
- Eric P. Pfeifer, owner, appeared.*
- Fire Inspector Mike Urmann:*
- upper floor ceiling height issue: there's only 1 area that's at 76 inches high and it's 1 foot wide by 24 feet long - not even close to being compliant (needs to be 7 feet over half the floor area)
- Ms. Moermond:*
- between 15% - 18% of the square footage in the attic space is 6 ft 4 in and the rest is below
 - that's just too low
 - will recommend denial; can't be used for sleeping
- Referred to the City Council due back on 6/6/2012**
- 41 [RLH FCO](#)
[12-292](#)
- Appeal of Craig W. Baumann, Attorney at Law, on behalf of Brent and Lisa Sharp, to a Fire Certificate of Occupancy Inspection Correction Notice at 695 PARKWAY DRIVE.
- Sponsors:** Bostrom
- RE: 695 Parkway Dr (single family)*
- Craig W. Baumann, attorney, and Brent Sharp, owner, appeared.*
- Fire Inspector Mike Urmann:*
- entered photos of electrical panel and laundry area
 - photos also on file
 - separation and clearance issues for heating system and heating appliances
- Mr. Baumann:*
- 12-18 inches
 - presented a layout of the room, approximately 5 ft x 8 ft
 - in that space is a washer, dryer, sink, water heater, furnace, dryer vent, electrical panel and a sump basket off to the side
 - just a small space to work with and Mr. Sharp doesn't know where else they can put some of those things
 - owner purchased house about 5 years ago
 - assuming there was some inspection done in the past and this wasn't an issue
 - Mr. Sharp is an electrician by trade
 - clarification: when he filed the appeal, he said that he thought they could make the corrective actions except for numbers 5 and 7; the other items can be taken care of with some assistance
 - asking for an extension to Aug 1, 2012
 - #5 and #7 are given them complications because of the small space

Ms. Moermond:

- asked staff for more information about item #7 and the mechanical equipment

Mr. Urmann:

- there is an Order about the mechanical equipment - looking at the 36 in clearance as well from the mechanical equipment but the only thing that's been appealed is the electrical panel

- issue - not just clearance from the appliances but clear access to the appliance

- this house has not been inspected before; it was provisional until this cycle

- the mechanical code restricts any storage or any use of any kind within the mechanical room (even more restrictive than the electrical code)

- the appliances are storage to the mechanical code; the water heater is a mechanical use

Mr. Sharp:

- when he purchased this property, he opened up the panel and made sure everything looked safe

- showing on the photos that he can reach the panel when he stands at a certain place; he did the work

- all the ducting and the electrical for the dryer would have been in during the final - somebody signed-off on it

Ms. Moermond:

- wants to talk with the Sr. mechanical inspector on this one

- for sure, there are going to be some problems with the electrical panel

- she will also talk with the Sr. electrical inspector about partial access

- will be on hold with all these items and look at the options

- will layover to Jun 5, 2012 as a housekeeping item; Appellant need not come to the hearing

Laid Over to the Legislative Hearings due back on 6/5/2012

42

[RLH FCO
12-301](#)

Appeal of Blong Thao to a Fire Certificate of Occupancy Inspection
Correction Notice at 881 FOREST STREET.

Sponsors: Bostrom

Grant the appeal by removing the door to the basement furnace room and provided that the testing report is positive; grant a 4.5-inch variance on the openable height of the egress windows in the upper floor south, southwest, and east bedrooms; deny the appeal on the rest of the items on the list and grant an extension to August 1, 2012 for compliance with the exception of the ramp issue which must be in compliance by July 1, 2012.

RE: 881 Forest St (single family)

Blong and Phua Thao, owner, appeared.

Fire Inspector Mike Urmann:

- quite a few of the items are being appealed

- photos in the file show all violations

- 2 issues: 1) make-up air - they restricted the square footage within the boiler plant so much by closing it off that he has been directed by the mechanical inspector to provide make-up air into that space so that the appliance breathes correctly and does not emit any bad drafting or CO; and 2) do not have a heating system test report on this appliance yet (if his mechanical inspector did the measurements and did the air exchanges with that and said that it was meeting code, then it might be a different

issue, but right now, as the square footage is and is closed off, it requires make-up air); doesn't have the square footage numbers

#5 - egress window

- issues with the ramp: 1) the material that was used to construct the ramp is not weather-protected; structurally, it's not sound; 2) there are no guardrails; no safety rails - nothing there that continues the ramp to a surface that's flat - safety hazard;
- #18 - bathroom outlet is a GF outlet; it is nonfunctional - the test on the appliance doesn't work; a licensed electrician has to come in and replace that outlet to code; it can't be locked up because you are required to have an outlet in the bathroom once it is installed; the living room outlet doesn't have a ground - a licensed electrician also needs to put that in correctly

- a licensed electrical contractor needs to install these outlets to make them work properly

- illegal firepit against the building; must be removed immediately

Appellants:

- #1 - basement furnace room - entered photos

- asked if he could just remove the door

- the mechanical contractor was there this morning and did the testing

- appealing #5, #10 and #18 for more time to finish the job (re-inspection deadline is Jun 29)

- asking for Aug 29

- when then rented to tenant, they had no idea they had a handicapped child; their social worker said they need a ramp but these tenants lease only month to month; they are not sure how long they will stay there; it's very costly to put in a ramp for month-to-month tenants

- tenant was told there was a way he could get funding to put a ramp in but again, not sure how long he will be there

- the tenant put in the ramp, they didn't

- #18 - it's a old building; the wiring doesn't have a ground in the box; he opened the box and saw there was no ground (only 3-pronged outlet); on the other side, is the bathroom which has a GFCI outlet, so there's not way to get a ground; asked if he could just cap the outlet in the bathroom

- afraid they may have to run a new line in

- fire pit has already been removed

Ms. Moermond:

- needs the square footage of the space

- Appellant can be compliant by removing the door if the test report comes back positive

- will grant the appeal on removing the door

- will recommend granting a variance on the egress window

- #10 - not a code compliant ramp - install a compliant rent; work must be done under building permit

- if there is a ramp, it must be in good repair and safe to use

- even if the tenant installed something that's not code compliant, the owner of the property is the one who will be held accountable

- it's up to the Appellant if he wants to work with the tenants to get funding in order to provide for the ramp

- suggested Appellant talk with advisors about the Americans with Disabilities Act
- also check with the tenants' social worker at Ramsey County about this kind of accommodation / available resources

- will deny appeal and grant an extension to Jul 1, 2012 on the ramp done under permit

- #18 - for bathroom, Appellant needs to fix the outlet as a GFCI; the living room needs only a duplex outlet

- will extend deadline for outlets to Aug 1, 2012; ramp must be done by Jul 1, 2012

Referred to the City Council due back on 6/20/2012

2:30 p.m. Hearings

Vacant Building Registrations

- 43 RLH VBR
12-31** Appeal of Aurora St. Anthony Neighborhood Development Corporation to a Vacant Building Registration Notice at 370 UNIVERSITY AVENUE WEST (Tcc Old Home Site LLC).
- Sponsors:** Carter III
- Reduce the Vacant Building fee from \$1100 to \$550. When the fee goes to tax assessment, process the fee to approve the assessment of \$550 and spread the payments over two years.*
- RE: 370 University Ave W (light maintenance / industrial)*
- Nieeta Presley, Aurora St. Anthony Neighborhood Development Corporation and Mikeya Griffin, Twin Cities Community Land Bank, appeared.*
- Matt Dornfeld, Vacant Buildings:*
- he opened a Category 2 Vacant Building file due to a referral from Sr. Building Inspector Ubl and Mr. Magner
 - he read from Mr. Ubl's email: *The Light Rail Project is developing along the University Corridor at this time. Met Council has informed me that the building at 370 University Ave W has vagrants living in the main building. This property has had it's Certificate of Occupancy Revoked by Fire Prevention Division on July 1, 2011. Additionally, I've been told that there is a serious mold issue inside the building and caution should be taken when entering the building. I'm suggesting that you place this property in the Vacant Building category and secure the property. If you have any questions, please feel free to contact me. Steven Ubl, Sr. Building Inspector*
 - Apr 23, 2012, after receiving the above email, Mr. Dornfeld opened a Cat 2 VB
 - at the time of his inspection, he found the commercial dwelling to be open to entry and there happened to be a vagrant there at the time of his inspection
 - the vagrant was in the loading dock area; not the main building
 - there were 3 openings; he has photos
 - he found some beer and clothes, etc., looks as though, he had been camping out for a while
 - he issued an Emergency Work Order to Restoration Professionals to have the building secured
 - it has been broken into since and re-secured, as well
 - it is secured as of this morning when he went to check on it
 - received anonymous public complaint May 10, 2012: *metal doors on sidewalk are rusting and have holes in them; they should be covered; also, tall grass and weeds on the blvd*
 - thinks the building should be secured with no possibility of entry
 - they will be night checking the building
 - he is concerned about the steel doors, the sidewalk and keeping the grass cut
- Ms. Presley:*
- they know about the mold, etc.
 - they are appealing the fee
 - they are in the process of getting this site ready for a new project; currently, they are doing inspections

- the Twin Cities Community Land Bank bought the property on Aurora St Anthony Neighborhood Dev Corp's behalf; so they have a purchase agreement with them

Ms. Griffin:

- the Twin Cities Community Land Bank is an organization that is a nimble tool there to step in to help communities and governments capture properties at its base
- Aurora St Anthony actually had a purchase agreement with the original owners, the Hanson family, MN Milk Dairy Company, now, Old Home Dairy
- the Land Bank also does spot inspections
- property has been vacant for over 7 years
- she grew up in that area; this is a very exciting prospect
- any help they can get will be highly appreciated

Ms. Presley:

- currently, they are inspecting around the historic significance of the property
- they are looking at which building can be torn down (by the end of the year)
- they are finding out what can be restored and preserved
- full construction will begin early next spring (2013)
- they are working toward giving some of the maintenance work to an organization that works with ex-offenders
- vagrancy - they have engaged a security company that checks on a regular basis
- they are asking to have the VB fee waived because they are working aggressively to rehab the property
- there is a potential of using federal money; they are in the early stages of putting their finance package together

Ms. Moermond:

- asked if they will be using federal money (Ms. Griffin: they purchased it with state money; there probably will be multiple funding sources)
- right now, get the VB Registration form filled out
- she needs a commitment from the Appellants that the building will be checked once a week for the future to get the vagrant situation under control, see that the grass is cut, etc.
- asked Mr. Dornfeld to take a look at the sidewalk (today it was covered with dirt) on University
- forthcoming tax assessment - if the VB fee is not paid, it will be processed as a tax assessment which is appealable
- at the time that it's appealed, she will recommend it be divided in two and making it payable over several years; then, reduce it to 0
- asked Mr. Dornfeld to process the bill at half the rate, if possible (he will ask Connie); if it can't be billed out that way, Ms. Moermond will handle it in LH when it comes out as a tax assessment

Referred to the City Council due back on 6/20/2012

Staff Reports

Window Variances: No Hearing Necessary

- 44** [RLH FOW
12-168](#) Appeal of Tom Bohlen to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 1374 AMES AVENUE.
- Sponsors:** Bostrom
- Grant a 3-inch variance on the openable height of the egress windows in the main

floor bedrooms.

Referred to the City Council due back on 6/20/2012

45 [RLH FOW
12-166](#)

Appeal of Joseph Sunday to a Fire Certificate of Occupancy Inspection Correction Notice at 1781 BLAIR AVENUE.

Sponsors: Stark

Grant a 3.5-inch variance on the openable height of the egress window in the lower level bedroom.

Referred to the City Council due back on 6/20/2012

46 [RLH FOW
12-162](#)

Appeal of Tony Swanson, Public Housing Agency of St. Paul, to a Fire Certificate of Occupancy Inspection Correction Notice at 415 CLEVELAND AVENUE SOUTH.

Sponsors: Tolbert

Grant an 8-inch variance on the openable height of the egress windows in all three bedrooms.

Referred to the City Council due back on 6/20/2012

47 **RLH WP
12-47**

Appeal of Daniel Schmidt and Jim Yannarely, Saint Paul Ramsey County Department of Public Health, to two Egress Window Non-Compliance Determinations at 751 COTTAGE AVENUE EAST.

Sponsors: Bostrom

Grant a 4-inch variance on the openable height of two double hung replacement egress bedroom windows measuring 20 inches high by 23.2 inches wide and grant a 2.9-inch variance on the openable width of one casement replacement egress bedroom window measuring 41.1 inches high by 17.1 inches wide.

Referred to the City Council due back on 6/20/2012

48 [RLH FOW
12-165](#)

Appeal of The Goodman Group, on behalf of Elmo Park Apartment Homes, to a Fire Certificate of Occupancy Inspection Correction Notice at 885 GRAND AVENUE.

Sponsors: Thune

Grant a 2-inch variance on the openable height of the egress bedroom windows in Units 3 and 4.

Referred to the City Council due back on 6/20/2012

49 [RLH FCO
12-291](#)

Appeal of Mike Laughlin, ETNA LLC, to a Fire Certificate of Occupancy Inspection Correction Notice at 941 JENKS AVENUE.

Sponsors: Bostrom

Grant a 4-inch variance on the ceiling height in the basement southeast and southwest bedrooms.

Referred to the City Council due back on 6/20/2012

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- 50** [RLH FOW
12-170](#) Appeal of James Oberhamer, Cities Home Rentals, to a Re-inspection Fire Certificate of Occupancy With Deficiencies at 91 JESSAMINE AVENUE WEST.
- Sponsors:** Brendmoen
- Grant a 5-inch variance on the openable height of the egress window in the second floor bedroom.*
- Referred to the City Council due back on 6/20/2012**
- 51** **RLH WP
12-46** Appeal of Allen Reistad, on behalf of Ana Baumgart, to an Egress Window Non-Compliance Determination at 1513 MCAFEE STREET.
- Sponsors:** Bostrom
- Grant a .5-inch variance on the openable width of one casement replacement egress bedroom window measuring 37 inches high by 19.5 inches wide.*
- Referred to the City Council due back on 6/20/2012**
- 52** [RLH FOW
12-163](#) Appeal of Tony Swanson, Public Housing Agency of St. Paul, to a Fire Certificate of Occupancy Inspection Correction Notice at 4 MARYLAND AVENUE EAST.
- Sponsors:** Brendmoen
- Grant a 5-inch variance on the openable height of the egress window in the second floor bedroom.*
- Referred to the City Council due back on 6/20/2012**
- 53** **RLH WP
12-45** Appeal of Renewal by Andersen, on behalf of Barbara Wolf, to an Egress Window Non-Compliance Determination at 611 MOUNT CURVE DRIVE.
- Sponsors:** Tolbert
- Grant a 2 1/4-inch variance on the openable width of two casement replacement egress bedroom windows measuring 33 3/8 inches high by 17 6/8 inches wide.*
- Referred to the City Council due back on 6/20/2012**
- 54** **RLH FOW
12-171** Appeal of Linda J. McKinney to a Fire Certificate of Occupancy Inspection Correction Notice at 717 ORANGE AVENUE EAST.
- Sponsors:** Bostrom
- Grant a 1-inch variance on the openable height of the egress window in the second floor bedroom.*
- Referred to the City Council due back on 6/20/2012**
- 55** [RLH FOW
12-169](#) Appeal of Jeff Bajek, Venture Bank, to a Fire Certificate of Occupancy Inspection Correction Notice at 1350 SAINT CLAIR AVENUE.
- Sponsors:** Tolbert
- Grant a 3.5-inch variance on the openable height of the egress bedroom in the upper unit; grant a 2.5-inch variance on the openable height of the egress windows in the*
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first floor north and south bedrooms.

Referred to the City Council due back on 6/20/2012

56

[RLH FOW
12-161](#)

Appeal of JoDell Kline to a Fire Certificate of Occupancy Inspection
Correction Notice at 429 THOMAS AVENUE.

Sponsors: Carter III

Grant a 2-inch variance on the openable height of the egress bedroom window.

Referred to the City Council due back on 6/20/2012

57

**RLH FOW
12-164**

Appeal of Corey DeNicola to a Reinspection Fire Certificate of Occupancy
With Deficiencies at 1622 WELLESLEY AVENUE.

Sponsors: Tolbert

*Grant a 2.5-inch variance on the openable height of the second floor southwest
bedroom and grant a 6.5-inch variance on the openable height of the egress windows
in the second floor north and first floor bedrooms.*

Referred to the City Council due back on 6/20/2012