

# City of Saint Paul

*15 West Kellogg Blvd.  
Saint Paul, MN 55102*



## **Minutes - Final - Final**

**Tuesday, May 24, 2011**

**9:00 AM**

**Room 330 City Hall & Court House**

## **Legislative Hearings**

*Marcia Moermond, Legislative Hearing Officer*

*Mai Vang, Hearing Coordinator*

*Jean Birkholz, Hearing Secretary*

*Mary Erickson, Hearing Secretary*

*legislativehearings@ci.stpaul.mn.us*

*651-266-8560*

## 9:00 a.m. Hearings

### Remove/Repair Orders

- 1 [RLH RR 11-17](#) Ordering the rehabilitation or razing and removal of the structures at 1091 COOK AVENUE EAST within fifteen (15) days after the June 1, 2011, City Council Public Hearing.

**Sponsors:** Bostrom

**Attachments:** [1091 Cook Appt Ltr 1/11/11](#)  
[1091 Cook Photos 1/27/11](#)  
[1091 Cook Order to Abate Nuisance 2/8/11](#)  
[1091 Cook Pub Hrng Notice 4/15/11](#)  
[1091 Cook Ave E.Kipp Ltr R-R 5-10-11.doc](#)  
[1091 Cook Ave E.Mortensen Email 5-23-11.pdf](#)  
[1091 Cook Ave E.Estimate with proceeds](#)  
[1091 Cook Ave E.Report](#)  
[1091 Cook Ave.Estimate by Category](#)  
[1091 Cook Ave E.Mortensen Ltr R-R 5-24-11.doc](#)

*Recommendation forthcoming.*

*Need the following by the close of business on Tuesday, May 31, 2011:*

- 1. post the \$5,000 performance deposit;*
- 2. financial information committing the funds for the project; and*
- 3. acceptance of bids.*

*Inspector Steve Magner, Department of Safety and Inspections (DSI), noted that this matter is a layover from May 10. Miken Construction Company is representing the Bank of America. Ms. Moermond stated that at the May 10 meeting they were looking for a performance deposit, maintenance of the property, a detailed work plan, construction timeline, a financial plan -- getting the funds set up for the project, and general bids for the rehab.*

*Mr. Magner said the letter summarizing those requirements was sent by Mai Vang to David Mortensen, representing the Bank of America, on May 19, 2011. He subsequently sent Miken Construction Company's fairly well detailed letter pertaining to the rehabilitation. This property has a foundation failure where the left side of the house foundation was laying in the basement. It has not been submitted to the City's structural engineer but would be critiqued if there were any issues. The estimates for rehabilitation came in at approximately \$100,000, Magner said, and he feels they are in line with what the property needs. He has not heard about a maintenance issue from his staff. The only thing he thinks is missing is dedication of bonding.*

*David Mortensen said he was notified last Thursday that within Bank of America, this property shifted from the post-foreclosure department to the Real Estate Owned (REO) department. That department has been very good with responding to him. They said they were getting the letter for the dedication of funds and that it would not be an issue. He expects he can get that statement from them soon. It's the same thing with the bond -- because it went to a different department, the person with the*

REO department needs to formally give approval. Before it was switched to the REO department's control, they had already given approval. Miken Construction has acknowledged that they would be posting a bond as well. Mr. Mortensen told the client the bond had to be posted immediately. Miken Construction, which works out of California, has a licensed, bonded contractor here locally that is working on a property on the same street.

Ms. Moermond asked if Bank of America has accepted the bid. Mr. Mortensen said he believes they have as the bid has gone to them and he thinks the REO Department has to formally take the bid and finalize it. He does not feel there will be an objection. The reason there was some additional issue with it is because there is an insurance proceeds recovery so an adjustment had to be made. He said it was his understanding that that is the bid they have to go with.

Mr. Mortensen said he was trying to get pictures for property preservation to make sure that was taken care of. He understands from Mike in construction that they have arranged for that and he has confirmed that the taxes have been paid.

Ms. Moermond said she will have a forthcoming recommendation to the Council and she will lock it in for May 31 so by the end of business on May 31, three things need to be addressed: bond, commitment for funds, and acceptance of the bid.

On May 31, 2011, Ms. Vang received an e-mail from Mr. Mortensen, attorney representing the Bank, indicating that he spoke with his client and after further consideration of the costs, he believes a decision has been made to donate the property. Ms. Vang later received another email from Mr. Mortensen indicating that his client will NOT be making the repairs to the property; therefore, Ms. Moermond will recommend to the City Council that the building be removed within 15 days.

**Referred to the 6/1/2011 City Council**

- 2      [RLH RR 11-19](#)      Resolution ordering the rehabilitation or razing and removal of the structures at 936 EARL ST within fifteen (15) days after the June 1, 2011, City Council Public Hearing.

**Sponsors:**      Bostrom

**Attachments:**      [936 Earl Photos 2/4/11](#)  
[936 Earl Appt Ltr 2/7/11](#)  
[936 Earl Order to Abate Nuisance 3/2/11](#)  
[936 Earl Code Compl Rpt 3-10-11](#)  
[936 Earl Pub Hrng Notice 4/15/11](#)  
[936 Earl St McCracken R-R Ltr 5-10-11.doc](#)

Ms. Moermond has several phone conversations with Mr. John Dobbs, who is representing the potential buyer, and indicated that his client is not going to make repairs to the building since the building cannot be transferable since it's a Category 3, Registered Vacant Building. Ms. Moermond will recommend that the City Council refer the matter back to Legislative Hearing on July 26, 2011 for HPC review and City Council Public Hearing on August 3, 2011.

RE: 936 Earl Street

No one appeared.

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

- 3      [RLH RR 11-28](#)      Resolution ordering the rehabilitation or razing and removal of the structures at 384 EARL ST within fifteen (15) days after the June 15, 2011, City Council Public Hearing.

**Sponsors:**      Lantry

**Attachments:**      [384 Earl St.Order to Abate Nuisance.3-25-11](#)  
[384 Earl St.Pub Hrng Notice.4-29-11](#)  
[384 Earl St.Stallman R-R Ltr 5-24-11.doc](#)  
[384 Earl St.Photos.4-1-10.pdf](#)  
[384 Earl St.Photos.5-12-10.pdf](#)  
[384 Earl St.Photos.6-7-10.pdf](#)

*Ms. Moermond recommends granting until June 7, 2011 to vacate the property.*

*RE: 384 Earl Street*

*Melissa Stallman appeared. (Stonecrest Income and Opportunity Fund I, LLC, owner)*

*Ms. Stallman stated that she is buying this house contract for deed from Stonecrest. She has been informed that it is actually an illegal sale because it went into vacancy. They said they were going to do a Statement of Funds but she has nothing in writing that verifies that.*

*Steve Magner, Vacant Buildings, reported that this is a one-story wood frame single family dwelling with an accessory storage shed on a lot of 4,782 square feet. According to their files, it has been vacant since February 1, 2010. The current property owner is listed as Stonecrest Income and Opportunity Fund I, LLC per Ramsey County Property records. On February 3, 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 March 25, 2011 with a compliance date of April 25, 2011. As of this date, this property remains in a condition which comprises a nuisance as defined by the legislative code. Taxation has placed an estimated market value of \$18,800 on the land and \$400 (typo?) on the building. Real Estate taxes are current. (Note: first half of 2011 is unpaid.) The Vacant Building registration fees were paid by assessment on February 18, 2011. As of May 20, 2011, a Code Compliance Inspection has not been done. (Applied for on 4/26/11) As of May 20, 2011, the \$5,000 performance bond has not been posted. There have been twelve (12) Summary Abatement Notices since 2010. There have been five (5) Work Orders issued for:*

- boarding/securing*
- garbage/rubbish*
- grass/weeds*
- snow/ice*

*Code Enforcement officers estimate the cost to repair this structure to exceed \$35,000. The estimated cost to demolish to exceed \$9,000.*

*Mr. Magner added the Notice from Reid Soley: On April 22, 2011, Mr. Soley said he spoke with John Holt, Stonecrest, which the property at auction as a while it was a Category 2. There was no prior approval for the Category 2 status. The sale occurred prior to the Category 3 status. A woman by the name of Melissa Stallman*

and her children have illegally moved in. She has a lease to own agreement with the owner. He explained to the owner that the tenants must move out immediately. His company will be notified soon regarding a hearing to be held to determine if the property should be demolished or if time will be granted for rehab. Emailed him a copy of the Code Compliance and told him that he should have a representative at the hearing. He also sent him an application for the Code Compliance and told him of the \$5,000 bond. He will make copies for Ms. Moermond.

Amy Spong, Heritage Preservation Commission (HPC), reported that this was built in 1906. It's a one-story bungalow. There were original 3 houses on this lot; they are still present. There is a moderate slope on the property with a retaining wall at the front. Concrete steps and wooden fence in front. Enclosed front porch has been altered and vinyl siding covering over the original wood siding. In Mounds Park Neighborhood and has not been extensively surveyed. The last survey in this area was in 1983 and this house was not identified at that time and probably wouldn't be now. Demo will have no adverse effect. (Not in Dayton's Bluff Historic District)

Ms. Stallman signed Contract for Deed on March 2, 2011. She read her prepared statement. It cited the following repairs that she did: replaced valves so that basement wouldn't flood; replaced light fixtures; doors, etc. at a cost of \$1500. Will be attached to record. She stopped making repairs when someone told her that the house was scheduled for demolition. In late April, she received letter about what needed to be done to achieve staying there - 13 items of deficiency. Some items on the list had already been corrected.

Ms. Moermond asked staff if the building was found vacant and put into the program or was it condemned and listed as vacant. Mr. Magner responded that it was referred on a complaint and found to be vacant, broken windows, etc., lots of stuff. A Summary Abatement was issued January 2010.

Ms. Moermond stated that she thinks Ms. Stallman needs legal representation. Contact Southern Minnesota Legal Services (SMRLS) 222-5863.

(Pause)

Ms. Stallmann said that Notices were posted on the property April 1, 2011.

Ms. Moermond asked if it had been disclosed to her that this was a registered vacant building. Ms. Stallmann said it was not disclosed. There was a placard on the house at the time on the back door. Ms. Moermond explained this bureaucratic process.

Mr. Magner added that there is no Truth in Housing; no Code Compliance. Even a sale to a holding company would not have been legal.

Currently, they are living in the house. Ms. Moermond stated that they will not be able to live there. Ms. Stallmann does have a claim against the seller and need legal representation in a hurry. She will need to give a move out deadline: June 7, 2011. She gave her Kay Wittgenstein's number for emergency assistance and housing concerns. She may qualify for Section 8. She added that the City is considering knocking the house down.

Ms. Moermond laid this over to May 31, 2011.

**Laid Over to the Legislative Hearings due back on 5/31/2011 (meeting only)**

Council Public Hearing.

**Sponsors:** Helgen

**Attachments:** [1212 Dale N.Order to Abate Nuisance.3-25-11](#)  
[1212 Dale N.Pub Hmg Notice.4-29-11](#)  
[1212 Dale St.FTA Ltr R-R 5-24-11.doc](#)  
[1212 Dale St.Photos.2-24-11.pdf](#)

*No show; Remove the building within 15 days with no option for repair.*

*RE: 1212 Dale Street North*

*No one appeared.*

*Steve Magner, Vacant Buildings, reported that this building is a one-story wood frame single-family dwelling with a detached two-stall garage on a lot of 6,098 square feet and has been a vacant building since November 3, 2010. The current property owner is Sean Joyce per Ramsey County Property records. On February 23, 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 March 25, 2011 with a compliance date of April 25, 2011. As of this date, this property remains in a condition which comprises a nuisance as defined by the legislative code. Taxation has placed an estimated market value of \$45,900 on the land and \$130,300 on the building. Real Estate taxes are current. The Vacant Building registration fees were paid by assessment on January 25, 2011. As of May 20, 2011, a Code Compliance Inspection has not been done. As of May 20, 2011, the \$5,000 performance bond has not been posted. There have been 6 Summary Abatement Notices since 2010 and 8 Work Orders issued for:*

- boarding/securing*
- garbage/rubbish*
- snow/ice*

*Code Enforcement officers estimate the cost to repair this structure to exceed \$50,000. The estimated cost to demolish is between \$10,000 to \$12,000. DSI is seeking a resolution to remove the building within 15 days.*

*Amy Spong, Heritage Preservation Commission (HPC), reported that this house is a 1960 rambler style property with a hipped roof and frame construction. This is a former industrial area in Saint Paul. It could be categorized as early in-fill because all of the house in the area date from this particular period. It is not within any current survey area and in 1983, they would not have surveyed this area because the buildings were considered not old enough. Technically, they are now 50 years old and this neighborhood probably does warrant some survey work. Demo will have no adverse effect.*

*Ms. Moermond recommended removal of the structure within 15 days with no option for rehabilitation.*

**Referred to the City Council due back on 6/15/2011**

- 5      **RLH RR 11-29**      Resolution ordering the rehabilitation or razing and removal of the structures at 657 LAFOND AVE within fifteen (15) days after the June 15, 2011, City Council Public Hearing.

**Sponsors:** Carter III

**Attachments:** 657 Lafond Appointment Letter  
657 Lafond-photos.pdf  
657 Lafond Code Compliance Report 3-24-11  
657 Lafond Order to Abate Nuisance  
657 Lafond Pub Hrng Notice  
657 Lafond Ave.FTA Ltr R-R 5-24-11.doc

*No show; Remove the building within 15 days with no option for repair.*

*RE: 657 Lafond Avenue*

*No one appeared.*

*Steve Magner, Vacant Buildings, reported that this building is a one and one-half story wood frame single family dwelling with an accessory storage shed on a lot of 4,792 square feet and has been vacant since December 23, 2009. The current property owner is BankUnited FSB per Ramsey County Property Records. On March 3, 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 March 25, 2011 with a compliance date of April 25, 2011. As of this date, this property remains in a condition which comprises a nuisance as defined by the legislative code. Taxation has placed an estimated market value of \$15,300 on the land and \$106,400 on the building. Real Estate taxes are current. The Vacant Building registration fees were paid by assessment on January 25, 2011. A Code Compliance Inspection was done on March 24, 2011. As of May 20, 2011, the \$5,000 performance bond has not been posted. There have been 8 Summary Abatement Notices since 2009 and 10 Work Orders issued for:*

- boarding/securing*
- grass/weeds*
- snow/ice*

*Code Enforcement officers estimate the cost to repair this structure to exceed \$50,000. The estimated cost to demolish to exceed \$10,000. DSI is seeking a resolution to remove this building.*

*Amy Spong, Heritage Preservation Commission (HPC), reported that this is an 1884 worker's cottage, however, with the little window hood on the front elevation, it looks as though at one point, either has some East Lake detailing or Greek Revival. It has lost a lot of its detailing and some of the windows have been replaced. It's located in West Frogtown and is part of the 2011 Legacy Grant Survey Area. The two block faces are fairly contiguous - most of the houses are from a similar period. There are only a couple of vacant lots across the street. She and their consultants went on a drive-thru last week. She doesn't think this building is in any area that's been identified for further study. Demolition will have no adverse effect.*

*Ms. Moermond will recommend this building be removed within 15 days with no option for rehabilitation.*

**Referred to the City Council due back on 6/15/2011**

City Council Public Hearing.

**Sponsors:** Lantry

**Attachments:** [984 Minnehaha E.Order to Abate Nuisance.2-15-11](#)  
[984 Minnehaha E.Pub Hrng Notice.4-29-11](#)  
[984 Minnehaha Ave E.FTA Ltr R-R 5-24-11.doc](#)  
[984 Minnehaha Ave E.Photos.1-25-11.pdf](#)  
[984 Minnehaha Ave E.Photos.2-17-11.pdf](#)

*No show; Remove the building within 15 days with no option for repair.*

*RE: 984 Minnehaha Avenue East*

*No one appeared.*

*Steve Magner, Vacant Buildings, reported that this building is a two-story, wood frame, single-family dwelling with an accessory car port on a lot of 9,583 square feet. According to DSI files, it has been a vacant building since June 16, 2010. The current property owner is the City and County Credit Union per Ramsey County. On January 26, 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 February 15, 2011 with a compliance date of March 28, 2011. As of this date, this property remains in a condition which comprises a nuisance as defined by the legislative code. Taxation has placed an estimated market value of \$25,700 on the land and \$35,500 on the building. Real Estate taxes for 2010 are delinquent in the amount of \$2,182.54, plus penalty and interest. (Note: property will go tax forfeiture on 5/1/12.) The Vacant Building registration fees were paid by assessment on August 20, 2010. As of May 20, 2011, a Code Compliance Inspection has not been done and the \$5,000 performance bond has not been posted. There have been 5 Summary Abatement Notices since 2010 and 7 Work Orders issued for:*

- boarding/securing*
- garbage/rubbish*
- grass/weeds*
- snow/ice*

*Code Enforcement officers estimate the cost to repair this structure to exceed \$27,000; the cost to demolish to exceed \$10,000.*

*Amy Spong, Heritage Preservation Commission (HPC), reported that that this is an 1886 wood frame worker's cottage that may have had some Greek Revival detailing at some point. It was originally constructed with 2 houses on a large lot with 3 accessory structures: 1) one for autos; 2) one for animals; 3) other. Since then, the lots have been divided which explains the close proximity of the 2 houses. This property has lost its front porch and its side porch that were original. There have been many other additions on the back. Asbestos siding is covering the original wood siding. It's not located with any survey area and it was not surveyed in 1983; therefore, demolition would not have an adverse effect.*

*Ms. Moermond will recommend removal of the building within 15 days with no option for rehabilitation.*

**Referred to the City Council due back on 6/15/2011**



at 1509 SEVENTH STREET EAST within fifteen (15) days after the June 15, 2011, City Council Public Hearing.

**Sponsors:** Bostrom

**Attachments:** [1509 7thE Photos 6-1-09](#)  
[1509 7thE 2nd Appointment Letter](#)  
[1509 7th St E.Order to Abate Nuisance.2-1-11](#)  
[1509 7th St E.Public Hearing Notice.4-29-11](#)  
[1509 7th St E.FTA and LO Ltr R-R 5-24-11.doc](#)  
[1509 Seventh St E.HPC Survey Report.1983pdf](#)

*Need inventory form from HPC.*

*RE: 1509 7th Street East*

*No one appeared.*

*Steve Magner, Vacant Buildings, reported that this building is a one-story, wood frame, single-family dwelling with an oversized one-stall garage on a lot of 13,939 square feet. According to their files, it has been a vacant building since September 26, 2007. The current property owner is Federal Home Loan Mortgage Company per Ramsey County Property records. On February 9, 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 March 2, 2011 with a compliance date of April 4, 2011. As of this date, this property remains in a condition which comprises a nuisance as defined by the legislative code. Taxation has placed an estimated market value of \$25,400 on the land and \$60,500 on the building. Real Estate taxes for 2009 and 2010 are delinquent in the amount of \$11,059.84 plus penalty and interest. (Note: property is currently in tax forfeiture with redemption period ending 8/1/11.) The Vacant Building registration fees were paid by assessment on October 22, 2010. As of May 20, 2011, the Code Compliance Inspection has not been done and the \$5,000 performance bond has not been posted. There have been 10 Summary Abatement Notices since 2007 and 15 Work Orders issued for:*

- boarding/securing*
- garbage/rubbish*
- grass/weeds*
- snow/ice*

*Code Enforcement officers estimate the cost to repair this structure to exceed \$20,000. The estimated cost to demolish between \$10,000 and \$12,000.*

*Mr. Magner stated that they received a letter from Freddy Mac saying that Central Mortgage purchased the property in 2008. It's not been recorded.*

*Amy Spong, Heritage Preservation Commission (HPC), reported that this building has been inventoried. It is an 1886 single-family frame construction worker's cottage. It has lost much of its context and it has little integrity; however, there is a Ramsey County inventory number: RA-SPC-5400. She was unable to get a copy of that. It could have been part of the 1983 survey but didn't make it into the final report or there was a highway project and maybe it's close to the railroad tracks, which may have also prompted a Section 106 Analysis if it was in an area of potential effect. She hasn't had a chance to look at the inventory form but she guesses that it doesn't have any potential as an historic resource. It's demolition would not have an adverse effect. She will request the inventory form from Ramsey County. Ms.*

*Moermond would like that to be part of the record. This is scheduled for a City Council public hearing June 15, 2011. There will be a legislative hearing on June 14, 2011, at which time Ms. Spong will update the record. Ms. Moermond instructed Ms. Vang to put this on the June 14, 2011 LH agenda as housekeeping.*

**Referred to the City Council due back on 6/15/2011 (Legislative Hearing on June 14, 2011)**

- 8      [RLH RR 11-27](#)      Ordering the rehabilitation or razing and removal of the structure(s) at 922 WESTMINSTER STREET within fifteen (15) days after the June 15, 2011, City Council public hearing.

**Sponsors:**      Helgen

**Attachments:**      [922 Westminster Appointment Letter](#)  
[922 Westminster-Photos.pdf](#)  
[922 Westminster Order to Abate Nuisance](#)  
[922 Westminster Code Compliance Report 3-17-11](#)  
[922 Westminster Pub Hrng Notice](#)  
[922 Westminster St.FTA Ltr R-R 5-24-11.doc](#)

*The \$5,000 performance deposit must be posted by Wednesday, June 8, 2011. Ms. Moermond will recommend that the City Council refer the matter back to Legislative Hearing on July 19, 2011 and City Council on August 3, 2011.*

*RE: 922 Westminster Street*

*Paul Scharf and Kris Kujala, State of Minnesota Trust Exempt, appeared.*

*Steve Magner, Vacant Buildings, reported that this building is a two-story wood frame single-family dwelling on a lot of 3,049 square feet and has been a vacant building since May 29, 2009. The current property owner is the State of Minnesota Trust Exempt per Ramsey County property records. On February 15, 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 March 2, 2011 with a compliance date of April 4, 2011. As of this date, this property remains in a condition which comprises a nuisance as defined by the legislative code. Taxation has placed an estimated market value of \$8,100 on the land and \$31,900 on the building. The property was tax forfeited on August 1, 2009. The Vacant Building fees have gone to assessment on December 15, 2010. A Code Compliance Inspection was done on March 17, 2011. As of May 20, 2011, the \$5,000 performance bond has not been posted. There have been 5 Summary Abatement Notices since 2009 and 4 Work Orders for boarding/securing and garbage/rubbish. Code Enforcement officers estimate the cost to repair this structure to exceed \$40,000; the cost to demolish between \$9,000 - \$10,000.*

*Ms. Amy Spong, Heritage Preservation Commission (HPC), reported that this is a 1 1/2 story workers' cottage that still has its wood clap board siding visible. This is a corner property. Kiddy corner stands an architecturally prominent house and there are a couple others on the block. This house is a little more modest in style. It is in the current Payne Phalen Survey area being conducted with Legacy funds. Preliminary information reveals that it doesn't look as though there's enough integrity to recommend future study for historic districts in this neighborhood. From her*

*perspective, this is a tougher recommendation because there is a current survey going on. She doesn't think that it has potential as a historic resource, individually, but demo would have a negative impact on the context of the neighborhood. She would encourage rehab.*

*Ms. Moermond asked the appellants about the plans for this property. Ms. Kujala responded that they plan to renovate the property. They feel that it is completely salvageable. It has a new foundation and they totally agree with what Ms. Spong said about that property being a cornerstone. If the property comes down, she thinks it will become a trash-filled lot that will become a hang-out in the middle of the night. There are a lot of items listed on the code compliance inspection but they're not horrible. The house just hasn't been taken care of for a very long time. Recently, they have started to get all of their contracts in place for their program (newly funded by the County Board). This is the second property as a pilot project for renovation. Their first project is 1005 Iglehart. The general contractor bid is going out on that property tomorrow. She would like to start this property tomorrow but the earliest they will have a general contractor on board is August 1, 2011; and it will be on a very tight time frame. Lisa Bartells is their buyer. They are waiting back for questions back on their specification and contract admin consultant. Their goal is to rehab it in its current state as a 3-bedroom and 1 bath on the second floor. There's a kitchen, living room and dining room on the main floor. At one time, the basement had some type of finishing; they will not be finishing it. It has egress windows in the basement and 4 bedrooms. The current market in that area is \$105,000 for a home of this type. They anticipate around \$80,000 on renovation costs. Now, they are reviewing the bond requirement and the document; then, it will be sent to their Risk Management people. Ms. Moermond asked when she thinks they'll have a bond ready to be posted. Ms. Kujala replied that she could post it next week. Ms. Moermond stated that this will be on the City Council agenda June 15, 2011; she would like the bond to be posted by June 8, 2011 as a show of good faith. She will also ask Council for a 10-week layover. The bond will last for 6 months, the cycle of the building permit. If more than half way finished at that juncture, it will be extended. Ms. Kujala thinks that is all doable. Ms. Moermond will check the computer on June 8, 2011; if it's there, she will ask for a regular layover. Ms. Kujala said that if something comes up, she will call Ms. Moermond.*

**Referred to the City Council due back on 6/15/2011**

- 9      [RLH TA 11-89](#)      Ratifying assessments for Collection of Vacant Building Fees services in June 2010 at 445 Page Street East (File No. VB1106B, Asmt. No. 118991)

**Sponsors:**      Thune

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

*Approve the assessment.*

*RE: 445 Page Street East*

*Maria Torres, daughter of owner, and L. B. Guthrie, legal representation, appeared.*

*Ms. Moermond stated that cases don't get more complicated than 445 Page.*

*Mr. Steve Magner, Vacant Buildings, reported that the last letter sent out was to Mr. Guthrie and Mr. Lance, dated September 17, 2010. It read: "This is to inform you that on September 14, 2011 at the Legislative Hearing, Marcia Moermond, Legislative Hearing Officer, indicated that DSI inspectors will be out for the inspection within three weeks and said DSI will need access, suggesting a normal lock box with the*

combination shared by communication with the various trades and inspectors; or contact them, the family or Mr. Hughes himself, who was present at the hearing. Ms. Moermond stated that a work plan will be presented to Mr. Wagner for review prior the hearing which is scheduled for October 26, 2010 at 9:00 a.m." Since then, they have had a number of emails - too lengthy to go through. Ms. Moermond asked him to read the last one; the rest can go into the record. Mr. Wagner read the email of May 16, 2011 from L.B. Guthrie to the hearing officer, himself, Ms. Birkholz, Ms. Vang and a number of other folks: "This is to let you know that with respect to the request of the inspection in early April providing a lock box at 445 Page has not been inspected by the City or at least, no report has been provided. As you may recall, the plan that was agreed upon last October....." Ms. Moermond interjected that we have both Code Compliance Inspections out there and we have the old set of bids out there and there and the work plan form.

Mr. Guthrie said that Joaquina Torres was not able to be at this hearing today. She has signed Power of Attorney for her daughter, Maria, and her son, Juan, who are both here. They have obtained a line of credit on the property so they can do the rehab. Because of the miscommunication and not getting a report until after his letter, they did get a report and Ms. Moermond's response, and Maria and Juan have been in discussion with Austin Remodeling Contracting, who was a major sub on the deal when the defrauding contractor absconded with the majority of funds to do the rehab about a year ago. Austin Remodeling Contracting is licensed and bonded. Mike Austin is the principal and is very familiar with the property; previously, he did a lot of the work on the property. The Torres trust him and he, personally, has tried to sue the former contractor and sympathizes with his clients' cause. He is willing to work with the City to correct some of the work that wasn't done properly. They weren't able to, actually, enter into a contract because they just received it in the wee hours of the morning. He entered the work plan. The total is \$19,000 and the line of credit is sufficient to cover that plus some of the work will be contracting others that Mr. Austin doesn't contract to do. They are ready to go; they just need to sign the contract with Mr. Austin and start pulling permits. Ms. Moermond responded that they need to get those bids and timelines incorporated into the work plan. She also needs documentation of the line of credit. Ms. Moermond added that she knows the Torres' first performance deposit has been lost for non-performance on this one and she realizes that the City won't be able to issue permits without one. She asked Mr. Wagner to update regarding the performance deposit. Mr. Wagner responded that the initial performance deposit was forfeited on February 23, 2010 and there is not another on file. Ms. Moermond stated that the City Council has the authority to ask for a \$10,000 for a second performance deposit. She will recommend \$5,000; it is refundable after the Torres finish. She added that some people take the money from the performance deposit to do finishing work that aren't necessary in the code compliance. The minimum requirements in the code must be met first, then the \$5,000 is refundable; give DSI a letter in writing before the performance deposit expires. Once the performance deposit is posted, building permits last for 6 months; if they are more than half way done at the 6-month juncture, the performance deposit can and will be extended by the building official for another 6 months. The grant of time from the City will be 180 days from the City Council but if the building official reports that they are more than half way finished and they would like to extend the bond, the City Council will look favorably on that to get the project done. Ms. Moermond would like to see an acceptance of the bids however the Torres choose to document that.

Ms. Moermond looked for the existing power of attorney to the contractor in the file; however, she didn't think that it would be a problem to revoke previous powers of attorney. Mr. Guthrie provided the original power of attorney.

Mr. Guthrie stated that they will get a letter from Affinity Plus Federal Credit Union showing the funds are available, a check for the performance bond, a finalized work plan and contract signed by Mr. Austin, probably by the first week of June, 2011. Ms. Moermond responded that if she has all this information by June 8, 2011, she will put it on the City Council agenda for June 15, 2011 to recommend a grant of time. If she doesn't have the information by then, it will be on the Council agenda the first Wednesday of July 2011. It is subject to a public hearing but will go through without testimony. Mr. Guthrie said they will try to have everything to her by June 8, 2011 so they can pull permits. Ms. Moermond said that they can pull permits as soon as the bond has been posted. Mr. Guthrie said he will send the check today.

Ms. Moermond reminded them that they need to submit the other information because there are two parts to this. There's the time they get from posting the performance deposit and there's a time grant from the Council and they have to have both pieces.

Ms. Vang reminded Ms. Moermond that the Vacant Building fee from last year hasn't been paid and the City has been holding off on it. Mr. Wagner said that the last assessment went out June 17, 2010 and the renewal went out May 6, 2011. The bill from last year hasn't been processed; it was pending based on the outcome of today's discussion. She wants to process it. It can be put onto the property taxes and she can have it divided over a number of years to be paid. She stated that if this project can be completed within 6 months, she will recommend that the Council waive the entire Vacant Building fee for 2011-2012. Mr. Wagner added that the anniversary date is June 5, 2011.

**Referred to the City Council due back on 6/15/2011**

10 [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](#)  
[1456 Cohansey St.Burning Fuel Report 3-25-11.pdf](#)  
[1456 Cohansey St.Boyle Ltr 4-25-11.pdf](#)  
[1456 Cohansey St.Boyle Ltr 5-10-11.pdf](#)  
[1456 Cohansey St.Boyle Letter 5-26-11.pdf](#)

Laid over to check on status of permits.

RE: 1456 Cohansey Street

No one appeared.

Steve Wagner, Vacant Buildings, asked Ms. Moermond about the deadlines she had stipulate at the last hearing regarding permit sign-off. Ms. Vang responded that they submitted something right after the hearing but she doesn't think that Ms. Moermond had reviewed it yet. She sent them a letter. Ms. Moermond asked if there were any closed out permits? Mr. Wagner responded that there is an active issued electrical permit from 5/18/11; there's an active issued plumbing permit from 4/28/11; there's an active issued building permit from 11/30/10; and another electrical permit from 11/30/10, also. None of those permits have been finalized. The initial electrical permit from 11/30/10 was inspected but not finalized. Mr. Wagner said they still need to pull a mechanical permit.

*Ms. Vang added that Ms. Moermond gave them a deadline for mechanical and electrical. Mr. Magner added that there was a June 1 deadline and a June 15 deadline.*

*Ms. Moermond laid this over to June 28, 2011.*

**Laid Over to the Legislative Hearings due back on 6/28/2011**

## 11:00 a.m. Hearings

### Orders To Vacate, Condemnations and Revocations

- 11     **RLH VO 11-17**     Appeal of Zach Volk, on behalf of Union Depot Lofts Association, to a Notice of Condemnation as Unfit for Human Habitation and Order to Vacate at 214 FOURTH STREET EAST.

**Sponsors:**            Thune

**Attachments:**        214 4th E.appeal.5-10-11.pdf  
                                  214 4th St E.Diagram 1.pdf  
                                  214 4th St E.Diagram 2.pdf  
                                  214 4th St E.Diagram 3.pdf  
                                  214 4th St E.Diagram 4.pdf

**Laid Over to the Legislative Hearings due back on 6/7/2011**

### Vacant Building Registrations

- 12     **RLH VO 11-18**     Appeal of Brad Nilles, on behalf of Calabash Properties, to a Notice of Condemnation as Unfit for Human Habitation and Order to Vacate plus Vacant Building Registration Notice at 572-574 OTTAWA AVENUE.

**Sponsors:**            Thune

**Attachments:**        [572-574 Ottawa.appeal.5-24-11.pdf](#)  
                                  [572 Ottawa Ave.Photos.4-28-11.pdf](#)  
                                  [572-574 Ottawa Ave.Notice of Condemnation 4-27-11.dot](#)

*Grant the appeal. Change from Category 2 to Category 1 and waive the vacant building fees for 60 days.*

*RE: 572-574 Ottawa Avenue*

*Brad Nilles, owner, appeared.*

*Matt Dornfeld, Vacant Buildings, reported that this building was Condemned on April 27, 2011 by Fire Inspector Wayne Spiering, who documented four (4) code deficiencies. Vacant Buildings Inspector Dennis Senty opened a Vacant Building Category 2 file on April 28, 2011. He read some of Inspector Senty's notes: owner called and stated that furnace and copper were vandalized. Owner said that Mr. Senty told him that the house should not be a Category 2 Vacant Building. Mr. Senty denies that statement.*

*Fire Inspector Urmann reported that lack of basic facilities caused an immediate Condemnation. The inspector's report says that the building was vacant.*

*Mr. Nilles that he is appealing categorizing the building as a Vacant Building, which means that it will add months to the building standing vacant and that is needless. The building is in perfectly good condition - ready to be occupied. One of the two apartments had been occupied approximately two weeks before the incident. The other apartment was due to be occupied the same day that he discovered the vandalism. The vandals disabled the heating equipment and the water heaters, and stole a lot of copper piping. That can be remedied in a matter of several days by a licensed contractor. They have obtained estimates from several who are ready to move ahead. In a normal flow of things, he can have the building ready to be occupied within a couple of weeks for today. If it's a vacant building, the building needs to be inspected by all of the trades' inspectors, then have it re-inspected by all the trades' inspectors after the work is finished. His understanding is that the Vacant Building category is for derelict buildings and this is not a derelict building; it's a building that just happened to suffer a criminal act. Certainly, the repair work would be done under permit and be inspected by the appropriate inspectors. Under the circumstances, he thinks it not necessary to incur all the extra City staff time, as well as their own time, to call this a Vacant Building when, for all practical purposes, it has never been a Vacant Building. Mr. Nillis wants to get the building up, running and occupied quickly.*

*Ms. Moermond stated that it's just standard procedure (code is clear) that once a building is Condemned and Ordered Vacated, it meets the key criteria for getting rolled into the Vacant Building Program. Ms. Moermond considered whether it should be a Category 1 or Category 2. She was also curious about past inspections. Inspector Urmann responded that the Certificate of Occupancy was approved June 16, 2009 as a B. There were four violations: 1) carbon monoxide detector; 2) exterior retaining wall; 3) roof on the south; and 4) unit 574 through out - remove things causing exit obstruction with a floor violation.*

*Ms. Moermond will recommend that this be changed to a Category 1 Registered Vacant Building, which means that once the copper piping issue is taken care of, Mr. Nilles can rent the property. If he can do that within the next 60 days, she will recommend that the Vacant Building fee be waived.*

*Mr. Nilles said the roof has been re-shingled and the retaining wall has been repaired.*

**Referred to the City Council due back on 6/15/2011**

- 13      [RLH VBR 11-39](#)      Appeal of Chris Rains, Rains Real Estate Services, to a Vacant Building Registration Notice at 580 THOMAS AVENUE.

**Sponsors:**            Carter III

**Attachments:**        [580 Thomas.appeal.5-12-11.pdf](#)  
                                  [580 Thomas Ave.Revocation Ltr 4-18-11.dot](#)  
                                  [580 Thomas Ave.Rains Ltr 5-24-11.doc](#)

*Appeal granted*

*RE: 580 Thomas Avenue*

*Chris Rains, Rains Real Estate Services and Josh Harrington, First Commercial*

*Bank, Bloomington, owner, appeared.*

*Matt Dornfeld, Vacant Buildings, reported that Fire Inspector Lisa Martin revoked the Certificate of Occupancy April 18, 2011. She documented 15 code deficiencies. Inspector Senty opened a Category 1 Vacant Building on April 25, 2011. On May 12, 2011, the category was changed to a Category 2 because (from Mr. Senty's notes) there was credible information that 2 units were illegally occupied without a Certificate of Occupancy. It was changed to a Category 2 Vacant Building after owner's agent was a no-show for C of O inspection appointment. Currently, it is a Category 2 Registered Vacant Building with a Revoked Certificate of Occupancy and 15 code deficiencies documented.*

*Fire Inspector Urmann reported that they attempted to accommodate the owner for the inspection of the Category 1 VB but were unable to arrange to meet at the site. Ms. Martin said that she had been on the site 3 times with a no-show from the owner. Her calendar and dates support that. He looked back at the Orders: the first Revocation Order was sent May 20, 2010.*

*Mr. Rains stated that he didn't understand much of this. The Order that was sent May 20, 2010 wasn't sent to any of them. He assumed that it had been sent to 10550 County Road 81, which was the previous owner. Those letters continued to be sent there. He received an offer from a non-profit agency in Frogtown last week with the Order of Revocation of the Certificate of Occupancy, which they pulled up and sent to them along with an offer to buy the property. He finds it difficult to believe that a list of deficiencies could be developed because no one has ever entered the building. Ms. Martin said she made 3 appointments and no one showed up but that's not the case. He has sent his paperwork to Ms. Martin more than once. The City has had the correct address and information since May 2011 but they have never received anything. Before they took over, there was a lot of garbage, debris and lots of issues at the building. On May 11, 2010, they received an Order for garbage, etc. and had to have it fixed by May 14, 2011 and they did. He doesn't believe there were any Orders that weren't fixed or weren't taken care of from May 11, 2010 forward. He has all of the bills and every work order. Those were, actually, sent to the bank with the correct address. He doesn't understand why these Revocations weren't. He has a list of the people at the City who received the correct and proper address - some from Code Enforcement; some from Fire. Mr. Rains said that he met her at the apartment the only time that Ms. Martin scheduled an appointment with him - the morning of the 2nd. He met the tenants there, too. He has an app on his GPS that tracks all his mileage for work and it will show where he was and when, if he needs to prove it. The building has never been vacant. They took over the building last April - first part of May 2010. They worked with the tenants to get them to leave because they hadn't paid rent in 8 months. The water bill hadn't been paid in years (close to \$9,000). The bank has spent \$33,000 repairing and maintaining the building. All the deficiencies on the list aren't accurate because they have bills of these things being fixed from November 9, 2010. They have a final lean waiver as to when the work was completed and the bank had paid out the contractors. They had been renting the property because they were told they had a C of O. They had a rental inspection by Saint Paul Public Housing. The unit that they checked had only 4 deficiencies, all related to 4 windows that wouldn't stay up. They have all been fixed; everything else was taken care of. He said that he has done everything and then some to make this building a good building. He added that Ms. Moermond will find issues and police reports prior to their taking over. Once they had the tenants out and brought the building back up to being habitable in a great neighborhood, they have had no issues. He has no idea how their Certificate of Occupancy was Revoked.*

*Ms. Moermond stated that she looks at the legal requirements for the City in terms of*



notification, which is the owner of record with Ramsey County Property Records. It would appear that for the 2010 Property Tax statement, the owner of record was D. E. Holdings in Maple Grove; in 2011, it's First Commercial Bank. At the very latest, it was October of 2010 when the county had correct information regarding this, which means that the appointment letter that went out in March and the subsequent Revocation which followed, didn't go to First Commercial Bank, as it should have done. It seems reasonable to her that they did not receive notification. She will see that a C of O inspection gets scheduled and the address gets updated in the C of O records.

Ms. Moermond will recommend that the Council grant the appeal on the Vacant Building Registration and the Revocation of the Fire C of O.

Mr. Urmann requested that we make sure that the appellant, as required in Chapter 40, go into the DSI website and fill out the application for the correction of address and file that as it's supposed to be filed. All documents will be put into place from there.

Ms. Moermond added that the Vacant Building file should be closed and the C of O re-instated. She also gave the appellant copies of the letters that had gone out.

**Referred to the City Council due back on 6/15/2011**

- 14      [RLH VBR 11-40](#)      Appeal of Nguyen and Chu Properties, on behalf of PRO Realty Services, to a Vacant Building Registration Notice, Code Compliance Report, and Revocation of Fire Certificate of Occupancy & Order to Vacate at 565 THOMAS AVENUE.

**Sponsors:**            Carter III

**Attachments:**        [565 Thomas.appeal.5-16-11.pdf](#)  
                                  [565 Thomas Ave.Posch Ltr 5-24-11.doc](#)

*Deny the appeal on the Code Compliance Inspection and waive the vacant building fees for 90 days. (Lisa Martin)*

*Gregory Prosch and Leah Frenning of Pro Realty Services and owners of the management company appeared.*

*Inspector Matt Dornfeld, Department of Safety and Inspections, provided a staff report. The Certificate of Occupancy on this property was revoked by Fire Inspector Lisa Martin on April 14, 2011. Ms. Martin documented 11 code deficiencies.*

*Inspector Dennis Senty opened a Category II Vacant Building file on April 19, 2011. He noted that at the time of revocation there was an active building permit that was pulled. He also noted that a Code Compliance Inspection was paid and completed as of May 10, 2011.*

*Mr. Prosch said they are appealing the vacant building because it was never vacant. There was an inspection on February 14 and they had been told by Inspector Martin that they needed to evict the lower tenants, because of the condition of the building, which they did. There was a subsequent inspection on April 14. At both inspections they had contractors. Ms. Martin told their contractor that they would have 30 days to take care of the last 11 items on her report but the same day, a revocation was sent out. It also said it was being classified as a registered vacant building. In the conversation that Ms. Frenning had with Lisa Martin and her supervisor, Lisa said the tenants had told her that they weren't living there but the conversation took place at*

property in Bloomington where they said they were staying with friends for a few days.

Mr. Prosch said the 11 items have all been completed. There have been a few "moving targets" which they have tried to take care of, such as the deck, but there is a building permit that is out on that. Their contractor has been attempting to get that taken care of but the moving targets are what needs to be done such as the roof which Ms. Martin wants replaced but the roofing contractor did repairs on it and there are a few years left on the life of it. He said everything has been done that they felt possible in this type of situation and it still was registered as a vacant building going through Code Compliance.

Inspector Urmann noted that there were photos in the file for Ms. Moermond's viewing.

Ms. Frenning said she discussed with Ms. Martin and her supervisor about not classifying it as a vacant unit and it appeared to her that they were looking at pictures from the original inspection on February 14 which would have been at the time the tenants they were concerned about were still living there. There are more recent photos from when they had completed most of the painting. They have done a lot of work since the original inspection.

Mr. Prosch said he has a concern with a couple of the items such as outlet covers. Full painting was going on in the lower level and it's standard operating procedure to remove electrical covers when painting. They have managed this property for five years as well as many other properties in the metro area. The owner of this property lives in California. She has put approximately \$35,000 into this property over the past five years and he feels going into code compliance would put the owner in a financial situation that they would like to avoid.

Mr. Urmann said a full code compliance inspection has already been done and they still have the outstanding orders from that inspection. A C of O would not have been done if the building was not vacant.

Mr. Prosch said the owner cares very much about the neighborhood and she's done everything that she's been told to do so they had a hard time convincing her that they should not go ahead with the code compliance inspection and that they should do an appeal. She met with them and Steve Ubl a couple weeks ago at the property and then went ahead with the appeal. She owns other properties and is a good owner, Prosch said.

Ms. Moermond said the reason Inspector Martin forwarded this property to the Vacant Building program is that she found it to be vacant.

Mr. Urmann said the information he has is that it was vacant at the time of the inspection. The reason for the revocation is the number of violations plus the vacant status of the building. In response to a question of Ms. Moermond, he said it was not a condemnable building at the time with the 11 violations listed.

When the revocation is received, there is a recommendation on it and it is up to the inspectors to make the final decision, Inspector Dornfeld said. Inspector Senty documented that there was a building permit open and there were exterior repairs being made but, per code, if they have a vacant property and multiple code violations, it is a Category II building.

Mr. Urmann added that if it's vacant with multiple code violations, it's sent as a vacant

*status building.*

*Ms. Moermond asked if there are notes in the file as to whom Inspector Martin spoke with. Mr. Prosch responded that their contractor on site witnessed Ms. Martin talking with the upstairs tenants. Inspector Urmann said there were no notes as to who she specifically talked to.*

*Ms. Moermond asked if there's a chance the tenants will return to this property. Mr. Prosch said they had to terminate the lease and they are asking for recompense or considering filing a lawsuit against the owner of the property. He feels this could have been avoided with better communication.*

*Ms. Moermond said this would have been easier to deal with if it were at a different juncture in the process such as an appeal being filed at the point of revocation. By the time there is a code compliance inspection report, there's the list of things to be done to bring a property up to minimum standard. She feels she has flexibility on the vacant building fee.*

*Mr. Prosch said to do the code compliance will put the owner in very severe financial stress. They have estimates of another \$30,000 to \$40,000 or more and the owner has done everything she's been asked to do. The code compliance was ordered because she didn't want to appeal until Steve Ubl encouraged her to appeal. They are willing to do what is necessary because they believe in the owner and they want the property to be good for the community but the code compliance will complicate matters*

*Ms. Moermond said in looking at the Code Compliance Inspection report, it tells her that the building is in bad enough condition that she's having trouble seeing her way to put it back in the C of O program. Mr. Prosch said it's not a new building, it's a solid building and it could be occupied today if a C of O was done.*

*Ms. Moermond said she will recommend to the City Council to deny the appeal on the Code Compliance Inspection Report and waive the Vacant Building fee for 90 days. A public hearing will be scheduled before the City Council on June 1, 2011 where he can present his case. She advised him to lay out things as he did at the Legislative Hearing. She told him he has a good point in that the owner was just trying to do what she thought was right and didn't want to appeal.*

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

## 1:30 p.m. Hearings

### Window Variances: Hearing Required

- 15 [RLH FOW 11-45](#) Appeal of Jennifer Holden to a Fire Certificate of Occupancy Correction Notice at 486 BIRMINGHAM STREET.

**Sponsors:** Lantry

**Attachments:** [486 Birmingham.appeal.5-9-11.pdf](#)  
[486 Birmingham St.Holden Ltr 5-24-11.doc](#)

*Deny and grant 90 days for compliance to repair the hardware on the windows in the main floor southwest, northwest and northeast bedrooms. (Wayne Spiering)*

*RE: 468 Birmingham Street*

Jessica Moroto, realtor, appeared.

Fire Inspector Urmann reported that this is about awning windows in 3 bedrooms 44h x 11w, glazed 39h x 21 w. The only problem here is that they are awning type windows.

Ms. Moroto said that the homeowners were relocated in Chicago; they owned a Comcast Branch. The house is up for sale and for rent. The windows are original. They got estimates but because they are customized, the estimates were around \$15,000. It hinges in the middle and it opens 11 inches, but if you unhook the hook, it does open an additional few inches.

Ms. Moermond noted that there are two problems: 1) type of window; and 2) opening dimensions. Even if she recommended an awning window to the Council, the opening would need to be at least 16-inches (requirement is 24 inches). They will need to be replaced with a casement, slider, double-hung, etc. that wouldn't fall on someone as they are trying to escape. Ms. Moermond stated that Ms. Moroto could bring her appeal to the City Council.

Some made a suggestion. Call the window company and they may be able to change the hardware. Ask for a hardware kit to go from an awning to a casement.

Ms. Moroto stated that the windows open to the side, not up. She showed Ms. Moermond a photo which revealed they opened to the side and she thinks it has a hardware solution. This scissor type hardware decreases the opening dimension.

Mr. Urmann noted that the windows were also called out in the Truth in Sale and Housing Inspection (window egress size).

Ms. Moermond will recommend denying the appeal and granting 90-days to come into compliance.

**Referred to the City Council due back on 6/15/2011**

- 16      **RLH FOW 11-57**      Appeal of Mai Cha Moua and Chong Pao Yang to a Fire Certificate of Occupancy Correction Notice at 1636 CLARENCE STREET.

**Sponsors:**      Bostrom

**Attachments:**      1636 Clarence.appeal.5-24-11.pdf

*Deny the appeal; no show.*

*On May 31, 2011, Appellant called. I told property owner, Mai Moua, that she missed the hearing. She indicated that she misunderstood what was told at the front desk and was waiting for my call. I rescheduled her to June 7, 2011. -mxv*

**Referred to the Legislative Hearings due back on 6/7/2011**

- 17      **RLH WP 11-22**      Appeal of Roxberg Rehab to an Egress Window Non-Compliance Determination at 81 GEORGE STREET WEST.

**Sponsors:**      Thune

**Attachments:**      [81 George E.appeal.5-23-11.pdf](#)  
                                 [81 George St. W.Roxberg Ltr 5-24-11.doc](#)

Grant a variance for the one double hung window measuring 15.75 inches wide by 34 inches high on the condition that the room is not being used as a sleeping room.

RE: 81 George Street West

Stacy Roxberg, Roxberg Rehab, appeared.

Ms. Moermond noted that here we have a 34h x 15.75w window; total glazed area 6 square feet. Ms. Moermond asked if there were any stops in the window that could be removed to give a greater opening width. Ms. Roxberg said, "No." She said that Jim Seeger was out last week to do the code inspection.

Ms. Roxberg stated that the room is not a legal sleeping room; it's listed as a den. Ms. Moermond stated that if it's going to be used for sleeping, an egress window is necessary. If it's not going to be used for sleeping, you don't. If it is used as a den, it must be disclosed in the lease that it can't be used for sleeping. If selling, you must also disclose this in the closing documents that the den does not have a legal egress window.

Ms. Roxberg asked how she can get this off the code compliance list. Ms. Moermond responded that she will take care of that.

Ms. Moermond will recommend granting a variance for the window.

**Referred to the City Council due back on 6/15/2011**

### Fire Certificates of Occupancy

18

[RLH FCO  
11-125](#)

Appeal of Selby Dale Co-Op to a Correction Notice Re-Inspection Complaint at **651 SELBY AVENUE**.

**Sponsors:** Carter III

**Attachments:** [651Selby.appeal.11-5-10.pdf](#)  
[651 Selby Ave.Fire C of O Ltr.10-15-10.dot](#)  
[637 Selby Ave.Fire C of O Ltr.11-1-10.dot](#)  
[651, 671, 675, 637 Selby Ave.PC ltr.11-16-10.doc](#)  
[651, 671, 675, 637 Selby Ave.PC ltr.11-30-10.doc](#)  
[637, 651, 671, 675 Selby Ltr 5-10-11.doc](#)

Layover for one year.

RE: Selby Dale Co-op (637, 651, 671 and 675 Selby)

No one appeared.

Ms. Moermond stated that she will recommend a 1-year layover.

Fire Inspector Urmann noted that this has already been going on for nearly two (2) years since the initial Orders. A plan was asked for; however, he hasn't seen anything. Ms. Moermond responded that they brought in some plans; and they are currently working on a Purchase Agreement. A lot of the debt on this property is being written down and they are expecting the transaction to go through June 2012. It involves a variety of sources of funds, which all need to be coordinated: federal, state, local, non-profit funds to trim this thing around and get it under the auspices of

*Twin Cities Housing Development Corporation, which will do all of the repairs. Mr. Urmann said that he's assuming if deterioration becomes more of a code issue, they need to issue Orders separate from that. Ms. Moermond said, "Exactly."*

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

19 [RLH FCO  
11-126](#)

Appeal of Patrick Lamb on behalf of Selby Dale Co-Op to a Correction-Notice Re-Inspection Complaint at **671 SELBY AVENUE**.

**Sponsors:** Carter III

**Attachments:** [671Selby.appeal.11-5-10.pdf](#)  
[671 Selby Ave.Fire C of O Ltr.10-15-10.dot](#)  
[671 Selby Ave.Fire C of O Ltr.11-1-10.dot](#)  
[651, 671, 675, 637 Selby Ave.PC ltr.11-16-10.doc](#)  
[651, 671, 675, 637 Selby Ave.PC ltr.11-30-10.doc](#)  
[637, 651, 671, 675 Selby Ltr 5-10-11.doc](#)

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

20 [RLH FCO  
11-127](#)

Appeal of Patrick Lamb on behalf of Selby Dale Co-Ops to a Correction Notice Re-Inspection Complaint at **675 SELBY AVENUE**.

**Sponsors:** Carter III

**Attachments:** [675 Selby.appeal.11-5-10.pdf](#)  
[675 Selby Ave.Fire C of O Ltr.10-15-10.dot](#)  
[675 Selby Ave.Fire C of O Ltr.11-1-10.dot](#)  
[651, 671, 675, 637 Selby Ave.PC ltr.11-16-10.doc](#)  
[651, 671, 675, 637 Selby Ave.PC ltr.11-30-10.doc](#)  
[637, 651, 671, 675 Selby Ltr 5-10-11.doc](#)

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

21 [RLH FCO  
11-128](#)

Appeal of Patrick Lamb on behalf of Selby Dale Cooperative to a Correction Notice Re-Inspection Complaint at **637 SELBY AVENUE**.

**Sponsors:** Carter III

**Attachments:** [637 Selby.appeal.11-5-10.pdf](#)  
[637 Selby Ave.10-6-10.dot](#)  
[637 Selby Ave.Fire C of O Ltr.10-15-10.dot](#)  
[637 Selby Ave.Fire C of O Ltr.11-1-10.dot](#)  
[651, 671, 675, 637 Selby Ave.PC ltr.11-16-10.doc](#)  
[651, 671, 675, 637 Selby Ave.PC ltr.11-30-10.doc](#)  
[637, 651, 671, 675 Selby Ltr 5-10-11.doc](#)

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

22 [RLH FCO 11-90](#)

Appeal of Cheri Kappas to a Fire Inspection Correction Notice at 241 SEVENTH STREET EAST.

**Sponsors:** Thune

**Attachments:** [241 7th St E.Appeal.1-31-11.pdf](#)  
[241 Seventh St E.Kappas ltr 2-15-11.doc](#)  
[241 Seventh St E.Kappas ltr 3-1-11.doc](#)  
[241 Seventh St.Floor plan and Code.pdf](#)  
[241 Seventh St.PO floor plan.pdf](#)  
[241 Seventh St E.Kappas ltr 4-12-11.doc](#)

*Grant the appeal with conditions. Deny on the swing of the door.*

*RE: 241 7th Street East (Gopher Bar)*

*Cheri Kappas, appeared.*

*Ms. Moermond stated that she will draft a resolution for the City Council granting the appeal given certain conditions, which will be sent to Christine Rozek to attach to Gopher Bar's license agreements.*

*Ms. Moermond will recommend:*

*- Deny on the swing of the doors (they need to swing in the direction of travel)*

*Ms. Kappas suggested that the inside door be totally open all of the time, perhaps, latched open. Ms. Moermond asked if there were anyway she could change the swing of the door. Ms. Kappas responded that there wasn't – it's too tiny. Inspector Urmann stated that such a solution would not meet the intent of the code in any way because someone would have to have special knowledge of how to work that door; and if the appellant wasn't in the building at a certain time, there's nothing to guarantee that the required exit door is latched open. Then Ms. Kappas suggested taking the inside door off. Ms. Moermond stated that her recommendation is to deny the appeal on the swing of the door issue.*

*- Grant on the panic release hardware with signage*

*- Grant the hood based on signage, what can and what can not be warmed on that surface, anything producing grease-laden vapors.*

*Ms. Moermond will send Ms. Kappas a letter regarding this discussion. Those will be the conditions on which the Council will grant her appeal on those items. She added that Ms. Kappas can ask council about the intent of the swinging doors when this goes back to CC public hearing.*

*The photos were reviewed.*

**Referred to the City Council due back on 6/15/2011**

23      [RLH FCO 11-87](#)      Appeal of Jean Schroepfer to a Correction Notice Re-Inspection Complaint at 783 CARROLL AVENUE.

**Sponsors:**      Carter III

**Attachments:**      [783 Carroll.appeal.5-9-11.pdf](#)  
[783 Carroll Ave.Schroepfer Ltr 5-24-11.doc](#)

*Grant the appeal on the ceiling height with a 90-day extension on the condition that 15-inch deep drawers or shelves be installed the full length on one side of the room. (Mitchell Imbertson)*

*RE: 783 Carroll Avenue*

Jean Schroepfer, owner, appeared.

Ms. Moermond asked Fire Inspector Urmann to report on the ceiling height. It seems that about 25% of the attic room is at 6' 7" or above and the rest of the room is lower. Ms. Schroepfer said that the room feels like a fairly open big room but it's short for tall people. Mr. Urmann reported that there are photos in the file. Ms. Schroepfer said she measured the highest place at 6' 10" but the inspector got a lower height. She added that her tenants have chosen to use the attic as a bedroom and the Public Housing Authority approved it as a bedroom.

Ms. Moermond suggested that she decrease the square footage of the floor area, then a greater proportion of the room will be above the requirement. Ms. Schroepfer noted that half of the population of adults are her size and children are usually shorter than she is. Ms. Moermond said that perhaps, she could add shelves or built-in drawers. She would accept 1 set that's 15" deep on one side which will increase the proportions. Firefighters, with all their gear, need room.

Ms. Moermond will recommend granting the appeal on the ceiling height with a 90-day extension on the condition that 15-inch deep drawers or shelves be installed the full length on one side of the room.

**Referred to the City Council due back on 6/15/2011**

24 [RLH FCO  
11-108](#)

Appeal of Nate Armstrong, on behalf of Calhoun Ventures, to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 1348 THIRD STREET EAST.

**Sponsors:** Lantry

**Attachments:** [1348 3rd.appeal.5-16-11.pdf](#)  
[1348 Third St E.Armstrong Ltr 5-24-11.doc](#)

Grant a variance on the ceiling height issue in the basement bedroom. (Wayne Spiering)

RE: 1348 Third Street East

Nate Armstrong, Calhoun Ventures, appeared.

Ms. Moermond noted that this was a ceiling height issue.

Fire Inspector Urmann reported that this an issue of a basement ceiling height of 6' 9" throughout.

Ms. Moermond will recommend a variance.

Mr. Armstrong added that Wayne was very, very helpful and they are happy to comply with the rest of the inspection.

**Referred to the City Council due back on 6/15/2011**

25 [RLH FCO  
11-120](#)

Appeal of Wier Properties to a Fire Certificate of Occupancy Correction Notice at 1218 JUNO AVENUE.

**Sponsors:** Harris



**Attachments:** [1218 Juno.appeal.5-17-11.pdf](#)  
[1218 Juno Ave.Wier Ltr 5-24-11.doc](#)

*Deny the appeal for the north bedroom double hung window. (Rick Gavin)*

RE: 1218 Juno Avenue

*Patrick Wier, Wier Properties Inc., appeared.*

*Fire Inspector Urmann reported that the issue is twofold: 1) the window size is 24.5h x 29w; 2) this egresses onto an enclosed porch; so, this doesn't meet the code as an egress window because it doesn't go directly outside (not a size issue but an egress issue).*

*Mr. Wier explained that this is frustrating because he bought the house and rehabbed it last fall so, he pulled permits on it and had Dave Kenyon, the inspector, come out and this never came up. There are 2 big windows that go out to the screened porch (he entered photos). The front door is inside the porch. Ingress and egress for the house going out into the porch. He questions why the bedroom can't egress onto the porch.*

*Ms. Moermond stated that stronger rules apply to the spaces that we sleep in. Fire Urmann clarified by saying that every room used for sleeping is required to have 2 exits out. In this situation, the primary exit is the doorway (counted as 1) and the window, going into the same exit space, does not count as a separate exit. Mr. Wier responded that there is also an exit out the back of the house. He added that this bedroom is only 9" x 9" and it already has 2 windows in it.*

*Ms. Moermond said that there are a couple of different solutions: 1) open up the porch - take off the screens/windows; or 2) punch a hole in the wall and put in another window. She added that on this one, she doesn't feel that the Fire Code gives her a lot of latitude so, she suggested that he take his appeal to the City Council on June 15, 2011 at 5:30 p.m.*

*Mr. Urmann checked the permits that were taken out during rehab. He noted that it appears there were permits taken out for building for some updating that was done but they did not address windows. Mr. Wier responded that he has a framing inspection, electrical, plumbing and the inspector did a final. Mr. Urmann added that framing covered walls, expansion of kitchen, removal of back door, etc., Ms. Moermond asked Ms. Vang to send an email to Dave Kenyon asking him about this inspection as it relates to the egress windows in this particular bedroom. Mr. Urmann noted that he thought he had retired. Ms. Moermond said, Steve Ubl, Sr. Building Inspector, then. Mr. Wier also entered a photo of the removal of a window in the kitchen. Mr. Urmann added that the permit talks about expansion but not egress windows.*

*Ms. Moermond recommended that Mr. Wier go to the City Council.*

**Referred to the City Council due back on 6/15/2011**

26 [RLH FCO  
11-113](#)

Appeal of Mark Schwarzhoff to a Fire Certificate of Occupancy Correction Notice at 934 CLARK STREET.

**Sponsors:** Helgen

**Attachments:** [934 Clark.appeal.5-16-11.pdf](#)  
[934 Clark St.Schwarzhoff Ltr 5-24-11.doc](#)

*Grant the appeal on the condition that two of the people move the sleeping space into the living room and grant an extension until June 6, 2011 for compliance. The living room must have working carbon monoxide and smoke detectors. (Kelly Booker)*

RE: 934 Clark Street

Mark Schwartzhoff, owner, appeared.

*Fire Inspector Urmann reported that he was able to speak with the inspector regarding this issue. The inspector's notes to him say two things, specifically: 1) there are 2 bedrooms; and 2) the living room was not set up as a sleeping facility, so therefore, was not counted as a bedroom. There were only 2 bedrooms in use at the time of the inspection. Living at this site were 3 adults and 3 children - a mom and dad, a 19-yr old child and 3 smaller children at the time of the inspection. The square footage (111 sq. ft.) of 1 of the bedrooms would allow 2 people in the first bedroom. The second bedroom was 100 sq. ft. for 2 more people for a total of 4 people for this site, instead of the 6 who live there. Ms. Moermond asked why the living room was not counted as a sleeping space. Mr. Urmann responded that the room has to be set-up for a primary sleeping use in order to be counted as a bedroom. You can't just have a couch with a pillow on it. If it's set up as a bedroom and if it's primary use is that of a bedroom, the Fire Code can count it as such. Ms. Moermond asked if the living room space had adequate egress. Mr. Urmann responded that the inspector said that the egress would be adequate out of that space if it were set-up as a bedroom (futon, hide-a-bed, Murphy are all beds). Carbon monoxide and smoke detectors must also be in place. Ms. Moermond asked for the measurements of that room. Mr. Urmann replied that the inspector did not measure that room because it was not being used as such. Mr. Schwartzhoff answered that the living room has a total of 382 sq. ft. Half of the living room area would be 183 sq. ft. The other 199 sq. ft. could be used for whatever. He added that there is a legal egress window in there and detectors. He said that it seems to be just a matter of putting a bunk bed or hide-a-bed, etc., into the living room. Ms. Moermond asked if there was any furniture in the room, now, for sleeping. Mr. Schwartzhoff responded that he believes they use the couch, which might be a hide-a-bed.*

*Ms. Moermond stated that if the proper sleeping furniture is put into that room, she can live with that, along with proper placing of carbon monoxide and smoke detectors.*

*Mr. Urmann added that the inspector noted that the sleeping rooms were over-crowded and that's why Kelly called this out.*

*Ms. Moermond stated that she will recommend that the appeal be granted on the condition that two of the people move their sleeping space to the living room, which shall have adequate egress and detectors, by June 6, 2011.*

**Referred to the City Council due back on 6/15/2011**

27 [RLH FCO  
11-112](#)

Appeal of Doobay Bhola to a Fire Certificate of Occupancy Correction Notice at 1497 and 1499 SEVENTH STREET EAST.

**Sponsors:** Bostrom

**Attachments:** [1497-1499 7th.appeal.5-13-11.pdf](#)  
[1497-1499 Seventh St E.Dhola Ltr 5-24-11.doc](#)

*Laid over to find out if the stackable dryer/washer will work in the room and to get some measurements. Deny the appeal and grant 60 days for compliance. (James Thomas)*

*On May 31, 2011, Ms. Moermond reviewed the email submitted by Mr. Bhola and recommended denying the stackable washer and dryer. Mr. Bhola called and is wondering if he still needs to correct the dryer exhaust duct. Ms. Moermond stated no, he really doesn't need to. He should probably just make sure it's capped appropriately since it will be out of use. Ms. Moermond will recommend granting an extension until August 31, 2011 for the painting issue.*

*Legislative Hearing Minutes for May 24, 2011*

*RE: 1497-1499 Seventh Street East, rental-duplex*

*Doobay Bhola, owner, appeared.*

*Fire Inspector Urmann reported that it appears that there are appliances too close (within 30 inches) to the mechanical system. A washer and dryer may be too close. The mechanical code requires that there be 30 inches of clearance. Mechanicals would be water heater or furnace. Ms. Moermond asked what the actual clearance here is. Mr. Bhola responded that it's about 12 inches.*

*Mr. Bhola stated that the building was built in 1983. At the end of the hallway, there's a big closet holding the water heater, washer/dryer and furnace. He doesn't see it as a major issue because no one needs to get in there except to replace the furnace. He can do all his work by hand reach. Ms. Moermond asked Mr. Bhola to sketch a diagram of that space for her to get a better idea of what that space looks like. He can do all necessary filter changing, repairs, etc, just by opening the double bi-fold door of the closet. Both units are set-up the same way.*

*Ms. Moermond suggested that perhaps, a stackable washer/dryer may be a solution. Mr. Urmann said that it would only if there's 30 inches of clearance. The code needs it for emergencies; it's not a maintenance issue. Mr. Bhola said that the set-up would not stop anyone from dealing with an emergency. All shut-offs are right in front; you don't have to get in back to do shut-offs. Ms. Moermond asked if there were 6 feet between the washer and the furnace. Mr. Bhola responded, "Probably." He added that a stackable would work - would give clearance on either side. But, he'd have to go with 2 sets. Ms. Moermond replied that she thinks he'll have to do that. Mr. Bhola should measure first to see if it will work. Ms. Moermond added that if stackable works, she will grant a 60-day extension. She requested that he email her about the dimensions within 2 weeks. She added that the inspector will know that this discussion was held. Ms. Moermond's recommendation will be forthcoming.*

*Inspection will be conducted as scheduled for the other things on the list.*

**Referred to the City Council due back on 6/15/2011**

28 [RLH FCO  
11-115](#)

Appeal of DB1, LLC to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 1303 FREMONT AVENUE.

**Sponsors:** Lantry

**Attachments:** [1303 Fremont.appeal.5-16-11.pdf](#)  
[1303 Fremont Ave.Teppen Ltr 5-24-11.doc](#)

*Deny the appeal and repair or replace the driveway in 60 days. (Wayne Spiering)*

RE: 1303 Fremont Avenue

Louie Teppen, DB1, appeared.

Fire Inspector Urmann reported that there are photos attached to the appeal and he brought 2 photos from the inspector's files regarding the driveway. It appears that the driveway was called out under the Zoning Code for not meeting the durable dust free surface. The appellant has been asked to replace it in an approved manner.

Ms. Moermond noted that it actually should have been called out under the Property Maintenance Code because the Zoning Code is prospective and this is retrospective, Property Maintenance, Chapter 34.

Mr. Teppen explained that it's just a small alley off of Johnson Parkway. It's heavily riveted - a mess of an alley. It seems a little bit unfair that they have to re-pave their driveway when the alley itself is in really rough shape. Along that alley, over 70% of the driveways are not paved; they're either dirt or grass or rock, etc. He said that their's is actually paved; it's just in rough shape. He is not arguing from a code standpoint; more just of fairness and consistency standpoint. Also, it's a deficiency that Mr. Spieing didn't have on his initial inspection; he added it at a re-inspection. Ms. Moermond said, "It happens especially, in winter."

Ms. Moermond studied the photos and said that he no longer has a durable dust free surface if he has to mow it. This looks like it probably needs mowing. She can see giving him time. She also recognizes that other properties along the alley need work. She added that driveway repair/replacement will eventually come up for Mr. Teppen's neighbors, as well. She would be willing to make it a repair or replace Order. She could grant 60 days, maybe. Mr. Teppen asked if there were a way to equally hold the City's feet to the fire on the alley. If he is going to be making significant repairs on the driveway, it would be fair to say that the City should help to improve that alley and neighborhood, too. Ms. Moermond said that she thinks that's fair to ask. At the same time, there are a lot of alleys in the City. She suggested that he call Public Works to check on their schedule for doing this sort of thing. She is not sure how the cost-sharing is conducted on this because it will similar to a sidewalk replacement where there is a cost-sharing between property owner and the City. Ms. Moermond will recommend denying the appeal and granting a 60-day extension for repair/replace driveway.

Mr. Teppen added that the level of repair would be subjective. Ms. Moermond responded that it would be important to smooth things out - patching, perhaps. It shouldn't have to be mowed. Mr. Urmann added that he should make sure that it doesn't retain water, that it doesn't run-off or pool. Ms. Moermond will leave it to the inspector's discretion. If, in 60 days, Mr. Teppen and the inspector have a different view of the matter, she will be happy to re-visit the matter (look at photos).

**Referred to the City Council due back on 6/15/2011**

29 [RLH FCO](#)  
[11-110](#)

Appeal of Matt Brown, on behalf of Brown Hanf Properties, to a Fire Certificate of Occupancy Correction Notice at 430 CASE AVENUE.

**Sponsors:** Helgen

**Attachments:** [430 Case.appeal.5-13-11.pdf](#)  
[430 Case Ave.Brown Ltr 5-24-11.doc](#)

Grant the appeal for Items 1, 2, and 3 and re-issue to the appropriate owner. (Barb

Cummings)

RE: 430 Case Avenue

*Matt Brown and Benjamin Hanf, Brown Hanf Properties, appeared.*

*Fire Inspector Urmann reported that this appears to be an issue of an area being used for parking as well as not having ground cover. Basically, any place that there's dirt, run-off - it's required by code to have approved surface so that it doesn't have run-off or deterioration of surface. The parking area has to be maintained. In this case, it seems to be deteriorating. The paved sidewalk seems to have cracks (trip hazards). He found no photos in the file or from the inspector.*

*Mr. Brown explained that there is no parking area offered to the tenants at this site. They may have parked in this area while the inspector was there. He said that he could easily enforce to the tenants that they are not allowed to park there. It was never intended as a parking area. Ms. Moermond asked if that area belongs to him. Mr. Brown said that he is not sure where the line lies. That property abuts to a vacant lot, which he believes belongs to the City or to Bruce Vento Elementary. He has no issue with putting some classified down there. Just paving it would encourage more people to park there and they don't want that to begin with. He said he is not sure what the inspector meant by ground cover. Ground cover and parking area are mentioned separately. Mr. Urmann replied that she said "the east side of the building" in her notes. Also, Mr. Brown stated that they don't have any private sidewalks. There's one piece of a sidewalk to what she called, "the parking area." It's probably 10 feet long by standard width but it's not in disrepair. It has no cracks, etc. Mr. Brown wanted to clarify "ground cover." Ms. Moermond said, "Not dirt." Erosion is the concern and non-mosquito breeding. Grass is great or plantings, mulch - something to stabilize the soil. Mr. Brown doesn't want to make some repairs and have her come back and say, "That's not what I meant." Mr. Urmann suggested that he call Inspector Cummings, who should be able to meet him on site and walk through it.*

*Ms. Moermond pulled up the aerial photo for her and Mr. Brown to check out. Mr. Brown asked if she knew the dimensions between the edge of the building and the line. She responded that she didn't; she would say that the footprint of the building is almost identical to the footprint of the lot. Mr. Brown added that his tenants are actually parking on some other property if they park there. She will look it up to see who owns it. She found that it's tax forfeited property owned by the City. Mr. Brown will re-enforce no parking on that lot. Ms. Moermond said that the ground cover issue would also be for the City so, that Order needs to be re-issued.*

*Ms. Moermond will recommend granting the appeal on items #1, #2 and #3 on those Orders, and the Orders be re-issued to the appropriate owner.*

**Referred to the City Council due back on 6/15/2011**

30 [RLH FCO  
11-117](#)

Appeal of Daniel Eggers to a Fire Certificate of Occupancy Correction Notice at 1553 SEVENTH STREET EAST.

**Sponsors:** Bostrom

**Attachments:** [1553 7th.appeal.5-24-11.pdf](#)  
[1553 Seventh St E.Eggers Ltr 5-24-11.doc](#)

*Withdrawn on Item 12 (parking spaces/driveway) as owner had come to an agreement with the inspector; grant the appeal for Item 1 (window in downstairs)*

(James Thomas)

RE: 1553 Seventh Street East

Daniel Eggers, owner, appeared.

Fire Inspector Urmann reported that he wasn't able to speak to the inspector on this. It appears it's a driveway and a bedroom egress window.

Mr. Eggers noted that he was able to come to an agreement on the driveway issue with Inspector Thomas. He had to prove that it was there since 1975 and they talked with Mary in Zoning. The driveway is Class 5 and has not been changed since 1975. Inspector Thomas came out to look at it and said it was in good shape and said it was fine; he would approve it. Regarding the window issue, item #1, he stated they have 2 French doors that go into a porch with storm windows and also a screen door. The French doors are very large. He spoke with Barb who thought he should appeal and explain the situation. There are several egress situations and the screen door has no locks.

Mr. Eggers stated the other exit to the living area goes to another part of the house which either goes to the front door or to the kitchen (photo shows).

Mr. Urmann stated that the French doors make this an extension of the other room. In this case, he thinks the code doesn't fit.

Ms. Moermond will grant the appeal for item #1.

**Referred to the City Council due back on 6/15/2011**

31 [RLH FCO  
11-106](#)

Appeal of Beverly Hanson, on behalf of Valerie Card (deceased), to a Fire Certificate of Occupancy Correction Notice at 636 LEXINGTON PARKWAY SOUTH.

**Sponsors:** Harris

**Attachments:** [636 Lexington.appeal.5-9-11.pdf](#)  
[636 Lexington Pkwy S.Hanson Ltr 5-24-11.doc](#)

Grant a 6-inch variance on the openable height of the egress window in the upper level north bedroom. Laid over to June 21, 2011 on clarification of handrail issues. (Rick Gavin)

RE: 636 Lexington Parkway

Beverly Hanson and her brother Joe Card, appeared. (Valerie Card is deceased)

Ms. Hanson explained that the basic problem is with the garage; it's on a different level than the house and is on a Pleasant street. It really shouldn't have any relevance because it's not in the lease agreement with the tenants. They use off-street parking.

Inspector Urmann responded that Fire looks at the parcel as one whole property for the Certificate of Occupancy, not accessory structures as being separate.

Ms. Hanson said the garage is down a huge hill - nowhere near the house.

Ms. Moermond stated that this building (garage) wouldn't be part of the C of O since

*it's not a part of what is being rented. But, the outside of the garage needs to be repaired/maintained. Mr. Card explained that the garage is built into the hill, so basically, we're talking about the garage door.*

*Ms. Hanson said that it has been overwhelming and a lot of the stuff on the list has already been taken care of. She does not understand what stairs are being addressed. There's a railing that goes alongside the house and there's a railing that goes all the way down to the garage that her dad put installed (doesn't need access to that). She asked what an "approved" handrail was. Ms. Moermond suggested that they speak with the inspector about clarification. Ms. Hanson said that she called him several times and he never responded to her 4 calls. Mr. Urmann responded that if an inspector doesn't call back, she could always call the supervisor. He explained that the code just says the handrail needs to be between 34 and 38 inches level along the ground and it has to be solid and grippable. Mr. Urmann also gave her his card for contact. The side porch has some issues and there's only \$3,000 in her mom's account. College kids are renting and they pay only \$300 a month, which includes heat. She asked about a timeline.*

*Ms. Moermond noted that there is a re-inspection on June 1, 2011. Ms. Hanson asked to have that changed because she needs to take off work. She asked that it be scheduled for after June 16, 2011 (she's a teacher who hates to miss her work). Ms. Moermond said that could be arranged. They set-up a layover for Tuesday, June 21, 2011 at 1:30 p.m. Ms. Hanson is to contact the inspector by email to re-schedule the re-inspection, copy Ms. Moermond. They have the Orders clarified and get some photographs to be discussed on the 21st, along with deadlines.*

**Laid Over to the Legislative Hearings due back on 6/21/2011**

- 32      **RLH FCO 11-94**      Appeal of Ansel Johnson and Bruce Johnson to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 590 BLAIR AVENUE.

**Sponsors:**      Carter III

**Attachments:**      590 Blair.appeal.5-9-11.pdf  
590 Blair Ave.Johnson Ltr 5-24-11.doc

*Laid over to June 7, 2011 Legislative Hearing*

*RE: 590 Blair Avenue*

**Laid Over to the Legislative Hearings due back on 6/7/2011**

### Staff Reports

- 33      **SR 11-42**      Follow up Appeal of Kyle Dalton, Azingo LLC, to a Fire Inspection Correction Notice at 2007 MINNEHAHA AVENUE EAST.

**Sponsors:**      Lantry

**Attachments:**      [2007 Minnehaha.appeal.4-26-11.pdf](#)  
[2007 Minnehaha Ave - Minutes 4-26-11.pdf](#)

*Appellant is asking for more time.*

*RE: 2007 Minnehaha Avenue East*

*No one appeared.*

**Laid Over to the Legislative Hearings due back on 6/7/2011**

- 34      [SR 11-43](#)      Follow-up Appeal of Brian Cox to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 1013 MARGARET STREET.

**Sponsors:**      Lantry

**Attachments:**      [1013 Margaret.appeal.4-19-11.pdf](#)

*Appellant asking for more time.*

*RE: 1013 Margaret Street*

*No one appeared.*

**Laid Over to the Legislative Hearings due back on 6/7/2011**

### **Window Variances: No Hearing Necessary**

- 35      [RLH FOW 11-51](#)      Appeal of Albert Wan and Kousheng Moua to a Fire Certificate of Occupancy Correction Notice at 903 CLARK STREET.

**Sponsors:**      Helgen

**Attachments:**      [903 Clark.appeal.5-11-11.pdf](#)  
                                 [903 Clark St.Fire C of O Insp.5-6-11.pdf](#)

*Grant without a hearing. Grant a 2-inch variance on the openable height of the egress window in the downstairs bedroom; grant a 3-inch variance on the openable width of the egress window in the three upstairs bedrooms. (Kelly Booker)*

**Referred to the City Council due back on 6/15/2011**

- 36      [RLH FOW 11-52](#)      Appeal of Edsil Investments LLP to a Fire Certificate of Occupancy Correction Notice at 1810 and 1812 FORD PARKWAY.

**Sponsors:**      Harris

**Attachments:**      [1810-1812 Ford.appeal.5-11-11.pdf](#)

*Grant without a hearing. Grant a 3.5-inch variance on the openable height of the egress window in the second floor east bedroom and a 2.5-inch variance on the openable height of the egress window in the second floor west bedroom. (Rick Gavin)*

**Referred to the City Council due back on 6/15/2011**

- 37      [RLH FCO 11-107](#)      Appeal of Julie Meyer to a Fire Certificate of Occupancy Correction Notice at 1304 JULIET AVENUE.

**Sponsors:**      Harris

**Attachments:**      [1304 Juliet.appeal.5-11-11.pdf](#)

*Grant without a hearing. Grant a 3.5-inch variance on the openable height of the egress window in the second floor east bedroom and a 2.5-inch variance on the*



*openable height of the egress window in the second floor west bedroom. (Rick Gavin)*

**Referred to the City Council due back on 6/15/2011**

- 38      [RLH FOW 11-46](#)      Appeal of Bruce Johnson to a Fire Certificate of Occupancy Correction Notice at 1100 MARYLAND AVENUE EAST.

**Sponsors:**      Bostrom

**Attachments:**      [1100 Maryland.5-9-11.pdf](#)

*Grant without a hearing. Grant a 3-inch variance on the openable height of the egress window in the south bedroom. (Mike Cassidy)*

**Referred to the City Council due back on 6/15/2011**

- 39      [RLH FOW 11-54](#)      Appeal of Edward Anderson to a Fire Certificate of Occupancy Correction Notice at 979 MARSHALL AVENUE.

**Sponsors:**      Carter III

**Attachments:**      [979 Marshall.appeal.5-12-11.pdf](#)

*Grant without a hearing. Grant a 3-inch variance on the openable height of the egress window in Unit A, front and rear bedrooms and Unit B, rear bedroom. (Mitchell Imbertson)*

**Referred to the City Council due back on 6/15/2011**

- 40      [RLH WP 11-21](#)      Appeal of Daniel Schmidt and Jim Yannarely, Saint Paul Ramsey County Department of Public Health, to an Egress Window Non-Compliance Determination at 453 SAINT CLAIR AVENUE.

**Sponsors:**      Thune

**Attachments:**      [453 St.Clair.appeal.5-18-11.pdf](#)

*Grant without a hearing. Grant a 4-inch variance on the openable height of three double hung replacement egress bedroom windows measuring 20 inches high by 21.3 inches wide.*

**Referred to the City Council due back on 6/15/2011**

- 41      [RLH FOW 11-53](#)      Appeal of Carol Mack to a Fire Certificate of Occupancy Correction Notice at 976 SUMMIT AVENUE.

**Sponsors:**      Thune

**Attachments:**      [976 Summit.appeal.5-12-11.pdf](#)

*Grant without a hearing. Grant a 3-inch variance on the openable height of the egress window in the 2nd floor, 3 bedrooms. (Mitchell Imbertson)*

**Referred to the City Council due back on 6/15/2011**

- 42      [RLH FOW 11-60](#)      Appeal of Tong Khang to a Correction Notice-Complaint Inspection at 192

WHEELOCK PARKWAY WEST.

**Sponsors:** Helgen

**Attachments:** [192 Wheelock.appeal.5-24-11.pdf](#)

*Grant without a hearing. Grant a 3-inch variance on the openable width of the egress bedroom windows. (Scott St. Martin)*

**Referred to the City Council due back on 6/15/2011**