



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final Legislative Hearings

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Tuesday, November 6, 2012

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Special Tax Assessments

- 1 **RLH TA** Ratifying the Appealed Special Tax Assessment for Real Estate Project No.
 12-535 J1301A, Assessment No. 138500 at 856 ALBEMARLE STREET.

Sponsors: Brendmoen

Delete the assessment.

RE: 856 Albemarle St (single family dwelling)

Tonya Trofka appeared.

Inspector Joe Yannarely:

- received a tall grass and weed complaint issued Jul 17, 2012 with compliance Jul 21, 2012*
- found in noncompliance Jul 24, 2012*
- work done Jul 25, 2012 for a cost of \$160 + service chg \$155 = \$315*
- sent to Denisa Thompson, Isanti, MN and Tangletown Realty, Roseville*
- a Vacant Building file was opened Mar 8, 2011 as a Category 2*
- 5 Work Orders in last 18 months*
- 1 Excessive Consumption issued*

Ms. Trofka:

- found this house end of Jun 2012 and signed a sale agreement Jul 2, 2012; she is now in process to purchase this home; it's taking a long time for the company to get the title because the property was foreclosed*
- some assessment fees were in May, before her time*
- still waiting to close on the house but they are taking care of the property*

Ms. Moermond:

- Ms. Trofka is not responsible for this assessment; after she signed the Purchase Agreement, it's not the same thing as closing on the property*

Viewed Video

Ms. Moermond:

- there was tall grass and weeds and the city did do the work*

- Denisa Thompson and Tangletown Realty were sent the Orders

Ms. Trofka:

- the company said that the new owner would be responsible for all the assessment fees
- she and her husband did go on Jul 17, to cut the grass and weeds so how did the grass grow so long by Jul 25? They picked up all the glass and garbage, too; she has before and after photos on Jul 17, 2012; introduced a letter from a friend and entered the photos
- she keeps track of everything very organized about what she does with the house

Viewed the Video again

Viewed the Video a 3rd time

Ms. Moermond:

- will recommend the City Council delete this assessment; Appellant introduced a letter from a friend that said the lawn was mowed Jul 17, 2012 (although, the photos aren't date-stamped)
- on Jul 17, 2012 an Order went out and on Jul 17, 2012, Appellant mowed the lawn; so, when the crew went out on Jul 25, the crew mowed different grass

Referred to the City Council due back on 1/2/2013

**2 RLH TA
12-540**

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1301, Assessment No. 138200 at 1694 AMES AVENUE.

Sponsors: Bostrom

Reduce the assessment from \$490.00 to \$255.00.

RE: 1694 Ames Ave (single family)

Fire Inspector Leanna Shaff:

- Fire Certificate of Occupancy inspection fee \$340 plus service charge \$150 = \$490
- dates of Orders: Jan 17, 2012; Feb 17, 2012; Apr 10, 2012
- approved May 2, 2012; billed on May 3 and Jun 4, 2012
- sent to owner in Little Canada
- looks like the Feb 17, 2012 inspection did not happen so, a re-inspection fee should be removed
- is recommending that the total assessment be dropped to \$255

Ms. Moermond:

- notes that there's a typo on the date of the Orders; let's get that changed: the second set of Orders should be 2/17/12, not 1/17/12
- will recommend a decrease from \$490 to \$255

Referred to the City Council due back on 1/2/2013

**3 [RLH TA](#)
[12-508](#)**

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1208E1, Assessment No. 138302 at 670 BELLOWS STREET. (Laid over from October 17, 2012)

Sponsors: Thune

Laid over for owner to get mechanical inspector to pull a permit to get dryer vent addressed.

RE: 670 Bellows St (single family)

Daniel Hekrdle, owner, appeared.

Inspector Joel Essling:

- Correction Order originally issued by Fire Certificate of Occupancy inspector on Jul 14, 2011 and again on Aug 15, 2011
- repair / replace the dryer vent; subsequently there was an appeal
- hearing officer determined that the dwelling was not subject to a C of O inspection
- file was transferred to Code Enforcement
- order was issued May 7, 2012 again for the dryer vent
- today, there are 2 assessments: 1) Excessive Consumption Fee of \$50 from Apr 6, 2012; and 2) Excessive Consumption Fee of \$75 from May 8, 2012
- there are also two \$150 Excessive Consumption fees coming from Aug and Sep 2012
- the dryer vent has not been replaced
- he did an inspection and advised owner that he was not coming back to the property until he saw that a permit had been pulled; so far, no permit's been pulled
- additionally, he is questioning why this property is not in the C of O Program because the owner does not live in the property and probably does not live in the state of MN

Ms. Moermond:

- is checking the previous hearing records

Mr. Hekrdle:

- he works for the City of Oakdale; he lives in Amery, WI and also in Saint Paul
- he bought this house for 2 reasons: 1) his great grandfather used to own it; and 2) to be closer to his work (he gets called in for plowing)
- he has never had a renter in there; his family has always lived there
- the Fire inspector came in because they thought it was a rental property
- there were 12 items to get done
- when the inspector came, he said the vent wasn't done properly so, he fixed it right away
- he said that I had to be certified to install a dryer vent so, he called 54 contractors and they all laughed about having to pull a permit to install a dryer vent
- out of 54, there was one guy who was willing to help; however, when he went to pull the permit, the city wouldn't allow him to pull a permit because he wasn't certified to install a dryer vent
- he left 4 messages with the city to work out this situation and he never got a returned phone call

Ms. Moermond:

- perhaps, he wasn't licensed in the City of Saint Paul
- she sees a lot of these cases so, she knows there are a lot of mechanical contractors who do this work
- Appellant needs to hire a mechanical contractor who can pull a permit and install a dryer vent; someone who is licensed to work in St. Paul

Mr. Hekrdle:

- he has made a lot of calls and he can find no one who will do this job; he ran out of numbers in the phone book to call

Ms. Moermond:

- call Jerry Hanson, St. Mechanical Inspector and hopefully, he will have a complete list of mechanical contractors who can install a dryer vent

- I need to see a permit
- I will give you 2 weeks
- If you can figure this out, I will discount these assessment
- she does not believe that this is not a doable thing

Laid Over to the Legislative Hearings due back on 11/20/2012

**4 RLH TA
12-534**

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1301, Assessment No. 138800 at 1302 BLAIR AVENUE.

Sponsors: Stark

Legislative Hearing Officer will ask Council to lay over for one month. If the work is completed and signed off, she will recommend reducing the assessment in half.

RE: 1302 Blair Ave (single family)

Richard R. Dreher, owner, appeared.

Joe Yannarely:

- Annual Vacant Building fee
- Category 2 Vacant Building opened Jun 12, 2008
- he would recommend prorating it if the Appellant can get the Code Compliance Certificate before the end of the year

Mr. Dreher:

- is moving forward with the rehab
- the Code Compliance list is quite extensive
- he will be doing a complete remodel; not just the code compliance list
- we already replaced the roof; they gutted the entire place - re-insulated and put up new sheet rock
- they did totally new electric
- hope to be done by the first of the year; we are now doing the finishing work
- he reviewed the list recently and he does have the code compliance list done but they have not satisfied the building permit yet
- is asking for a little more time to ensure that they are finished with everything

Ms. Moermond:

- City Council Public Hearing Jan 2, 2013 at which time, she will ask them to lay this matter over for 1 month; if it's done by Feb, 2013, she will recommend that the VB fee be cut in half

Referred to the City Council due back on 1/2/2013

**5 [RLH TA](#)
[12-551](#)**

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1301A, Assessment No. 138500 at 1570 CONWAY STREET.

Sponsors: Lantry

Laid over to see video.

RE: 1570 Conway St (single family)

Saw Morrison, owner, appeared.

Inspector Joe Yannarely:

- Summary Abatement issued Jul 9 for garbage and rubbish with compliance date of

Jul 16, 2012

- notes: remove bumper and all other garbage, rubbish, trash or other sanitation issues at the property
- Jul 16, 2012 was found in noncompliance
- work done Jul 18, 2012 for a cost of \$298 + service charge \$155 = \$453
- no returned mail
- Dave Nelmark was the inspector; he issued the SA when he opened the VB file

Inspector Joel Essling:

- we have no video but we can get it

Ms. Moermond:

- J1301A
- pulled up photos
- looking at photos taken Jul 9, 2012 and can't see a problem; property looks tidy

Mr. Morrison:

- just came to hear about what was going on
- bought house Feb 10, 2009 and lived there for a few years
- the public school where his children went to school cut the budget for busing, so they moved to a house on Arlington so that the kids would be picked up by the bus.
- they left the house on Conway Mar 1, 2012 and took everything except 1 tire
- they know that it's still their responsibility to keep it maintained; they mowed the lawn
- they left the property go back to the bank

Mr. Yannarely:

- looks like its with Safeguard Properties now
- can get more information from Inspector Nelmark and also get the video

Ms. Moermond:

- she hasn't seen the video to know what was done
- at the end of the day, the owner of the property will be the one responsible for paying the assessment; and the owner is the bank
- Mr. Morrison will not be the one paying this assessment
- will lay this over for 2 weeks to look at the video

Laid Over to the Legislative Hearings due back on 11/20/2012

**6 RLH TA
12-529**

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1301A, Assessment No. 138500 at 1192 DALE STREET NORTH.

Sponsors: Brendmoen

No show; approve the assessment.

Referred to the City Council due back on 1/2/2013

**7 RLH TA
12-515**

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1301A, Assessment No. 138500 at 1946 DOROTHEA AVUENUE.

Sponsors: Tolbert

Delete the assessment; incorrect compliance date on summary abatement.

Referred to the City Council due back on 1/2/2013

- 8** **RLH TA**
12-550
- Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1301, Assessment No. 138800 at 759 EDGERTON STREET.
- Sponsors:** Brendmoen
- Delete the assessment.*
- Referred to the City Council due back on 1/2/2013**
- 9** **RLH TA**
12-536
- Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1301, Assessment No. 138800 at 1230 EDGERTON STREET.
- Sponsors:** Bostrom
- Reduce the assessment from \$1,250.00 to \$100.00.*
- RE: 1230 Edgerton St (duplex)*
- Mark Kneer, Danmark Properties, appeared.*
- Inspector Joe Yannarely:*
- Vacant Building fee \$1,100 plus service charge \$150 = \$1,250
 - VB file opened Jun 12, 2008 and closed Sep 7, 2012
 - recommending reducing assessment to 1/4
- Ms. Moermond:*
- the Code Compliance is done; it's under 3 months
- Mr. Kneer:*
- they actually had it signed off Mar 27, 2012; the former inspector forgot to sign off
- Ms. Moermond:*
- it's under 3 months, so, she will recommend that the assessment be reduced to \$100
- Referred to the City Council due back on 1/2/2013**
- 10** **RLH TA**
12-538
- Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1301A, Assessment No.138500 at 406 EDMUND AVENUE.
- Sponsors:** Carter III
- No show; approve the assessment.*
- Referred to the City Council due back on 1/2/2013**
- 11** **RLH TA**
12-516
- Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1301A, Assessment No. 138500 at 1207 FIFTH STREET EAST.
- Sponsors:** Lantry
- Approve the assessment and spread the payments over two (2) years. (Pending EC assessments are to be deleted.)*
- RE: 1207 Fifth St E (single family)*

Erik Barsness, owner, appeared.

Inspector Paula Seeley:

Referred to the City Council due back on 1/2/2013

**12 RLH TA
12-533**

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1301A, Assessment No. 138500 at 1093 FOURTH STREET EAST.

Sponsors: Lantry

No show; approve the assessment.

Referred to the City Council due back on 1/2/2013

**13 [RLH TA](#)
[12-509](#)**

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1301G, Assessment No. 138700 at 1111 FOURTH STREET EAST.

Sponsors: Lantry

Owner showed up at Council; laid over to 11-20-12 LH.

11-6-12 LH: No show; approve the assessment.

Laid Over to the Legislative Hearings due back on 11/20/2012

**14 RLH TA
12-517**

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1301G, Assessment No. 138700 at 1306 FOURTH STREET EAST.

Sponsors: Lantry

No show; approve the assessment.

Referred to the City Council due back on 1/2/2013

**15 RLH TA
12-527**

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1301, Assessment No. 138800 at 1171 JACKSON STREET.

Sponsors: Brendmoen

No show; however, DSI staff recommend prorating fees. VB file was opened on 6-17-10 as Cat 2. Filed closed on 10-31-12. Ms. Moermond recommends reducing the assessment from \$1250 to \$625.

Referred to the City Council due back on 1/2/2013

**16 RLH TA
12-541**

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1301, Assessment No. 138200 at 344 JENKS AVENUE.

Sponsors: Brendmoen

No show; however, by reviewing the file, DSI staff recommends one reinspection and admin fee be deleted. Ms. Moermond recommends reducing the assessment from \$850 to \$600.

Referred to the City Council due back on 1/2/2013

- 17 **RLH TA
12-520** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1301A, Assessment No. 138500 at 871 LEXINGTON PARKWAY SOUTH.
- Sponsors: Tolbert
- No show; approve the assessment.*
- Referred to the City Council due back on 1/2/2013**
- 18 **RLH TA
12-510** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1301G, Assessment No. 138700 at 1385 MARGARET STREET.
- Sponsors: Lantry
- Delete the assessment.*
- Referred to the City Council due back on 1/2/2013**
- 19 **RLH TA
12-531** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1301A, Assessment No. 138500 at 256 MARSHALL AVENUE.
- Sponsors: Carter III
- No show; approve the assessment.*
- Referred to the City Council due back on 1/2/2013**
- 20 **RLH TA
12-512** Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1301P, Assessment No. 138400 at 933 MINNEHAHA AVENUE WEST.
- Sponsors: Carter III
- Delete the assessment; waiver on file.*
- Referred to the City Council due back on 1/2/2013**
- 21 **RLH TA
12-539** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1301, Assessment No. 138200 at 1581 PAYNE AVENUE.
- Sponsors: Bostrom
- No show; approve the assessment.*
- Referred to the City Council due back on 1/2/2013**
- 22 **RLH TA
12-543** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1301, Assessment No. 138200 at 412 PIERCE STREET.
- Sponsors: Stark
- Approve the assessment.*
- Referred to the City Council due back on 1/2/2013**

- 23** **RLH TA**
12-542 Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1301, Assessment No. 138200 at 848/850 RANDOLPH AVENUE.
- Sponsors:** Thune
- Reduce the assessment from \$450 to \$200.*
- Referred to the City Council due back on 1/2/2013**
- 24** **RLH TA**
12-537 Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1301A, Assessment No. 138500 at 54 ROSE AVENUE WEST.
- Sponsors:** Brendmoen
- No show; approve the assessment.*
- Referred to the City Council due back on 1/2/2013**
- 25** **RLH TA**
12-524 Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1301A, Assessment No. 138500 at 1237 SEVENTH STREET EAST.
- Sponsors:** Bostrom
- Approve the assessment.*
- Referred to the City Council due back on 1/2/2013**
- 26** **RLH TA**
12-530 Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1301G, Assessment No. 138700 at 1101 SIXTH STREET EAST.
- Sponsors:** Lantry
- No show; approve the assessment.*
- Referred to the City Council due back on 1/2/2013**
- 27** **RLH TA**
12-522 Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1301A, Assessment No. 138500 at 101 SYCAMORE STREET WEST.
- Sponsors:** Brendmoen
- No show; approve the assessment.*
- Referred to the City Council due back on 1/2/2013**
- 28** **RLH TA**
12-525 Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1301A, Assessment No.138500 at 678 THOMAS AVENUE.
- Sponsors:** Carter III
- Reduce from \$501 to \$401.*
- Referred to the City Council due back on 1/2/2013**

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- 29** **RLH TA**
12-519 Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1301A, Assessment No. 138500 at 879 THOMAS AVENUE.
- Sponsors:** Carter III
- No show; approve the assessment.*
- Referred to the City Council due back on 1/2/2013**
- 30** **RLH TA**
12-526 Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1301A, Assessment No. 138500 at 609 WELLS STREET.
- Sponsors:** Bostrom
- No show; approve the assessment.*
- Referred to the City Council due back on 1/2/2013**
- 31** **RLH TA**
12-511 Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1301P, Assessment No. 138400 at 1511 WHITE BEAR AVENUE.
- Sponsors:** Bostrom
- Delete the assessment; waiver filed July 1, 2012.*
- Referred to the City Council due back on 1/2/2013**
- 32** **RLH TA**
12-532 Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1301A, Assessment No. 138500 at 2254 WILLIAM TELL ROAD.
- Sponsors:** Lantry
- Delete the assessment.*
- Referred to the City Council due back on 1/2/2013**
- 33** **RLH AR**
12-114 Ratifying Collection of Vacant Building fees billed March 7 to May 18, 2012. (File No. VB1301, Asmt No. 138800)
- Sponsors:** Lantry
- Referred to the City Council due back on 1/2/2013**
- 34** **RLH AR**
12-115 Ratifying Graffiti Removal services during June 20 to July 19, 2012. (File No. J1301P, Asmt No. 138400)
- Sponsors:** Lantry
- Referred to the City Council due back on 1/2/2013**
- 35** **RLH AR**
12-116 Ratifying Collection of Certificate of Occupancy fees billed May 2 to June 1, 2012. (File No. CRT1301, No. 138200)

Sponsors: Lantry

Referred to the City Council due back on 1/2/2013

- 36** **RLH AR** Ratifying Property Clean Up Services from July 2 to July 25, 2012 (File No. 12-117 J1301A, Assessment No. 138500).

Sponsors: Lantry

Referred to the City Council due back on 1/2/2013

- 37** **RLH AR** Ratifying Trash Hauling services during July 3 to July 25, 2012. (File No. 12-118 J1301G, Asmt No. 138700)

Sponsors: Lantry

Referred to the City Council due back on 1/2/2013

11:00 a.m. Hearings

Summary Abatement Orders

- 38** [RLH SAO](#) Appeal of Darlene Evans to a Summary Abatement Order at 1009 SIMS 12-29 AVENUE.

Sponsors: Bostrom

Per Inspector Tom Friel, on 10/30/2012: Recheck - Building is vacant and secure. No dogs in house now.

Deny the appeal.

Referred to the City Council due back on 11/20/2012

Orders To Vacate, Condemnations and Revocations

- 39** [RLH VO](#) Appeal of Tom Wybierala to a Notice of Condemnation as Unfit for Human 12-107 Habitation and Order to Vacate at 427 WHITALL STREET.

Sponsors: Brendmoen

Deny appeal and grant an extension to vacate the property by close of business on Friday, October 26, 2012. Owner will need to hire a licensed contractor to get a mechanical permit pulled and finalized to address the furnace issue. If in compliance, Ms. Moermond will lift the condemnation but the items on the list still need to be in compliance.

RE: 427 Whitall St (single family)

Tom Wybierala, owner, and Steve Ventrelli, friend, appeared.

Fire Inspector Leanna Shaff:

- original hearing was scheduled for Oct 23, 2012 at which time, the appeal was denied and an extension was granted to vacate the property at the close of business Fri, Oct 26, 2012

- Ms. Moermond had talked with Gerald Frisch, attorney for the Trust, that morning and indicated that a trial was scheduled for the 3rd week in Nov 2012 but wasn't sure whether the trial was for an unlawful detainer or probate court; Mr. Frisch was aware of the Orders but doesn't feel as though he has the power to engage or address the problems while Mr. Wybierala occupies the property

- Ms. Moermond's recommendation to the Council was to deny the appeal and order the property vacated

- this inspection process has been going on for close to 2 years; and, as of today, there isn't a permit (Mr. Ventrelli: they couldn't get a permit; a contractor has to)

Mr. Ventrelli:

- the renewal application for the homestead was sent to their aunt's place in Sauk Centre, where they own a resort; it was never forwarded to the grandson or son of the deceased owner of the house

- the house has never been rental property or not homesteaded

- they were living there until the dispute of the Trust is final

- had the renewal notice been filled out and sent back, we wouldn't be here

- we did fill out an application

- the reason that a lot of this wasn't taken care of is that the owner of 427 was still in dispute in probate

Ms. Shaff:

- either way, the heat plant in the building is dangerous, which caused the Condemnation

- at this point it doesn't matter if it's in or out of the Fire Certificate of Occupancy Program; we have a dangerous situation and people just can't live there

Mr. Wybierala:

- the furnace can't be taken care of until 2 weeks out; everyone is too busy

Ms. Moermond:

- no matter we call it, there's a heating plant that is dangerous, whether is owner-occupied or rental; this needs to be taken care of

- "According to a statement by Pronto Heating and Air Conditioning, the furnace cannot be certified due to the following: 1) over heating; 2) duct work installed incorrectly; and 3) system kicking off on high limit and 4) cracked heat exchanger. Immediately, discontinue use of unsafe heating appliance until repaired or replaced. This work must be done by a licensed contractor under permit."

- you couldn't schedule the work to be done until a couple weeks out and you hadn't done it previously because the ownership is in dispute

Mr. Ventrelli:

- Mr. Wybierala wasn't going to pay for it if the property wasn't going to be put into his name; and a few other things need to be sorted out

- now, it looks as though it has to be done, regardless, so that they can stay there

- prior to this inspection, all had been paid for out of that Trust but gradually, it's been changing

- a small space heater is being used when they are at the house

Ms. Moermond:

- the Order was written at the beginning of Oct, 2012; it had a 1 week vacate time

- she conducted a hearing Oct 23, 2012; the appeal was filed Oct 16, 2012

- this dangerous situation hasn't been addressed (a vague plan says that it will be)

addressed in a couple of weeks) and Mr. Frisch said the ownership situation may / may not be addressed; it depends on the hearing

- she's not sure that she can rely on the 2-week deadline on the repair
- often times, a decision needs to be made on a case before the City Council has its public hearing on the matter; she will put a temporary decision into place, which would apply until there is a City Council Public Hearing, at which the Council can do as they see fit

Ms. Shaff:

- with an unsafe heating appliance, a person might go to sleep but not wake up the next morning or someone could just walk into the building, take a deep breath and keel over dead, if it's that bad (Mr. Ventrelli assured Ms. Moermond that the furnace is not being used now)
- over heating could cause a fire situation
- there are also a lot of electrical issues (Mr. Ventrelli: mostly extension cord type stuff)

Ms. Moermond:

- no one can live in the house until the Council's Public Hearing on this Nov 20, 2012 at 5:30 p.m.
- she recommends that the appeal be denied; there's a long list of things that need to be addressed; currently, a Trust owns the property (not a human being owner)
- almost always, she gives credit for owner occupancy if the person establishing the Trust, in this case, Richard Wybierala (deceased), were appealing; if a Trust exists and it's one that he established and he lives there - that's clear
- it's not clear to her that it's owner-occupied if it's his Trust that was established and Tom Wybierala / or someone else is living there
- between now and CPH, no one can live in the house
- if a contractor gets in there and the work is done by a licensed contractor under permit, the Condemnation could be lifted
- there's also a couple of light fixture wiring problems, too
- no one can live there until the furnace is repaired or replaced under permit and that it's functioning properly; the permit would need to be finalized (the information would be in the system - she will check to clarify)
- the rest of the stuff is still on the list and will be sorted out over time

Mr. Wybierala:

- will try to get a contractor within 24 hours

Referred to the City Council due back on 11/20/2012

40 [RLH VO
12-116](#)

Appeal of Lisa Hollingsworth, Southern Minnesota Regional Legal Services (SMRLS), on behalf of Brandy Patterson, to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 951 DESOTO STREET.

Sponsors: Brendmoen

Grant until noon on November 7, 2012 to get smoke detectors into compliance; laid over to check on items 3, 4, 7, 11, 14, 16, 20, 22, 24, 25, 28, 30, 31, 35, 37, 39, 40, 44 and 45.

RE: 951 - 953 DeSoto St (apartments)

Alan Peterson, Provest Partnership, appeared.
Tova Flygare, Southern Minnesota Regional Legal Services (SMRLS) on behalf of Brandy Patterson, Unit #5 and Mildred Radcliffe, Unit #2

Fire Inspector Sean Westenhofer:

- Orders sent Sep 13, 2012; he Revoked the Certificate of Occupancy Oct 15, 2012 for long-term noncompliance

Mr. Peterson:

- they just need a little more time
- there's only so much they can do - have some tenant issues they have to deal with
- the exterior is done and they started on the interior
- Unit #3 has been completely re-done; working on Unit #4 and Unit #6 right now
- have another eviction hearing Nov 16, 2012 to remove 1 more tenant; once that occurs, they need about 30 days to complete that Unit
- almost all interior work should be done this week or next except for Units 1, 2 and 5, with which they are having trouble gaining access

Ms. Flygare:

- there is not an access problem for Unit 2 or Unit 5; they are here today to make an appointment for such access
- Brandy Patterson, Unit 5, and Mildred Radcliff, Unit 2, are both present today
- handed Mr. Peterson a copy of the Notice of the Emergency Tenant Remedies Action that is due to be filed tomorrow, Nov 7, 2012 if arrangements for repairs are not made forthwith; she expects to be speaking with Mr. Peterson further on that yet today; the hearing would be before the Civil Signing Judge at 2:00 p.m. tomorrow; unusual process with that would be that the judge would conduct a compliance hearing within approximately 2 weeks
- today, we are asking for enough time to have that particular ETRA go through to the compliance hearing
- their leases extend through the end of Jan 2013 and Mar 2013 respectively so, these are not tenants for whom a Notice to Vacate would be an appropriate remedy for cleaning out the building by removing tenants

Mr. Westenhofer:

- exterior staircase and deckboards are warped; nails are lifting (Mr. Peterson disputed that; he jumped on the deck and nothing moved; it's all treated lumber)
- the maintenance man was present, not Mr. Peterson
- hasn't been out there since Oct 16

Ms. Flygare:

- Ms. Patterson, Unit 5, was caretaker, who met Mr. Westenhofer and gave him access to the building

Mr. Peterson:

- doesn't think there's anything left to do
- all the peeling boards have been replaced; all the trim has been redone; the whole exterior has been completely redone

Ms. Patterson, Unit 5:

- she was with Sean when he noted the deck boards and they were replaced later that week; however, there are still mismatched boards
- her place has not been touched; her patio is not safe to walk out on

Ms. Moermond:

- seems like a lot of problems with smoke detectors, covers on heating devices, baseboards, wiring issues, holes in walls from door handles, holes in bedroom walls, are electrical problems throughout the building
- primary ETRA concern items: 3, 4, 7, 14, 16, 20, 22, 24, 25, 28, 31, 35, 39, 40, 44, 45

- a Condemnation could, reasonably, been written on some of these items

Mr. Westenhofer:

- added items 11, 30, 37 to the ETRA concern items

Mr. Peterson:

- 11 was done yesterday
- unit 4 should be done today (tenant doesn't speak much English; are working through a Hmong counselor/interpreter about sanitation, housekeeping, kids, etc.)
- units 3 and 6 have been vacated; unit 5 - unlawful detainer action; is trying to salvage units 1 & 2
- he needs keys for units 1, 2, 5
- Brandy was the caretaker so, the keys stayed with her; then, when they got the keys back, they didn't fit

Ms. Flygare:

- her understanding is that there is a first appearance on Nov 9 when they are representing Ms. Patterson, unit 5; the documentation and the original summons and complaint states an unlawful detainer for nonpayment of rent during which time Ms. Patterson was actually working as a caretaker in exchange for rent; that may be consolidated into the ETRA process; believes that the evidence will show that unit 5 should not be evicted

Ms. Moermond:

- she's loath to see a Revocation / Order to Vacate used as a substitute for an unlawful detainer process so, she wants to make sure that the unlawful detainer process is allowed to go through it's course rather than it be short-circuited here if repairs can be done to take care of the circumstances that are of primary concern in the interim - between now and when the UD process starts, a few things need to be taken care of to stabilize the situation

Mr. Peterson:

- they would have started to do work earlier if they had keys and the ability to have access
- the maintenance person said he knocked on the door and didn't get a favorable outcome; he is also a little bit coarse, too

Ms. Flygare:

- her tenants have not refused entry at all for reasonable purposes, including repairs

Ms. Patterson:

- no one has knocked on her door; she came home the other day to an eviction notice on her door
- the reason why her keys are not there is because the previous maintenance guy would brake into her apartment; she is the only one who has a set of her keys and Mr. Peterson has known that but has never asked for the key

Ms. Radcliff:

- she has never denied entry to the landlord or maintenance guy
- the owner never asked for her keys

Ms. Moermond:

- knows that SMRLS has sent out Al Harris to work on smoke detector issues, insuring that those are taken care of and safe; she hopes he can get out there today or tomorrow; there are missing batteries and some are hanging (Ms. Flygare: they don't have an actual budget for smoke detectors; they will go to the property and take

- photos of all the detectors in question); Mr. Peterson - let's just fix them*
- has relatively little faith that Mr. Peterson will be taking care of these things because he hasn't, so far; it would be great if he is stepping up now*
- Mr. Westenhofer will verify that they are fixed; must be done by Noon tomorrow*
- submit the heating test*
- will lay this over for 1 week to see where the repairs are at (baseboard heat, smoke detectors)*
- no one will need to vacate*
- there will be follow-up re-inspections*
- Noon tomorrow is deadline for smoke detectors in all units*

Laid Over to the Legislative Hearings due back on 11/13/2012

41 [RLH VO
12-115](#)

Appeal of Alan Peterson, Provest Partnership, to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 951-953 DESOTO STREET.

Sponsors: Brendmoen

Grant until noon on November 7, 2012 to get smoke detectors into compliance; laid over to check on items 3, 4, 7, 11, 14, 16, 20, 22, 24, 25, 28, 30, 31, 35, 37, 39, 40, 44 and 45.

RE: 951 - 953 DeSoto St (apartments)

*Alan Peterson, Provest Partnership, appeared.
Tova Flygare, Southern Minnesota Regional Legal Services (SMRLS) on behalf of Brandy Patterson, Unit #5 and Mildred Radcliffe, Unit #2*

Fire Inspector Sean Westenhofer:

- Orders sent Sep 13, 2012; he Revoked the Certificate of Occupancy Oct 15, 2012 for long-term noncompliance*

Mr. Peterson:

- they just need a little more time*
- there's only so much they can do - have some tenant issues they have to deal with*
- the exterior is done and they started on the interior*
- Unit #3 has been completely re-done; working on Unit #4 and Unit #6 right now*
- have another eviction hearing Nov 16, 2012 to remove 1 more tenant; once that occurs, they need about 30 days to complete that Unit*
- almost all interior work should be done this week or next except for Units 1, 2 and 5, with which they are having trouble gaining access*

Ms. Flygare:

- there is not an access problem for Unit 2 or Unit 5; they are here today to make an appointment for such access*
- Brandy Patterson, Unit 5, and Mildred Radcliff, Unit 2, are both present today*
- handed Mr. Peterson a copy of the Notice of the Emergency Tenant Remedies Action that is due to be filed tomorrow, Nov 7, 2012 if arrangements for repairs are not made forthwith; she expects to be speaking with Mr. Peterson further on that yet today; the hearing would be before the Civil Signing Judge at 2:00 p.m. tomorrow; unusual process with that would be that the judge would conduct a compliance hearing within approximately 2 weeks*
- today, we are asking for enough time to have that particular ETRA go through to the compliance hearing*
- their leases extend through the end of Jan 2013 and Mar 2013 respectively so, these are not tenants for whom a Notice to Vacate would be an appropriate remedy*

for cleaning out the building by removing tenants

Mr. Westenhofer:

- exterior staircase and deckboards are warped; nails are lifting (Mr. Peterson disputed that; he jumped on the deck and nothing moved; it's all treated lumber)*
- the maintenance man was present, not Mr. Peterson*
- hasn't been out there since Oct 16*

Ms. Flygare:

- Ms. Patterson, Unit 5, was caretaker, who met Mr. Westenhofer and gave him access to the building*

Mr. Peterson:

- doesn't think there's anything left to do*
- all the peeling boards have been replaced; all the trim has been redone; the whole exterior has been completely redone*

Ms. Patterson, Unit 5:

- she was with Sean when he noted the deck boards and they were replaced later that week; however, there are still mismatched boards*
- her place has not been touched; her patio is not safe to walk out on*

Ms. Moermond:

- seems like a lot of problems with smoke detectors, covers on heating devices, baseboards, wiring issues, holes in walls from door handles, holes in bedroom walls, are electrical problems throughout the building*
- primary ETRA concern items: 3, 4, 7, 14, 16, 20, 22, 24, 25, 28, 31, 35, 39, 40, 44, 45*
- a Condemnation could, reasonably, been written on some of these items*

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the interim - between now and when the UD process starts, a few things need to be taken care of to stabilize the situation

Mr. Peterson:

- they would have started to do work earlier if they had keys and the ability to have access*
- the maintenance person said he knocked on the door and didn't get a favorable outcome; he is also a little bit coarse, too*

Ms. Flygare:

- her tenants have not refused entry at all for reasonable purposes, including repairs*

Ms. Patterson:

- no one has knocked on her door; she came home the other day to an eviction notice on her door*
- the reason why her keys are not there is because the previous maintenance guy would brake into her apartment; she is the only one who has a set of her keys and Mr. Peterson has known that but has never asked for the key*

Ms. Radcliff:

- she has never denied entry to the landlord or maintenance guy*
- the owner never asked for her keys*

Ms. Moermond:

- knows that SMRLS has sent out Al Harris to work on smoke detector issues, insuring that those are taken care of and safe; she hopes he can get out there today or tomorrow; there are missing batteries and some are hanging (Ms. Flygare: they don't have an actual budget for smoke detectors; they will go to the property and take photos of all the detectors in question); Mr. Peterson - let's just fix them*
- has relatively little faith that Mr. Peterson will be taking care of these things because he hasn't, so far; it would be great if he is stepping up now*
- Mr. Westenhofer will verify that they are fixed; must be done by Noon tomorrow*
- submit the heating test*
- will lay this over for 1 week to see where the repairs are at (baseboard heat, smoke detectors)*
- no one will need to vacate*
- there will be follow-up re-inspections*
- Noon tomorrow is deadline for smoke detectors in all units*

Laid Over to the Legislative Hearings due back on 11/13/2012

11:30 a.m. Hearings

42

[RLH SAO
12-35](#)

Appeal of Albert Fitzgibbons to a Vehicle Abatement Order at 901 FAIRMOUNT AVENUE.

Sponsors: Thune

11/6/12--Inspector went to the property and noted that the vehicle is removed. Order withdrawn.

No show; deny the appeal.

RE: 901 Fairmount Ave (single family)

Inspector Joel Essling:

- vehicle abatement: already heard an appeal on this same vehicle for a previous abatement Order
- he received a call from the property owner, who left a message saying the vehicle has been moved into the garage
- Inspector Essling will drive past there as soon as he leaves here and if the vehicle is in the garage, he will not come back to the hearing
- he called the owner 3 times today and left a message; thinks he may show up at 11:30 a.m.

Withdrawn

- 43 [RLH SAO
12-33](#) Appeal of William G. Wilson to a Vehicle Abatement and Correction Order at 1610 UPPER AFTON ROAD.

Sponsors: Lantry

Rescheduled per owner's request.

Laid Over to the Legislative Hearings due back on 11/27/2012

- 44 [RLH VO
12-112](#) Appeal of Donald Rubbelke to a Fire Certificate of Occupancy Revocation and Order to Vacate 1387 BIRMINGHAM STREET.

Sponsors: Bostrom

Grant the appeal but will ask Fire Certificate of Occupancy staff to look at it in a year.

RE: 1387 Birmingham St (single family)

Donald and Elizabeth Rubbelke, owners, appeared.

Fire Inspector Leanna Shaff:

- attempt to conduct a Fire Certificate of Occupancy inspection by Inspector James Thomas
- this process has been going on since the middle of Jul 2020 and have yet to gain entry or get documentation that this is anything but non-owner occupied

Mr. Rubbelke:

- periodically, he and his wife live there
- now, he can't get in or out because of his being in a wheel chair
- the VA is doing a feasibility study on his house; they want to put lifts and ramps and elevators or whatever he needs to get in or out of his house
- he has lived there for 35 years and he'll die in his house
- since he can't get in or out, he and his wife have been staying at their daughter's home in Stillwater for over a year
- his son-in-law stays at their house overnight some times rather than drive back to Stillwater (he works for the railroad in Saint Paul)
- his brother-in-law is Jeff Gerraine, arson investigator for Saint Paul Fire Dept; his son, Jacob, comes to stay at the house overnight, periodically, to help prevent being burglarized
- soon, he will have his feet amputated because of diabetes from the rapathy from Agent Orange
- the VA will be spending a lot of money on the house (whirlpool, sauna, swimming pool in back); there's no way in ___ that he's going to give up the house
- because he hasn't been able to stay there because he can't get in or out, it's been burglarized 3 times
- he is not giving up the house to anyone and he's not going to rent it out, either;

doesn't want anyone to trash the house for him
- a new furnace was installed 2-3 years ago; there's smoke detectors in every room and every hallway; there's carbon monoxide detectors all over, too
- they built the house and they are staying there
- he hopes to be back into the house before the holidays
- they have ADT set up to go into the house

Ms. Moermond:

- will recommend granting the appeal and will ask fire staff to look at it again in a year or so

Referred to the City Council due back on 11/20/2012

1:30 p.m. Hearings

Window Variances: Hearing Required

45

[RLH CO
12-18](#)

Appeal of May Yang to a Correction Order - Complaint Inspection (Windows-Daycare) at 1492 CLARENCE STREET.

Sponsors: Bostrom

Grant a 6-inch variance on the openable height of the egress windows in the two bedrooms on the main level, excluding the master bedroom. (Owner indicated the master bedroom is not being used for daycare/foster care).

RE: 1492 Clarence St (single family)

May Yang, Appellant, appeared.

Fire Inspector A. J. Neis:

- requested inspection for day/foster care license conducted Oct 9, 2012 by Inspector Jim Perucca

- inspector noted that the 3 bedroom egress windows are too short (15h x 30w)

- working under the International Residential Code reverts back to the minimum requirements state fire code minimum requirements (1026.1) for day/foster care egress window requirements, which is an exception to regular owner-occupied residential egress windows

Ms. Yang:

- the house was built with those window sizes and she wouldn't know how to enlarge them

- she will be using the basement (crank out window) for the play area and 2 of the bedrooms, which have double hung windows for day/foster care

- the windows in the basement open easily and are not blocked

Ms. Moermond:

- is assuming that the window well is the appropriate dimension

- will recommend granting a variance on the 2 bedroom egress windows which will be used for day/foster care

Referred to the City Council due back on 11/20/2012

46

[RLH CO
12-19](#)

Appeal of Sarah Koponen Zimmermann to a Correction Notice-Foster Care Inspection at 1955 HAWTHORNE AVENUE EAST.

Sponsors: Bostrom

Grant a 4-inch variance on the openable height of the egress windows in the second floor northeast bedroom.

RE: 1955 Hawthorne Ave E (single family)

Sarah Koponen Zimmermann, Appellant, appeared.

Fire Inspector A. J. Neis:

- requested inspection for day/foster care license conducted by Inspector Jim Perucca

- inspector noted the openable dimensions for 4 bedroom egress windows in the 2nd floor NE bedroom 20.5 h x 30w (3 1/2 inches shy of the minimum height requirement and 10 inches over the minimum width requirement)

Ms. Moermond:

- will recommend granting a 4 inch variance on the openable height of the egress windows in the 2nd floor NE bedroom

Referred to the City Council due back on 11/20/2012

Correction Orders

47

[RLH CO
12-21](#)

Appeal of Matt Vegdahl to a Fire Inspection Correction Notice (Revised) at 915 MARGARET STREET.

Sponsors: Lantry

Grant the appeal on the condition that the carpet scrap is removed from the basement.

RE: 915 Margaret St (single family)

Matt Vegdahl, owner, appeared.

Fire Inspector A. J. Neis:

- appeal of the basement

- the Saint Paul Legislative Code requires that every basement area that tenants have access to have a paved floor, either concrete or durable dustless surfacing, so it can be kept clean

- the inspector noted that there was storage in this basement which has a dirt floor, evidencing that the basement was being used for more than a utility area/access

- Fire staff would not be opposed to it not being paved as long as it wasn't being used for any other purpose than utility access

Mr. Vegdahl:

- the tenant has moved all storage items out of the basement into an off-site storage unit

- the piece of carpet is covering a concrete slab; it's there to prevent dust from going upstairs

- he is fine with not allowing storage down there

- he will roll up the carpet and get rid of it

- they are fixing all of the other issues

Ms. Moermond:

- will recommend granting the appeal on the condition that the carpet scrap be removed

Referred to the City Council due back on 11/20/2012

Fire Certificates of Occupancy

- 48 [RLH FCO
12-495](#) Appeal of Chris Mueller to a Fire Certificate of Occupancy Correction Notice at 2554 COMO AVENUE.

Sponsors: Stark

LHO will ask for a 2 week layover to November 20. (Deny the appeal and grant 6 months for compliance on the restaurant hood and duct cleaning venting system under permit.)

RE: 2554 Como Ave (general retail & Svc - B- Commercial)

Chris Mueller appeared.

Ms. Moermond:

- has talked with Steve Ubl, Building Official, about this situation; he said that he's talked with Tom, and perhaps, contractors as well about the venting

Mr. Mueller:

*- he sent an email Oct 22 to try to arrange a meeting with Ron and Mike (mechanical engineer) and didn't get a response from anyone
- that installation happened 20+ years ago*

Ms. Moermond:

*- they are saying that they have talked to Tom / the contractor, and it was an illegal installation to begin with so, their perspective is that they have already had that conversation so, let's get it installed, legally; pull a permit and work with it from there
- will grant 6 months to get it installed under permit
- at City Council Public Hearing, she will ask for a 2 week layover to Nov 20, 2012
City Council Public Hearing at which time she will ask for a 6-month extension*

Referred to the City Council due back on 11/7/2012

- 49 [RLH FCO
12-593](#) Appeal of Roger and Dorothy Anderson to a Fire Inspection Correction Notice at 592 LINCOLN AVENUE.

Sponsors: Thune

Forthcoming. Building inspector will meet with owner to go over issue relating to the garage.

RE: 592 Lincoln Ave (duplex)

Roger and Dorothea Anderson, owners, appeared.

Ms. Moermond:

*- this was laid over for photos
- is not seeing much from the photo; she trusts that there's a lean to it*

Mr. Anderson:

- can verify that there's a lean

- on the far corner, it leans out at the top about 4 inches from the bottom towards the alley
- he thought that the building expert would contact him and give him some advice on how to stabilize it over the winter because Inspector Efferson had said that it could be stabilized and he wanted to get the expert's opinion
- the garage has been leaning for 3-4 years
- the neighbor is talking about replacing that garage next summer, too

Fire Inspector A. J. Neis:

- he sees nothing in the notes about Inspector Efferson talking with any inspector or building official about this
- they could get their structural engineer to take a look at the integrity of the building, if that would suffice
- concern: if gravity runs its course and the garage collapses, it may take out the neighbor's garage, too

Ms. Moermond:

- she will call the structural engineer or the building inspector right after this hearing to get someone to check on this garage
- she will call Mr. Anderson about the outcome

Laid Over to the Legislative Hearings due back on 11/13/2012

50 [RLH FCO](#)
[12-608](#)

Appeal of Jeremy Hollingsworth to a Fire Certificate of Occupancy Correction Notice at 415 FINN STREET NORTH.

Sponsors: Stark

Deny the appeal and grant until December 1, 2012 for the deficiency list to come into compliance with the exception of Items 9 and 13 which legislative hearing officer will grant until March 1, 2013 for compliance.

RE: 415 Finn St N (apartments)

Brad Hajek appeared on behalf of Jeremy Hollingsworth, owner, Twin City Real Estate Services, management company for the property. Mike Ryan recently purchased it from Bruce Johnson.

Ms. Moermond:

- Orders are written to Mike Ryan

Fire Inspector A. J. Neis:

- routine fire inspection conducted Oct 5, 2012 by Inspector Jay Bohan
- the initial complaint was that there were too many people living in one of the apartments
- Inspector Bohan noted several code violations
- the appeal is looking for additional time for items 9 and 13 to install new windows, which have been ordered; and to repair, paint and patch the walls, floors and ceilings in all of the units
- they have no objection to granting a 90 day extension (they would have granted the 90 days inter office had the inspector spoken about it with Mr. Neis)

Mr. Ryan:

- has cut all the vines at the base but they have not all been stripped off the building
- they have complied with almost everything except for 9 and 13
- the windows are ordered; they will put on the screens in the spring after they finish taking off the vines

- they have a tenant moving out Fri and another moving out next month
- after that, they will try to get in to the 2 occupied units
- they have totally remodeled unit 4
- just need additional time

Ms. Moermond:

- will recommend granting an extension to Mar 1, 2013 on items 9 and 13; and grant until Dec 1, 2013 for all the rest

Referred to the City Council due back on 11/20/2012

Other

- 51 [RLH OA
12-63](#) Appeal of Lisa Heikkila to a Code Compliance Report at 1805 MINNEHAHA AVENUE EAST.
- Sponsors:** Lantry
- Laid over from Council on October 17, 2012. Appeal granted on screens and gutters, denied on other matters.*
- Referred to the City Council due back on 11/20/2012**

2:30 p.m. Hearings

Vacant Building Registrations

- 52 [RLH VO
12-111](#) Appeal of Scott Montgomery to a Fire Certificate of Occupancy Revocation and Order to Vacate 1323 EDMUND AVENUE (Includes Vacant Building Registration Notice).
- Sponsors:** Stark
- Deny the appeal to be out of the Vacant Building Program but will waive the VB fee for four months.*
- RE: 1323 Edmund Ave (single family)*
- Scott Montgomery and buyer, Pedro Aguilar, appeared.*
- Fire Inspector A. J. Neis:*
- Revocation of Fire Certificate of Occupancy inspection initiated because of failure to be provided access into the vacant building
 - he was contacted by the property representatives, who indicated that there had been some miscommunications, etc.
 - the garage was falling down - in need of major repair
 - at the last hearing, it was stated that the home was in nearly ready to go condition except for the garage
 - based on the exterior photos, the house looks pretty nice on the outside; however, Inspector Lisa Martin went to the property and after he consulted with her and looked at the photos that she took, this is definitely a Category 2 Vacant Building
 - there are open holes in some of the walls, missing cabinets and appliances, ceiling tiles with obvious water damage, missing light fixtures with exposed wiring hanging down, front door unsecured, major damage to the ceiling where the sheetrock is completely caved-in, exposed wiring in the kitchen, open gas lines, substantial water

damage in the kitchen area - the tiles are black

Ms. Moermond:

- *looks like an abatement order should also be written on the garage/shed, too*
- *Inspector Martin Condemned it Nov 2, 2012 at the same time she did the interior inspection; so there are 3 enforcement actions in play: 1) Revocation; 2) Condemnation; and 3) Referral to the Vacant Building Program*

Mr. Neis:

- *there's no running water and something is wrong with the heating system (making a humming noise when it's fired up)*

Mr. Montgomery:

- *the heat is working fine*
- *owner lives in Chicago and hasn't seen the house in a few years*
- *he went through a 2-year battle to evict a tenant; he finally got her out mid-Aug, 2012 and asked Mr. Montgomery to get rid of the property for him, so, he went out to secure the property and he called Ms. Martin to tell her that they were taking care of it but he never received a phone call back*
- *he secured a buyer Oct 7, 2012 but the sale is contingent on the property not being on the Vacant Building list (it's a problem because they can't sell it if they don't get it off the Cat 2 VB list)*
- *the new buyers intend to pull permits to bring the property back up to code; so, he sees no reason why it needs to be on any kind of a list*
- *the owner wasn't planning on continuing to rent this property; he was planning on selling it and he talked to Ms. Martin before the tenant was even out and he told Ms. Martin to contact Mr. Montgomery but she never did*
- *he doesn't understand why someone can't sell their house instead of renting it if they don't want to; and why do they have to fix anything if they're selling it to a buyer who's pulling permits and going to fix it; and why it needs to go onto a Vacant Building list (?)*
- *the seller doesn't have any money left; he just spent \$15,000 to get a tenant out of the building*

Ms. Moermond:

- *there's nothing stopping you from selling it to someone who's going to pull permits and fix it*
- *the Vacant Building list ensures that the building is fixed to code before it's re-occupied*

Mr. Aguilar:

- *his intention is to buy the property and fix everything that needs fixing and pull permits*
- *a Cat 2 is more expensive to fix than a Cat 1*

Ms. Moermond:

- *based on the conditions in the fire inspection report, this building needs to be fixed properly*
- *as a Cat 2 registered VB, it needs to get a Code Compliance Inspection*
- *will recommend waiving the VB fee for a period of 4 months (that money will be held in abeyance)*
- *if the work gets done in 4 months, there will be no fee*
- *if the work doesn't get done in 4 months, the fee will come back again*
- *this is exactly the kind of property and situation that the VB Program is intended to address*
- *Mr. Aguilar will need to go through a Sale Review Process (Department of Safety*

and Inspections, DSI); in that case, he will need to demonstrate that he has the ability to fix it up to code

- there is a charge for a code compliance inspection report (\$472)
- at City Council Public Hearing Nov 20, 2012 at 5:30 p.m.
- will deny the appeal and recommend to waive the VB fee for 4 months
- call Jim Seeger for a Code Compliance Inspection 266-9046

Referred to the City Council due back on 11/20/2012

53

[RLH VBR
12-79](#)

Appeal of Heidi Fox to a Vacant Building Registration Requirement at 157 ATWATER STREET.

Sponsors: Carter III

Deny the appeal to be out of the vacant building category 2 status but will waive the vacant building fee for 90 days. (Owner will need to obtain a code compliance inspection.)

RE: 157 Atwater St (4 unit apartment bldg)

Heidi Fox, Appellant, and Christopher Barent, owner of a construction company, appeared.

Fire Inspector A. J. Neis:

- Jul 27, 2012 their office was contacted by Xcel Energy that Unit 2 had no electricity
- inspector noticed an extension cord running from Unit 2 to Unit 1; Unit 2 was not home; Unit 1 answered the door and it was discovered that there was also no electricity
- Condemnation placard was posted
- believes the electricity has been restored
- Aug 24, 2012 Fire inspection received a complaint in regards to this property
- Mr. Neis and Inspector Shaff went out to the property based on some major concerns
- when they drove up, there was a visible marijuana plant growing in the yard (later, the Appellant admitted that it was her boyfriend's plant)
- they contacted police to assist them; they confiscated the plant and noticed squatters in the building
- as the police pulled up, the squatters dispersed from the building
- Ms. Fox was not present for that inspection
- after that, Mr. Neis contacted owner, William Fox, Hopkins, MN to let him know what was going on and that they needed to make a full inspection
- Mr. Fox met them at the property that following Mon for inspection, which they conducted with the Police Force Unit because of all the issues; they noted several code violations throughout the entire building and major disrepair
- one of the units had been trashed and people were squatting
- he then transferred the file to Inspector Wayne Spiering to do the follow-up inspections and enough time was given to do the work
- Sep 27, 2012, he told the inspector that if the work was not done to Revoke the Fire C of O and Order the building vacated and Inspector Spiering did that at the re-inspection of Oct 11, 2012;
- photo of marijuana plant
- they pulled the C of O inspection based on the violations

Ms. Fox:

- she lives at this address but her name is not on the title; her father, William W. Fox, owns this property
- is appealing because of a meeting she had missed; she/father were not

informed/aware of any meeting; was told that because she missed the meeting, the property was now a level 2

- the reinspection was on the 11th and Mr. Spiering was there; he informed her that there were a few things that still needed to be repaired and she needed a licensed contractor to do them and pull permits; he said it would be considered a VB and he would let her know what to do; he also said he would email her a revised deficiency list and send one to her father, too; he told her that she would just have to get everything done immediately and he wasn't sure what would happen next; she never received an email and her father never received an email or letter - never heard anything back until Mike Kalas showed up who said that it was turned over to him because she hadn't showed up for the meeting

Ms. Moermond:

- not sure what Ms. Fox is referring to; she has never heard of a meeting taking place

Mr. Barent:

- after the inspection, Ms. Fox fixed some things; then, there was a reinspection and things weren't up to code so the inspector wrote up another deficiency list and now, it's a Cat 2 VB and Ms. Fox can't even pull a permit - that's why we're here today

Ms. Moermond:

- is hearing some misunderstanding

Mr. Neis:

- regarding the confusion: there wouldn't have been a letter after Oct 11; the letter that was dated Sep 27, 2012 indicating that a reinspection would be made on Oct 11, 2012 at 2 p.m. or the property would need to be vacated; and if all of the Orders were not in compliance by Oct 11, the building was to be vacated and if not every item on that list was done, it would go to Vacant Building Program; the repairs were not done so, Mr. Spiering consulted with him on what to do from that point on; Mr. Neis advised Mr. Spiering to turn it over to VB; once the building goes from Revoked occupied to Revoked vacant, there is no additional letter that goes to the owner (Ms. Fox: was under the impression that she would be informed by Mr. Spiering as to what she was to do next; he said just to get everything fixed up ASAP)

Mr. Barent:

- he is a contractor

- thinks the deficiency list of 55 items to be done in a few weeks is asking too much, especially of a person who is not a contractor; it would be too much for him; there was not enough time

- Ms. Fox is not owner-occupied; the management company running this 4-plex was basically scamming her; they were allowing people to move in without background checks, etc.; they'd live there for a month or 2, destroy things and wouldn't pay the rent; the lady running the company would evict them - she was taking the money and putting in her own pocket; she wasn't informing Ms. Fox or her father about anything about the tenants (Ms. Fox: this management company came FREE with the property for a year; she noticed things were going wrong and maintenance was not getting done, so, she moved in July, 2012; now, things are moving along fine; she needs more time to fix things up and get tenants in)

Mr. Neis:

- was not initially Condemned

- the property was lacking maintenance

- this started over a behavioral issue they received a complaint on (Ms. Fox indicated later that the marijuana plant in the yard was actually her boyfriend's); those kinds of things are going to attract less than desirable people to squat in a building that's

already lacking maintenance and repair

- the reason for Revocation was to give them enough time to bring the building into compliance; giving them the benefit of the doubt
- they were given 30 days from Aug 27, 2012 for the list; on Sep 27, it was not done and they gave them until Oct 11 but it still was not done

Ms. Moermond:

- Ms. Fox is a professional owner; she hired a bad company to manage; and she allowed them to mismanage it into the ground (the property not being in Ms. Fox' name is a problem)
- she will be holding Ms. Fox responsible for not getting the building fixed
- this building was noncompliance long enough to have the C of O Revoked and transferred to the VB Program
- she wants to see the building fixed; it will benefit from having a Code Compliance inspection after which permits can be pulled
- will recommend the VB fee be waived for 3 months during which time the inspection can take place and the items can be taken care of
- City Council Public Hearing Nov 20, 2012 at 5:30 p.m.
- after the report, all items must be fixed before the building can be re-occupied

Referred to the City Council due back on 11/20/2012

54 [RLH VBR
12-82](#)

Appeal of Daniel Erickson to a Vacant Building Registration Notice at 1558 BLAIR AVENUE.

Sponsors: Stark

Deny the appeal to be out of the Vacant Building Program but will waive the VB fee for 90 days. (No show)

Referred to the City Council due back on 11/20/2012

55 [RLH VBR
12-80](#)

Appeal of Michael R. Hulke to a Vacant Building Registration Notice at 1915 IVY AVENUE EAST.

Sponsors: Bostrom

Deny the appeal.

RE: 1915 Ivy Ave E (single family)

Michael R. Hulke appeared.

Matt Dornfeld, Vacant Buildings:

- this building was Condemned by Inspector Paula Seeley Aug 30, 2012
- inspector noted in principle violations: interior of the house constitutes material endangerment; the house is full of excess trash and debris; the floors are covered with rubbish 5 feet high; fire exit doors and windows are blocked by debris causing a fire hazard; the interior is grossly unsanitary
- Inspector Singerhouse opened a Category 2 Vacant Building
- it appears that the City Council agreed
- this house needs a Code Compliance inspection

Ms. Moermond:

- there's a lot of stuff that needs to be removed

Mr. Hulke:

- his mom has a lot of health issues and there are a lot of bills because of that; the Vacant Building Registration fee is a hardship
- mom is currently staying at his brother's
- he spends a lot of time taking her to the doctor, so, there's less time to work at the house
- he is more than half way complete; there's a lot of stuff there; some needs to go to Goodwill; other things will be sold eventually; it take a lot of time

Ms. Moermond:

- regarding the VB fee; let's wait for it to go to assessment; then, she can divide the payments over 5 years
- also, his mom could fill out paperwork with the Real Estate Office; because she is a senior citizen and disabled, she could put off payment of the tax assessment until the point of sale of the house

Mr. Hulke:

- is hoping to have the house cleaned out before Christmas

Ms. Moermond:

- after the clean-up, and the Code Compliance Inspection has taken place, there will be a list of repairs
- the Code Compliance Inspection can't happen until the house is cleaned out
- the VB fee will be processed as a tax assessment; if it doesn't get paid, it'll be fine; then, Ms. Moermond can recommend the fee be payable over a number of years and if his mom is approved for tax assessment deferrment, it won't need to be paid until the house is sold

Referred to the City Council due back on 11/20/2012

56 [RLH VBR
12-81](#)

Appeal of Geneva Mitchell to a Vacant Building Registration Notice at 1598 SEVENTH STREET EAST (aka 831 GERMAIN STREET/829 GERMAIN STREET/833 GERMAIN STREET).

Sponsors: Lantry

Deny the appeal and grant until the close of business on Monday, November 12, 2012 to vacate the property.

RE: 1598 7th St E (831 Germain St, 829 Germain St, 833 Germain St) - all same building

*Geneva Mitchell, 1598 7th St E (aka 831 Germain St), tenant, appeared.
Breonna Clarke, 833 Germain St, tenant, appeared.*

Matt Dornfeld, Vacant Buildings:

- Certificate of Occupancy Revocation by Fire Inspector James Thomas on Oct 1, 2012
- documented 8 code violations (long-term noncompliance); work to be completed Oct 15, 2012
- Inspector Dave Nelmark opened a Category 2 Vacant Building Oct 18, 2012 due to the Revocation
- Mr. Nelmark, Oct 17, noted the dwelling was occupied; debris and garbage in yard and on deck; house in poor shape; roof and shingles worn; retaining wall falling down; stairs uneven without railings; stairs, deck has rotting wood; torn and missing screens; cracked stucco; gas meter valve was on

Fire Inspector A. J. Neis:

- in addition, per contractor of owner, the heating unit is beyond repair; there's a plan in place for new installation by close of business on Sep 13, 2012, which had not yet been done
- right now, there is no safe heat on the property from what they can tell (Ms. Moermond: questioned why it was not Condemned; heat is a basic facility)
- allowed time until Oct 15 (Xcel's deadline) to have heating fixed; Inspectors use their deadline as a guide; right now, Fire would Condemn it

Appellants:

- one corner building
- landlord, Samuel Tesfaye, took everyone's money and disappeared
- tenants are looking for more time to find a new home
- they use space heaters, when necessary, or their electric ovens
- there are CO detectors in their units
- the Mitchells paid Nov rent; Ms. Clarke did not
- landlord said he was going to get everything fixed; he was waiting for a loan approval

Mr. Neis:

- should not use ovens for heat: if you have a gas stove, the carbon monoxide becomes a problem (venting) - it displaces the oxygen
- it also is dangerous if there are combustibles nearby or pets or children
- no permits have been pulled as of today
- Orders dated Oct 1, 2012: repair/replace unsafe stairways, porch, deck and railings; scrape and paint garage; provide fuel burning equipment test; repair exterior holes; maintain retaining wall; repair/replace dryer vent; provide adequate heat; immediately discontinue use of unsafe heating appliances; replace heating unit - have a plan in place
- typically, their base their decision on a vacate date on the weather report

Ms. Moermond:

- advised Appellants to talk with Southern Minnesota Regional Legal Services (SMRLS); 55 Fifth St E (Alliance Bank Bldg)
- this situation is not safe; she thinks it's safer to be in a shelter than in this home
- she is concerned about tenants turning on the oven
- asked if they had social workers who could help them look for housing services (No)
- she wants to see the furnace replaced
- looking at a 1 week vacate; she needs to look at the safety
- wants them to have a safety net so they can get into emergency housing; legal aid might be able to help with that and also go after the landlord, possibly, do an emergency action to get the furnace replace (?)
- tenants must vacate by close of business Mon, Nov 12, 2012 or the furnace needs to be fixed
- make sure the space heaters are placed so that they are not near combustibles and that ovens are not used as heating appliances
- legal aid can help

Ms. Clarke:

- her apartment is very small; her one space heater heats up the whole thing
- her son isn't there right now, so, it's just her and she has a nice warm blanket; she feels comfortable there
- first, she needs to get emergency assistance if she needs to move - wants at least, another 30 days
- has stayed in a shelter for 1 1/2 months and got no help; she is not going into a shelter with crack heads and the homeless; she is not going to deal with that again (her friend with her said that she could stay with her for a while; she would help her)

Referred to the City Council due back on 11/20/2012

57 [RLH VBR
12-84](#)

Appeal of Breonna Clarke to a Vacant Building Registration Requirement at 833 GERMAIN STREET.

Sponsors: Lantry

Deny the appeal and grant until the close of business on Monday, November 12, 2012 to vacate the property.

RE: 1598 7th St E (831 Germain St, 829 Germain St, 833 Germain St) - all same building

*Geneva Mitchell, 1598 7th St E (aka 831 Germain St), tenant, appeared.
Breonna Clarke, 833 Germain St, tenant, appeared.*

Matt Dornfeld, Vacant Buildings:

- Certificate of Occupancy Revocation by Fire Inspector James Thomas on Oct 1, 2012*
- documented 8 code violations (long-term noncompliance); work to be completed Oct 15, 2012*
- Inspector Dave Nelmark opened a Category 2 Vacant Building Oct 18, 2012 due to the Revocation*
- Mr. Nelmark, Oct 17, noted the dwelling was occupied; debris and garbage in yard and on deck; house in poor shape; roof and shingles worn; retaining wall falling down; stairs uneven without railings; stairs, deck has rotting wood; torn and missing screens; cracked stucco; gas meter valve was on*

Fire Inspector A. J. Neis:

- in addition, per contractor of owner, the heating unit is beyond repair; there's a plan in place for new installation by close of business on Sep 13, 2012, which had not yet been done*
- right now, there is no safe heat on the property from what they can tell (Ms. Moermond: questioned why it was not Condemned; heat is a basic facility)*
- allowed time until Oct 15 (Xcel's deadline) to have heating fixed; Inspectors use their deadline as a guide; right now, Fire would Condemn it*

Appellants:

- one corner building*
- landlord, Samuel Tesfaye, took everyone's money and disappeared*
- tenants are looking for more time to find a new home*
- they use space heaters, when necessary, or their electric ovens*
- there are CO detectors in their units*
- the Mitchells paid Nov rent; Ms. Clarke did not*
- landlord said he was going to get everything fixed; he was waiting for a loan approval*

Mr. Neis:

- should not use ovens for heat: if you have a gas stove, the carbon monoxide becomes a problem (venting) - it displaces the oxygen*
- it also is dangerous if there are combustibles nearby or pets or children*
- no permits have been pulled as of today*
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Ms. Moermond:

- advised Appellants to talk with Southern Minnesota Regional Legal Services (SMRLS); 55 Fifth St E (Alliance Bank Bldg)
- this situation is not safe; she thinks it's safer to be in a shelter than in this home
- she is concerned about tenants turning on the oven
- asked if they had social workers who could help them look for housing services (No)
- she wants to see the furnace replaced
- looking at a 1 week vacate; she needs to look at the safety
- wants them to have a safety net so they can get into emergency housing; legal aid might be able to help with that and also go after the landlord, possibly, do an emergency action to get the furnace replace (?)
- tenants must vacate by close of business Mon, Nov 12, 2012 or the furnace needs to be fixed
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Ms. Clarke:

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- her son isn't there right now, so, it's just her and she has a nice warm blanket; she feels comfortable there
- first, she needs to get emergency assistance if she needs to move - wants at least, another 30 days
- has stayed in a shelter for 1 1/2 months and got no help; she is not going into a shelter with crack heads and the homeless; she is not going to deal with that again (her friend with her said that she could stay with her for a while; she would help her)

Referred to the City Council due back on 11/20/2012

Staff Reports

58

[RLH VBR
12-77](#)

Appeal of Jeremy Peterson to a Vacant Building Registration Requirement at 476 BELLOWS STREET.

Sponsors: Thune

Matter was laid over for staff report. At last hearing, owner was to get all electrical issues "H" on the TISH report signed off under permit. As of this date, no permit has been pulled. Ms. Moermond recommend that the City Council deny the appeal and that property be changed back to Category 2.

Per STAMP, changed back to Cat II per an electrical estimate of \$16k by a licensed electrician from All Around Property Preservation (Jake 763 228 0324). They claim the whole eletrical system needs to be re-wired up to code.

Referred to the City Council due back on 11/20/2012