



# City of Saint Paul

15 West Kellogg Blvd.  
Saint Paul, MN 55102

## Meeting Agenda - Final Legislative Hearings

**Marcia Moermond, Legislative Hearing Officer**  
**Mai Vang, Hearing Coordinator**  
**Jean Birkholz, Hearing Secretary**  
**legislativehearings@ci.stpaul.mn.us**  
**651-266-8560**

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Tuesday, December 7, 2010

9:00 AM

Room 330 City Hall & Court House

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### 9:00 a.m. Hearings

#### Special Tax Assessments

- 1      [ALH 10-428](#)      Appeal of Special Tax Assessment for 2014 Jefferson Ave for Project #: J1101A, Assessment #: 118949 in Ward 3

**Sponsors:**      Harris

**Legislative History**

12/7/10      Legislative Hearings      Referred Under Master Resolution  
*No one appeared. Ms. Moermond recommends approving the assessment.*

- 2      [ALH 10-441](#)      Appeal of Special Tax Assessment for 1635 Rice St for Project #: J1101B, Assessment #: 118962 in Ward 5

**Sponsors:**      Helgen

**Legislative History**

12/7/10      Legislative Hearings      Referred Under Master Resolution  
*Ms. Moermond recommends laying this matter over to the February 1, 2011 Legislative Hearing. (Note: PH is 1/5/11)*

*STAFF PRESENT: Inspectors Paula Seeley, Joe Yannarely and Joel Essling, Department of Safety and Inspections (DSI); Inspector Leanna Schaff, DSI-Fire; Mai Yang and Jean Birkholz, Council Research*

*Emergency Boarding*

*Shelly Yu appeared.*

*Inspector Essling noted that this building has numerous addresses - a string of retail businesses. This particular business is Princess Garden. At 9:07 a.m. on July 18, 2010, the police responded to the report of a burglary at this address. When squads arrived, they arrested a suspect leaving the scene. The restaurant was unsecure so they called for the boarding contractor. There is nothing in the notes/police report about trying to contact the key holder. The cost of the boarding is \$308.85 plus a service charge of \$140 for a total of \$448.85.*

*Ms. Yu said that she is appealing because she is the victim in this event. The*

person who broke into the restaurant, Dale Dunkin, should be responsible for the damages and repair expenses. Ms. Moermond asked if charges on Mr. Dunkin had gone to court already. Ms. Yu responded that it had. The court sent her a letter from Project Remand (September 1, 2010) together with a form, which she needed to fill out asking him to pay for all of the damages. She filled it out and sent it in about two (2) months ago but has not heard back yet. Mr. Essling added that when he contacted records at Saint Paul Police Department, they said that this case was still open. Ms. Yu submitted a copy of the letter. Ms. Moermond asked whether this assessment had been submitted to Project Remand. Ms. Yu replied, "Not yet."

Ms. Moermond asked Ms. Yu if the police department had called her on the morning of the burglary to let her know that the restaurant had been broken into and that it needed to be boarded. Ms. Yu responded that the police did not call her. The restaurant is closed on Sundays and her husband went to check out the place at about 4:00 p.m. - 5:00 p.m.; he noticed the boarding together with a note from a police officer with a phone number. Her husband called the police officer and found out what had happened. Ms. Moermond said that the next question is are the property tax payers of the City at large responsible for paying for this damage or are the owners of Princess Garden responsible for paying this damage. Clearly, the person who caused this damage is ultimately responsible. The City will provide Ms. Yu with a copy of the invoice and a public copy of the police report to put on her claim that goes to Project Remand. She will lay this matter over for a couple of months (February 1, 2011) in order for Ms. Yu to work through that process. In the meantime, the City will not bill Ms. Yu as a tax assessment.

Mr. Essling provided Ms. Moermond with the case #154169 and the responding officers name, John Corcoran. Ms. Yu should contact Project Remand and ask them to put this assessment onto Mr. Dunkin's bill.

- 3 [ALH 10-477](#) Appeal of Special Tax Assessment for 701 Geranium Ave E for Project #: J1102A, Assessment #: 118959 in Ward 6

**Sponsors:** Bostrom

**Legislative History**

12/7/10 Legislative Hearings Rescheduled  
Ms. Moermond recommended approving the assessment.

- 4 [ALH 10-491](#) Appeal of Special Tax Assessment for 112 Lawson Ave W for Project #: CRT1101, Assessment #: 118968 in Ward 5

**Sponsors:** Helgen

**Legislative History**

12/7/10 Legislative Hearings Referred Under Master Resolution  
Ms. Moermond recommends approving the assessment payable over two (2) years.

*STAFF PRESENT: Inspectors Paula Seeley, Joe Yannarely and Joel Essling, Department of Safety and Inspections (DSI); Inspector Leanna Schaff, DSI-Fire; Mai Vang and Jean Birkholz, Council Research*

*Fire Certificate of Occupancy Inspection*

Lynn Wolters appeared.

Inspector Schaff reported this is an inspection for a single-family house at a cost of \$170 plus a service charge of \$135 for a total of \$305. Orders are dated 6/1/10 and 6/29/10. Bills are dated 6/30/10 and 7/30/10. The Orders and bills were sent to Shareen Kramer Wolters, c/o Haser Properties on Hyacinth.

Ms. Moermond asked Mr. Wolters why he is appealing. Mr. Wolters said that he is appealing because he is a reluctant landlord. He would much rather have sold the house. In the meantime, it hasn't been for 18 months. He cooperated with the inspection but was not aware that he needed to pay the fee prior to actually getting a renter. He got one (1) bill after the inspection; however, without any income from the property for 18 months, it was not priority #1. He was trying to get it fit to rent out. Then, the City tacked on the \$135. The whole process seems to be priced too steeply. He has a new renter as of December 1, 2010 but he hasn't yet paid the rent and he hasn't yet moved in. They have keys and paid the security deposit. He assumed, too, that this would be tacked onto the property taxes. Ms. Moermond stated that the \$135 is a fee for processing it as a tax assessment; it not a re-billing. Mr. Wolters added that all of the other charges indicate on the notices that you can pay it now or you can pay it plus 5% on your property taxes. But there was nothing on these notices that said "If you don't pay this by a certain date, there will be a service charge of \$135 added to the bill and tacked onto your taxes." Ms. Moermond responded that she thinks there is an explanation on the tax letter he would have received with today's hearing date. Mr. Wolters stated that when the City processes the street assessments as a tax assessment, they do not add \$135. Ms. Moermond recommended that he bring it to the City Council. This is a Special Tax Assessment, not a regular tax assessment. She agrees that it is high. According to the law, it's a legal fee that truly recovers the cost. Mr. Wolters suggested that the City state in the first bill that a \$135 service charge will be added if the bill is not paid before (date).

Ms. Moermond recommended approving the assessment payable over two (2) years.

- 5 [ALH 10-502](#) Appeal of Special Tax Assessment for 1367 Burr St for Project # CRT1101, Assessment # 118968 in Ward 5

**Sponsors:** Helgen

**Legislative History**

12/7/10 Legislative Hearings Referred Under Master Resolution  
Ms. Moermond recommends approving the assessment.

*STAFF PRESENT: Inspectors Paula Seeley, Joe Yannarely and Joel Essling, Department of Safety and Inspections (DSI); Inspector Leanna Schaff, DSI-Fire; Mai Yang and Jean Birkholz, Council Research*

*Fire Certificate of Occupancy Inspection*

Jeffrey DeLisle appeared.

Inspector Schaff stated that Orders went out on January 20, 2010 and May 27, 2010; the dates of the bills are May 28, 2010 and June 28, 2010 at a cost of \$170 plus a service charge of \$135 for a total of \$305. The Orders and billing were sent to the owner/responsible party: Del Co Limited Partnership per

Ramsey County.

Ms. Moermond asked Mr. DeLisle why he is appealing. Mr. DeLisle stated that Del Co Limited Partnership was not the owners at the time of the inspection. He had sold the property Contract for Deed. Ms. Moermond stated that on the date of the Orders, January 20, 2010, the property, arguably, was under the previous owner's name and it would have been incumbent upon that person to disclose to Mr. DeLisle that there was this existing set of Orders and bills associated with that; and that disclosure is a private matter between Mr. DeLisle and the previous owner. The other concern Ms. Moermond had is that because it wasn't a registered Contract for Deed and the notifications were sent directly to Mr. DeLisle, it isn't the City's problem. It's a problem between Mr. DeLisle and the previous owner. Mr. DeLisle explained that he bought it from an estate and sold it to Steve Wilkens on April 17, 2009.

Mr. DeLisle stated that he doesn't think this property should be in the Certificate of Occupancy Program. Mr. Wilkens still owned the property when he called the City about it. Ms. Moermond responded that the unregistered owner, Mr. Wilkens, said that the property should be in the program. Maybe he was going to turn it into a rental property. Mr. DeLisle thinks that he did it to retaliate. Ms. Moermond stated that if this wasn't a registered Contract, Mr. Wilkens is not the owner occupying the property. That would be the type of property that would end up in the C of O Program. Mr. DeLisle added that the property has been re-sold to another homeowner. He asked whether the inspectors will go to inspect in another two (2) years. Ms. Moermond responded that if it's owner-occupied, then "No." Mr. DeLisle asked why it was done to begin with. Ms. Moermond replied that an inspection had been called for and an inspection was conducted - the service was performed. At that point, either the owner said, "This is a rental property" or "I'm not the owner- I'm living here; I have an unregistered Contract; it should be in the C of O Program." Either way, it was appropriately put into the C of O Program at that time. Now, the bill needs to be paid. Ms. Moermond said that she would make sure the new Contract for Deed was registered with Ramsey County.

Ms. Moermond recommended approving the assessment.

- 6 [ALH 10-503](#) Appeal of Special Tax Assessment for 996 3rd St E for Project #:J1104a, Assessment #: 118995 in Ward # 7

**Sponsors:** Lantry

**Legislative History**

12/7/10 Legislative Hearings Referred Under Master Resolution  
Ms. Moermond recommends approving the assessment.

- 7 [ALH 10-508](#) Appeal of Special Tax Assessment for 996 Carroll Ave for Project # CRT1101 Assessment # 118968 in Ward 1

**Sponsors:** Carter III

**Legislative History**

12/7/10 Legislative Hearings Referred Under Master Resolution  
Ms. Moermond recommends approving the assessment.

STAFF PRESENT: Inspectors Paula Seeley, Joe Yannarelly and Joel Essling, Department of License and Inspections (DSI); Inspector Leanna Schaff, DSI -

*Fire; Mai Vang and Jean Birkholz, Council Research*

*Fire Certificate of Occupancy Inspection*

*Michelle Bell appeared.*

*Inspector Schaff reported that this is for a Fire Certificate of Occupancy inspection with multiple re-inspections. There is a \$60 no entry fee that needs to be removed from the initial cost of \$380. The amended charge is \$320 plus a service charge of \$135 for a total of \$455. The dates of Orders are: 11/10/09, 12/11/09, 1/13/10, 4/2/10, 5/4/10 and 6/3/10. The bills are dated 6/4/10 and 7/5/10 and were sent to Jerry Bell on Central Ave in Saint Paul.*

*Ms. Bell noted that Jerry Bell is deceased and the property is in the process of being sold.*

*Ms. Moermond asked why Ms. Bell is appealing the assessment. Ms. Bell responded that she is not appealing the amount. She is appealing because Mitch continues to come out to re-inspect the property and each time he comes, he finds other stuff that needs to be done. A couple of weeks ago, he came out for a re-inspection and found two (2) plate covers off light switches, a globe missing from a fixture, a door knob missing on the basement door. These were all considered deficiencies, which to her are small, minor things that are being repaired. She also got a notice that there were no numbers on the back of the house and they needed to be on by the 16th. When she got off work on the 16th, she went to put the numbers on the back of the house. The next day, Saturday, she had a notice in the mail stating that the numbers weren't up and the assessment fee was \$65. A new furnace and water heater were installed and she had to have someone come out to make sure they were properly installed; that was \$140. They had been in for about two (2) years. Ms. Moermond stated that these are costs that just about everyone faces and most of the ones on her list are easy fixes. She explained that because the building is listed as "Class C," there is a fast turn around of inspections. After the next inspection, the rating should change significantly to a "Class B," which means it would not be inspected again for three (3) years unless there was a complaint. A "Class A" requires an inspection every five (5) years.*

*Ms. Moermond recommends approving the assessment.*

- 8      [ALH 10-509](#)      Appeal of Special Tax Assessment for 1123 Galtier St for Project # CRT1101, Assessment # 118968 in Ward 5

**Sponsors:**      Helgen

**Legislative History**

12/7/10      Legislative Hearings      Referred Under Master Resolution  
*Ms. Moermond recommends approving the assessment.*

*STAFF PRESENT: Inspectors Paula Seeley, Joe Yannarely and Joel Essling, Department of Safety and Inspections (DSI); and Inspector Leanna Schaff, DSI - Fire; Mai Vang and Jean Birkholz, Council Research*

*Fire Certificate of Occupancy*

*Gerald Thurstin appeared.*

Inspector Schaff reported that this is for a Fire Certificate of Occupancy Inspection with multiple re-inspections for a cost of \$512 plus \$135 service charge for a total of \$647. Orders were sent: 6/26/09, 7/14/09, 8/10/09, 8/24/09, 9/8/09, 9/24/09, 3/19/10 and 6/17/10. The bills were sent: 6/18/10 and 7/19/10 - sent to the property manager, Jeff Nissen in Vadnais Heights at the time of the certification. There was no returned mail. Ms. Moermond asked what kind of charges make up the \$647. Ms. Schaff explained that the initial fee is \$128 and there are 6 re-inspection fees at \$64 each (priced under the former pricing schedule).

Mr. Thurstin explained that he bought the property on July 30, 2010 and did not receive any invoice from the City about the bill. He said that he is not complaining about the bill, just about the fact that he needed to come down to a hearing about it. Ms. Moermond stated that he should have been notified about these things at the closing. She asked from whom he bought the property. Mr. Thurstin replied, "Black Sands Inc., Jeff Nelson was the owner." Ms. Moermond responded that unfortunately, when Mr. Thurstin bought the property, he also bought its debts, too. Mr. Thurstin is aware of that; he just wants to get it cleared-up.

Ms. Moermond will recommend approving the assessment. She suggested that Mr. Thurstin go to the City's website and look up assessments on the City's web page; it will give all of the City assessments. He could also call Ramsey County Property Records and Revenue to find county and school board assessments. Those two (2) resources will let him know about all undisclosed assessments. Ms. Moermond suggested that he send a list of these assessments to Black Sands and any broker/real estate agent who represented Black Sands and Mr. Thurstin in this transaction. Title insurance might cover this situation. Ms. Schaff suggested he contact Inspector Martin with updated contact information.

**ALH 10-518**

Appeal of Special Tax Assessment for 382 Curtice St E. for Project #: J1104A, Assessment #: 118995 in Ward 2

**Sponsors:** Thune

**Legislative History**

12/7/10 Legislative Hearings Referred Under Master Resolution  
Ms. Moermond recommends the Clean-Up fee be divided in half to \$238 and the Vacant Building fee deleted.

STAFF PRESENT: Inspectors Paula Seeley, Joe Yannarely and Joel Essling, Department of Safety and Inspections (DSI); and Leanna Schaff, DSI - Fire; Mai Vang and Jean Birkholz, Council Research

Abel Grassi Queti appeared.

Clean-Up and Vacant Building (for less than 3 months) fees

Inspector Yannarely reported that the clean-up was for removing all tires, household items, scrap wood/metal, broken recycling bins and general debris. The Summary Abatement Order was issued on August 30, 2010 with a compliance date of September 3, 2010, it was re-checked on September 7, 2010 and found in non-compliance. A Work Order was sent to Parks and the work was performed on September 15, 2010 at a cost of \$344 plus a service charge of \$140 for a total of \$476. There was no returned mail. The property was a Vacant Building from August 30, 2010 (Category 1) and was closed on

November 18, 2010. There is no history of Orders on the property.

Ms. Moermond asked the appellant, Mr. Queti, why he is appealing the assessment. Mr. Queti responded that he wants to know what was cleaned-up and why the building was assessed as a Vacant Building. Ms. Moermond asked to view the video of the external clean-up.

Mr. Queti stated that he never got a notice; also, there was very little they picked-up plus they took his recycling bin and a piece of wood that he could have used. The house was not vacant; it just didn't have renters at that time. Ms. Moermond noted that the City sent a letter to the right address and they did not get any mail returned. Mr. Queti explained that the only thing he has received from the City was the gold card for the appeal of the vacant building. Inspector Yannarely asked him if he received any revocation letters from the Certificate of Occupancy Program. Mr. Queti replied, "No." He knew that is was a vacant building when he went back to the property and saw the stickers; he went back another day and saw another set of stickers. Mr. Queti also talked with the Fire Inspector Sean, who said he didn't know why the stickers were on the property. The house wasn't vacant, just empty because there were no renters at that time. The bills have been paid every month; there was running water and heat. Sean went back and made an inspection and found a couple of minor things wrong which he fixed right away. Inspector Yannarely stated that the Certificate of Occupancy Program people referred the building to the Vacant Building Program that's why it was on the list for a short period of time. Sean is the person who sent the Revocation Letters (3).

Ms. Moermond continued to say that the materials picked-up had not been stored properly. Even though it wasn't a particularly big problem, it was illegal storage. All of that needs to be inside a building.

Ms. Moermond recommended that the Vacant Building fee be deleted and the clean-up cost be divided in half.

**ALH 10-537**

Appeal of Special Tax Assessment for 796 CONCORDIA AVENUE for Project #: J1103G, Assessment #: 118999 in Ward 1.

**Legislative History**

12/7/10                      Legislative Hearings                      Referred Under Master Resolution  
*Ms. Moermond recommends approving the first three (3) assessments listed: 1) \$225; 2) \$425; 3) \$525 for a total of \$1,175. She will recommend deleting the third: \$540 assessment plus the \$458 for removing mattresses on 10/18/10.*

*STAFF PRESENT: Inspectors Paula Seeley, Joe Yannarely and Joel Essling, Department of Safety and Inspections (DSI); Inspector Leanna Schaff, DSI-Fire; Mai Yang and Jean Birkholz, Council Research*

*Josh Harrington, First Commercial Bank, appeared.*

*Inspector Essling reported that this is a single-family dwelling and there are five (5) assessments: 1) four (4) for garbage hauling; and 2) one (1) for a clean-up. A Garbage hauler Summary Abatement was issued 7/26/10 with a compliance date of 7/30/10 and mailed to Whatzit Enterprises, 40th St, N. St. Paul and also to a P.O. Box in Circle Pines. The Work Order to start the garbage service for two (2) containers was issued on 8/2/10 and it went on for fourteen (14) weeks: \$100 to drop the container; \$100 a week to empty the containers; and \$100 to remove the container plus \$140 service charge for a total of \$1,855. The*

Summary Abatement was mailed 10/6/10. The Work Order was done on 10/18/10 and reads: "Remove mattresses and refuse in rear yard and east of shed" at a cost of \$260 plus a \$28 yardage fee plus a \$30 mattress fee and \$140 service charge for a total of \$458.

Ms. Moermond asked if this was a foreclosure situation. Mr. Harrington said that it was. He added that they hadn't gotten the bills. They took possession on September 26, 2010. He is not disputing the bills; he just weren't aware of them.

Ms. Moermond stated that on October 6, 2010, the Orders were issued to the previous owner during First Commercial Bank's period of ownership; so, the Bank wasn't given legal notification and she will recommend that the \$458 tax assessment be deleted. The bad news is that during the previous owners' period of ownership the Bank didn't receive notification that there wasn't garbage service and that there should have been. It was the previous owner's responsibility to notify the next owner of an existing set of Orders on the property. All of those weeks of garbage service will, however, be the Bank's responsibility. She will take off the charges for October, 2010. It will be \$100 to drop off the two (2) containers; \$100/week to empty them; and \$100 to pick them up at the end of the service. Inspector Essling listed the cost of the Orders: 1) \$225; 2) \$425; 3) \$525; and 4) \$540 for a total of \$1715.

Ms. Moermond recommends approving the first three (3) assessments listed: 1) \$225; 2) \$425; and 3) \$525 for a total of \$1,175. She will recommend deleting the third: \$540 assessment plus the \$458 for removing mattresses on 10/18/10.

Mr. Harrington asked if the Bank could get a current billing. Ms. Moermond replied that the Bank could pay the first three assessments for a total of \$1,175; the others will be deleted, although, they will process forward until they go through City Council in January. Mr. Harrington asked how all this could be avoided in the future. Ms. Moermond responded that he call (266-8989) the Department of Safety and Inspections and ask whether there are any Orders on the property.

**ALH 10-536**

Appeal of Special Tax Assessment for 824 MAGNOLIA AVENUE EAST for Project #: J1106A, Assessment #: 118998 in Ward 6.

**Sponsors:** Bostrom

**Legislative History**

12/7/10 Legislative Hearings Referred Under Master Resolution  
Ms. Moermond recommended approving the assessment payable over five (5) years.

STAFF PRESENT: Inspectors Paula Seeley, Joe Yannarely and Joel Essling, Department of Safety and Inspections (DSI); Inspector Leanna Schaff, DSI-Fire; Mai Vang and Jean Birkholz, Council Research

Summary Abatement - Clean-up

Thai Vaj appeared.

Inspector Essling reported that there is no video because no Gold Card had been sent in. The Notice was mailed September 19, 2010 to P. Chang Vaj and Chong Thao, 824 Magnolia Ave E. Household items and discarded mattress in



back yard was indicated. The compliance date was 9/22/10. The Work Order reads, "Remove discarded mattresses from back yard," and was done on 9/24/10 at a cost of \$260 plus a \$20 mattress fee and a service charge of \$140 for a total of \$420.

Ms. Moermond asked why Mr. Vaj was appealing this tax assessment. Mr. Vaj responded that he lost his job so he hasn't any money to pay it.

Ms. Moermond recommended approving the assessment divided over five (5) years at 5%.

## 11:00 a.m. Hearings

### Summary Abatement Orders

None

### Orders to Vacate, Condemnations and Revocations

- 9 [ALH 10-479](#) Appeal of Hoang Dao to a Notice of Condemnation Unfit for Human Habitation Order to Vacate at 360 and 362 FULLER AVENUE.

**Sponsors:** Carter III

**Legislative History**

12/7/10

Legislative Hearings

Referred

Ms. Moermond recommends that: 1) the Sale Review be waived; 2) the Vacant Building fee be held for 90 days; 3) the balance of the incomplete items on the November 18, 2010 Fire inspection orders must be completed and signed off by an inspector prior to re-occupation of the building; 4) the new owners attend Crime Free Multi-Housing Training as soon as possible; 5) the new owners screen tenants for one (1) year by an outside reputable agency; 6) new leases address tenant behaviors as a cause for an eviction proceeding; 7) the entire building be re-keyed and new handles and locks be installed throughout; and 8) the items identified by the new owner's private contractor be addressed as soon as possible.

STAFF PRESENT: Inspectors Mike Urmann and Lisa Martin, Department of Safety and Inspections (DSI) - Fire; Matt Dornfeld, DSI - Vacant Buildings; Mai Vang and Jean Birkholz, Council Research

Condemnation/Order to Vacate/ Revocation of Certificate of Occupancy

Hoang Dao, appellant; Wi Yang, tenant; Andy Forbe, Edina Real Estate agent; Robert Beedle, manager/broker, Edina Realty; Jeff Peterson and Atila Gabrielli, new owners; appeared.

Ms. Moermond explained that her decision today will be the decision everyone lives with until the City Council looks at the case on December 15, 2010. From this point forward, Ms. Moermond instructed Mr. Dao to mind his communications and eliminate them with the City Council and Mayor's Office. They will be sitting in quasi judicial capacity and it would be inappropriate to talk with them about this case now.

Inspector Urmann reported that this property has had on-going problems for a

very long time. There are extensive photos in the file: 1) at the initial inspection; 2) at the re-inspection. Field Inspector Martin will provide the report.

Ms. Moermond reviewed the November 18, 2010 set of Orders along with the November 8, 2010 set of Orders. Ms. Moermond asked the inspectors to walk through the history of this address. Inspector Martin reported that since April 17, 2006, they have had nineteen (19) referrals (complaints) to this property. There are on-going issues with: 1) over-occupancy; 2) lack of fire extinguishers and fire alarm system being serviced; 3) gasoline stored in the building; 4) propane tanks stored in the building; 5) exterior garbage; 6) over-flowing dumpsters; etc. The biggest concern is the continual over-occupancy of the property. They have found five (5) to twelve (12) people in one (1) bedroom. Within the last twelve (12) months alone, they have had five (5) clients with Southern Minnesota Regional Legal Services (SMRLS). She spoke with Jerry Clusney this morning and he said the most recent case started in November 2010; he just got an update Monday where that client, through Mr. Clusney and the owner, had agreed to give the people their deposit back; they vacated the unit before November 24, 2010. On November 9, 2010, the building was Condemned based on the same situation again. On November 19, 2010, after Mr. Dao had called and said that he vacated those over-occupied units, the building was re-inspected and after the inspectors left, Mr. Dao re-over-occupied those same units. Mr. Dao claims that he left the doors unlocked for someone to come in and do some work and people just moved in. On November 24, 2010, Mr. Dao said that everything had been taken care of. Inspector Martin went back out and found that the entire building had been vacated. At that point, he had installed smoke detectors, carbon monoxide detectors and the building, obviously, was no longer over-occupied. Therefore, the Condemnation was lifted on November 24, 2010 with the Revocation and the referral to the Vacant Building status Category 2 for a Code Compliance. As of this morning while preparing for the case, Ms. Martin found out that the ownership of this building is actually in question. She spoke with Inspector Dornfeld, Vacant Buildings, who told her that this building needs to have a Code Compliance Inspection; however, staff suggests that the \$1,100 Registered Vacant Building fee be withheld for ninety (90) days until the deficiency list has been taken care of so that the property can be re-occupied ASAP. Inspector Dornfeld stated that as long as the inspection is done, the permits are pulled and the property is maintained, he has no problem holding the Vacant Building fee. Inspector Urmann clarified that it would be a team inspection with Fire and all trades.

Inspector Dornfeld noted that a Vacant Building file was opened November 30, 2010. There was some discussion as to whether it would be a Category 1 or a Category 2 Vacant Building. He spoke with Mr. Dao on the phone and explained that the Category would be decided by staff and he would call him the morning of December 1, 2010, to let him know which Category. That morning, Inspector Dornfeld called Mr. Dao and left a voice message stating that it was going to be a Category 2 Vacant Building. When they spoke together on the phone, Mr. Dao had mentioned that there would possibly be a closing scheduled, and Inspector Dornfeld's response was that Mr. Dao would need to divulge the vacant building situation with the prospective buyer(s). Inspector Dornfeld stated Mr. Dao was aware that the property was a Category 2 Vacant Building and he was aware that he needed to disclose that information to the prospective buyer(s).

Ms. Moermond reiterated that the building was Condemned, Ordered Vacated,

referred to the Vacant Building Program and is designated a Category 2 Vacant Building. She asked Inspector Martin what the principle violations were that led to the Condemnation itself. Inspector Martin responded that the life safety issues were the over-occupancy, the lack of smoke and carbon monoxide detectors, and the storage of gasoline and propane, which abated themselves once the building was vacated. Ms. Martin added that regarding #7, the owner had stated that no one had access to the basement except the caretaker; however, when she had gone down there, she found furniture, a couch, mattresses, tires, and someone had been cutting hair down there. Mr. Dao had contacted her and told her that the basement had been cleared out. Ms. Martin went back the following day and found that everything had been hidden underneath the steps and sheet-rocked around it. All were stored within the water heater / furnace area. All of that is gone, now. Abated items include: #3, #4, #5, #6, #7, #13, #14, #15, #18, #23, #24, and #28.

Ms. Moermond asked Mr. Dao why he is appealing. Mr. Dao stated that he invested over \$100,000 in this property in 2008. The building's history is always the same. A tenant complains; Ms. Martin comes to inspect; the tenants know the system. Mr. Dao stated that the building was built in 1890, so obviously, he understands that there is some work to be done in the building. He stated that he's a guy who takes responsibility; he's there to properly maintain the building; to make it a comfortable environment for his tenants. In 2008, he put in new electrical, new plumbing, did cosmetic work, built new porch in the front; it took about five (5) months to do all the work. The issue of over-occupancy has been only recent. Two (2) to three (3) weeks ago, some of the tenants had visitors from all over the U.S. Inspector Martin's advice was to have everyone move out. Mr. Dao does not think that it was necessary to condemn the building because of over-occupancy. There were some issues that were life-safety issues, such as furniture blocking exits but he thought they could just have been moved. Mr. Dao said that the doors had been unlocked to allow a friend of his to come in and pick up items to discard. Two (2) weeks ago, Mr. Dao had left the keys for his friend and the keys were stolen; this time around, he left the door open and that's when people came in. Then, Inspector Martin came with a police officer and demanded that everyone vacate the building even people who have been there for years and were following the rules. All were vacated into the cold right before Christmas. Every time that Inspector Martin comes in, it's the same type of list that needs to be done. He stated that he told Inspector Martin that he had accomplished everything on the list and she still revoked his Certificate of Occupancy. He was hoping to move his tenants back into the building. Ms. Moermond asked Mr. Dao if he was putting his tenants up somewhere. Mr. Dao said that he had to give them some place to live but they are not very comfortable; they want their home back. His argument is that he did complete the list, so, why did Inspector Martin revoke the Certificate of Occupancy. He feels that Inspector Martin may have a personal vendetta against him.

Ms. Moermond asked Mr. Dao what his ownership position is right now. Mr. Dao responded that he is no longer the owner. He sold and closed it on November 30, 2010. Mr. Dao said that he asked Inspector Dornfeld twice if it was O.K. for him to sell the building. Inspector Dornfeld said that he could. At this time, Inspector Dornfeld interjected, "If it's a Category 1."

Ms. Moermond stated that she is very confident of the kind of phrases and phrasing that the inspectors use while talking with people. They have learned to qualify their language very well. She feels that Inspector Dornfeld did phrase things correctly. She asked Mr. Dao if he disclosed in the sales process that this

building was Condemned and being referred to the Vacant Building Program. Mr. Dao replied that it was not Condemned at the time of the sale because the Condemnation was lifted. Inspector Martin interjected that the Condemnation was lifted based on the fact that the smoke and carbon monoxide detectors and the over-occupancy issue was resolved; however, she had told him that the status was revoked and was referred to Vacant Building and he would need to contact Jim Seeger for a Code Compliance Inspection. Mr. Dao then said that he wasn't sure if he was going to sell the property or keep it. She had told him that she was going to tag him for over-occupancy, and when it goes to court, that she would suggest that if he maintains the ownership that an administrator be put in place based upon the fact that there has been continued over-occupancy, continued propane, continued gasoline stored in the building. Ms. Moermond asked if she had a Criminal Citation in place on this building. Inspector Martin replied, "No." She was told that because it's a Vacant Building to let it go through Code Compliance. Ms. Moermond asked if there was a pending Tenant Remedy Action right now on this - has Mr. Dao been to court with his tenants on any of this. Mr. Dao said, "No." Inspector Martin added that according to Jerry Clusney this morning, Mr. Dao has made amends with the tenants who have made complaints - he has satisfied them and the case is now closed. (There's been at least five (5) cases within the last twelve (12) months. Ms. Moermond asked Mr. Dao if he had disclosed to the purchaser that this building was being referred to the Vacant Building Program. Mr. Dao responded, "No, because at the time of closing, November 30, 2010, I did not know that." Ms. Moermond replied that Inspector Martin just said that she told you. Mr. Dao insisted that he had not known. Inspector Urmann stated that he spoke with Mr. Dao on the phone prior to November 30th, and also told him that it was a Category 2 Vacant Building and referred to the Vacant Building Program. Mr. Dao argued that he has a record that a permit was pulled on line, and it was not registered under a Category 2 until December 1, 2010. Inspector Martin interjected that on November 23, 2010, she had been in a car accident and Mr. Dao happened to call her right in the midst of that and she told him that she couldn't talk with him right then. Mr. Dao called her back twice after that wanting to talk. She told him that it was a Revoked Vacant status and he'd have to contact Vacant Buildings. After she stopped taking his calls, he started to text her and she saved all of those messages and texts (on City phone). He knew without a doubt that it was a Vacant Building.

Inspector Urmann stated that as the previous conversation was going on, he went through the file and there were Orders out that would require a permit and there has been no permit pulled on the building since 2008. He is unsure how the Code Compliance could be completed for the plumbing issues which required a permit. He may have had a licensed contractor but it doesn't look as though permits were pulled.

Inspector Martin added that in May 2010, Mr. Dao's partner, Kelvin Tran, claimed to be the licensed general contractor and he was doing repairs on the building. A man who identified himself as Giana Garcia admitted that he doesn't have a current license. She had called the State of Minnesota and those licenses were not renewed.

Ms. Wi Yang, tenant, testified that the vacancy is really hard on her. They had only 3-4 days to move everything out. Her baby has a breathing problem, so she had to take him to her mother's house in Minneapolis. They had to move things back and forth between Minneapolis and Saint Paul. Their stuff is located in three (3) different places. It's very stressful. She stated that when they had any problems in the building, all they had to do was call Mr. Dao and

he would have someone come over the next day to come and fix it. Everything in her apartment was fine; she doesn't understand why it needed to be vacated. Mr. Dao let her know that she needed to move on either November 19 or 20, 2010. Ms. Moermond responded that according to the letter in front of her, Mr. Dao knew on November 9, 2010 that the building was condemned and needed to be vacated on or before November 24, 2010 unless everything was fixed. She referred to a letter as to what happened on the 18th (although this letter says Mr. Dao's building was inspected on November 24th but the date of it is actually November 18, 2010). Inspector Martin clarified that the Vacate date was for November 24, 2010. November 18th was one of the inspections, sort of an interim inspection because Mr. Dao had called and stated that the over-occupied units had been vacated, he had done everything and he wanted her to see. That's when she found that he hadn't removed any of the mattresses and couches; he hid them all underneath the basement steps and put sheet rock around it. Ms. Moermond asked if Mr. Dao was paying for a place for Ms. Yang to live. Ms. Yang answered that, "As of right now, no, not no more. Now, she stays from place to place - they have no place to call their own." Her mom's house is too crowded and her boyfriend's parents house is also too crowded. They have no other family to go to. Ms. Moermond stated that she needs to know what her rights are in this type of circumstance. She referred Ms. Yang to Southern Minnesota Regional Legal Services (SMRLS); phone number - 222-5863. They may inform Ms. Yang that the owner has responsibilities towards his tenants, like making sure they have housing. Ms. Martin added that on November 19, 2010, the units that Mr. Dao had vacated were now re-occupied and over-occupied. Then, she took Officer Dean Keenan as a witness to this property. The photos show that even on the 19th, there are still gasoline cans, propane tanks, etc. all of these things after Mr. Dao had said that the building was in "tip-top" shape - everything was right.

Mr. Robert Beedle, manager/broker, Edina Realty and Andy Forbes, real estate agent in the transaction, addressed the hearing speaking on behalf of the current owners (Scandinavian LLC: two (2) of the parties, Jeff Peterson and Attila Gabrielli are present) as of November 30, 2010. Nothing of the sort described above had ever been disclosed throughout the whole transaction process. The property was also being represented as "fully occupied" - "under lease." Mr. Forbes and the buyers actually visited each apartment unit to confirm the terms of the leases prior to closing (November 30, 2010). They got signatures from the tenants to that effect. The leases were agreed upon by every tenant and signed-off on, dated November 18, 2010. Ms. Moermond asked when the pre-closing inspection took place. Mr. Forbes responded that after Thanksgiving, he had not received any calls back from Mr. Dao. On Monday, the day before closing, Mr. Dao notified Mr. Forbes that he was in South Dakota and would be coming back from there the day of the closing, so, they had no access to the building for any final walk through, etc. The buyers had been to the building several times up until the week before Thanksgiving and saw nothing unusual. The night of November 18, 2010, they sat down with each tenant after Inspector Martin had been there and still no disclosure from any tenant or from Mr. Dao. Ms. Moermond replied that it seemed as though the tenants weren't aware of anything. Mr. Beedle stated that other parties involved had not been informed about Mr. Dao's issues with the City; and Mr. Dao failed to disclose any of that to the buyer. Mr. Forbes added that they received three (3) leases that needed to be renewed. It was worked out between the buyer and Mr. Dao: Mr. Dao would renew the current leases for a one (1) year term. Mr. Dao renewed those leases on November 22, 2010 - signed by the tenants and Mr. Dao. Mr. Beedle said that the buyers went back to the property after closing and found a vacant building; they were quite astonished and

*bewildered.*

*Inspector Martin added that Mr. Dao did not appeal the Condemnation and he voluntarily vacated his building. It was vacated before the date stated.*

*Mr. Beedle said what is important is that the closing took place on November 30, 2010 and certainly Mr. Dao knew that the building was vacated. He just said that he was required to vacate it, and yet, he offered no information at the closing table that this was the case. He went ahead with the closing with what Edina Realty consider to be a fraudulent sale.*

*Ms. Moermond asked Inspectors Martin and Urmann to put together an electronic / paper record of the text messages and any other correspondence dealing with this case.*

*Inspector Martin explained that the Code Compliance Inspection fee will need to be paid but as long as that process takes place within the next 90 days, the Vacant Building Program has agreed to withhold charging their \$1,100 fee. The goal is to get that building re-occupied. Mr. Dornfeld added that all Category 2 buildings need to go through a Sale Review Approval by the City of Saint Paul, which, obviously, didn't happen (we have an illegal sale). Secondly, he wonders whether the new owners understand the guidelines of a Team Inspection, in this case (the whole building would be inspected by four (4) different categories of inspectors: 1) heating; 2) building; 3) plumbing; 4) electrical. Everything single thing will be written up. Permits will need to be pulled and everything on the new inspection report will need to be done before it can be re-occupied. The sale, itself, needs to be approved by Mr. Soley (DSI), even though it's already happened and the Team Inspection would need to be ordered and paid for. After all that's done, Mr. Dornfeld could hold the Vacant Building fee for 90 days.*

*Mr. Beedle asked how the new owners move forward. Inspector Urmann suggested they contact Pat Fish, who schedules all Team Inspections.*

*Ms. Moermond stated that she assumes that the new owners also wish to appeal the Condemnation/Order to Vacate as well. Even if Mr. Dao's concerns are resolved, it doesn't mean that the new owners' are resolved since they are actually the owner of record. Ms. Moermond asked Ms. Yang if she were also appealing. Ms. Yang said, "Yes."*

*Mr. Peterson and Mr. Gabrielli addressed the hearing. Mr. Peterson said he was looking for clarification. Since one can not sell a Category 2 Vacant Building, will this sale be rescinded, he asked. Ms. Moermond responded that the City cannot rescind the sale. The City can prevent occupation of the property for a sale that doesn't conform with code requirements. He asked in what forum do they discuss the action against Mr. Dao. Ms. Moermond noted that they have a real estate broker, who is probably quite versed in the court proceedings they may want to pursue in that regard. In this forum, they will be dealing with the ability to occupy the property and to get it re-occupied as quickly as possible so that they can generate rents. The rest should be left to district court to manage, in which their broker can assist. Perhaps, Edina Realty has in-house legal counsel. Mr. Beedle responded that they do have legal counsel and they will start there.*

*Ms. Moermond paused the meeting to review and contemplate the case.*

*Ms. Moermond recommends that: 1) the Sale Review be waived; 2) the Vacant Building fee be held for 90 days; 3) the balance of the incomplete items on the November 18, 2010 Fire inspection orders must be completed and signed off by an inspector prior to re-occupation of the building; 4) the new owners attend Crime Free Multi-Housing Training as soon as possible; 5) the new owners screen tenants for one (1) year by an outside reputable agency; 6) new leases address tenant behaviors as a cause for an eviction proceeding; 7) the entire building be re-keyed and new handles and locks be installed throughout; and 8) the items identified by the new owner's private contractor be addressed as soon as possible.*

*Mr. Peterson stated that they already use a reputable tenant screening that they use at other properties and their leases are set-up.*

*Ms. Moermond asked Inspector Martin if she had an available appointment time within a 7-10 day turn around period. Inspector Martin responded that she will make one available.*

*Ms. Moermond said that existing tenants could file a Tenant Remedy Action and would in all likelihood be successful in getting Mr. Dao to provide housing for them during this transition period. She added that the new owners will not have a Team Inspection or Vacant Building fee but they do have a big To-Do list for the next 7-10 days.*

**24**      [ALH 10-451](#)      Appeal of Wally Nelson, Renovation Inc. to a Condemnation, Order to Vacate and Vacant Building Registration Notice at 513 VAN BUREN AVENUE.

**Sponsors:**      Carter III

**Legislative History**

12/7/10      Legislative Hearings      Referred to the City Council  
*Ms. Moermond recommends that this property be lifted from the Vacant Building Program for sixty (60) days; and that all of the items on the Deficiency List be addressed before the building can be re-occupied.*

*STAFF PRESENT: Mike Urmann and Lisa Martin, Department of Safety and Inspections (DSI) - Fire; Matt Dornfeld, DSI - Vacant Buildings*

*Wally Nelson, Renovation Inc. appeared.*

*Condemnation Order to Vacate - Category 2 Vacant Building*

*Inspector Martin reported that fire inspectors had been called out to this property on a "no heat" complaint. They found the building over-occupied with no smoke detectors, no carbon monoxide detectors and no heat. Police officers weny with because there had been an issue with the previous owner being robbed when he went to get the rent money. They ended up condemning the building with a vacate date of November 5, 2010 unless the heat system was repaired. Red Branch was the owner. Since then, she had received a call from Mr. Nelson, who asked that the Vacant Building status be taken off. Ms. Martin was not sure if Mr. Nelson was the owner or if he was representing the owner. If he is the owner, there is no Truth in Housing on the property. He told her that the renovations has been done and everything has been taken care of; however, she didn't find any permits pulled on the record. As far as she knows, it met the Category 2 Vacant Building status at the time it was condemned; at this time,*

she has not re-inspected the building and it still meets the Category 2 Vacant Building status. According to the file, the Category 2 Vacant Building file on this property was opened on November 17, 2010.

Ms. Moermond asked Mr. Nelson when he bought the property. Mr. Nelson submitted all of his documentation and walked through it with Ms. Moermond. Those documents included a Voluntary Foreclosure that Red Branch Financial/Mike Duty has given to Alliance Bank, who is now the owner as of November 19, 2010. Alliance Bank has hired Renovation Inc. to be the property manager and Renovation Inc. will be buying the property in January 2011. (They are buying a group of properties from Alliance Bank in January.) The management agreement (November 19, 2010) has been put in place between Alliance Bank and Renovation Inc. Mr. Nelson stated that he knew there were problems with this property but he could not call Inspector Martin until the previous owner was no longer in the picture. There is also a signed document from Alliance Bank giving Renovation Inc., approval to do the work necessary to bring the property into compliance with the City of Saint Paul. He is appealing because he doesn't think the building is bad enough to be categorized a "2." On November 19, 2010, when Renovation Inc took possession, he went to the property. There was no vacant building sign but he had no keys, so he decided not to break-in. When he finally got in, he got the heat working by November 22, 2010 (there's a bill within the documents). He will replace the boiler. The resident has moved out. He stated that in 2007, there were electrical, plumbing and building permits pulled and there was extensive work done. The building was condemned because of "lack of heat" - he fixed it in one day for \$250. The Work Order is pretty much done except for where they need to pull permits. He wanted to have this hearing before he pulled permits because if he ends up going through a Team Inspection, the permits will be totally different. He has the heat working, his people are painting, it's been cleaned out and they're fixing the things that need to be fixed. He is requesting that the property be taken off the Vacant Building Program or that it go back to a Category 1 ; and that the Vacant Building fee be waived because the work is very close to being done except for the boiler, and he will pull the permits for the boiler. Ms. Moermond asked Mr. Nelson when he plans to have the building re-occupied. Mr. Nelson responded, "As soon as we can get the boiler work done." A contractor was out yesterday to put in a bid.

Ms. Moermond asked Inspector Martin if she was able to do a full C of O inspection on November 15, 2010. Ms. Martin replied that the property was vacant on November 15, 2010. It was the follow-up inspection that was referenced in the November 3rd's Orders. She has not been back to the property since the initial inspection when she walked through the entire building. Mr. Nelson added that the Correction Notice was in the paperwork he handed her earlier. Ms. Martin stated that to this date, she has not received any information from Red Branch or anyone else as far as the heating system being repaired or any other repairs that have been made. Ms. Moermond asked Mr. Nelson if he provided a copy of the documents to the inspection staff. Mr. Nelson responded that he had not. Ms. Moermond will have the documents scanned and attached to the Legistar file.

Ms. Moermond recommends that this property be lifted from the Vacant Building Program for sixty (60) days; and that all of the items on the Deficiency List be addressed before the building can be re-occupied.

**1:30 p.m. Hearings**



## Laid Over Items - 1:30 p.m.

- 10      [ALH 10-330](#)      Appeal of Jacquelyn Hanson to a Fire Certificate of Occupancy Correction Order at 2245 Fourth Street East.
- Sponsors:**      Lantry
- Laid Over from 11/9/10
- Legislative History**
- 11/9/10      Legislative Hearings      Laid Over to the Legislative Hearings
- Laid over to December 7. The appellant will submit a work plan for review by the end of business on November 23 and will look into alternate window styles. 90 days will be granted for bringing the windows into compliance; a variance of up to four inches in openable width will be granted if necessary. (Spiering, 10/18)*
- Appellant Jackie Hanson (1508 20th Avenue N.W., St. Paul, MN 55112) appeared.*
- Inspector Shaff gave a staff report. She said the orders being appealed were from a Fire Certificate of Occupancy Inspection conducted by Inspector Spiering on October 18. She said the property had been referred to the Certificate of Occupancy program by Section 8. The items being appealed addressed non-compliant egress windows (Item 3), a rotted patio door frame (Item 4), a bathroom floor that was not impervious to water (Item 10), inadequate water pressure in the bathroom sink (Item 11), and exposed wiring in the upper floor bedroom.*
- Ms. Hanson said she'd owned the property for six years, had rented it in the past, and had lived there herself until October. She said previous tenants had been Section 8, and the windows had not been called out in previous Section 8 inspections. She said the inspector from the most recent Section 8 inspection had told her to call the Fire inspector to see about getting a variance for the windows. She said she hadn't expected a full inspection, couldn't afford the repairs or complete them by the deadline, and she felt the inspector had nit-picked. She said the house was in good shape. She said the patio was being done and she wasn't sure what was needed for the bathroom sink.*
- Ms. Moermond asked about the bathroom floor. Ms. Hanson said one tile was missing, but the inspector had said the floor needed to be replaced. She said her biggest concern was the windows because she could not collect the Section 8 portion of the rent without the variance or approved windows.*
- Ms. Moermond asked how Section 8 handled an extension for bringing windows into compliance. Ms. Shaff said Section 8 would typically honor that.*
- Ms. Moermond said she could not recommend a variance for the windows because they did not have enough compensating width; she suggested that Ms. Hanson look for other window styles. She said she would grant a variance of up to 4 inches on the openable width of the egress windows in the main floor northeast and upper floor bedrooms if there was adequate openable height, and would grant a 90-day extension for bringing the windows into compliance. Ms. Shaff noted that the openable width of a casement window would be limited by the pivot action.*

*Ms. Moermond said she would lay the matter over to December 7 to allow Ms. Hanson time to look into options for windows. She said a permit would be required to replace the windows.*

*Ms. Hanson asked whether there would still be a reinspection on November 29. Ms. Shaff said there would be for the other items.*

*Ms. Moermond asked how much water pressure there was in the bathroom sink. Ms. Hanson said there was not enough pressure to wash a dish, but there was enough for hand washing. She said there was good pressure in the tub, shower, and kitchen. Ms. Moermond said adequate pressure for hand washing was important in the bathroom; she said she would grant a 90 day extension for compliance.*

*Ms. Hanson reiterated that the windows hadn't been an issue in the past, and that she hadn't expected the Certificate of Occupancy requirement or inspection. She expressed frustration at having to spend time and money on repairs when the tenant had not complained about anything.*

*Ms. Shaff said Section 8 staff were generally good about communicating with property owners about the Certificate of Occupancy requirement; she asked Ms. Hanson how she had known a Fire inspection was required. Ms. Hanson said the Section 8 inspector had told her to call the Fire Inspector to get the windows approved, and she had not had additional contact with Section 8 staff before that day (November 9). Ms. Shaff said that was not the standard procedure; she said she would follow up with Section 8.*

*Ms. Moermond said she would work with Ms. Hanson on deadlines. She asked Ms. Hanson to use the deficiency list to develop a work plan with deadlines, and submit it to her office by the close of business on November 23. She said she would lay the matter over to December 7. She asked Ms. Shaff whether there were any immediate life safety hazards. Ms. Hanson said some of the smaller items had been done including smoke and carbon monoxide detectors. She said a new furnace had been put in and the CO2 test was done.*

*Ms. Moermond said the reinspection would be scheduled after December 7.*

12/7/10

Legislative Hearings

Referred Under Master Resolution

*Ms. Moermond stated that she accepted the work plan. The items noted in the work plan with the date of Feb 2011 and Dec 2010, she granted until February 28, 2011 and December 31, 2010. Note: windows were denied at the November 9 hearing and were given 90 days for compliance.*

*Jacquelyn Hanson, appellant, appeared. She said she had sent in the C of O inspection. She noted that Ms. Moermond had previously granted a variance on the windows.*

*Ms. Hanson asked about the CO2 being checked and a form being filled out for the heating system. About three weeks ago, she had a new furnace installed. Mr. Urmann said if the furnace was installed under permit and code, that an inspection will be waived for two years.*

*Ms. Hanson said she still has to find the right windows but things are getting fixed. The glass for the patio window has been ordered.*

*Ms Moermond said the work must be done by December 31, 2010 and she would accept the work plan as discussed at this time.*

*Ms. Hanson stated that inspectors are coming on December 8, 2010.*

*Ms. Moermond said a letter will be sent confirming today's actions and she will receive an appointment letter from Fire Inspections as to their inspections on each of the deadlines.*

- 11      [ALH 10-352](#)      Appeal of Kevin T. Singpiel to a Fire Inspection Correction Notice at 1801 Marshall Avenue.

**Sponsors:**      Stark

*Laid Over from 11/9/10; Forthcoming (MM to review work plan)*

**Legislative History**

11/9/10      Legislative Hearings      Laid Over to the Legislative Hearings  
*Laid over to December 7. The appellant will submit a work plan by the end of business on November 23. The tenants have been asked to vacate the third floor. If the matter can be resolved by phone there will be no hearing. (Beumer, 10/15)*

*Kevin Walli (332 Minnesota Street, Suite West-1260, St. Paul, MN 55101) appeared on behalf of the appellant.*

*Inspector Shaff gave a staff report. She said the orders being appealed were from a Fire Certificate of Occupancy inspection conducted by Inspector Beumer on October 15. Inspector Beumer had reported that the openable dimensions of the egress window in the second floor northeast bedroom were 23 inches high by 25 inches wide (Item 1), and in the third floor bedroom were 17 inches high by 19 inches wide (Item 7). The ceiling height in the stairway leading to the third floor was 51 inches (Item 10); code requires 78 inches. The dryer exhaust duct needed to be repaired or replaced (Item 17), the parking surface did not meet code (Item 21), and the rear porch ceiling was deteriorating (Item 27).*

*Mr. Walli said licensed contractors were going to the property that week to address the basement stairs and furnace-related issues. He asked for a variance on the window in Item 1. Ms. Moermond said she would recommend that the Council grant a 1-inch variance on the openable height of the egress window in the second floor northeast bedroom.*

*Mr. Walli said the property owner wanted to comply but needed more time. He said he could submit a work plan in ten days to two weeks, and address life safety issues on a faster schedule. He said the tenants had been asked to vacate the third floor for the time being. He said the contractor would provide an estimate for the third floor items and Mr. Singpiel would make a decision about whether or not to make those corrections.*

*Ms. Moermond asked that Mr. Walli submit a work plan by the end of business on November 23. She said she would lay the matter over for to December 7, but there would be no hearing if the issue could be resolved by phone or email.*

- 12      [ALH 10-354](#)      Appeal of A. Espinosa to a Notice of Condemnation Unfit for Human Habitation Order to Vacate at 211 KIM PLACE.

**Sponsors:** Lantry

Laid Over from 11/9/10

**Legislative History**

11/9/10 Legislative Hearings Laid Over to the Legislative Hearings  
*Ms. Moermond will lay this matter over to the December 7, 2010 Legislative Hearing to see how things are progressing.*

*At the December 15, 2010 City Council Public Hearing, Ms. Moermond will recommend that they left the condemnation and grant an extension of one (1) month or six (6) weeks to finish the work.*

*STAFF PRESENT: Inspector Leanna Shaff, Department of Safety and Inspections (DSI) - Fire*

*Armantina Espinosa, Laura Espinosa and Carlos Espinosa appeared.*

*Inspector Shaff reported that Inspector Wayne Spiering conducted a Fire Certificate of Occupancy inspection on October 29, 2010. He found a lot of work that was being done without a permit. Some windows need attention and there are many interior walls opened up. Photos were taken; Ms. Moermond reviewed them. Plumbing, electrical and mechanical work is being done. The main concern here was making sure that grandma is safe. Since the inspection took place, many permits have been obtained and some have even been sign-off on. The whole project is moving forward positively. Ms. Moermond noticed that windows are boarded in some places. Some of the upstairs egress windows are opening 20h x 32 w.*

*Ms. Moermond noted that she has spoken with Ms. Kay Wittgenstein, who says that all is going well and will work out. A question for her is whether or not this property should continue to be in the Certificate of Occupancy Program or is it the equivalent of being an owner-occupied property. Ms. Moermond recommends they get out of the Certificate of Occupancy Program. The current Orders will need to be addressed. Ms. Moermond asked if permits have been pulled for all of the work that needs to be done. Mr. Espinosa responded that they had not known that permits had not been pulled on all of the work that had been done by reputable companies; so, he went and got all the necessary permits. Some of the electrician's work had a permit but a second permit was pulled on November 2, 2010 to make sure that things were in perfect order. That work will begin the week of November 15, 2010. When the electrician finishes, an insulation contractor will finish his work within a week. Following that, a dry wall contractor will begin. Mr. Espinosa stated that he will pull any permits that are necessary to go forward. He still needs to pull permits for all of the windows; Pella will be doing that work in four (4) weeks.*

*Ms. Moermond asked how many bedrooms were being used. Mr. Espinosa replied that there were three (3) bedrooms being used. He pointed out a mistake on the deficiency list: the northeast bedroom is not a sleeping room; it is currently used as storage and does not require an egress window. Also, all the windows on the southwest are sliding windows, not double-hung. The northwest room is his son's room and the window is boarded. His son will sleep on the couch while his bedroom window is boarded. Mr. Espinosa stated that Inspector Spiering told him that his mom's bedroom (upper floor Southeast) window was up to code. Inspector Shaff noted that she would go out and take a look at them. Ms. Espinosa said that all of these bedrooms windows will be*

bigger when they are replaced. They will be casement windows and 35w x more than 32h.

Ms. Moermond will lay this matter over to the December 7, 2010 Legislative Hearing to see how things are progressing.

At the December 15, 2010 City Council Public Hearing, Ms. Moermond will recommend that they lift the condemnation and grant an extension of one (1) month or six (6) weeks to finish the work.

12/7/10

Legislative Hearings

Referred to the City Council

Ms. Moermond recommends granting an extension to April 30, 2011 for bringing the exterior items into compliance. As for the interior items, progress has been made; therefore, she recommends granting an additional six (6) weeks to finish the work.

This case was continued from November 9, 2010. Ms. Moermond told Dr. Espinosa that if they are satisfied with the outcome at this meeting, there will not be a reason to attend the City Council meeting

Leanna Shaff, Inspector, gave a staff report. She said the work is moving along; some is completed and just needs to be inspected. All permits have been pulled and some are finalized. The plumbing, particularly the water heater, furnace, and windows are not final. The windows need a building permit.

Dr. Espinosa said he is satisfied with the results so far and that almost everything is complete. What is not complete is because some contractors have indicated they would be there and then have not shown up. A small corner soffit and a panel in the garage need to be replaced. Some contractors say it's too small of a job and others say they would like to add the siding so the job is the right size for them. Some have said the second floor is too complicated due to the good gutter system on the second floor which is well attached and they don't want to do it in the winter. He does feel he will find a contractor to complete the work. He has talked to Dave Nelson in DSI and he said he is not too concerned about it but told him to continue to look for someone to complete the work.

Ms. Shaff said this involves the exterior and at this point it is not affecting habitability.

Ms. Mormond recommended denying the appeal and granting an extension to April 30, 2011 in order to resolve the exterior issues. The condemnation will be lifted.

13

[ALH 10-357](#)

Appeal of Louie Teppen to a Re-Inspection Fire Certificate of Occupancy Deficiency List at 957 Minnehaha Avenue East.

**Sponsors:** Lantry

**Withdrawn**

**Legislative History**

11/9/10

Legislative Hearings

Laid Over to the Legislative Hearings

Laid over to December 7. The appellant will pull a building permit and have the porch stairs inspected. (Thomas, 10/21)

Appellant Louie Teppen (350 St. Peter Street, St. Paul, MN 55102) appeared.

*Inspector Shaff referred Ms. Moermond to the photo document and said she felt there was a misunderstanding between the inspector and Mr. Teppen about which porch stairs the orders referred to. She said the orders being appealed were from a Fire Certificate of Occupancy reinspection by Inspector Thomas addressing porch stairs. She said the photographs showed that the repairs had been made, but they had not been made under permit. She said she had confirmed with Steve Ubl that a permit was required for the repair.*

*Ms. Moermond, Mr. Teppen, and Ms. Shaff reviewed the photographs.*

*Mr. Teppen said Inspector Thomas had told him a porch had to be taken out and the stairway rebuilt. He said they were happy to pull a permit for the stairway. He said they'd gone through the vacant building and code compliance process a couple of years before, and the porch had been deemed safe at that time.*

*Ms. Shaff referred to the "before" photograph and said there might be rise and run concerns with stairways that had deteriorated as far as this one had.*

*Ms. Moermond noted that the first photo in the file was from a different property. She said she would lay the matter over to December 7 so Mr. Teppen could pull a permit and have the stairs inspected. She said she would grant additional time if more work was required.*

12/7/10

Legislative Hearings  
Withdrawn

Referred to the City Council

14

[ALH 10-416](#)

Appeal of Pergola Trust to a Fire Inspection Correction Notice at 178 SUMMIT AVENUE.

**Sponsors:** Thune

*Ms. Moermond recommended granting a 5-inch variance on the openable height of the egress bedroom windows in Units B2 and B4; denied and granted an extension for 90 days to bring the window in Unit B5 into compliance. The application fee will be waived on the new replacement windows if appealing. The window sill height in Unit B5 must be changed to permanent affixed full width steps rather than ladders.*

*Ms. Moermond stated that a hearing was schedule for November 30, 2010 but Brian Pergament with Pergola Trust said he did not receive a hear notice in the mail.*

*Mike Urmann said is appears Mr. Pergament is appealing under the circumstance of a permit. The problem with it being done under permit is that the permit lapsed in activity and was never finalized or approved. Had it been done under permit and approved, the order would not have been issued for the code compliant window. A permit was pulled in 2000 and lapsed 12 months after. It didn't physically close until 2007 when the lapsed permit was cleaned up.*

*Ms. Moermond noted there were window appeals in items 5, 6 and 10. Mr. Umann said they were being appealed because they were not done under permit. Again, had they been approved under permit, there would not have been an order.*

*Mr. Pergament said he acquired the property in 2007 and the permit was pulled by the previous owner and the work was completed by him around that time. He had known the previous owner since the late 1990s and was brought in by him in 2001. The property has had a C of O inspection every other year but this was the first time the issue of the windows was raised. It was a new inspector who came through and discovered the measurements.*

Other items on the original list have been corrected and an approval was received with some corrections. He presented Ms. Moermond with current information dated November 17, 2010. With apartments B2 & B4, the issue deals with the size of the opening. The sash does not open and is a couple inches too short. To fix that, the new windows would have to be replaced with windows that open wider. Apartment B5 is a larger issue as the physical opening of the hole in the brick side of the building may be insufficient for the Code. The building was built in 1910 and has always been occupied as an apartment as far as he knows.

Ms. Moermond responded that sometimes basements get rearranged and new units are put in. She felt that B5 probably wasn't originally constructed as an apartment but that it was later converted as the window dimensions appear to be very consistent with B2 and B4. They are significantly different from B5. For Units B2 and B4 where the dimensions of the window are 19 " in height and 38 " in width, she is willing to recommend to the City Council that they authorize a 5" variance in the height requirement.

In Unit B5, Ms. Moermond said there is a sill height and window dimension issue. Mr. Pergament said they are the same window. In other properties that he owns of similar vintage with similar issues, they been able to get around the sill height issue by installing a small ladder permanently. Ms. Moermond said she would prefer to see steps put in. Mr. Pergament responded that they have constructed steps in the past but they have had better luck with ladders as tenants have removed steps because they may want to put a bed or something else in that space. Ladders have not been removed. It's a three rung ladder of metal construction and can be bolted into the wall underneath the window. It is a product specifically for this type of application.

Ms. Moermond had concerns with the window dimensions for B5. The requirement is that the opening be 24" in height and the current one is 13" high which is unacceptable. Mr. Pergament said his maintenance man came up with different measurements. The overall opening from jam to jam measures 16" wide x 32" high. There are two individual windows that are 26" wide and 32" high. Ms. Moermond asked if that was the glazed area as opposed to openable area and said they need an opening that will get to at least 24" in height and 20 inches in width. She said she would not be willing to entertain any kind of a variance when they are talking a height of 13" as it is much too short. Mr. Pergament asked if he could find a window that would do more for what they need in the opening, if that would suffice. He said he would like to have some time to research the maximum size window as maybe he could find a single double hung window rather than two double hungs that could fit in the same brick hole and get closer to what is needed.

Ms Moermond said when she goes beneath 24" for a recommendation to the Council, she is then looking for at least one inch compensating in the other dimension; e.g., if he only has 23" in height, then she wants to see 21" in width instead of 20". She has never gone below 16 inches in opening height

#### Legislative History

12/7/10	Legislative Hearings	Referred Under Master Resolution
	<i>Ms. Moermond recommended granting a 5-inch variance on the openable height of the egress bedroom windows in Units B2 and B4; denied and granted an extension for 90 days to bring the window in Unit B5 into compliance. The application fee will be waived on the new replacement windows if appealing. The window sill height in Unit B5 must be changed to permanent affixed full width steps rather ladders.</i>	

ASBURY STREET.

**Sponsors:** Stark

*Ms. Moermond recommended granting a 4-inch variance on the openable height of the egress window in the upstairs bedroom.*

*Inspector Urmann said it appears the area in question is not being occupied as a bedroom. However, it was found that there were beds and bedding in the area and that's why the windows were called out.*

*Jeff Austin-Phillips said this property is residential homestead, owned by his father-in-law, and it has been for two years. He questioned why they need the fire Certificate of Occupancy.*

*Mr. Urmann said they are not the owner of record.*

*Ms. Moermond said the city thinks it's more important whether or not the residents are the owner on the title rather than the homesteader. It has happened in some cases that there are dependent parents or disabled children who are living adjacent to the owner of record and in those circumstances, the city will look at waiving it. If they are looking at someone who owns the building and lives in another town, for purposes of management of the building, the city would want a level of accountability.*

*Mr. Phillips said one room is being used as an office and not as a bedroom. The other room has a sofa and TV and also is not being used as a sleeping room. There are four windows in that room.*

*Ms. Moermond noted that the window size is 21" high x 21" wide and asked if it's the glazed area or the openable. Mr. Urmann said he was unsure. Mr. Phillips showed Ms. Moermond pictures of the windows.*

*Ms. Moermond recommended that Mr. Phillips get a variance on the windows so the room can be used for sleeping.*

**Legislative History**

12/7/10	Legislative Hearings	Referred Under Master Resolution
	<i>Ms. Moermond recommended granting a 4-inch variance on the openable height of the egress window in the upstairs bedroom.</i>	

## Fire Corrections Notice

16      [ALH 10-432](#)      Appeal of Douglas King to a Fire Inspection Correction Order at 750 BLAIR AVENUE.

**Sponsors:** Carter III

*Laid over to December 14, 2010.*

*Inspector Urmann said there were multiple locks on the doors and the area was being used as for room and board so there are individually locked doors. Orders were issued under zoning to convert to legal use.*

*Mr. King as to be read the citation in Zoning that prohibits a keyed lock on a bedroom or office door in a home. Ms. Moermond responded that a keyed lock separates the uses and it means they can be used as separately rented spaces.*

*Mr. King said the building is a tri-plex with three-three-bedroom units. He lives on the middle floor. He said he can't get a rooming house license because only*



four-bedrooms or more can be licensed. He has had many things destroyed by people in the building so about a year ago, he decided to rent out single rooms to single people and this has made renting much easier. In the residential pre-inspection checklist that was sent out prior to inspection, doors and locks were referred to three times and all the references are to double cylinder deadbolts; they do not mention keyed locks on bedrooms and he could not find anything on this. Ms. Moermond said it's talked about in the context of the Zoning Code.

Mr. Urmann said it also comes out of the definitions in Chapter 34 of the Legislative Code, Rooming and Boarding Houses, which reads: "Any structure or dwelling served or providing living and sleeping arrangements for one to four unrelated adults for more than a period of one week. Rooms with individual locking units and individual phone lines." It's not "and/or"; all of those trigger the definition of rooming and boarding.

Ms. Moermond asked if he has leases with the residents. Mr. King said yes and that presently there are only two in each unit. Mr. King said the requirements may be outdated because the current economy is creating a lot of single people who need housing. The city had provided family housing for many families and he is not talking about taking a family unit from a family. He defended the need for locks on the bedroom doors.

Mr. Urmann responded that room and board is not just the number of occupants; it is also the leasing by space, the individual phone line, or the individual locked doors. Mr. King again said he does not qualify for a rooming house because there are not four people. Ms. Moermond said he is running a rooming and boarding house and it is not approved as such. If he has four active leases right now, there is an issue of zoning and parking which is different for his three-unit building than the parking expectation if he would take six of the bedrooms in question and rent them. He is taking what had been an original three-plex and increasing it. Mr. King said that only two of the four renters have cars. Ms. Moermond said the zoning is there to insure that there is an adequate number of spaces no matter what his personal requirement are and that is why Zoning does not allow this kind of a use without approval. She told Mr. King that he is increasing the density significantly in terms of exiting the building. Currently, one room is being treated as a unit. If it's a single family space, there are more options for exits.

Mr. King said the tenants can exit through their door without a key. He has placed a tool in the hallway and he will enclose it in a case in case someone needs to get through a door in an emergency. He has reduced the density from families, which can be many people, to a maximum of three responsible adults in a unit.

Ms. Moermond laid the matter over for one week to allow the department to come back with any additional information as to how he may be able to come into conformance. She is fully expecting she will tell Mr. King that he will need to decrease the density down to the three units that it was originally built for and that he will have to try to get a room and board license and zoning designation.

Mr. Urmann said he spoke with both Larry Zangs and Corinne Tilley from DSI and they both indicated that it could not be a rooming and boarding house in that location but only a tri-plex because of the way the property is zoned and being used. The way Mr. King could come into compliance is to remove the locks from the doors and have common use of the unit. They are not saying it's over-occupied, they are saying it's illegally occupied.

Ms. Moermond asked Mr. Urmann to get a detailed statement from Ms. Tilley so it gives Mr. King something to respond to specifically.

Mr. King asked if he could have a lock on his bedroom door. Ms. Moermond said they will get a response to that.

Laid over to December 14, 2010 Legislative Hearings.

**Legislative History**

12/7/10 Legislative Hearings Laid Over to the Legislative Hearings  
Laid over to December 14, 2010.

*Inspector Urmann said there were multiple locks on the doors and the area was being used as for room and board so there are individually locked doors. Orders were issued under zoning to convert to legal use.*

*Mr. King as to be read the citation in Zoning that prohibits a keyed lock on a bedroom or office door in a home. Ms. Moermond responded that a keyed lock separates the uses and it means they can be used as separately rented spaces.*

*Mr. King said the building is a tri-plex with three-three-bedroom units. He lives on the middle floor. He said he can't get a rooming house license because only four-bedrooms or more can be licensed. He has had many things destroyed by people in the building so about a year ago, he decided to rent out single rooms to single people and this has made renting much easier. In the residential pre-inspection checklist that was sent out prior to inspection, doors and locks were referred to three times and all the references are to double cylinder deadbolts; they do not mention keyed locks on bedrooms and he could not find anything on this. Ms. Moermond said it's talked about in the context of the Zoning Code.*

*Mr. Urmann said it also comes out of the definitions in Chapter 34 of the Legislative Code, Rooming and Boarding Houses, which reads: "Any structure or dwelling served or providing living and sleeping arrangements for one to four unrelated adults for more than a period of one week. Rooms with individual locking units and individual phone lines." It's not "and/or"; all of those trigger the definition of rooming and boarding.*

*Ms. Moermond asked if he has leases with the residents. Mr. King said yes and that presently there are only two in each unit. Mr. King said the requirements may be outdated because the current economy is creating a lot of single people who need housing. The city had provided family housing for many families and he is not talking about taking a family unit from a family. He defended the need for locks on the bedroom doors.*

*Mr. Urmann responded that room and board is not just the number of occupants; it is also the leasing by space, the individual phone line, or the individual locked doors. Mr. King again said he does not qualify for a rooming house because there are not four people. Ms. Moermond said he is running a rooming and boarding house and it is not approved as such. If he has four active leases right now, there is an issue of zoning and parking which is different for his three-unit building than the parking expectation if he would take six of the bedrooms in question and rent them. He is taking what had been an original three-plex and increasing it. Mr. King said that only two of the four renters have cars. Ms. Moermond said the zoning is there to insure that there is an adequate number of spaces no matter what his personal requirements are and that is why Zoning does not allow this kind of a use without approval. She told Mr. King that he is increasing the density significantly in terms of exiting the*

building. Currently, one room is being treated as a unit. If it's a single family space, there are more options for exits.

Mr. King said the tenants can exit through their door without a key. He has placed a tool in the hallway and he will enclose it in a case in case someone needs to get through a door in an emergency. He has reduced the density from families, which can be many people, to a maximum of three responsible adults in a unit.

Ms. Moermond laid the matter over for one week to allow the department to come back with any additional information as to how he may be able to come into conformance. She is fully expecting she will tell Mr. King that he will need to decrease the density down to the three units that it was originally built for and that he will have to try to get a room and board license and zoning designation.

Mr. Urmann said he spoke with both Larry Zangs and Corinne Tilley from DSI and they both indicated that it could not be a rooming and boarding house in that location but only a tri-plex because of the way the property is zoned and being used. The way Mr. King could come into compliance is to remove the locks from the doors and have common use of the unit. They are not saying it's over-occupied, they are saying it's illegally occupied.

Ms. Moermond asked Mr. Urmann to get a detailed statement from Ms. Tilley so it gives Mr. King something to respond to specifically.

Mr. King asked if he could have a lock on his bedroom door. Ms. Moermond said they will get a response to that.

Laid over to December 14, 2010 Legislative Hearings.

17      [ALH 10-449](#)      Appeal of Allison Klis to a Fire Inspection Correction Notice at 1638 MARSHALL AVENUE.

**Sponsors:**      Stark

Ms. Moermond granted the following: Item 10) a 2.5-inch variance on the openable height of the double hung egress windows measuring 21.5 inches high by 34.5 inches wide in Units 1, 3 and 4; item 4) approved by Zoning on the parking spaces issue; Item 7) grant an extension to June 30, 2011 for suitable ground cover on all exterior areas to control erosion; and Item 11) the inspector will verify at the December 20, 2010 re-inspection whether the windows in the studio room in Unit 2 can be opened to at least 16 inches high. Appellant needs to install permanent affixed steps to address the sill height issue.

Inspector Mike Urmann said three items are being appealed: a parking space for which they are asking for more time in order to do the work in the spring; egress windows in Units 1, 3 and 4. The window sizes are 21.5" high x 34.5" wide with a glazed area of 10". A portion of the appeal is Item 11 which was denied on a previous appeal. However, it has been reissued and they are appealing it again. It was called out because the room was being used as a bedroom after it was denied.

Ms. Moermond said with regard to Item 10, the egress windows in Units 1, 3 and 4, she will recommend to the City Council that a variance be granted.

With regard to Item 4, the parking spaces, Ms. Klis said she got Zoning approval of the site plan and it will be paved by June 30, 2011.

Item 7, ground cover, Ms. Klis said that is a side of the building that was just dirt. There is a drain from the roof going to that area and the inspector asked that ground covering be installed. Because of the current weather, she would like to do that in the spring.

Item 11, Unit 2, Ms. Klis said she had explained it to the inspector previously but it was included again in the list. She can get an opening height of 16" by removing a piece of trim. It is a studio apartment.

Ms. Moermond said from the photo it looks like the window opening is 14". Ms. Klis asked if she could come back with new measurements. Ms. Moermond asked Urmann to re-measure it.

**Legislative History**

12/7/10            Legislative Hearings            Referred Under Master Resolution  
*Ms. Moermond granted the following: Item 10) grant a 2.5-inch variance on the openable height of the double hung egress windows measuring 21.5 inches high by 34.5 inches wide in Units 1, 3 and 4; item 4) approved by Zoning on the parking spaces issue; item 7) grant an extension to June 30, 2011 for suitable ground cover on all exterior areas to control erosion; and item 11) the inspector will verify at the December 20, 2010 re-inspection whether the windows in the studio room in Unit 2 can be opened to at least 16 inches high. Appellant need to install permanent affixed steps to address the sill height issue.*

- 18            [ALH 10-466](#)            Appeal of Chong Moua and Vong Lor to a Fire Inspection Correction Notice at 1735 LOUISE AVENUE.

**Sponsors:**            Lantry

*No one appeared; Ms. Moermond denied the appeal.*

**Legislative History**

12/7/10            Legislative Hearings            Rescheduled to the Legislative Hearings  
*No one appeared. Ms. Moermond denied the appeal. (Rescheduled)*

- 19            [ALH 10-471](#)            Appeal of Dennis J. Roach, Jr. to a Re-Inspection Fire Certificate of Occupancy with Deficiencies at 1435 THIRD STREET EAST.

**Sponsors:**            Lantry

*Ms. Moermond granted 90 days to replace the windows.*

*Inspector Mike Urmann said this is an openable window area appeal. Both windows are on the main floor and have a 13" height x 46" width. They are both awning type windows so they can't be code compliant by their construction type.*

*Dennis Roach, Jr. appellant, said the windows were not an issue when the property was purchased in 2006.*

*Ms. Moermond said Inspections started examining egress windows more closely after the purchase. It's the awnings that make it complicated.*

*Mike Urmann stated this was their first time through the building for a fire Certificate of Occupancy.*

*Ms. Moermond said the windows will have to be changed out as it would make it very difficult for anyone to get out.*

**Legislative History**

12/7/10            Legislative Hearings            Referred Under Master Resolution

*Ms. Moermond granted 90 days to replace the windows.*

- 20      [ALH 10-475](#)      Appeal of Travis Smith to a Fire Inspection Correction Notice at 777 HYACINTH AVENUE EAST.

**Sponsors:**      Bostrom

*Ms. Moermond denied the appeal and granted 90 days extension for the sprinkler heads in the basement to come into compliance.*

*Mike Urmann said this is a window frame issue. It is an awning style window and the size is 24" high x 47"wide. The openable width is 18".*

*Travis Smith, appellant, said the widow is short two inches of code. There are brackets that could be removed and the window could be pulled out. He showed Ms. Moermond pictures of the window. She said she was not inclined to recommend to the Council that his appeal be granted. The point from which the window opens appears to be three to four inches up from the bottom of the frame. Coming up from the bottom, someone would have to find their way over the open window which would make egress for a child or a short person difficult to get out. If there could be an opening more from the top it would help, but there would still be a danger of it collapsing on someone trying to get either in or out.*

*Mr. Smith questioned if it would work to hinge it straight from the bottom with a lockable support. He had estimates to replace the window and then repair the stucco and the stucco costs more than fixing the window. Ms. Moermond asked if he has looked for a window that would fit in the current opening. She said she would be willing to look at a variance on one of the dimensions because he will be able to come close to a height of 24 inches. She also felt he could get 20 inches wide.*

*Ms. Moermond denied the appeal and granted 90 days to come into compliance.*

**Legislative History**

12/7/10	Legislative Hearings	Referred Under Master Resolution
		<i>Ms. Moermond granted 90 days for the egress bedroom windows in Item 3 to come into compliance.</i>

- 21      [ALH 10-481](#)      Appeal of Gregg Johnson, on behalf of Travis Johnson, Johnander, LLC, to a Reinspection Fire Certificate of Occupancy with Deficiencies at 1439 ASHLAND AVENUE.

**Sponsors:**      Carter III

*Ms. Moermond denied the appeal and granted 90 days extension for the sprinkler heads in the basement to come into compliance.*

*Mike Urmann said the inspector put in for a hazardous area separation at the ceiling in the laundry room. The sprinkler was too low from the joist and from the ceiling to work as the heat would go above it and not trigger the alarm. Also, there is a non-code compliant hanger holding the pipe up and eventually, the force of the water could snap the line because it's not being held right. It was required that a licensed sprinkler contractor install the pipe to code. Mr. Urmann said it appears the work was done by a non-sprinkler contractor and maybe a plumber because it's copper pipe and it would not have been done like that if it was a sprinkler contractor.*

*Gregg Johnson, representing Johnander, LLC, said it is being held by copper strapping.*

*He said information was requested from the inspectors on the hangers but they never received it. When this came up on the re-inspection, they were caught somewhat by surprise but Mr. Urmann explained what was required.*

*Mr. Urmann reiterated that it's the distance away from solid ceiling or roof member because it doesn't contain the heat. The heat actually moves away from the sprinkler head before the solder link will melt. Mr. Johnson said he will have someone look at it.*

**Legislative History**

12/7/10            Legislative Hearings            Referred Under Master Resolution  
*Ms. Moermond denied the appeal and granted 90 days extension for the sprinkler heads in the basement to come into compliance.*

- 22            [ALH 10-474](#)            Appeal of Daniel and Linda Gallaway to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 1564 MCAFEE STREET.

**Sponsors:**            Bostrom

**Legislative History**

12/7/10            Legislative Hearings            Referred Under Master Resolution  
*Grant a 4-inch variance on the openable height of the egress windows in all bedrooms. Withdrawn on the appeal for Items 4 and 8.*

- 23            [ALH 10-467](#)            Appeal of Corey Lindell to a Fire Inspection Correction Notice at 2010 BUSH AVENUE.

**Sponsors:**            Lantry

*Ms. Moermond granted a 3-inch variance on the openable height of the egress windows in the upper floor northeast and northwest bedrooms; denied the appeal on Item 5 (exterior maintenance on the detached garage); and granted an extension to May 31, 2011 to come into compliance. The remaining items on the list must be in compliance by February 8, 2011.*

*Mr. Lindell asked for an extension until spring on the fire inspection in order to finish the outside work. The main floor bedroom window has to be sent out for replacement.*

*With regard to Item 2, Mr. Lindell said there is exposed Romex wiring and he would like to have someone come out to look at it and then finish that side of the wall. He recently had an electrician out who said the wiring looked fine.*

*Ms. Moermond noted that Mr. Lindell's first deadline is the painting of the detached garage. She denied the appeal and granted an extension to May 31, 2011. She granted until February 8, 2011 to come into compliance with the remaining items on the list.*

**Legislative History**

12/7/10            Legislative Hearings            Referred Under Master Resolution  
*Ms. Moermond granted a 3-inch variance on the openable height of the egress windows in the upper floor northeast and northwest bedrooms. Denied the appeal on Item 5 (exterior maintenance on the detached garage) and granted an extension to May 31, 2011 to come into compliance. The remaining items on the list must be in compliance by February 8, 2011.*

## 2:30 p.m. Hearings

### Condemnation and Vacant Building Registrations

- 25 [ALH 10-417](#) Appeal of Kwasi Nanyakpe to a Notice of Condemnation Unfit for Human Habitation Order to Vacate and Vacant Building Registration Notice at 330 MAPLE STREET.

**Sponsors:** Lantry

*Laid over from 11/30/10*

**Legislative History**

11/30/10 Legislative Hearings Laid Over to the Legislative Hearings  
*Laid over to December 7 at 2:30. The appellant will provide a Power of Attorney.*

12/7/10 Legislative Hearings Referred Under Master Resolution  
*Ms. Moermond recommended that Mr. Nanyakpe submit a revised Power of Attorney by December 14, 2010. If this condition is met and approved by Ms. Moermond, she will grant until February 1, 2011 (60 days) to complete the interior items and until April 15, 2011 (120 days) to complete the exterior items. If the interior items due on February 1, 2011 are not done, Appellant must vacate the building on February 18, 2011. The vacant building fees is waived until March 1, 2011.*

**Other - Housekeeping Items**

- 26 [ALH 10-202](#) Appeal of Steve Fisher to a Fire Certificate of Occupancy Correction Order at 965 Hague Avenue. (Ward 1)

**Sponsors:** Carter III

**Legislative History**

10/19/10 Legislative Hearings Laid Over to the Legislative Hearings  
*Grant a 2.5-inch variance on the openable height of the egress window in the third floor bedroom. The appellant will provide photographs and a floor plan of the basement addressing the issue of egress; the basement is not currently being used for sleeping. Decision forthcoming on the basement bathroom ventilation (Item 14); the appellant will provide a diagram and photographs of the room. Grant an extension to May, 30 2011 on the exterior items as long as the window frames are repaired and the fascia sealed, and the inspector confirms that the siding deterioration is superficial. Grant an extension to November 12 for the door trim (Item 10).*

*Appellant Steve Fisher (11825 118th Avenue N., Plymouth, MN 55441)*

*Inspector Shaff gave a staff report. She said the orders being appealed were from a Fire Certificate of Occupancy inspection conducted by Inspector Beumer on September 17. The orders stated that the openable dimensions of the egress windows on the third floor were 22.5 inches high by 22.5 inches wide. Ms. Shaff read from the appeal form that the appellant thought the windows had been installed under permit. She said the basement didn't have an egress window in the bedroom, but had a door leading to an unconditioned space which contained a stairway exiting directly outside.*

*Mr. Fisher said the house was renovated before they'd purchased it and they'd been told it had been done under permit. He said if there wasn't a permit he would like to request a variance for the third floor window. Ms. Shaff said the last building permit was from 2002 and was for a re-roof.*

*Ms. Moermond said she would recommend that the Council grant a 1.5-inch variance on the openable height of the egress window in the third floor bedroom.*

*Mr. Fisher said he was also appealing the order addressing the basement egress. He said there was a doorway leading to a small "corridor room" that had a doorway to the outside. Ms. Shaff noted that it was an unconditioned space, meaning there was no insulation. She said the fire code did give some exceptions for existing buildings, for exiting through one unlockable room to a door or exit that goes directly outside. She said she and Inspector Beumer had discussed it and weren't sure the space in question would qualify as a room. Mr. Fisher said the main room was enclosed, insulated and heated. Ms. Moermond asked for photographs and a floor plan of the basement. Mr. Fisher said the basement was not currently being used for sleeping but he would like a decision anyway and would submit the photos and floor plan.*

*Ms. Shaff asked whether the occupancy had been decreased (Item 1). Mr. Fisher said it had; he said the lease was for four people and he hadn't been aware a fifth had moved in.*

*Mr. Fisher said the basement bathroom had no window or vent (Item 14) but was adjacent to a laundry room which did have a window. He asked whether removing the door between the two rooms would suffice. Ms. Moermond asked for photographs and a floor plan.*

*Mr. Fisher confirmed with Ms. Moermond that the handrail requirement applied to a stairway of four steps and a landing regardless of when the house was built.*

*Mr. Fisher asked whether he could have an extension until spring for the exterior items. Ms. Moermond reviewed the photographs and asked that the damaged window frames and fascia be repaired; she said she would recommend that the Council grant an extension to May 30, 2011 for replacing the siding and fascia. She asked whether there were holes in the siding. Mr. Fisher said the deterioration was superficial. Ms. Moermond asked that the inspector confirm that. She asked whether everything else was ready for the following day's reinspection. Mr. Fisher said everything was done except the furnace inspection which was scheduled for the following Monday, and the door trim (Item 10). Ms. Moermond said she would recommend an extension to November 12 for the door trim.*

27      [ALH 10-249](#)      Appeal of Brad Cartier to a Fire Certificate of Occupancy Correction Order at 1746 Sims Avenue.

**Sponsors:**      Bostrom

**Legislative History**

10/26/10      Legislative Hearings      Laid Over to the Legislative Hearings  
*Decision forthcoming. The appellant will provide measurements and a diagram showing the portion of the room that has a ceiling height of at least six feet.*

*Appellant Brad Cartier (21441 Iverson Avenue N., Forest Lake, MN 55025) appeared.*

*Inspector Shaff gave a staff report. She said the orders being appealed were from a Fire Certificate of Occupancy inspection conducted by Inspector Fish on October 4. In the upper floor west bedroom, the dimensions of the area with a*



ceiling height of at least 7 feet were 2 feet by 14 feet, and the room dimensions were 13 feet by 14 feet. In the upper floor east bedroom, the dimensions of the area with a ceiling height of at least 7 feet were 2 feet by 16 feet, and the room dimensions were 14 feet by 16 feet.

Ms. Moermond asked for a description of the ceiling. Mr. Cartier said the ceiling went down at an angle to a height of about three feet then went straight down. He said the rooms were listed and used as bedrooms before he bought the property, had been used as bedrooms in the five years he'd owned it, and he'd replaced egress windows twice to comply with code.

Ms. Moermond asked Mr. Cartier to provide better measurements and a diagram showing the amount of floor space under a ceiling at least 6 feet in height. Her decision is forthcoming.

28 [ALH 10-179](#) Appeal of Nancy Rowe to a Fire Certificate of Occupancy Correction Notice at 1522 Hague Avenue. (Ward 1)

**Sponsors:** Carter III

**Legislative History**

10/12/10	Legislative Hearings <i>Nancy Rowe appeared.</i>	Referred to the Legislative Hearings
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*Inspector Shaff reported that this is a 3 unit property with one (1) of the units over the garage. The Fire Code is quite specific about the separation between the garage and a dwelling unit. Part of the problem is that the garage and the dwelling unit over it were sharing the same furnace with common venting. The Code requires that not only the ceiling but the walls and all supporting structures be fire protected to give people time to get out of the dwelling unit in case of a fire in the garage. The owner has pulled a permit for sheetrocking the ceiling. The building inspector inspected the sheetrocking. What was actually needed was an occupancy separation.*

*Ms. Rowe stated that she thought Inspector Shaff's statements were misleading. She had met with the inspector on May 18, 2010 which produced a deficiency list. He knew that the furnace was in the garage and that it was shared with the dwelling above. He asked her to install a sheetrocked ceiling with a fire rated separation and a shut-off valve for the furnace. She complied with the original Order. What happened is that now the inspector said he made a mistake. Now, he said need two (2) separate furnaces, after the whole garage had been sheetrocked. She has complied and spent thousands of dollars to do what needed to be done. Why was this not caught in the first place? We did exactly what we were asked to do and now we need to do it differently. On October 7, 2010, we met with the building inspector, the fire inspector and the mechanical inspector to figure out exactly what needed to be done; and at that time, they still weren't sure what needed to be done. When she got the letter on September 27, 2010, she was very concerned because she worked very hard to comply with the safety issues; the letter was very disturbing. She emailed both Inspector Urmann and Inspector Beumer and was very upset. She expected them to get back to her quickly but they didn't. She called other people who very nice but told her they were not the people with whom she should talk.*

*Inspector Shaff said that she is looking at the file from 1994 and it appears that the residential heating units were replaced but they were done without any finalization of permits; and it also appears that another unit has been added,*

*not necessarily done under permit. Unfortunately, when things are not done under permit, inspectors don't know what's been done.*

*Ms. Moermond stated that she has been researching the file and the summary has been quite accurate; however, it appears that the building inspector did not catch that the sheet rocking was to be done with a fire rated separation. The appellant responded that her understanding from the contractor was that she passed the inspection.*

- 29     [ALH 10-323](#)     Appeal of Brian D. Alton to a Fire Certificate of Occupancy Condemnation at 929 Summit Avenue.  
           Sponsors:     Carter III

### Window Variances - Fire C of O

- 30     [ALH 10-452](#)     Appeal of R. P. Management Company, on behalf of Como Park Lutheran Church, to a Fire Inspection Correction Notice at 1541 HAMLIN AVENUE NORTH.  
           Sponsors:     Stark  
           Legislative History  
           12/7/10        Legislative Hearings                    Referred Under Master Resolution  
                           *Grant a 1.5-inch variance on the openable height of the egress windows in the upstairs bedrooms measuring 22 ½ inches high by 27 inches wide.*

- 31     [ALH 10-470](#)     Appeal of EMK Holding Co. LLC to a Fire Inspection Correction Notice Rescheduled Per Owner Request at 460 BEAUMONT STREET.  
           Sponsors:     Thune  
           Legislative History  
           12/7/10        Legislative Hearings                    Referred Under Master Resolution  
                           *Grant an 8-inch variance on the openable height of the egress window in the north upstairs bedroom measuring 16 inches high by 39 inches wide.*

### Window Variances - Building Permits

- 32     [ALH 10-442](#)     Appeal of Chris Hallberg on behalf of Inna Pikulenko to an Egress Window Non-Compliance Determination at 918 NEBRASKA AVENUE WEST.  
           Sponsors:     Helgen  
           Legislative History  
           12/7/10        Legislative Hearings                    Referred Under Master Resolution  
                           *Grant a 3-inch variance on the openable height of two double hung replacement egress bedroom windows measuring 21 inches high by 23 inches wide.*
- 33     [ALH 10-443](#)     Appeal of Eric Ernst, Ernst Enterprises, to an Egress Window Non-Compliance Determination at 1246 PALACE AVENUE.  
           Sponsors:     Harris  
           Legislative History  
           12/7/10        Legislative Hearings                    Referred Under Master Resolution  
                           *Grant a 5 ¾-inch variance on the openable height of one double hung*

*replacement egress bedroom window measuring 18 ¼ inches high by 42 inches wide.*

- 34     [ALH 10-444](#)     Appeal of Bryan Horton, Renewal by Andersen, to an Egress Window Non-Compliance Determination at 1591 MCLEAN AVENUE.  
**Sponsors:**     Lantry  
**Legislative History**  
12/7/10     Legislative Hearings                     Referred Under Master Resolution  
*Grant a 4-inch variance on the openable height of three double hung replacement egress bedroom windows measuring 20 inches high by 33.5 inches wide.*
- 35     [ALH 10-445](#)     Appeal of Bryan Horton Renewal by Andersen, to a Egress Window Non-Compliance Determination at 2190 EDGCUMBE ROAD.  
**Sponsors:**     Harris  
**Legislative History**  
12/7/10     Legislative Hearings                     Referred Under Master Resolution  
*Grant a 1 1/8-inch variance on the openable height of one double hung replacement egress bedroom window measuring 22 7/8 inches high by 40 inches wide.*
- 36     [ALH 10-446](#)     Appeal of Bryan Horton, Renewal by Andersen, to an Egress Window Non-Compliance Determination at 1002 LINWOOD AVENUE.  
**Sponsors:**     Thune  
**Legislative History**  
12/7/10     Legislative Hearings                     Referred Under Master Resolution  
*Grant a 1 1/8-inch variance on the openable height of two double hung replacement egress bedroom windows measuring 22 7/8 inches high by 23 inches wide.*
- 37     [ALH 10-447](#)     Appeal of Jeff Beissel, Beissel Window and Siding, to an Egress Window Non-Compliance Determination at 1370 PROSPERITY AVENUE.  
**Sponsors:**     Bostrom  
**Legislative History**  
12/7/10     Legislative Hearings                     Referred Under Master Resolution  
*Grant a 1-inch variance on the openable width of one casement replacement egress bedroom window measuring 41 inches high by 19 inches wide.*
- 38     [ALH 10-448](#)     Appeal of Jeff Beissel, Beissel Window and Siding, to an Egress Window Non-Compliance Determination at 440 CHEROKEE AVENUE.  
**Sponsors:**     Thune  
**Legislative History**  
12/7/10     Legislative Hearings                     Referred Under Master Resolution  
*Grant a 2 ¼-inch variance on the openable height of five double hung replacement egress bedroom windows measuring 21 ¾ inches high by 26 ¼ inches wide.*

- 39     [ALH 10-450](#)     Appeal of Ron DeTomaso, Superior Home Remodeling, to an Egress Window Non-Compliance Determination at 254 SIDNEY STREET WEST.  
**Sponsors:**     Thune  
**Legislative History**  
12/7/10     Legislative Hearings             Referred Under Master Resolution  
*Grant a 3.5-inch variance on the openable width of one casement replacement egress bedroom window measuring 40.5 inches high by 16.5 inches wide.*
- 40     [ALH 10-461](#)     Appeal of Saint Paul Ramsey County Public Health on behalf of Chris Connor to an Egress Window Non-Compliance Determination 676 GERANIUM AVENUE EAST.  
**Sponsors:**     Bostrom  
**Legislative History**  
12/7/10     Legislative Hearings             Referred Under Master Resolution  
*Grant an .8-inch variance on the openable width and a 4-inch variance on the openable height of one double hung replacement egress bedroom window measuring 20 inches high by 19.2 inches wide.*
- 41     [ALH 10-464](#)     Appeal of Matthew P. O'Hara to an Egress Window Non-Compliance Determination at 314 VAN BUREN AVENUE.  
**Sponsors:**     Carter III  
**Legislative History**  
12/7/10     Legislative Hearings             Referred Under Master Resolution  
*Grant a 6.5-inch variance on the openable height of two double hung replacement egress bedroom windows measuring 17.5 inches high by 23 inches wide.*
- 42     [ALH 10-465](#)     Appeal of Dennis Potapenko to an Egress Window Non-Compliance Determination at 842 SHERWOOD AVENUE.  
**Sponsors:**     Bostrom  
**Legislative History**  
12/7/10     Legislative Hearings             Referred Under Master Resolution  
*Grant a 4-inch variance on the openable height of two double hung replacement egress bedroom windows measuring 20 inches high by 24 inches wide.*
- 43     [ALH 10-472](#)     Appeal of Quarve Contracting, on behalf of Larry Sklaney, to an Egress Window Non-Compliance Determination at 1200 LARPENTEUR AVENUE EAST.  
**Sponsors:**     Bostrom  
**Legislative History**  
12/7/10     Legislative Hearings             Referred Under Master Resolution  
*Grant an 8-inch variance on the openable height of one double hung replacement egress bedroom window measuring 16 inches high by 29 inches wide.*
- 44     [ALH 10-499](#)     Appeal of Sela Roofing, on behalf of Julie Strum, to an Egress Window Non-Compliance Determination at 1245 OSAGE STREET.  
**Sponsors:**     Helgen  
**Legislative History**

12/7/10            Legislative Hearings            Referred Under Master Resolution  
*Grant a 5-inch variance on the openable height of two double hung replacement egress bedroom windows measuring 19 inches high by 29.5 inches wide*

## Window Variances - Code Compliance Report

45            [ALH 10-476](#)            Appeal of Sam Riesgraf, Synergy Home Solutions, to a Code Compliance Report at 1821 ORANGE AVENUE EAST.

**Sponsors:**            Bostrom

**Legislative History**

12/7/10            Legislative Hearings            Referred Under Master Resolution  
*Grant a variance on the egress window measuring 19.5 by 28 in the main floor south bedroom window and a variance on the egress window measuring 22 by 19.5 in the northeast first floor bedroom window.*