



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final Legislative Hearings

Marcia Moermond, Legislative Hearing Officer
Mai Vang, Hearing Coordinator
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651-266-8560

Tuesday, December 7, 2010

9:00 AM

Room 330 City Hall & Court House

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

Attachments: [2014 Jefferson Ave Sa](#)

No one appeared. Ms. Moermond recommends approving the assessment.

Referred Under Master Resolution

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

Sponsors: Helgen

Attachments: [1665 Rice St EBL 7.27.10.DOC](#)
[1635 Rice ST Invoice, police report & assessment roll](#)

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. They 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.

Referred Under Master Resolution

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

Sponsors: Bostrom

Attachments: [701 Geranium Ave. SA 7-27-10](#)

Ms. Moermond recommended approving the assessment.

Rescheduled to the Legislative Hearings, due back on 12/21/2010

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

Sponsors: Helgen

Attachments: [112 W Lawson FCofO 1st bill.pdf](#)
 [112 W Lawson FCofO final bill.pdf](#)

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 a 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.

Referred Under Master Resolution

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

Sponsors: Helgen

Attachments: [1367 Burr St 1st bill.pdf](#)
 [1367 Burr St Final bill.pdf](#)
 [1367 Burr St Ramsey County.pdf](#)

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.

Referred Under Master Resolution

- 6 [ALH 10-503](#) Appeal of Special Tax Assessment for 996 3rd St E for Project #:J1104A,
Assessment #: 118995 in
Ward # 7

Sponsors: Lantry

Attachments: [996 3rd St E SA. 8-23-2010.DOC](#)

Ms. Moermond recommends approving the assessment.

Referred Under Master Resolution

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

Sponsors: Carter III

Attachments: [996 Carroll 1st bill.pdf](#)
[996 Carroll final bill.pdf](#)

Ms. Moermond recommends approving the assessment.

STAFF PRESENT: Inspectors Paula Seeley, Joe Yannarely 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.

Referred Under Master Resolution

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

Sponsors: Helgen

Attachments: [1123 Galtier St 1st bill.pdf](#)
 [1123 Galtier St final bill.pdf](#)

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.

Referred Under Master Resolution

9 [ALH 10-518](#) Appeal of Special Tax Assessment for 382 Curtice St E. for Project #: J1104A, Assessment #: 118995 in Ward 2

Sponsors: Thune

Attachments: [Summary Abatement Order](#)

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 it 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.

Referred Under Master Resolution

10 [ALH 10-537](#)

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

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.

Referred Under Master Resolution

- 11 [ALH 10-536](#) Appeal of Special Tax Assessment for 824 MAGNOLIA AVENUE EAST for Project # J1106A, Assessment # 118998.
- Sponsors: Bostrom
- Attachments: [824 Magnolia Ave E.SA.DOC](#)
- 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%.*
- Referred Under Master Resolution**
- 12 [ALH 11-102](#) Appeal of Special Tax Assessment for 569 DALE STREET for Project #: CRT1101, Assessment #: 118968 in Ward 1.
- Sponsors: Carter III
- Attachments: [CRT1101 Assess Roll - LH 12-07-10, PH 01-19-11.pdf](#)
- Delete the assessment per DSI*
- Referred Under Master Resolution**
- 13 [ALH 11-103](#) Appeal of Special Tax Assessment for 1769 SELBY AVENUE for Project #: CRT1101, Assessment #: 118968 in Ward 4.
- Sponsors: Stark
- Attachments: [CRT1101, GS 3118695 - LH 12-07-10, PH 01-19-11.pdf](#)
- Delete the assessment per DSI*
- Referred Under Master Resolution**

- 14 [ALH 11-105](#) Appeal of Special Tax Assessment for 542 SELBY AVENUE for Project #: CRT1101, Assessment #: 118968 in Ward 1.

Sponsors: Carter III

Attachments: [CRT1101, GS 3118695 - LH 12-07-10, PH 01-19-11.pdf](#)

*Delete the assessment per DSI. Original bill was sent to the wrong address.
Payment was received in DSI.*

Referred Under Master Resolution

11:00 a.m. Hearings

Summary Abatement Orders

Orders to Vacate, Condemnations and Revocations

15 [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

Attachments: [360 Fuller.appeal.12-7-10.pdf](#)
[360-362 Fuller Ave.LH ltr.12-7-10.doc](#)

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 Attila 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.

Referred to the City Council, due back on 1/5/2011

16 [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

Attachments: [513 Van Buren.appeal.12-7-10.pdf](#)
[513 Van Buren Ave.Condemnation Ltr.11-24-10.dot](#)
[513 Van Buren-Vacant Building Reg.pdf](#)
[513 Van Buren Ave.LH ltr.12-7-10.doc](#)

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.

Referred to the City Council, due back on 12/15/2010

M. Moermond granted an extension to the end of April. She will recommend to the Council that the condemnation be lifted.

Laid Over Items - 1:30 p.m.

- 17 [ALH 10-330](#) Appeal of Jacquelyn Hanson to a Fire Certificate of Occupancy Correction Order at 2245 Fourth Street East.

Sponsors: Lantry

Attachments: [2245 4th St E.Appeal.10-27-10.pdf](#)
[2245 4th St E.Fire C of O Ltr.10-18-10](#)
[2245 4th St.Work Plan.pdf](#)
[2245 4th St E.PC ltr.11-9-10.doc](#)
[2245 4th St E.PC ltr.12-7-10.doc](#)

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.

Referred Under Master Resolution

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

Sponsors: Stark

Attachments: [1801 Marshall Ave Appeal.11-1-10.pdf](#)
[1801 Marshall Ave.Fire C of O Ltr.10-18-10](#)
[1801 Marshall Ave.PC ltr.11-9-10.doc](#)

- 19 [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

Attachments: [211 Kim Place.appeal.11-1-10](#)
[211 Kim Place.Condemnation.11-1-10](#)
[211 Kim Place.Photos.11-1-10](#)
[211 Kim Pl.Espinosa Email.11-7-10](#)
[211 Kim Pl.Wittgenstein Email.11-3-10](#)
[211 Kim Pl.LH ltr.11-9-10.doc](#)
[211 Kim Pl.PC ltr.12-7-10.doc](#)

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.

Referred to the City Council, due back on 12/15/2010

- 20 [ALH 10-357](#) Appeal of Louie Teppen to a Re-Inspection Fire Certificate of Occupancy Deficiency List at 957 Minnehaha Avenue East.

Sponsors: Lantry

Attachments: [957 Minnehaha.appeal.11-2-10.pdf](#)
[957 Minnehaha Ave E.Fire C of O Ltr.10-25-10](#)
[957 Minnehaha Ave E.Photos.10-21-10](#)
[957 Minnehaha Ave E. Fire C of O Ltr.9-29-10](#)
[957 Minnehaha Ave E.Photos.9-28-10](#)
[957 Minnehaha Ave E.PC ltr.11-9-10.doc](#)

Withdrawn

Referred to the City Council, due back on 12/15/2010

- 21 [ALH 10-416](#) Appeal of Pergola Trust to a Fire Inspection Correction Notice at 178 SUMMIT AVENUE.

Sponsors: Thune

Attachments: [178 Summit.appeal.11-30-10.pdf](#)
[178 Summit Ave.Fire C of O Orders.11-17-10.dot](#)
[178 Summit Ave.PC ltr.12-7-10.doc](#)

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.

Referred Under Master Resolution

- 22 [ALH 10-439](#) Appeal of Hope and Jeff Austin-Phillips to a Fire Inspection Correction Notice at 567 ASBURY STREET.

Sponsors: Stark

Attachments: [567 Asbury.appeal.11-30-10.pdf](#)
[567 Asbury St.PC ltr.12-7-10.doc](#)

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

Referred Under Master Resolution

Fire Corrections Notice

23 [ALH 10-432](#)

Appeal of Douglas King to a Fire Inspection Correction Order at 750 BLAIR AVENUE.

Sponsors: Carter III

Attachments: [750 Blair.Appeal.12-7-10.pdf](#)
[750 Blair Ave.PC ltr.12-7-10.doc](#)

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.

Laid Over to the Legislative Hearings, due back on 12/14/2010

24 [ALH 10-449](#)

Appeal of Allison Klis to a Fire Inspection Correction Notice at 1638 MARSHALL AVENUE.

Sponsors: Stark

Attachments: [1638 Marshall Ave.Appeal.12-7-10.pdf](#)
[1638 Marshall Ave.Parking Plan.11-24-10.pdf](#)
[1638 Marshall Ave.PC ltr.12-7-10.doc](#)

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.

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.

On November 10, 2010, Ms. Moermond reviewed the appeal and recommended denying the appeal for the egress window in the basement apartment.

On December 20, 2010, Inspector Bill Beumer re-measured the opening of the Unit 2 window from Item 11 and the openable space did measure 16 inches in height. Therefore, Ms. Moermond recommended granting an 8-inch variance on the openable height of the egress window in the studio room, in Unit 2.

Referred Under Master Resolution

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

Sponsors: Lantry

Attachments: [1735 Louise.appeal.12-7-10.pdf](#)
[1735 Louise Ave.Correction Notice 11-18-10.pdf](#)
[1735 Louise Ave.PC ltr.12-7-10.doc](#)
[1735 Louise Ave.PC ltr 12-14-10.doc](#)

No one appeared. Ms. Moermond denied the appeal. (Rescheduled)

Rescheduled to the Legislative Hearings, due back on 12/14/2010

- 26 [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

Attachments: [1435 3rd.appeal.12-7-10.pdf](#)
[1435 Third St E.PC ltr.12-7-10.doc](#)

Ms. Moermond granted 90 days to replace the windows.

Referred Under Master Resolution

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

Sponsors: Bostrom

Attachments: [777 Hyacinth.appeal.12-7-10.pdf](#)
[777 Hyacinth St E.PC ltr.12-7-10.doc](#)

Ms. Moermond granted 90 days for the egress bedroom windows in Item 3 to come into compliance.

Referred Under Master Resolution

- 28 [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

Attachments: [1439 Ashland Ave.Appeal.12-07-10.pdf](#)
[1439 Ashland Ave.PC ltr.12-7-10.doc](#)

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

Referred Under Master Resolution

- 29 [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

Attachments: [1564 MCAFEE.appeal.12-7-10.pdf](#)
 [1564 McAfee St.PC ltr.12-14-10.doc](#)

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.

Referred Under Master Resolution

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

Sponsors: Lantry

Attachments: [2010 Bush.appeal.12-7-10.pdf](#)
 [2010 Bush Ave.PC ltr.12-7-10.doc](#)

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.

Referred Under Master Resolution

2:30 p.m. Hearings

Condemnation and Vacant Building Registrations

- 31 [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

Attachments: [330 Maple.appeal.11-30-10.pdf](#)
[330 Maple St.Vacant Building Registration.11-2-10.DOC](#)
[330 Maple St.Photos.11-2-10.pdf](#)
[330 Maple St.Order to Vacate.10-26-10.dot](#)
[330 Maple St.Summary Abatement Order.11-2-10.DOC](#)
[330 Maple St.Vehicle Abatement Order.11-2-10.DOC](#)
[330 Maple St.PC ltr.11-30-10.doc](#)
[330 Maple St.PC ltr.12-7-10.doc](#)
[330 Maple St.Power of Atty Affidavit.12-3-10.pdf](#)

Ms. Moermond recommended that Mr. Nunyapke 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

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

Sponsors: Carter III

Attachments: [965 Hague Avenue.Appeal.10-5-10.pdf](#)
[965 Hague Ave.Fire C of O Ltr.9-20-10](#)
[965 Hague Ave.Photos.9-20-10](#)

Forthcoming

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

Sponsors: Bostrom

Attachments: [1746 Sims Ave.Appeal.10-18-10.pdf](#)
[1746 Sims Ave.Fire Inspection Ltr.10-4-10](#)
[1746 Sims Ave.Diagram & Email.pdf](#)
[1746 Sims Ave.12-21-10.doc](#)

Forthcoming

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

Sponsors: Carter III

Attachments: [1522 Hague Ave.Appeal.10-4-10.pdf](#)
[1522 Hague Ave.Fire C of O Ltr.9-24-10](#)
[1522 Hague Ave.Photos.10-7-10](#)
[1522 Hague Ave.Fire C of O Ltr.9-3-10](#)
[1522 Hague Ave.Fire C of O Ltr.7-21-10](#)

Forthcoming

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

Sponsors: Carter III

Attachments: [929 Summit Ave.Appeal.10-29-10.pdf](#)
[929 Summit Ave.Alton Email.11-8-10.pdf](#)
[929 Summit Ave.Letter to Bob Kessler.11-8-10](#)
[929 Summit Ave.Letter to Halverson & Blaiser 10-26-10.pdf](#)
[929 Summit Ave.PC ltr.10-19-10.pdf](#)
[929 Summit Ave.St Paul Fire Inspection Condemned sign.10-25-10](#)
[929 Summit Ave.Alton Ltr.1-27-11.doc](#)

Forthcoming

Window Variances - Fire C of O

- 36 [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

Attachments: [1541 Hamline.appeal.12-7-10.pdf](#)

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.

Referred Under Master Resolution

- 37 [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
- Attachments:** [460 Beaumont.appeal.12-7-10.pdf](#)
- 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.*
- Referred Under Master Resolution**

Window Variances - Building Permits

- 38 [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
- Attachments:** [918 Nebraska.appeal.12-7-10.pdf](#)
- 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.*
- Referred Under Master Resolution**
- 39 [ALH 10-443](#) Appeal of Eric Ernst, Ernst Enterprises, to an Egress Window Non-Compliance Determination at 1246 PALACE AVENUE.
- Sponsors:** Harris
- Attachments:** [1246 Palace.appeal.12-7-10.pdf](#)
- 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.*
- Referred Under Master Resolution**
- 40 [ALH 10-444](#) Appeal of Bryan Horton, Renewal by Andersen, to an Egress Window Non-Compliance Determination at 1591 MCLEAN AVENUE.
- Sponsors:** Lantry
- Attachments:** [1591Mclean.appeal.12-7-10.pdf](#)
- 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.*
- Referred Under Master Resolution**

- 41 [ALH 10-445](#) Appeal of Bryan Horton Renewal by Andersen, to a Egress Window Non-Compliance Determination at 2190 EDGCUMBE ROAD.
- Sponsors:** Harris
- Attachments:** [2190 Edgcumbe.appeal.12-7-10.pdf](#)
- 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.*
- Referred Under Master Resolution**
- 42 [ALH 10-446](#) Appeal of Bryan Horton, Renewal by Andersen, to an Egress Window Non-Compliance Determination at 1002 LINWOOD AVENUE.
- Sponsors:** Thune
- Attachments:** [1002 Linwood.appeal.12-7-10.pdf](#)
- 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.*
- Referred Under Master Resolution**
- 43 [ALH 10-447](#) Appeal of Jeff Beissel, Beissel Window and Siding, to an Egress Window Non-Compliance Determination at 1370 PROSPERITY AVENUE.
- Sponsors:** Bostrom
- Attachments:** [1370 Prosperity.appeal.12-7-10.pdf](#)
- Grant a 1-inch variance on the openable width of one casement replacement egress bedroom window measuring 41 inches high by 19 inches wide.*
- Referred Under Master Resolution**
- 44 [ALH 10-448](#) Appeal of Jeff Beissel, Beissel Window and Siding, to an Egress Window Non-Compliance Determination at 440 CHEROKEE AVENUE.
- Sponsors:** Thune
- Attachments:** [440 Cherokee.appeal.12-7-10.pdf](#)
- Grant a 2 1/4-inch variance on the openable height of five double hung replacement egress bedroom windows measuring 21 3/4 inches high by 26 1/4 inches wide.*
- Referred Under Master Resolution**

- 45 [ALH 10-450](#) Appeal of Ron DeTomaso, Superior Home Remodeling, to an Egress Window Non-Compliance Determination at 254 SIDNEY STREET WEST.
- Sponsors:** Thune
- Attachments:** [254 Sidney.appeal.12-7.10.pdf](#)
- 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.*
- Referred Under Master Resolution**
- 46 [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
- Attachments:** [676 Geranium.appeal. 11-30-10.pdf](#)
- 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.*
- Referred Under Master Resolution**
- 47 [ALH 10-464](#) Appeal of Matthew P. O'Hara to an Egress Window Non-Compliance Determination at 314 VAN BUREN AVENUE.
- Sponsors:** Carter III
- Attachments:** [314 Van Buren.appeal.12-7-10.pdf](#)
- 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.*
- Referred Under Master Resolution**
- 48 [ALH 10-465](#) Appeal of Dennis Potapenko to an Egress Window Non-Compliance Determination at 842 SHERWOOD AVENUE.
- Sponsors:** Bostrom
- Attachments:** [842 Sherwood.appeal.12-7-10.pdf](#)
- 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.*
- Referred Under Master Resolution**

- 49 [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

Attachments: [1200 Larpenteur.appeal.12-7-10.pdf](#)

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.

Referred Under Master Resolution

- 50 [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

Attachments: [1245 Osage.appeal.12-7-10.pdf](#)

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

Referred Under Master Resolution

Window Variances - Code Compliance Report

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

Sponsors: Bostrom

Attachments: [1821 Orange.appeal.12-7-10.pdf](#)

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.

Referred Under Master Resolution