



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
Jean Birkholz, Hearing Secretary
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651-266-8585

Tuesday, October 1, 2013

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Special Tax Assessments

- 1 [RLH TA 13-602](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1312B1, Assessment No. 138116 at 800 IOWA AVENUE WEST.

Sponsors: Brendmoen

10/1/13: No show; approve the assessment.

On Sept. 13, 2013, Joette Nuyen called and left voice mail message indicating that the boarding never happened and she didn't wish to reschedule any hearings. Ms. Vang called and left a message with her and ordered police report. Ms. Moermond reviewed the police report and recommended approving the assessment. A call was made by Ms. Moermond to the owner. She left a message. LHO referred the matter back to LH just in case owner shows up.

Referred to the City Council due back on 10/16/2013

- 2 **RLH TA 13-562** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1401A, Assessment No. 148500 at 1084 LEXINGTON PARKWAY NORTH.

Sponsors: Brendmoen

LHO will get aerial photo and review. Recommendation is forthcoming.

Referred to the City Council due back on 1/2/2014

- 3 [RLH TA 13-595](#) Amending File No. RLH AR 13-73 Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1311A, Assessment No. 138530 at 51 MCKNIGHT ROAD NORTH.

Sponsors: Lantry

Approve and spread payments over 5 years. (Resolution levied on 9/4 PH; will amend resolution to reflect change of recommendation)

James Drontle, owner, appeared. DSI Staff: Paula Seeley, Scott St. Martin, Leanna

Shaff

Paula Seeley:

- 2 separate Summary Abatement Orders, failure to maintain exterior property
- first set of order on April 30 with a compliance date of May 5, rechecked on May 6, work order sent and done on May 9, 2013
- 2nd one sent May 21st with a compliance date of May 25th, rechecked on the 28th, work order sent and done on May 30th
- Total assessment is \$884. No mail returned.
- open file for rubbish, couch, appliances, recycling materials, household items, broken bikes, plastic, etc. from yard areas.
- took photos
- May 21st - summary abatement - remove improperly stored or accumulated refuse including: cardboard covered furniture/stove from the driveway.

Ms. Moermond:

- questioned why appealing

Mr. Drontle:

- not live there since Jan 2012; gone thru divorce in May and she lives there
- will take ownership in May of 2014
- not sure how to clean up property when ex-wife lives there and then I would end up with the bill
- need to pay other bills involving my divorce
- ex-wife has not paid the mortgage
- questioned why being held accountable for ex-wife's action

Ms. Moermond:

- asked if appellant has another court date scheduled about the divorce

Mr. Drontle:

- divorced has been finalized.
- will take ownership in May 2014 with the understanding of paying \$2900 a month in child support plus spousal maintenance
- want the furnace back from the City, worth \$2,000; bought the furnace but got kicked out so it sat in the yard
- couldn't go to the property due to OFF
- with all the issues, probably need to walk away from the place.

Ms. Moermond:

- if ex-wife is not making payments, questioned where is the foreclosure period

Mr. Drontle:

- out 3 months in non-payments
- after 60 days, can take ownership
- talked to the Bank and they are willing to do loan modification; need to fill application
- spousal maintenance done June 1.

Ms. Moermond:

- refer to Michelle Vojacek, PED at 651-266-6599; handles the foreclosure prevention program for the City
- will have information
- asked for video and furnace that was picked up and can go to small claims court, has information, fee might be waived.
- Video: clean-up: rear of property - rubbish, broken bike, buckets, plastic bins, loose and scatter, more bikes in good condition (not going to touch) and containers,

insulation, loose and scatter, bag of debris under and on top of table; Front - loose and scatter in driveway, cardboards, couch in front and cushions.

-City left the furnace on this trip

-2nd video: cardboard covered furniture/stove, loose and scatter in driveway

-City removed it

-notification went to both at the McKnight address

Mr. Drontle:

-got mail for the hearing dates

-came downtown at Council, missed it

Ms. Moermond:

-did the city provide notice and was the work done

-in this case, the City did do the work

-REC approval and over 5 years

-can file in small claims court and can get our information against ex-wife

Mr. Drontle:

-don't want to go down that road

Ms. Moermond:

-can file a claim against the City for the value of the furnace.

Referred to the City Council due back on 10/16/2013

4 RLH TA 13-575 Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1401, Assessment No. 148200 at 147 MORTON STREET WEST

Sponsors: Thune

Reduce the assessment from \$325 to \$225.

RE: 147 Morton Street West (Single Family)

Joseph Card, owner, appeared.

Fire Inspector Leanna Shaff:

- Fire Certificate of Occupancy Inspection fee

- cost: \$170 + \$155 service charge = \$325

- gold card was returned

- this was approved on the initial inspection, Apr 24, 2013

- bills were sent: Apr 26, 2013 and May 27, 2013

- sent to: 644 Brookside Lane, Mendota Heights

- no returned mail

Mr. Card:

- he spent a lot of time out of town; when he came back into town and got the Notices, he went down to pay them and they told him that he couldn't pay them because they had already gone to assessment

- he doesn't think that it's right that the city doubles the fee when it goes to taxes

- he went down to pay it sometime in Jun 2013

Ms. Moermond:

- the bill was sent out twice

- you get a total of 45 days to pay the bill

- will recommend reducing the assessment by \$100 from \$325 to \$225

Referred to the City Council due back on 1/2/2014

- 5 **RLH TA 13-596** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1401A, Assessment No. 148500 at 1886 ORANGE AVENUE.

Sponsors: Bostrom

Delete the assessment; clean up done at wrong property.

RE: 1886 Orange Avenue East (Single Family)

Inspector Paula Seeley:

- recommends deletion

- the work was done on the wrong property

Referred to the City Council due back on 1/2/2014

- 6 [SR 13-77](#) Review request of Keith Eklund to a Special Tax Assessment for Real Estate Project No. J1309A, Assessment No. 138521 at 726 RANDOLPH AVENUE.

Sponsors: Thune

Delete the assessment. (See TA 13-607 going to Council on 10/16/13.)

Paula Seeley:

-snow order on March 15, compliance date Mar 16, rechecked on Mar 19, work order sent and done on Mar 21

-total cost of \$321

-no mail returned

-sent to Keith Eklund, 2648 16th Ave E, North St Paul MN 55109 and at Randolph Ave and also to occupant.

-has photos.

Marcia Moermond:

-questioned why appealing

Keith Eklund:

-confused as to what the assessment was for

-had couple calls, one for snow removal and then tenants moved out

-1st of April, not sure because they left whole bunch of junk in the yard

-told inspector about it

-thought shoveling got done

Video: remove snow on public walk and open up corner and sidewalk on Bay

Keith Eklund:

-sidewalk on Bay is not mine

Ms. Moermond:

-you're on a corner lot

-how is that not your property

Keith Eklund:

-that corner lot is someone else's property

-there is another lot that runs along Bay Street that somebody else own

*[Paula Seeley looking into GISMO]
-attempted to purchase that property when purchased my property
-owner wanted \$40k
-she still has it for sale right now*

*Paula Seeley:
-that is correct, he is not responsible for the Bay side.
-someone owns 492 Bay Street*

*Ms. Moermond:
-don't think great job was done on Randolph but photos showed worse on Bay side
-Delete the assessment; no doubt work still needed to be done*

Received and Filed

- 7 [RLH TA 13-567](#) Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1401P, Assessment No. 148400 at 445 WACOUTA STREET.

Sponsors: Thune

Delete the assessment; waiver on file.

Referred to the City Council due back on 1/2/2014

Staff Reports

- 8 **RLH TA 13-555** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1401A, Assessment No. 148500 at 212 BAKER STREET EAST.

Sponsors: Thune

Approve the assessment; no mail returned.

RE: 212 Baker Street East (Duplex)

No one appeared.

*Inspector Paula Seeley:
- you wanted us to see whether there was any returned mail
- there was no returned mail*

*Ms. Moermond:
- will recommend approval of this assessment*

Referred to the City Council due back on 1/2/2014

- 9 **RLH TA 13-599** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1401A, Assessment No. 148500 at 909 ROSE AVENUE EAST.

Sponsors: Bostrom

Reduce the assessment from \$896 to \$752. (insufficient evidence on video for the garbage clean-up)

RE: 909 Rose Avenue East (Singe Family)

No one appeared.

Ms. Moermond:

- we needed to look at the VIDEO
- asked for a breakdown of costs for the 3 Work Orders

Inspector Paula Seeley:

- cut tall grass and weeds: \$160
- garbage abatement fee for cutting bushes: \$260 + \$28
- code enforcement fee: \$160
- clean-up refuse fee: \$288

Ms. Moermond:

- total \$896 - would like to subtract \$160 tall grass and weeds charge and the \$288 related to the garbage clean-up = \$448
- she didn't see that any grass needed to be mowed and if there was any garbage on the ground, noted in the Order, it was incidental

Ms. Seeley:

- there was scattered litter all over the alley; photo shows it

Ms. Moermond:

- she didn't see scattered in the VIDEO; sees it in the photo VIDEO again
- insufficient evidence; don't see tall grass and weeds
- viewed another VIDEO for just tall grass and weeds over 8"
- wants to give credit for the scattered - no sufficient VIDEO evidence, although the photo documented it (don't see the clean-up happening on VIDEO)
- will recommend reducing the total (\$896) by \$144 (half the SA charge) for a total of \$752

Referred to the City Council due back on 1/2/2014

11:00 a.m. Hearings

Summary Abatement Orders

Correction Orders

- 10 [RLH CO 13-33](#) Appeal of James & Holly Wardlaw to a Correction Notice at 699 FOURTH STREET EAST.

Sponsors: Lantry

Grant an extension to October 1, 2014 to replace the house side timbers with HPC approved landscaping materials.

RE: 699 Fourth Street East (Single Family)

James and Holly Wardlaw, owners, appeared.

Inspector Scott St. Martin:

- Inspector Kaisersatt went out on a complaint
- he issued Orders Sep 9, 2013 on residential parking on an unapproved surface (All residential parking spaces shall be paved with asphalt, concrete or suitable surfacing

as determined by zoning enforcement. Cease parking on unapproved surfaces. For information/installation on approved surface, contact Zoning at 266-9008 regarding approval of the site plan.)

- inspector followed up in his notes: found existing site plan on file that called for a cobblestone driveway on the site plan (there is a small stone in the driveway, not cobblestone); it did not meet site plan, as approved
- no returned mail

Amy Spong, Heritage Preservation Commission (HPC):

- 1905 1 1/2 story Dutch Colonial style property
- surveyed first in 1983
- original owner was Eric Hauser, a contractor who built the house; architect was Keith and Company
- in 1983, this driveway area in question actually had a 2 1/2 story house on it
- in 1989, next surveyed - doesn't know whether or not the house was still there
- 2002, there is an application by a Maplewood Construction company for a curb cut, cobblestone driveway and parking platform; also have a 2-page site plan with the HPC stamp and signature; there's also a Zoning approval stamp; also has a copy of the original building permit application which says, "Curb cut, have apron poured; 30-foot cobblestone driveway.....shrubs, screen parked cars"
- staff notes: they saw the cobblestone sample and will run in a straight pattern
- clarified: they use the term "cobblestone" but today that really means a concrete paver, widely available on the market today; we're not talking about granite cobblestone (she thinks that currently the applications are a lot more clear)
- and, it does say as the only condition, owner will provide adequate landscaping and will set back the pad essentially, a concrete apron was approved and after the sidewalk, a 9-foot wide driveway going toward the back of the house; then, a site plan was approved for a 10 x 18 foot parking pad even though the building permit application says 10 x 15 feet

Mr. Wardlaw:

- they purchased this side yard in 2002 for \$4,000; that house was condemned and demolished
- they applied for a permit for a driveway apron (\$2,500)
- he went to Amy Spong for his site plan (at the time, they were not allowed to put down asphalt so, they had 3 options: 1) cobblestone; 2) concrete; or 3) gravel; and he chose gravel; 50% of the driveways in Saint Paul are gravel)
- this gravel driveway has been there since 2002 and is in perfect condition

Ms. Spong:

- after reviewing the photo, she said that the driveway seems as though it's wider than 9 feet; sees that the plantings are fairly consistent with the site plan; also, sees the timber type retaining wall - their guidelines do not recommend using these railroad ties for retaining purposes

Ms. Wardlaw:

- believes the driveway is 12 feet wide, the width of the inner apron entrance
- the timbers are used on both sides of the driveway because they are on a hill and they hold the hill back; it's worked for 10 years

Ms. Spong:

- today, this proposal minus the railroad ties, the HPC would be concerned about: 1) replacing green space - we'd get both the apron and driveway as narrow as possible; 2) now, we also are allowing for asphalt behind the public sidewalk (not in the apron) in a narrower 9 foot width; and 3) the same kind of screening and landscaping

Ms. Moermond:

- gravel driveways aren't allowed anymore in Saint Paul; they are getting written up
- more than 50% of the driveways in Saint Paul are either asphalt or concrete
- she likes to encourage permeable surfaces to the extent possible
- the timbers are problematic, historically; we could change the timbers to something else and leave the gravel (Ms. Spong: rock-faced concrete block could be used instead of timbers)
- she is comfortable with the gravel; not with the timbers - something more historically appropriate would be best

Mr. Wardlaw:

- noted that the timbers weigh 500 lbs. each and they are embedded; it would be a major job to get them out
- would need to submit a type of stone that would be acceptable for HPC
- the rules are changing; believes they should be grandfathered-in

Ms. Moermond:

- the HPC application from 2002 is substantially different from what was done
- would like them to meet her half way on this

Ms. Spong:

- if gravel would have been proposed in 2002, HPC would have approved that; we've accepted gravel driveways in the past; now, zoning doesn't allow dust surfaces
- cobblestone was proposed to the HPC in 2002; the HPC didn't say they had to use cobblestone
- if the Wardlaws walked in today with a plan of what they have, HPC would allow only a 9 foot driveway; the plantings would be the same; but the timbers would not be allowed

Ms. Moermond:

- will recommend granting an extension to Oct 1, 2014 to replace only part of the timber retaining wall with materials recommended by the HPC guidelines
- will allow the 12 foot gravel driveway to continue

Referred to the City Council due back on 10/16/2013

Orders To Vacate, Condemnations and Revocations

- 11 [RLH VO 13-47](#) Appeal of Philip OBrien to a Revocation of Fire Certificate and Order to Vacate at 669 CASE AVENUE.

Sponsors: Bostrom

Grant an extension until October 18, 2013 for compliance with a follow-up inspection on October 21, 2013.

RE: 669 Case Avenue (Duplex)

Philip O'Brien, GPRE Properties, owner, appeared.

Fire Inspector Leanna Shaff:

- Revocation of Fire Certificate of Occupancy first heard Dec 2012
- exterior items were to have been completed by Jul 1, 2013; they were not, so, Inspector Ellis Revoked the Fire C of O and Ordered the building vacated
- Orders Dec 10, 2012: exterior west side foundation damage; exterior walls free from holes; fascia; retaining wall; driveway issues; etc.

- she is not seeing a request for an extension

Ms. Moermond:

- took some time to Revoke

Mr. O'Brien:

- GPRE Properties, a company that he and a roommate started
 - the biggest impediment for this repair has been getting money for the siding (painting would cost around \$5,000; siding: \$15,000-\$20,000)
 - he has made a down payment with a loan from his parents
 - the contractor pulled the permit online on Sunday and he is starting today; will be finished by the end of next week
 - is just asking for a little more time

Ms. Moermond:

- City Council Public Hearing is Oct 16, 2013
 - will grant an extension to Oct 18, 2013
 - follow-up inspection on Oct 21, 2013 (Inspector Shaff will be there to check it out)
 - if more time is needed, Mr. O'Brien can present that to the Council

Referred to the City Council due back on 10/16/2013

1:30 p.m. Hearings

Fire Certificates of Occupancy

12 [RLH FCO 13-216](#) Appeal of Dave Roeser to a Fire Inspection Correction Notice at 1505 COMO AVENUE.

Sponsors: Stark

Grant an extension until June 1, 2014 for the chimney liner to come into compliance; grant until November 1, 2013 for the remaining items on the list.

RE: 1505 Como Avenue (Duplex)

Dave Roeser and his wife, Waters Edge Enterprises, owners, appeared.

Fire Inspector A. J. Neis:

- this is a follow-up of an appeal
 - there was a re-inspection done today; Appellants wanted to be advised on items: #2, 3, 8, 9, 10, which are still not completed
 - Ms. Moermond had previously indicated that Steve Ubl was to go out and inspect the basement but Mr. Ubl does not recall receiving that request, according to Inspector Martin
 - per Inspector Lisa Martin, items not completed were: grippable handrail on the rear deck; exterior sidewalks and stairs; dryer vent; water heaters' chimney liners and boilers; and #10

Mr. Roeser:

- contractor has been selected and permits have been pulled on the items; Inspector noted this
 - the warm air guy who did the boiler will come back to do the dryer vent this week; he is also running a calculation on the chimney liner and Snelling Company is hired
 - bought house from a bank

- need time to finish; the chimney thing sounds very expensive (if you have to remove a chimney); not sure how they will get the money to do that (a new terra cotta liner is about a \$20,000 fix he was told)
- the deck will be done next week

Mr. Neis:

- sees that a permit was pulled yesterday by Kruser Construction for the deck
- does not see a permit...perhaps they will re-open the permit for the chimney liner
- there was a verbal Order by a mechanical inspector when they were installing the boilers and water heater; at that time, the inspector said that he spoke with the contractor to let them know that the liner needed to be a minimum of 7 inches (Ms. Moermond: Mai printed out the inspector's notes)
- is looking up chimney liners; should cost no more than around \$400

Ms. Moermond:

- went through list
- #1 done
- #2 done next week
- #3 done next week
- #4 done
- #5 done
- #6 done
- #7 done
- #8 underway
- #9 will come back to that
- #10 underway
- #11 done
- will recommend granting an extension to Jun 1, 2014 on the chimney liner; and an extension to Nov 1, 2013 on the rest of the items
- would like a building inspector/Fire inspector to go out to check out the basement remodel to make sure it was done properly
- she will call Mr. Ubl
- City Council Public Hearing Oct 16, 2013

Referred to the City Council due back on 10/16/2013

13 [RLH FCO
13-222](#)

Appeal of James Pectorious to a Fire Inspection Correction Notice at 359 LAWSON AVENUE EAST.

Sponsors: Brendmoen

Deny the appeal and grant an extension until January 1, 2014 for tenant(s) to vacate the 2nd floor attic used as a sleeping room. No egress window is required since the room cannot be used for sleeping purposes.

RE: 359 Lawson Avenue East (Single Family)

James Pectorious, owner, appeared.

Fire Inspector A. J. Neis:

- Fire Certificate of Occupancy Correction Notice by Inspector Ben Ellis
- appealed are items: #2 - 2nd floor ceiling height; requirement of 7 feet and #3 - provide and maintain an approved escape window for sleeping room in regards to the space in the attic
- he consulted with Inspector Ellis yesterday; it turns out that this space in the attic goes through another bedroom, which not written in the Orders; it adds another level of safety concern

- when this house was built, the 2nd floor was not intended to be used as habitable space; it is 6 1/2 feet high at the peak
- photos

Mr. Pestorius:

- bungalow style home
- the attic is one large room, which is accessible from a stairway located within a small bedroom on main floor
- he would like to get a variance to make the attic a habitable room by putting in an escape window in place of the 2 double-hung windows in the photo
- there are 2 bedrooms on the 1st floor
- all other items are complete

Mr. Neis:

- concern: ceiling height plus access through another sleeping room; the Fire Code states that a sleeping room cannot pass through another bedroom

Ms. Moermond:

- asking where the 5 foot line is (How many square feet of the room are at 5 feet or above?); can't tell from these Orders

Mr. Neis:

- thinks that 5 feet starts about half way up the wall
- a bedroom needs to be a minimum of 70 sq. ft. for 1 person and according to Mr. Ellis, there were 3 beds up there at the time of inspection
- the bedroom is the length of the house, which is probably between 40-50 feet
- there is no livable space in the basement
- total livable space of the house is 1186 sq. ft; foundation is 1000 sq. ft.
- the Orders will be modified to include the intervening space issue and his recommendation would be to Condemn using the attic space as a sleeping room

Ms. Moermond:

- she concurs with Mr. Neis' proposed recommendation; the shortfall is too great in the attic - too many problems: usable square footage is too small; in and out of a separate room; egress window not adequate
- she will recommend against a variance in this case
- Fire will re-issue Orders that takes into account the exiting through another room
- effective vacate date for the attic is Jan 1, 2014 (Mr. Pestorius: the attic is vacant now)
- she would be OK with a mattress being up there until Jan 1, 2014
- City Council Public Hearing Oct 16, 2014; they could look at this differently
- the Nov 18, 2013 re-inspection date will stand

Referred to the City Council due back on 10/16/2013

14 [RLH FCO
13-221](#)

Appeal of Art Harder to a Fire Inspection Correction Notice at 284 SHERBURNE AVENUE.

Sponsors: Khaliq

Grant until December 1, 2013 to install a 4-inch bollard to protect the gas meter and grant until Jun 1, 2014 to bring the driveway into compliance by adding more Class 5 and make clean lines to create boundaries between the parking and grass.

RE: 284 Sherburne Avenue (Single Family)

Art Harder, Give Me Shelter LLC, owner, appeared.

Fire Inspector A. J. Neis:-

- *Fire Certificate of Occupancy Correction Notice dated Sep 16, 2013 by Inspector Jeremy Hall*
- *re-inspection scheduled for Oct 18, 2013 at 10:30 a.m.*
- *appealed is a driveway parking surface which is class 5*
- *photos attached to appeal*
- *Class A property*
- *inspector noted 3 violations: 1) put current tabs on vehicles, if they are inoperable, remove them from the property; 2) clearance around the furnace in basement; and 3) the driveway*

Mr. Harder:

- *looking for a waiver or an extension*
- *notes that the driveway has nothing to do with health and safety and it is dust free*

Ms. Moermond:

- *will allow gravel driveways to continue in their existing use if they are appropriately laid out*
- *this driveway has weeds growing through it, it doesn't look maintained and it doesn't have clean boundaries*
- *exterior maintenance code*
- *this driveway needs to be fixed with: 1) fresh class 5; or 2) put in cement/asphalt paving tracks and eliminate the gravel altogether; she wants to see clean lines*

Mr. Neis:

- *because of the close proximity with the house, it may have been made to be gravel cow tracks with grass in the middle to help to prevent run-off into the house*
- *from the photo that was taken, it appears that there's a Dodge Caravan parked far into the yard, no longer on the driveway and the gas meter is very close; it's about half way back from the edge of the front of the house*

Mr. Harder:

- *the driveway seems to end at the front door where the porch begins; the Dodge Caravan has been parked there for at least a year; it hasn't moved.*

Ms. Moermond:

- *if you'd want to use the longer driveway, you'd have to put in a bollard to protect the gas meter from being bumped by a car*
- *she is OK with someone parking closer to the house and a shorter driveway*

Mr. Neis:

- *either way, he would strongly encourage gas meter protection be installed (some kind of a stop)*

Ms. Moermond:

- *technically, it looks as though the driveway runs until the back of the house*
- *will recommend clean class 5, clean lines and protection for the gas meter*
- *she would like to see a corrected Order be sent out that includes the gas meter concern (it should have been included)*
- *deadline for the bollard/gas meter protection is Dec 1, 2013*
- *deadline for fresh class 5 is Jun 1, 2014*

Mr. Neis:

- *Xcel Energy will put in a bollard for a cost or Mr. Harder can buy a 4-inch bollard filled with concrete (Call before you dig); can buy a bollard at your local hardware*

store (no permit needed)
- recommended using a manual post hole digger

Referred to the City Council due back on 10/16/2013

2:30 p.m. Hearings

Vacant Building Registrations

- 15 [RLH VBR 13-57](#) Appeal of Mackonnen Hidru to a Vacant Building Registration Notice at 469 ANITA STREET.

Sponsors: Thune

Close the Vacant Building Category 2 file; owner can occupy the building; placard can be removed and permit can be pulled. Lay over to get State licensing status from Christine Rozek. LHO to consult with the senior plumbing inspector and the commercial fire inspector chief.

RE: 469 Anita Street (Grocery Store)

Mackonnen Hidru and his wife, owners, appeared.

Fire Inspector A. J. Neis:

- *Category 2 Vacant Building that was sent to code enforcement from Fire Inspection due to long term noncompliance*
- *inspection process started Feb 21, 2013 by Inspector Wayne Spiering*
- *inspector noted that the basement bathroom was not in compliance at this mercantile/grocery store; he issued Orders to remove the bathroom or install a code compliant bathroom under permit; the bathroom is required for this use*
- *there were 13 code violations noted at that time*
- *Inspector Spiering conducted several inspections since then: Mar and in Apr, items were being disputed; repairs were costing too much money; so, he provided info for the appeal process and encouraged them to exercise their right to appeal*
- *May 15, 2013, Inspector Spiering re-inspected; met Natso Hidru (property owner never did meet him for inspections); still no electrical permit; basement bathroom had been abandoned; toilet and sink had been removed but water lines were not capped-off; toilet was also not capped off property*
- *inspector reviewed this with his supervisor, Angie Weise, who advised him to Revoke the Certificate of Occupancy with a 30-day vacate and notify licensing*
- *Jun, 2013, another re-inspection was performed; no bathroom facility in the store, which is required; the gas meter protection had been done incorrectly*
- *the house next door is vacated and an accessible bathroom can be used since the store owner is also the owner of that house*
- *inspector reviewed the photos with his supervisor*
- *they granted an additional 60 days extension to install the bathroom in the store*
- *Aug 20, 2013, still not completed, so it was sent to Vacant Building Program*
- *photos in file*

Matt Dornfeld, Vacant Buildings

- *Aug 20, 2013, Inspector Dennis Senty opened a Cat 2 VB file and noted that the building was unoccupied, secured by other than normal means, had wire fencing over windows; he took photos, posted placards and issued a Summary Abatement Order for junk, refuse, discarded furniture on the alley side of the lot; the city cleaned it up Aug 26, 2013 and there was additional dumping for which a Work Order was issued*

- Sep 17, 2013, inspector noted that the building was open to entry for work but he did not stop to inspect

Mr. Hidru:

- re basement bathroom: Mr. Wayne did not say to remove the bathroom; he told us to improve some things; he told use to change some things; he said some things needed to be corrected; we tried to correct things but they didn't meet the requirements; the previous owner used that same bathroom for a long time
- they get a lot of dumping in the alley

Mr. Neis:

- he concurs with Mr. Hidru because the Orders are very unclear; note on Feb 25 Orders, he was told to remove the bathroom or contact a licensed contractor to install a code compliant bathroom under permit
- looking at the photos, they may have been trying to comply with that by removing the bathroom
- then, we come back and say, "Now, you've got to put in a code compliant bathroom."

Ms. Hidru:

- she was there with the inspector; the first time, he told us to fix something and we did; next time, he came too soon and then said that it wasn't 7 feet high; after we took out the bathroom, he said that wasn't right; then, we planned to make a bathroom upstairs

Mr. Hidru:

- they got a lot of compliments on the work they did both interior and exterior
- when you start a small business for the first time, it's not easy; he didn't give any positive encouragement
- purchased the building last year in Nov; opened the store in Dec 2013
- they did not do any modifications to the bathroom in the basement before the inspector came

Mr. Neis:

- this property was inspected back in 2009 and was approved by Paggy Schlichty; approved by David Bergman in 2006 (there was not an issue with the basement bathroom)
- he would like to speak to Inspector Spiering to clear this up because his original Orders in Feb 2013 says: "Permits are required for the basement bathroom based on remodel" - so, he curious....

Ms. Moermond:

- for re-installation of a bathroom in the basement, she would obviously, waive that 7 foot ceiling height requirement but she wants to hear back from Mr. Neis first

(Took a 10 minutes Recess to allow Mr. Neis to phone Inspector Spiering)

- she is trying to sort out whether or not the Orders were written correctly
- the bathroom area was OK for the previous 3 inspections; why did this inspector call it out? Did the previous inspectors miss something?
- she thinks that this call should not have been made but before she can come to that decision, she will need to consult with the Sr. plumbing inspector and the commercial fire inspection chief in order to figure out how to straighten out this situation; also, the Appellant has now removed the basement bathroom - is installing another bathroom on the first floor (more money spent)
- she will Lay this Over for 1 week to Oct 8, LH to do her consulting

- she is concerned about the cost the Appellants have experienced
- is inclined to grant this appeal on the Registered VB status

Mr. Hidru:

- showed photo of gas meter - Inspector said that Xcel can put in guard for gas meter; Xcel said that he could put it in himself; Xcel also said that he didn't really need it
- he agreed to put in 2 1/2 in diameter bollards

Mr. Neis:

- the inspector is correct; the gas meter needs protection but there is no definitive guide - only what's within reason; Xcel has their own policy guidelines
- according to the MN State Fire Code, there is no definite setback requirement
- it's hard to say why this gas meter may not have been protected (from the driveway, which may have been new at some point); but bollards are required to help prevent snow plows from getting too close
- to correct - we need a wider diameter filled with concrete

Ms. Moermond:

- we'll let this issue rest until next week; don't do anything on it
- permits may have been held up because of Cat 2 status
- let's get the permits ready to go; they have cleaned-up the downstairs and have already started bathroom upstairs

Mr. Dornfeld:

- he will be closing this VB file very early tomorrow morning; they should be able to pull permits tomorrow morning
- explained that if items are blocking the alley, street, public right-of-way, the city will remove it; if the items are on his private property, it's the owner's responsibility
- call 651/266-8989 if the dumping is in alley, street, public right-of-way; also call police
- can put up "No Dumping" signs
- take off the placard
- Appellants can re-open and occupy the building and continue using the bathroom next door; they live next door

Ms. Moermond:

- she will call Christine Rozek to ask about their grocery license and if it had been suspended; they can re-open if the license situation is squared away
- pull permits to finish the bathroom
- will Lay this Over to 2:30 pm Tue, Oct 8, 2013

Laid Over to the Legislative Hearings due back on 10/8/2013

- 16 [RLH VBR 13-58](#) Appeal of Florin Ibrani and Eric Richens to a Vacant Building Registration Fee at 1389 FURNESS PARKWAY.

Sponsors: Bostrom

90 day waiver from DSI staff.

Withdrawn

- 17 [RLH VBR 13-56](#) Appeal of Dan Wagers to a Vacant Building Registration Notice at 412 HOLLY AVENUE.

Sponsors: Khaliq

10/1/13-owner failed to appear. Deny the appeal.

Referred to the City Council due back on 10/16/2013

Other

Window Variances: No Hearing Necessary

- 18** [RLH FOW](#) Appeal of Gary Binns to a Correction Notice - Foster Care Inspection
[13-13](#) at 703 FULLER AVENUE.

Sponsors: Khaliq

Grant a 2-inch variance on the openable height of the egress windows in the upper level bedroom. (No hearing was necessary)

Referred to the City Council due back on 10/16/2013