



# 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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Tuesday, May 22, 2012

9:00 AM

Room 330 City Hall & Court House

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### 9:00 a.m. Hearings

#### Remove/Repair Orders

- 1 [RLH RR  
12-18](#) Ordering the rehabilitation or razing and removal of the structures at 1186 SEVENTH STREET EAST within fifteen (15) days after the June 6, 2012, City Council Public Hearing.

**Sponsors:** Bostrom

*Forthcoming. Need revised work plan to include past rehabilitation costs, trade bids and financial information for the project. Owner will take photos of what has been done so far.*

*RE: 1186 Seventh St E (single family)*

*Kevin Menard, owner, appeared.*

*Ms. Moermond:*

- looking for a total estimate of rehab, from the beginning
- doesn't have any detailed information from contractors; needs a lot more detail on what has been done in the past 2 years and how much money has been spent
- remembers Mr. Menard submitted a Work Plan the first time around with an estimate of \$50,000 and discussing it at the May 1, 2012 LH (Mr. Menard did not recall that; he just got the money to do the rehab on Feb 1, 2012; this is the second time he's been in here - first time was May 1, 2012)
- the city's estimate is \$75,000
- doesn't see any documentation on how Mr. Menard intends to pay for the rest of the project
- needs time to look at this

*Mr. Menard:*

- his contracted plumber called last week and said he had knee surgery (he hadn't pulled the necessary permit); so, Mr. Menard contracted with a different plumber, who will pull a permit
- he paid first plumber \$3,500 already; the other \$3,000 will go to the 2nd plumber
- he talked with the electrical inspector this morning - he wants to wait until the plumber finishes
- doesn't know what Ms. Moermond really wants to see; he has receipts

- he and his brother (electrician) did the electrical work; he asked his brother a couple times to email an estimate
- he will transfer some money into the bank and provide a statement for Ms. Moermond (he doesn't have any idea what some of the items will cost)
- he has a warm air permit; intends to buy the materials and have the mechanical contractor draw him a plan and he will install (Mr. Magner suggested Mr. Menard talk with the Sr. Mechanical Inspector to see how much of the work he can do himself)

*Steve Magner, Vacant Buildings:*

- receipts aren't adequate because they don't include estimates
- pulled permits: electrical, building and warm air
- need to see a reference of what has been done (what would be charged for regular service)
- the submitted Work Plan is not adequate for what is needed; need electrical, plumbing and mechanicals broken down and more detail on the building items

*Ms. Moermond:*

- need proof of the money necessary to finish project
- need estimates on work done and work that needs to be done
- will look at what has been submitted and get back to Mr. Menard later in the day

*Amy Spong, Heritage Preservation Commission (HPC):*

- suggests that Mr. Menard take a lot of new photos to help Ms. Moermond and Mr. Magner understand what has been done and they are currently working on

**Referred to the City Council due back on 6/6/2012**

**2**      [RLH RR  
12-21](#)

Ordering the rehabilitation or razing and removal of the structures at 777 LAWSON AVENUE EAST within fifteen (15) days after the June 20, 2012, City Council Public Hearing.

**Sponsors:**      Bostrom

*No one appeared. Laid over to June 12, 2012 to see if any interested parties will come forward.*

*RE: 777 Lawson Ave E (single family)*

*Steve Magner, Vacant Buildings:*

- 2-story wood frame single-family dwelling with detached 3-stall garage on a lot of 4,792 sq. ft.
- vacant since Apr 21, 2010
- current property owner: Aaron Pantogja and Maria L. Paras per Ramsey County records
- Jan 18, 2012 inspection conducted; list of deficiencies which constitute a nuisance condition developed; photos taken
- Order to Abate Nuisance Building posted Feb 14, 2012; compliance date Mar 15, 2012
- as of this date, property remains in a condition which comprises a nuisance as defined by the legislative code
- estimated market value: \$10,000 on land; \$40,000 on building
- real estate taxes are current
- Vacant Building Registration fees were paid by check Apr 6, 2012
- as of May 21, 2012, a Code Compliance Inspection has not been done
- as of May 21, 2012, \$5,000 Performance Deposit has not been posted
- 11 Summary Abatement Notices since 2010

- 11 Work Orders issued for: 1) garbage/rubbish; 2) boarding/securing; 3) grass/weeds; 4) snow/ice
- estimated cost to repair exceeds \$50,000
- estimated cost to demolish between \$10,000-\$12,000
- the Department of Safety and Inspections (DSI) recommends removing the structure within 15 days
- stated owner: Five Brothers Mortgage (servicing company)

Amy Spong, Heritage Preservation Commission (HPC):

- Amanda gives 1909 as construction date; the permit card lists 1920
- fairly substantial 2 1/2 story Queen Anne property with a 2-story bay on the side of the building that's visible
- front porch was enclosed early on
- 3 over 1 lid double-hung windows
- on corner lot
- across street is a ball field
- houses along block face appear quite intact and of similar sizes and era
- original siding is covered up
- in 2011 Legacy Survey work - not identified at that time as a potential historic resource and not part of a potential historic district
- recommends encouraging rehab; house has quite a presence
- lots of remaining interior trim
- Sanborn maps: was an overlay put on prior to 1925 but never turned into flats

Ms. Moermond:

- would be nice to have had the owner show up
- possible foreclosure given that Usset and Langard and U.S. Bank are listed
- let's send a letter to them to see if there is interest to rehab
- the VB registration fee is paid
- 2,000 sq. ft. of finished single family
- layover to Jun 12, 2012 LH to see if anyone will show up

**Laid Over to the Legislative Hearings due back on 6/12/2012**

**3 RLH RR  
12-22**

Ordering the rehabilitation or razing and removal of the structures at 674 RIVOLI STREET within fifteen (15) days after the June 20, 2012, City Council Public Hearing.

**Sponsors:** Thune

*No one appeared. Remove within 15 days with no option for repair.*

RE: 674 Rivoli St (duplex)

Steve Magner, Vacant Buildings:

- 1 1/2 story wood frame duplex on a lot of 4,792 sq. ft.
- vacant since Dec 6, 2010
- current property owner: Joyce M. Perkins per Ramsey County records (he received a voice message from Joyce Perkins indicating that she is selling the property; has a signed Purchase Agreement with Dayton's Bluff Neighborhood Housing Services; message was forwarded to Ms. Moermond)
- Feb 1, 2012 inspection conducted; list of deficiencies which constitute a nuisance condition developed; photos taken
- Order to Abate Nuisance Building posted Feb 14, 2012; compliance date Mar 15, 2012
- as of this date, property remains in a condition which comprises a nuisance as

defined by the legislative code

- estimated market value of land: \$6,400
- estimated market value of building: \$33,600
- real estate taxes are current with the exception of 2008 and 2009 wherein the property owner signed a Confession of Judgment with Ramsey County for the delinquent taxes. If the owner fails to remain current on payments, the property will be scheduled for tax forfeiture after Dec 2012.
- Vacant Building Registration fees were paid by assessment Jan 6, 2012
- Code Compliance Inspection done Jan 4, 2011 and has since expired
- as of May 21, 2012, \$5,000 Performance Deposit has not been posted
- 3 Summary Abatement Notices since 2010
- 1 Work Order issued for grass/weeds
- estimated cost to repair exceeds \$50,000
- estimated cost to demolish exceeds \$10,000
- has also spoken with Jim Urchel, who acknowledged that Dayton's Bluff NHS was acquiring that house; do not know their plans

Ms. Moermond:

- asked Mai to also send letter to Jim Urchel

Amy Spong, Heritage Preservation Commission (HPC):

- 1885 or 1889 construction; vernacular frame house
- fairly complete loss of integrity on this home
- windows and siding have been altered
- not much redeeming historic detailing
- siding is vertical which changes original look
- part of 2011 Legacy Survey in Railroad Island neighborhood
- there was a very small potential historic district identified here in 1983, Mount Ida District; unfortunately, because of all the loss, this area no longer has potential for historic district; this property is right next to it
- there are several scattered sites around here that are still identified historically; some are very amazing (2 1/2 story corner tourets); almost European looking structures
- only 2 houses left on Mt. Ida that have been identified as a potential historic district
- recommendation: demolition would have no adverse affect

Ms. Moermond:

- will recommend removal of this structure within 15 days with no option for rehabilitation

**Referred to the City Council due back on 6/20/2012**

**4 RLH RR  
12-46**

Ordering the rehabilitation or razing and removal of the structures at 1058 SHERBURNE AVENUE within fifteen (15) days after the June 20, 2012 City Council Public Hearing.

**Sponsors:** Carter III

Forthcoming. Need Shipo information.

RE: 1058 Sherburne Ave (single family)

No one appeared.

Steve Magner, Vacant Buildings:

- 1 story wood frame single family dwelling with a detached 1-stall garage on a lot of

- 3,920 sq. ft.
- vacant since Mar 31, 2011
  - current property owner is Pao Yang and Yia Xiong per Ramsey County
  - Feb 2, 2012, inspection conducted, a list of deficiencies which constitute a nuisance condition developed; photos taken
  - Order to Abate Nuisance Building posted Feb 14, 2012; compliance date Mar 15, 2012
  - as of this date, the property remains in a condition which comprises a nuisance as defined by the legislative code
  - estimated market value on land: \$11,100
  - estimated market value on building: \$46,600
  - real estate taxes for 2009, 2010, 2011 and first half of 2012 are delinquent in the amount of \$3,324.87 plus penalty and interest (scheduled for tax forfeiture in 2013)
  - Vacant Building Registration fees were paid by assessment Apr 30, 2012
  - as of May 21, 2012, a Code Compliance Inspection has not been done
  - as of May 21, 2012, the \$5,000 Performance Deposit has not been posted
  - 9 Summary Abatement Notices since 2011
  - 9 Work Orders issued for: 1) garbage/rubbish; 2) boarding/securing; 3) grass/weeds; 4) snow/ice
  - estimated cost to repair exceeds \$50,000
  - estimated cost to demolish exceeds \$12,000
  - the Department of Safety and Inspections (DSI) recommends removing the structure within 15 days with no option for repair
  - copper piping has been stripped and water damage has occurred

Amy Spong, Heritage Preservation Commission (HPC):

- 1913 workers cottage
- just 1 block off University where new Light Rail is coming
- part of 2011 Legacy Survey area; not identified as an historic resource
- did not have a chance to go inside
- originally built as a wood frame; stucco could also have been an original feature (cracked and damaged)
- 2 block faces have some context - they seem to be of similar size and similar dates of construction
- no potential as a contributing resource for historic district or individually but with it's proximity to LRT, etc., she would encourage rehab
- noted that the wrong photo was sent to SHPO - need to be redo the photo
- SHPO might take 30-45 days to turn this around
- will ask Patricia James to re-issue this week

Ms. Moermond:

- we will wait to see what SHPO says before making a recommendation
- will be at City Council Jun 20, 2011

**Referred to the City Council due back on 6/20/2012**

**5**      [RLH RR](#)  
[12-24](#)

Ordering the rehabilitation or razing and removal of the structures at 482 STINSON STREET within fifteen (15) days after the June 20, 2012, City Council Public Hearing.

**Sponsors:**      Brendmoen

Laid over to June 12, 2012. Owner needs to provide the following: 1) work plan with timelines for the project; 2) financial documentation; 3) post the \$5,000 performance deposit.

RE: 482 Stinson St (single family)

Tomas Garcia Orhuela, owner, appeared. Laura \_\_\_\_\_ interpreted.

Steve Magner, Vacant Buildings:

- 1-story wood frame single-family dwelling; 1-stall garage on lot of 5,227 sq. ft.
- has been a Vacant Building since Nov 6, 2008
- current property owner is Tomas Garcia Orhuela per Ramsey County
- Mar 3, 2010 inspection of building conducted; list of deficiencies which constitute a nuisance condition developed; photos taken
- Order to Abate Nuisance Building posted Mar 19, 2012; compliance date Apr 6, 2012
- as of this date, property remains in a condition which comprises a nuisance as defined by the legislative code
- estimated market value: \$13,100 on the land; \$43,100 on the building
- real estate taxes are current
- Vacant Building registration fees were paid by assessment Dec 2, 2011
- Code Compliance Inspection was done Mar 12, 2012
- As of May 21, 2012, \$5,000 Performance Deposit has not been posted
- 7 Summary Abatement Notices since 2008 (SAs issued in 2009 and 2010)
- 7 Work Orders issued for: grass/weeds; snow/ice; boarding/securing
- estimated cost to repair structure exceeds \$75,000
- estimated cost to demolish exceeds \$10,000
- Department of Safety and Inspections (DSI) is seeking a resolution to remove the building
- there is only 1 permit pulled and that was for water meter replacement
- background: it's a Category 3 VB; identified in Jun 2010 as changing from a mortgage company to HUD; DSI did not move forward with the original Order to Abate (Mar 24, 2010) until the sale of the property;
- there is no Truth in Sale and Housing Report
- it didn't go through Sale Review

Mr. Orhuela:

- since Mar, the inside of the house has been fixed
- he acquired the property in Jan 2012
- he paid cash for the property

Amy Spong, Heritage Preservation Commission (HPC):

- 1912 worker's cottage; it's among 3 houses in a row built by the same contractor
- there were some industries nearby that would support that: Union Brass, an old foundry and a mill
- last historic survey of area 1983; the house was not identified as a potential historic resource
- has integrity issues: some of the windows have been replaced; newer siding; the porch has been added on to
- demolition would not have an adverse affect
- the 3 houses in a row are still there but they all have been altered over the years

Ms. Moermond:

- looking at the Code Compliance Report and seeing a lot of things that would require a permit to be pulled
- hearing that a lot of the work is already done; a permit will need to be pulled to make sure that the work has been done correctly, according to the City of Saint Paul's inspectors
- there would need to be permits pulled for electrical, plumbing, warm air, as well
- for plumbing, a licensed contractor will need to be hired (sees a lot of outstanding

plumbing work to be done); perhaps, also for mechanical  
- if Mr. Orlhuela is going to be living in the house, he can do his own electrical  
- Appellant needs to talk with the Department of Safety and Inspections to find out which permits he can pull himself and which ones need a licensed contractor to pull  
- the city needs to get estimates of the value of materials and services going in as well as the value of his own work on the project  
- Ms. Vang provided Appellant with a sample Work Plan

Mr. Orlhuela:

- he works in construction so, he knows a lot about these things, plumbing and electrical, too  
- has an estimate from a plumber for \$3,000 (Ms. Moermond will need a more detailed bid)  
- provided a lot of before and after photos; he will take more photos  
- has all of the receipts  
- has an electrical estimate, as well as one for the roof

Ms. Moermond:

- scanned photos and returned them to Appellant  
- submit the new photos and copies of receipts with the Work Plan  
- need to demonstrate financial ability to pay for the project  
- will lay this over for 3 weeks to Jun 12, 2012 to get the Work Plan done and show proof of financial ability and pull the proper permits  
- in order for Mr. Orlhuela to pull the permits, he will need to post the \$5,000 Performance Deposit, which is refundable if the project is completed within the designated time; or he can post a bond for \$5,000

**Laid Over to the Legislative Hearings due back on 6/12/2012**

6 [RLH RR  
12-25](#)

Ordering the rehabilitation or razing and removal of the structures at 1535 UPPER AFTON ROAD within fifteen (15) days after the June 20, 2012, City Council Public Hearing.

**Sponsors:** Lantry

Laid over to June 12, 2012. If owner wants to rehabilitate the building, the following conditions must be met:

- 1) obtain a code compliance inspection;
- 2) post the \$5,000 performance deposit;
- 3) provide a work plan, including timelines for the project;
- 4) fill out a Vacant Building registration form.

RE: 1535 Upper Afton Road (single family)

Robert and Luzmilla Johannes, owners, appeared.

Steve Magner, Vacant Buildings:

- 2-story wood frame single-family dwelling with detached 2-stall garage and an accessory shed on a lot of 16,117 sq. ft.  
- a Vacant Building since Jun 22, 2011  
- current property owner is Robert and Luzmilla Johannes per Ramsey County  
- Dec 21, 2012 inspection conducted; list of deficiencies which constitute a nuisance condition developed; photos taken  
- Order to Abate Nuisance Building posted Mar 20, 2012; compliance date Apr 6, 2012

- as of this date, property remains in a condition which comprises a nuisance as defined by the legislative code
- estimated market value of \$38,100 on land; \$23,700 on building
- real estate taxes are current
- Vacant Building fees were paid by assessment Aug 29, 2011
- as of May 21, 2012, a Code Compliance Inspection has not been done; \$5,000 Performance Deposit has not been posted
- 3 Summary Abatement Notices since 2011
- 3 Work Orders issued for: garbage/rubbish; exterior-fence (Jun, Jul, Dec 2011)
- estimated cost to repair exceeds \$50,000
- estimated cost to demolish between \$11,000 and \$13,000
- the placard on the building clearly shows the building can't be sold or occupied
- the Appellant probably has more of an issue with the seller or the Bank of American than with the city
- Appellant contacted the city on Sep 14, 2011 and said he was buying the property

Amy Spong, Heritage Preservation Commission (HPC):

- there is no original permit record
- first permit issued was for warm air in 1937
- likely early farm house added onto over the years
- no remaining porch detailing that would help to identify style
- some more contemporary brick veneer on first story
- non-historic 2-stall garage
- area was developed later
- this house is in a neighborhood of ranch style and split level homes
- 1983 survey notes a lot of wonderful high architectural design on south Pt. Douglas Road
- there are integrity issues; not consistent with neighborhood context
- demolition would not have an adverse affect
- her intern found an early picture of a farm on Upper Afton Road from 1944 (not this site)

Mr. Johannes:

- owned since Aug 2011; bought from Remax; believes it was a Fannie Mae house
- paid \$20,000 for the house
- their intention is to fix it up and live in it
- they tried to get permits to start repairing it but Reid Soley said that they should not have been able to buy that property to begin with but they own it and they feel a little bit powerless because they had very good intentions for the home and then they find out that it doesn't matter what their intentions are; the city wants them to prove they have the funds to do what they want to do and the city needs estimates for the work to repair what the city has found wrong with the house
- this is a great neighborhood, a great lot and they want to live there
- they feel they are being penalized by requiring a contractor to put together the cost of total repairs, proof of funds and a timeline to get it done; kind of throws out the idea of a fixer-upper - where does it leave people like them
- they need time to figure out what to do
- he thinks that the pace of the city is too fast for them; they are debating what to do
- wondering about the charges for Work Orders done under the previous owner
- has not yet submitted a Vacant Building registration form

Ms. Moermond:

- the city believes the house, as it is, is a nuisance and they want the nuisance taken care of either by fixing it or knocking it down
- if Appellants want to fix it, they will need to do a couple of things: 1) order a Code Compliance Inspection (\$447); 2) post a \$5,000 Performance Deposit or a bond



(refundable in the time allotted); 3) develop a Work Plan that shows the order of work done (contractors, timelines, estimates): 4) proof of financial ability to finish the project; 4) submit a Vacant Building Registration form

- there's a lot of work and a lovely parcel

- will lay this over for follow-up on Jun 12, 2012 LH

- charges for Work Orders: if the work was done under previous owner, it's a problem between the Appellant and previous owner; if the Appellant owned it at the time the work was done, the Appellant can appeal if he did not get proper notification

**Laid Over to the Legislative Hearings due back on 6/12/2012**

## Staff Reports

7 [SR 12-21](#) Reviewing progress of rehabilitation for 937 IGLEHART AVENUE.

**Sponsors:** Carter III

### STAFF REPORT

RE: 937 Iglehart Ave (duplex)

Hans Peter Fuchs, owner, appeared.

Steve Magner, Vacant Buildings:

- received a faxed document May 21, 2012 from Mr. Fuchs in regards to project timeline

Mr. Fuchs:

- the fax contained a computer glitch that he couldn't fix

- the computer wouldn't let him remove the line between Aug and Sep

Ms. Moermond:

- is Oct 15, 2012 doable?

Mr. Fuchs:

- as mentioned in my letter, he will work as hard as he can to finish the project as scheduled

- he will stay in close contact with Ms. Moermond

Ms. Moermond:

- will send through a Resolution to lock in that date on Jun 6, 2012

**Received and Filed**

## 11:00 a.m. Hearings

### Summary Abatement Orders

8 [RLH SAO 12-11](#) Appeal of William J. Kachel Sr. to a Summary Abatement Order at 884 JACKSON STREET.

**Sponsors:** Brendmoen

*Deny the appeal on the retaining wall and grant an extension to August 1, 2012 for compliance.*

*RE: 884 Jackson Street (duplex)*

*William J. Kachel, owner, appeared along with Mr. Hushmann, 112 York Ave.*

*Ms. Moermond:*

- retaining wall which affects both properties*
- Mr. Kachel - upper portion*
- Mr. Hushmann - lower portion*

*Inspector Paula Seeley:*

- Inspector Essling is running late*
- Inspector Essling issued a Summary Abatement to 112 York Ave regarding the retaining wall*

*Appellants:*

- they are going to share in the cost of repairing the retaining wall*
- they just need an extension for 60 days to complete the project*
- a contractor, Bob Lawrence, is already lined up*

**Referred to the City Council due back on 6/6/2012**

**9**      [RLH SAO  
12-18](#)

Appeal of Diane Hushman to a Summary Abatement Order at 112 YORK AVENUE.

**Sponsors:**      Brendmoen

*Deny the appeal on the retaining wall and grant an extension to August 1, 2012 for compliance.*

*RE: 112 York Ave (single family)*

*Mr. Hushmann, owner, appeared along with William J. Kachel, 884 Jackson St.*

*Ms. Moermond:*

- retaining wall which affects both properties*
- Mr. Kachel - upper portion*
- Mr. Hushmann - lower portion*

*Inspector Paula Seeley:*

- Inspector Essling is running late*
- Inspector Essling issued a Summary Abatement to 112 York Ave regarding the retaining wall*

*Appellants:*

- they are going to share in the cost of repairing the retaining wall*
- they just need an extension for 60 days to complete the project*
- a contractor, Bob Lawrence, is already lined up*

**Referred to the City Council due back on 6/6/2012**

**10**      [RLH SAO  
12-15](#)

Appeal of DeAnne Tambornino to a Summary Abatement Order at 287 BLAIR AVENUE.

**Sponsors:**      Carter III

Laid over to June 5. Inspector Senty to provide photos of the front porch.

RE: 287 Blair Ave (single family)

DeAnne Tambornino, owner, appeared.

Inspector Paula Seeley:

- Summary Abatement Order for removal of rubbish, fire debris, discarded furniture, scrap wood and metal, etc.
- no photos

Ms. Tambornino:

- people keep dumping their discarded furniture in their yard; they took care of it, along with some debris
- they have been waiting on their insurance company
- the adjuster got an incorrect estimate in the beginning - never verified it; so, they have been in a long dispute regarding about total demolition
- every contractor who comes out says that it should be replaced
- insurance company, however, describes it as a small porch fire: and why are you trying to get a whole new house?
- actually, it was a huge fire which encompassed 85% of the house and rekindled so, it had to be put out twice; it wasn't a small fire
- end of last week, the adjuster did agree (they had hired a lawyer) that the entire house needs to be demolished
- now, the insurance adjuster is waiting for one last, final, 5th estimate from a company to determine total cost or rebuild
- then, a payment check should be issued to start demolition
- her contractor contacted Dennis Senty yesterday to file for the total demo permit
- has a letter from her lawyer to show that they are doing all that they can to get this moving forward
- is asking for a 60-day extension
- currently, live in temporary housing in Minnetonka; they check on the house at least twice a week
- someone stole their lawn mower and everything of scrapping value out of their garage, etc.
- they can't mow the lawn anyway because no lawn service will mow it because of the hazards of broken glass, cement, bits of vinyl siding (shrapnel issue)  
(they said the yard needs to be scraped, which they have added into their demo estimate of \$34,000)
- they had lived there before the fire
- it was put into the VB Program
- it has arson signs on it
- the yard debris is now on the front porch
- the adjuster has requested a full estimate from Superior Construction, which should be in this Friday, May 25, 2012
- hopefully, they can get the demo going within the next couple of weeks

Ms. Moermond:

- will lay this over for 2 weeks; a deadline will be set at the next hearing
- wants current photos

**Laid Over to the Legislative Hearings due back on 6/5/2012**

11 [RLH SAO](#)  
[12-16](#)

Appeal of Trent Miller and Mai Thao to a Summary Abatement Order at 815 OCEAN STREET.

**Sponsors:** Bostrom

*Grant the appeal as owner is now in compliance with the dog feces issue.*

*RE: 815 Ocean St (single family)*

*Trent Miller, owner, appeared.*

*Inspector Paula Seeley:*

- is not sure what Mr. Miller is appealing because the file is closed*
- it must be the last Summary Abatement that was sent*
- got a complaint Apr 26, 2012 (3rd complaint in 12 months)*
- Inspector Reardon went out and found: dog feces; he issued an Excessive Consumption fee*
- he also was out Jun 27, 2011 on building materials, scrap wood in back yard*
- Inspector Seeley went out Mar 14, 2012 on dog feces, microwave and a rug*
- Apr 27, 2012 - building materials, rubbish in back yard and dog feces*
- file is now closed*
- possibly, there is a neighborhood dispute but there are violations when they go to inspect*
- photos*
- Maynard Vinge: 266-9057*

*Mr. Miller:*

- disputes the violations*
- the only way he can have his voice be heard is by appealing, apparently; otherwise, it's a civil matter*
- the Excessive Consumption was based on the Summary Abatements*
- he doesn't want to be cast in a bad light for not paying the Excessive Consumption fee; he just wants to be heard*
- one SA was for fire wood and a few bags of leaves (they had just cleaned up their yard and don't have access to a truck; plus, he was also going to school, so he didn't have much spare time - to him, it wasn't even an issue; the bags were only there for a week*
- they are having a dispute with his neighbors because they keep on calling the fire dept on them, the inspections office, Animal Control, etc.*
- in his eyes, he is being harassed by his neighbors and because of the neighbors, by the city*
- a bag of leaves sitting next to the garage waiting to be hauled away is not an emergency; it's not a fire hazard; it's not a health hazard*
- re: feces violation; neighbors called that in right after a thaw; before that, they couldn't even see it because of the snow*
- obviously, he doesn't want to walk on the feces, so he is always quick to clean it up*
- he always complies; now, they told him to clean it up every day; so, he does*
- he doesn't want a filthy yard and he doesn't want the city breathing down his back*
- his neighbor is going to call on him every time there's a bag of leaves, or a turd or a bonfire*
- he feels that the city needs to understand what's going on because it's not that he's not compliant; it's that his neighbor is harassing him; and by the city not understanding the situation, they, too, are harassing him; if he has to pursue civil matters, he will*
- he came to appeal to let the city know what's going on; this needs to be dealt with*
- it should not be necessary to go to civil court; if his voice would have been heard over the phone rather than Jack Reardon hanging up on him, things could be different; it was very unprofessional for Inspector Reardon to tell him that he had better things to do with his time than listen to him on the phone*
- he called Mr. Reardon back and left a message*
- he's getting fed-up; he has been compliant; he has been dealing with these things;*

he has neighbors who are harassing him and his voice is not being heard  
 - the only neighbors who can see directly into his yard are the ones on the right at 819 Ocean St  
 - past issue which sparked the fire: there were landscaping logs lined up right along the side of their driveway; during the winter, those logs would always get knocked loose and end up in their driveway and they would need to try to avoid driving over them; so, he removed them because they were lined up with his property line and fence - they were their's; the neighbor had a big fit about that and said the logs were their's; they hired a surveyor to survey the property and took Mr. Miller to conciliation court; the neighbors ended up losing that suit but since then, they have been totally frustrated and keep on harassing them through these channels  
 - it's just got to stop  
 - he has no fire code violations going on and he doesn't want feces in his yard  
 - they decided to move from the property; they are tired of being harassed and are fed up with the situation  
 - he is considering taking the neighbors to court; his mom's an attorney and is looking into it

Ms. Moermond:

- thinks that maybe the neighbors there are kind of edgy because of what's been going on there  
 - the neighbors are calling the city with complaints; when the city gets out there, there are some violations; they write the Order and Mr. Miller corrects the situation; but the complaints keep coming; it would be easier if neighbors just talked to neighbors  
 - Mr. Miller was advised correctly - in order to talk about the Excessive Consumption, he needs to appeal (it will come up in the tax hearing); it's doesn't bode badly for one not to pay the assessment and instead appeal)  
 - Ms. Moermond will attached the comments made today to Mr. Miller's appeal record when he appeals the Ex Con assessment; he'll get a gold post card to send in; then, come to the hearing that will be scheduled  
 - this has been addressed and there's no charge for any clean-up; in each case, Appellant has taken care of it

**Referred to the City Council due back on 6/6/2012**

12 [RLH VO  
12-38](#)

Appeal of Khete C. Roberts to a Fire Certificate of Occupancy Revocation and Order to Vacate 1572 CASE AVENUE.

**Sponsors:** Bostrom

*Deny the appeal and grant an extension to July 1, 2012 for compliance or vacate the property.*

RE: 1572 Case Ave (single family)

*Khete C. Roberts, Appellant and tenant, appeared; also owner-landlord, David Hursh*

Ms. Moermond:

- Fire Certificate of Occupancy Revocation and Order to Vacate (Jun 18, 2012)  
 - 3rd or 4th set of Orders that have been issued since Jan 2012 and there's been very little change  
 - landlord is not taking any action to address the problems

Ms. Roberts:

- she moved in Nov 2011  
 - landlord did remove a fence that was in disrepair  
 - she just got a fire pit; landlord stated that she could burn the wood from the fence;

she was fine with that but now she feels that he asked her to burn it because he doesn't want to take it off the property; because nothing's being done at the property

- she talks with the landlord regularly telling him about things that need fixing; he always says that he'll come to do it but he never does; he always has an excuse
- the initial Vacate date was May 18, 2012; the new Order says Jun 18, 2012
- she should never have moved in; apparently, Mr. Hursh knew about all these problems before that and did nothing
- she has children; she works 2 jobs; she paid him 4 months rent in advance (he had a check for \$3,400; this could have been done; he's a general contractor; there's no reason that the work isn't done)
- she gets nothing but excuses from Mr. Hursh; she doesn't believe or trust him
- he has her rent through Jun; she will be taking him to court for her money
- she just wants to be out of there; would like to stay there until Jul 1, 2012 in order to come up with more money to move
- Bruce Johnson has a place for her to rent beginning Jul 1, 2012
- she found out that the previous renters had issues with Mr. Hursh, too

Mr. Hursh:

- he used to live at this address
- plans to bring the property up to code by Jun 18, 2012
- questioned which code (Ms. Moermond explained there's a mixed bag in the Orders: the Minnesota State Fire Code 2007 is listed (another has not yet been adopted); there's no IRC's listing)
- house built in 1970; shouldn't it be compliant with whatever permit was pulled to do the work in 1970?

Fire Inspector Mike Urmann:

- all of the Orders that are listed from the MN Fire Code are for existing buildings; there are none that are for new buildings
- other items listed are all property maintenance code issues which are retroactive to the building all the time; none of them are for new buildings
- (Ms. Moermond: when the Fire Code applies to the existing structure; i.e., you need a smoke detector and a CO detector in spite of the fact that the house was constructed prior to codes requiring those; the Fire Code is not related to permits that get pulled)
- the Fire Code is a maintenance code for the building code (it maintains buildings as code compliant)
- this has been going on a long time; the Fire C of O was Revoked for noncompliance
- secondly, state law says that you cannot burn debris from a fence (Ms. Roberts said that she didn't burn but Mr. Hursh asked her to burn it)

Ms. Moermond:

- warned Mr. Hursh that since he hasn't done anything for so long, he is in a really bad place
- suggested that Mr. Hursh become a member of Saint Paul Association of Responsible Landlords (they could refer him to some course work and landlord training)
- will recommend denying this appeal and granting an extension to Jul 1, 2012 to comply or have the place vacated

Inspector Paula Seeley:

- she referred this to C of O; she had dealt with it for almost a year

Ms. Roberts:

- asked for copies of this because she will need to break her lease and is sure that this will become an issue

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Referred to the City Council due back on 6/6/2012

### Orders To Vacate, Condemnations and Revocations

- 13 [RLH VO 12-35](#) Appeal of Steve Wilson and Maggie Harper-Copeland to a Notice of Condemnation as Unfit for Human Habitation and Order to Vacate at 909 MARSHALL AVENUE.
- Sponsors:** Carter III
- The condemnation has been lifted and replaced with a correction notice. Approximately half the items on the original correction notice are now in compliance and all life and safety issues have been addressed. Inspector will be sending a placard removal letter. The appeal should be moot.*
- Withdrawn**
- 14 [RLH VO 12-36](#) Appeal of Joseph J. Skelly to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 1231 KENNARD STREET.
- Sponsors:** Bostrom
- RE: 1231 Kennard St (duplex)*
- Joseph and Dawn Skelly, owners, appeared.*
- Fire Inspector Mike Urmann:*
- property has been here before with the same issue
  - outstanding Orders for the furnace - still no licensed contractors or permits to separate the heating system, required by code
  - because of noncompliance, the Fire Certificate of Occupancy was Revoked for noncompliance
- Ms. Moermond:*
- there's one furnace, one venting system and 2 units
- Mr. Skelly:*
- apologized for going past the timeline; they've had some serious health issues in his immediate family
  - had left Ms. Moermond a detailed message in Feb, 2012; he also emailed Councilmember Dave Thune
  - has 2 estimates: 1) Supreme Electric; and 2) Bonfe
  - still is a little shocked - they've owned the property for 10 years and have had the same tenant in one unit for 10 years; other tenant, 3 years
  - when they bought the property, they had no knowledge of this kind of state statute
  - have had no complaints from tenants about air quality or heating
  - they lived in the duplex for 3 months themselves
  - have spent nearly \$4,000 so far upgrading the property
  - estimate of almost \$8,000 for electric heat and an estimate from Bonfe for over \$12,500
  - the property is underwater, so they won't be able to get a home equity loan
  - they haven't heard anything on the news in the last few years about any safety concerns about air quality or fire safety
  - he has always lived in a house where the furnace is in the basement and slept on

*the 2nd floor; and the venting is all connected; had they always lived in a house that wasn't safe?*

*- they had a permit through Bonfe; now, they need 2 permits*

*Ms. Moermond:*

*- urged Appellants to check out the Planning and Economic Development Dept on the city's website for grant and loan information; also, the MN Housing Finance Agency*

*- looks as though the furnace was installed without a permit*

*- the question here is one of venting (smoke and fire being spread between the 2 units, not between the 2 floors)*

*- Sr. Mechanical Inspector, Ron Haider, would be a good resource to check to see what would work, 266-9063*

*- let's get Mr. Haider out to see if dampers might be a possible solution or others that might allow this to continue as is*

*- there might also be things that the Appellant can do to minimize the risk of fire in the house*

*Mr. Urmann:*

*- basically, the fire code looks for 2 separate heating systems or 2 separate venting systems so that there are dampers that can shut-off between units to limit the extent of the fire and prevent the fire from getting into multiple locations through the venting system*

*- so, you need either 2 separate heating systems or separated venting systems*

*Ms. Moermond:*

*- will lay this over for 3 weeks to come up with a possible solution*

*- get Mr. Haider's insight (call before 9 am)*

**Laid Over to the Legislative Hearings due back on 6/12/2012**

**15**      [RLH VO  
12-37](#)

Appeal of Bruce Johnson to a Notice of Condemnation Unfit for Human Habitation and Order to Vacate 992 CARROLL AVENUE.

**Sponsors:**      Carter III

*Deny the appeal and grant an extension to June 15, 2012 for compliance or the unit must be vacated.*

*RE: 992 Carroll Ave (inner townhome)*

*Bruce Johnson, owner, appeared.*

*Fire Inspector Sean Westenhofer:*

*- file started Nov 2011; police were called to the property*

*- issued a Summary Abatement Notice Jan 24, 2012 to take care of the police issues*

*- also, started the Fire Certificate of Occupancy cycle (Jan 27, 2012); was rescheduled for Mar 22, 2012*

*- issued Orders 3-22-12*

*- reinspection was scheduled for Aug 23, 2012, but owner called to have re-scheduled*

*- in the meantime, owner was in court with the tenants*

*- should have been handled first or second week of May*

*- tenant contacted Mr. Westenhofer via phone and told him the ceiling caved-in; right then, he couldn't get out there because he was dealing with Westminster so, he went to inspect the next available date, May 8, 2012*

*- May 8, per supervisor, he Condemned the unit because of the fallen ceiling in the second story bathroom (due to heavy rains - roof failed)*



- tenant was told to tell the owner that he had until Mon, May 14, 2012, to correct the issue or at least, get a contractor involved to start the process
- May 14, Mr. Westenhofer went back to inspect: he found no more water issues and no more leaks
- these units are part of a Row House: rental and owner-occupied so, in order for them to fix the roof, they will need to cooperated with one another
- May 14, Mr. Johnson was going back to court with the tenant and Mr. Westenhofer was notified that Mr. Johnson had filed an appeal
- had he known about the appeal before he would not have gone back out there on May 14, 2012
- haven't gotten any documentation about correcting the roof and ceiling issues
- photos are in the file; hard copies also available

Mr. Johnson:

- as soon as he got notice of the fallen ceiling, he called the contractor for the roof
- since these units are connected, they all have to agree to do something; no one wants to deal with any more than they have to
- his contractor thinks that it's the guy on the right whose roof is leaking into Mr. Johnson's unit; it's not actually the roof of Mr. Johnson's unit
- it will take some time to work with everyone on this
- his concern: he got the Notice to Vacate on a Fri, May 11, for May 14, 2012, which is not even a day's notice for him
- Mr. Westenhofer called Mr. Johnson beforehand to let him know what was going on
- that's the only reason that he was able to reach a roofing contractor so quickly
- the litigation is slow: he filed in Feb 2012 to evict the tenant; she then hired an attorney through SMRLS and they tried to work out an arrangement but more than 30 days had passed so, the writ expired; they couldn't serve her with the writ so, he had to re-file; then, he contacted Ruth Ann Eide, Saint Paul Police Dept, to help him (and Officer Steve Pettityne); had hearing the first part of May; Referee Janisch said, "Please have the officer served and I've got to set it out the 14th." Both presented their case; Judge said she would leave the record open until Friday; her decision in 7-14 days; as of today, he doesn't have a decision
- he doesn't have any problem fixing things in the unit; he just needs her out
- there were 6 items on the first inspection and they took care of them
- he ordered a new window because of a crack which he didn't know about
- during the trial, police officers removed ceiling tile from the basement to look for drugs that may have been hidden; he's going to remove all the ceiling tile in the basement; it's not livable space
- he is asking for a 30-day extension; once he gets notice from Judge, he'll take care of everything and get Mr. Westenhofer back out there
- notes from his roofing contractor say the roof should not leak right now
- in the meantime, the tenant has destroyed the unit: punched holes in doors; ripped down smoke detectors; ruined walls and floors, etc.

Ms. Moermond:

- hasn't found a building permit pulled for this roof work

Mr. Urmann:

- two issues on the roof: 1) looking for documentation from the licensed contractor as well as a permit pulled on what they did; and 2) even as an owner-occupied in that building, if there's a belief by that contractor that there is water damage, according to that unit, they can and will inspect it; so, we would be looking for that in the documentation from that contractor

Mr. Johnson:

- he can get documentation from contractor

Ms. Moermond:

- must be fixed under permit
- will deny this appeal and grant an extension to Jun 15, 2012 for compliance or the unit must be vacated at that time

**Referred to the City Council due back on 6/6/2012**

### 11:30 a.m. Hearings

16

[RLH SAO  
12-17](#)

Appeal of Diana K. Turner to a Summary Abatement Order and Excessive Consumption Invoice at 773 WHITE BEAR AVENUE NORTH.

**Sponsors:** Lantry

RE: 773 White Bear Ave (single family)

Diana Turner, owner and urban farmer, appeared.

Chuck Repke, District 2 Community Council and former, Chair, of Gardening Matters

Ms. Moermond:

- looked at photos online earlier (taken May 1 and May 10, 2012)

Inspector Paula Seeley:

- received a complaint Apr 30 for a large pile of dirt on Bush Ave and way too much junk and large sheets of scattered cardboard all over the yard
- Ms. Seeley went out and noted violations: a lot of scattered cardboard; pile of dirt and mulch on the blvd; metal shelving with improper storage; several buckets; trailers covered with tarps with hundreds of plastic starter pot plants/seedlings; too many things started at once
- they keep getting complaints; just doesn't look very good
- nothing is allowed to be dumped onto the boulevard

Ms. Turner:

- now, it's a different season and she is caught up with the original schedule; compliant from the first arrangement
- new issues now - the day Ms. Seeley came out, MN was experiencing frost for about a week, and so, although the cardboard looked like it was strewn all over, it was just ready to go back on top of her tender perennials at night; now, it's in a pile waiting to be used to finish a berm that will go around the raised beds with a good 3-in layer of wood chip that you line with cardboard (cardboard helps prevent weeds)
- she started the berm project but couldn't finish because the growing season took over where she transplants and pots tender seedlings
- in the meantime, the pile of dirt/mulch will go into a bed for vegetables (there's nothing on her neighbor's property anymore); was there for 2 weeks
- there's no more tarps covering things
- everything that was a concern in Jan is now gone
- metal shelving is re-situated
- still has bee hives: is appealing because she have an apiary in a different site and in order for her to run the apiary, she has to have back-up supers and deeps, so at any given time depending on what hive is doing better, she has to be able to grab others to be able to either split the hive or add honey boxes to get through the season (considerable investment - has over \$800 in bee equipment tucked under tarps)

- at any given time, the yard could look like a disaster because she has about 10% more garden area than a typical city garden but she always puts away her tools and wheel barrows
- she is a single woman working 3 jobs trying to make ends meet until she can get the urban farm up to a place where she can make some money and back off on some other jobs that aren't paying very well; she didn't have a chance to launch into the urban farm the way she wanted to, so she has to keep it going; if she stops now, she will lose a season and will never be able to make the establishment as a viable place that can sell and provide people with vegetables come July and Aug; a certain pace comes with that in nature's time; things change because of the weather and you have to go with the flow
- she would like to fight for what's there now
- she has 4 bags of sawdust (primary for keeping down smells when you're creating compost); she has a mass of greens and a mass of browns; you layer the browns and greens into a new bin, which cooks and creates compost in 3 months; if you just leave it sit, it will just rot; she had no idea there was a code on how far away from the house it needs to be; currently, it's a good 8 feet from the house
- she has moved all the pots since the 10th; now, she has buckets full of soil; every different stage of plant development requires a different type of potting soil
- she feels pretty caught up with things; now, she just needs to plant her transplants
- asked Ms. Moermond whether she has spoken with Anton Jerve, PED planner who is looking at changing the codes; she thinks there will be something coming down the pike that will solve this nightmare

Mr. Repke:

- has great empathy for the City of Saint Paul for having to deal with the issues of urban farming because they will be seeing a lot more of this
- the Mayor just made an announcement that Saint Paul is moving forward with urban agriculture
- inspectors from DSI are trying to determine what is and what is not proper storage
- clearly, this is a woman involved with urban farming who has presented a schedule and is taking care of each task but if you go back again in 2 weeks, there'll be something else that's being done in relationship to a farm and maybe there are pots that are sitting somewhere else for the moment
- checking on each farmer as each new task comes up will keep DSI inspectors quite busy in the future
- thinks the city will need to look at the overall picture of what urban farming is and does the person who owns the house have some kind of sense of knowing what they are doing and is there a plan for getting the yard turned into gardening space; she also has a plot map to present

Ms. Moermond:

- thinks we're walking a balancing line between exterior storage codes and what's OK regarding the expansion of urban agriculture
- the city doesn't have approved policies to govern this right now
- she wants to respect where Ms. Turner is at and at the same time deal with the way some things are stored on the lot; doesn't know if Ms. Turner's plan is adequate
- the last time Ms. Turner was here, there was a lot of discussion regarding the storage material in her garage; at that time, someone in her family had died and she ended up with a lot of that person's belongings, which were stored in the garage, which prevented her from storing a lot of her urban ag-related equipment in the garage. Mr. Turner had committed to make headway to get rid of that storage to make room for her ag-related equipment
- tarps are a problem
- trailers are not appropriate for storage (it's not an enclosed structure); trailers need to be empty unless utilized

*Ms. Turner:*

- she shifted everything around so that the things that were outside are now in her garage and in her back porch; different things are outside now: beehives and the berm she created with a tarp that hides the sawdust - it's very hard to move heavy bags of sawdust in plastic
- presented a diagram and new revised schedule and explained her diagram and some of the process involved in planting her garden
- her garage contains all of her farming equipment
- pretty much everyone in the neighborhood appreciates what she is doing and it's community building
- everything outside is being utilized except for her potting table and bins of dirt, which will be gone in the next 2 weeks
- plans to possibly put up a privacy fence
- her goal is for urban farmers to be able to apply for a permit and they get a classification; these standards would be assessed (coming Jun 1, 2012 to Planning Commission; then, to City Council)
- know that there are 5 other urban farmers in Saint Paul who have not been complained about but have far worse problems; there needs to be a standard (maybe a sign in the yard like "urban farmer" would help)
- plastic sheathing is crucial; it catches water and captures solar heat; and it will be gone at the end of the week
- has help coming to help her finish creating paths between the beds

*Ms. Moermond:*

- Appellant has a week to move the cardboard into the garage
- Appellant needs to figure out a permanent solution to deal with the bee boxes, like a sturdy shed; can build an 8 x 10 shed without a permit (she will consult with the building inspector); need to be handled by Aug 1, 2012
- need to get rid of the tarps
- stack wood neatly on pallet
- directed Ms. Seeley to take photos in a week and document where things are at
- City Council Public Hearing Jun 6, 2012

**Referred to the City Council due back on 6/6/2012**

## 1:30 p.m. Hearings

### Window Variances: Hearing Required

- 17 RLH WP** Appeal of J. D. Nelson Construction, on behalf of Steve Hanson, to an  
**12-50** Egress Window Non-Compliance Determination at 2101 BURNS AVENUE.
- Sponsors:** Lantry
- Deny the appeal on the two replacement egress bedroom windows unless contractor can provide photographs showing that windows can open to 16 inches high.*
- RE: 2101 Burns Ave (single family)*
- Justin Nelson, J. D. Nelson Construction, appeared.*
- Building Permit issue*
- Ms. Moermond:*

- the window isn't code compliant - an existing window is being replaced
- 14h x 36 w
- the height requirement is 24"
- she will nearly always recommend a variance if the height is 16" in these circumstances
- this window is too short
- the City Council may look at it differently or a different window may work in this case
- suggested that he take out the vinyl stops on the top and take photos to enter

Mr. Nelson:

- the homeowner doesn't have the money to do a custom window and a casement window won't work
- he is aware of the building code but the Fire Code supercedes that code
- the whole sash comes out with two pointed fingers; it's over 16" then and even the sill is slanted
- grade level window
- homeowner is a retired fire fighter

Ms. Moermond:

- the building code is for new construction; the fire code is for all buildings; the city goes with what the fire code says (24h x 20w)
- the egress opening is the one you can get a body through
- pull out the stops and see if you can get 2 inches
- if that doesn't work, you need to figure out another solution - maybe a slider
- email photos to her email address

**Referred to the City Council due back on 6/20/2012**

**18 RLH FCO  
12-306**

Appeal of David A. Unger to a Fire Certificate of Occupancy Inspection Correction Notice at 1111 CASE AVENUE.

**Sponsors:** Bostrom

*Grant a 5-inch variance on the openable height of the egress windows in the upper floor north and south bedrooms; deny the appeal on the upper floor east bedroom and cannot be used as sleeping room; and deny the appeal on the ceiling height in the upper floor north and south bedrooms and grant an extension to August 1, 2012 to vacate the illegal units.*

RE: 1111 Case Ave (single family)

David Unger, owner, appeared.

Ms. Moermond:

- will recommend granting a variance on the windows

Mr. Unger:

- #13 - a size problem for a sleeping room
- bought house in 2005; originally, it was a 5-bedroom; now, it's only a 2 bedroom
- had Fire Inspections and Section 8 inspections before and all was fine

Fire Inspector Leanna Shaff:

- #13 - the Saint Paul Legislative Code requires that the minimum sleeping size room for one occupant is 70 sq. ft; this room measures 9 x 5.6 = 49.6 sq. ft.
- #14- upper floor north and south bedrooms, code requires that all habitable areas have a ceiling height minimally 7 feet over half the floor area
- photos in Amanda

- north bedroom: total area is 13 x 8 = 104 sq. ft. - of that, area above 5 feet is 72 sq. ft. ; only 16 sq. ft. is at 6' 9"
- south bedroom: total area of 84 sq. ft.; area above 5 feet is 70 sq. ft; only 14 sq. ft. at 6' 9"

Ms. Moermond:

- roughly, 1/6 of each room is above 6' 9" which is significantly less than required
- will recommend denying a variance on #13 to use room as sleeping room
- #14 - ceiling height; you need to have at least half of the ceiling height above 7 feet; here, there's only 1/6 of the room at 6' 9"
- will recommend denying a variance on the ceiling heights in both north and south bedrooms
- City Council Public Hearing set for Jun 20, 2012; can ask them for a variance
- will recommend a vacate date of Aug 1, 2012 if City Council goes along with her recommendation
- will get a letter confirming my recommendation

**Referred to the City Council due back on 6/20/2012**

**19 RLH FOW  
12-172**

Appeal of Joan Benson, Priscilla Apartments, to a Fire Certificate of Occupancy Inspection Correction Notice at 2333 PRISCILLA STREET.

Sponsors: Stark

*Rescheduled per owner's request.*

**Laid Over to the Legislative Hearings due back on 6/5/2012**

**20 RLH FOW  
12-188**

Appeal of Dana Tregilgos Johnson to a Fire Certificate of Occupancy Inspection Correction Notice at 2117 JEFFERSON AVENUE.

Sponsors: Tolbert

*Grant a 7-inch variance on the openable height of the egress windows in the second floor north and south side bedrooms.*

*RE: 2117 Jefferson Ave (single family)*

*Dana Tregilgas Johnson, Certificate of Occupancy Responsible Party, appeared.*

Ms. Johnson:

- it's my mother's house; she passed away
- we're getting ready to sell the house
- her niece is living in the house

Ms. Moermond:

- this Correction Notice is written strangely

Fire Inspector Leanna Shaff:

- a new inspector wrote this up

Ms. Moermond:

- windows on second floor: 17h x 34w which are fine
- will recommend granting a variance on the windows

**Referred to the City Council due back on 6/20/2012**

- 21      **RLH FOW**      Appeal of James Henley to a Fire Certificate of Occupancy Inspection  
12-186                      Correction Notice at 1126 OXFORD STREET NORTH.

**Sponsors:**      Brendmoen

*Deny the appeal on handrails and the egress bedroom window and grant an extension for 120 days to come into compliance.*

*RE: 1126 Oxford St N (single family)*

*David Murphy appeared on behalf of owner, James Henley.*

*Fire Inspector Leanna Shaff:*

- *Fire Certificate of Occupancy Inspection conducted Apr 16, 2012 by Inspector Lisa Martin*
- *windows in front bedroom measure 16h x 22w*
- *a handrail is required on stairs (basement and second floor)*

*Ms. Moermond:*

- *window: although she is willing to go down to 16h in a lot of cases, here, the width requirement gives only 2 extra inches to compensate for the height*
- *will recommend denying a variance for this window; perhaps a slider will work*

*Mr. Murphy:*

- *a photo was provided of 3 little casements*

*Ms. Moermond:*

- *suggested that Heritage Preservation staff take a look at this; they know a lot about architecture and handling situations like this; they may have some ideas about what you can use instead (Christine Boulware 266-6715)*
- *will grant an extension of 120 days to come into compliance for the window and handrails for the stairways*

**Referred to the City Council due back on 6/20/2012**

### **Fire Certificates of Occupancy**

- 22      **RLH FCO**      Appeal of Tarik Propes to a Correction Notice-Reinspection Complaint at 277  
12-269                      AURORA AVENUE.

**Sponsors:**      Carter III

*Deny the appeal and appellant will need to provide inspector interior access to the building. As to the garage issue, she recommended granting an extension for one year.*

*RE: 277 Aurora Ave (three/four family)*

*Tarik Propes, owner, appeared.*

*Fire Inspector Leanna Shaff:*

- *re-inspection of a complaint received Mar 19, 2012 for a missing door knob, has to reach for her mail box, only one working exit*
- *Inspector Beumer responded that same day and conducted an exterior inspection; did not have access to the interior; manager was a "no show"*
- *May 16, 2012, Inspector Beumer also attempted a re-inspection with no access*

- the Certificate of Occupancy inspection is due and is scheduled for Jun 14, 2012
- the complaint inspection cited 4 items: 1) maintain the garage roof weather tight and free from defects; shingles are peeling up on the south side of the peak
- no photos in Amanda
- 2) repair and maintain all required and supplied equipment in an operative and safe condition (battery and smoke detector)
- 3) provide access to the inspector
- 4) Unit #1 - repair and replace the missing door knob and latch
- nothing new since Apr 19, 2012 list because he could not gain access
- it has had a full C of O in the past

Mr. Propes:

- had the C of O full inspection conducted by Inspector Lisa Martin last year
- had a full inspection by Inspector Barb Cummings the year before
- each year they come up with some referral on his property and he has spent a lot of money on the things the city has asked him to repair
- he feels that another inspection this year is an excess
- he fixed the door knob immediately
- he needs an explanation of how the garage roof has to do with safety; most of the roof is new; there's a part where shingles are old; he can't afford to put on a whole new roof; according to his estimation, the garage roof is water-tight and free from defects
- he doesn't understand why he needs to go through the Fire C of O inspection each year; he thought that he'd be inspected only every 5 years
- he is trying to figure out who is complaining about his property and sending out inspectors (MM: state law prohibits letting out that information)
- he has lost \$200,000 in equity on his property already; doesn't have money to replace roof on his garage

Ms. Shaff:

- this building is rated as a "C" building (4 units)
- the 1st complaint for 2012 was received in Mar
- 2011: there was water in the basement; leaking ceiling; front stairs has holes; garbage, rubbish; ceiling caved in
- 2010: rats
- 2009: inspection done by Inspector Cummings had 124 points (divided by 4 = 31 rating); 1-5 rating is an A; 6-10 is a B; 11 and above is a C; this building far exceeds 11
- 2011 inspection by Inspector Martin gave him 88 points, still a C rated property
- they don't have control over scheduling; the deficiencies have a point value assessed to them; the total point number is divided by the number of units in the building which equals a rating number which corresponds to letters A, B or C
- the last inspection was 22 points (still over 11) = a C building
- A rated bldgs are inspected every 5 years; B rated bldgs are inspected every 3 years; and C rated bldgs are inspected every year
- look at photos from Jul 2011 (folder 2009:316302): show substantial water damage; see a mold-like substance
- this property was inspected in 2004 and the next inspection was in 2007

Mr. Propes:

- it must have been a C property when he bought it about 15 years ago
- in his defense, he has done everything they have asked him to do
- he is over at this building at least once a week; he has actually stopped Ms. Martin and Mr. Beumer when they are in the neighborhood just to have them run through his property to give him a heads up on what may need to be done
- in 2011, there was a downpour of rain - an act of God; inspector came over the next



day and it was taken care of in a few days  
- everything on the list except the garage roof has been completed

Ms. Moermond:

- is willing to work with Mr. Propes on the roof but he has to provide access to the inspector to get a C of O inspection
- will recommend denying the appeal and laying over the garage roof for a year
- advised that he work through the pre-inspection check-list so that his points get reduced to a point where he will not need to go through this every year
- the A, B, C rating system wasn't in effect until 2007

Mr. Propes:

- he feels that inspectors are just going over to try to find something wrong with his property, especially, Mr. James Thomas

**Referred to the City Council due back on 6/20/2012**

**23 RLH FCO  
12-326**

Appeal of Robert Menier to a Fire Certificate of Occupancy Inspection  
Correction Notice at 424 BANFIL STREET.

**Sponsors:** Thune

*Deny the appeal and grant an extension to September 15, 2012 for compliance on the driveway issue by putting down more Class 5. (Appellant will need to provide inspector access to the interior of the building)*

RE: 424 Banfil St (duplex)

Robert Menier, owner, appeared.

Mr. Menier:

- asked for a pre-inspection check list
- his property is a "B" property; asked for the date of the last inspection (started in Jul 2008)

Fire Inspector Leanna Shaff:

- the last time this property was inspected, it was a "C" property
- the B determination was made May 10, 2012

Mr. Menier:

- appealing the driveway
- photos were entered
- owned property for 42 years; has lived at the property for about 20 years; when his mother passed away, he moved into her house and rented this one
- he has excellent tenants right now
- is not sure what they want him to do about the 8 ft wide driveway; he would like to put down more Class 5
- he's on S.S.
- the tenant upstairs is a waitress on very limited income; has a broken down car
- the tenant downstairs is working hard trying to raise 3 children
- HUD house next door - blacktop comes right up to his lot line so all the run-off comes onto his property; paving his own driveway would increase run-off and blacktop is ugly and hot and it doesn't make sense to walk right out of the house onto blacktop
- everyone is happy with the way it is
- blocks are already on the property for a new patio and new sidewalk around the back door for the tenant who is planting flowers

- about 2 yards of Class 5 would make the driveway look beautiful
- he already has 14 feet of cement going from the street onto the property, so there's no run-off of rocks
- having good tenants takes care of 99% of the problems others are to be having; his tenants care
- has a contractor coming for the dryer vent; will pull a permit
- 50 day extension is what he's asking for

Ms. Moermond:

- the back parking area looks pretty neat; nice back yard
- Appellant is taking care of the property
- the stray pieces of blacktop or cement should be broken up and hauled away
- seal up some cracks
- call the inspector to come out
- will recommend denying the appeal and granting an extension to Sep 15, 2012 to come into compliance unless there's a life safety issue
- go with the gravel but keep it neat

**Referred to the City Council due back on 6/20/2012**

**24 RLH FCO  
12-305**

Appeal of Gary Leatherman to a Fire Inspection Correction Notice at 2117 KNAPP STREET.

Sponsors: Stark

Grant a 4-inch variance on the openable height of the egress window in the lower level bedroom and grant the appeal on the driveway.

RE: 2117 Knapp St (duplex)

Gary Leatherman, owner, appeared.

Fire Supervisor Leanna Shaff:

- Fire Certificate of Occupancy inspection conducted Apr 30, 2012 by Inspector Sebastian Migdal
- 2 items appealed
- #13 - egress windows 20 3/4h x 30 1/4w
- #3 - maintaining a parking area and driveway in an approved manner and the exterior of the garage
- an aerial photo shows a huge tree which blocks the view

Ms. Moermond:

- will recommend granting a variance on the windows

Mr. Leatherman:

- introduced photos (MM: don't give her a sense of lot coverage; boundaries of parking area)
- the alley is unfinished; it's gravel the same as his driveway
- the lawn is edged with small bushes that define the line where the gravel ends and the grass begins
- parking area fits 2 cars, probably 15-20 feet
- next inspection May 30, 2012

Ms. Moermond:

- if a driveway is of the same material as the alley, she is fine with that
- she will instruct inspector to look for clean boundaries; parking area should not take up too much of the yard; weed and grass growth

- putting down Class 5 will make it look good
- will recommend granting the appeal

**Referred to the City Council due back on 6/20/2012**

**25**      **RLH FCO**  
**12-316**

Appeal of Taric Abdelaziz to a Fire Inspection Correction Notice at 1022 MARGARET STREET.

**Sponsors:**      Lantry

*Laid over to get photos of garage siding. Grant the appeal on the dryer vent; grant a 5-inch variance on the openable height of the egress windows in the main floor northeast, southeast and southwest bedrooms.*

*RE: 1022 Margaret St (single family)*

*Taric Abdelaziz, owner, appeared.*

*Items #1, #9, #13*

*Mr. Abdelaziz:*

- #1-dryer vent: 3 yrs ago had Xcel come to do work on house; they did the dryer vent, furnace and hot water vent (can find record of when they did that) all was installed professionally
- asked if he needed to pull a permit to have someone come out to take a look at it or have it re-installed (Ms. Moermond said she needs the permit)
- has photos (vent is insulated)
- nothing was said about the dryer vent at last year's Fire Inspection
- he painted the trim on garage (last year someone crashed into garage; he had it rebuilt)
- the holes in the siding were made by rocks thrown from someone in the alley (detached garage)
- had re-inspection today
- can get photos
- has re-inspection in 30 days

*Fire Inspector Leanna Shaff:*

- re inspection last year - she is quite confident that if the dryer vent had been an issue, the inspector would have called it out
- #13- garage siding: she talked with Inspector Spiering about it today; he said it's vinyl siding with cracks and holes; also, the trim needs to be painted

*Ms. Moermond:*

- will recommend granting an appeal on the dryer vent permit
- will recommend granting a variance on the windows in #9
- can't make a judgment about garage siding without the pictures
- will layover for 2 weeks (Jun 5, 2012 LH) to get some photos
- will ask that one of the re-inspection fees be taken off in the billing process because the re-inspection happened today

**Laid Over to the Legislative Hearings due back on 6/5/2012**

**26**      **RLH FCO**  
**11-125**

Appeal of Patrick Lamb, on behalf of Selby Dale Co-Op, to a Correction Notice Re-Inspection Complaint at **651, 637, 671 and 675 SELBY AVENUE.**

**Sponsors:**      Carter III

RE: 651, 637, 671 and 675 Selby Ave (Selby Dale Coop)

Ken Isaacson, Twin Cities Housing Development Corp., appeared on behalf of Patrick Lamb

Mr. Isaacson:

- executed a Purchase Agreement and applied for financing in the summer of 2011
- have secured all the financing
- the life safety issues have been taken care of
- do not own it yet but are shepherding
- a substantial rehab is in process
- will close the first quarter of 2013
- there's a lot of work yet to do before they can close
- the architect is based in Saint Paul

Ms. Moermond:

- would like to get a Fire Certificate of Occupancy Inspection again and get a list of things to do
- then, and Work Plan will need to be developed
- will lay this over for 6 weeks
- will get a letter confirming today's action

**Laid Over to the Legislative Hearings due back on 7/10/2012**

27      **RLH FCO  
12-349**

Appeal of Douglas J. Coppess to an Inspection Appointment at 1016 IGLEHART AVENUE.

Sponsors:      Carter III

Grant the appeal and owner is out of the Fire C of O program.

RE: 1016-1018 Iglehart Ave (duplex)

Douglas J. Coppess, Coppess Ventures LLC, appeared.

Mr. Coppess:

- I have lived in this property since Jan 1, 2010; he lives in upper unit; tenants live in lower unit
- Inspector Gavin said that the property is in the name of Mr. Coppess' corporation, Coppess Ventures LLC, and if the Appellant wanted to appeal it, he would need to prove that he lived there
- he went to the County where they told him that since he owes back taxes, they can't put the property in his personal name and he can't homestead it
- he has copies of utility bills, trash bills, etc.

Ms. Moermond:

- went to the Secretary of State's website to check the filing of Appellant's LLC
- she will use the contact information of the LLC for the basis for her decision
- she learned that Coppess Ventures LLC is owned by the Appellant and he is the owner-occupant at this address
- Appellant is not subject to the Fire C of O Program
- the city will close the file
- will recommend granting the appeal and the Appellant is out of the Fire C of O Program

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Referred to the City Council due back on 6/20/2012

## 2:30 p.m. Hearings

### Vacant Building Registrations

- 28 [RLH VBR  
12-32](#) Appeal of Max Bahr to a Vacant Building Registration Notice at 1449 MAGNOLIA AVENUE EAST.

**Sponsors:** Bostrom

*No fees due. House sold.*

**Withdrawn**

### Staff Reports

### Window Variances: No Hearing Necessary

- 29 [RLH WP  
12-51](#) Appeal of The Home Depot At Home Services, on behalf of Famata King, to an Egress Window Non-Compliance Determination at 1922 CLEAR AVENUE.

**Sponsors:** Bostrom

*Grant a 4-inch variance on the openable height of two double hung replacement egress bedroom windows measuring 20 inches high by 22 inches wide.*

**Referred to the City Council due back on 6/20/2012**

- 30 [RLH FOW  
12-179](#) Appeal of Eugene Hyatte to a Fire Certificate of Occupancy Inspection Correction Notice at 1178 CONWAY STREET.

**Sponsors:** Lantry

*Grant a 7-inch variance on the openable height of the egress windows in the first and second floor bedrooms.*

**Referred to the City Council due back on 6/20/2012**

- 31 [RLH FOW  
12-184](#) Appeal of Robert Leonetti to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 1089 GERANIUM AVENUE EAST.

**Sponsors:** Bostrom

*Grant a 4-inch variance on the openable height of the egress window in middle bedroom.*

**Referred to the City Council due back on 6/20/2012**

- 32 [RLH WP  
12-48](#) Appeal of Molly McGrane, on behalf of Window World, to an Egress Window Non-Compliance Determination at 1260 GROTTO STREET NORTH.

**Sponsors:** Brendmoen

*Grant a 4-inch variance on the openable height of three double hung replacement egress bedroom windows measuring 20 inches high by 23.21 inches wide.*

**Referred to the City Council due back on 6/20/2012**

**33 RLH WP  
12-49**

Appeal of Mel Hazelwood, on behalf of Minnesota Rusco, Inc., to an Egress Window Non-Compliance Determination at 2136 IVY AVENUE EAST.

**Sponsors:** Bostrom

*Grant an 8-inch variance on the openable height of three double hung replacement egress bedroom windows measuring 16 inches high by 28 inches wide and 16 inches high by 36 inches wide.*

**Referred to the City Council due back on 6/20/2012**

**34 RLH FOW  
12-190**

Appeal of Nick Phelps to a Fire Certificate of Occupancy Inspection Correction Notice at 804 JUNO AVENUE.

**Sponsors:** Thune

*Grant a 2-inch variance on the openable height of the egress window in the second floor bedroom.*

**Referred to the City Council due back on 6/20/2012**

**35 RLH FOW  
12-174**

Appeal of Leigh Otterlei to a Fire Certificate of Occupancy Inspection Correction Notice at 768 ORANGE AVENUE EAST.

**Sponsors:** Bostrom

*Grant a 1.5-inch variance on the openable height of the egress window in the first floor north bedroom.*

**Referred to the City Council due back on 6/20/2012**

**36 RLH FOW  
12-175**

Appeal of Jill Dahl to a Fire Certificate of Occupancy Inspection Correction Notice at 768 RANDOLPH AVENUE.

**Sponsors:** Thune

*Grant a .5-inch variance on the openable height of the egress bedroom windows.*

**Referred to the City Council due back on 6/20/2012**

**37 RLH FOW  
12-176**

Appeal of Terry Jarrett to a Fire Certificate of Occupancy Inspection Correction Notice at 850 RANDOLPH AVENUE.

**Sponsors:** Thune

*Grant a 4.5-inch variance on the openable height of the egress bedroom windows in the upper and lower units.*

**Referred to the City Council due back on 6/20/2012**

**38 RLH FOW  
12-173**

Appeal of Karsten Williams to a Fire Certificate of Occupancy Inspection Correction Notice at 426 ROSE AVENUE EAST.

**Sponsors:** Brendmoen

*Grant a 3-inch variance on the openable height of the egress window in the second floor bedroom.*

**Referred to the City Council due back on 6/20/2012**

**39 RLH FCO  
12-335**

Appeal of WYYC Property Management, on behalf of Gin and Olivia Ng, to a Fire Certificate of Occupancy Inspection Correction Notice at 755 SHERBURNE AVENUE.

**Sponsors:** Carter III

*Grant a 4-inch variance on the openable height of the egress window in the second floor north bedroom and grant a variance on the ceiling height in the basement north bedroom.*

**Referred to the City Council due back on 6/20/2012**

**40 RLH FOW  
12-185**

Appeal of James Bobzien to an Updated Fire Inspection Correction Notice at 1637 VAN BUREN AVENUE.

**Sponsors:** Stark

*Grant a 3.5-inch variance on the openable height of the egress window in the third floor bedroom.*

**Referred to the City Council due back on 6/20/2012**

**41 RLH FOW  
12-177**

Appeal of Lesley White-Kayser to a Fire Inspection Correction Notice at 902 YOUNG STREET.

**Sponsors:** Stark

*Grant a 3.5-inch variance on the openable height of the egress window in the main level bedroom.*

**Referred to the City Council due back on 6/20/2012**