

# City of Saint Paul

*15 West Kellogg Blvd.  
Saint Paul, MN 55102*



## **Minutes - Final - Final**

**Tuesday, August 21, 2012**

**9:00 AM**

**Room 330 City Hall & Court House**

## **Legislative Hearings**

*Marcia Moermond, Legislative Hearing Officer*

*Mai Vang, Hearing Coordinator*

*Jean Birkholz, Hearing Secretary*

*Mary Erickson, Hearing Secretary*

*legislativehearings@ci.stpaul.mn.us*

*651-266-8560*

**9:00 a.m. Hearings****Laid Over Assessments**

- 1**      [RLH TA  
12-431](#)              Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1207, Assessment No. 128807 at 820 BURR STREET. (Levied by Council on July 18, 2012)

**Sponsors:**        Brendmoen

*Reduce the assessment from \$1,250 to \$625.*

*8/23/12: Ms. Vang contacted owner to let them know of the new fee amount.*

**Referred to the City Council due back on 9/5/2012**
  
- 2**      [RLH TA  
12-485](#)              Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1209, Assessment No. 128814 at 522 CHARLES AVENUE.

**Sponsors:**        Carter III

*No show; approve the assessment.*

**Referred to the 9/5/2012 City Council**
  
- 3**      [RLH TA  
12-414](#)              Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1212A, Assessment No. 128521 at 224 GROTTO STREET NORTH.

**Sponsors:**        Carter III

*No show; approve the assessment.*

**Referred to the City Council due back on 9/19/2012**
  
- 4**      [RLH TA  
12-407](#)              Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1212A, Assessment No. 128521 at 701 HAMLIN AVENUE.

**Sponsors:**        Tolbert

**Attachments:**      [701 Hamline.PA recs](#)

*MM to review file.*

**Laid Over to the Legislative Hearings due back on 9/4/2012**
  
- 5**      [RLH TA  
12-428](#)              Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1212A, Assessment No. 128521 at 901 THIRD STREET EAST.

**Sponsors:**        Lantry

**Attachments:**      [901 Third Street East summary abatement order 4.27.12.DOC](#)  
[901 3rd Street East photos 5.9.12.DOC](#)

*Approve the assessment payable over two years.*

RE: 901 3rd St E (duplex)

Paomeng Thomas Lor, owner, appeared.

Inspector Paula Seeley:

- Summary Abatement Order issued Apr 27, 2012; compliance May 7, 2012
- re-checked May 9
- work done May 11, 2012
- cost \$481
- yard waste, tree branches, tire, dead chicken debris, buckets, etc.

VIDEO

Mr. Lor:

- around April, he had an inspector who told us about what needed to be fixed up and cleaned up; he gave him a specific date of Jun 3, 2012 to do it all
- wasn't aware of 2 Orders; he said he only got one and it had to be done by Jun 3, 2012 - fix siding on garage and house

Ms. Moermond:

- staff is checking that out
- the Summary Abatement Order says clearly that the deadline is May 7, 2012
- she can see why he may be confused if there's another Order out there for something else

Ms. Seeley:

- a fire inspector went out there and then realized it was owner-occupied; sent back a report that there were roosters in the house
- she went out Apr 27 and found all the debris
- she wrote a Correction Order on the exterior of the house and garage for Jun 3, 2012; this was completed and the file was closed
- no returned mail
- after the clean-up, Mr. Lor called and asked for a little more time on the exterior and did give him more time

Ms. Moermond:

- sounds as though 2 sets of Orders were issued on the same day; one with a quick deadline and one with a later deadline; that may have been where the confusion came from
- checked in STAMP and found that both sets of Orders were issued on exactly the same day, Apr 27, 2012, and sent in 1 envelope
- the Appellant received proper notice and the city did so the yard clean-up
- will recommend the City Council approve the assessment divided over 2 years
- will have the option to pay before it shows up on the taxes

**Referred to the City Council due back on 9/19/2012**

6 [RLH TA  
12-398](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1210A2, Assessment No. 128528 at 1725 THOMAS AVENUE.

**Sponsors:** Stark

**Attachments:** [1725 Thomas Ave.Summary Abatement.pdf](#)  
[1725 Thomas Ave.Work Order 3-28-12.pdf](#)  
[1725 Thomas Ave.CAO Position on Video.8-29-12.pdf](#)

On August 29, 2012, City Attorney Therese Skarda reviewed the video taken by Parks of the abatement of the couches at 1725 Thomas and believes that the responsible party is attempting to object to the council being allowed to view the video without foundation. From the hearing notes it appears that the responsible party wants the individual who recorded the video present before the video can be played. She reviewed the file and it appears that the file contains copies of the initial complaint from 3/21/2012, a correction notice from 3/23/12, Photos from 3/23/12, a summary abatement order from 3/23/12, follow up photos from 3/28/12 and the removal information from 3/29/12.

She believes that the video may be received and viewed in these types of cases without the individual who took the video present. The video has a probative value and these types of videos are routinely relied upon to show that the work required and completed. At hearings such as these more informal rules of evidence should apply with a focus on the trustworthiness of the evidence. She can find no technical rule that says we would need the individual who took the video to be present. In fact, the Rules of Evidence for Administrative Law Hearings are just as relaxed and they are more formal hearings than the one being asked about.

Forthcoming - need to hear from City Attorney's Office

RE: 1725 Thomas Ave (multi-family)

Paul Koenig, Hamline Housing Trust, owner, appeared.

Inspector Paula Seeley:

- Summary Abatement Order issued Mar 23, 2012 with compliance date of Mar 27, 2012
- re-checked Mar 27, 2012
- work done May 29, 2012 for a cost of \$471
- sent to Hamline Housing Trust, Columbia Heights
- couch, loose garbage, litter outside Viola dumpster and appears to be shared by 1725 and 1731 Thomas

Mr. Koenig:

- Mar 23, 2012 was a Fri; they didn't receive any Notice until after
- they were working at the property every single day
- a tenant had put a couch out there and they were there doing some remodeling; the tenant was going to sell the couch to another tenant; so, they had to discount their rent to stop a fight within the complex; the person has some mental disabilities and thought the couch was just taken
- they got to the property at 7 am (the couch was there) to start work and during the day, while they were working there, the couch was taken by someone so, an argument ensued
- the couch was taken away prior to the due date but they didn't get Notice for any of it until after everything was all done
- thinks they didn't get Noticed until Tue afternoon

VIDEO

- asked if the person who took the video was in the room
- he thinks that the person who actually witnessed it and took the video needs to be present in any quasi-judicial hearing (referred to a recent dog-biting issue)

Ms. Moermond:

- stated that the City Council will actually be playing the quasi-judicial role in this

- she is going to refer this to the City Attorney's Office to get their input
- would like to know what Mr. Koenig is disputing with the video

Mr. Koenig:

- thinks the tenant moved the couch out there for a shorter period of time than what the due date was; whoever did the work and took the couch took it way before the due date

Ms. Moermond:

- the VIDEO is time and date-stamped; will take another look at the VIDEO (Mr. Essling: there are also photographs, dated Mar 28, 2012)
- the photos show a couch, rug, chair, couple more chairs, can't see a second couch (Mr. Koenig: we didn't see chairs in that VIDEO)
- we did not see chairs in the VIDEO; something happened with the chairs

Viewed VIDEO again- date stamped Mary 29, 2012, 12:38 p.m.

- sees a couch and a chair so, those items remain the same so, to what extent should it be discounted if there's a piece of furniture fee associated with this (Mr. Koenig: where's the dumpster in that picture; you see the truck)

Viewed VIDEO one more time to see the dumpster (in left hand corner)

Ms. Moermond:

- reviewed timeline: Orders issued Mar 23; compliance on or before Mar 27; re-checked Mar 27 and found noncompliant; Mar 29, 2012 at around 12:38 p.m., the clean-up crew was there
- if the work had been done before Wed, we'd be looking at a \$50 Excessive Consumption fee instead
- she saw a date and time stamped VIDEO 3 times; she is also seeing Orders and photographs that all document what was going on
- she hears that Mr. Koenig would like the person who took the Video tape present and she will note that and asked the City Attorney if, in their view, that needs to happen or if the evidence is sufficient
- the City Council are actually not in a quasi-judicial capacity when they're considering assessments; they're acting in their legislative capacity
- this is also not a quasi-judicial hearing; Ms. Moermond is not deciding; she's making a recommendation to the City Council
- City Council Public Hearing on this is Sep 5, 2012 at 5:30 p.m.
- the City Attorney's perspective will be heard at the City Council's Public Hearing (she does not expect to have feedback before Sep 5, 2012)
- if having the person who took the video is a requirement, in the CA's view, and they think it's advisable for the matter to be laid over so that person can be present and provide testimony to the City Council, it will be done

**Referred to the City Council due back on 9/5/2012**

### Special Tax Assessments

7      **RLH TA**      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1210B Assessment No. 128111 at 1010 BAYLESS AVENUE.

**12-460**

**Sponsors:**      Stark

**Attachments:**      1010 Bayless Ave. Emergency Boarding

*No show; approve the assessment.*

Referred to the City Council due back on 10/3/2012

8 RLH TA  
12-465

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1213A, Assessment No. 128524 at 432 BEACON AVENUE.

Sponsors: Stark

Attachments: 432 BEACON AVE.SUMMARY ABATEMENE. 6-22-12.DOC  
432 Beacon Ave.Photos.6-22-12.pdf

*No show; approve the assessment.*

Referred to the City Council due back on 10/3/2012

9 RLH TA  
12-454

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1213A, Assessment No. 128524 at 2041 CALIFORNIA AVENUE EAST.

Sponsors: Bostrom

Attachments: 2041 California Ave E.Summary Abatement.6-8-12.DOC  
2041 California Ave E.Photos.6-13-12.DOC

*No show; approve the assessment.*

Referred to the City Council due back on 10/3/2012

10 RLH TA  
12-443

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1213A, Assessment No. 128524 at 929 CASE AVENUE.

Sponsors: Bostrom

Attachments: 929 CASE AVE. SUMMARY ABATEMENT.6-11-12.DOC  
929 CASE AVE. PHOTO.6-11-12.DOC

*Delete the assessment.*

*RE: 929 Case Ave (single family)*

*Joe Osterbauer, owner, appeared.*

*Inspector Paula Seeley:*

- Summary Abatement, a pre-authorized Work Order
- she was out there Jun 11, 2012; took photos and sent out Orders
- compliance date: Jun 14, 2012
- re-checked: Jun 15, 2012 and found noncompliant
- work done Jun 15 for a cost of \$471
- sent to Osterbauer LLC, Minneapolis
- no returned mail
- again on Jul 13, 2012 - there were Orders on garbage
- she had a conversation with owner and told him to clean it up ASAP
- they were doing roofing or something
- when she went back, it was still there and there was an unbelievable smell
- when the crew went out, it was still there and they cleaned it up

*Mr. Osterbauer:*

- would like to see the Video

Viewed VIDEO

Ms. Moermond:

- asked to see the VIDEO again

- Mr. Osterbauer did the vast majority of the clean-up or had someone else do it

- will recommend the City Council delete this assessment

**Referred to the City Council due back on 10/3/2012**

**11 RLH TA  
12-449**

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1213A, Assessment No. 128524 at 716 COMO AVENUE.

**Sponsors:** Brendmoen

**Attachments:** 716 Como Avenue summary abatementorder 5.25.12.DOC  
716 Como Ave.Photos.5-31-12.pdf

*No show; approve the assessment.*

**Referred to the City Council due back on 10/3/2012**

**12 RLH TA  
12-469**

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1213A Assessment No. 128524 at 1171 DAYTON AVENUE.

**Sponsors:** Carter III

**Attachments:** 1171 Dayton Ave.Summary Abatement.5-29-12

*No show; approve the assessment.*

**Referred to the City Council due back on 10/3/2012**

**13 RLH TA  
12-445**

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1213A, Assessment No. 128524 at 845 EDGERTON STREET.

**Sponsors:** Brendmoen

**Attachments:** 845 EDGERTON.GRASS LETTERS.pdf  
845 EDGERTON ST.PHOTOS. 6-7-12.DOC  
845 Edgerton St.Photos.6-7-12.pdf

*No show; approve the assessment.*

**Referred to the City Council due back on 10/3/2012**

**14 RLH TA  
12-468**

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1210 Assessment No. 128816 at 1128 FOREST STREET.

**Sponsors:** Bostrom

*Approve the assessment.*

*RE: 1128 Forest (single family)*

*Angela Marquette appeared.*

*Inspector Joe Yannarely:*

- Vacant Building fee \$1,100 plus \$150 service charge = \$1,200
- VB file opened Jan 25, 2012 as a Cat 2 VB after a Condemnation by Code Enforcement
- fee covers time period Jan 25, 2012 - Jan 25, 2013

*Ms. Marquette:*

- got a Code Compliance Inspection Report - just too many items that it doesn't appear to be cost effective enough for anyone to clean it up or to fix it; it was a hoarding house; her husband and she spent about 90 hours pulling everything out; they cannot do anything about the smell themselves
- have tried to get some realtors to go through it
- one person from Edina Realty, who specializes in houses to rehab, felt that he couldn't do anything for her; suggested she put the value at \$5,000 (houses in that area are valued at around \$150,000)
- a woman from Coldwell Banker wouldn't go past the front door; she suggested selling it for between \$10,000 - \$15,000
- another person, a builder, suggested about \$5,000
- taxes are about \$3,000
- hoping to do something with in in 60 days
- currently, they can still break even if they sell it for \$5,000
- looking for Ms. Moermond's opinion

*Ms. Moermond:*

- if the Council approves the VB fee, it would go onto the 2013 taxes, which are due May and Oct, 2013
- estimate on the demolition is probably between \$12,000 - \$15,000
- land value for this tax year = \$6,500
- building value = \$9,400 (thinks that's not accurate)

*Mr. Yannarely:*

- the first time the city would look at demoing this structure would probably be in Jan 2013
- the city gets good rates for demolition, the cost of which would be assessed to the property taxes
- next summer, when the Appellant has a vacant lot and a huge tax bill, she can make the assessment about whether or not she can get any asset value out of it - or would it be wise to walk away from it

*Ms. Moermond:*

- Ms. Marquette will need to do some analysis
- requests that Ms. Marquette continue to mow the lawn and check the property periodically until it goes forfeit

*Ms. Marquette:*

- Paul Thompson, owner of the apartment building next door, has his person mowing the lawn
- the lock boxes that she has put up have all been broken into; they've boarded it up
- she will go over more often to check on trash

*Ms. Moermond:*

- referred Ms. Marquette to the East Side Neighborhood Development Corporation (ESNDC); John Vaughn



- perhaps she could sign it over to them
- will recommend this assessment be approved

**Referred to the City Council due back on 10/3/2012**

**15 RLH TA  
12-452**

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1210 Assessment No. 128816 at 82 FRONT AVENUE.

**Sponsors:** Brendmoen

*Delete the assessment.*

*RE: 82 Front Ave (single family)*

*Vickie Jackson, owner, appeared.*

*Inspector Joe Yannarely:*

- Vacant Building registration fee cost \$1,100 plus \$150 service charge = \$1,250 (2nd VB fee)
- Category 2 VB file opened May 9, 2011
- expired Code Compliance Inspection Report expired Jul 11, 2012
- currently, no permits pulled
- 3 Work Orders performed in approximately 15 months

*Ms. Jackson:*

- purchased house Nov 2011
- there is a building permit pulled (Reid Soley); Dec 7, 2011 for value of \$12,000
- she is rehabbing the property
- the contractor has asthma so, he's in and out
- she's doing what she can until he can get back
- looking to be done by the end of the year; if not, she will sell it
- the inside of the structure is done
- the plumber and electrician are coming in the next 2 weeks

*Ms. Moermond:*

- asked Mr. Yannarely to talk to Steve Ubl to allow Ms. Jackson's contractors to pull permits
- the VB fee would cover from May 9, 2012 to May 9, 2013
- if Ms. Jackson can finish the rehab by Feb 1, 2013, she will recommend cutting the VB fee in half
- asked Mr. Yannarely if they can re-bill in Jan 2013, if need be (Mr. Yannarely: I think so)
- because this crosses over tax years, she will recommend that this assessment be deleted now
- if the work is done, process the fee for \$600
- if the work is not done, process the fee for the full amount
- Ms. Jackson will get another notice in spring 2013 and it will be either for half or all of the amount

**Referred to the City Council due back on 10/3/2012**

**16 RLH TA  
12-453**

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1213A Assessment No. 128524 at 82 FRONT AVENUE.

**Sponsors:** Brendmoen

**Attachments:** 82 FRONT AVE.SUMMARY ABATEMENT..6-18-12.DOC

Approve the assessment payable over two 2 years.

RE: 82 Front Ave (single family)

Vickie Jackson, owner, appeared.

Ms. Jackson:

- will not dispute the clean-up assessment

Clean-up assessment: \$316 plus \$155 service charge = \$471

Orders issued: Jun 18, 2012

Compliance date: Jun 23, 2012

Re-checked: Jun 26, 2012

Work Done: Jun 28, 2012

No returned mail

Ms. Moermond:

- will recommend the Council approve the clean-up fee payable over two years

**Referred to the City Council due back on 10/3/2012**

17      **RLH TA**  
          **12-462**

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1211, Assessment No. 128214 at 809 FULLER AVENUE.

**Sponsors:**      Carter III

**Attachments:**      809 Fuller Ave First.pdf  
                                 809 Fuller Ave Final.pdf

Delete the assessment per staff.

RE: 809 Fuller (single family)

Fire Supervisor Leanna Shaff:

- Fire Certificate of Occupancy Inspection fee for \$170 plus \$150 service charge = \$320

- received a letter of code compliance Mar 28, 2012

- recommending deletion; they shouldn't have been charged the C of O fee

**Referred to the City Council due back on 10/3/2012**

18      **RLH TA**  
          **12-438**

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1213A, Assessment No. 128524 at 1024 GERANIUM AVENUE EAST.

**Sponsors:**      Bostrom

**Attachments:**      1024 Geranium Avenue East summary abatement order 6.12.12.DOC  
                                 1024 Geranium Avenue East photos 6.18.12.DOC

No show; approve the assessment.

**Referred to the City Council due back on 10/3/2012**

19      **RLH TA**  
          **12-439**

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1211G, Assessment No. 128712 at 1024 GERANIUM AVENUE EAST.

**Sponsors:** Bostrom

**Attachments:** 1024 Geranium Avenue East order to provide garbage service 6.12.12.DOC

*No show; approve the assessment.*

**Referred to the City Council due back on 10/3/2012**

**20 RLH TA  
12-448**

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1213A, Assessment No. 128525 at 398 LAWSON AVENUE WEST.

**Sponsors:** Brendmoen

**Attachments:** 398 Lawson Ave W tall grass and weeds letter 6.4.12.pdf

398 Lawson Avenue West photo 6.5.12.DOC

*No show; approve the assessment.*

**Referred to the City Council due back on 10/3/2012**

**21 RLH TA  
12-444**

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1213A, Assessment No. 128524 at 695 MAGNOLIA AVENUE EAST.

**Sponsors:** Bostrom

**Attachments:** 695 MAGNOLIA AVE E. SUMMARY ABATEMENT.5-31-12.DOC

695 MAGNOLIA AVE E.PHOTO.5-31-12.DOC

*Delete the assessment.*

*RE: 695 Magnolia Ave E (duplex)*

*Phyllis Thomas, owner, appeared.*

*Inspector Paula Seeley:*

*- Summary Abatement Order issued May 31; compliance date of Jun 4, 2012*

*- re-checked Jun 4*

*- work done Jun 5, 2012 for a cost of \$415*

*- Jun 5 - Orders were returned for Thomas*

*- Ramsey County had a zip code of 55101 on 491 Wheelock Pkwy E, which is incorrect (system is now correct in the system)*

*- the Orders were not re-issued because the error was not caught*

*VIDEO, dated Jun 5, 2012*

*Ms. Moermond:*

*- will recommend deleting this assessment; county records were incorrect*

**Referred to the City Council due back on 10/3/2012**

**22 RLH TA  
12-442**

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1211G, Assessment No. 128712 at 1385 MARGARET STREET.

**Sponsors:** Lantry

**Attachments:** 1385 Margaret Street order to provide garbae service 6.14.12.DOC

Delete the assessment.

RE: 1385 Margaret St (single family)

Neng Xiong and wife, owner, appeared.

Inspector Paula Seeley:

- Sent Orders to provide garbage service for weekly refuse removal Jun 14, 2012; compliance date Jun 18
- re-checked Jun 18
- city service for 3 weeks refuse removal at a cost of \$255
- another assessment is pending for a couple more weeks of hauling
- Jun 13, Inspector Smith found an overflowing Republic trash container and said that they are not a licensed hauler in the city
- Inspector's notes: trash bag, wood, recycling, household items, etc.
- he issued a hauler and a pre-authorized Work Order at the same time
- Appellants got Allied Waste after that

Mr. Xiong:

- had no idea what this letter is about - needs explanation
- have garbage service - a 90 gallon container

Ms. Xiong:

- according to the inspector said that their container says Republic on it and Republic is not a certified hauler; but it is - they have it through Allied
- they had a family event the previous weekend and garbage pick-up is not until Thu
- their container is right next to their house; doesn't know how he could have missed it

Mr. Xiong:

- entered the Order he received (Ms. Moermond said it was a different Order, dated May 24, 2012)
- they had just purchased the home, cash; it had been vacant for over 2 yrs; bought it in 2011 and are fixing everything
- thinking about selling it next month
- inspector said he would check with Allied and then a day later he took away the city container
- he cuts the grass and cleans up everyday
- another family behind them put a lot of brush, tree branches against their property - maybe that's why the inspector came over

Inspector Essling:

- Republic is a recycling container

Ms. Moermond:

- given the fast turn-around on the garbage service Order and the fact that they had an existing garbage service, she will recommend deleting this assessment
- looks as though there were some earlier Orders on the property but she is not finding a cleaning Order at this time
- will recommend this be deleted

**Referred to the City Council due back on 10/3/2012**

**Sponsors:** Thune

**Attachments:** 288 MORTON.SUMMARY ABATEMENT.6-7-12.DOC

*No show; approve the assessment.*

**Referred to the City Council due back on 10/3/2012**

**24 RLH TA  
12-463**

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1210B, Assessment No. 128111 at 1202 PACIFIC STREET.

**Sponsors:** Lantry

**Attachments:** 1202 Pacific Street. Boarding invoice 5.11.12.pdf

*Owner missed hearing, rescheduled.*

**Laid Over to the Legislative Hearings due back on 9/4/2012**

**25 RLH TA  
12-441**

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1210, Assessment No. 128816 at 719 PAYNE AVENUE.

**Sponsors:** Bostrom

*Ms. Moermond will ask for a layover to PH on October 17. If owner can get a buyer between now and then, and if the work is done by January 2013, the VB fees will be reduced in half.*

*RE: 719 Payne Ave (commercial)*

*Terry Longville and Michael Drieling, owners, appeared.*

*Inspector Joe Yannarely:*

- Vacant Building fee for \$1,100 plus service charge of \$150 = \$1,250*
- file opened Apr 5, 2012 as a Category 2 Commercial*
- 2 Work Orders since then*

*Appellants:*

- had sold it on a Contract for Deed 5 years ago*
- buyers defaulted late last year*
- got a cancellation of the contract in Feb 2012*
- in the meantime, there were some clean-ups, Work Orders, assessments, which they paid*
- they are appealing the VB fee*
- in good faith, they have taken ownership of the building; cleaned up both interior and exterior; have listed it with a commercial real estate agent 30-45 days ago - they are doing everything in their power to keep the building presentable so that it can be sold*
- the previous buyers destroyed the inside of the building*

*Mr. Yannarely:*

- no Team Inspection listed (there was one back in 2010)*

*Ms. Moermond:*

- a Team Inspection Report would include a list of things that need to be done in order for the building to be re-occupied (coordinated by the Fire Inspection)*

- a Team Inspection will need to be re-done; the inspection will be based on the proposed use of the building; also, basic items: electrical, plumbing, minimal safety standards (must be done before the building can be re-occupied; does not need to be done before it's sold)

- gave the Appellants the notes from 2010 inspection

*Appellants:*

- are most interested in a rapid sale of the property

- they have contacted some contractors to get bid estimates

*Ms. Moermond:*

- there is not a firm end date in this case

- will recommend the City Council lay it over to Oct 17, 2012

- if the Appellants can get a buyer between now and then who can come in with a plan and get the rehab done by Jan 1, 2013, she will recommend the Council cut the VB fee in half (or if they have a plan that rehabs it by Jan 1, 2013)

**Referred to the City Council due back on 10/3/2012**

**26 RLH TA  
12-459**

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1210B, Assessment No. 128111 at 159 PENNSYLVANIA AVENUE WEST.

**Sponsors:** Carter III

**Attachments:** EMERGENCY BOARDING INV. 159 PENNSYLVANIA.pdf  
159 Pennsylvania Ave W.Photos

*No show; approve the assessment.*

**Referred to the City Council due back on 10/3/2012**

**27 RLH TA  
12-451**

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1210 Assessment No. 128816 at 1311 REANEY AVENUE.

**Sponsors:** Lantry

*RE: 1311 Reaney Ave (duplex)*

*Jerry Fisher, tax owner and responsible party, appeared.*

*Inspector Joe Yannarely:*

- Vacant Building registration fee \$1,100 plus service charge or \$150 = \$1,250

- VB file opened Apr 12, 2012 as a Category 2

- Mr. Singerhouse noted: exterior deficiencies including roof, siding, eaves, windows and screens

- no permits have been pulled

- no Code Compliance Inspection Report

*Mr. Fisher:*

- the roof was put on about 7 years ago, including soffit and fascia

- he plans to do the exterior work first

- the lower unit is vacant and he will be doing some remodeling work in there during the winter months

- the upstairs unit is occupied and has been occupied for over 1 1/2 years (Joel)

Hanson)

Mr. Yannarely:

- from Mr. Singerhouse's notes, he thinks the building is totally vacant
- is trying to figure out how it got referred to the VB Program

Ms. Moermond:

- the question at this point to her is, when it went into the VB Program, did just one unit go into the program or the whole building? If just one unit went into the VB Program, then it's fine; if the whole building went into the VB Program and it's not certified yet, then a VB is being occupied, which is problematic
  - asked Mr. Yannarely to call Mr. Singerhouse to ask him about this
- 

Mr. Yannarely:

- spoke with Mr. Singerhouse, who believes that a neighbor referred him to this house
- Mr. Singerhouse determined that it met Vacant Building criteria on Apr 12, 2012; he placarded the building - they are still up on the front porch
- Mr. Singerhouse wrote a Summary Abatement for a mattress on the side of the door; Mr. Fisher called him up and said he'd remove it
- there is no current Certificate of Occupancy on the property, so Mr. Singerhouse was under the impression that this building was totally empty

Mr. Fisher:

- he registered this address years ago
- the tenant has been there for over 1 1/2 years (upstairs unit)

Ms. Moermond:

- rental property does need periodic inspections
- now, we have a bigger problem: this is a registered VB with a tenant

Mr. Yannarely:

- Mr. Singerhouse said that he specifically looked upstairs at the time of the inspection and it was empty
- Mr. Singerhouse is not sure whether he got an informal call from Inspector Thomas or from a neighbor (he needs to go back and look at it)
- Mr. Thomas' last re-check was Jun 2011

Ms. Moermond:

- will lay this matter over to Sep 4, 2012 LH at 9 am
- in the meantime, she will pull the Fire C of O records to find out how this got referred to the VB Program; evaluate it again; and regardless, Mr. Fisher will need to have a current Fire C of O before it can be occupied
- she also wants to find out more about what kind of notifications went to Mr. Fisher, telling him that it was a registered Vacant Building (there would have been letters coming to him in the mail making him aware of the situation)

Mr. Fisher:

- the only letter from the city that he received was in regards to the mattress
- there are 2 placards on the front door, which he assumed were for the lower unit because when you get on the front porch, it has a big picture window and you can look inside and see that it's vacant (carpet is torn out, etc.)
- when he got the lower unit fixed up, he was going to call and let the city know

Ms. Moermond:

- asked staff to do follow-up on this case  
- she would like Mr. Singerhouse to connect with Fire Supervisor Leanna Shaff

**Laid Over to the Legislative Hearings due back on 9/4/2012**

**28 RLH TA  
12-447**

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1213A, Assessment No. 128524 at 2040 SAUNDERS AVENUE.

**Sponsors:** Tolbert

**Attachments:** 2040 Saunders Avenue summary abatementorder 6.18.12.DOC  
2040 Saunders Avenue photo 6.26.12.DOC

*No show; approve the assessment.*

**Referred to the City Council due back on 10/3/2012**

**29 RLH TA  
12-458**

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1210B Assessment No. 128111 at 1157 SHERBURNE AVENUE.

**Sponsors:** Stark

**Attachments:** 1157 Sherburne Ave.Summary Abatement.DOC  
1157 Sherburne Ave.invoice.pdf

*No show; approve the assessment.*

**Referred to the City Council due back on 10/3/2012**

**30 RLH TA  
12-446**

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1213A, Assessment No. 128524 at 114 SNELLING AVENUE NORTH.

**Sponsors:** Carter III

**Attachments:** 114 SNELLING AVE N. SUMMARY ABATEMENT.6-25-12.DOC  
114 Snelling Ave N.Photos.6-25-12.pdf

*No show; approve the assessment.*

**Referred to the City Council due back on 10/3/2012**

**31 RLH TA  
12-450**

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1210 Assessment No. 128816 at 2023 STILLWATER AVENUE.

**Sponsors:** Lantry

**Attachments:** 2023 Stillwater Ave.Initial Inspection Report.DOC

*Will layover to October 17 public hearing. If work is done, the VB fees will be prorated.*

*RE: 2023 Stillwater Ave (single family)*

*David Schell, owner, appeared.*

*Inspector Joe Yannarely:*



- Vacant Building file opened May 10, 2011 as a Category 2 VB
- second year of cycle
- numerous permits are open - since Sep 2011
- 1 Work Order since May 2011

Mr. Schell:

- have received 2 notices of tall grass which he took care of
- he didn't own the property last year
- he purchased the property in Aug 2011 and went to work immediately
- had hoped to finish the rehab and move in but due to some health issues, it has been delayed quite a bit
- prior to the purchase, he spoke with Jim Seeger about the VB and it was Mr. Schell's understanding that once he purchased the property and started to work on it, it would not remain in the VB Program
- after he bought it, he gutted it completely, tore off the roof, is trying to make a nice home out of it; and it doesn't make much sense to him to be penalized for doing so; it was a VB when he bought it and he went to work on it immediately

Ms. Moermond:

- still, it is in the Registered VB Program and she is so glad that Mr. Schell is working on it so that it can get out of that program
- when will the project be done?

Mr. Schell:

- hoping to have the project done and have the C of O next month before his permits run out

Ms. Moermond:

- when this goes back to the City Council Oct 3, 2012, she will ask them to lay it over for 2 weeks
- she wants to see the Certificate of Code Compliance issued by Oct 17, 2012; if it is, she will recommend that the VB fee get cut in half; if it isn't, she will recommend that it get processed for the whole amount

Mr. Schell:

- still confused - he was told by Jim Seeger that this wasn't the case and he can understand that Mr. Seeger may be mistaken
- but you have a vacant building in the city; someone purchases it and wants to improve the building and gets penalized for doing so - it makes little sense to him (Ms. Moermond responded that it's not viewed as a penalty; it's viewed as a fee for service); Mr. Schell: "Well, you're asking for money out of my pocket; it's a penalty to me."

Ms. Moermond:

- she has seen people work on vacant buildings by driving in 1 nail per year; and she has seen where people get the work done really fast
- she wants to create an incentive for Mr. Schell to get the project done
- the VB is not out of the program until it meets the criteria to be re-occupied
- hopefully, the fee will help to get the work done more quickly (the policy that's in place)
- recommends Mr. Schell go to the City Council's hearing on either Oct 3, 2012 or on Oct 17, 2012

**Referred to the City Council due back on 10/3/2012**

- 
- 32**      **RLH TA**  
**12-464**
- Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1213A, Assessment No.128524 at 1975 THIRD STREET EAST.
- Sponsors:**      Lantry
- Attachments:**      1975 3RD ST E. SUMMARY ABATEMENT. 5-31-13.DOC
- No show; approve the assessment.*
- Referred to the City Council due back on 10/3/2012**
- 33**      **RLH TA**  
**12-455**
- Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1213A, Assessment No. 128524 at 530 THOMAS AVENUE.
- Sponsors:**      Carter III
- Attachments:**      530 Thomas Avenue summary abatmentorder 5.31.12.DOC  
530 Thomas Avenue Photo 6.13.12.DOC  
530 Thomas Avenue tall grass and weeds letter 6.13.12.pdf
- No show; approve the assessment.*
- Referred to the City Council due back on 10/3/2012**
- 34**      **RLH TA**  
**12-467**
- Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1211, Assessment No. 128214 at 741 UNIVERSITY AVENUE WEST.
- Sponsors:**      Carter III
- Attachments:**      741 University Ave. W. First.pdf  
741 University Ave. W. Final.pdf
- No show; approve the assessment.*
- Referred to the City Council due back on 10/3/2012**
- 35**      **RLH TA**  
**12-461**
- Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1211, Assessment No. 128214 at 1190 UNIVERSITY AVENUE WEST.
- Sponsors:**      Carter III
- Attachments:**      1190 University Ave. W. Final.pdf  
1190 University Ave. W. First.pdf
- No show; approve the assessment.*
- Referred to the City Council due back on 10/3/2012**
- 36**      **RLH TA**  
**12-437**
- Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1213A, Assessment No. 128524 at 942 WESTERN AVENUE NORTH.
- Sponsors:**      Brendmoen

**Attachments:** 942 Western Ave N tall grass and weeds letter 6.7.12.pdf  
942 Western Ave N photos 6.13.12.DOC

*No show; approve the assessment.*

**Referred to the City Council due back on 10/3/2012**

**37 RLH TA  
12-476**

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1213A, Assessment No. 128524 at 715 PLUM STREET.

**Sponsors:** Lantry

**Attachments:** 715 Plum St.Summary Abatement Order.6-13-12.DOC  
715 Plum St.Work Order.6-14-12.pdf  
715 Plum St.Photos.6-14-12.pdf

*Reduce the assessment from \$499 to \$349.*

*RE: 715 Plum St (single family)*

*Kim Mai, owner, appeared.*

*Inspector Paula Seeley:*

- clean-up for a total of \$499*
- Ms. Seeley was the inspector on this*
- Emergency abatement posted Jun 14, 2012 for a huge pile of garbage/rubbish on the blvd*
- tried to reach owner - gave them to 10 a.m. on Jun 15, 2012 to clean it up*
- crew went out at 10 am on Jun 15 and cleaned-up*
- have photos and VIDEO available*
- their procedure in an Emergency Abatement is to post the building and make sure the owner is contacted; she did both of those things*

*VIDEO*

*Watched VIDEO one more time*

*Ms. Mai:*

- asked if the garbage/rubbish was exactly on their property or on the side - could it be the neighbors? (Ms. Seeley said it was right in front of the garage; definitely on her property)*
- 24 hrs was too short of time*
- tenants are college/ graduate students moving in and out; was some confusion about it*

*Ms. Moermond:*

- printed photos*
- Order went out Jun 14 and the work needed to be completed by Jun 15; complaints had come in before Jun 13, 2012*
- will recommend the assessment be decreased by \$150 (owner got the call and was aware of this)*
- City Council Public Hearing Oct 3, 2012*

**Referred to the City Council due back on 10/3/2012**

38      **RLH TA**      Ratifying the Appealed Special Tax Assessment for Real Estate Project No.  
         **12-475**      J1213A, Assessment No. 128524 at 591 PAYNE AVENUE.

**Sponsors:**      Brendmoen

**Attachments:**      591 Payne Ave.Tall Grass Letter.6-14-12.pdf  
                                 591 Payne Ave.Work Order.6-20-12.pdf  
                                 591 Payne Ave.Photos.6-19-12.pdf

*Delete the assessment.*

*RE: 591 Payne Ave (side-by-side duplex)*

*Sandra Walker, occupant, appeared.*

*Inspector Joel Essling:*

- tall grass and weeds
- letter mailed Jun 14, 2012; compliance date Jun 17, 2012
- re-checked Jun 20, 2012
- work done Jun 21, 2012 for a cost of \$160 plus \$155 service charge = \$315
- letter sent to Kally UN LLC, Saint Paul
- photos in STAMP
- have VIDEO

*Ms. Walker:*

- 2 people live in that complex
- she was supposed to cut only one side
- the owner has provided a push mower
- she can't get to the tall weeds on the side of the gates
- she doesn't have a weed whacker or shears
- thinks the person on the other side believes that Ms. Walker is supposed to mow the whole lawn

*VIDEO*

*(voice said: looks like an attempt was made but just didn't gitter done; we will be cuttin it)*

*Ms. Moermond:*

*- told Ms. Walker to tell Ms. Kally that Ms. Moermond wants to see Ms. Walker have a weed whipper or a good set of shears to be able to address that; if she does that, Ms. Moermond will recommend this assessment be deleted because Ms. Walker made a good faith effort*

**Referred to the City Council due back on 10/3/2012**

39      **RLH TA**      Ratifying the Appealed Special Tax Assessment for Real Estate Project No.  
         **12-477**      VB1210 Assessment No. 128816 at 981 FULLER AVENUE.

**Sponsors:**      Carter III

*Waive the VB fee until September 2012. If the work is done, will reduce from \$1,250 to \$350.*

*RE: 981 Fuller Ave (mixed: commercial/residential)*

*Keith Schroeder, owner, appeared.*

*Inspector Joe Yannarely:*

- a Category 2 registered Vacant Building file was opened May 13, 2010
- the structure was Condemned and the Certificate of Occupancy Revoked
- 5 Work Orders during 2010
- several permits have been pulled (electrical, plumbing, building)

*Mr. Schroeder:*

- building is ready to go; need finals on the building and electrical; the first plumbing inspection has occurred
- they already inspected and he pulled an additional permit
- he did not have those 5 Work Orders - since he's owned it, it has always been well-maintained
- he bought the property in 2011
- will probably be done in a month
- he talked with the Fire Dept and said that he wanted the first floor (commercial) separated from the second floor (residential) and they told him that he could have it separated (he asked twice but they never would release the first floor, which is commercial)
- is concerned because this is a legal non-conforming use; he understood that once you pulled a permit, the timeline stops; now, he's been told that's not true

*Ms. Moermond:*

- is glad that Mr. Schroeder is taking care of the property; it means a lot
- she has never heard of a mixed use being legal non-conforming (Mr. Schroeder said the Fire Dept was confused about it, too; everybody seems to be confused on what this building is; and he is taking all the heat)
- will check out the Code Compliance Inspection Report (Mr. Yannarely said he's not finding one so, there must have been a Team Inspection)

*Mr. Schroeder:*

- there was a Team Inspection and at that time, it was discussed - "Why are we here?"

*Ms. Moermond:*

- the record shows that it was inspected as a mixed use (confusing: a note in the middle of the 2010 inspection report saying, "Received request for Code Compliance Inspection, Fire Team Inspections" - not sure what that's about)
- suggested that Mr. Schroeder talk to Wendy Lane, Zoning Administrator, who should be able to figure this out quickly - 266-9081
- she believes that Mr. Schroeder should not have a problem; if there is one, Wendy is the one to talk to
- in the short term, the permits need to be finalized and ready to go (Mr. Schroeder said he can handle that)
- incentive: if it can be done by mid- Sep (before CCPH on Oct 3) and get all the sign-offs, she will recommend the fee be reduced to \$350
- after Mr. Schroeder talks to Wendy Lane, Ms. Moermond advised that he talk to Mike Urmann, 266-8990

*Fire Supervisor, Leanna Shaff:*

- noted there was a Team Inspection letter 10-6-08; only differentiates the main floor from the apartments
- 6-4-08: there's a note in a referral when Mike Urmann was the inspector there; it says "This is a vacant unit in a mixed building."

*Mr. Schroeder:*

- asked what happens if he disagrees with what Ms. Lane may say about the building's use (Ms. Moermond: if he disagrees with Ms. Lane's decision, he can appeal to the Board of Zoning Appeals)  
- this building has remodeled for this purpose

Ms. Moermond:

- a mixed commercial/residential is allowed in an R4 zoning district; so, a legal nonconforming doesn't make sense to her

**Referred to the City Council due back on 10/3/2012**

**40 RLH AR  
12-100**

Ratifying Collection of Vacant Building fees from May 2012. (File No. VB1210, Asmt No. 128816)

**Sponsors:** Lantry

**Attachments:** Assessment Roll

**Referred to the City Council due back on 10/3/2012**

**41 RLH AR  
12-101**

Ratifying Boarding and/or Securing services during May 2012. (File No. J1210B, Asmt No. 128111)

**Sponsors:** Lantry

**Attachments:** Assessment Roll

**Referred to the City Council due back on 10/3/2012**

**42 RLH AR  
12-102**

Ratifying Collection of Certificate of Occupancy fees from June 2012. (File No. CRT1211, Asmt No. 128214)

**Sponsors:** Lantry

**Attachments:** Assessment Roll

**Referred to the City Council due back on 10/3/2012**

**43 RLH AR  
12-103**

Ratifying Property Clean Up Services during June 2012 (File No. J1213A, Assessment No. 128524).

**Sponsors:** Lantry

**Attachments:** Assessment Roll

**Referred to the City Council due back on 10/3/2012**

**44 RLH AR  
12-104**

Ratifying Trash Hauling services during June 2012. (File No. J1211G, Asmt No. 128712)

**Sponsors:** Lantry

**Attachments:** Assessment Roll

Referred to the City Council due back on 10/3/2012

## 11:00 a.m. Hearings

Summary Abatement Orders - NONE

### Orders To Vacate, Condemnations and Revocations

- 45**     [RLH VO  
12-73](#)     Appeal of Ancil N. Payne, Jr. and Mary E. Payne to a Notice of Condemnation As Unfit for Human Habitation and Order to Vacate 2165 CARROLL AVENUE.
- Sponsors:**     Stark
- Attachments:**     [2165 Carroll Ave.appeal.7-24-12](#)
- Issue has been resolved.*
- Withdrawn**
- 46**     [RLH VO  
12-77](#)     Appeal of Kristina A. Duren to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 855 TUSCARORA AVENUE.
- Sponsors:**     Thune
- Attachments:**     [855 Tuscarora Ave.appeal.8-1-12.pdf](#)  
[855 Tuscarora.Photos.5-1-12.pdf](#)  
[855 Tuscarora.Photos.7-16-12.pdf](#)  
[855 Tuscarora.Photos.7-20-12.pdf](#)  
[855 Tuscarora Ave.Duren Ltr. 8-27-12.doc](#)
- Deny the appeal and grant until September 7, 2012 for compliance or vacate the property. Electrical issue must be finalized by August 29, 2012.*
- RE: 855 Tuscarora Ave (duplex)*
- Kristina Duren, Chris Treague, representative and friend, and a child appeared.*
- Ms. Moermond:*
- Revocation of the Fire Certificate of Occupancy - Ordered Vacated
- Ms. Duren:*
- her friend, Christopher is helping her get the property up to code
  - has lived in North Dakota for the past year
- Fire Inspector Leanna Shaff:*
- the Revocation was conducted on Jul 16, 2012 by Inspector Bill Beumer
  - there are 52 separate items on the list, some of them quite serious
  - had a referral earlier in Jun for a water shut-off
  - had a referral again in Aug for the lower unit having no smoke detector and no hot

water (gas shut-off and electrical issues)

- had a referral in Jan 2012 for water shut-off
- Mar 21, 2012, Mr. Beumer spoke with David Smith, who said that Kristina is the other owner and the ownership is in probate; they have asked him for legal documentation, etc. and have had months of no response until May when someone met him at the property, when he stated that he was the rightful owner of the entire property; this has gone on for months with no compliance
- photos in Amanda

Ms. Duren:

- needs some extra time to be able to finish the work
- they have been in probate for years with her brother; he brother did all these fancy renovations and didn't finish or do anything to code
- she was living in ND and unable to take care of things; her renter ended up paying the bills for the shut-offs
- two of her friends live upstairs; and the lower unit is hers but is currently empty
- she spoke with Inspector Beumer on Aug 6, 2012 and they discussed the deficiencies
- she needed to get this out of her brother's name
- this Fri, Aug 24, 2012, she has a mediation meeting with the bank, estate lawyer, when there will be a final decision; it will either go into her name and the bank's or the house will be sold
- she has the major repairs already bid and contracted - ready to start the work, all by code and permitted
- this was a livable unit up until her brother decided to take it upon himself to do home improvement and she couldn't stop him while being a state away and unable to do anything about it; then, he just left it there; he and Kenneth, step dad. When her mother died, they forged a will and quit claim deed the house and took out a \$135,000 mortgage on it, which is why it has taken 4 years to get that off
- property taxes are also delinquent, which will also be discussed Fri
- she is waiting for the final decision Fri before pulling permits
- in the course of these 3 weeks, she has birthed a daughter prematurely; the baby has been in an incubator for the past 12 days
- the house has been in the family for many years; she would hate to lose it because of her brother's negligence
- she has about \$90,000 to work with
- they sold the family cabin; that money is being held until after the decision on Fri

Ms. Moermond:

- most recent property tax payment made Apr 2010; no taxes were paid in 2011 or the first half of 2012 (\$12,000)
- the C of O has been Revoked but she sees things that would get the building Condemned
- looking at the photos

Ms. Shaff:

- agrees; Inspector Beumer was extremely generous in trying to work with the owner in order to get things rolling; the house is not habitable, according to the photos
- no one should be living in this house
- principle violations include smoke detectors; wiring issues; water heater installation without permit; lots of electrical done without permit; uncapped gas lines (Ms. Duren: Xcel capped the gas lines)
- is very concerned about the electrical - it compromises the rest of the structure

Ms. Moermond:

- wondering how she should consider the vacate date on this; the dept is saying Aug



6, 2012 (they gave 2 weeks from when they issued the Order)  
- she is satisfied that these items aren't going to be addressed in a timely fashion  
- in the meantime, she'd like to see a time certain when the building has to be emptied or at least, the 2nd floor fixed, if not, the whole thing  
- we need a temporary decision in place before the City Council makes their decision on Sep 5, 2012 at 5:30 p.m.  
- will recommend that things be fixed or the building vacated by Sep 7, 2012 (on Mon Sep 10, the inspector will show up to see if it is emptied)  
- if Ms. Duren hasn't finished by Sep 7 and called for a re-inspection, the inspector will just show up on Sep 10 to make sure that it's vacated or he will Order it vacated immediately

Ms. Duren:

- they are able to pay for an electrician right now; she can get the electrician in there ASAP  
- smoke detectors and CO detectors are all up and working; gas lines have been capped

Ms. Moermond:

- will look at the possibility of giving the Appellant additional time to finish the list if the electrical permit is finalized by Aug 29, 2012

**Referred to the City Council due back on 9/19/2012**

47 [RLH VO  
12-81](#)

Appeal of Charles McCarty to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 1734 SEVENTH STREET EAST.

**Sponsors:** Lantry

**Attachments:** [1734 7th E.appeal.8-6-12.pdf](#)  
[1734 7thSt E.Photos.7-16-12.pdf](#)  
[1734 Seventh St E.McCarty Ltr 8-27-12.doc](#)

*Deny the appeal and grant until August 27, 2012 for compliance. If not in compliance, the building must be vacated by September 14, 2012.*

RE: 1734 7th St E (general retail and svc B Commercial)

Peter McCarty, Charles McCarty's father, appeared. (both owners)

Fire Supervisor Leanna Shaff:

- Revoked Fire Certificate of Occupancy  
- this was Revoked before, Ms. Moermond had made a decision on it: denied the appeal and granted an extension to Jun 30, 2012 to come into compliance on the interior and an extension to Jul 15, 2012 to come into compliance on the exterior  
- Inspector Thomas' Orders dated Jul 26, 2012 include 9 deficiencies (exterior)  
- it wasn't in compliance by the City Council's decision  
- photos in Amanda, dated Jul 16, 2012, clearly show the building not in compliance

Mr. McCarty:

- he is looking for a different inspector - an unbiased inspector  
- most of the 9 outstanding items have been complied with - they're done  
- it's his understanding that the only outstanding items could possibly be the sidewalk and the exterior painting; everything else has been addressed - neither of which are life safety issues  
- Section 8 inspected this property in Jul 2012 and passed inspection

*Ms. Moermond:*

- asked who's doing follow-up inspections; Ms. Shaff replied, "Mr. Thomas"
- printed out the photos taken Jul 16, 2012
- looked at a stained ceiling or wall photo (not sure where in the house); Mr. McCarty said the ceilings/ walls have been taken care of - he did them himself

*Mr. McCarty:*

- the inspector was getting very heavy handed; saying he was calling for back-up
- they don't want to have anything to do with James Thomas any more; if they have to litigate to show that he's biased, they will be looking for damages from the city
- he has told Ms. Shaff straight up that James Thomas is a biased inspector; he's nit-picking; he's spreading rumors - lies (last time, he told the tenants that Mr. McCarty was in prison); that's not in the scope of his job description; he's told the tenants that the house was in foreclosure - the house is absolutely not in foreclosure; Mr. Thomas is exposing the city to liability
- Ms. Shaff told him that she would take over this case; he wants her to come out
- there's no interior work that needs to be done; the city can come out and inspect it but James Thomas isn't coming
- there is some minor exterior work that needs to be done
- the furnace test was done and FAXED to the city by the contractor
- he questions whether or not the sidewalk needs to be replaced
- 7 of the 9 issues are done

*Ms. Moermond:*

- doesn't have the authority to deal with personnel issues; contact Phil Owens, Deputy Fire Marshal; Director Ricardo Cervantes; Mayor Coleman or pursue a complaint
- Mr. McCarty needs to follow-up with the contractor regarding getting the Orsat test report into the city
- the deadline was blown as it was established by the City Council
- the re-inspection was to have been done Aug 17, 2012 to see if things were done (Mr. McCarty: his son was there for the inspection; that's when the big blow-up occurred - where the inspector was swearing at his son; acting very unprofessional for a city official; his son was not able to conduct the inspection with him at that time and Mr. McCarty is not sure whether the inspector completed the inspection)
- she sees the list and the photographs of things that have not been addressed by their deadline
- how do we get from where we are now to getting this thing taken care of?
- she needs an end game because the next thing is for the building to be emptied
- City Council Public Hearing Sep 5, 2012 at 5:30 p.m.; she expects that by the previous Mon, an inspector will have walked through and signed-off of
- Mr. McCarty will call Phil Owens, 651-266- \_\_\_\_\_ today to get the ball rolling
- if the work isn't done by Aug 27, she will recommend Order the building vacated by Sep 14, 2012

**Referred to the City Council due back on 9/5/2012**

48

[RLH VO  
12-84](#)

Appeal of Robert Bayer, on behalf of Coldwell Banker Commercial, to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 620 SIMS AVENUE.

Sponsors: Bostrom

**Attachments:** [620 Sims Ave.appeal.8-16-12.pdf](#)  
[620 Sims Ave.City Photos.8-13-12.pdf](#)  
[620 Sims Ave.Bayer Ltr 8-27-12 \(address is 612\).doc](#)  
[620 Sims.Electrical Inspector Notes.8-31-12.pdf](#)

*Need a detailed work plan. City Council public hearing is 9/5. LHO will do a layover at that time. (Fire and electrical inspectors will meet at property to go over electrical issues)*

*RE: 620 Sims Ave (612 - 626 Sims) Light Manufacturing - Industrial*

*Robert Bayer, Court appointed receiver, appeared.*

*Mr. Bayer:*

- we are not in a redemption period as of yet; the sheriff's sale has not taken place
- the bank is not sure they want to take the property back- Alaris Financial
- has been the receiver on this property for a little over a year

*Fire Supervisor Leanna Shaff:*

- Fire Certificate of Occupancy Inspection conducted by Supervisor A. J. Neis May 7, 2012
- since then, they have had difficulty getting a representative to show and there has been a lack of repairs
- there's an active water leak
- the potential buyer is the tenant
- as of yesterday, Inspector Neis' email said that he Revoked the C of O for failure to abate the multiple code violations existing at the property; there have also been multiple "no shows" for inspection appointments. He goes on to say, "At this point, the only way I'd be able to approve the Fire C of O, is if all the Correction Orders were completed."
- photos in Amanda

*Mr. Bayer:*

- 14,000 sq. ft. of commercial space (7,000 sq. ft. upstairs; 7,000 sq ft. down)
- he was not receiving the Notices from the city early on; he finally got one and met Inspector Neis out there in Jun or early Jul 2012, when the 13 items were listed on the Revocation list
- he missed a reinspection with Mr. Neis Aug 13, 2012 (he put it on the wrong day in his calendar); he apologized to him when he called
- in his experience with the inspectors, they have always been professional and very helpful
- he's a receiver and doesn't have a lot of cash to work with
- between the receivership and the bank, they just paid \$100,000 in past due taxes so it wouldn't end up tax forfeiture (it would have happened Aug 1, 2012 had they not paid on Jul 31, 2012); that extinguished all their cash; the only cash coming in is from the 2 tenants, who are in the upper floor of this complex
- there is no one in the basement and most of the egregious issues are in the basement (hanging wires, water seepage from walls, mold in some sheet rock, asbestos tiles, etc.
- it has been appraised for over \$500,000 and they are going to get \$100,000 for it, as is, which reflects the fact that it needs a roof; about \$50,000 worth of environmental remediation that's required; and the projects that need to be completed to gain compliance from the city.
- their buyer, Jim Rossman, has a copy of the C of O Revocation; he knows all that's happening with environmental items except that he has asked them to do a limited

Phase 2, which they will do so that he has confidence that there's nothing on the property that he will regret down the road

- he has the bank and other parties of interest to agree to a sale ASAP; possibly close in the next 30 days if Phase 2 is approved by this buyer

- is asking for 45 days extension to get the building sold (approximately Sep 30, 2012); the building will not be finished by then

- is aware of the roof leak; they have bids for repairing the roof in the \$100,000 range; there has not been a lot of water coming in for many, many months now

- Anderson Cleaners or First Team Cleaners: they go into places where there has been a fire or a flood and takes out the materials that had been in there, airs them out and cleans them out in the building space

Ms. Shaff:

- sees that they sent letters to Mr. Bayer, first one dated Mar 9, 2012: 1221 Nicollet Ave S, Suite 300 (Mr. Bayer recommends that the city send them Certified: Return Requested)

Ms. Moermond:

- is not interested in doing a 45-day layover because that isn't getting the job done

Mr. Bayer:

- in that case, the people who will get hurt are the tenants: 1) a non profit called World Wide Village; currently, they are helping the earthquake victims of Haiti; when they moved in, they put in \$60,000 worth of improvements on their own dime; and 2) First Team, who also will have to find another space

- there is nothing he can do about it

Ms. Moermond:

- seems to her that it is in the interest of Alaris Financial to make the repairs

Mr. Bayer:

- Alaris Financial has already put in \$100,000; the most recent appraisal is \$150,000; if they do \$100,000 worth of repairs on the roof and the remediation on the environmental issues, they will be up-side-down; they aren't going to do that

- he is here just to lengthen the time if he can so that they have someone who wants the building and who wants to improve it, has the opportunity to do that; Mr.

Rossmann, they buyer, knows what has to be done and is willing to do it; he just needs enough time to be able to do it

- the floors that are occupied are not in bad shape; it's the basement that needs work

- the problem he's having in repairing the roof is that he can't get a warranty; no one is going to warranty a repair; he can repair the roof but he doesn't know if it's money well spent - if that's the difference between keeping the C of O or having it Revoked, he will repair the roof

Ms. Moermond:

- right now, is concerned about the water and the electricity - they affect the entire building; they aren't isolated to the basement

- Mr. Rossmann should be part of the plan that Mr. Bayer puts together if he's really in this

- she'd like to see a Work Plan

- would also like an electrical inspector to take a look at this building (Ms. Shaff will pass that on to Inspector Neis so he can arrange that); Ms. Moermond would like to have the results of that inspection

- scheduled at City Council Public Hearing Sep 5, 2012; would like to ask them to lay it over at that point

- wants to have an assessment by an electrical inspector that can inform her decision

because at that point, it's either going to be a rehab strategy or an exit strategy that they need to pursue

- the Order says to "repair active roof leak"

- Mr. Bayer will meet with the inspectors at the property

**Referred to the City Council due back on 9/5/2012**

### 11:30 a.m. Hearings

49

[RLH VO  
12-83](#)

Appeal of Joseph Kummer to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 121 COMO AVENUE.

**Sponsors:** Carter III

**Attachments:** [121-123 Como Ave.appeal.8-16-12.pdf](#)  
[121 Como.Photos.8-2-12.pdf](#)  
[121 Como.Photos.8-6-12.pdf](#)  
[121 Como Ave.Kummer Ltr 8-27-12.doc](#)

*Deny the appeal. (back roof porch must be condemned immediately)*

*RE: 121 Como Ave (two family dwelling)*

*Joseph Kummer, property manager, appeared.*

*Fire Supervisor Leanna Shaff:*

- received a referral Apr 27, 2010: there was a fire in the basement and the building needed a Certificate of Occupancy inspection
- Inspector Mike Cassidy notes: he went to inspect; it was pretty minor; will transfer the Orders to Fire C of O Program
- May 19, 2010, Jun 22, 2010, Jul 22, 2010, Sep 10, 2010 inspections
- C of O was approved with Corrections Oct 11, 2010
- the Corrections were outside sanitation issues
- Nov 2, 2010 - they asked for a Summary Abatement
- there was an extended non-compliance for articles outside (junk outside for a long time)
- Inspector Bill Beumer attempted to do the C of O inspection Aug 2, 2012 - no show; no work done on the porch; numerous exterior issues
- look at photos of porch:
- photo #7 shows front porch sinking and separating
- photo #9 shows 1 1/2 - 2 inches separating
- photo #11 shows a tilt; separation of foundation cap
- photos #15, 16 - foundation coming apart; gaps
- photo #20 shows one of the structural posts is leaning, shifting on back porch
- photos #23 collapse of it at the base
- photo #24 foundation starting to separate a lot
- photo #25 close up of it being totally off

*Ms. Moermond:*

- these photos will be attached to the record; can be downloaded off the city's website; click on "All Meetings"; "Minutes"

*Mr. Kummer:*

- this scares me
- the owner of this property has been a distant owner

- they manage it for him but they never heard about this inspection until the owner sent an email asking to get a bid on the roof and the garage
- he called Mr. Beumer and asked about the inspection; Mr. Beumer sent him the list
- he talked with the boss and Mr. Beumer about it; Mr. Beumer advised to go the hearing to ask for a grant of time
- the lower tenant, Julie Holt, is scheduled to move out Aug 31, 2012
- the upper tenant will be moving out Aug 31, 2012

Ms. Moermond:

- regarding item #5 - the support post: her opinion is that the back porch area should be Condemned because it's ill-supported
- let's get that Condemned immediately (upper unit back room with the posts)
- no need to change the vacate date

Mr. Kummer:

- the vacating process of the lower unit has been challenging; what happens if he can't get her out by Aug 31, 2012?

Ms. Shaff:

- the Orders say that it has to be Vacated
- will talk to the Vacant Building Program

Ms. Moermond:

- when a building is in the Vacant Building Program, you can have access from 8 am - 8 pm to clean, do repairs, and includes the tenants getting their stuff out

**Referred to the City Council due back on 9/19/2012**

50 [RLH VO  
12-82](#)

Appeal of Julie W. Holt to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 121 COMO AVENUE.

**Sponsors:** Carter III

**Attachments:** [121 Como Ave.appeal.8-16-12.pdf](#)  
[121 Como.Photos.8-2-12.pdf](#)  
[121 Como.Photos.8-6-12.pdf](#)  
[121 Como Ave.Holt Ltr 8-27-12.doc](#)

Deny the appeal - no show.

**Referred to the City Council due back on 9/19/2012**

## 1:30 p.m. Hearings

### Fire Certificates of Occupancy

51 [RLH FCO  
12-482](#)

Appeal of Patrick Menke, Church of St. Agnes, to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 548 LAFOND AVENUE.

**Sponsors:** Carter III

**Attachments:** [548 Lafond Ave.appeal.7-19-12.pdf](#)  
[548 Lafond.appeal photo.7-19-12.pdf](#)

*Issue resolved.*

**Withdrawn**

52

[RLH FCO  
12-518](#)

Appeal of Don Whiting to a Fire Certificate of Occupancy Correction Notice at 600 VAN BUREN AVENUE.

**Sponsors:** Carter III

**Attachments:** [600 Van Buren Ave.appeal.8-13-12](#)  
[600 Van Buren Ave.Whiting Ltr 8-27-12.doc](#)

*Grant the appeal on the ceiling height in the upper floor bedroom.*

600 Van Buren  
Don Whiting, Appellant

Inspector A.J. Neis:

- an appeal of a routine Fire Certificate of Occupancy inspection conducted by Wayne Spiering on 8/8/12
- ceiling height is 6'8" - approximately 4 inches shorter than code
- there are no photographs of the room

Mr. Whiting:

- this is a bedroom upstairs with "knee walls"
- house is "Freedom Place," a non-profit which helps people coming out of treatment centers, prisons, dealing with drug court
- rent them rooms at a very reasonable rate until they can transition back into society
- only way Freedom Place gets funding is by asking for public donations
- would be cost prohibitive to fix the ceiling
- have an occupancy permit on the house done in 2005

Ms. Moermond:

- appears that approximately one-half of the square footage is 6'8"
- will recommend to the City Council to grant a 4 inch variance and the room continue to be used as a sleeping room

**Referred to the City Council due back on 9/19/2012**

53

[RLH FCO  
12-495](#)

Appeal of Chris Mueller to a Fire Certificate of Occupancy Correction Notice at 2554 COMO AVENUE.

**Sponsors:** Stark

**Attachments:** [2554 Como Ave.appeal.7-25-12](#)  
[2554 Como Ave.Photos.6-28-12.pdf](#)  
[2554 Como Ave.Mueller Ltr 8-27-12.doc](#)  
[2554 Como Ave Ltr 9-13-12.doc](#)  
[2554 Como Ave.Mueller Revised Ltr 9-14-12.doc](#)

*Laid over to get clarification about the roof line issue.*

2554 Como Avenue  
Chris Mueller, Appellant

Chris Mueller, Manger of Station 280, Mike Mueller, Owner, and Tom Tomaro, one of the building owners, appeared

Inspector A.J. Neis:

- a complaint inspection from June 27, 2012 in response to a referral received for an improperly installed hood system in the restaurant
- code says hood system must be at least 2 ft. above the roof line
- orders were issued to install a system to code under permit
- has been a restaurant dating to the 1990s
- did not see any mechanical permits
- predates the current ownership of 2005 and cannot pinpoint the date of installation
- Inspected by Mike Urmann who consulted w/Ron Haider

Ms. Moermond:

- asked if it was a restaurant inspector who found this or anonymous

Mr. Neis:

- read complaint: "Bar/restaurant kitchen exhaust system installed not to code. Equipment appears to have been changed. No record of permits or inspections. Potential fire hazard with grease dripping."
- Mechanical Inspector Ron Haider looked at the property with Inspector Urmann
- do not typically inspect roofs on a Fire C of O inspection so not something that would have been caught on a routine inspection

Mr. Tomaro:

- was here previously with the tenant, Will Simons, who lives above the bar and is the one who complained about the smoke from the smokestack
- Simons called Tomaro but had already call the inspector
- he does not see the smoke as an issue for the tenant and does not know why he complained
- mechanics said it won't disperse any differently
- presented a bid to Ms. Moermond he received after the inspection in early July
- there have been no changes to the unit/smokestack in the 20 years he's been there

Mr. Neis:

- appears to be the second complaint for the roof vent;
- first complaint in 10/2011 of hood not properly venting was inspected by Ron Haider and Kris Skow Fisk
- orders were issued and it was an air switch that was not turned on
- when switch was on, everything was working fine
- nothing was noted at that time as to the hood not being properly installed

Ms. Moermond:

- read from Fire Code 609.2 where it was called out but said she felt it should have been called out in the section above it regarding commercial kitchen exhaust hoods
- said they could clean the grease off the roof themselves
- does not have a measurement where this is with reference to the roof line; does not have Inspector Haider's report
- laid over to September 11, 2012 Legislative Hearing to get better information

Mr. Nies:

- will check into this further based on the age of the restaurant and see when the vent



was installed

Ms. Moermond:

- asked Nies to respond to her via e-mail, consult with Steve Ubl and copy him on future correspondence

**Laid over to the 9/11/2012 Legislative Hearings**

54

[RLH FCO  
12-519](#)

Appeal of Ferdinand Peters to a Fire Certificate of Occupancy Correction Notice at 1728 HAGUE AVENUE.

**Sponsors:** Stark

**Attachments:** [1728 Hague.appeal.8-13-12](#)  
[1728 Hague.Photos.7-31-12.pdf](#)  
[1728 Hague Ave.Peters Ltr 8-27-12.doc](#)

Laid over to get better information on the ceiling situation and will deal with deadlines and plan of action.

1728 Hague  
Ferdinand Peters, Owner/Appellant

Inspector A.J. Neis

- routine Fire Certificate of Occupancy inspection on July 31, 2012 by Fire Inspector Jay Bohan  
- a couple of exterior items with the garage which is being appealed  
- replace roof, repair holes in ceiling and walls inside garage in an acceptable manner  
- photographs have been taken  
- re-inspection scheduled for August 31, 2012 at 1:30 p.m.

Ms. Moermond:

- stucco appears to be pulling away from garage wall on exterior

Mr. Peters:

- showed photos of the roof  
- bought property in 2003  
- one tenant has been there since the 1980s  
- tenant parks in the garage and has not been a problem with leaking, etc  
- is dry in the garage  
- was told to replace the roof but the shingles are sealed and not leaking  
- can't get the carbon monoxide test done (#5) done until it gets cold; asked for more time  
- asked if it was acceptable to spray in foam where the holes are

Ms. Moermond:

- ceiling in the garage is more concern to her than the roof; concerned that it could collapse

Mr. Neis:

- rare to see interior of garage w/stucco  
- concern is what caused the plaster to deteriorate  
- if plaster is removed, would not have an issue

Mr. Peters:

- tenant said she has never had a water issue in the garage
- feels the deterioration has to do with age
- in a year or two may demo the garage and have a car port

Mr. Neis:

- sees evidence of water damage, discoloration in stucco

Ms. Moermond:

- if roof is not in danger of collapse, can talk about time, but if ceiling could fall down, have a problem
- asked Neis to have a building inspector look at the roof and see if removing the ceiling in the garage would slow down the problem
- Laid over to September 11, 2012 for a ceiling report

**Laid Over to the Legislative Hearings due back on 9/11/2012**

55 [RLH FCO  
12-513](#)

Appeal of Alissa Kellogg to a Correction Notice-Complaint Inspection at 316 ROBERT STREET NORTH, SKYWAY 35.

**Sponsors:** Thune

**Attachments:** [316 Robert St N.appeal.8-9-12.pdf](#)  
[316 Robert St N.Kellogg Ltr 8-27-12.doc](#)

*Grant the appeal on the condition that the skyway pedestrian system is maintained at temperature level of 55-85 degrees, plus or minus 15 degrees Fahrenheit.*

316 Robert  
Alissa Kellogg, Appellant

No one appeared

Inspector Neis:

- the building is currently under construction
- Inspector Kris Skow-Fiske had stated it's difficult for them to regulate the heat while doing the construction.
- requested to be out of compliance with the 70 degree requirement plus or minus 8 degrees until construction is done

Ms. Moermond:

- will grant the appeal with plus or minus 15 degrees or 55-85 degrees

**Referred to the City Council due back on 9/19/2012**

56 [RLH FCO  
12-522](#)

Appeal of Trudie Ellsworth and Stephen Ellsworth to a Fire Inspection Correction Notice at 788 CHARLES AVENUE.

**Sponsors:** Carter III

**Attachments:** [788 Charles Ave.appeal.8-15-12.pdf](#)  
[788 Charles.Photos.8-10-12.pdf](#)  
[788 Charles Ave.Ellsworth Ltr 8-27-12.doc](#)

*Laid over to September 25 at 1:30 to determine a schedule for remaining orders*

788 Charles  
Trudie Ellsworth, Appellant

Inspector Neis:

- a routine Fire Certificate of Occupancy inspection on August 8, 2012 by Fire Inspector Michael Efferson
- Efferson noted code violations with regard to the exterior, rear landings, handrail on side porch, and scraping and painting which is what's being appealed
- no re-inspection has been made; next inspection scheduled for 9/7/12
- are pictures of the rear landing and stairs in the file

Ms. Ellsworth:

- landing and stairs are torn off and are currently in the process of replacing

Mr. Neis:

- based on the boards that are in tact now, it appears structurally unsound
- floor is not properly secured to the house, improper handrails, appears deck boards are loose, may be some rotting, no guardrail
- a hazard the way it sits right now

Ms. Ellsworth:

- she has a permit and a contract
- does not know if cellar hatch door will arrive before 9/7

Mr. Neis:

- confirmed the work is well underway, permits have been pulled

Ms. Ellsworth:

- in the contract, asked that it be finished by 9/7 and should be no more than three more weeks

Ms. Moermond:

- asked about the furnace

Ms. Ellsworth:

- did not understand it had to be done when the inspector came so it will be done on 8/22
- her main concern is the exterior trim on the back porch and the soffit and fascia
- it needs repair but is a financial concern

Mr. Neis:

- a lot of the exterior is brick
- showed Ms. Moermond where the problems are

Ms. Ellsworth:

- need time to decide whether to put on aluminum as they can't maintain it themselves.

Ms. Moermond:

- whether she goes with aluminum or continue with wood, the openings have to be taken care of; cannot be a continuing condition
- must be done regardless of the siding issues; these are more important than the scraping and painting

Ms. Ellsworth:

- asked if it can wait until spring

- does not know what the furnace outcome will be

Ms. Moermond:

- feels there's separate issues between doing the wood repair or replacement and the scraping and painting
- the two holes in the building are more important so will look for that to be repaired
- can hold off on scraping and painting
- see where that goes and based on the findings, decide the next course of action for handling the roof and exterior
- wants to give her more time to do the work properly and will lay over to September 25, 2012 Legislative Hearing

**Laid Over to the Legislative Hearings due back on 9/25/2012**

**57 RLH FCO  
12-520**

Appeal of Brandon Folson to a Correction Notice-Complaint Inspection at 275 MCKNIGHT ROAD SOUTH.

**Sponsors:** Lantry

**Attachments:** 275 Mcknight Rd S.appeal.8-14-12.pdf  
275 McKnight Rd S.Folson Ltr 8-27-12.doc

*Rescheduled per owner's request.*

**Laid Over to the Legislative Hearings due back on 9/4/2012**

## 2:30 p.m. Hearings

### Vacant Building Registrations

**58 [RLH FCO](#)  
[12-521](#)**

Appeal of John Larson to a Fire Inspection Correction Notice at 1453 DANFORTH STREET.

**Sponsors:** Brendmoen

**Attachments:** [1453 Danforth St.appeal.8-16-12.pdf](#)  
[1453 Danforth St.Larson Ltr 9-17-12.doc](#)

*Deny the appeal and grant a one-year extension on the driveway.*

1453 Danforth  
John Larson, Appellant

Inspector Neis:

- routine Fire Certificate of Occupancy Inspection on August 8, 2012 by Inspector Wayne Spiering
- appealing Item 2, exterior driveway and parking surface
- Mr. Larson is asking for a one-year extension from the re-inspection date of September 10, 2012
- no photos in the file

Mr. Larson:

- Mr. Spiering did take a couple of photos
- it's a three-car driveway next to his garage

- a small area to park a car in front of the garage
- in an alley
- put new Class 5 gravel down last year
- inspector said it had to be asphalt
- wants to make it asphalt eventually but because of other things on the list being costly, would like to get an extension on the driveway
- this is a duplex and he will be having two furnaces replaced
- furnaces will cost about \$6,000 and driveway about \$3-4,000
- everything else on the list is either done or being worked on

*Ms Moermond:*

- asked if coverage of driveway is not too much, proportional, zoning wise
- is alley paved? Asphalt (Larson)
- asked if there are clean lines in the gravel area; Larson – yes
- would like to see photographs
- asked if it was a classified driveway before

*Mr. Larson:*

- house built in '70-'72; driveway has always been gravel but had some weeds coming through

*Ms Moermond:*

- will recommend to the City Council that he be granted one year to complete the driveway

**Referred to the City Council due back on 9/19/2012**

- 59**      [RLH VBR  
12-53](#)      Appeal of Wiley Willis to a Vacant Building Registration Notice and Summary Abatement Order at 1124 SEVENTH STREET EAST.

**Sponsors:**      Bostrom

**Attachments:**      [1124 7th St E.appeal.8-7-12.pdf](#)  
                                  [1124 7th St E.SAO.8-7-12.pdf](#)

*VB file closed. Orders withdrawn.*

**Withdrawn**

- 60**      [RLH VBR  
12-55](#)      Appeal of Dale A. Sweno to a Vacant Building Registration Notice at 662 GERANIUM AVENUE EAST.

**Sponsors:**      Bostrom

**Attachments:**      [662 Geranium Ave E.appeal.8-9-12.pdf](#)  
                                  [662 Geranium Ave E.Photos.8-2-12.pdf](#)  
                                  [662 Geranium Ave E.SAO.8-2-12.pdf](#)  
                                  [662 Geranium Ave.Sweno Ltr 8-27-12.doc](#)

*Closed by Inspector Friel. Order withdrawn.*

**Withdrawn**

61 [RLH VBR](#)  
[12-58](#)

Appeal of Alfred J. Kraft and Kenneth Kraft to a Vacant Building Registration Notice, Notice of Condemnation-Unfit for Human Habitation-Order to Vacate, and Summary Abatement Order at 1978 NOKOMIS AVENUE.

**Sponsors:** Lantry

**Attachments:** [1978 Nokomis Ave.appeal.8-13-12.pdf](#)  
[1978 Nokomis Ave.SAO.8-8-12.pdf](#)  
[1978 Nokomis Ave.Photos.8-8-12.pdf](#)  
[1978 Nokomis Ave.Kraft Ltr 8-27-12.doc](#)

*Deny the appeal and grant until the close of business on Friday, August 24, 2012 to restore the electrical and gas service or vacate the property. (Change to Category 1 and hold off on the VB fee).*

1978 Nokomis  
Alfred Kraft, Appellant/Renter

Inspector Neis:

- condemnation of a Fire Certificate of Occupancy initiated by Xcel Energy shutoff notice sent to DSI
- spoke with Xcel staff on this date; electricity and gas have not been restored
- building is condemned unsafe for habitation

Mr. Kraft:

- after the previous meeting, the power was turned back on and jus turned off again on this date
- hard times for him and his brother financially – both occupy the house
- expecting inheritance (from grandfather) this week
- have done everything else required
- have not had contact wit the homeowner
- did not know how they were to go about things so started doing them on their own; would have worked of the list
- stopped paying rent when found out owner was in foreclosure
- have been talking to the bank about buying the house on contract for deed
- has been a sheriff's sale on the house; waiting for communication from bank

Mr. Neis:

- there appears to be illegal tampering with the meter – turning the power back on
- Xcel re-locked the power and next step will be to cut off at the pole

Mr. Kraft:

- owe Xcel approximately \$2,400-2,500
- a friend will put Xcel in his name so they can get caught up and have power restored

Inspector Dornfeld:

- this is a Category 2 Vacant Building so legally it cannot be occupied.

Ms. Moermond:

- power, electric, water needs to be legally restored by close of business on Friday, 8/23, or the building will have to be vacated
- then subject to a full C of O inspection
- inspectors will be there on Monday morning if it's not taken care of

Mr. Neis:

- power must be legally restores

Ms Moermond:

- will be subject to a full C of O inspection
- will hold off on the vacant building status until the week of August 27

Mr. Dornfeld:

- will change to a Category 1 and hold the vacant building fees.
- will revert to a Category 2 Monday morning if nothing happens

**Referred to the City Council due back on 9/19/2012**

62 [RLH VBR  
12-59](#)

Appeal of Lawrence Walker to a Vacant Building Registration Notice at 840 THOMAS AVENUE.

**Sponsors:** Carter III

**Attachments:** [840 Thomas Ave.appeal.8-13-12.pdf](#)  
[840 Thomas Ave.Photos.8-8-12.pdf](#)  
[840 Thomas Ave.SAO.8-8-12.pdf](#)  
[840 Thomas.Fire Def Orders on VB.7-20-12.pdf](#)  
[840 Thomas Ave.Photos.3-7-12.pdf](#)  
[840 Thomas Ave.Walker Ltr 8-27-12.doc](#)

*Deny the the appeal and grant until October 1, 2012 to get the Fire C of O reinstated. If reinstated, then no VB fee applies and no need to obtain a code compliance inspection.*

840 Thomas  
Lawrence Walker, Owner/Appellant

Inspector Matt Dornfeld:

- Category 2 Vacant Building was opened by him per a certification of occupancy revocation by Fire Inspector Beumer on 7/20/12
- Inspector Beumer documented 11 code violations
- at the time of Dornfeld's inspection, dwelling was vacant
- small pile of branches on the front yard and small wooded trailer full of junk in the back

Mr. Walker:

- C of O was revoked in April
- property was up for re-inspection in March 2012
- drug raid at the property on January 3, 2012
- received a letter from DSI on February 13 naming it a nuisance property
- based on either a drug raid or drugs were found or excessive police activity
- he had six calls from July 23, 2011 to the drug raid on January 3
- were runaway calls and animal calls
- one disturbance call
- got the report on February 14
- wrote a letter to the tenants and terminated their lease
- property vacated by end of March
- wrote a letter to Inspector Beumer on February 16 requesting more time for the

*inspection in order to get the tenants out*

*- received call from Inspector Shaff shortly after and she refused to grant more time to get the tenants out*

*- March 7 was first inspection*

*- was a hostile vacate and had more issues to deal with*

*- inspection of the furnace, etc. had been completed*

*- put in a new water line from the city to the property*

*- last message from Inspector Beumer said he exceeded his 90 days*

*- Inspector Shaff said she was not going to revoke the certificate until...*

*- looking for more time to get everything done; about three out of five things to complete between paying for the plumbing line, dryer vent line*

*- has a new tenant ready to move in*

*- a single family residence*

*- has not had it re-occupied*

*Ms. Moermond:*

*- when a nuisance activity letter goes out from either DSI or the City Attorney's Office it's an automatic trigger for a C of O cycle to begin*

*Mr. Neis:*

*- concurred with Ms. Moermond's statement; a generated complaint and enough code violations*

*Mr. Walker:*

*- The nuisance went out before the city comes in*

*Mr. Neis:*

*- property had not been inspected prior by DSI; was in the program but had a provisional*

*- would have been called in for nuisance activity and an automatic trigger for C of O to take place*

*- C of O inspection conducted on March 7, 2012*

*- 25 code violations were identified*

*- April 18, 2012 property was no longer unoccupied/revoke*

*- monitor it to make sure it is not occupied and give the owner time to make the required repairs*

*- Inspections were made by Inspector Beumer in May, June, and July.*

*- not all work was done to approve the Fire C of O*

*- sent to Vacant Buildings to monitor*

*Mr. Walker:*

*- said he's 90% done with the work*

*- some tuck pointing to be done*

*Mr. Neis:*

*- last list was brought down to 11 code violations including signing an affidavit, sloping/grading to get water away from building, repairing tuck pointing, mortar joints*

*- open plumbing permit was filed and approved*

*- bathroom floor damaged tile*

*- extermination*

*-kitchen cabinets*

*Ms Moermond:*

*- asked why the file was kept open so long in Fire*

*Mr. Neis:*



- kept open to work with the property owner in order to not have to go through the full Code Compliance inspection
- give them time to comply but insure that the building is not occupied

Mr. Walker:

- looking for more time to complete the list

Ms. Moermond

- assuming Mr. Walker does not want to pay the vacant building fee
- she wants this to be an incentive for you to get the work done
- if he can get the Certificate of Occupancy re-instated by 10/1/12, she will recommend to the City Council that he does not have to get a Code Compliance and does not have pay the vacant building fee
- if C/O is not re-re-instated, will have to get a Code Compliance and pay the vacant building fee

Mr. Walker:

- only needs about two weeks and he will be totally done

**Referred to the City Council due back on 9/19/2012**

### 3:00 p.m. Hearings

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[RLH VO  
12-85](#)

Appeal of James Berry to a Condemnation and Order to Vacate 857 ASHLAND AVENUE.

**Sponsors:** Carter III

**Attachments:** [859 Ashland Ave.appeal.8-17-12](#)  
[859 Ashland.Photos.6-8-12.pdf](#)  
[857 Ashland Ave.Berry Ltr 8-27-12.doc](#)

*Deny the appeal and grant until September 25, 2012 to get Fire C of O reinstated.*

857 Ashland

James Berry, Owner/Appellant

Inspector Neis:

- revocation of Fire Certificate of Occupancy for 857-859 Ashland
- owner-occupied triplex
- only two of the three units are required to be inspected
- process started on May 24, 2011 by Inspector Rick Gavin
- were repeated no-shows on inspection
- multiple letters were sent to the property owner to allow access
- multiple attempts to contact the owner via telephone to allow access
- notes indicate the owner called to reschedule inspections but would not show up so process was continued
- Inspector Gavin no long with DSI, file taken over by Inspector Michael Efferson
- Efferson attempted to contact the owner on a couple occasions
- based on the multiple no entries, the Fire Certificate of Occupancy was revoked

Mr. Berry:

- has had family and health issues
- has owned the house since 1996

- no problems until recently
- has dealt with everything in the letter sent to him by the city except for painting the house which he did not want to do in the middle of the summer
- 10 years prior he was ordered by the city to paint the house
- intent is to get it painted by the end of October
- he said he is completely to blame
- was not paying attention to the mail so no excuses; wants to make it right
- willing to have a fire inspector over

Mr. Nies:

- no access was the main reason the Fire C of O was revoked
- multiple inspection fees; \$478 based on no-shows

Ms. Moermond

- vacate date will be September 9, 2012
- giving it a one month turnaround; have one month to get fire C of O reinstated or will go in the vacant building program

Mr. Neis:

- will have Inspector Efferson contact Mr. Berry the morning of August 22 to set up a Fire C of O inspection

**Referred to the City Council due back on 9/19/2012**

64 [RLH VO  
12-86](#)

Appeal of Roxanne Kay DeFlorin to a Notice of Condemnation as Unfit for Human Habitation and Order to Vacate at 762 THOMAS AVENUE.

**Sponsors:** Carter III

**Attachments:** [762 Thomas Ave.appeal.8-21-12.pdf](#)  
[762 Thomas Ave.Photos.8-21-12.pdf](#)  
[762 Thomas Ave.Deflorin Ltr 8-27-12.doc](#)

*deny the appeal and grant an extension to Friday, August 24, 2012 to vacate the property.*

762 Thomas Avenue  
Roxanne Kay DeFlorin

Ms. Moermond:

- appealing condemnation and order to vacate
- because these are critical orders, her decision will stand until it has a public hearing before the City Council on September 5, 2012

Inspector Joel Essling:

- this is a single-family dwelling
- was called by Ramsey County Sheriff deputies who executed a search warrant on August 17, 2012
- was no occupant or owner on the property so could not get consent to enter the dwelling
- gas and electric were both locked
- told by deputies that there were a larger number of car batteries hooked together in the basement and used to supply electricity to the house

Ms. DeFlorin:

- they are recycled batteries that are for solar power

Mr. Essling:

- porch is piled with storage
- viewed from outside the front door and outside the rear door, there is an excessive accumulation of storage and combustible material
- a lot of storage refuse in the yard
- was previously to this property on an electric shutoff and found a generator running on the back porch
- have issued 18 orders at this property; 5 work orders, second time it's been condemned for Utility shutoff
- concerned about the property being occupied without gas and electric and all the storage

Ms. DeFlorin:

- said she has electricity; Essling told her it has to be inspected by an electrical inspector

Mr. Essling:

- Looks like living room is completely full and cannot be entered; kitchen looks the best

Ms. DeFlorin:

- had boxes packed and labeled for a sale and they were emptied out
- it looked worse after they went through the house

Ms. Moermond reviewed pictures with Ms. DeFlorin and Inspector Essling

Ms. DeFlorin:

- owes quite a bit for gas and electric – about \$12,000
- has been using solar power for two years – no Xcel service
- Ramsey County said it would not be economically feasible to help her when her bill reached \$800
- her batteries are designed for stand alone solar systems; they regenerate energy
- had a generator in 2008

Mr. Essling:

- must have gas and electric that's approved
- could have a solar power systems if inspected and approved by the city
- would have to apply for an electrical permit
- does not know if she would have to have energy off the grid

Ms. Moermond:

- asked if she has enough power to run a water heater? Yes
- asked if she heats with solar as well? Yes, flex tubing - like zone heating
- wants to assess her ability to handle the things that will be required to be done as things will cost money

Mr. Essling:

- have not seen the batteries but there's a concern about them dispensing poisonous gas

Ms. DeFlorin:

- that's why they're in the basement and vented; no major modifications have been done

Ms. Moermond:

- must figure out the city's best course of action
- solar installation needs to be approved; safe storage may be an issue
- feels she will have to move out and she can go into the house between 8 am and 8 pm to work on cleaning out things and doing repairs but can not sleep or eat there

Ms. DeFlorin:

asked if the dog can stay there

Mr. Essling:

- the dog can be there until it's a registered vacant building

Ms. Moermond:

- can get a free dumpster from the House Calls Program; wants her to start clean out things
- Inspector Essling will work with her on getting the dumpster

Mr. Essling:

- will talk to the electrical inspector
- also an issue of hooking up with Xcel and the financing

Ms. Moermond:

- will not send to the Vacant Building program and not charge fees as she wants to give her a good chance at doing the work
- agrees that she very likely will be required to have electrical service along with the solar
- Inspector will check on Monday, August 27

**Referred to the 9/5/2012 City Council**

## Staff Reports

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[RLH FCO  
12-463](#)

Appeal of Robert and Richard Nolan to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 1679 TAYLOR AVENUE.

**Sponsors:** Stark

**Attachments:** [1679 Taylor Ave.appeal.7-9-12.pdf](#)  
[1679 Taylor Ave.Fire Photos.8-15-12.pdf](#)  
[1679 Taylor Ave.Nolan Ltr 8-9-12.doc](#)

*Deny the appeal on furnace testing and grant until September 30, 2012 for compliance; and deny the appeal on the dryer vent.*

*On August 21, 2012 the file was reviewed and it was stated that the dryer vent has flexible duct section in between two sections of rigid vent. The flexible ducting would only be approved for the connection at the appliance itself and connections between duct sections are not securely made. There was also no UL listing sticker visible on the flexible dryer duct material. The size of the vent is correct but the vent is not supported to code, currently held up only by wiring hanging from copper plumbing pipe and the vent is not insulated. There was an exterior back-draft damper flap that is missing. Based on this information and reviewing the photos, Ms. Moermond recommended that the City Council deny the appeal on the dryer vent.*

**Referred to the City Council due back on 9/19/2012**

