



# City of Saint Paul

15 West Kellogg Blvd.  
Saint Paul, MN 55102

## Minutes - Final Legislative Hearings

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

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Tuesday, April 17, 2012

9:00 AM

Room 330 City Hall & Court House

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### 9:00 a.m. Hearings

#### Remove/Repair Orders

#### Special Tax Assessments

- 1      **RLH TA**      Ratifying the Appealed Special Tax Assessment for Real Estate Project No.  
         **12-231**      J1209A, Assessment No. 128515 at 1828 ARLINGTON AVENUE EAST.

Sponsors:      Bostrom

*No show; approve the assessment.*

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

- 2      [RLH TA](#)      Ratifying the Appealed Special Tax Assessment for Real Estate Project No.  
         [12-185](#)      VB1203, Assessment No. 128802 at 675 AURORA AVENUE.

Sponsors:      Carter III

*Delete the assessment. (Ratified on March 7, doing a resolution to delete).*

*RE: 675 Aurora Ave (single family)*

*Lawrence Walker, owner, appeared.*

*Inspector Joe Yannarely:*

- was a vacant building fee*
- VB file opened Sep 13, 2010*
- at a legislative hearing, Ms. Moermond recommended that if he got a Certificate of Occupancy re-instated by Oct 15, 2011, the VB fee would be deleted*
- the C of O was re-instated Oct 17, 2011*
- he recommends deleting the VB fee*

*Ms. Moermond:*

- will recommend the Vacant Building fee be deleted*

**Referred to the City Council due back on 5/2/2012**

**3 RLH TA  
12-240**

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1209A, Assessment No. 128515 at 711 AURORA AVENUE.

**Sponsors:** Carter III

*Reduce the assessment from \$443.00 to \$300.00.*

*RE: 711 Aurora Ave (single family)*

*Tiffany Davis, tenant, appeared.*

*Inspector Paula Seeley:*

- Summary Abatement Order issued Feb 9; compliance Feb 16; re-checked Feb 24*
- Work Order sent; work done Feb 27 for a cost of \$443*
- no returned mail*
- comments: on Feb 15, tenant called and asked for an extension; she granted a 1-week extension*
- sent to Johnny and Mary Allen; Occupant*
- accumulated refuse, discarded furniture, mattress, etc.*
- photos*

*Ms. Davis:*

- I asked for a 2-week extension and whomever she spoke with said that was fine; she asked for 2 weeks based on when she received her pay check and when she could have someone come out to pick-up the material*
- Feb 24, 2012, Logan Hauling came to pick-up the backyard; he sent a before and after photo (on phone)*
- Logan did not pick up the wood*

*Video (furniture and mattresses were gone but something else was there-wood, etc.)*

*Ms. Moermond:*

- the city still went out there and did a pick-up; some materials were gone; just a little left to pick up*

*Ms. Seeley:*

- fee: \$260 for the truck; general refuse fee \$28; code enforcement fee \$155*
- there wasn't a whole lot of debris removed*

*Ms. Moermond:*

- wants to give Appellant some consideration; she made a good faith effort to address the problem; however, Logan bears some responsibility for not completing the clean-up*
- talk to Logan; show them the photos*
- will recommend reducing the assessment to \$300*

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

**4 RLH TA  
12-229**

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1209A, Assessment No.128515 at 158 BATES AVENUE.

**Sponsors:** Lantry

*No show; approve the assessment.*

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

5 RLH TA  
12-254

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1209A, Assessment No. 128515 at 1644 BUSH AVENUE.

**Sponsors:** Lantry

*Reduce the assessment from \$315.00 to \$157.50.*

*RE: 1644 Bush Ave (single family)*

*Gregory T. Ryan, owner, appeared.*

*Inspector Joe Yannarely:*

- snow walk letter generated Feb 3, 2012; compliance date is 48 hrs after postmark*
- re-checked Feb 10; Work Order issued*
- work done Feb 15, 2012 for a cost of \$160 plus \$155 serv chg = \$315*
- was sent to Occupant, 811 University Ave W and 2800 Hill Court, S St Paul*
- VB registration form lists 811 University Ave W*
- only Order since Sep 2010*

*Viewed Video*

*Mr. Ryan:*

- \$315 is totally absurd for any type of sand throwing on this*
- based on the information that staff has, he isn't sure what happened*
- his brother was sent a letter about the snow (he had the letter) at his address: 2800 Hill Court (Ms. Moermond has another letter going to 811 University Ave W); Mr. Ryan never got the letter addressed to 811 University Ave (his mailing address)*
- the envelope was addressed to both he and his brother at 2800 Hill Court*
- he never got the Notice about the snow, only the bill at 811 University Ave W*
- had he received the Notice, it would have been done*
- would like to have the Hill Court addressed removed*

*Ms. Moermond:*

- city is legally required to sent it first class mail; city can't guarantee what the U. S. Postal Service does with it*
- inclined to divide the assessment in half*
- will recommend reducing the assessment to half*

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

6 RLH TA  
12-252

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1206, Assessment No. 128806 at 1644 BUSH AVENUE

**Sponsors:** Lantry

*Approve the assessment.*

*RE: 1644 Bush Ave (single family)*

*Gregory T. Ryan, owner, appeared.*

*Inspector Joe Yannarely:*

- Vacant Building file opened Sep 15, 2010 as a Category; still open*
- numerous open permits; none are finalized*
- VB fee is \$1,100 plus \$150 serv chg = \$1,250*

*Mr. Ryan:*

- is curious whether Mr. Yannarely has spoken with Jim Seeger this morning
- yesterday, plumbing was finalized
- electric is almost completely done
- open file on warm air
- Mr. Seeger said he wanted everything completed and Mr. Ryan is within 2 weeks of a Seeger inspection
- this is a financial hardship; that's why he is asking for an extension; it will be complete by the Jun 6, CCPH
- this was created by the water being shut-off for 3 days because the tenant did not want to pay the water bill
- has gone back and forth with both Ms. Moermond and the City Council
- he spoke with Steve, the plumbing inspector, this morning; he confirmed that the plumbing permit had been finalized
- the Council forced him into an extreme amount of expenditures; this wasn't be his fault - it was a tenant who lacked payment of a water utility, which was a situation which could have been ironed out by 2 parties; here we are, about \$20,000 later
- it is difficult for him to understand that he is getting a justifiable value out of this fee; he would like the fee broke down - itemized

Mr. Yannarely:

- when Mr. Seeger issues a Code Compliance Certificate, they close the VB file
- still open permits on electrical, plumbing, mechanical, warm air and building

Ms. Moermond:

- when she considers the VB fee, she looks at prorating when she wants the Appellant to finish the project in a timely manner; here, there's an anniversary date of Sep 15, 2010
- VB period of Sep 15, 2010 thru Sep 15, 2011
- this assessment is for the period of Sep 15, 2011 thru Sep 15, 2012
- if the Appellant would have finished the work by Jun 1, he would have burned about 9 months out of the 12 that this VB fee covers
- the fee covers a year in advance
- the VB fee is based on the cost of renting the VB Program divided by the number of VB we're talking about
- will recommend the assessment be approved
- City Council may look at this differently

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

**7 RLH TA  
12-222**

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1209A, Assessment No. 128515 at 388 CHARLES AVENUE.

**Sponsors:** Carter III

*No show; approve the assessment.*

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

**8 RLH TA  
12-259**

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1205E, Assessment No. 128305 at 533 CASE AVENUE.

**Sponsors:** Brendmoen

*Reduce the assessment from \$185.00 to \$92.50.*

*RE: 533 Case Ave (duplex)*

*Aaron Durkop, Property Holdings I LLC, appeared.*

*Inspector Joel Essling:*

- there's 2 Excessive Consumption fees for \$185; not sure which one we're dealing with here
- multiple violations within a 12 month period going back to Mar 31, 2011
- there have been 6 Summary Abatement Orders issued and there were 2 previous Excessive Consumption fees (\$50; \$75)
- these 2 are from: 1) Jan 11, 2012: 5th violation within a 12-month period (\$150); and 2) Feb 13, 2012: 6th violation within a 12-month period (\$150)

*Mr. Durkop:*

- thinks that everything has been taken care of
- in Feb 2012, he added 4 more garbage containers for a total of 6 containers for a duplex
- also, neighbors and others must be dumping

*Ms. Essling:*

- suggested that Mr. Durkop call the inspector and tell him about the addition of garbage cans, requesting that he cancel one of these fees (Inspector Paula Seeley said that she was the inspector and there have been many ongoing problems here)
- the upper level tenant is leaving this month (but doesn't think she is the problem; he thinks the lower level tenant is the problem)

*Ms. Seeley:*

- suggested that the garbage containers be put on the side, not the front
- everyone in the alley has trash service
- also suggested Appellant tell the tenant not to park on the grass or put up a barrier

*Ms. Moermond:*

- this may have already be on its way to City Council Public Hearing
- asked Mai Vang to create a worksheet on J1206E to be deleted
- for this one, J1205E, she will recommend the assessment be reduced by half, from \$185 to \$92.50

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

**9 RLH TA  
12-239**

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1209A, Assessment No. 128515 at 1531-1533 CLARENCE STREET.

**Sponsors:** Bostrom

*No show; approve the assessment.*

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

**10 RLH TA  
12-213**

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1209A, Assessment No. 128515 at 2095 COMMONWEALTH AVENUE.

**Sponsors:** Stark

*No show; approve the assessment.*

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

- 11**      **RLH TA**  
**12-255**
- Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1209A, Assessment No. 128515 at 1086 GALTIER STREET.
- Sponsors:**      Brendmoen
- Forthcoming. MM need to see police report.*
- RE: 1086 Galtier (duplex)*
- Angen Xiong, owner, appeared.*
- Inspector Joe Yannarely:*
- *clean-up*
  - *Summary Abatement Order issued for garbage and rubbish behind the garage Feb 8, 2012; compliance Feb 14, 2012*
  - *re-checked Feb 15, and found in noncompliance; Work Order issued*
  - *work done Feb 16, at a cost of \$164 plus \$155 serv chg = \$319*
  - *extensive history*
- Ms. Xiong:*
- *wants to see the Video*
- Viewed Video - picked up tires and furniture in back of the garage*
- Ms. Xiong:*
- *this has been reported to the police - someone dumped trash there when they didn't live there yet*
  - *a dispatcher told her that Public Works would pick it up (Mr. Yannarely said that usually PW will pick up material if it's in the public right-of-way, only); she called the non-emergency police number*
- Ms. Moermond:*
- *will check the police records on this; based on what she finds out, she will develop a recommendation*
  - *will call the Appellant with the results*
- Referred to the City Council due back on 6/6/2012**
- 12**      **RLH TA**  
**12-248**
- Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1206, Assessment No. 128806 at 798 GERANIUM AVENUE EAST.
- Sponsors:**      Bostrom
- Delete the assessment as the project was completed 30 days after the anniversary date.*
- RE: 798 Geranium (single family)*
- No one appeared.*
- Inspector Joel Essling:*
- *recommending deletion of the Vacant Building fee \$1,250*
  - *project was completed 30 days after the anniversary date.*
- Ms. Moermond:*
- *will recommend this assessment be deleted.*

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

- 13      **RLH TA**  
          **12-241**      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1209A, Assessment No. 128515 at 1285 HAMLIN AVENUE NORTH.

Sponsors:      Stark

*No show; approve the assessment.*

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

- 14      **RLH TA**  
          **12-223**      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1209A, Assessment No. 128515 at 652 HAWTHORNE AVENUE EAST.

Sponsors:      Bostrom

*Forthcoming. Need closing documents. Closing docs provided, LHO to review.*

*RE: 652 Hawthorne Ave E (duplex)*

*Rolando Aguilar, Nice Homes, LLC, owner, appeared.*

*Inspector Joel Essling:*

- Summary Abatement issued Jan 7, 2012; compliance Feb 13, 2012*
- re-checked Feb 15, 2012 and found noncompliant*
- work done Feb 16, 2012 for a cost of \$288 plus serv chg of \$155 = \$443*
- language inserted: removing the trash bags with yard waste from the front yard (see attached schedule on when compost site is open next; open only 1 weekend per month in the winter)*
- sent to a mortgage company and Christina and Anh Tran*

*Applicant:*

- purchased home in Sep or Oct 2011 from The Bank of New York and Country Home (Ms. Moermond asked for a copy of the closing document)*

*Ms. Moermond:*

- if the time works out on the closing documents, she will delete this assessment*

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

- 15      **RLH TA**  
          **12-261**      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1207, Assessment No. 128208 at 604 HOLLY AVENUE.

Sponsors:      Carter III

*Forthcoming.*

*RE: 604 Holly (apartments)*

*Aaron Durkop, Kaizen Property Solutions, LLC, owner, and an attorney appeared.*

*Fire Inspector Mike Urmann:*

- long term compliance problem on the Certificate of Occupancy*
- was at LH for several appeals over a year: front steps and exterior parking lot repairs*
- started from a referral of a previous Certificate of Occupancy*
- series started with Correction Orders in Jul 15, 2010; re-inspections Sep 1, 2010;*

*Dec 10, 2010; Jan 10, 2011; May 4, 2011*

*- Revocation Jun 10, 2011*

*- Correction Orders Oct 31, 2011*

*- Approval Nov 2011*

*Ms. Moermond:*

*- seeing an inspection cycle which began in Apr 2011 and concluded Oct 2011*

*- brought up the bill on computer*

*Mr. Durkop:*

*- received Notice of \$1,200 assessment and didn't know what it was for*

*- why is he being charged for \$263 for an initial C of O inspection Jul 20 (Ms.*

*Moermond: the \$260 is the original Fire C of O fee and if there weren't re-inspections or "no shows", that's all that he would have been charged); Mr. Durkop said that bill has been paid because how would he have received a C of O if that initial \$263 hadn't been paid? (Mr. Urmann said the Appellant received a C of O for the prior cycle; they don't bill separately)*

*- reference #15531 - C of O number for the building (Ms. Moermond noted there was no date on the bill; Mr. Urmann said there should have been a date on it)*

*- last inspection Oct 31, to close out; he met Mr. Urmann there Oct 31, 2011 (Mr. Urmann said that the subsequent inspection was for exterior wall damage that was there, that still needed to be corrected from the Oct 31st inspection; also some glass on the exterior property; re-inspection occurred on Dec 7, 2011, as well*

*- the driveway and stairs had been completed by the Oct 31st inspection but not the other issues*

*- starting in Jul 2010, this was a Work Order that was just a revolving door: Mr.*

*Urmann and he had a disagreement about the parking lot and the front steps, so, he would not close out the Orders on those 2 specific items; so, they remained open through the winter into the spring. Every time Mr. Urmann came out, he would verbally add items to the list, not issuing new Work Orders. He would add them to the existing Work Order - the items changed from Jul 15, 2010*

*to Jul 15, 2011 but the Work Order is the same. He never closed it out; he knew, specifically, that they were disagreeing about the parking lot and the front steps, so, new items were added to work on, knowing that Mr. Durkop wanted a new Work Order sent to him so he could appeal that parking lot. When he got the Notice for Condemnation, he finally got a new set of Work Orders within the time that he could appeal; so, that's when he appealed and came to LH about the steps and parking lot. Mr. Durkop requested that it be taken out of Mr. Urmann's hands and put into the building inspector's hands, which Ms. Moermond granted and they were able to complete it. Mr. Urmann always told Mr. Durkop that he wouldn't issue him new Work Orders. Every time Mr. Urmann came out and they had done what had been requested, although the items had been described very vaguely, which he felt was done on purpose. He had no problem doing any of the repairs but every time Mr. Urmann came out, he kept adding things so, of course, he will need to come back out to re-inspect. They should have been new Work Orders instead of re-inspections and re-inspection fees from Dec 2010 to Dec 2011. Mr. Urmann was building in the fact that he would need to come back to re-inspect.*

*- his disagreement was that Mr. Urmann knew that Mr. Durkop wanted new Orders for that parking lot but he continued to add on to the existing Work Orders*

*Mr. Urmann:*

*- look at the file and you'll see that he issued several letters throughout the process; the Work Orders were never the same - they added and deleted things but every time, there is a violation, it has to be written; the front steps and parking lot were continued violations (they did not change) but there were other things added because they'd get continual justifiable referrals*



*Ms. Moermond:*

*- actually, you can have a C of O issued before the bill is paid - then, the bill would go to tax assessment for non-payment (probably what has happened here)*

*Attorney:*

*- clarifications: when Mr. Durkop got the initial Order on Jul 15, 2010, all of the items on that list were signed off except for the front steps, which had been done but there was a disagreement as to whether the repair was satisfactory to Mr. Urmann, and then, the back parking lot - claimed by Mr. Urmann that there were open spots; Mr. Durkop had gone out there with the understanding to look at it and assess whether there needs to be anything done and there weren't any open spots; there were some low spots. This festered. Mr. Urmann would come out and re-issue Orders again (not disputing that there were things that needed to be done and they would be taken care of immediately) and these 2 items festered until Mr. Durkop appeared before Ms. Moermond at LH and Ms. Moermond took control and took it out of Mr. Urmann's hands. There was a clash here and it is costing the owner a significant amount of money. Even after it went to the building inspector, there were some issues between Mr. Urmann and the building inspector as to whether the steps had been done properly. So, it kept on festering; and finally, the building inspector said, "No, I've got this; they've done it; I'm satisfied." It finally got marked off. The permit was pulled and it was done during the period of time of the permit.*

*The Back Lot: Mr. Urmann, initially, wanted the whole thing removed and re-graded and new class 5, etc., (the whole thing done); the building inspector came in and said, "No, we'll allow you to do this - fill in some spots and overlay it." (somewhat of a compromise between the 2 positions) Eventually, the lot got taken care of.*

*Items Dec 11 - these aren't items on the original inspection order - even that is vague: Mr. Durkop goes out and tuckpoints it and says to Mr. Urmann, "This is the area you told me to tuckpoint," then, there'd be something else Mr. Urmann would want tuckpointed. Mr. Durkop wasn't trying to get around things; it's a big building - you tuckpoint the things that are necessary. The point is all of these re-inspections (and fees) would have been avoided and were avoided once they figured out and came to the compromise based upon the appeal - in a sense, Ms. Moermond granted what they had been asking for - someone to come in and resolve this issue. If the \$263 is the initial fee, that can't be contested but he is pretty confident that this document hasn't ever been sent to anybody; otherwise, they would have known that coming in. Mary Durkop would have notified him on behalf of the owners. He did receive the document about this date and that's why they are here today. But, they have never received an itemization. He doesn't have proof that the \$263 has been paid but he is pretty confident that it has been.*

*- the request on behalf of the owner is that the other fees, the re-inspection fees should have been avoided; and when Ms. Moermond made the decision to take this to the building inspector, he thinks that supported their position and frustration because everytime they would take the steps and do the repairs, they weren't satisfactory according to Mr. Urmann.*

*- there were repairs done on the lot; it wasn't ignored; they filled the holes and overlaid it, which still wasn't satisfactory until they pulled the permit and hired a blacktopping company to come out and fill the holes and overlay; then, the building inspector signed-off, but it was done right away*

*Mr. Urmann:*

*- several issues need to be cleared up: 1) he was asking for a permit and a plan from the very beginning for all of these repairs; the permit didn't get pulled until the end of the process. Had the permit been pulled and the plans provided at the very beginning as was required, the building inspector would have been involved at the very beginning of this whole process in Jul when he asked for it. He was trying to get*

a permit; he was trying to get a different contractor out there who was licensed to do the repairs. The repairs were attempted by the building manager and they didn't hold (photos in the file); they deteriorated because of weather, etc. everything is documented in the file because it was done by the Appellant verses a licensed contractor under permit. That is why this got stretched out. He wanted the building inspector to be involved; once he got involved, he was in total agreement that the work had to be done by a licensed contractor. The repair had to be done according to code.

Mr. Durkop:

- that's not necessarily true; the inspector did have issues with Mr. Urmann about it; he expressed them, verbally, to Mr. Durkop while Mr. Durkop was at the property
- re: the plan: the problem they always had with the plan Mr. Urmann was looking for was that Mr. Urmann was, initially, looking for both the steps and parking lot completely torn out and replaced. He expressed that verbally to Mr. Durkop even though the Orders say "replace or repair." They ended up replacing only 6 of the steps and they filled up low spots and top-coated the parking lot. (a compromise which was never discussed as being an acceptable plan for Mr. Urmann)

Ms. Moermond:

- will review the Orders that have been issued leading up to this
- will review the documents and photos attached to the record
- will pull her old records on this case, the appeal and documents
- based on that review, she will come up with a recommendation for the City Council
- a letter will follow

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

**16 RLH TA  
12-224**

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1209A, Assessment No.128515 at 858 JESSAMINE AVENUE EAST.

Sponsors: Bostrom

Reduce the assessment from \$493.00 to \$350.00.

RE: 858 Jessamine Ave E (single family)

Steven Vue appeared.

Inspector Paula Seeley:

- Summary Abatement Order for failure to maintain exterior property sent Jan 27, 2012; compliance Feb 6, 2012
- re-checked Feb 17; Work Order sent
- work done Feb 23, 2012 for a cost of \$493
- Orders sent to Cher Vue and Blia Vue, 858 Jessamine Ave E
- no returned mail
- removed tires, scrap wood, several plastic containers, metal fencing, misc refuse
- Inspector Scalley's notes: she called the water dept; the phone was disconnected; (Insp Scalley was off for a period of time)
- Inspector Seeley took over and went out on Feb 17 and issued the Work Order; there was also a black vehicle that was inoperable - she sent a Work Order to tow the vehicle

Mr. Vue:

- his father and mother's house; he lives there, too
- they didn't receive Notice; if they would have received notice, he would have taken care of it

- he looked through the mail and there was nothing from the city
- they towed his car in his driveway and charged them to clean-up the back yard (there wasn't much there)
- when he called the city, he just got the run around
- his car is still in the impound lot; he has no money to get it out and then, no where to park it; they will charge him for leaving it at the impound lot
- there's no communication here; I just want to work something out

Viewed Video

Mr. Vue:

- doesn't even look like they cleaned anything; just a couple tires and bags
- he handles his parents' mail
- he is his father's PCA
- both his parents are in rough shape

Ms. Moermond:

- it looks as though they did sent a Notice - it was addressed to Mr. Vue's parents
- there was plenty of time for the work to get done

Mr. Vue:

- if he had received a Notice, he would have done the work in the time allotted
- I looked through the mail and I called Paula, I believe, and asked why he didn't receive the Notice if the city sent it?

Ms. Seeley:

- remembers Mr. Vue calling and being frustrated
- there was no returned mail
- maybe another family member picked up the mail
- her photos indicate more material than the video did

Ms. Moermond:

- will recommend the assessment be reduced from \$493 to \$350
- Mr. Vue can go to the City Council Public Hearing

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

17      **RLH TA**  
**12-246**

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1209A, Assessment No. 128515 at 641 LINCOLN AVENUE.

Sponsors:      Thune

Approve the assessment.

RE: 641 Lincoln Ave (duplex)

David Goldman, owner, appeared.

Inspector Paula Seeley:

- Summary Abatement Order issued Feb 8, 2012; compliance Feb 13, 2012
- re-checked Feb 13; Work Order sent
- work done Feb 15, 2012 for a cost of \$597
- no returned mail
- sent to David Goldman, 641 Lincoln
- 6 Orders and 26 Work Orders since 2009 (17 weeks of city provided weekly refuse removal)
- has photos

Mr. Goldman:

- he was in the hospital when that happened
- his tenants said they put things out in the back yard
- he called his trash company to come and pick it up on Wednesday of that week
- then, his tenants called to tell him that the city was there at the house picking it up
- he paid his trash company over the phone to pick it up

Ms. Moermond:

- the work wasn't done when it was supposed to be done
- maybe Mr. Goldman's tenants should reimburse him for the pick-up; some landlords' have it in their lease
- she sees a significant amount of garbage and discarded furniture, etc. on the outside
- will recommend the assessment be approved
- at City Council Public Hearing Jun 6, 2012

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

**18 RLH TA  
12-225**

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1209A, Assessment No. 128515 at 840 MAGNOLIA AVENUE EAST.

**Sponsors:** Bostrom

*No show; approve the assessment.*

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

**19 RLH TA  
12-220**

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1209A, Assessment No. 128515 at 1087 MARYLAND AVENUE EAST.

**Sponsors:** Bostrom

*Delete the assessment.*

*RE: 1087 Maryland Ave (single family)*

*Ronald Davidson, owner, appeared, along with his tenant, Karen Jacobson.*

- Inspector Paula Seeley:
- Summary Abatement Order sent Feb 3, with a compliance date of Feb 7, 2012
- Work Order sent to Parks
- work done Feb 9, 2012 for a cost of \$443
- sent to Maxwell Lease Properties Inc., Ronald Davidson, Stillwater
- no returned mail
- no history
- has photo taken the day before the work was done

*Viewed Video*

Mr. Davidson:

- the video doesn't show the same material as the photo
- in Feb they got a 50% larger trash container, recommended by Ms. Jacobson
- FYI- regarding mail sent by city: when he received Notice, there were 2 other Notices in the same envelope for 2 other people, which they, apparently, didn't receive

*Viewed Video again*

*Ms. Moermond:*

*- the black garbage bags seen in the photograph topping off the garbage can aren't present in the Video (Mr. Davidson noted that the container in the video is on the alley, not up next to the garage)*

*Viewed Video again*

*Ms. Moermond:*

*- looks like that's different garbage in the Video than in the photograph  
- will recommend this assessment be deleted*

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

**20 RLH TA  
12-221**

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1209A, Assessment No. 128515 at 1172 MARYLAND AVENUE EAST.

**Sponsors:** Bostrom

*Delete the assessment.*

*RE: 1172 Maryland Ave E (double dwelling)*

*Angela Goss and Saul Romo, DRS Investments, LLC, appeared.*

*Inspector Paula Seeley:*

*- Summary Abatement Order sent Feb 13, 2012 for exterior sanitation; compliance Feb 19, 2012  
- re-checked Feb 22, 2012; found noncompliant  
- work done Feb 23, 2012 for a cost of \$443  
- sent to DRS Investments, 401 Robert St N #150; Occupant; and DRS Investments, 350 St. Peter St #200  
- underlined: remove improperly stored accumulated refuse, including garbage bags, rubbish, plastic, foam, recycling materials from garage, driveway and alley  
- no returned mail;- not much history  
- photo looks minor  
- video  
- the other neighbors did not get notified*

*Viewed Video (between garages)*

*DRS Investments:*

*- that's not my property on the video  
- have had a problem with the resident at 1174  
- Mr. Romo immediately went out and took away oil cans, tires, etc. (concentrated on the back yard)  
- their residents are bad but never put anything between the garages  
- when they got the Order, they took out a fence, took down a shed and planted grass seed (responded immediately)  
- they sent a letter to the resident right away; had a site visit with resident; removed a lot of stuff  
- that stuff on the other side of the garage, which is not hers, she never saw or they would just have picked it up, too*

*Ms. Moermond:*

*- she sees this as a shared responsibility but the neighbors didn't get notification*

- will recommend this assessment be deleted

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

- 21      **RLH TA**  
            **12-227**      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1209A, Assessment No. 128515 at 770 MINNEHAHA AVENUE EAST.

**Sponsors:**      Lantry

*Owner called to reschedule.*

**Laid Over to the Legislative Hearings due back on 5/1/2012**

- 22      **RLH TA**  
            **12-258**      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1207, Assessment No. 128208 at 947 MINNEHAHA AVENUE EAST.

**Sponsors:**      Lantry

*Delete the assessment.*

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

- 23      [RLH TA](#)  
            [12-250](#)      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1206, Assessment No. 128806 at 1072 MINNEHAHA AVENUE EAST.

**Sponsors:**      Lantry

*Rescheduled per owner's request.*

**Laid Over to the Legislative Hearings due back on 5/15/2012**

- 24      [RLH TA 12-73](#)      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1205A1, Assessment No. 128516 at 1300 MISSISSIPPI STREET/0 HYACINTH AVENUE EAST. (Public hearing continued from March 7; to be referred back to a Legislative Hearing on April 17, 2012 and City Council Public Hearing on May 2, 2012)

**Sponsors:**      Brendmoen

*Approve and spread payments over 5 years. Legitimate clean up.*

*RE: 1300 Mississippi St / 0 Hyacinth Ave E*

*No one appeared.*

*Ms. Moermond:*

- *garbage, rubbish, discarded furniture, metal and household items*
- *don't think there was any dispute that those things were cleaned up*
- *we did view the Video*
- *re-check photos*

*- Appellants thought that Habitat for Humanity should be taking care of it; Habitat said that it was part of the Appellants' land; they should be getting the assessment*

*- later, a gate was erected to help eliminate the dumping*

*- on the City Council Public Hearing May 2, 2012*

*- will recommend the assessment be divided over 5 years; the clean-up's legitimate*

**Referred to the City Council due back on 5/2/2012**

- 25**      **RLH TA**  
**12-207**
- Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1209A, Assessment No.128515 at 663 ORANGE AVENUE EAST.
- Sponsors:**      Bostrom
- Reduce from the assessment from \$443.00 to \$222.00.*
- RE: 663 Orange Ave E (duplex)*
- Rogelio (Roger) C. Castro, owner, appeared.*
- Inspector Paula Seeley:*
- Summary Abatement Order sent Jan 17, 2012; compliance Feb 13, 2012
  - re-checked Feb 16, 2012; Work Orders sent
  - work done Feb 16 for a cost of \$443
  - no returned mail
  - no history
  - sent to this address
  - removing trash bags, yard waste in rear yard; see attached schedule when compost site is open
  - long period of time given because compost sites are not open frequently in the winter
- Mr. Castro:*
- no excuses; pure laziness on his part
  - however, he did not receive the initial letter; if either he or his wife would have received Notice, it would have been taken care of sooner
  - no need to see the Video
- Ms. Moermond:*
- will recommend reducing the assessment from \$443 to \$222
- Referred to the City Council due back on 6/6/2012**
- 26**      **RLH TA**  
**12-243**
- Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1209A, Assessment No.128515 at 913 ORANGE AVENUE EAST.
- Sponsors:**      Bostrom
- No show; approve the assessment.*
- Referred to the City Council due back on 6/6/2012**
- 27**      **RLH TA**  
**12-251**
- Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1206, Assessment No. 128806 at 80 ROSE AVENUE WEST.
- Sponsors:**      Brendmoen
- No show; approve the assessment.*
- Referred to the City Council due back on 6/6/2012**
- 28**      **RLH TA**  
**12-232**
- Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1209A, Assessment No.128515 at 1084 ROSS AVENUE.

**Sponsors:** Bostrom

*Approve the assessment and spread the payments over 2 years.*

*RE: 1084 Ross Ave (duplex)*

*Som Lee, owner, appeared.*

*Inspector Paula Seeley:*

- Summary Abatement Order sent Feb 9; compliance Feb 15*
- re-checked Feb 15; Work Order sent*
- work done Feb 22, 2012 for a cost of \$481*
- no returned mail*
- sent to Occupant and Bliia Vang/Som Lee, Baldwin WI*
- underlined: remove accumulated refuse, mattresses, box springs, garbage bag, rubbish recycling materials, bucket from yard, alley way and upper rear deck*
- photos and video*
- there are no notes in the file about a phone call from Mr. Lee*

*Mr. Lee:*

- did receive Notice and talked to the tenant*
- also, drove by and checked it and there were a bunch of mattresses, etc. on the balcony, so, he picked up all 8 mattresses and told his tenant to look through the material and throw stuff out*
- he called the inspector and told him that he got the letter and that he picked up the mattresses already on voice mail; he asked if there was something he could do to prevent people from dumping their furniture and appliances, etc., back there; they have been doing that for the last couple of months; but, the inspector never returned his call. He drove by later and saw the other materials were gone; thought the tenant had taken care of it, then, he received this assessment*
- would appreciate a call back from the inspector when he leaves a phone message; he always leaves his number*

*Inspector Joel Essling:*

- an inspector should always get back to you within 24 hours*

*Viewed Video*

*Ms. Moermond:*

- part of it was gone but not all of it was gone; Appellant needs to have a conversation with his tenants*
- will recommend approval of the assessment payable over 2 years*

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

**29 RLH TA  
12-175**

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1206B, Assessment No. 128105 at 201 SEVENTH STREET WEST.

**Sponsors:** Thune

*No show; approve the assessment.*

**Referred to the City Council due back on 5/16/2012**

**30 RLH TA  
12-237**

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1209A, Assessment No. 128515 at 1241 SEVENTH STREET WEST.



**Sponsors:** Thune

*No show; approve the assessment.*

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

**31 RLH TA  
12-226**

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1205E, Assessment No. 128305 at 1041 SIXTH STREET EAST.

**Sponsors:** Lantry

*No show; approve the assessment.*

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

**32 RLH TA  
12-249**

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1206, Assessment No. 128806 at 1008 SIXTH STREET EAST.

**Sponsors:** Lantry

*No show; approve the assessment.*

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

**33 RLH TA  
12-260**

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1209A, Assessment No. 128515 at 1049 SIXTH STREET EAST.

**Sponsors:** Lantry

*Delete the assessment because the order for the clean up was not the same as the video.*

*RE: 1049 Sixth St E (single family)*

*Eva Martir, owner, appeared.*

*Inspector Joel Essling:*

- Summary Abatement Order issued Feb 14; compliance Feb 20, 2012*
- re-checked Feb 22, 2012; found noncompliant; Work Order sent to Parks*
- work done Feb 23, 2012 for a cost of \$443*
- sent to Eva Martir at this address*

*Ms. Martir:*

- has been having problems with children throwing trash down the alley hill (she caught them a couple of times)*
- she called the city and told them that the children had rolled down tires, trash and stop at my house and just throw down any litter, trash, etc.; it happens a lot and when it does, she calls her trash people to come and pick it up*

*Viewed Video*

*Ms. Martir:*

- she explained which was her property and which was her neighbor's (Eric)*
- also, the neighbor on the other side of her puts her trash on Ms. Martir's side (girl next door)*
- she has asked the neighbor's to put their trash on their own property*

- she gets charged for her neighbors' trash
- the girl next door has people coming and going; now, people are sleeping outside near the garage area; she has a little hill with trees
- she has 2 trash cans
- her neighbors put their cans inside their yards

*Inspector Paula Seeley:*

- the photos look a lot worse than the video; photos show 2 overflowing containers
- Orders say: remove scrap wood, plastic, cardboard, etc., from near the garage and alley
- no history

*Ms. Moermond:*

- video show one garbage bag only, which wasn't in the Orders
- what got cleaned up wasn't in the original Order
- will recommend this assessment be deleted

*Mr. Essling:*

- suggested Ms. Martir keep her cans inside the garage until pick-up day

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

**34 RLH TA  
12-234**

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1205E, Assessment No. 128305 at 1101 SIXTH STREET EAST.

**Sponsors:** Lantry

*Delete the assessment.*

*RE: 1101 Sixth St E (single family)*

*Duane and Judith Callahan, owners, appeared.*

*Inspector Paula Seeley:*

- Excessive Consumption fee of \$150 plus serv chg of \$35 = \$185
- multiple violations for failure to maintain exterior property areas
- issued Summary Abatement Nov 23, 2011; found rubbish, carpeting, scrap wood, metal, recycling materials, tires, brush
- re-check Nov 29 and found noncompliant
- photos taken Nov 29

*Ms. Callahan:*

- appealing the EC charge
- they have been keeping the place up better than before
- she hasn't been past there for the past few days; will go there right after the hearing today
- they did get a larger garbage container
- 2 assessments already went to their taxes of which she was unaware
- she calls Cassie each time she gets a Notice and tells her to clean-up
- Cassie makes the house payment

*Ms. Moermond:*

- will recommend this assessment be deleted

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

- 35**      **RLH TA**  
**12-238**
- Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1209A, Assessment No.128515 at 1101 SIXTH STREET EAST.
- Sponsors:**      Lantry
- Delete the assessment as owner was improperly notified.*
- RE: 1101 Sixth St E (single family)*
- Duane and Judith Callahan, owners, appeared.*
- Inspector Paula Seeley:*
- pre-authorized Summary Abatement Orders issued Feb 2, 2012; compliance Feb 6, 2012
  - clean-up done Feb 7, 2012 for a cost of \$493
  - no returned mail
  - sent to the homesteader, Cassie Cortez but not to the owners, Mr. and Mrs. Callahan (no explanation)
  - photos
  - video
- Ms. Moermond:*
- owners did not receive proper legal notification
  - will recommend this assessment be deleted
- Referred to the City Council due back on 6/6/2012**
- 36**      **RLH TA**  
**12-253**
- Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1209A, Assessment No. 128515 at 926 THIRD STREET EAST.
- Sponsors:**      Lantry
- No show; approve the assessment.*
- Referred to the City Council due back on 6/6/2012**
- 37**      **RLH TA**  
**12-244**
- Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1205, Assessment No. 128804 at 942 WILSON AVENUE.
- Sponsors:**      Lantry
- Delete the assessment as work was done. (per DSI)*
- RE: 942 Wilson Ave (single family)*
- No one appeared.*
- Inspector Joel Essling:*
- Vacant Building fee \$1,250
  - recommend deletion per DSI
- Referred to the City Council due back on 6/6/2012**
- 38**      **RLH TA**  
**12-206**
- Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1209A, Assessment No. 128515 at 249 WYOMING STREET EAST.
- Sponsors:**      Thune

*Delete the assessment as the property owner did 99% of the clean up.*

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

- 39**      **RLH AR**      Ratifying Demolition fee from December 2011 at 998 Scheffer Ave. (File No. J1207C1, Asmt No. 122011)  
**12-50**

**Sponsors:**      Lantry

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

- 40**      **RLH AR**      Ratifying Collection of Vacant Building fees from January 2012. (File No. VB1206, Asmt No. 128806)  
**12-51**

**Sponsors:**      Lantry

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

- 41**      **RLH AR**      Ratifying Collection of Certificate of Occupancy fees from February 2012. (File No. CRT1207, Asmt No. 128208)  
**12-52**

**Sponsors:**      Lantry

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

- 42**      **RLH AR**      Ratifying Excessive Use of Inspection services billed December 12, 2011 to January 13, 2012. (File No. J1205E, Asmt No. 128305)  
**12-53**

**Sponsors:**      Lantry

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

- 43**      **RLH AR**      Ratifying Property Cleanup Services during February 2012 (File No. J1209A, Assessment No. 128515)  
**12-54**

**Sponsors:**      Lantry

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

- 44**      **RLH AR**      Ratifying Tree Removal services from February 2012. (File No. 1207T, Asmt No. 129008)  
**12-56**

**Sponsors:**      Lantry

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

**11:00 a.m. Hearings**

**Summary Abatement Orders**

- 45**      [RLH SAO  
12-10](#)      Appeal of Debra A. Alexander to a Summary Abatement Order at 927 IGLEHART AVENUE.
- Sponsors:**      Carter III
- No show; deny the appeal.*
- Referred to the City Council due back on 5/2/2012**
- 46**      [RLH SAO  
12-11](#)      Appeal of William J. Kachel Sr. to a Summary Abatement Order at 884 JACKSON STREET.
- Sponsors:**      Brendmoen
- Laid over for Appellant to provide a copy of the survey done on the retaining wall and additional information.*
- RE: 884 Jackson St (duplex)*
- William J. Kachel Sr., owner, appeared along with Craig Bosbay, who previously resided at 894 Jackson, right across the street, for 48 years; he knows the previous owners of 112 York who built this retaining wall (2 prior owners: Dave and Jolene Ciotta; their son, Shayne Ciotta actually built the wall)*
- Mr. Essling:*
- photos of retaining wall in Amanda
  - retaining wall on west property line adjacent to a driveway at 112 York
  - the wall has failed; it's being held up by some wooden posts
  - sent a Summary Abatement Order to Mr. Kachel to remove the wall under the assumption that it was his wall because it's holding up earth on his side of the property
  - 884 Jackson was built in approximately 1994 and we assumed the retaining wall was part of that construction
  - Mr. Kachel says that it's not his wall
  - the city has no way of knowing whose retaining wall it is
  - he has done quite a bit of research trying to figure out who's wall this is and he couldn't figure it out
  - they will re-issue the Summary Abatement to both property owners and they can split the cost of removing the wall; once the wall is down, it will be Mr. Kachel's responsibility to control the hillside
- Mr. Kachel Sr:*
- entered photos
  - originally sent Orders on this retaining wall in 2007 or 2008
  - the owners (Hmong family; father didn't speak English) who bought the house from the Ciottas came to him then; the kids asked him if he was going to fix the wall; Mr. Kachel told them that it wasn't his wall; the prior owners of 112 York built that wall. He told them that he would work together with them to repair the wall. He heard nothing further from them
  - a month or 2 later, he got a letter from the city saying that he needed to repair this wall; he called the inspector and asked why they were sending him the letter when the owner of 112 York was responsible for the retaining wall. The inspector said that the owner of 112 York called the city and said it was Mr. Kachel's wall

- he asked the inspector why the city doesn't first try to find out whose wall it is before sending a letter to fix it; several other letters were sent and he felt that he was being harassed; the final straw for him was when he received a letter from the inspector saying that if he didn't fix the wall by a certain date, he was going to pull his duplex Certificate of Occupancy; he wondered how the city could do that; he went to the inspector's supervisor and questioned how a C of O could be pulled for a retaining wall issue when the Section 8 inspector said it was up to code; the supervisor apologized and told Mr. Kachel that the inspector could not pull his C of O for a retaining wall - then, the whole issue was gone until now
- he had a Section 8 tenant at that time; he lives in the other unit
- prior to the new owners taking over 112 York, the man who was purchasing it for his daughter asked Mr. Kachel about the wall; he explained
- after the new owners have been in there for a couple months, the city sent him another letter about fixing the wall
- one part of the wall may be right on the property line but wouldn't the person who built it be responsible for it
- he doesn't feel that he is responsible for fixing it
- originally, the garage of 112 York was not there; it was added later and that's when they built the retaining wall

Mr. Essling:

- it is still Mr. Kachel's hillside and it will need to be graded and maintained to prevent erosion
- there are really 2 separate issues: 1) the wall which has to come down because it's a hazard; and 2) controlling the erosion on that hill
- taking the wall down is really not very costly and unless there is evidence of a specific ownership, the city will split the cost between the 2 properties unless Mr. Kachel and his neighbor can work together to take it down
- once the wall is down, either a new wall will need to be erected or Mr. Kachel will need to find another way (vegetation, sod, etc.) to control his erosion
- logic would assume that the wall is Mr. Kachel's because its holding up his property
- suggested that Mr. Kachel get his property surveyed to prove that the wall is not on his property
- looked into the record to find a permit for building the wall but didn't find a permit (Mr. Kachel also searched for a permit and didn't find one)
- suggests DSI send a Notice to both Mr. Kachel and the owner of 112 York (to help motivate); maybe they can work out a deal (will wait a week)
- if the city has to take down the wall, DSI could recommend that Mr. Kachel's half of the cost be spread out over several years
- Mr. Kachel may be able to control the erosion in his yard very cheaply (vegetation, sod)

Mr. Kachel:

- explained that there was no erosion before the neighbors built that retaining wall
- he has been unemployed for 3 years; he doesn't have money to spend on that; his only income is the rental income
- isn't Mr. Bosbay's testimony proof enough that it isn't my wall?
- a survey on his property was done in 1994 before the house was built (Mr. Essling said that a survey would cost 3 times more than what it would cost to take down the wall)
- his neighbor didn't come to him to try to find a solution; instead, they called it in
- on the photo, you can clearly see that the wall is tied into the garage, which is clearly not on Mr. Kachel's property
- he will try to find the stakes and measure back 112 feet
- he will look in the documents from when he purchased the property to find the original survey

- he spoke with the inspector and all that needs to be done is to dig it back and push it back up and reinforce it but he doesn't want to do it because then, it will look as though he's taken ownership of it
- he was hoping that this appeal would clarify ownership of this wall because it's not his wall; he is not responsible

Mr. Bosbay:

- wall was built in 1992 - 1993

Ms. Moermond:

- photos on record
- realizes that this is a very frustrating situation for the Appellant
- the wall needs to come down; it's clearly a hazard
- she would suggest maybe a half wall and regarding the top so that it won't slide down any further but it's up to Mr. Kachel and his neighbor
- she will research what resources are available to her regarding property boundaries
- the neighbor may not accept finding the stakes; a survey would be an official record
- the Orders will be re-issued to both parties
- have a plan in place for controlling the erosion before the wall comes down
- will lay this over for a week; Orders will be re-issued to both parties; in the interim, she will look at the computer records and check out the property with Mr. Essling

**Laid Over to the Legislative Hearings due back on 4/24/2012**

### Orders To Vacate, Condemnations and Revocations

47

[RLH VO  
12-20](#)

Appeal of DMA Properties LLC to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 1642 MINNEHAHA AVENUE WEST.

**Sponsors:** Stark

*Deny the appeal and grant until June 1, 2012 to repair or vacate the property and waive to be out of the Vacant Building Program for 90 days. (Appellant will need to provide a TISH report or a Fire Certificate of Occupancy List to buyer as well as the condition of the wall upon point of sale)*

*RE: 1642 Minnehaha Ave W (duplex); (also 717 Fry)*

*David Anderson, DMA Properties LLC, owner, appeared.*

#### REVOCATION OF CERTIFICATE OF OCCUPANCY AND ORDER TO VACATE

Mr. Anderson:

- asking for a 30-day extension; the property is for sale; his realtor informed him that if the property is vacant, it will be much more difficult to sell
- if the property ceases to generate rent, it will be in foreclosure
- items are exterior cosmetic plus 1 major item: #1 - foundation issue which will cost \$79,000 to repair and he just can't do it
- he will be happy to take care of the health and safety issues on the interior by this weekend if that would allow for an extension

Fire Inspector Mike Urmann:

- inspector notes that this has been an on-going issue since Jun 2011
- there are several life-safety issues that need to be addressed in order for the building to continue to be occupied
- it became necessary to Revoke the C of O because of non-compliance with these

issues for over 1 year

Mr. Anderson:

- asked which life and safety issues have been in existence for over 1 year (Mr. Urmann clarified that some of these Orders have been in existence for over 1 year)
- he has owned this property for over 32 years

Ms. Moermond:

- Orders were issued to Loni Labrocca, property manager, Guardia Properties
- asked Mr. Urmann what he views as life safety items on this list of Orders?

Mr. Urmann:

- the inspector considers the following to be life safety issues: 1) #1-foundation and structural elements of the building; 2) #2-being able to access electrical panel easily; 3) #6-clearance issue; 4) #8-non working smoke detector; 5) #17-smoke detector affidavit hasn't been submitted (Mr. Anderson stated that all of those can be taken care of right away except for #1)

Ms. Moermond:

- will recommend the City Council grant until Jun 1, 2012 to repair or vacate the property
- explained that in order for Appellant to transact the property, he will need 1 of 3 documents: 1) Truth in Sale of Housing Inspection Report; 2) Fire Certificate of Occupancy; or 3) Code Compliance Inspection Report if it were in the Vacant Building Program and had a list of things
- the TISH Report is where Appellant would want to keep this
- she is comfortable keeping it out of the VB Program for 90 days and the VB fee will be waived during that time; however, Appellant must disclose to the purchaser the condition of this wall and show them the Fire C of O Orders, a necessary disclosure to the purchaser (Mr. Anderson noted that his realtor has already been working with the property manager on these issues and also, he presumes, disclosing to the Truth and Housing people.)
- she wants Mr. Anderson's personal commitment that the purchaser is aware of these Fire C of O Orders and the gravity of this situation (Mr. Anderson said he will personally tell his realtor that this is an issue that has to be disclosed; he will not be at any of the showings.)
- Sep 1, 2012 - this building will be in the VB Program (Mr. Anderson said that it will be sold in the next 30-45 days
- ideally, the purchaser will pull a permit to fix that wall right away

**Referred to the City Council due back on 5/2/2012**

48

[RLH VO  
12-21](#)

Appeal of Chongblia (Ker) Yang to a Notice of Condemnation Unfit for Human Habitation and Order to Vacate at 1143 EDGERTON STREET.

**Sponsors:** Brendmoen

*Deny the appeal on the condemnation and order to vacate and waive the vacant building fee for 90 days. (File will be transferred to Vacant Building Program and owner must order a code compliance inspection).*

RE: 1143 Edgerton St (duplex)

Chongblia (Ker) Yang, owner, appeared.

Ms. Moermond:

- saw some of the photos



- this property is next door to the one that burned down on Feb 27, 2012 (1145 Edgerton)
- there was an emergency demolition of the burned down property

*Fire Inspector Mike Urmann:*

- the building was considered to be structurally unsound on the second floor due to the fire damage that was caused by the fire next door; there may be an imminent collapse - can't tell without a structural engineer's evaluation
- photos show some of the structural elements that were damaged
- there were also a gross unsanitary conditions inside the building
- those 2 elements together caused the immediate condemnation and order to vacate
- they were not aware of the fire damage until they got into the building because of the sanitation issue
- it is not standard practice to evaluate neighboring properties after a fire

*Mr. Yang:*

- he had talked to the Fire Chief about whether his tenants could occupy the building after the fire; especially asked about the 2nd floor; the Fire Chief said that the 2nd floor was fine
- later, the city inspector said the property was not suitable for human habitation, so he Condemned the building
- then, he call them asking for some time (a couple days) for his people to move out
- one day after he got a letter from the city Ordering Vacate by Apr 24, another inspector came, Condemned it again and threatened to take the tenants kids away; so, the tenants weren't very happy with him; that's why he is appealing
- those threatened tenants left right away; the inspector said that if they didn't move "now" he would call Child Protective Services and have the kids taken away
- the people on the 2nd floor have renters' insurance; the tenants on the 1st floor do not

*Ms. Moermond:*

- it looks like the tenants were given 2 weeks, until Apr 24, 2012 for the building to be emptied
- asked which floor tenants were threatened (Mr. Yang said, "The first floor."); Nhia Xiong, she doesn't speak English
- Mai Vang will call Nhia Xiong to get her statement

*Mr. Urmann:*

- the first assessment was made by the first inspector, Mike Cassidy (not an immediate vacate)
- the second assessment was made by a subsequent inspector, James Thomas, who looked at the fire damage; and issued by Mike Cassidy (more immediate vacate)
- if the threat occurred, it will need to go to the supervisor

*Ms. Moermond:*

- Mr. Yang, his tenants and contractors can be in the building from 8 am - 8 pm to clean, pack and repair the building
- this will be sent to the Vacant Buildings Program
- it's a duplex; will need a Code Compliance Inspection (\$500)

*Mr. Yang:*

- he has hired a contractor already who has already pulled the permits
- they will probably will start repairing this week

*Ms. Moermond:*

- will talk with Rich Singerhouse, Supervisor of Vacant Building Inspections on that

part of town

- Mr. Singerhouse will call Mr. Yang
- will recommend a 90-day waiver on the VB fee
- if the building is re-occupied by then, there will be no fee; if it takes a little longer, she will prorate it
- apologized for what happened to Nhia

**Referred to the City Council due back on 5/2/2012**

## 1:30 p.m. Hearings

### Window Variances: Hearing Required

- 49**      [RLH FOW  
12-128](#)      Appeal of Advantage Property Management, on behalf of Tim Schueppert, to a Fire Certificate of Occupancy Inspection Correction Notice at 802 DAYTON AVENUE.

**Sponsors:**      Carter III

*Grant a 5-inch variance on the openable height of the egress windows in the 2nd floor bedrooms and grant a 7-inch variance on the openable height of the egress window in the first floor bedroom provided that owner is not appealing the repair requirement, in addition to the window dimensions.*

*RE: 802 Dayton Ave*

*No one appeared.*

**Referred to the City Council due back on 5/16/2012**

- 50**      [RLH FOW  
12-130](#)      Appeal of John Domagall to a Fire Certificate of Occupancy Inspection Correction Notice and Egress Window Non-Compliance Determination at 1434 MCAFEE STREET.

**Sponsors:**      Bostrom

*No one appeared. Laid over for clarification from Appellant on the window measurements.*

**Laid Over to the Legislative Hearings due back on 4/24/2012**

- 51**      [RLH FOW  
12-134](#)      Appeal of Richard Stoltz, on behalf of James Greeman, to a Fire Certificate of Occupancy Inspection Correction Notice at 804 PASCAL STREET NORTH.

**Sponsors:**      Stark

*Grant a 5-inch variance on the openable height of the egress windows in the 2nd floor, north and south bedrooms and deny a variance on the egress window in the first floor northwest bedroom unless appellant can provide photos showing that the window can open to 16 inches high.*

*RE: 804 Pascal St N (duplex)*

*Richard Stoltz and James Greeman, owner, appeared.*

Mr. Stoltz:

- he is asking for a variance on some bedroom windows because of structural problems
- this is an old 2-story stucco house; upper stories have windows that are too small

Fire Inspector Mike Urmann:

- 1st floor northwest bedroom window: double-hung 15h x 27w; glazed area 8 sq.ft.
- 2nd floor north and south bedroom windows: double-hung 19h x 23w; glazed area 5.6 sq.ft.

Ms. Moermond:

- will recommend variances for the 2nd floor north and south bedroom windows
- the 1st floor northwest bedroom window open only 15 inches; legal requirement is 24 inches; she will go down to 16 inches in most situations
- if the window can be opened to 16 inches, she will recommend an 8 inch variance (Mr. Stoltz says he can get it to 16 inches)
- an inspector will re-measure it

**Referred to the City Council due back on 5/16/2012**

52 [RLH WP  
12-33](#)

Appeal of Brian Bennett, on behalf of Pella windows-Pella Northland to an Egress Window Non-Compliance Determination at 313 RYAN AVENUE.

**Sponsors:** Thune

*Grant a 2-inch variance on the openable height of one double hung replacement egress bedroom window measuring 22.25 inches high by 30.49 inches wide.*

RE: 313 Ryan Ave (single family)

Brian Bennett, Pella, appeared.

Mr. Bennett:

- this is for just one double-hung window 22.25h x 30.5w
- email the letter

Ms. Moermond:

- window permit denial (a noncompliance determination)
- taking a good look at the paperwork, she determined this was a bureaucratic error and he shouldn't have had to make the trip
- she would have, by default, always recommend a variance on this
- will recommend granting a variance
- we will send the letter to email address

**Referred to the City Council due back on 5/16/2012**

### Fire Certificates of Occupancy

53 [RLH FCO  
12-222](#)

Appeal of Admark to a Fire Certificate of Occupancy Inspection Correction Notice at 669 LAUREL AVENUE.

**Sponsors:** Carter III

*Grant a 6-inch variance on the openable height of the egress bedroom windows in Unit 1; deny the appeal on the electrical panel and grant an extension to November 1, 2012 for compliance.*

RE: 669 Laurel Ave (duplex)

Mark Kaltsas, Admark LLC, appeared.

Fire Inspector Mike Urmann:

- issue here is an electrical panel in a basement unit which the upstairs tenant is not able to access (both units' elect panels are in the basement unit)
- double hung egress windows in both bedrooms measure 18h x 22w; glazed area 4.75 sq.ft

Ms. Moermond:

- will recommend a variance on the egress windows
- no one should have to go through someone else's living space to get to your own electrical panel

Mr. Kaltsas:

- the electrical panels were set up that way 20 years ago in a conforming duplex
- when he purchased the property last fall, he wasn't made aware that it was going to be an issue
- moving it will be costly
- he has an agreement with the downstairs tenants that the upstairs tenants can access the basement
- there is not a good re-location spot either; it's a 100-year old property - most likely, it would be an entire re-wire situation and he would have to displace his tenants
- he is just now getting some of his costs paid off
- he would really like to separate the panels, perhaps in a year
- his upstairs tenants are moving either in Oct or Nov 2012
- he has spoken with an electrician, who says he doesn't know what he'll find when he opens things up in this old building

Ms. Moermond:

- would not like to displace tenants at this time
- she would like to see a plan to separate the panels, however
- will grant an extension to Nov 1, 2012 to come into compliance

**Referred to the City Council due back on 5/16/2012**

54 [RLH FCO  
12-226](#)

Appeal of Lori Kustritz, EMK Holding Co., to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 826 PORTLAND AVENUE.

**Sponsors:** Carter III

*Deny a variance on the egress window in the second floor bedroom and grant an extension for 90 days to come into compliance; deny the appeal on the exterior peeling paint and grant an extension for 6 months to come into compliance; and grant the appeal to opt out of the Fire C of O Program. (File will be transferred to Joel Essling, Code Enforcement.)*

RE: 826 Portland Ave (single family)

Lori Kustritz, owner, appeared.

Ms. Kustritz:

- asking to be out of the Fire Certificate of Occupancy Program

Fire Inspector Mike Urmann:

- there are 2 buildings on the same parcel: 1) one is a carriage house; and 2) the

*other is the main house*

- *there are photos in the file clearly showing a sign posted: "For Rent"*
- *the main building is owner occupied (Lori Kustritz lives there)*
- *the carriage house is for rent*
- *under the code, a non-owner-occupied structure would require a Certificate of Occupancy inspection*
- *there are outstanding Orders on the building*

*Ms. Moermond:*

- *will recommend that Ms. Kustritz be out of the C of O Program*
- *we will treat it as a duplex (non-traditional)*
- *outstanding Orders will be transferred to Code Enforcement (items #2 and #3: egress windows and exterior painting)*

*Ms. Kustritz:*

- *is asking for a 6-month extension because they are waiting for a carved wooden structure piece to come - they have to be handmade; it's a 6 foot piece that goes into the eaves*

*Ms. Moermond:*

- *will recommend a 6-month extension to come into compliance for the wooden structure*
- *will deny a variance on the egress window and recommend a 90-day extension to bring the window into compliance (must pull a permit)*

**Referred to the City Council due back on 5/16/2012**

55

[RLH FCO](#)  
[12-228](#)

Appeal of Nicolas and Christine Mackaman to a Fire Certificate of Occupancy Inspection Correction Notice at 1748 SAINT CLAIR AVENUE.

**Sponsors:** Tolbert

*RE: 1748 Saint Clair Ave (single family)*

*Nicolas B. Mackaman, owner, appeared.*

*Ms. Moermond:*

- *this has been a rental property; owner will be moving back into it again*

*Fire Inspector Mike Urmann:*

- *handrail on a stairs: we have 3 risers outside the structure with the 4th rise into the building; code requires a handrail for 3 or more times your foot rises to get up to the platform at the top (a building code issue)*
- *as soon as this house is owner-occupied, it will be removed from the Certificate of Occupancy Program*
- *other outstanding issues:*
  - *water heater is not providing adequate hot water for current tenant*
  - *missing electrical cover behind the refrigerator and one in the garage*
  - *needs new treads to the basement*

*Ms. Mackaman:*

- *would prefer to not put a railing on these steps; requesting a variance*
- *look at the photos*
- *the last inspector did not call out the 4th rise; he asked him to replace the door*
- *they bought the house in 2003; they moved to Coon Lake in 2006; now, are moving*

back to MacGroveland Jun, 2012; request to be taken out of the Flre C of O Program; will homestead it Jun 1, 2012  
 - he is not sure whether his wife turned up the water heater temperature or not when she was there with Inspector Gavin  
 - he is happy to take care of the other items on the list

Ms. Moermond:

- will lay this over for 12 weeks; by that time, tenant should have moved out and Mr. Mackaman will have moved back in; the railing issue will be finalized at that time  
 - inspector will call Ms. Moermond to confirm that the water heating issue is just about turning the knob to a safe temperature setting

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

## 2:30 p.m. Hearings

### Vacant Building Registrations

- 56      [RLH VBR  
12-24](#)      Appeal of Cardinal Homebuilders, Inc. to a Vacant Building Registration Notice at 1324 MCAFEE STREET.

**Sponsors:**      Bostrom

*Per Rich Singerhouse, owner sent in vacant building fee and house is almost in compliance.*

**Withdrawn**

### Other

- 57      **RLH OA  
12-32**      Appeal of Jarred Johnson to a Code Compliance Report at 685 ORANGE AVENUE EAST.

**Sponsors:**      Bostrom

*Forthcoming.*

*RE: 685 Orange Ave E (single family)*

*Jarred Johnson, owner, and Minnesota State Building inspector, Mr. Hedquist, appeared.*

*Jim Seeger, Sr. Building Inspector and Rich Singerhouse, Code Inspector, appeared.*

*Mr. Johnson:*

*- they researched the Condemnation of the building - what brought it into the Vacant Building Program  
 - he called Xcel Energy to get electric service history on the building see whether service had ever actually been disconnected as reported by Inspector Friel (Xcel said they disconnected the power for 3 days only to do polling (on the outside of the house); then, they reconnected the service and it's not been without service since); so, it was disconnected briefly for the purpose of service work to be performed; probably, no one was in the house at the time; he finds that to be kind of a stretch to Condemn the house for lack of electricity when it wasn't exactly without electricity - he's not sure that would meet a prudent definition of "lack of electricity."*

*Ms. Moermond:*

- she doesn't know what else was going on here but it wasn't appealed at the time by the owner of record; and by the time the Appellant assumed ownership, they did determine that it was a Registered Vacant Building and that was disclosed to the Appellant
- concerned about the lack of permits pulled

*Mr. Johnson:*

- he and Mr. Hedquist contest some of the findings in the Code Compliance Inspection Report
- they will concede to some items and those items will be repaired
- a registered state building inspector is here to provide his expert testimony to what is required by state building code and what is not, under the guidance of Attorney Josh Shoemaker, who is also working behind the scenes in this situation
- they want to go line by line over the items found in the Code Compliance Inspection Report to see if they can find some reasonable accommodation for each one to get the building out of the VB Program

*Mr. Seeger:*

- there have been no permits pulled on the building at all; work has been done without permits
- now, as long as the VB fees are paid, the Appellant should have no problem pulling permits

*Mr. Hedquist:*

- he did not look at the permit situation on this
- he was told that the heating system was installed and the permit was taken out or being taken out by the heating contractor who installed it (Mr. Seeger noted that no permit had been pulled; Mr. Johnson said that the contractor told him they did pull a permit)
- noted that the electrical contractor tried to take out an electrical permit but the city refused to let them take out that permit, per Reid Soley (Ms. Moermond said that was because there had not been a Code Compliant Inspection)
- Vacant Building fee has been paid

*Ms. Moermond:*

- she will not consider something to be "code compliant" without a permit having been pulled and signed-off on; i.e., if electrical items are called out in the inspection and a rough-in inspection is required, she wants to see that a rough-in inspection had occurred: permit pulled, rough-in, final.
- Appellant can now pull permits

*Mr. Hedquist:*

- is currently working as a private inspector; still certified by the state as a building inspector (since 1971)
- there are a number of things in the report that he is questioning
- it is his understanding that the Code Compliance is supposed to look at the items that are there; if they are still functional and were installed according to code at the time that the house was built, they would still be in compliance (Mr. Seeger agreed as long as they aren't hazard and haven't been altered)
- in this house, it doesn't appear that anything has really been changed for at least 35 years
- items like requiring a handrail to be replaced (his knowledge of age tells him that particular handrail hasn't been sold for at least 25 years; he expects it to be original); he feels items like that on the list are unreasonable in that they are asking something to be upgraded that doesn't have to be upgraded; this handrail hasn't been altered

and it has been maintained and is still functional; here, too, the stairway is wide enough that one can take appliances up and down without taking off the handrail; the handrail is original (Mr. Seeger couldn't remember the handrail); had photos; and no handrails are required outside because the house is only 18 inches above grade - there's a window sash (the sashes in this house are actually in reasonably good condition for a house of that vintage- there was nothing that was rotted and falling apart for the 1st and 2nd floor window sashes  
- window locks: he found one window where half of the lock was missing  
- his assumption is that when an inspector is going through a list, you take the basement first; then, the first floor; then, the second floor, more floors, then, garage and outside (Mr. Seeger agreed that's how he does it but that doesn't mean the typist types it up the same way he goes through)  
- questioned that mold was listed in the basement: noted that whenever he is required to provide witness in court, whenever he says something has mold, he has to have testing to prove it's mold; here, the Johnsons have been living in the house and no one has been affected by any health issue (Mr. Seeger responded that where there's moisture and/or water damage and demolition..... non-bearing walls were taken out); Mr. Hedquist said one didn't need a permit for taking out non-bearing walls  
- statement in the report -- needing fire blocking: since there hasn't been any changes in the number of stories or the location of the bathroom, why would this be needed? Fire blocking would be required in new construction, it wasn't required in 1941 when the house was built. (Mr. Seeger said there was construction going on in a number of areas in the house when he was there - in the basement); all of those walls were taken down but it didn't affect any of the fire blocking that was originally installed because you can look at the lumber and see that it hasn't been altered from the original construction; it's quite obvious; today, no one is using 1 x 8 lumber anymore; he used it last in the 1950s.

Mr. Seeger:

- drywall and insulation was removed from the ceiling right off the kitchen area near the back door (Appellant noted that was the stoop and there wasn't any drywall there at the time they bought it)

Mr. Hedquist:

- house numbers on the garage: they were there at the time of inspection  
- statement about the garage roof and ventilation: the garage roof is not leaking (reasonably water tight); and there's no ventilation required under any code for ventilating a garage roof (Mr. Seeger said that was just a general statement); Mr. Hedquist said, it was given as an Order; so, when you give an Order, the statement should have some validity to the Order. (Mr. Seeger added that when you consider the condition of the shingles on the roof, it would apply. Being water tight doesn't mean it's acceptable) Mr. Hedquist asked, "Acceptable to who?" Code says the roof needs to be reasonably water tight. If it's not leaking, it has to be reasonable water tight. Mr. Seeger argued that it could be absorbing some of the water under the layer of shingles. Mr. Hedquist said that shingles are not waterproof in the first place; they always absorb water; shingles are a water repellent material. Mr. Seeger concurred. The garage roof would only need ventilation if it were heated and insulated.  
- there's a requirement for a 1-hour wall on the west side of the garage: the garage has been in place for at least 35 years; at the time it was built, there was no requirement for a fire wall based on how close it is to the..... (Mr. Seeger said, according to the zoning code, if it's within 5 feet of the property line, it has to be rated - even if it's existing construction if it falls under a VB status). Mr. Hedquist said the state building code is not retroactive.  
- requiring tempered glass at the top of the stairs: that is not a code requirement if it's at the top of the stairs; he explained that he attended the International Code



Conference in January of this year and instructor said that there has been a misinterpretation of the code by the people who are asking for tempered glass at the top of the stair (he provided a handout from the conference which shows you need it at the top of the stair). Reasoning is that when you are going upstairs, it's unlikely that you'll fall up (Ms. Moermond noted that one could trip forward). Mr. Hedquist added that it's been determined that the landing at the top of the steps is usually 36 inches and in order to trip at the top of the stair and fall forward to hit the window, you'd have to be around 7 1/2 feet tall.

To clarify, Ms. Moermond noted that this hasn't yet been adopted by the State of Minnesota; Mr. Hedquist concurred.)

- the sites are current MN Bldg Code and 2007 Fire Code

- requested that the 2nd floor bedroom window be increased in size: according to the State of MN code, it doesn't have to be increased but Saint Paul has adopted a Housing Maintenance Code (Mr. Moermond stated that the Department of Safety and Inspections has an Egress Window Policy, which balances the conflict between the MN State Fire Code and the MN State Building Code; it takes into account the Legislative Code; however, it doesn't matter because all 3 are there. They say, "Without having a third definitive source, we will use the following policy to interpret the conflict between the two of them." Perhaps this will be adjusted in future rule making.); the egress window will be corrected

- re electrical: he didn't go into detail on these because Mr. Johnson has an electrical contractor who has written up a contract to do all the electrical work

- has questions about the plumbing issues; as a MN building official, he was approved to do all inspections, except the electrical outstate; however, he is not a plumbing inspector

- report said that the discharge pipe is incorrect on the E & P relief valve: Mr. Hedquist agrees that it does not meet the requirements of a discharge pipe because it's black iron rather than a galvanized or copper pipe. He questions why that would be written up because it really doesn't make any difference on a discharge pipe (grasping for a violation)

- the temperature pressure valve is leaking; he estimates that within a 24-hour period, at least 4 oz of water that would leak; (when people flip on the discharge lever, a little bit of sediment will lodge in the rubber gasket and you can't get it out so, it drips); the discharge will still function but it will drip

- a statement was made that there was no shut-off for the gas pipe to the water heater: there is a shut-off valve in the ceiling above the water heater but it is not an approved gas valve because it's one that requires a wrench to turn it off (has a nut rather than a handle)

- also listed- all of the unused open gas lines must be removed: there aren't any (adds to the number of items that shouldn't be listed)

- list asks for a 1-inch water pipe from the water meter to the first major appliance: he wonders why? because the original pipe is still there and it's usable; so, you'd have to change something out that is functional. After talking to some plumbers, he learned that Saint Paul is asking for this because their water mains can no longer withstand the pressure they want to build up in order to get the water flowing the way they like it so, they're asking for a larger water pipe so there's more volume in the pipe. However, the water line coming into the house is 3/4 inch - then it goes into the water meter pipe at 5/8 inch; when it comes out of the water meter, the pipe is back to 3/4 inch to the appliances; then, from the appliances, the maximum size is 3/4 inch (they are asking for a 1-inch piece of pipe 14 feet long to replace the existing 3/4 inch pipe (3/4 in pipe feeding into a 1 in pipe feeding back into a 3/4 in pipe). Questions the value of that.

- laundry tub is missing parts to the faucet: the faucet was intact with no missing parts (Mr. Seeger couldn't remember whether or not there were parts missing); another unnecessary item

- toilet wasn't vented: he moved some stuff around and there is a vent there for the

toilet and the shower (cast iron coming out of the floor)

- today, you need a vent for each one but not at that time
- crack in toilet in basement; is asked to lift toilet and re-set it: toilet does have a crack that's located where the toilet bolts down to the floor; it looks like someone tightened up the nut to the toilet too much and cracked it; the toilet is not leaking; he would recommend that the toilet be replaced because it's cracked - it should not be required to re-set.
- Order on 1st floor toilet to take up and reset, incorrect piping: the piping that it's hooked onto is the original cast iron pipe; the toilet's in place and not leaking; again, another questionable Order
- shower has a hand-held devices and Orders say something about having a back flow preventer in the hand-held shower: Mr. Hedquist doesn't think you could buy a hand-held shower within the past 10 years that didn't have a built-in back flow preventer; it's a given and this particular device is only a few months old - another questionable Order
- improperly installed faucet in bathroom: Mr. Hedquist said that normally the faucet is put in so that it's tight against the tile and gypsum board; this one has been installed so there's a pipe that extends out further (it isn't pretty but it works - doesn't see where that would be a violation)
- the heating guy listed the same thing as the plumber inspector listed that the building inspector listed (you get more violations that way); to him that's an unreasonable piling on (Mr. Seeger said that he has been working for year on changing a lot of the general statements in the Order but hasn't got anywhere with it.)
- regarding the heating: he was told a permit had been taken out so that is why it was questioning all those Orders
- interesting Orders: the ducting isn't properly secured: The ducting is secure; there isn't any place where that ducting is loose from the ceiling where it is attached (firmly in place)
- also interesting is "have ducting openable for cleaning": there isn't a house built that has the ductwork, which you can take apart for inspection and cleaning; duct cleaners drill holes in the duct and put in an air hose so they can blow the crap around and then they put a vacuum in it. Mr. Hedquist says that when they do that, all they are doing is taking the crust off the existing dust and so for the next 10 years, the dust that had been encapsulated is blowing through the house (Mr. Seeger said that in some cases, there are too many toys, paper, etc. in the ducts); in 1941 they weren't putting in floor registers - the heat supply for the bathroom, kitchen, etc., is 5 feet off the floor; another unreasonable Order

Mr. Johnson:

- Mr. Hedquist spoke very well
- there are things that should definitely be repaired; they should be able to agree on those

Ms. Moermond:

- what bothers her greatly about the Appellant's situation is that he bought a Registered Vacant Building and moved his family into it - that is a serious problem; it needed to be code compliant before anyone could move in
- when she first saw Mr. Johnson, he and his family had already moved in; at that junction, by all rights, the city order you out of the VB building and make sure the repairs get done
- she had sympathy for his situation and told him he must get these repairs done as quickly as possible and she would try to work with him on this
- it took Appellant a very long time to order the Code Compliance Inspection; time continues to tick away
- this is a relatively complicated appeal; she will review it and get some follow-up information, particularly from the plumbing inspector

- she does not want to end up having to issue a Criminal Citation; this is very problematic
- she will not be terribly flexible on this; she wants to be fair but she will call it very close to the line
- get the permits pulled and get to work
- she will be making a call on some of the items that were noted today; assume that all items agreed upon must be done plus the electrical
- City Council Public Hearing is May 16, 2012 at 5:30 pm; Mr. Johnson said he will appear at the CCPH
- if Appellant has any additional information, get it to Ms. Moermond a week ahead of time

**Referred to the City Council due back on 5/16/2012**

### Staff Reports

**58 RLH VBR  
12-22**

Appeal of DeLisle Company, on behalf of Del Co Limited Partnership, to a Vacant Building Registration Notice at 1075 AVON STREET NORTH.

Sponsors: Brendmoen

*Follow up from inspector: Change to Cat 1 (system will not close file in VB II status) and close vacant building file if there are no significant exterior violations. DSI staff is closing the file VB file as exterior was in adequate condition at the time of inspection.*

*Grant the appeal on the vacant building status.*

*RE: 1075 Avon St N (single family)*

*Ms. Moermond:*

- the inspector was to check on whether there are exterior code violations
- Inspector Kalas, Vacant Buildings was supposed to follow-up

*Fire Inspector Mike Urmann:*

- from a Certificate of Occupancy Compliance Inspection
- there are exterior and interior Orders
- exterior: windows; screens throughout; securing garage door; repairing window glass north side of the building; window frames; exterior walls; doors
- interior: remove material causing obstruction; provide access to the building; maintain interior cleanliness (there was a lot of dog feces both inside and outside of the property, which caused them to call out the sanitation issue); no smoke detector affidavit or heating system test report
- Inspector Lisa Martin Condemned this building
- they were not directed to do a follow-up inspection because it went to Code Enforcement for a Vacant Building

*Ms. Moermond:*

- read email from Matt Dornfeld, Vacant Buildings, April 11, 2012: I inspected the exterior of the house per your request yesterday. The exterior is in adequate shape so, I'm closing the Vacant Building portion of the file.

**Referred to the City Council due back on 5/16/2012**

### Window Variances: No Hearing Necessary

- 59      [RLH FOW](#)  
[12-129](#)      Appeal of Ana S. Lavold, Pro1 Property Management, Inc., to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 303 and 313 BIRMINGHAM STREET.
- Sponsors:**      Lantry
- Grant a 4-inch variance on the openable height of the egress windows in Unit 303-B and 313-B bedrooms.*
- Referred to the City Council due back on 5/16/2012**
- 60      [RLH FOW](#)  
[12-127](#)      Appeal of Guy Buonincontro to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 1120 BURNS AVENUE.
- Sponsors:**      Lantry
- Grant a 2-inch variance on the openable height of the egress windows in the upper unit and southwest bedrooms; grant a 2.5-inch variance on the openable height of the egress windows in the lower unit northeast and southeast bedrooms.*
- Referred to the City Council due back on 5/16/2012**
- 61      [RLH FOW](#)  
[12-135](#)      Appeal of Tony Swanson, Public Housing Agency, to a Fire Certificate of Occupancy Correction Notice at 757 IGLEHART AVENUE.
- Sponsors:**      Carter III
- Grant a 4-inch variance on the openable width of the egress windows in all bedrooms measuring 45 inches high by 16 inches wide.*
- Referred to the City Council due back on 5/16/2012**
- 62      [RLH FOW](#)  
[12-132](#)      Appeal of Joseph Kummer to a Fire Inspection Correction Notice at 1025 MARGARET STREET.
- Sponsors:**      Lantry
- Grant a 2-inch variance on the openable height of the egress windows in all bedrooms.*
- Referred to the City Council due back on 5/16/2012**
- 63      [RLH FOW](#)  
[12-133](#)      Appeal of John E. Lukas to a Fire Inspection Correction Order at 325 MARIA AVENUE.
- Sponsors:**      Lantry
- Grant a 5-inch variance on the openable height of the egress bedroom windows in all units (Units 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11).*
- Referred to the City Council due back on 5/16/2012**
- 64      [RLH WP](#)  
[12-34](#)      Appeal of Renewal by Andersen, on behalf of Jeffrey Pounds, to an Egress Window Non-Compliance Determination at 1540 PASCAL STREET NORTH.
- Sponsors:**      Stark
- Grant a 5-inch variance on the openable height of six double hung replacement egress bedroom windows measuring 19 inches high by 24 inches wide.*

**Referred to the City Council due back on 5/16/2012**

**65**      [RLH FOW](#)  
[12-136](#)

Appeal of Tony Swanson, Public Housing Agency, to a Fire Certificate of Occupancy Correction Notice at 1176 SUPORNICK LANE.

**Sponsors:**      Bostrom

*Grant a 6-inch variance on the openable height of the egress window in all bedrooms of Units A and B.*

**Referred to the City Council due back on 5/16/2012**