



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final Legislative Hearings

Marcia Moermond, Legislative Hearing Officer
Mai Vang, Hearing Coordinator
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651-266-8585

Tuesday, August 6, 2013

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Special Tax Assessments

- 1 [RLH TA 13-369](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1307B, Assessment No. 138818 at 401 SELBY AVENUE.

Sponsors: Carter III

RE: 401 Selby Avenue (Medical Office / Clinic ?)

No one appeared.

Ms. Mai Vang:

- information has been sent regarding this property and has been attached to the file

Ms. Moermond:

- Fire Inspector A. J. Neis inspected Jul 31, 2013 and wrote a few Orders

- Mr. Neis is scheduled to re-inspect Sep 4, 2013

- will Lay this over to Sep 17, 2013 LH to see if Orders have been completely addressed

Referred to the City Council on 8/21/2013 (to be laid over to September 17 Legislative Hearing)

- 2 [RLH TA 13-458](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1311A, Assessment No. 138530 at 616 MARYLAND AVENUE EAST.

Sponsors: Bostrom

Reduce the assessment from \$526 to \$100.

RE: 616 Maryland Avenue East (Duplex)

Margaret Uriah and Scott Kuehn, appeared.

Inspector Scott St. Martin:

- Orders were sent Apr 30, 2013 to remove improperly stored/accumulated refuse including: garbage, rubbish, discarded furniture, appliances, vehicles parts, scrap wood and metal, recycling materials, household items, building materials or rubble,

tires, brush, etc. from yard areas; including plastic bins, clothing, TV, contents of overflowing garbage containers, broken glass on ground by containers, garbage and litter on the ground

- compliance date: May 7; re-checked on May 7 and found in noncompliance
- work done May 9, 2013 for a cost of \$366 + \$160 service charge = \$526
- no returned mail
- history: Orders Nov 7, 2012-cleaned by the city; and Orders Jan 11, 2013-also cleaned up by city

Ms. Uriah:

- came to see the VIDEO
- Viewed VIDEO
- his house is next door; you can see how close these houses are (3 feet between them)
 - explained where the property line is
 - the TV is actually the upstairs' tenant's; he has had 4 strokes and is handicapped; he was working on getting his case worker to the house so that the case worker could move the TV into the house; she had told him the TV was on his back deck
 - now, we have good tenants

Ms. Moermond:

- when she looks at the VIDEO, she doesn't see all of what is described in the Orders
- looks like your tenants were out there picking up
- wants to give credit for good faith effort
- will recommend reducing the assessment from \$526 to \$100

Referred to the City Council due back on 9/4/2013

3 [RLH TA 13-493](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1311, Assessment No. 138815 at 130 SYCAMORE STREET EAST.

Sponsors: Brendmoen

Legislative Hearing Officer will recommend the assessment be reduced by half if owner is code compliant by September 4.

RE: 130 Sycamore Street East (Single Family)

Raymond Aquirre, owner, appeared.

Inspector Scott St. Martin:

- Vacant Building Registration fee was waived for 90 days on Jan 14, 2013; it went to assessment on Apr 30, 2013
- still open are electrical, plumbing, warm air/ventilation permits
- code compliance inspection has not been signed off
- received multiple complaints in early Feb that the building was being illegally occupied along with 4-5 dogs
- Feb 11, 2013 - Police Dept was needed to vacate the dwelling and remove dogs
- Mar 26, 2013 - Work Order issued to remove dog feces from property
- as of Aug 5, 2013 - per inspector Kalas, the dwelling appears to be vacant

Mr. Aquirre:

- the hearing officer had given him 90 days to finish
- is very close to being finished
- all power in house is electrical and he will be requiring a sub-panel on the panel that's there
- explanation: some friends were kicked out of their house and had no where to keep

their dogs, so Mr. Aquirre allowed them to move all of their belongings and the dogs into the house until they found a place that would accept all those dogs; it took them a while

- *no one stayed at the house during that time, only the dogs; it looked as though people lived there because someone needed to be there to care for the dogs at times*
- *now, the dogs are gone and the house is almost complete*
- *he pulled the permit for the driveway (curb work is being re-done)*
- *the plumber signed off; HVAC signed off*
- *is asking for 30 more days to get the electrical subpanel in*

Ms. Moermond:

- *the fee covers from Jan 30, 2013 - Jan 30, 2014*
- *we're half-way*
- *will be at City Council Public Hearing Sep 4, 2013*
- *if Mr. Aquirre has his C of O by Sep 4, 2013, she will recommend the VB fee get cut in half; if not, the whole fee will be assessed*
- *Mr. Aquirre may want to appear at the CCPH if he does not have his C of O by then*

Mr. St. Martin:

- *this building permit is still from 2002*
- *there's an entry from Mr. Seeger: you need new permits, dated Dec 26, 2012*
- *the Appellant needs to talk with Jim Seeger right away*

Referred to the City Council due back on 9/4/2013

4 [RLH TA 13-479](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1310, Assessment No. 138211 at 771 THOMAS AVENUE.

Sponsors: Khaliq

Reduce the assessment from \$470 to \$170.

RE: 771 Thomas Avenue (Single Family)

Anthony Strouth, owner, appeared.

Fire Inspector Leanna Shaff:

- *Fire Certificate of Occupancy fee*
- *single family dwelling amended fee: \$255 + \$155 service charge = \$410*
- *dates of Orders: 5-22-12; 6-28-12; 9-7-12; 10-8-12; 1-9-13; 1-24-13*
- *dates of bills: 3-14-13 and 4-15-13*
- *sent to the responsible party/property owner at 1291 Sherburne, St. Paul*

Mr. Strouth:

- *bought property as a Vacant Building in 2010 and had a Code Compliance list generated*
- *he completed everything on that list and they gave him an "A" rating on his Certificate of Occupancy*
- *there was a complaint in 2012 and the inspector came out; it was referred to the Fire Inspectors, who generated a list of code compliance*
- *he was confused; the property was totally renovated in 2010 and he received an "A" rating*
- *and 2 years out, he got another 3 pages of code compliance*
- *he spent a week thinking about it and debated with his wife and thought that after that they'd be done with it*
- *they gave the tenants notice because one of the things on the list was mice; it turned out that the tenant was just leaving food all over the ground*

- they moved out and the Strouth's started to renovate
- it was 45 days from when the city gave him the list until the tenants were out
- from there on until Feb 15, the next year, the building was vacant (it took him a long time because he can't just come up with the money in a hurry)
- he wants to do things right because he sees value in complying with the city
- was vacant from Apr 1, 2012 to Feb 2013
- were waiting for their inspection Jan 1, 2013 but the fire inspector had been in a car accident

Ms. Shaff:

- had a Certificate of Code Compliance in 2010, which is good for 1 year; then it's due for inspection as a C of O property; nothing coming off a Certificate of Code Compliance has an "A" rating (Ms. Moermond: if Mr. Strouth was told it's an "A", it's an "A")
- Feb 2012 - there was a complaint for overcrowding and using the attic and basement for sleeping rooms
- Inspector Beumer's notes from an inspection in Feb/Mar 2012: was allowed access by the occupants and found an illegal bedroom in the basement (used infrequently); doesn't appear to be overcrowded but found missing hardwired smoke detectors and CO alarms on the 1st floor; called and left a voice message with the property owner and issued Orders; transferred it over to the Fire C of O Program
- missing smoke detectors is a 24-hour turnaround
- Mar 13, 2012 - couldn't get in (no entry fee deleted)
- Mar 23, 2012 - owner called and stated that tenants were moving out Apr 1, 2012; planning to remodel 1st floor; have permit to create bigger rooms
- Inspector Beumer gave the owner the benefit of the doubt on some of this
- building permit finalized: 1-4-13 (pulled 8-7-12)
- electrical permit finalized: Jan 2013 (pulled 7-18-12)
- remodel repair permit finalized: Jan 2013 (pulled 6-21-12)
- 6-29-12 - inspection re-scheduled
- 8-7-12 - owner called to re-schedule; remodel work still being done
- think inspector was trying to give the owner a break
- regular C of O fee for a single family home is \$170

Ms. Moermond:

- will recommend that the City Council decrease the assessment to \$170

Mr. Strouth:

- the day they came out to inspect, they said he'd need another inspection; Mr. Strouth asked them why they just couldn't do it off of this one? They said they couldn't - he'd need to get another inspection

Ms. Shaff:

- the clock starts ticking from the 1st inspection and he got a lot of deficiency points

Ms. Moermond:

- but it should have been Revoked Unoccupied
- will suggest that DSI put off that inspection, barring complaints, for another year
- that seems appropriate under the circumstances

Referred to the City Council due back on 9/4/2013

5 [RLH TA 13-488](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1312B, Assessment No. 138114 at 1849 SEVENTH STREET EAST.

Sponsors: Lantry

No show; approve the assessment.

Referred to the City Council due back on 9/18/2013

Special Tax Assessment Rolls

- 6 RLH AR 13-76** Ratifying Boarding and/or Securing services during May 2013. (File No. J1312B, Assessment No. 138114)
Sponsors: Lantry
Referred to the City Council due back on 9/18/2013
- 7 RLH AR 13-77** Ratifying Graffiti Removal services during May 29 to June 3, 2013. (File No. J1312P, Assessment No. 138411)
Sponsors: Lantry
Referred to the City Council due back on 9/18/2013
- 8 RLH AR 13-78** Ratifying Demolition services from May 2013 at 924 Eleanor Ave. (File No. J1313C, Assessment No. 132016)
Sponsors: Lantry
Referred to the City Council due back on 9/18/2013
- 9 RLH AR 13-79** Ratifying Tree Removal services from May 2013 at 1260 Summit Ave. (File No. 1307T, Assessment No. 139008)
Sponsors: Lantry
Referred to the City Council due back on 9/18/2013

11:00 a.m. Hearings

Summary Abatement Orders

- 10 [RLH SAO 13-31](#)** Appeal of Ronald J. Adams to a Summary Abatement Order at 674 WELLS STREET, 676 WELLS STREET, and 680 WELLS STREET.
Sponsors: Bostrom
Grant until August 23, 2013 for compliance.
RE: 674 Wells Street (Vacant Lot) HRA owned
RE: 676 Wells Street (Single Family)
RE: 680 Wells Street (Vacant Lot/People's Park) HRA owned
Ronald J. Adams (Arjo), owner of 676 Wells Street, appeared.
Ms. Moermond:
- Summary Abatement Order on the fence

Rich Singerhouse, Vacant Buildings:

- *Summary Abatement issued Jul 30, 2013 re: 674, 676 and 680 Wells St, 3 different owners*
- *there's a park at 680 Wells that's been condemned: structurally unsound*
- *676 Wells is also condemned, Category 2 Registered Vacant Building - has changed to a Cat 3 VB*
- *the Parks Dept does not want anyone to gain access to the park at 680 due to the condemnation and safety factor*
- *the fence is to be completed Aug 2, 2013*
- *Parks Dept put up a fence at 680*
- *the fence has not yet been put up at 676 or 674*
- *Inspector Yannarely wrote the Orders*
- *indicated on a diagram where fence exists and where more fence is to be erected, noting available access points*
- *white picket fence exists on some parts of the properties*

Mr. Adams:

- *has photos (Ms. Moermond asked him to email those photos to her office to have them put onto the record)*
- *647 has a fence around it (white picket)*
- *re: 647 (25 ft lot): Mr. Adams and his sister and Dan Bostrom made a deal: Arjo and his sister would maintain the yard; they would not put any permanent structures on it and they had to carry a \$1M liability insurance policy on it, which they have maintained up until this point*
- *there is no fencing between 674 and 676 and none has been ordered to be erected*
- *they have lawn furniture on the 674 lot; it's the only lawn they have*
- *they also have placed a fence across the back of 676*
- *he also said that Parks did not complete the fence they erected and it does not prevent anyone from going in from the back*

Ms. Moermond:

- *in this case, we are just talking about the front of parcel 676, so, she will amend the Order and say that for 676 Wells, the Order pertains only to the front of the property from side to side so that it connects with the fence that Parks erected on 680 and that the HRA is responsible for erecting on 674 (Mr. Singerhouse notes that if fence is erected in front of the properties, no one will get in; we're allowing Mr. Adams to put up his portion so that there will also be a gate for his use because if the city erects it, there will probably be no gate)*

Mr. Adams:

- *argues that a fence will not keep people out*
- *he and Ms. Moermond reviewed his photos*

Mr. Singerhouse:

- *the city wants no one to be able to access the house except for Mr. Adams*
- *the nuisance condition of the house at 676 Wells that's been Condemned and the surrounding land*

Mr. Adams:

- *does not believe that the house at 676 has been proven to be in a Condemned condition (Ms. Moermond: assured Mr. Adams that the house has been Condemned; in 3 weeks on Aug 27, 2013, the proposed Order to Remove/Repair will come before Legislative Hearing)*
- *is kind of opposed to the fence; thinks it's silly and a waste of time and money; believes that the only reason for this Order is for harassment*

- he is trying to figure out if the city is just being mean spirited -- because this fence isn't going to protect anything at all

Ms. Moermond:

- explained that Condemnation for public safety purposes has already happened to Mr. Adams' property; it is has been Condemned and Ordered vacated but it still belongs to Mr. Adams; it's Condemned and it can't be used; as opposed to the city pursuing eminent domain, which would be a taking of Mr. Adams' property; even if the house is demoed, the city would not be taking the piece of land

- the question that she must consider is: "Does this property pose a sufficient nuisance to require that a fence be installed across the front of it connecting with the fences on the other two adjacent parcels?"

- the city says it's a nuisance because of the (unsafe) building and the unsafe site conditions

- asked Mr. Singerhouse why a "fence" was chosen as a deterrent in this situation

(Mr. Singerhouse: a fence is probably the best way to keep people out; he thinks that signs should also be placed at all 3 sites)

- right now, Mr. Adams can't use the parking spaces in back of 676 for any permanent use parking (Condemned properties have no "use"); it's a Registered VB, so until it's occupied, the accessory uses aren't acceptable

Mr. Adams:

- there's a pile of stones from Hamm's Brewery that a police officer friend of his is coming to get - would need some way to pick them up

Ms. Moermond:

- all of this will be discussed more fully in 3 weeks when we discuss the substantial abatement Order on the house and the site (676)

Mr. Adams:

- he has had the media contact him within the last 6 weeks

- he lives in that house; it's never been vacant; his mailman will testify that the house has never been vacant; he has never not lived in that house for the last 1 1/2 years; it's absolutely ludicrous!

Ms. Moermond:

- so, the house is being illegally occupied

- the house has a Code Compliance Inspection Report on it

- the placards on the front of the house say that occupancy is illegal

- Mr. Adams had appealed that Order and lost that appeal in front of the City Council

- will concur with DSI's recommendation as amended per 676 Wells St

- Mr. Adams is responsible only for the 676 portion of the fence, which shall be completed by Aug 23, 2013; there will be the same expectation from the HRA

- City Council Public Hearing Aug 21, 2013

Referred to the City Council due back on 8/21/2013

Orders To Vacate, Condemnations and Revocations

- 11 [RLH VO 13-33](#) Appeal of Kamran Mortezaee to a Fire Certificate of Occupancy Revocation and Order to Vacate at 1221 PIERCE BUTLER ROUTE. (Public hearing continued from July 24)

Sponsors: Stark

Grant until October 1, 2013 for compliance and if not done, will be in the Vacant Building Program.

RE: 1221 Pierce Butler Route (Residential Garage / Shed-C-Automotive)

Kamran F. Mortezaee, Responsible Party, appeared together with Dick Rehman, Attorney.

Mr. Rehman:

- had the settlement hearing with Judge Merinan and the title problem went away*
- were able to obtain financing*
- got a building permit*
- have a contract with a construction company to do installation starting Aug 29, 2013*
- all is set except for when the construction is completed and the hook-up with the city*

Ms. Moermond:

- we're left with the Vacate Order (appealed)*
- the issue is resolved*
- the Vacate Order was issued Jun 11, 2013*
- the key thing in play right now is the Certificate of Occupancy vs. when the property would be put into the VB Program*
- her inclination is to grant time and waive the VB program*
- a good effort has been made*
- will grant until Oct 1, 2013 to get the work done; if the work is not done, the property will go into the VB Program*

Referred to the City Council due back on 8/21/2013

11:30 a.m. Hearings

Orders To Vacate, Condemnations and Revocations

- 12 [RLH VO 13-40](#) Appeal of Steven Horvath to a Notice of Condemnation as Unfit for Human Habitation and Order to Vacate at 1322 BURR STREET.

Sponsors: Brendmoen

Need photos of the exterior.

RE: 1322 Burr Street (Single Family)

Steven Horvath appeared.

Inspector Scott St. Martin:

- complaint came into the Department of Safety and Inspections (DSI) saying that the roof had a tarp on it and has been there for a month; the roof is caving in; the porch balcony is caving down; the wires attached to a board are just hanging there off the back of the house*
- Inspector Seeley went out to inspect Jul 26, 2013; she thought the house should be Condemned and sent Correction Orders out*
- Inspector's notes: roof was deteriorating, defective or in a state of disrepair - repair or replace the roof covering to a sound type, waterproof, impervious condition; a permit may be required; there's excessive clutter throughout the house - floors are covered with debris in an unsanitary condition; the electrical mast is falling off the house and creating a hazardous condition; eaves and soffits are indisrepair or deteriorating; the exterior walls and trim are defective*

- Orders sent with an Aug 2, Vacate date

Ms. Moermond:

- fast turn around; dangerous conditions

Mr. Horvath:

- just repaired the electrical mast - wires hanging off the back of the house (damage from the last storm; a neighbor called while he was in Wisconsin taking care of his sister); was he supposed to pull a permit just to put the panel back on? (Ms.

Moermond: yes)

- he's having a "war of words" with his insurance company because they said they would not replace the roof from being damaged by a storm

Ms. Moermond:

- a permit is needed for the electrical mast, although Mr. Horvath did fix it; someone will go out and check his work

- excessive materials

Mr. Horvath:

- believes that Ms. Seeley saw the 8-9 bags of recycling: cans, bottles, plastic, paper (it's all gone as of last Wed)

- he does have a lot of stuff and needs a dumpster

- his next door neighbor is going to look into grants in case he can't get his insurance to pay for the roof; actually, the back porch roof

- his neighbor is going to fix the eaves and soffits

Ms. Moermond:

- House Calls Program - Kay Wittgenstein, can provide a free 40-yard dumpster: 651/266-1285

- she is not comfortable with Mr. Horvath continuing to live there while she doesn't know for sure that the electrical mast situation has been correctly addressed or that the unsanitary conditions and clutter have been addressed

- need to get the permits pulled and signed (375 Jackson St, 2nd floor)

- needs to see some exterior photos before making a decision

- Appellant can be at the house from 8 am to 8 pm to clean it out and do work on it but he can't live there

Mr. Horvath:

- can probably stay with his cousin

Ms. Moermond:

- Mr. Horvath needs to get the electrical service mast and the interior conditions addressed before she will allow him to live back in that house

- will Lay this Over for 1 week (Aug 13, 2013 LH)

- depending on the photos, she may turn the rest of the Orders into a Correction Order, which would allow him to move back in again while he does the work

Laid Over to the Legislative Hearings due back on 8/13/2013

13 [RLH VO 13-39](#)

Appeal of Josh Whaley to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 439 MARYLAND AVENUE EAST.

Sponsors: Brendmoen

Grant until September 6, 2013 for compliance.

RE: 439 Maryland Avenue East (Single Family)

Josh Whaley, tenant, appeared.

Fire Inspector A. J. Neis:

- *Revocation of the Fire Certificate of Occupancy and Order to Vacate issued by Fire Inspector Ben Ellis*
- *currently, the property is not in compliance with issued Orders*
- *Mr. Ellis has been trying to get into the property since Jan 2013; he has not been able to get access because of owner not being available and he has also been refused access*
- *multiple code violations that have not been corrected*
- *also, there is work being done in the basement that require permits but there are no permits on file*

Ms. Moermond:

- *it looks like Mr. Whaley is a tenant who has a landlord who hasn't worked with the Department of Safety and Inspections (DSI) to get the Certificate of Occupancy*

Mr. Whaley:

- *there have been issues with making contact; the first time the inspector showed up, he had not been given the letter of appointment*
- *the owner works for the state department so he's out of the country about 90% of the time so, Mr. Whaley is trying to cover his back*
- *the second time, the inspector and he connected; Mr. Ellis issued Orders for repair, which Mr. Whaley had finished months ago*
- *he was scheduled to come back and re-inspect at 2:30 pm on the appointment day; on that day, Mr. Whaley was there but....*
- *on Jul 29 and 30, he was trying to get a hold of him to verify that permits had been taken care of because everything else on the list had been done*
- *the owner re-opened an existing electrical permit and got signed-off on that*

Ms. Moermond:

- *told Mr. Whaley to get the signature of the owner, Mr. Saari, so that Mr. Whaley can become the responsible party and all correspondence would also go to him*
- *the re-inspection was scheduled for Jul 31, 2013 and the repairs are going on*
- *is looking for a definite time for these things to be addressed*
- *Revocation is related to multiple attempts to get these things taken care of*
- *will recommend granting an extension to Sep 6, 2013 to get these repairs done; and Mr. Whaley will file the form with the owner's signature*

Referred to the City Council due back on 8/21/2013

1:30 p.m. Hearings

Correction Orders

- 14** [RLH CO 13-26](#) Appeal of Elizabeth Teefy to a Fire Inspection Correction Notice at 626 CHEROKEE AVENUE.

Sponsors: Thune

Rescheduled per owner's request.

Laid Over to the Legislative Hearings due back on 8/20/2013

Fire Certificates of Occupancy

- 15 [RLH FCO
13-157](#) Appeal of Mike Fitzgerald to a Correction Notice-Complaint Inspection at 2118 GRAND AVENUE.
- Sponsors:** Stark
- Grant the appeal with the understanding that the retaining wall will be monitored by the Department of Safety and Inspections (DSI).*
- RE: 2118 Grand Avenue (Duplex)*
- Mike Fitzgerald, owner, appeared.*
- Ms. Moermond:*
- got additional photos from staff
- Fire Inspector A. J. Neis:*
- at the request of Ms. Moermond, Mr. Neis went out to inspect the retaining wall
 - it's between 2 1/2 - 3 feet high
 - it is leaning about 4 inches into the public right-of-way at the top
 - the wall is not in imminent danger of collapse; it's a solid, poured concrete wall
 - it was patched about 5 years ago and while unsightly, is not a hazard
 - the leaning is occurring because of drainage from the roof, etc.
 - the wall does need to be addressed; it's a violation because it leans into the public way
 - Mr. Fitzgerald is asking for a couple of years to get it fixed; he installed a new roof just recently
- Ms. Moermond:*
- will recommend that the City Council grant this appeal with the understanding that the retaining wall will be checked every couple of years
- Referred to the City Council due back on 8/21/2013**
- 16 [RLH FCO
13-180](#) Appeal of Xuan Nguyen to a Fire Certificate of Occupancy Correction Notice at 1227 MAGNOLIA AVENUE EAST.
- Sponsors:** Bostrom
- Grant a 3-inch variance on the ceiling height in the basement bedroom.*
- RE: 1227 Magnolia Avenue East (Single Family)*
- Ton Nguyen, son of owner, Xuan Nguyen, appeared.*
- Fire Inspector A. J. Neis:*
- Fire Certificate of Occupancy Correction Notice dated Jul 29, 2013 by Inspector Ben Ellis
 - inspector noted that ceiling height in basement bedroom was not the minimum required height of 7 feet
 - property owner provided photo of bedroom; it shows that the ceiling is approximately 6'9" (3 inches short of the required height)
- Mr. Nguyen:*

- the room existed before
- since they purchased the house, Section 8 said that if the city is OK with it, they are also OK with it

Mr. Neis:

- the building was inspected and approved by their office in 2011
- in 2003, there was a fire in this building; building permits were pulled (value: \$8,200)
- the bedroom looks as though it was part of that permit

Mr. Nguyen:

- the fire took place before his parents purchased it

Ms. Moermond:

- will recommend the Council grant a 3 inch variance of the ceiling height in this basement bedroom
- Ms. Vang will email a confirmation to the Appellant tomorrow

Referred to the City Council due back on 8/21/2013

- 17 [RLH FCO 13-176](#) Appeal of Jeff DeLisle to a Fire Certificate of Occupancy Correction Notice at 538 SAINT PETER STREET.

Sponsors: Thune

Deny the appeal; no one appeared.

Referred to the City Council due back on 8/21/2013

- 18 [RLH FCO 13-184](#) Appeal of Mary Durkop, on behalf of Hamline Housing Trust, LLC, to a Correction Order at 1731 THOMAS AVENUE.

Sponsors: Stark

Rescheduled to August 13, 2013 per owner's request.

Laid Over to the Legislative Hearings due back on 8/13/2013

Window Variances: Hearing Required

2:30 p.m. Hearings

Vacant Building Registrations

- 19 [RLH VBR 13-45](#) Appeal of Justin Waggoner, JUT Capital, LLC, to a Vacant Building Registration Requirement at 361 BATES AVENUE.

Sponsors: Lantry

Waive the vacant building fee for 4 months.

RE: 361 Bates Avenue (Three/Four Family)

Orlando Henderson, appeared on behalf of Justin Waggoner, JUT Capital, LLC, owner.

Rich Singerhouse, Vacant Buildings:

- Revoked by Certificate of Occupancy Program and referred to the VB Program
- opened a Category 2 VB file Jul 8, 2013

Fire Inspector A. J. Neis:

- Revoked in Aug of 2012 for 85 code violations
- there are a lot of open permits
- there is a code compliance inspection report

Mr. Henderson:

- update: pulled permit in Jan 2013; it had been a 10-Unit rooming house, which had become a nuisance property
- the inspector suggested that it be changed back to a 4-Unit
- they got the permits; dealt with the HPC and inspectors
- end of Jan-early part of Feb, 2013, the octopus broke and caused the pipes to burst
- it was just a nightmare; dealing with the insurance company for a pay out; it was a catastrophic event; there's been no progress with repairs since then
- he got an Email from MetLife 2 days ago saying they were reviewing the claim (an engineer talked to an attorney - need to let the adjuster know); it looks as though the claim will be settled
- in the meantime, they have had contractors out: plumbing; heating; etc. - estimates have been sent to the insurance company
- the intention is to make this a good property

Mr. Neis:

- open permit valued for \$53,000 worth of work

Mr. Henderson:

- hoping the payout to come by the end of Aug; then, it will be a 90-day process to finish - before winter, at least
- if the insurance doesn't pay out, they are prepared
- it's not an option to give up on this property

Ms. Moermond:

- will recommend waiving the VB fee for 4 months to avoid the assessment
- the property will be in the VB Program
- if the work is not done in 4 months, you will get the VB assessment bill

Referred to the City Council due back on 8/21/2013

- 20** [RLH VBR 13-44](#) Appeal of Adam of Ilfrich, LLC to a Vacant Building Registration Requirement at 910 MAGNOLIA AVENUE EAST.

Sponsors: Bostrom

Deny the appeal.

RE: 910 Magnolia Avenue East (Single Family)

Adam Ilfrich, Ilfrich LLC, owner, appeared.

Rich Singerhouse, Vacant Buildings:

- Category 2 Vacant Building file opened Jul 10, 2013
- after Inspector Friel went to the house, he found a sagging porch roof with structure pulling away from the house; front porch floor deteriorated; defective siding; deteriorated roof; missing and broken storms and screens; and poorly patched

eaves; the electricity is also off
- letter was written Jul 12, 2013

Mr. Ilfrich:

- the power was off; it was a mistake on their end - his secretary was on maternity leave so, she didn't switch the utilities over when the tenant moved out
- previous tenant moved out in Nov 2012
- is in the Section 8 Program and has passed all of their inspections
- they have had the property around 10 years and have had no issues
- they also own the property across the street at 915 Magnolia, which also passed all the inspections
- didn't find out the power was out until recently; found out through the city inspectors
- the tenant returned back to the house and somehow got in (they had changed the locks); she turned the furnace off last winter, which caused the pipes to freeze and there was some leakage; that's why the property hadn't been rented out immediately; they had to do a lot of repairs and it's all fixed now
- have signed a lease as of Aug 1, 2013
- it's not a perfect house but it's a safe house; there's no broken screens/storms
- some kids broke the window in the laundry room a couple weeks ago and someone broke into the basement (it's right next to a park); all has been repaired

Fire Inspector A. J. Neis:

- no permits were pulled for any of the plumbing work
- the Certificate of Occupancy situation: under Ilfrich LLC, it was Condemned in 2007 for work done without permits (new furnace); in 2010: there were 12 code violations - took multiple inspections to get it into compliance again; 2011: also took multiple times to get the building into compliance
- it's a long period of time if it takes over 90 days
- currently, the C of O status is valid (it was sent over from the VB Program)

Mr. Ilfrich:

- has been managing these properties for about 1 1/2 years; they have a lot of properties
- the owner managed before Mr. Ilfrich came onto the scene
- Section 8 renters just trash the place; have lots of problems
- they like to keep their houses in the Section 8 Program
- the new lease was signed Jul 28, 2013
- after a tenant moves out, they need to clean them and repair things; sometimes, it takes months to get the buildings back in shape to rent again

Ms. Moermond:

- there is a pattern of bad behavior of managing
- 3 things stick out here: 1) the electric has been off for a couple weeks (will get you Condemned); 2) plumbing work was done without permits; and 3) multiple code violations

Mr. Singerhouse:

- Inspector Nelmark referred it to VB because the electricity was off

Mr. Neis:

- referred to a recent Truth in Sales and Housing Inspection Report (TISH) conducted on behalf of the owner Aug 3, 2013 by a private evaluator
- noted: basement electrical service/grounding is hazardous, below minimum
- floor drain: below minimum
- water piping: hazardous; cut and removed piping; water heater installation below minimum; water tub not vented; plumbing fixtures; unapproved coupling at sink drain

pipe; work done with unapproved materials
 - broken glass at laundry area door; damaged basement level doors (could mean boarded)
 - based on what he's seeing, this would meet the definition of a Category 2 VB

Ms. Moermond:

- it's been a VB since Nov 2012 and it has multiple code violations
 - TISH Report notes the plumbing problems; no history of permits
 - you signed a lease for a Registered Vacant Building
 - VB definition: unoccupied and secured by other than normal means/boarded and Condemned as Unfit for Human Habitation or Condemned or Vacated by Fire C of O or unoccupied with multiple violations of housing and building code
 - Chap 43.027: unoccupied and unsecured will make you a Cat 1 VB; unoccupied and secured by other than normal means will make you a Cat 1 VB (means empty for 365 days meeting those conditions - turn key); the next part of the definition: unoccupied and a dangerous structure (this is not going on here); next - unoccupied and Condemned (lacking electricity); next - unoccupied and has multiple housing or building code violations; next - Condemned and illegally occupied; next - unoccupied for a period of time, over 365 days
 - not seeing anyone taking adequate responsibility
 - will recommend denying this appeal and this property is in the VB Program
 - City Council Public Hearing Aug 21, 2013

Referred to the City Council due back on 8/21/2013

Other - 3:00 p.m.

21 [RLH OA 13-62](#)

Appeal of John Wade to a Fence Permit Denial at 1540 IOWA AVENUE EAST.

Sponsors: Bostrom

Grant the appeal.

RE: 1540 Iowa Avenue East (Single Family)

John Wade, owner, appeared.

Ms. Moermond:

- this is a fence appeal for a taller fence (8'6") than what is allowable under code

Mr. Wade:

- brought photos
 - this fence has been torn down 12 times
 - the problem is the part going around the back half (4 ft high chain link)
 - near the alley - the garage is next to this wall-fence
 - kids tear down the wall (fence) and steal their things: toys, bikes, lawn mower, 2-3 generators, motor cycle, 40 ft ladder, cameras, etc.
 - they have lost \$30,000 worth of stuff in vandalism and theft
 - and everything they tear the fence down, we have to fix the fence (they take the whole thing down)
 - he has 2 classic cars in his garage - can't risk kids scratching the cars (\$40,000 and \$120,000 worth of classic cars)
 - originally, they spent around \$10,000 on cameras (now, you can watch them steal your stuff and you don't know who it is)
 - since he's erected the 8'6" portion of the fence/wall, he hasn't had a problem with

stealth

- the area is 5 ft x 36 ft

- it's not feasible to widen his garage

- his neighbor approves of the wall/fence because when the kids have torn down the regular fence and stolen his items, they have also damaged the neighbor's lawn (and he is very particular about his lawn)

Ms. Moermond:

- ideally, all those things would be stored in his garage

- will recommend the Council grant this appeal with the condition that the fence/wall be maintained

- City Council Public Hearing Aug 21, 2013

Referred to the City Council due back on 8/21/2013

Staff Reports

- 22** [RLH VBR 13-33](#) Appeal of Michelle Wilson to a Vacant Building Registration Requirement at 690 IGLEHART AVENUE. (To be referred to Legislative Hearing on August 6, 2013)

Sponsors: Khaliq

Deny the appeal.

RE: 690 Iglehart Avenue (Single Family)

No one appeared.

Ms. Moermond:

- was looking for Michelle Wilson to have sent someone on her behalf

- believe that she said her brother would be able to attend

- is not seeing anyone here nor anyone taking responsibility for the maintenance of this property

- it does meet several of the key parts of the definition for a Registered Vacant Building Program as a Category 2

- will recommend the City Council deny this appeal

Referred to the City Council due back on 8/21/2013