



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final Legislative Hearings

Marcia Moermond, Legislative Hearing Officer
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651-266-8560

Tuesday, December 18, 2012

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Special Tax Assessments

- 1 [RLH TA 13-17](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1303, Assessment No. 138202 at 1235 ALBEMARLE STREET.

Sponsors: Brendmoen

Reduce the assessment from \$278.00 to \$128.00.

Lonnie Labruca, obo David Flavin, appeared.

Sean Westenhofer:

-Cost is \$128.00, service charge is \$150 for a total of \$278.00, single-family, Fire Certificate of Occupancy

-Orders done on May 24, 2012

-Invoice billing is July 12, 2012 and August 13, 2012

-Order and Billing sent to responsible party/property owner Deise Capital LLC, c/o Al Conrad, 103 Wildwood Beach Rd, Mahtomedi MN 55115

Ms. Moermond:

-got a couple of inspections here, actually just a regular Fire C of O

Leanna Shaff:

-they had a water shut off

-revoked C of O

-went to Category 2

-then water was back on, inspection passed

-long time for inspection so this is the correct C of O fee which is now \$170

-went to old responsible party

Ms. Labruca:

-is there a central phone number? My staff has called the City. Property manager, Al Conrad, suddenly stopped one day and it was transferred to me

-got other 45 properties to deal with and told City to transfer to us but there were some that didn't get to us

Joel Essling:

-questioned what is the phone of the current property manager

Ms. Labruca:
-651-330-6006

Joel Essling:
-that is listed in the Fire C of O

Ms. Moermond:
-asked if there was a list of the properties and was it submitted to the City and if not, she would need to email to Fire C of O

Leanna Shaff:
-told Ms. Labruca that she needs to fill out a ownership change form which is also on the internet

Ms. Labruca:
-property is currently rented, maintaining the property but just didn't received the inspection notices.

Ms. Moermond:
-asked who got the bill

Sean Westenhofer:
-Mr. Conard

Ms. Moermond:
-asked if owner is David Flavin

Ms. Labruca responded yes and Mr. Conard was the previous property manager.

Joel Essling:
-Mr. Conard's number is listed with the Ramsey County.

Ms. Moermond:
-REC layover to January 8, 2013 for notification questions

After the hearing, Ms. Moermond recommended that the service charge of \$150.00 be deleted.

Laid Over to the Legislative Hearings due back on 1/8/2013

- 2** [RLH TA
12-602](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1303B, Assessment No. 138102 at 1299 ARCADE STREET.

Sponsors: Bostrom

No show; approve the assessment.

Referred to the City Council due back on 2/6/2013

- 3** [RLH TA
12-604](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1303, Assessment No. 138202 at 1572 CASE AVENUE.

Sponsors: Bostrom

No show; approve the assessment.

Referred to the City Council due back on 2/6/2013

- 4 [RLH TA 12-599](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1303 Assessment No. 138802 at 1001 EUCLID STREET.
- Sponsors:** Lantry
- Reduce the assessment from \$1250.00 to \$400.00 since the building was on vacant building list for 3.5 months only after due date.*
- Referred to the City Council due back on 2/6/2013**
- 5 [RLH TA 13-3](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1302A, Assessment No.138501 at 1074 EUCLID STREET.
- Sponsors:** Lantry
- No show; approve the assessment.*
- Referred to the City Council due back on 1/16/2013**
- 6 [RLH TA 12-607](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1301, Assessment No. 138800 at 1860 GLEN TERRACE.
- Sponsors:** Thune
- Approve the assessment.*
- Robert Koehler appeared, listing broker for HUD.*
- Ms. Moermond:*
-you're trying to sell this property?
- Mr. Koehler:*
-trying to resolve situation for the buyers
-HUD property
-assessed a VB fee
-buyers are young couple, first house and sold for \$25,000 and has \$1700 in fees.
-buyers want to walk away from it if there are all these fees
-been dealing with HUD for the last months to see if HUD will pay for it or not
-HUD saying they're exempt from paying so trying to help the couple to get the fees waived so that they can schedule a closing date
- Ms. Moermond:*
-want to distinguish with what the previous case covered versus this case
-In previous case, there was no disclosure of the outstanding fees
-in your case, you are aware of the situation and you are disclosing it
-common problem for HUD properties not disclosing information
-as a practice we need to come forward and usually grant a 90 day waiver if repairs are made
-if can get permit closed in 90 days, usually will delete the assessment
-this situation is different because there is full knowledge of disclosure up front but no work out plan for things to be taken care of
-when HUD dumps properties with no disclosures, the fees still exists except they don't have to pay it.
- Mr. Koehler:*
-was trying to avoid having the buyers paying the fees if it can be and that is why I

am here.

Joe Yannarely:

*-last case, buyer bought 2 weeks before VB fee was due so it was not assessed yet.
In this case, the fee were already assessed.*

Ms. Moermond:

*-Fee would have been billed at the time of acquisition.
-the bill goes out a month before the anniversary date, issued another bill two weeks prior to anniversary date*

Joe Yannarely:

-correct

Ms. Moermond:

*-there would have been at least one bill at the time
-HUD should have disclosed
-wants to be clear because Councilmember Carter has been meeting with HUD
-when scheduled for PH?*

Mai Vang:

-January 2, 2013 PH

Ms. Moermond:

-When is the closing date scheduled for?

Mr. Koehler:

*-tomorrow if they could
-if getting a waiver, the buyers can close this week*

Ms. Meormond:

*-what HUD should do is decrease the price
-City incurred the cost in this being in the VB program.*

Joe Yannarely:

-was there a TISH report

Ms. Moermond:

*-of course not, HUD never do.
-HUD find themselves exempted from this so we have unsuspected buyers who may or may not be financially stable or competent to do the rehab
-the report be can be ordered by the seller
-in order to sell the property, it has to have a code compliance inspection to transfer in lieu of a TISH report
-some can have a Fire C of O order or a TISH report
-REC approving the assessment*

Referred to the City Council due back on 1/2/2013

7 [RLH TA](#)
[12-589](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1302A, Assessment No. 138501 at 271 HAZELWOOD STREET.

Sponsors: Lantry

Approve the assessments.

RE: 271 Hazelwood Ave (single family)

Lonnie Labruca appeared.

Inspector Paula Seeley:

- an emergency abatement for refuse combined with Orders to cut tall grass and weeds
- emergency abatement posted Aug 9, 2012; needed to be cleaned up by 7:30 a.m. Aug 10, 2012
- the city did the work on Aug 10, 2012
- Aug 16, 2012 - letter sent to cut tall grass and weeds; compliance date Aug 20, 2012
- re-checked Aug 21, 2012
- city did work Aug 22, 2012
- cost of work: \$660 + \$270 service charge = \$930
- no returned mail

Ms. Labrocca:

- the owner of this property had hired a gentleman to maintain the yard
- the tenants had been evicted; they had been over there in Jul
- there was some furniture, etc. left outside
- there was probably a span of 5-7 days before they had other workers over there cleaning things up
- the Order that she got was for some large items that someone dumped
- Aspen Waste picked up some larger items
- she was not aware of the grass Order
- sometimes, by the time she gets the Order from the owner, it's already too late

Viewed first VIDEO for trash clean-up - debris scattered around yard

Inspector Joel Essling:

- he was the inspector on this
- there was garbage service but according to the company, the people were not putting a container out for pick-up; they were just throwing the garbage outside
- there was also a freezer in the back yard
- he called the property owner and advised him
- he also left a message with the previous property manager

Ms. Labrocca:

- she did not receive any information on this
- it was no more than a week between the tenants were evicted and when they could get over there to clean-up
- her company had the love seat removed; has receipts
- her company paid the contractors and Aspen Waste

NO VIDEO for the tall grass and weeds; no photos, either

Ms. Moermond:

- is seeing the clean-up happen
- will recommend approval on the clean-up
- will recommend approval on the grass, too

Referred to the City Council due back on 1/16/2013

8 [RLH TA 13-2](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1302A, Assessment No.138501 at 959 HUDSON ROAD.

Sponsors: Lantry

No show; approve the assessment.

Referred to the City Council due back on 1/16/2013

- 9 [RLH TA
12-164](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1207A1, Assessment No. 128520 at 559 MCKNIGHT ROAD SOUTH. (Public hearing continued from October 3, 2012)

Sponsors: Lantry

12/11/12 - Assistant City Attorney, Larry Hayes, Jr., sent a letter saying the City is an agreement on a postponement of the December 18, 2012 Legislative Hearing and January 16, 2013 City Council public hearing until the the Civil litigation appeal proceedings is completed.

To be laid over at the January 16, 2013 City Council.

Referred to the City Council due back on 1/16/2013 (To be laid over)

- 10 [RLH TA
12-610](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1301A, Assesment No. 138500 at 1070 MACKUBIN AVENUE.

Sponsors: Brendmoen

Delete the assessment. Orders were sent to wrong address.

Referred to the City Council due back on 1/2/2013

- 11 [RLH TA
12-611](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1301A, Assessment No. 138500 at 1072 MACKUBING STREET.

Sponsors: Brendmoen

Delete the assessment. Orders sent to wrong address.

Referred to the City Council due back on 1/2/2013

- 12 [RLH TA
12-605](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1302P, Assessment No. 138401 at 1876 MAGNOLIA AVENUE EAST.

Sponsors: Bostrom

Delete the assessment. Graffiti was not on this property.

Referred to the City Council due back on 2/6/2013

- 13 [RLH TA
12-591](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1302, Assessment No. 138201 at 1152 MARION STREET.

Sponsors: Brendmoen

Approve the assessment and spread the payments over five years.

RE: 1152 Marion St (duplex)

Darlene R. Hoppe, owner, appeared.

Fire Inspector Sean Westenhofer:

- Fire Certificate of Occupancy inspection cost \$750
- Orders sent Sep 20, Nov 28, Dec 14, 2011; Jan 20, Mar 19, Apr 4, Apr 27, 2012
- invoices sent Jun 5 and Jul 5, 2012
- sent to Darlene Hoppe, 261 Dawn Ave, Shoreview, MN

Ms. Hoppe:

- she has spent a lot of money already and is hoping the assessment can be reduced
- already sent a check for \$950 for having the inspector come back and forth
- she thought it would cost about \$15,000 total for all the work but it's more than double that amount

Ms. Moermond:

- this has been going on for a very long time
- the city is looking for re-imburement for the cost of doing these inspections
- is glad that the repairs are taken care of but all she can look at is whether Ms. Hoppe was given Notice and whether the city provided a service
- will recommend the assessment be approved and divided over 5 years
- City Council Public Hearing Jan 16, 2013

Referred to the City Council due back on 1/16/2013

- 14 RLH TA 13-18** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1303B, Assessment No. 138102 at 2027 MARSHALL AVENUE/ 253 WILDER STREET NORTH.

Sponsors: Stark

Laid over for staff report.

Richard Kim, obo Young Kim, appeared.

Paula Seeley:

- emergency boarding, requested by SPPD for burglary forced entry into a business, a liquor store called Marshall Liquors.
- need to secure the glass entrance door to the business which suspect broke into on August 26, 2012 at 3 p.m.
- cost is \$448.90

Ms. Moermond:

- you got robbed in the middle of the day. What day of the week was this?

Mr. Kim:

- early Sunday

Ms. Moermond:

- questioned whether it should be 3 a.m. rather than 3 p.m.
- Police reports said 3 p.m. but details said it's 0116 which is 1 a.m., Sunday in the wee hours, someone breaks in the front and alarm goes off, police shows up
- questioned whether owner was notified right away

Mr. Kim:

- yes, we did. My father paid a restoration company for \$293.90 to board up the front door. Wants fees removed. We would have contacted a glass company in the

morning.

Ms. Moermond:

-questioned whether Respo often collects from the owner directly

Paula Seeley:

-never seen it done before

Mr. Kim:

-someone from the City dropped off an invoice and my father paid for the bill.

-Judy Swagge from Restoration Pro.

Joel Essling:

-had done this myself before where I had contacted the owner to pay the bill to avoid the restoration fee

Ms. Moermond:

-questioned City staff whether there were two police reports.

Joel Essling:

-only received one

Ms. Moermond:

-questioned when owner had a chance to talk to the police about the incident

Mr. Kim:

-I got there right away after getting a call, talked to the police, picked up broken glass

Ms. Moermond:

-might end up deleting the assessment.

-wants to follow up with Restoration Pro to square away the situation

-boarding happened much later than the incident itself

Mr. Kim:

-Restoration Pro came that same night

Ms. Moermond:

-Laid over to Jan 8, 2013 for staff report.

-Mai will follow up by phone call

Laid Over to the Legislative Hearings due back on 1/8/2013

15

[RLH TA](#)
[12-600](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1303, Assessment No. 138802 at 649 ROBERT STREET SOUTH.

Sponsors: Thune

Delete the assessment. (Building must be finalized by February 1, 2013 or DSI will re-bill VB fee.)

RE: 649 Robert St S (single family)

Ckhrstian R. Quintero, owner, appeared.

Inspector Joe Yannarely:

- registered Vacant Building fee assessment: \$1,250

- Category 2 Vacant Building since Jul 18, 2011

- there's a recent code compliance inspection report
- there's been 2 Work Orders at the time of Aug 2011

Mr. Quintero:

- purchased house Jun 29, 2012 and they want to charge a fee from Mar 11 to Jul 12
- this house was owned by government and they were supposed to pay this fee but he didn't know that
- when he went to appraise the house, they told him that it was an abandoned building and then, they denied him the permit for 3 months
- when he got the money to pay, they said it was already on the taxes
- understands he needs to pay while he's the owner (Jul 1, 2012) but why does he need to pay from Mar?

Mr. Yannarely:

- the VB fee for 2011 - 2012 was paid by check last year Aug 8, 2011; so, this is for going forward
- there was also a VB sale approval fee paid by check: \$275
- the anniversary date was in Jul and they were paid up through then

Mr. Quintero:

- he plans to fix up the property
- he is waiting for final inspection (Mr. Yannarely: it's very close; several finals just waiting to go)

Ms. Moermond:

- house was purchased from HUD; the federal government is exempt from paying these fees and they did not disclose this outstanding VB fee to the purchaser, resulting in his inability to pull a permit to begin the work right away (no fault of the new owner)
- because the Appellant could not pull a permit right away, it threw the work off by several months
- at this time, the work is almost done
- the city would have given him a 90-day waiver anyway which more than covers the time period from the anniversary date to the present
- will recommend that this assessment be deleted on the condition that all the sign-offs are done by Feb 1, 2013; if the sign-offs are not complete at that time, the city will re-bill

Referred to the City Council due back on 2/6/2013

16 [RLH TA 12-609](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1303, Assessment No. 138802 at 1316 SCHEFFER AVENUE.

Sponsors: Tolbert

Delete the assessment. (Per DSI, wrongly assessed)

Referred to the City Council due back on 2/6/2013

17 [RLH TA 13-4](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1302, Assessment No. 138201 at 1260 SEVENTH STREET EAST.

Sponsors: Bostrom

1-9-13--PO called and stated he missed hearing; will recommend that Council layover to Jan 22 LH and CC on Feb 6, 2013.

12-18-12:No show; approve the assessment.

Referred to the City Council due back on 1/16/2013

- 18 [RLH TA 13-1](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1302A, Assessment No. 138501 at 782 STRYKER AVENUE.

Sponsors: Thune

No show; approve the assessment.

Referred to the City Council due back on 1/16/2013

- 19 [RLH TA 12-556](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1302A, Assessment No. 138501 at 215 WYOMING STREET EAST.

Sponsors: Thune

Approve the assessment. No show.

Ms. Moermond:

- *Mr. Swaggert said he did not get notification and that's why the assessment should be deleted*
- *there was no returned mail*
- *he brought up issues of surrounding property owners*
- *the VIDEO was viewed at the previous hearing along with photos and there's no question that we have a problem*
- *the height was extreme in this case*
- *will recommend approval of this assessment*

Referred to the City Council due back on 1/16/2013

- 20 [RLH TA 12-571](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1302A, Assessment No. 138501 at 1413 GRAND AVENUE.

Sponsors: Tolbert

Approve the assessment.

RE: 1413 Grand Ave (single family)

Viewed VIDEO of plants obstructing the alley

Ms. Moermond:

- *saw the photos prior to the abatement*
- *VIDEO is consistent with photos; shows growth covering 1/4 of the alley*
- *will recommend approval of this assessment based on the VIDEO*

Referred to the City Council due back on 1/16/2013

- 21 [RLH AR 12-131](#) Ratifying Collection of Certificate of Occupancy fees billed July 2 to July 25, 2012. (File No. CRT1303, Asmt No. 138202)

Sponsors: Lantry

Referred to the City Council due back on 2/6/2013

- 22 [RLH AR
12-130](#) Ratifying Collection of Vacant Building fees billed March 11 to July 20, 2012. (File No. VB1303, Asmt No. 138802)

 Sponsors: Lantry

 Referred to the City Council due back on 2/6/2013
- 23 **RLH AR
12-132** Ratifying Tree Removal services from July to August 2012. (File No. 1301T, Asmt No. 139000)

 Sponsors: Lantry

 Referred to the City Council due back on 2/6/2013
- 24 **RLH AR
12-133** Ratifying Boarding and/or Securing services during August 2012. (File No. J1303B, Asmt No. 138102)

 Sponsors: Lantry

 Referred to the City Council due back on 2/6/2013
- 25 [RLH AR
12-134](#) Ratifying Graffiti Removal services during May 17 to August 30, 2012. (File No. J1302P, Asmt No. 138401)

 Sponsors: Lantry

 Referred to the City Council due back on 2/6/2013

Orders To Vacate, Condemnations and Revocations

11:00 a.m. Hearings

- 26 [RLH VO
12-126](#) Appeal of Timothy Gordon to a Notice of Condemnation as Unfit for Human Habitation and Order to Vacate at 591 CLIFFORD STREET.

 Sponsors: Stark

 Deny the appeal and grant an extension until January 4, 2013 for compliance or the property must be vacated.

 RE: 591 Clifford St (single family)

 Timothy Gordon, owner, appeared.

 Ms. Moermond:
 - City Council Public Hearing Jan 2, 2013 at 5:30 p.m.

 Inspector Ed Smith:
 - this file was opened Jul 7, 2008 for exterior violations on the home
 - have issued 18 Excessive Consumption fines for failure to comply and 3 criminal citations
 - there's an agreement to suspend prosecution with the City Attorney
 - last criminal citation issued Dec 8, 2011; work was supposed to be done before May

10, 2012

- front and rear entry ways are in deplorable condition
- the front sill is rotted out and the rear is even worse: rotted floor with a big gap
- photos in file
- the roof and eaves are in poor condition
- sliding glass doors in the back but there's a 23 inch drop from the sill plate to the ground which is unsafe
- damaged siding on the house
- exposed wiring running from the back yard into the basement of the house (part is enclosed in conduit; much of it is not)
- he has not been inside the house
- there have not been vehicle issues
- there have been Orders for tall grass and weeds, primarily in the back yard
- issued a couple Summary Abatements mainly for exterior condition of the building and failure to cut tall grass and weeds

Mr. Gordon:

- the Condemnation was based on the livability of the home and most of these issues are cosmetic

Ms. Moermond:

- the Orders say that there are some significant problems getting out of the house

Mr. Gordon:

- has lived there since 1983; it's his home; he lives alone; he has been staying in the house
- he has been short of money to make the original repairs
- it has been said that the roof is deteriorated and the soffit and fascia is deteriorated and those were repaired 2 years ago; it cost him over \$10,000, which depleted the money he had to do repairs
- in the back, the deck is missing and he intends to replace it; that deck covered space about 8 feet out from the back of the house
- the sill plate on the front door is rotted out but it doesn't affect the ability to go out the door
- the exposed wiring was under the deck; it wouldn't be exposed if the deck were there; the deck has been gone about 2 years
- he has not gotten estimates on the repairs of the porch and deck and he doesn't have the carpentry skills to do the work himself

Ms. Moermond:

- is looking at the roof of the back porch which looks very bad (Mr. Gordon: is going to have that back porch removed; it's not worth keeping)

Mr. Smith:

- if someone steps out the back door, they may fall into the basement
- in front, one can fall down the steps
- openings in the side of the house attract squirrels, rats, mice, etc.

Ms. Moermond:

- Mr. Gordon was supposed to vacate by Dec 12, 2012; he filed this appeal Dec 7, 2012
- you have to be able to get out of your house safely; the holes in the floor, on a landing, side of the house, etc., are profound safety issues
- it would also be very dangerous for emergency personnel
- she would like to give it a couple of weeks to get this addressed; however, she thinks that it probably won't happen

- City Council Public Hearing Jan 2, 2013 at 5:30 p.m.
- will recommend that Mr. Gordon be granted an extension to Jan 4, 2013 to address these problems or he needs to vacate; the City Council may look at it differently and give him more time
- she is very concerned about the safety of Mr. Gordon and others who may enter the house
- hopes he gets this taken care of
- all the items on the list are of concern
- may seek legal counsel

Referred to the City Council due back on 1/2/2013

27 [RLH VO
12-124](#)

Appeal of Tara Schweiger, Maypop Sales and Services, to a Correction Notice-Reinspection Complaint (includes condemnation of Unit 5) at 2554 Como Avenue #5.

Sponsors: Stark

Deny the appeal and grant an extension until January 4, 2013 for compliance. (Item 5 is withdrawn from Order)

RE: 2554 Como Ave #5 (general retail and service -B- Commercial)

Benji Helberg and Tara Schweiger, Maypop Sales and Services (sell wholesale used tires), appeared along with their attorney, Roseanne Hope.

Mr. Helberg:

- his business rents space (#5) at 2554 Como Ave
- Tom Tomaro is listed as the Responsible Party

Fire Inspector A. J. Neis:

- had previously inspected this building in 2011
- this Condemnation of Unit 5 is dated Dec 4, 2012, which came in response to a referral that was sent to Fire Inspections for excessive tire storage with many safety violations and possibly, people living in the unit
- the inspection Dec 4, 2012 found 41 code violations by Fire Inspector Mitchell Imbertson
- brief history: he inspected Maypop in Sep 2011, when they were in Unit #3; he had indicated several code violations in that former space many of which are noted in these Orders in this space
- tire storage height; too many tires; not enough aisle width
- at that time, he was explaining to Mr. Helberg how unsafe the tires were when the tires actually collapsed on Mr. Helberg
- there's a history of noncompliance; same issues are repeating themselves
- on Inspector Imbertson's inspection, Dec 4, 2012, he advised Tom Tomaro of the complaint
- the building is a large mixed occupancy building: in the front is a bar/restaurant with a couple apartment units above; there's a strip of misc. factory/storage businesses
- he spoke with Tom Tomaro this morning who said he had given the tenants notice that the city would be coming in for an inspection on Dec 4, 2012
- on Dec 4, 2012, Inspector Imbertson went out with Inspector Joe Essling, Code Enforcement and 2 officers from SPPD to inspect the property
- the photos speak to the unsafe conditions in the space: tires piled way too high; disorderly arrangement; evidence of people living in the unit; an unsafe mezzanine; etc.
- while the inspection was being conducted, the Ramsey County Sheriff's Department came in to execute a warrant arrest (don't know if it was successful or not)

- there appears to be some nuisance activities going on
- later on, SPPD made an arrest for 2 founding warrants against the business owner (a continuing investigation)
- tires are a high hazard commodity; fire is a great risk
- as long as tire storage is inside and all other requirements are met, zoning does not have an issue with tires
- storage expectations of tires in a non-sprinklered building cannot exceed 6 feet in height; they also need to be stored orderly; required aisle width is a minimum of 28 inches for employee areas, only; no one can be living or staying overnight at the property, especially in a warehouse situation
- the property is zoned retail-commercial; not residential

Ms. Moermond:

- the Orders also discuss exterior tire storage, as well

Inspector Joel Essling:

- inspected the property with Mr. Imbertson on Dec 4, 2012 as well as previously
- he issued Orders on exterior storage since it's not permitted; also, on abandoned vehicles
- he was unaware of the large number of tires stored behind the building on his original walk-thru of the property (about 3,000)
- photos on file
- Notice went to Tom Tomaro, property mgr

Ms. Hope:

- this is a viable business; they pay taxes; they want to comply with city codes; and they want to keep it safe
- they did not get Noticed
- they have been working on the list of violations
- they plan to be in compliance at re-inspection Thu, Dec 22, 2012
- she visited the business today and everything is very orderly
- there are tires in the back; a company has bought them and is trying to pick them up (about 1800 tires)
- no one lives there
- Mr. Helberg is in a band and they have a room at the shop where the band practices
- will email photos to Legislative Hearings
- they have moved some of the cars without license plates and will move a couple more tomorrow
- the entire back wall had graffiti on it; they have painted over that
- most, if not all of the Orders, have been resolved; all will be resolved by Thu
- they would like to be open for business to be able to get rid of those tires to the company that is coming to get them
- the inspector said they couldn't be open for business and there's a sign on the door, too

Mr. Neis:

- explained that they can be there for purposes of cleaning and complying with the Orders; if they were having tires disposed of legally, Fire would not have an issue with that
- they have been through an inspection before; they know what the requirements are and they have chosen, for whatever reason, not to comply; he has a hard time believing that they want to comply when they haven't complied before
- look at the photo showing the tires in back of the building; hard to get an estimate (1,800 or 3,000); there's so many; it's an extremely dangerous and nuisance condition; if those were to go up in flames, it would be a catastrophic event in the city,

based on how the building is currently being operated

Mrs. Moermond:

- zoning and fire codes don't allow exterior storage in that area; it would need a conditional use permit, especially because of the train tracks so close (Mr. Essling: there's no exterior storage of tires allowed there at all)

Ms. Hope:

*- disputed that because the Orders #5 talks about amount of tires allowed in a certain area of cubic feet (Mr. Neis: that's about what is required if tire storage were allowed in that area - but Zoning does not allow exterior storage)
- this is news about exterior storage; will work with Zoning and Licensing*

Mr. Essling:

*- he also has Orders on this property
- he issued Summary Abatements on tires, refuse, mattresses, etc. and vehicles (Nov 27 and Dec 3, 2012) but he never heard from the property owner on this; Orders were issued to the property owner, not to the business owner
- no exterior storage is permitted without site plan approval*

Ms. Moermond:

*- this Order is inconsistent with the Order issued by Inspector Essling (Mr. Neis: they will Withdraw #5 and amend it indicating that exterior storage is not permitted because of Zoning since Mr. Essling has a Summary Abatement Order on the same thing)
- getting rid of 1,800 tires will go a long way to come into compliance here*

Mr. Helberg:

- is clear on everything except #1 - the mezzanine on the 2nd level; it's all metal; he's not sure about what is required

Mr. Neis:

*- mezzanine: it's noted that there are holes in the floor and they would need to be repaired
- repairs on list that require a permit: #3, #4, #5, #9, #11, #26, #28, #31, #32 depending on extent of work
- if permits were not pulled before, they must be pulled after so that a city inspector can go out and inspect the work*

Ms. Moermond:

- it sounds as though a building permit would be needed to do this mezzanine work to find out if the approach and building materials would be suitable

Mr. Helberg:

*- this is hurting him because he can't make any money while this is happening; he doesn't want to be arrested if he's selling tires (semi coming - he's been holding him off)
- most of the 1,800 are on the inside - will have to go through the bldg to get to the back
- he was under the assumption that he would not be allowed to do any business at all, no matter what*

Ms. Moermond:

- in terms of coming into compliance with the Orders by removing tires from the building not being consistent with what I'm looking at here in item #38, saying that business operations couldn't occur - It seems like this would be a means of coming

into compliance but we're talking about only that type of transactions (tires leaving)
- will recommend that the City Council put those exceptions into place - you can sell tires to get them off the property if that's a means of coming into compliance; don't bring any other tires in and don't conduct any other kind of business there; do not sleep there or use the building for rehearsal purposes
- will ask staff to put this location into the "night check" watch
- Appellant can be there from 8 a.m. to 8 p.m.

(took time for Mr. Neis to call Inspector Imbertson)

Mr. Neis:

- the inspection was still scheduled for Thu, Dec 20, at 1 p.m. pending the outcome of today's hearing

Ms. Moermond:

- since the repairs are almost done, it makes sense to keep that inspection date

Mr. Helberg:

- doesn't know what will all be involved with the mezzanine; that may not be done by Thu
- the mezzanine is like an assembled mezzanine that he bought; it's large pallet racking with cross bars

Ms. Moermond:

- what needs to be done about the mezzanine will not be answered today; more of that information will come forth when the building permit is applied for
- give them a proposal about what you intend to use to repair it and they will give you some feedback on whether or not that's a workable solution

Ms. Shaff:

- the Appellant needs to hire someone to do a code analysis to do a plan for the mezzanine; we need proof of the racking's capabilities to hold storage (tires, in this case)
- it is incumbent upon the Appellant to provide code compliant plans for review

Ms. Moermond:

- item #5 is being taken off the list and modified, significantly
- a code analysis needs to be done for the mezzanine (use similar situation on Larch as an example)
- is comfortable going to Jan 4, 2013 because of the code analysis about the weight that can be stored on mezzanine level; one way to get out from underneath that, so to speak, is to remove the storage from that area while all the rest of this gets resolved
- asked staff to re-write the Orders to reflect the results of today's hearing
- City Council Public Hearing Jan 2, 2013 at 5:30 p.m.
- compliance by Jan 4, 2013

Referred to the City Council due back on 1/2/2013

11:30 Hearings

28

[RLH VO
12-125](#)

Appeal of Alicia Said to a Fire Certificate of Occupancy Revocation and Order to Vacate at 941 BEECH STREET.

Sponsors: Lantry

Deny the appeal and grant an extension until the close of business on January 4,

2013 to bring the entire list into compliance or the property must be vacated; except for the roof which is granted an extension until July 1, 2013 unless there is evidence of water infiltration.

RE: 941 Beech St (single family)

Alicia Said, owner, appeared.

Fire Inspector Shaff:

- Fire Certificate of Occupancy Inspection process started Jul 31; first inspection was Aug 22, 2012
- have had 5 inspections since then; last one Nov 26, 2012
- 22 remaining Orders

Ms. Said:

- bought this house for herself to live in; when she got married, she moved into her husband's house
- she is upside down \$100+ on this property so she decided to rent it out and she cannot afford do the repairs
- they have already paid Twin Cities Home Rental Company \$4,000 out of pocket to do the retaining wall that the Fire Inspector had requested; and the other small things on the list are doable from a financial standpoint
- the person who was doing repairs on the home said that the roof needed to be replaced - there's no way she can come up with that kind of money in that short of time (\$20,000)
- when the repair person told the fire inspector that she would not be able to do the roof, he was quite presumptive and arrogant stating that if I was living in a townhouse, I should be able to afford it, which she thinks is quite unprofessional; she is trying to do her part to be responsible; she takes a \$500 hit every month from her mortgage to her rent
- there needs to be some financial relief for her to be able to catch up

Ms. Moermond:

- asked why the simpler things haven't been addressed, so far

Ms. Said:

- the rental company has been handling it
- she wasn't sure whether she could list them to get these Notices, which has held her back
- she is not doing the work herself; she is just writing the check
- she hasn't a good answer about why the rental company isn't doing them; they know that they are supposed to do them
- the repair person was supposed to meet her today but he cancelled
- asked that the roof (there are no obvious signs of leakage) and asbestos (more involved) wait until summer

Ms. Shaff:

- #15: photos aren't coming up; what she remembers is that the shingles are very old and curling
- #19: photos show asbestos pieces to the heat plant are peeling, which requires an Asbestos Abatement Company to take care of (huge health issue)
- checking residential heating report - says that the vents don't connect properly; dryer gas; support pipes; water heater; gas wall valve; etc.
- there seems to be lots of issues with the heat plant and the asbestos issue - you really can't do one without the other

Ms. Said:

- the company has assured her that all of these things are going to be done
- she knows that the roof on the porch needs to be replaced; not sure about the rest of the house

Ms. Moermond:

- we need a different timeline in which to address these issues
- also, there seems to be an underlying problem with the property manager
- the entire list needs to be addressed by close of business Jan 4, 2013 or the property must be vacated with the exception of the roof, which can go to Jul 1, 2013 unless there's evidence of water infiltration
- City Council Public Hearing Jan 2, 2013

Referred to the City Council due back on 1/2/2013

29 [RLH VO
12-123](#)

Appeal of Richard D. Hawke (Attorney for estate of Emily M. Marcy) to a Fire Certificate of Occupancy Revocation and Order to Vacate at 603 EDMUND AVENUE.

Sponsors: Carter III

Property owner is to provide a work plan with deadlines by January 2, 2013 for review. Property is out of the Fire C of O Program.

RE: 603 Edmund Ave (duplex)

Richard D. Hawke, attorney, representing the estate of Emily M. Marcy appeared along with Wesley and Walter Pettiford, sons of Ms. Marcy, who passed away 20 years ago.

Ms. Christopherson, Mr. Hawke's associate, also appeared.

RE: 603 Edmund Ave (duplex)

Mr. Hawke:

- is appealing to request additional time
- he started this probate for Emily M. Marcy 20 years ago; it was the most bizarre hearing that he's gone to
- as the court was taking testimony, people kept remembering long lost heirs but had no idea where they were
- his client, a daughter of Ms. Marcy, surprised him by also remembering a missing heir
- rather than putting the house in the name of a missing heir, they decided to leave it in probate in hopes of coming to some kind of resolution
- as this was happening, one of the older daughters happened to remember something just recently; and with the skills of his associate and the Internet, they have been able to locate this long lost heir
- he's gotten the quit claim deed back from him that probate sent so they can go ahead and complete the probate (will be resolved relatively quickly)
- in the process, he found out from his clients, that they had issues with repair of the house; however, everyone who lives in the house is on restricted incomes; so, they have begun to contact Habitat and neighborhood resources, etc. There are programs available to help them but they are nontitled at this time

Fire Inspector Leanna Shaff:

- Fire Certificate of Occupancy inspection; process started Dec 2011 by Inspector Martin
- there have been 3 inspections since then

- inspector's notes talk about the family members trying to get the house in their name
- unfortunately, there are some serious things going on inside the house and there has been no compliance
- Inspector Wayne Spiering Revoked the Fire Certificate of Occupancy
- photos in file
- is worried about some of the issues
- plumbing work has been done but she wonders how it works - looks creative
- there is flexible ductwork attached to the dryer #1 - bad idea
- other concerns: electrical panel; furnace; water heater; storage stacked against fuel burning equipment; basement stairway; utility sink - needs code compliant waste trap and drain connection; pressure relief valve (using a hose on water heater is quite frightening); extension cords in basement; combustible materials in the basement; there appears to be no regular garbage service; the exterior is not so bad; water shut-off valves; loose faucets; units need to be cleaned up; code compliant wiring needs to be done; kitchen sink turned off due to leaking plumbing = lots of deferred maintenance

Mr. Hawke:

- Wesley Pettiford lives in the lower unit of the house; he will be the owner in the future
- 2 of his brothers live downstairs
- a niece and her family live upstairs
- some work has been done: plumbing work downstairs
- waste trap in basement has been fixed; and the dryer vent
- finances are very limited here; they lined up some financial help
- they know that they need to bring the property up to code; just need more time

Ms. Shaff:

- there's an open plumbing permit - value of \$800
- not seeing a permit for a dryer vent; it's up to the plumber to call to have it inspected by the city plumbing inspector

Mr. Walter Pettiford:

- Wesley has the paperwork on the dryer vent from the plumbing and heating company
- they also capped the garbage disposal, too

Ms. Moermond:

- ultimately, this property will not be in the Fire Certificate of Occupancy Program because it is owner-occupied
- a number of heirs are living in the property
- asked them to put together a Work Plan, saying what's done, when you plan on doing future work, timelines, etc.

Mr. Hawke:

- the following items have been done: #1, #4, #6, #7, #11, #12, #13, #14, #25, #26, #28, #29
- next to the garage, they have a river rock base and class 5 where they park cars

Ms. Moermond:

- normally, a parking space next to an alley is required to have the same surface as the alley
- with class 5, she wants to see clean borders on it and adequate class 5 so that no vegetation is growing from it (this particular parking space looks as if it needs to be mowed; so, we need to see an actual parking surface there)

- since the alley is asphalt, the parking lot needs to be asphalt; they need to secure a permit from the zoning desk
- this property will be out of the Certificate of Occupancy Program
- these items will be referred to a Code Enforcement inspector for further inspections
- the work plan will be due Jan 2, 2013
- City Council Public Hearing Jan 16, 2013

Referred to the City Council due back on 1/16/2013

1:30 p.m. Hearings

Fire Certificates of Occupancy

30

[RLH FCO
12-652](#)

Appeal of Matt Connelly to a Fire Inspection Correction Notice at 1966 BENSON AVENUE.

Sponsors: Thune

Laid over for inspector to provide past file information.

RE: 1966 Benson Ave (general retail and service -B-Commercial)

Mike Amidon, owner, and Matt Connelly appeared.

Fire Inspector A. J. Neis:

- *Fire Inspection Correction Notice dated Dec 6, 2012 for an inspection that was conducted Nov 29, 2012 by Inspector Mitchell Imbertson*
- *appealed today: #4: reduce and maintain storage height to 12 feet or less or install sprinklers*
- *stored here is very large rolled printing paper*
- *they are looking for a 4-foot variance to increase their stacking ability to 16 feet*

Mr. Connelly:

- *this is a commercial printing company, Amazon Graphics*
- *they buy paper when it's on sale and then store it*
- *the warehouse is about 20 feet high; if they have to bring storage down to 12 feet, they will only be using about 35% of their warehouse space*
- *these paper rolls are very, very densely packed; more densely than the tree from which they came; they are difficult to ignite*
- *being able to increase stacking from 12 feet to 16 feet increases their storage capacity by about 25%, which is a big thing for them*
- *he remembers that at one time, they were allowed to store their paper at 16 feet; there are red lines painted on the walls indicating the 16 foot limit*
- *there is no racking in this warehouse*
- *paper is a commodity; it's a competitive market; we purchase it when it's on sale and store it; it's an advantage they would like to keep*

Mr. Amidon:

- *they can't sprinkler because they have well water; they've checked it out in the past*
- *it's all bedrock down there, too*

Mr. Neis:

- *will pull the paper files to see if there's a previous variance*
- *no photos*

Ms. Moermond:

- looking for height requirements and dimensions of rolls

Mr. Connelly:

- the paper rolls are about 40 inches in diameter and anywhere between 17 - 25 inches tall
- 1000 lbs - 1500 lbs per roll
- very tightly wound

Ms. Moermond:

- if there is a previous variance, we have no question here at all
- because the nature of the storage, she's inclined to recommend they get a variance
- she would like to see some photographs and a little more analysis
- will lay this over for 1 month to LH Jan 15, 2013

Laid over to the Legislative Hearings due back on 1/15/2013

31 [RLH FCO
12-654](#)

Appeal of Philip O'Brien to a Reinspection Fire Certificate of Occupancy With Deficiencies at 669 CASE AVENUE.

Sponsors: Bostrom

Deny the appeal and grant an extension to July 1, 2013 for Items 1-4.

RE: 669 Case Ave (duplex)

Philip O'Brien, GPRE Properties, Responsible Party, appeared.

Fire Inspector A. J. Neis:

- Fire Certificate of Occupancy Inspection Correction Notice dated Dec 10, 2012 written by Fire Inspector Ben Ellis
- appealed today are some the exterior code violations
- still haven't received the fuel burning report on the first unit and the smoke detector affidavit
- the inspector tried numerous times to gain compliance

Mr. O'Brien:

- is appealing items 1, 2 and 3 for an extension on the exterior work (painting and concrete work)
- items 5, 6, 7 will be completed by re-inspection Dec 28, 2012
- Orsat Test - he has invoice
- an inducing fan needs to be replaced; will be done by Dec 28
- #4 - has photos; it's always been used as a parking area; timbers are there to define it clearly (there's a dead alley and a hill)
- bought house in Feb 2012, a bank foreclosure
- when finances allow for it, he would like to put a garage there - would like to keep the parking as is until then

Ms. Moermond:

- will recommend granting an extension to Jul 1, 2013 for items #1, #2, #3 and #4 (asphalt or pavers; must pull a permit and go through site plan review)

Referred to the City Council due back on 1/16/2013

32 [RLH FCO
12-651](#)

Appeal of Andrew Songle to a Fire Certificate of Occupancy Correction Notice at 1936 CARROLL AVENUE.

Sponsors: Stark

RE: 1936 Carroll Ave

Laid Over to 1-15-2013 LH

Update:

Ms. Moermond:

- Finding #1: a determination has been made by staff as to whether or not this property had a Fire Certificate of Occupancy before the date listed; hopefully, this would be a black and white issue; it seems to be an issue the owner wants to debate; being in or out of the Fire C of O Program is appealable under Chapter 18 and Chapter 40 at LH
- Finding #2: the implications for whether or not they were in the Fire C of O Program feed on to whether or not they need to be registered as student housing; the student housing piece is appealable to the Board of Zoning Appeals
- so, we have a BZA component predicated on the Fire enforcement decision
- has spoken with Theresa Skarda, Code Enforcement and Fire attorney; and Pete Warner, Zoning attorney about the situation where both appeals' bodies are involved; and a process needs to be mapped out - we need to figure out a way to coordinate the determinations between this appeals setting and the Board of Zoning Appeals setting
- she will meet with Ms. Skarda and Mr. Warner to configure a process
- another appeal has been received on the same issue
- she will lay both appeals over for 1 month
- Note for the record: this particular notification and determination does not have any appeal information listed in it; she has a deep concern about this because you have to tell them they have a way to appeal
- she called Andrew Songle indicating the plan of action

Laid Over to the Legislative Hearings due back on 1/15/2013

33 [RLH FCO
12-647](#)

Appeal of Dan Cisler to a Fire Inspection Correction Notice at 1299 ST. ALBANS STREET NORTH.

Sponsors: Brendmoen

Deny the appeal and grant until March 1, 2013 to open up the porch windows if the appellant wants to use the lower east room as a sleeping room; grant until June 1, 2013 for the driveway to come into compliance.

RE: 1299 St. Albans St N (duplex)

Dan Cisler, owner, appeared.

Fire Inspector A. J. Neis:

- Fire Certificate of Occupancy Correction Notice dated Nov 16, 2012 conducted by Inspector Wayne Spiering
- re-inspection scheduled Jan 7, 2013
- appealing items #4, #5, #8
- provide an approved parking surface for driveway; repair electrical wiring in the garage; provide an escape window for the lower unit east bedroom - the window there opens to an enclosed porch (it is required that an egress window open directly outside)

Fire Inspector Wayne Spiering:

- this bedroom space looks to him as though it was originally constructed as a bedroom

Mr. Cisler:

- #4 driveway: there was only a half slab of concrete, which he removed and put down grass
 - found that asphalt companies wouldn't provide him with a quote because of the time of year
 - he'd like to get an extension to May 1, 2013 on the driveway
 - #5 the tenant had put an extension cord from the basement to a work bench; Mr. Cisler knew that was not proper and asked the tenant to remove it, which he did
 - explained photos
 - he drew a diagram of the first floor layout of the older house
 - porch has a lot of windows - pretty easy to get out
 - he knew the previous owner and is pretty sure the house was built that way

Ms. Moermond:

- looks to her that this lower unit wasn't originally built as a unit but the downstairs of a single family house and this room was not a bedroom
 - one solution is to remove the windows from the porch so that the bedroom window egresses directly outside
 - another solution is to not use that room as a bedroom
 - another solution is to put in an additional window that exits to the outdoors
 - will recommend granting an extension to Mar 1, 2013 to come into compliance with the bedroom egress window
 - will recommend granting an extension to Jun 1, 2013 to come into compliance with the driveway

Referred to the City Council due back on 1/16/2013

34 [RLH FCO
12-650](#)

Appeal of Yia Ly Vang and Khamphiou Vang to a Fire Inspection Correction Notice at 730 WESTERN AVENUE NORTH.

Sponsors: Carter III

Deny the appeal on the ceiling height issue in the basement unit and grant an extension to February 15, 2013 to vacate the unit; grant until June 1, 2013 for the parking space to come into compliance by not using it as a parking space or get paved under permit.

RE: 730 Western Ave N (duplex)

Yia Ly Vang and Khamphiou Vang, owners, appeared.

Fire Inspector A. J. Neis:

- Fire Certificate of Occupancy Correction Notice dated Nov 20, 2012 conducted by Inspector Wayne Spiering
 - appealing #1 - basement ceiling height, which is approximately 82 inches-couple inches short of the 7 ft requirement; and the ceiling height of the basement bedroom is 70 - 79 inches
 - appealing #5 - class 5 driveway

Mr. Vang:

- this bedroom was there when he bought the house 4 years ago and he assumed that it was legal and approved by the City of Saint Paul

- is asking for a variance so that he can keep the tenant in the basement so that he can pay his mortgage
- the brother of the tenant upstairs lives in the basement
- the bedroom is small but the whole space is big; so, maybe he could sleep in the larger space

Fire Inspector Wayne Spiering:

- basement bedroom - (ductwork - 59.25 sq. ft. at 70 inches and 36.75 sq. ft. at 79 inches)
- there are 3 distinct units in this house; basement is being used as separate living quarters with kitchen and bath facilities and a separate door and lock
- according to Zoning, this is classified as a nonconforming duplex because of lot size; it would not be approved for 3 units
- there are 3 separate gas meters; 3 separate electrical panels but only 2 furnaces (in separate closet of third unit in basement); has photo of gas meters
- thinks it's been set up as a triplex for a very long time
- there's one bedroom in basement and they had the living room set up with a partition (floor standing curtain) in the back and are using that as a bedroom also
- there appears to be a code compliant egress window in the living room area (don't show a permit for it)
- there's a bathroom off to the right and a kitchen area
- the first unit connects to the basement with an interior stairwell; there's a separate door that exits the building from the basement

Ms. Moermond:

- asked staff if a building permit had been pulled more than 4 years ago that would have shown approval for conversion of the basement space
- studied the drawing of the area provided by the Appellant

Mr. Neis:

- this house has never been inspected by their office; it had a provisional Fire Certificate of Occupancy
- there's only a TISH inspection on file
- the building is not an approved triplex; no building permit has ever been pulled for the basement unit
- in an approved triplex, each unit would have its own gas meter, electrical panel and its own heating unit

Mr. Vang:

- wants permission to allow the basement as is; he will remove the sink and stove from the unit before the inspector comes back

Ms. Moermond:

- the Appellant needs to remove the kitchen from the basement; remove the lock and any thing else that separates that first floor unit from the basement
- we will treat this basement like another bedroom
- this will become a 2 unit house
- the bedroom with the low ceiling height in the basement cannot be used for sleeping

Mr. Spiering:

- the electrical panels are all in the basement area; and so, then, Unit 2 will be entering into Unit 1's space for their electrical panel
- right now, Unit 2 has access down into that basement through the outdoor entrance

Mr. Neis:

- there is definitely confusion in the Orders

- the basement should have been a discontinued use
- the basement bedroom enters into a common hallway and then up to the first unit

Mr. Vang:

- if he cannot use the basement, he will have to let the house go; he needs the money to cover the bills
- wants at least, to keep a bedroom downstairs; the first floor lease pays for basement bedroom
- he took out the laundry in the basement
- the person on the second floor has a key to go into the laundry room/electrical panel

Ms. Moermond:

- there's no way to connect the basement unit with the first floor unit without losing the shared space for the whole building; when you lose that shared space, the second story tenant can't get to their electrical panel
- as long as a lock exists on the door to the basement big room, it's not directly connected to the first floor; you need to remove that lock
- the people on the second floor need to access their electrical panel directly, without going into the first unit; Appellant could move the electrical panel to the 2nd floor
- she tends to agree that the basement is an illegal space

Mr. Spiering, Mr. Vang and Ms. Moermond studied Mr. Vang's drawing and explanation
More discussion ensued

Mr. Neis:

- besides the electrical panel issue, there are other mechanical issues involved - heating

Ms. Moermond:

- regarding the parking space - she is generally OK with gravel but because this space is abutting an asphalt alley, so, it needs to also be asphalt
- go to zoning and submit a site plan to get a permit or discontinue use for parking
- will recommend denying the appeal on the ceiling height issue in the basement unit and granting an extension to February 15, 2013 to vacate the unit; grant until June 1, 2013 for the parking space to come into compliance by not using it as a parking space or get paved under permit.

Referred to the City Council due back on 1/16/2013

35 [RLH FCO
12-648](#)

Appeal of Terrence Mulally and Antoinette Mulally to a Fire Inspection Correction Notice at 1431 WOODBRIDGE STREET.

Sponsors: Brendmoen

Deny the appeal and grant an extension until November 1, 2013 to bring the parking space into compliance by adding concrete strips or come up with another solution to resolve the issue.

RE: 1431 Woodbridge St (single family)

Terrence Mulally, owner, appeared.

Fire Inspector A. J. Neis:

- Fire Certificate of Occupancy Correction Notice by Inspector Wayne Spiering
- inspection conducted Nov 13, 2012; re-inspection scheduled for Dec 13, 2012
- item #3 is being appealed - regarding a class 5 driveway

- water service issues

Mr. Mulally:

- a new sewer main is going to be installed on Woodbridge accompanied by the option to replace the connection up to the house, as well; it goes along the driveway;
 - is not sure where the pipe actually is; for all he knows, it's underneath the driveway
 - there aren't a lot of options until it gets warmer and it's will be best done after the sewer main work has been completed
 - the installation is scheduled for Jun 2013

Mr. Spiering:

- he had gone out for re-inspection Dec 13, 2012 not knowing that it had been appealed
 - as of today's date, everything has been corrected except for the driveway issue
 - clarification: when he was out there, the Appellant explained to him that there was a sewer project coming through

Mr. Neis:

- there's an existing garage that's been there for quite some time; it doesn't look as though it's been altered in any way since the garage was originally constructed;
 there's a clean line between the driveway and the grass; it's a little elevated

Ms. Moermond:

- this is rental property
 - the driveway goes directly to the street
 - if it's cleaned up and there's no weeds going through it, she can live with it being a class 5 surface
 - because of the sewer replacement, she is willing to go out longer
 - after the sewer replacement, she encouraged the Appellant to take out the concrete and put in a couple of concrete strips; permeable pavers is another option
 - will recommend granting an extension to Nov 1, 2013 to resolve this issue
 - the class 5 has to go; replace with either concrete strips or another solution under permit

Referred to the City Council due back on 1/16/2013

2:30 p.m. Hearings

Vacant Building Registrations

- 36** [RLH VBR
12-62](#) Appeal of Kristina Beedle to a Vacant Building Registration Renewal Notice at 23 ISABEL STREET WEST.
- Sponsors:** Thune
- Laid Over to the Legislative Hearings due back on 2/19/2013**
- 37** [RLH VBR
12-90](#) Appeal of Lisa Hollingsworth (SMRLS), on behalf of Pearlie Reid, to a Vacant Building Registration Requirement at 1094 REANEY AVENUE.
- Sponsors:** Lantry
- Withdrawn by dept.*
- VB file closed and referred to Fire C of O Program.*

Withdrawn