



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final Legislative Hearings

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

Tuesday, October 23, 2012

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Remove/Repair Orders

- 1 [RLH RR](#)
[12-31](#) Ordering the rehabilitation or razing and removal of the structures at 702 THIRD STREET EAST within fifteen (15) days after the July 3, 2012 City Council Public Hearing. (Public hearing continued from August 15) (To be referred back to Legislative Hearing on October 23, 2012 and City Council public hearing on November 7, 2012)

Sponsors: Lantry

On November 1, 2012 a purchase agreement was received as well as Bank contract information.

To be referred back to Legislative Hearing on November 13, 2012 and City Council for Discussion on December 5, 2012.

RE: 702 Third St (duplex)

Brad Griffith, Edina Realty, appeared.

Mr.. Griffith:

- yesterday he spoke with Mr. DeLisi, who couldn't get off work today; so Mr. Griffith came on his behalf and as an advocate of Dayton's Bluff Historic District, in essence to save the building (trying to facilitate the rehab by Jim Urchel)*
- between Jim Urchel, Chuck DeLisi and himself, they wrote up a Purchase Agreement and will ask the Bank of America for a short sale on the property so that Mr. Urchel can acquire the property and then, rehab it*
- Mr. DeLisi doesn't have the financial ability to do the rehab*

Ms. Moermond:

- has a letter dated Sep 17, 2012 sent to Mr. DeLisi outlining the expectations and copying Joann Tyler, his sister and many city personnel*

Mr. Griffith:

- turns out this is a VA loan (completely different from a conventional loan to work with)*
- the Bank of America says that the procedure is that they have to prove a hardship;*

Mr. Griffith told them that the hardship is not paying the current mortgage but it's really the required repairs on the building and that the City has it scheduled for demolition; someone from the bank is going to get back to him regarding the situation

- *Mr. DeLisi did talk with an attorney*
- *2 months ago, the building had not yet been cleaned out*
- *believes that Jim Urchel has access to the site*

Ms. Moermond:

- *it sounds as though Mr. DeLisi fears being sued by his sister because she's been making payments on the mortgage*
- *Mr. DeLisi also, recently had a stroke*
- *has a copy of an appraisal*
- *wondering if this is a good candidate for an amended Order to Remove or Repair that would go in and stabilize the structure; perhaps she needs to talk with Steve Ubl and the city attorneys about that*

Steve Magner, Vacant Buildings:

- *only document he has is the Sep 17, 2012 letter from Mai Vang (attached)*
- *asked Mr. Griffith to provide a copy of the Purchase Agreement*
- *the Code Compliance Inspection Report is current - Jun 1, 2012 (Jim Seeger)*

Mr. Griffith:

- *in late summer, the roof was definitely leaking; there were buckets with water in them and plastic inside*
- *Mr. DeLisi, supposedly, received some sort of insurance settlement; Mr. Urchel told him not to spend that money to do the repairs without permits - he advised Mr. DeLisi to do nothing because there's a scope of work to do, not just the roof; as this point, the roof hasn't been repaired*
- *had a friend of his, Marty Scherber, Castle Home Services, go take a look at the house; Mr. Urchel also had someone do an appraisal*

Ms. Moermond:

- *is concerned that Mr. DeLisi will spend money on a project that will not be financially beneficial to him*
- *we need to see the Purchase Agreement and we need to talk with the City Attorney about options; this is estimated to be a \$100,000 project*

Amy Spong, Heritage Preservation Commission (HPC):

- *is concerned about the leaking roof; she went through the house in Jun and all the mold and wet materials had been cleaned out; all the remediation work had been done; there was still material stacked in piles; her concern is that if any of the plastic and bucket systems fail, we're looking at a much greater expense*

Mr. Griffith:

- *is there anything that HRA or PED can provide? (Ms. Moermond: that's where the rub is, legally)*

Mr. Magner:

- *is there any reason why we wouldn't want Mr. DeLisi and the Bank of America to do the work if they received monies for that from the insurance company? If that's the immediate issue and the money has been provided by the insurance company to replace this roof (must go through permitting and HPC); Ms. Spong: DSI would then need to allow for a partial project - an emergency*
- *could talk to the building official to see if he would allow granting a permit to fix the roof without the performance deposit or any other work (limited to the immediate concern of re-roofing the structure); he doesn't know that DSI would be opposed to*

that if it stems further loss to the structure; it wouldn't get them to an occupancy state but it might buy some time

- Mr. Griffith can find out for sure if Mr. DeLisi and the Bank of America has the partial check and if the Bank of America is willing to sign-off on the check ??

Ms. Moermond:

- suggested that Mr. Urchel facilitate the conversation with Mr. DeLisi and the Bank of America, the contractor, etc. (Mr. Magner: need to verify whether or not the contractor is licensed in the State of MN to do this type of work; after that, a copy of the contract can be forwarded to Mr. Urchel to review whether the scope of work that Mr. DeLisi and the insurance company is paying for is really what needs to be done here; must meet code and HPC guidelines)

Ms. Spong:

- added that this is not your average "tear off" and "re-roof" - there's a flat portion which is probably too low of a pitch for shingles, so, it would need some type of membrane, then, flashing and then, transition to sloped portions, which need shingles (there's probably leaking on the flat portion and where it connects and where the flashing detail meets the sloped portion)

Mr. Magner:

- the city needs to review everything because it needs to know upfront whether this job will be accepted or not
- before we go any further, we need to figure out where we are within the next 2 weeks (Mr. Griffith said that he will facilitate getting everyone together to discuss this and get it to the city for review)
- if this contract meets all criteria, it could just be a matter of notifying DSI (Mr. Magner or Mr. Ubl) and request that this be put into the computer; DSI will enter it so that the contractor can come down for a permit and start ASAP;
- we need to see: 1) the roofing money; and 2) the contract

Ms. Moermond:

- asked that Mr. Griffith get the Bank of America contact and if possible, a VA contact because sometimes it works to have someone from the city call and explain the dire straits involved and to lean on them a little

Ms. Griffith:

- will do the best he can to get things coordinated and facilitated

Ms. Moermond:

- we will get another letter out; copy Mr. Griffith and Mr. Urchel
- will lay this over for 3 weeks
- the City Council will consider this Nov 7, 2012 but not as a public hearing; the public hearing is closed
- let's get the insurance and roofing work under way; maybe the city can order to just have the roof repaired (?)
- layover to Nov 13, 2012 LH; City Council Dec 5, 2012
- Mr. Magner, Ms. Spong and Ms. Moermond will talk with the City Attorney's office

Referred to the City Council due back on 11/7/2012

2 [RLH RR
12-78](#)

Ordering the rehabilitation or razing and removal of the structures at 877 WILSON AVENUE within fifteen (15) days after the October 3, 2012, City Council Public Hearing.

Sponsors: Lantry

Need the following conditions by November 6: 1) order a code compliance inspection report; 2) post the \$5,000 performance deposit and 3) maintain the property. If the conditions are met, Ms. Moermond will recommend that the City Council lay the matter to December 11, 2012 Legislative Hearing and City Council Public Hearing on December 19, 2012 for owner to provide work plan and financial plan.

RE: 877 Willson Ave (duplex)

No one appeared.

Steve Magner, Vacant Buildings:

- read letter dated Oct 10, 2012 from Mai Vang to Gary Evers (attached)
- City Council Public Hearing scheduled Nov 7, 2012 at 5:30 p.m.

Ms. Moermond:

- Mai Vang received an email from Gary Evers, the attorney in this matter (attached): he's awaiting a response from his lender
- Mr. Evers will not be appearing Oct 23, 2012 unless a response has been provided to him from them

Mr. Magner:

- we needed some documentation that the bank would rehabilitate and they would need to order a Code Compliance Inspection, which has not been done; ultimately, they would need to post a bond

Ms. Moermond:

- let's send them a letter to that effect saying that if they order the Code Compliance Inspection Report, post the Performance Deposit (by Nov 6, 2012) and maintain the property, she will recommend that the Council lay the matter over for an additional month in order that a work plan and financial documentation be provided

Referred to the City Council due back on 11/7/2012

3 [RLH RR
12-76](#)

Ordering the rehabilitation or razing and removal of the structures at 332 THOMAS AVENUE within fifteen (15) days after the November 21, 2012, City Council Public Hearing.

Sponsors: Carter III

No show; Remove the building within 15 days with no option for repair.

RE: 332 Thomas Ave (single family)

Steve Magner, Vacant Buildings:

- 1 1/2 story wood frame single-family dwelling on a lot of 3,485 sq. ft.
- been a vacant building since Feb 24, 2012
- current property owner is Jacqueline Young per Ramsey County records
- Aug 16, 2012, inspection of building was conducted; list of deficiencies which constitute a nuisance condition developed; photos taken
- Order to Abate a Nuisance Building was posted Aug 20, 2012; compliance date Sep 20, 2012
- as of this date, the property remains in a condition which comprises a nuisance as defined by the legislative code
- estimated market value: \$8,800 on the land; \$38,600 on the building
- real estate taxes are current

- the vacant building registration fees were paid by assessment Apr 30, 2012
- as of Oct 22, 2012, a Code Compliance Inspection has not been done
- as of Oct 22, 2012, the \$5,000 Performance Deposit has not been posted
- 5 Summary Abatement Notices since 2012
- 6 Work Orders issued for: garbage/rubbish; boarding/securing; grass/weeds; snow/ice
- estimated cost to repair exceeds \$50,000
- estimated cost to demolish exceeds \$15,000

Amy Spong, Heritage Preservation Commission (HPC):

- 1900 workers cottage built on a lot with 2 single family dwellings
- vinyl / aluminum siding covering the original wood siding
- has a lot of interior photos but could not glean hardly anything about the condition of the structure because of the trash
- neither of these houses were built with front porches or even stoops
- the porch that is there must have come after 1925 with bead board ceiling
- this property would have been part of the more recent 2011 Legacy Survey (within those boundaries) but it was not identified in that particular survey
- removal would not have an adverse affect

Ms. Moermond:

- will recommend the City Council order the building removed within 15 days with no option for rehabilitation

Referred to the City Council due back on 11/20/2012

4 [RLH RR
12-77](#)

Ordering the rehabilitation or razing and removal of the structures at 1009 WHITE BEAR AVENUE NORTH within fifteen (15) days after the November 21, 2012, City Council Public Hearing.

Sponsors: Bostrom

Need the following by the close of business on Monday, November 12 if owner intends to rehabilitate the building:

- 1) outstanding real estate taxes must be paid with Ramsey County;
- 2) the \$5,000 performance bond must be posted;
- 3) vacant building fees in the amount of \$1100 must be paid to Department of Safety and Inspections;
- 4) a work plan, including timelines, which needs to be done in accordance with the code compliance inspection report;
- 5) provide financial letter dedicating at least \$50,000 for the rehabilitation of the property or financial documentation such as a construction loan, a line of credit or a bank statement which demonstrates that owner has the financial means to complete the project.

RE: 1009 White Bear Ave N (single family)

Jake Fredricks, independent contractor, on behalf of RV Holdings, South Carolina

Mr. Fredricks:

- owners told him to ask for a 60-day extension
- they are having estimates prepared for the work and they are working out details to sell to a buyer who wants to demo the house

Steve Magner, Vacant Buildings:

- 2-story wood frame single-family dwelling with a detached 2-stall garage on a lot of

14,375 sq. ft.

- has been a vacant building since Oct 19, 2010
- current property owner is listed as RV Holdings Five LLC per Ramsey County records
- Aug 21, 2012, inspection of building conducted; list of deficiencies which constitute a nuisance condition developed; photos taken
- Order to Abate a Nuisance Building posted Aug 27, 2012; compliance date Sep 26, 2012
- as of this date, the property remains in a condition which comprises a nuisance as defined by the legislative code
- estimated market value: \$32,800 on land; \$42,400 on building
- real estate taxes for 2012 are delinquent in the amount of \$5,009.04
- Vacant Building registration fees are due and owing in the amount of \$1,100 (Oct 19, 2012)
- Code Compliance Inspection was done Apr 6, 2012
- as of Oct 22, 2012, the \$5,000 Performance Deposit has not been posted
- 16 Summary Abatement Notices since 2010
- 10 Work Orders issued for: garbage/rubbish; boarding/securing; grass/weeds; snow/ice
- estimated cost to repair exceeds \$50,000
- estimated cost to demolish exceeds \$12,000
- the Department of Safety and Inspections (DSI) recommends removing the building within 15 days
- Notes: RV Holdings is an out-state investment group; they acquire properties that were, generally, in foreclosure; this property was sold illegally to a Trinidad Garcia, who lived there; Mr. Garcia had other issues and subsequently, has a different residence with the state of MN; they resolved the illegal occupancy issue but haven't resolved the nuisance issue
- there have been quite a few nuisance activities there; they have had to board the whole house
- the house was sold without sale review

Ms. Moermond:

- the stack of photos has no interior shots, is that something staff can get?

Mr. Magner:

- RV Holdings have not been responsive; if they want to move forward, the first thing they need to do is open up communication with DSI and allow entry into the building to take those photos

Amy Spong, Heritage Preservation Commission (HPC):

- 1902 4-square property
- porch has been enclosed; there have been some alteration to its original design intent
- original siding is covered
- last surveyed 1983, considered out-of-date
- there's a couple of triangular shaped blocks here that pivot around the Ames School and Ames House
- the only properties that were identified in 1983 are in this small block area
- it was never evaluated as a potential historic district
- the 3 houses to the north of this one seem fairly intact and somewhat potentially significant
- the Ames House is a designated historic site
- the Ames School has been identified as an eligible historic site
- there's a church across the street on White Bear Ave that hasn't been evaluated
- her initial reaction is that this particular property would not have the potential for

individual designation
- area has not been surveyed recently

Mr. Fredricks:
- thinks they want to sell the house but they do have bids for some of the repairs

Ms. Moermond:
- if their intention is to rehab the house, they need to contact the city
- City Council Public Hearing Tue Nov 20, 2012
- by close of business Mon Nov 12, 2012, she would like to have the following:
- delinquent taxes paid
- the Vacant Building Registration fee paid
- a \$5,000 Performance Deposit posted
- the property maintained
- however, even if all of this happens, she is not sure that the ownership situation is such that she would recommend that this property get time to do a rehab (they have not demonstrated that they are responsible owners in following local codes - it makes her think that they are not likely to follow codes moving forward, either)
- she also needs to see from the owner a demonstration of how they are going to do the project - work plan that clearly shows how responsible they are going to be in managing this situation
- she also wants to see financial documentation that the owners will be investing at least \$50,000 into the rehab
- she would not recommend a 60-day extension on anything; they will not be allowed to sell the property; they must want to sell it until the nuisance condition is abated (fix it or knock it down and then the parcel can be sold; if it gets fixed, it can be sold as a newly repaired home)

Laid Over to the Legislative Hearings due back on 11/13/2012

**5 RLH OA
12-75**

Making recommendation to the Ramsey County Commissioners on the application of Maureen Mariano, on behalf of Mariano Investments LLC, for repurchasing the tax-forfeited property at 954 PAYNE AVENUE (located directly behind 956 Payne Avenue).

Sponsors: Bostrom

Ms. Moermond is withholding her recommendation.

RE: 954 Payne Ave (general retail and service)

No one appeared.

Steve Magner, Vacant Buildings:
- application of Maureen Mariano, on behalf of Mariano Investments LLC, for repurchasing the tax-forfeited property
- somehow the rear part of the parcel got split off from the front of the parcel
- the application states that they need this parcel to maintain their building; particularly, to install duct work
- the only way to egress the rear of the building
- due and owing taxes: \$4,492.91

Ms. Moermond:
- her concern is that this parcel services the former Schweitz Bar, which has a problem license history
- straightening out the parcel situation would support the re-development of that bar use

- believes that they couldn't get over the parking hurdle when they wanted to re-open this building as a bar

Mr. Magner:

- there would be other uses for the building other than a bar but they probably need this parcel in order to do that
 - if the public sector were to purchase this building at an auction, it would delay the re-development of the site vs. a private sector purchase
 - this rear parcel only has value to the person who owns the front part of the parcel
 - unless someone spitefully wants to purchase it so that the owner can't move forward with re-development, a private sector purchase would move quicker
 - the city would never allow any re-development on that very small rear parcel

Ms. Moermond:

- concerned with "undo enrichment" of Maureen Mariano, who would re-purchase this to sell, presumably, at a profit; so, the public sector gets the property because she doesn't pay the taxes; she buys it back by virtue of paying the taxes and sells it to somebody else at a profit (she wasn't a responsible owner and now, she's being rewarded through the re-purchase process); Mr. Magner: her other option is to go to the public auction and she's not far from doing that
 - is vacillating between being neutral and being negative on the recommendation
 - she can see where expediting re-development might be useful; at the same time, the former use of this site wasn't really great for this community

Mr. Magner:

- looks as though these people bought it from the Schweitz' originally; they ran it for some time and then, sold it on a contract for deed to at least one, if not two different parties one of which was problematic
 - is neutral because re-development of the site would be a good thing - the sooner, the better
 - he thinks that the city will probably not see a bar going in there because of the parking problems
 - this would be one step further to closing this
 - he doesn't believe that these people will go back into business; he believes that they simply want out of the deal
 - he has not seen any interested party activities at the city

Ms. Moermond:

- will withhold recommendation given it's complexity
 - the ward office may view this differently

Referred to the City Council due back on 11/20/2012

11:00 a.m. Hearings

Summary Abatement Orders

6 [RLH SAO 12-34](#) Appeal of Paula Liberko to a Vehicle Abatement Order at 1282 THOMAS AVENUE.

Sponsors: Stark

Vehicle has been removed, property is in compliance.

Withdrawn

Orders To Vacate, Condemnations and Revocations

- 7 [RLH VO 12-107](#) Appeal of Tom Wybierala to a Notice of Condemnation as Unfit for Human Habitation and Order to Vacate at 427 WHITALL STREET.
- Sponsors:** Brendmoen
- No show; deny the appeal and grant an extension to vacate the property by close of business on Friday, October 26, 2012 and deny the appeal to be out of the Fire C of O program.*
- On October 24, owner called and indicated he missed hearing. Consulted with LHO and she approved to lay the matter to November 6, 2012; however, the vacate date of October 26 stands.*
- RE: 427 Whitall St (single family)*
- No one appeared.*
- Ms. Moermond:*
- Fire ordered the building vacated within a week when the orders were written Oct 11, 2012
- Fire Inspector A. J. Neis:*
- has been an on-going process initially handled by Fire Inspector Kelly Booker quite some time ago; was recently taken over by Fire Inspector Wayne Spiering
 - the Certificate of Occupancy process started Apr 28, 2011; since then, the property has deteriorated; the basement has been Condemned since May 24, 2011 for illegal occupancy
 - the building is currently in a Trust held by someone other than the occupant who lives there; the trustee lives quite a distance away
 - they wanted out of the Fire C of O Program
 - there are several outstanding Orders on this property
 - apparently, they cannot register it as an owner-occupied or change the status because there's back taxes on the property
- Ms. Moermond:*
- talked with attorney for the Trust this a.m., Gerald Frisch, who indicated that there's a trial scheduled the 3rd week in Nov 2012
 - is not sure if it's a trial for an unlawful detainer or probate court
 - Mr. Frisch is aware of the Orders but doesn't feel as though he has the power to engage/address those problems while Mr. Wybierala occupies the property
 - will recommend that Council deny the appeal and Order the property vacated by close of business Friday of this week
 - a letter will go out right away
- Laid Over to the Legislative Hearings due back on 11/6/2012**
- 8 [RLH VO 12-105](#) Appeal of Kathy Panciera, William Mitchell College of Law, to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 46 MILTON STREET NORTH.
- Sponsors:** Carter III
- Laid over to November 27, 2012 to get Planning Commission's determination.*

(Appellant will be before the Zoning Committee on November 8, 2012). CPH is December 5, 2012.

RE: 46 Milton St N (two-family dwelling) and 889 Portland Ave (single family)

Kathy Panciera, William Mitchell College of Law, appeared.

Fire Inspector A. J. Neis:

- both 46 Milton and 889 Portland are Revocations of the Fire Certificate of Occupancy conducted by Fire Inspector Mitchell Imbertson
- the Revocations were due to the fact that both of these properties had changed use from residential to offices
- several attempts were made to advise the college to get the buildings certified as their use changed
- Orders started for 889 Portland sometime in Aug 2012
- since the Revocation, the college has applied with the Department of Safety and Inspections (DSI) for the expansion of campus boundaries; so, they are now in the process of getting those buildings brought into compliance
- dates are scheduled with the Zoning Committee (tentatively Nov 8, 2012), Saint Paul Planning Commission

Ms. Moermond:

- we need to wait to hear what the Planning Commission (PC) has to say about the change in use before she can take any further steps
- based on what the PC says, we can work the Fire Orders accordingly
- will lay this over to Nov 27, 2012 LH; City Council Public Hearing Dec 5, 2012
- we could do this by email before Nov 27 but if we need a LH, we have the time scheduled; we will discuss the PC's determination
- if the PC's determination is not in the college's favor, we need to figure out a compliance plan
- a letter will be sent confirming this discussion

Laid Over to the Legislative Hearings due back on 11/27/2012

9 [RLH VO
12-106](#)

Appeal of Kathy Paciera, William Mitchell College of Law, to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 889 PORTLAND AVENUE.

Sponsors: Carter III

Laid over to November 27, 2012 to get Planning Commission's determination. (Appellant will be before the Zoning Committee on November 8, 2012). CPH is December 5, 2012.

RE: 46 Milton St N (two-family dwelling) and 889 Portland Ave (single family)

Kathy Panciera, William Mitchell College of Law, appeared.

Fire Inspector A. J. Neis:

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Inspections (DSI) for the expansion of campus boundaries; so, they are now in the process of getting those buildings brought into compliance
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- we need to wait to hear what the Planning Commission (PC) has to say about the change in use before she can take any further steps*
- based on what the PC says, we can work the Fire Orders accordingly*
- will lay this over to Nov 27, 2012 LH; City Council Public Hearing Dec 5, 2012*
- we could do this by email before Nov 27 but if we need a LH, we have the time scheduled; we will discuss the PC's determination*
- if the PC's determination is not in the college's favor, we need to figure out a compliance plan*
- a letter will be sent confirming this discussion*

Laid Over to the Legislative Hearings due back on 11/27/2012

11:30 a.m. Hearings

Orders To Vacate, Condemnations and Revocations

10

[RLH VO
12-109](#)

Appeal of Duane Christenson to a Fire Certificate of Occupancy Revocation and Order to Vacate 874 CHARLES AVENUE.

Sponsors: Carter III

Deny the appeal and grant an extension to December 1, 2012 for compliance.

RE: 874 Charles Ave (up and down duplex)

Jason Christenson, son of owner, Duane L. Christenson, appeared.

Fire Inspector A. J. Neis:

- Revocation of the Fire Certificate of Occupancy and Order to Vacate conducted by Inspector Michael Efferson Oct 12, 2012*
- reason for: several inspections were attempted extending back to May 2012 along with Corrections Orders that went unanswered by owner*
- after several attempts, it's standard practice to Revoke the Fire C of O if compliance isn't forthcoming*
- Notes: May 12, 2012 - no show at scheduled inspection; another letter sent and there was another no show; Jun 28, 2012 - responsible party requested an extension until Sep 20, 2012, which was granted but it also was a no show; and there's been no progress made on the exterior; inspector sent out a letter for a final extension for an additional 2 weeks to get the items addressed but there were not addressed; consequently, the Revocation*

Mr. Christenson:

- his dad is in North Dakota*
- he apologized because the last 2 "no shows" were his fault; the first time, he just forgot; the second time, he had started a new job and couldn't get away*
- he takes full responsibility for those "no shows"*
- his father bought this property originally because as soon as he sells his house in ND, he wants to move into this house on Charles*
- Jason has been living there about 3/4 time and intends to move in there full time*

very soon

- they are in the process of looking at putting Jason on the deed; his father pays the mortgage and he pays his father
- the outside work was not completely done; someone is working on the rails, today; they can't get anyone to do the back (a small job that no one wants to do or if they want to do it, they will charge an exorbitant amount of money)
- everything else on the list has been done on the inside
- they paid the people upstairs to do the insulation work; he assumes that's done
- the biggest item: furnaces
- the upstairs furnace where the tenants are is fine but the one downstairs needs more work; has an appointment for Oct 27, 2012 (\$800-\$900 job)
- a previous rental company didn't take of this property for a year; the neighbors called his dad and the rental company wouldn't evict the bad tenants - they destroyed the place; at great expense, he and his dad cleaned it out
- the neighbors requested that their son and his partner move upstairs at 874 Charles, who are very happy there and they are very good people; it's a healthy, safe place to be despite the things they are working on
- the furnaces have been cleaned by Bonfe and they will finish the work; the furnace people are all a month behind so, he's asking for a little more time

Mr. Neis:

- does not have the furnace on the deficiency list

Ms. Moermond:

- trying to think of legal vehicles to put Jason in an ownership position but she's coming up short
- is looking for principal violations

Mr. Neis:

- reduce clutter in the attic; maintain pathways (excessive fire load); (Jason: storage in attic is actually his brother's and Jason has put everything in tubs and people can walk up there)
- biggest concern: 2nd deck structure needs re-enforcing (Jason: the deck has been taken care of; it's actually a 3rd exit)

Ms. Moermond:

- will grant an extension to Dec 1, 2012
- City Council Public Hearing Nov 7, 2012 at 5:30 p.m.

Referred to the City Council due back on 11/7/2012

11 [RLH VO
12-117](#)

Appeal of Greg Ryan to a Fire Certificate of Occupancy Revocation and Order to Vacate 1963 MARSHALL AVENUE.

Sponsors: Stark

Deny the appeal and grant until November 9, 2012 for compliance.

RE: 1963 Marshall Ave (duplex)

Gregory Ryan, owner, appeared.

Fire Inspector A. J. Neis:

- Revocation of Fire Certificate of Occupancy and Order to Vacate for long-term noncompliance by Fire Inspector Mitchell Imbertson Oct 10, 2012
- Inspector Imbertson consulted with Mr. Neis on this property
- there was a previous appeal where an extension was granted for all the work to be

completed by Aug 15, 2012

- there had been some miscommunication and the inspector had delayed the process 2 additional months but the work still had not been done
- based on department policy, Mr. Neis instructed the inspector to Revoke the C of O

Mr. Ryan:

- appeal: this list keeps on growing; the timeline is unreasonable given the financial situation; I keep spending more money on forced regulation by the city's oppressive rules and ordinances
- advancements have taken place
- there were 49 items on the original list which has been reduced to 16 items
- permits have been issued for those last 16 items
- 1 month ago, he was informed that his mother has cancer; so, that set him back somewhat
- he had requested that this hearing be postponed until the next hearing
- he is in process; permits have been issued; work is in progress right now
- is asking for a little more time because he making progress
- of the 16 items left on the list, 10 are finished
- is waiting on inspections for the plumbing
- has put a call in to the heating inspector (their work load is heavy, right now)
- he wants to get this done but he doesn't need a ticket and he doesn't need to be thrown into jail
- the house is safe; it's always been safe
- has owned the property since 1986
- some of the Orders are for things that have existed since he has owned it or before
- he is doing the best he can; his mom's cancer really threw him back
- he is asking for a 30-day extension

Ms. Moermond:

- her cold analysis is that an appointment letter went out the beginning of Apr 2012 to get the ball rolling; another appointment letter went out Apr 24; then, an inspection took place a month later on May 30, 2012; that inspection produced a list from which we are still working on; it had been appealed
- the City Council set a deadline of mid-Aug, after which Mr. Ryan's mother developed cancer (her mother also has cancer and she understands this is difficult)
- often in these circumstances, if someone can't make a hearing, they send a representative
- the deadline has come and gone and all the work is still incomplete
- she is not sure that the work will be finished with an additional timeline

Mr. Ryan:

- the only re-inspection date he has was on the 22nd
- there are only 6 items left and given the city's inspection load - they are a week out, he needs more time

Mr. Neis:

- noticed an inspection Sep 17, 2012 by the warm air inspector; he documented that there's a requirement for 2 separate heating systems

Mr. Ryan:

- the inspector informed him that he should never have replaced the unit to increase efficiency; and that he had to install a brand new system or suggested that he could put in electric heating on 1 floor and cap off the other; and all this was another surprise to him; now, he needs to invest in a whole new heating system (he does plan on doing that but it's another financial burden and totally unexpected)
- he is not dodging this; he wants to get this done

Ms. Moermond:

- will recommend granting an extension to Nov 9, 2012 to come into compliance

Mr. Ryan:

- he appreciates anything that Ms. Moermond can offer him

Referred to the City Council due back on 11/7/2012

1:30 p.m. Hearings

Window Variances: Hearing Required

12 RLH FOW Appeal of Gepsy Guillaume to a Correction Notice-Foster Care Licensing
12-305 Inspection at 1597 SIXTH STREET EAST.

Sponsors: Lantry

Forthcoming. (LHO need to consult with City Attorney)

RE: 1597 Sixth At E (single family)

Gepsy Guillaume, owner, appeared.

Fire Inspector A. J. Neis:

- Fire Inspection Correction Notice due to a fire inspection that was requested by Ms. Guillaume to obtain her daycare / foster care license

- their office is authorized through the state to conduct these inspections for the State Fire Marshal to determine whether or not the dwelling is safe to be used for day care / foster care, etc.

- fire inspector noted that the bedroom egress windows are not compliant with the applicable codes:

- SW bedroom - 21h x 32w

- W bedroom - 13h x 32w

- NW bedroom - 13h x 32w

- the one exception in the building code for windows is for day care / foster care

- the window requirement is for rooms that are in use for day care / foster care

Ms. Moermond:

- the SW bedroom is fine, as is

- the W and NW bedrooms are significantly shorter in height than the code requires

Ms. Guillaume:

- she has been working in the health care business for a long time

- she has 2 houses she works at in Saint Paul

- she is asking for a waiver on the windows because the house was built in the 50s or 60s

- she was told that she could get a waiver

- she has lived there for 20 yrs

- he neighbor has a license and has the same windows as she does; she got a waiver because it's an older house

Ms. Moermond:

- she has never recommended a waiver of this magnitude

- because of a lawsuit and the city's change in procedures resulting from that, mostly,

egress window requirements aren't being enforced anymore; there are a few exceptions to that and one of them is for foster/day care licensing
- here, there is only 13 inches in height; that's not very much height to get out of if there's a fire
- the shortest height that she would have gone to is 16 inches
- she will talk with the City Attorney about this but she is really tempted to say, "No"

Ms. Guillaume:

- doesn't have the money to do the windows right now
- she will look into the specific measurements of where she works because they look the same and were granted a waiver

Ms. Moermond:

- if the height were 16 inches or more, she would grant a variance
- she will call to let her know what the City Attorney says

Mr. Neis:

- it is very clear that day / foster care is specifically exempt from the building code's regulations, pending the lawsuit

Referred to the City Council due back on 11/20/2012

Fire Certificates of Occupancy

- 13** **RLH FCO** Appeal of Peter Quayle to a Correction Notice-Complaint Inspection at 943
12-598 IGLEHART AVENUE.
- Sponsors:** Carter III
- Deny the appeal and grant until July 1, 2013 for compliance on the exterior scraping and painting.*
- RE: 943 Iglehart Ave (single family)*
- Peter Quayle, owner, appeared.*
- Fire Inspector A. J. Neis:*
- Correction Notice issued Oct 3, 2012 by Fire Inspector Michael Efferson indicating that the exterior surfaces must be protected from the elements
 - the Appellant is requesting additional time to complete the exterior on the house due to the weather
 - asking for more time - until May 2013
 - don't see any photos in the file
 - if it's just a matter of scraping and painting, we usually allow 90 days
 - based on the Orders, we can't tell if there are visible holes
- Mr. Quayle:*
- it's mainly scraping and painting that needs to be done
 - he has no photos, either
 - 2 1/2 story house - 1500 sq. ft.
- Ms. Moermond:*
- photos would be helpful
 - happy to grant a variance this time of year but if there are places where a repair needs to be made (board replacement, holes, etc.), she would expect those repairs to be made by Nov 15, 2012; an inspector will swing by around Nov 15

- scraping and painting can wait until next year
- will recommend granting an extension to Jul 1, 2013

Mr. Neis:

- they will contact Mr. Quayle if they notice anything visible that needs more attention (Ms. Moermond: also, snap a picture and put it into the record)

Referred to the City Council due back on 11/20/2012

**14 RLH FCO
12-594**

Appeal of Robert and Glenda Olsen to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 613 SHERBURNE AVENUE.

Sponsors: Carter III

Deny the appeal on the parking space issue. In order to bring the parking issue into compliance, owner can post a "no parking" sign, seed the area or do a lease amendment to the tenant(s); 2) grant the appeal on the sill height in the lower unit east bedroom on the condition that the room is not to be used as a sleeping room and that all bedding materials stored there must be removed; and 3) grant until July 1, 2013 for the scraping and painting of the exterior house and garage.

RE: 613 Sherburne Ave (duplex)

Glenda Olsen, owner, appeared.

Fire Inspector A. J. Neis:

- re-inspection of Fire Certificate of Occupancy conducted Oct 1, 2012 by Inspector Wayne Spiering
- 5 code deficiency items remaining on list
- appealing item #1: parking spaces - inspector stated that grass is not an approved parking space - Appellant would like this to be grandfathered in
- appealing item #3: lower unit sill height of egress window is 73 inches (maximum requirement is 48 inches) - Appellant would like to provide a fires escape ladder rather than damage the woodwork
- the intended parking space for the dwelling is the garage itself; could not grandfather-in the side yard for parking; he doesn't see evidence of asphalt or concrete that might previously been there

Referred to the City Council due back on 11/20/2012

**15 RLH FCO
12-607**

Appeal of Felix Lopez to a Fire Inspection Correction Notice at 478 VAN DYKE AVENUE.

Sponsors: Lantry

Owner, Jose Lopez, needs to provide written documentation by November 13, 2012 indicating that sister was part owner during the repair of the building and will be put on the deed as a part ownership. If documentation is received and approved, Ms. Moermond will grant the appeal to be out of the Fire C of O Program.

Referred to the City Council due back on 11/20/2012

2:30 p.m. Hearings

Vacant Building Registrations

- 16 [RLH VBR
12-72](#) Appeal of Dan Mohr to a Vacant Building Registration Requirement at 942 GALTIER STREET.
- Sponsors:** Carter III
- Inspector waiting on an electrical certification letter and then will close VB file.
Electrical signed off.*
- Withdrawn**
- 17 [RLH VO
12-111](#) Appeal of Scott Montgomery to a Fire Certificate of Occupancy Revocation and Order to Vacate 1323 EDMUND AVENUE (Includes Vacant Building Registration Notice).
- Sponsors:** Stark
- Need owner to provide access to the interior of the building.*
- RE: 1323 Edmund Ave (single family)*
- Scott Montgomery, appeared.*
- Fire Inspector A. J. Neis:*
- *Revocation of a Fire Certificate of Occupancy and Order to Vacate by Fire Inspector Lisa Martin*
 - *revoked because it was vacant and had multiple code violations for an extended period of time*
 - *initial inspection process began Aug 2012; several code violations had been noticed on the property*
 - *re-check conducted in Sep 2012 for which no one showed*
 - *the property was vacant; exterior work was not done and the garage was open and left unsecured*
 - *subsequently, Ms. Martin re-inspected the property Oct 4, 2012 and again, found the building vacant and the garage not secured*
 - *Ms. Martin consulted with Mr. Neis, who advised her to send it over to Vacant Buildings as a Category 2*
 - *there was an error on their end: Ms. Martin neglected to send the letter in a timely manner; the letter was not sent for 11 days after she sent it to VB, so, proper notice was not given in a reasonable time*
- Matt Dornfeld, Vacant Buildings:*
- *they opened the VB file after Ms. Martin sent it over*
- Mr. Montgomery:*
- *has never dealt with this process before*
 - *history: the owner of the property lives in Chicago*
 - *they started working on this the early part of the year*
 - *the owner had sold the property on a contract for deed in 2006; the person paid for a couple of years and then stopped; she sued him and the bank - it was a long drawn out lawsuit; after they settled, she would not leave the property (she was there for a long period of time)*
 - *they ended up hiring an attorney and finally got her out*
 - *once they knew she was out, they sent someone over to clean, re-key the house and secure the property*
 - *the owner said he received a letter from Ms. Martin; he called her and gave her Mr. Montgomery's number; however, he never received a call from Ms. Martin*

- eventually, Mr. Montgomery called Ms. Martin (probably 2-3 weeks ago) and told her what was going on in a message; he did not get a call back, so, he assumed all was well
- in the meantime, they got a Purchase Agreement on the property around the first week of Oct 2012 (has copy); it's subject to the building not being on the Vacant Building list; they need to get it off this list so they can close
- the buyer was trying to be here today; his goal is to rehab the property and rent it out
- the garage door was not lockable; he sent someone over to board it
- closing is scheduled for Nov 26, 2012; are trying to move it up if they get the funds

Mr. Neis:

- we would not be opposed to take one more stab at this property as long as they are allowed access to the building and if the repairs were not extensive, they would allow it back into the Certificate of Occupancy Program

Ms. Moermond:

- will lay this over for 2 weeks during which she needs to get a Fire C of O inspector into the building and based on that outcome of that inspection, she will see where we go with it
- it seems to meet the definition of a building that should be in the Registered Vacant Building Program: it's vacant and has multiple housing code violations; with this comes an annual fee of \$1,100 and the need to get a Code Compliance Inspection Report and get all that work done; the buyer would need to demonstrate that they are capable of doing that work; based on the extent of the interior issues, we'll see whether or not we can come to a modified position
- she would want to create an incentive using the VB fee to get them to do the repairs quickly

Mr. Montgomery:

- they weren't going to be the ones to fix it up; they wanted to get the buyer hooked up with Ms. Martin and figure out what needed to be done
- from what he saw, most of the issues are with the garage: the roof is bad; he thinks the garage should be torn down; he is not concerned about the house - it has a new roof

Ms. Moermond:

- we need to start with a list of items that need to be done; Mr. Montgomery can provide access to the property - schedule the appointment with the inspector
- 2 week layover to get the inspection report done

Laid over to the Legislative Hearings due back on 11/6/2012

- 18** [RLH VBR
12-73](#) Appeal of Sy Meng to a Vacant Building Registration Renewal Notice at 249 AURORA AVENUE.
- Sponsors:** Carter III
- VB fee held for 90 days.
- Withdrawn**
- 19** [RLH VBR
12-77](#) Appeal of Jeremy Peterson to a Vacant Building Registration Requirement at 476 BELLOWS STREET.
- Sponsors:** Thune

Change VB classification from Category 2 to Category 1. Owner will need to get all electrical issues "H" on the TISH report signed off under permit by November 2. Staff report on November 6.

RE: 476 Bellows St (single family)

Jeremy Peterson appeared.

Matt Dornfeld, Vacant Buildings:

- Inspector Dennis Senty opened a Category 2 Vacant Building file Oct 10, 2012
- the property was referred to him by Code Inspector Steve Schiller as to the house being unoccupied; it was secured by normal means
- water shut-off Notice was posted on front door
- concrete front steps to house crumbling; chipped, peeling paint
- Mr. Senty posted "Keep Out" placards and "Vacant Building" placards
- he took photos
- the property area was maintained

Mr. Peterson:

- bank owned property he is selling for Fannie Mae
- he has paid the water, gas and electrical bills (time stamped in his name)
- it was his fault that this was moved to a Cat 2 VB because he ignored the letter that said he was to call for water meter installation; he thought the new buyer could take care of that; he didn't realize that they would shut-off the water if an appointment wasn't made to install a new water meter
- has a good relationship with Inspector Senty, who called Mr. Peterson and told him that the property would not have been on the list had he called to make an appointment to have a new water meter installed
- he talked with the bank; told his asset manager what had happened and took full responsibility
- the property is scheduled to close very soon but this puts a damper on the situation
- is asking to be upgraded to a Cat 1 VB; he has no problem paying the building fee
- this will be a cash buyer (\$39,000)

Mr. Dornfeld:

- TISH Report has 3-4 H's (electrical)

Ms. Moermond:

- this is rough shape and has some H's on TISH; it evidences major code violations from the photos
- this should go through the Code Compliance Inspection process
- she will recommend waiving the Vacant Building fee for 90 days
- get the rehab going

Mr. Peterson:

- the inspections will take about 6 weeks and this is supposed to close in 10 days

Ms. Dornfeld:

- by looking closer at the H's on the TISH, some items are minor like missing electrical plates and a water meter jumper; he thinks that they could avoid the code compliance inspection if they got in there with a licensed electrician because the TISH doesn't have a whole lot else on it

Ms. Moermond:

- OK; get the electrician out there and take care of these repairs listed in the TISH report quickly

- show me a signed-off permit on that; need to contact a licensed electrical contractor
- get this done by the end of this week and you can be a Cat 1 VB if those things are addressed
- I'll get a staff report and revisit this on Nov 6, 2012 to see if we have a closed permit
- call Matt Dornfeld 651-266-1902

Laid Over to the Legislative Hearings due back on 11/6/2012

**20 RLH VBR
12-76**

Appeal of Betsy Starkson, Twin Cities Habitat for Humanity, to a Vacant Building Registration Notice at 882 CENTRAL AVENUE WEST.

Sponsors: Carter III

Change VB classification from Category 2 to Category 1 and waive the vacant building fee for 4 months (120 days). (If work is done, will prorate the VB fees) - Staff report in 4 months.

RE: 882 Central Ave W (single family)

Betsy Starkson, Twin Cities Habitat for Humanity, appeared.

Fire Inspector A. J. Neis:

- Certificate of Occupancy Revocation issued Sep 28, 2012 by Fire Inspector Michael Efferson; it was found to be vacant
- inspector transferred to the Vacant Building Program for follow-up

Matt Dornfeld, Vacant Buildings:

- Inspector Kalas opened a Category 2 VB on Oct 2, 2012 due to the referral
- he did not document any major code violations at the time of his inspection
- he thinks that at one time, this house was a rental; however, Inspector Efferson is relatively new and he may have been confused

Ms. Starkson:

- Habitat purchased this house at the end of Aug 2012
- they changed the locks immediately
- they have been doing some environmental testing in the house
- are planning to start the rehab
- brought photos - it's a good looking house that they will update
- she had told the inspector that this was not a rental property; Habitat would be doing some light rehabbing and then, sell it to a family who will be living in it - wondering whether it still needed the C of O inspection; after that conversation, the inspector Revoked the C of O
- will be working on it over the winter and probably close early spring 2013 (family needs to put in equity time)
- for their vacant buildings, they have someone maintain the property (monitor, mow lawn, shovel, etc.)

Ms. Moermond:

- not seeing significant code violations; and the Vacant Building definition talks about a building having been Condemned being an automatic referral into the VB Program; it doesn't talk about Revocation in the same way
- will recommend that this property be a Category 1 VB and waive the VB fee for 4 months; it will probably be prorated after that depending upon progress
- there will be a staff report in 4 months; we can talk about the VB fee then

Referred to the City Council due back on 11/20/2012

21 RLH VBR
12-74

Appeal of Mai Lee, legal representative of Anton Nguyen (owner), to a Vacant Building Registration Notice at 318 EDMUND AVENUE.

Sponsors: Carter III

Deny the appeal and waive the vacant building fee for 90 days. (Owner needs to obtain a code compliance inspection.)

RE: 318 Edmund Ave (single family)

Mai Lee, legal representative of Anton Nguyen, owner, appeared and Les Lucht, who has been helping fix up properties.

Matt Dornfeld, Vacant Buildings:

- *Inspector Senty opened a Category 2 Vacant Building Oct 3, 2012 due to a Fire Certificate of Occupancy Revocation by Inspector Beumer*
- *Inspector Senty noted that the house was unoccupied and secured by normal means*
- *he listed deficiencies, took photos, posted placards*
- *house and garage were secured*
- *yard had general tall grass and weeds with some household items on rear deck and in rear yard*

Fire Inspector A. J. Neis:

- *the reason for the Revocation was due to long term noncompliance*
- *C of O inspection was attempted Dec 28, 2011; property owner didn't show; occupant allowed access, gave contact info then, refused the full inspection; said they were not notified*
- *there were no CO detectors and the hard-wired smoke detector was not working*
- *property was re-checked Dec 29, 2011 - inspector helped occupant get the smoke detector working again so they would not have to vacate the property*
- *Jan 5, 2012 - no response from property owner*
- *Feb 3, 2012 - no response from property owner*
- *Apr 2012 - no show; was not allowed access*
- *continual noncompliance issue with multiple code violations*
- *photos in file*

Ms. Lee:

- *Mr. Nguyen has a house in CA so he travels back and forth*
- *his sister, who is supposed to be taking care of this property had a stroke in Jul 2012*
- *the on-going items are just minor items that need to be fixed; however, in the last few months, they have become more major before vacating the tenant*
- *she came aboard about 1 1/2 months ago and began to take care of things*
- *there's new carpet, new paint, etc. (while the tenants were there, Mr. Nguyen wasn't able to fix all the items)*
- *Les will be helping out - fixing up the property*

Mr. Lucht:

- *Mr. Nguyen has no maintenance person and no knowledge of doing the repairs or how to get them done*
- *Mr. Nguyen received this Vacate Notice while they were working on the property at 458 Thomas (are down to 8 or 9 items from a list of 38)*
- *Mr. Lucht has contacted plumbers, electricians, etc.,*
- *Mr. Nguyen told him that he had only 2 inspections recently, and then the inspector put up the Vacate signs up (not sure if that's true)*
- *thinks it would take approximately 60 days to get this building up to code*

- there are already a number of properties on that block which are on the VB list
- hopes something can be worked out to get the placards off because that's an indication to "come steal the pipes, etc."
- Ms. Moermond knows that he does his required repairs; he is giving his word that the repairs would be completed within 60 days

Mr. Neis:

- their records show that there was an inspection made May 10, 2012; June 11, 2012; Aug 9, 2012; Aug 29, 2012; ultimately, the Revocation

- Ms. Lee:

- we are all new at this
- owner wants to fix it up and since there is no one living there, it should be easier to do if Ms. Moermond allows them the time to do it

Ms. Moermond:

- checking documents that preceded Ms. Lee's and Mr. Lucht's involvement (end of Aug 2012)
- she is seeing multiple major code violations listed in the Fire C of O Order and documented by the photos
- no permits have been pulled
- given the number of violations and severity of the violations, this building does meet the definition of a VB and should go through the Code Compliance Inspection (looking at leaking fuel equipment valve and the open sewer piping and unvented drains)
- will recommend the Council waive the VB fee for 90 days which should provide some assistance in off-setting the cost of the Code Compliance Inspection itself
- needs to be fixed properly

Referred to the City Council due back on 11/20/2012

**22 RLH VBR
12-78**

Appeal of Jeremy Peterson to a Vacant Building Registration Requirement at 517 MANOMIN AVENUE.

Sponsors: Thune

Waive the VB fee for 4 months and change VB classification from Category 2 to Category 1.

RE: 517 Manomin Ave (single family)

Jeremy Peterson appeared.

Matt Dornfeld, Vacant Buildings:

- house unoccupied; secured by other than normal means (boarded)
- water shut-off posted; chipped, peeling paint; water damaged ceiling and wall; inside of porch also has water damage; deteriorated foundation mortar joints; missing storm windows and screens; new roof on house but no permits in system;
- took photos; posted placards
- yard maintained

Mr. Peterson:

- bank owned property he is selling for Fannie Mae
- he has paid the water, gas and electrical bills (time stamped in his name)
- it was his fault that it was moved to a Cat 2 VB because he ignored the letter that said he was to call for water meter installation; he thought the new buyer could take care of that; he didn't realize that they would shut-off the water if an appointment

wasn't made to install a new water meter

- has a good relationship with Inspector Senty, who called Mr. Peterson and told him that the property would not have been on the list had he installed a new water meter*
- he talked with the bank; told his asset manager what had happened and took full responsibility*
- the property is scheduled to close but this puts a damper on the situation*
- is asking to be upgraded to a Cat 1 VB; he has no problem paying the building fee*
- this will be an owner-occupied buyer (\$109,000)*

Mr. Dornfeld:

- couple H's on TISH Report (water heater venting; elect wiring in attic space)*

Ms. Moermond:

- reviewing the photos*
- will recommend this be a Cat 1 VB and the VB fee be waived for 4 months (has fewer problems than the 476 Bellows property)*

Referred to the City Council due back on 11/20/2012

Other

Staff Reports