



# City of Saint Paul

15 West Kellogg Blvd.  
Saint Paul, MN 55102

## Meeting Agenda Legislative Hearings

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

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Tuesday, August 23, 2011

9:00 AM

Room 330 City Hall & Court House

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### 9:00 a.m. Hearings

#### Remove/Repair Orders

- 1 [RLH RR 11-19](#) Ordering the rehabilitation or razing and removal of the structure(s) at 936 EARL STREET within fifteen (15) days after the August 3, 2011 City Council Public Hearing. (Public hearing continued from August 3) (To be referred back to November 22, 2011 Legislative Hearing and City Council public hearing continued to December 7, 2011)

**Sponsors:** Bostrom

**Attachments:** [936 Earl Appt Ltr 2/7/11](#)  
[936 Earl Order to Abate Nuisance 3/2/11](#)  
[936 Earl Code Compl Rpt 3-10-11](#)  
[936 Earl Pub Hrng Notice 4/15/11](#)  
[936 Earl St McCracken R-R Ltr 5-10-11.doc](#)  
[HPC res 936 Earl - HRR.pdf](#)  
[936 Earl St.Minutes 5-10-11.pdf](#)  
[936 Earl.Photos.2-4-11.pdf](#)  
[936 Earl St.Kujala Ltr 7-26-11.doc](#)

**Legislative History**

5/10/11	Legislative Hearings	Laid Over to the Legislative Hearings <i>See May 10, 2011 Legislative Hearing Minutes via attachment.</i>
5/24/11	Legislative Hearings	Referred to the City Council <i>Ms. Moermond has several phone conversations with Mr. John Dobbs, who is representing the potential buyer, and indicated that his client is not going to make repairs to the building since the building cannot be transferable since it's a Category 3, Registered Vacant Building. Ms. Moermond will recommend that the City Council refer the matter back to Legislative Hearing on July 26, 2011 for HPC review and City Council Public Hearing on August 3, 2011.</i>

*RE: 936 Earl Street*

*No one appeared.*

6/1/11	City Council	Referred to the Legislative Hearings
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*Legislative Hearing Officer Marcia Moermond said there would be a change of ownership to the County on August 1. She asked that the matter be referred back for a July 26 Legislative Hearing and the Council public hearing be continued to August 3.*

*No one appeared in opposition; Councilmember Bostrom moved to continue the public hearing to August 3.*

7/26/11      Legislative Hearings      Referred to the City Council  
*Ms. Moermond recommends a Layover to Legislative Hearing August 23, 2011 (CCPH Sep 7, 2011).*

*RE: 936 Earl St*

*Steve Magner, Vacant Buildings:*

- layover - last letter May 31, 2011 saying that on May 24, 2011 at LH, no one appeared.*
- Ms. Moermond recommended that the City Council refer the matter back to LH on July 19, 2011 at 9 am in Room 330 CH and City Council Public Hearing on Aug 3, 2011 at 5:30 pm in Room 300 City Hall*
- no other updated information*

*Christine Boulware, Heritage Preservation Commission (HPC):*

- at LH, it was referred to HPC as an historic resource*
- review completed Jun 9, 2011 at HPC business meeting*
- HPC staff recommended that City Council delay demolition in order for alternatives to be explored*
- HPC staff recommends that a qualified historian be hired to evaluate both national register and local eligibility not only as a house but as it's contribution to the Payne-Phalen Neighborhood*
- HPC staff recommendation was unanimously approved*

*Ms. Moermond:*

- at a LH, there was a very brief conversation about laying this matter over to allow Ramsey County to come up with a plan for rehab because it's going to be forfeited for lack of tax payment*
- will go back to City Council Public Hearing Aug 3, 2011*
- she will recommend a one month layover (Sep 7, 2011) for Ramsey County to come forward with a plan for rehab*
- it will come back to LH Aug 23, 2011*
- Ramsey County will be copied on outgoing letters; hopefully, they will be in attendance Aug 23, 2011*

8/3/11      City Council      Referred to the Legislative Hearings  
*Legislative Hearing Officer Marcia Moermond said the taxes had recently been paid and she would like additional time to determine whether someone had interest in rehabilitating the property, which had some historic interest.*

*No one appeared in opposition; Councilmember Bostrom moved to continue the public hearing to September 7.*

2      [RLH RR](#)  
[11-48](#)

Ordering the rehabilitation or razing and removal of the structures at 554 CHARLES AVENUE within fifteen (15) one hundred twenty (120) days after the September 7, 2011 City Council Public Hearing.

**Sponsors:**      Carter III

- Attachments:** [554 Charles Ave Order to Abate.pdf](#)  
[554 Charles Ave Public Hearing Notice.pdf](#)  
[554 Charles Ave Expired Code Complaine Report.pdf](#)  
[554 Charles Ave Photos.pdf](#)  
[554 Charles Ave.8-9-11 Remove-Repair Ltrs.pdf](#)  
[554 Charles Ave.Documents 8-29-11.pdf](#)  
[554 Charles Ave.R-R FTA Ltr 8-18-11.doc](#)  
[554 Charles Ave.Bid Tab.pdf](#)

**Legislative History**

8/9/11 Legislative Hearings Laid Over to the Legislative Hearings  
*No one appeared. Ms. Moermond will recommend to the City Council that the building be removed within 15 days with no option for repair.*

*RE: 554 Charles Ave (single family)*

*No one appeared.*

*Steve Magner, Vacant Buildings:*

- 2 story wood frame duplex on a lot of 2,178 sq ft
- vacant since Jun 19, 2007
- Ramsey County lists current property owner as K 3 Investment
- May 17, 2011, inspection was conducted; list of deficiencies which constitute a nuisance condition was developed; photos taken
- Order to Abate Nuisance building posted May 31, 2001; compliance date Jun 30, 2011
- as of this date, the property remains in a condition which comprises a nuisance as defined by the legislative code
- estimated market value \$9,400 on land; \$41,600 on building
- taxes for 2010 are delinquent in the amount of \$3,733.03 and for first half of 2011 in the amount of \$2,582.80, plus penalty and interest
- VB fees were paid by assessment on Jul 22, 2011
- Code Compliance Inspection was done Sep 28, 2009 and has expired; \$5,000 Performance Deposit has not been posted
- 16 Summary Abatement Notices since 2007
- 20 Work Orders: 1) garbage/rubbish; 2) grass/weeds; 3) snow/ice; 4) boarding/securing
- estimated cost to repair exceeds \$60,000; estimated cost to demolish between \$10,000-\$12,000

*Christine Boulware, Heritage Preservation Commission (HPC):*

- built 1902
- retains open front porch
- loss of some of the decorative detail
- original clapboard covered by vinyl siding
- located in the 1983 identified Frogtown potential historic district and is in the footprint of the 2011 Legacy Survey area of the neighborhood
- integrity on the context of the footprint
- not individually eligible; would contribute to the context of the historic district in the area
- HPC staff strongly encourages rehab based on its contribution to the immediate neighborhood

*Ms. Moermond:*

*- no show; no one's come forward*

*- will recommend removal of the building within 15 days with no option for rehabilitation*

*On August 19, an attorney representing the owner called and indicated the owner missed the August 9 hearing; therefore, he asked to reschedule.*

- 3      [RLH RR](#)  
[11-54](#)      Ordering the razing and removal of the structures at 1160 CONWAY STREET within fifteen (15) days after the September 21, 2011, City Council Public Hearing.
- Sponsors:**      Lantry
- Attachments:**      [1160 Conway St Order to Abate 6-14-11.pdf](#)  
[1160 Conway St.Public Hearing Notice 7-29-11.pdf](#)  
[1160 Conway St.Code Compliance Report 4-28-10.pdf](#)  
[1160 Conway St Photos.pdf](#)  
[1160 Conway St.FTA Ltr R-R 8-29-11.doc](#)  
[1160 Conway St.Bid Tabs 8-23-11.pdf](#)
- 4      [RLH RR](#)  
[11-55](#)      Ordering the rehabilitation or razing and removal of the structures at 937 IGLEHART AVENUE within fifteen (15) days after the September 21, 2011, City Council Public Hearing. (Public hearing held September 21)
- Sponsors:**      Carter III
- Attachments:**      [937 Iglehart Ave Order to Abate.pdf](#)  
[937 Iglehart Ave Public Hearing Notification.pdf](#)  
[937 Iglehart Ave Expired Code Compliance Report.pdf](#)  
[937 Iglehart Ave Photos.pdf](#)  
[937 Iglehart Ave.Fuchs Ltr Ltr 8-29-11.doc](#)  
[937 Iglehart Ave.Photos.9-21-11.pdf](#)  
[937 Iglehart Ave.VB Perf Dep & Registration.9-12-11.pdf](#)  
[937 Iglehart.Financial Statement.9-14-11.pdf](#)  
[937 Iglehart.Workplan.9-18-11](#)  
[937 Iglehart Ave.Additional Materials 9-28-11.pdf](#)
- 5      [RLH RR](#)  
[11-56](#)      Ordering the rehabilitation or razing and removal of the structures at 591 MACKUBIN STREET within fifteen (15) days after the September 21, 2011, City Council Public Hearing.
- Sponsors:**      Carter III
- Attachments:**      [591 Mackubin St Order to Abate.pdf](#)  
[591 Mackubin St Public Hearing Notification.pdf](#)  
[591 Mackubin St Photos.pdf](#)  
[591 Mackubin St.Kujala Ltr 8-29-11.doc](#)
- 6      [RLH RR](#)  
[11-57](#)      Ordering the razing and removal of the structures at 983 MINNEHAHA AVENUE EAST within fifteen (15) days after the September 21, 2011, City Council Public Hearing.
- Sponsors:**      Lantry

**Attachments:** [983 Minnehaha Ave E Order to Abate.pdf](#)  
[983 Minnehaha Ave E Public Hearing Notification.pdf](#)  
[983 Minnehaha Ave E Photos.pdf](#)  
[983 Minnehaha Ave E.FTA Ltr R-R 8-29-11.doc](#)  
[983 Minnehaha Ave E.Bid Tabs 8-23-11.pdf](#)

- 7 [RLH RR](#)  
[11-58](#) Ordering the rehabilitation or razing and removal of the structures at 353 SHERBURNE AVENUE within fifteen (15) days after the September 21, 2011, City Council Public Hearing.

**Sponsors:** Carter III

**Attachments:** [353 Sherburne Ave Order to Abate.pdf](#)  
[353 Sherburne Ave Public Hearing Notification.pdf](#)  
[353 Sherburne Ave Code Compliance Report.pdf](#)  
[353 Sherburne Ave Photos.pdf](#)  
[353 Sherburne Ave.Kneer Ltr 8-29-11.doc](#)

- 8 [RLH RR](#)  
[11-59](#) Ordering the razing and removal of the structures at 949 ST. ANTHONY AVENUE within ninety (90) days after the September 21, 2011, City Council Public Hearing.

**Sponsors:** Carter III

**Attachments:** [949 St Anthony Ave Order to Abate.pdf](#)  
[949 St Anthony Ave Public Hearing Notification.pdf](#)  
[949 St Anthony Ave Photos.pdf](#)  
[949 St. Anthony Ave.Kujala Ltr Ltr 8-29-11.doc](#)

## 11:00 a.m. Hearings

### Summary Abatement Orders

- 9 [RLH SAO](#)  
[11-22](#) Appeal of Robert Schilling to a Summary Abatement Order at 864 MARION STREET.

**Sponsors:** Helgen

**Attachments:** [864 Marion.appeal.8-15-11.pdf](#)

### Orders To Vacate, Condemnations and Revocations

- 10 [RLH VO](#)  
[11-63](#) Appeal of Lawrence Moloney, Southern Minnesota Regional Legal Services (SMRLS), on behalf of Pam Olson, to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 1020 HUBBARD AVENUE. (To be referred back to Legislative Hearing on December 21, 2011)

**Sponsors:** Carter III

**Attachments:** [1020 Hubbard.appeal.8-9-11.pdf](#)  
[1020 Hubbard Ave.Moloney Ltr 8-29-11.doc](#)

- 11 [RLH FOW](#)  
[11-126](#) Appeal of Robert E. Gotch to Revocation of Fire Certificate of Occupancy and Order to Vacate at 1009 THOMAS AVENUE (appealing windows only).  
**Sponsors:** Carter III  
**Attachments:** [1009 Thomas.appeal.8-04-11.pdf](#)  
[1009 Thomas Ave.Gotch Ltr 8-29-11.doc](#)

**1:30 p.m. Hearings****Correction Orders**

- 12 [RLH CO](#)  
[11-17](#) Appeal of Tom Anderson to a Correction Notice at 2179 BENSON AVENUE.  
**Sponsors:** Harris  
**Attachments:** [2179 Benson.appeal.8-10-11.pdf](#)  
[2179 Benson.Photos.8-1-11.pdf](#)

**Fire Certificates of Occupancy**

- 13 [RLH FCO](#)  
[11-310](#) Appeal of Scott Somers to a Fire Certificate of Occupancy Inspection Correction Notice at 1525 ALAMEDA STREET.  
**Sponsors:** Helgen  
**Attachments:** [1525 Alameda.appeal.8-11-11.pdf](#)  
[1525 Alameda St.Somers Ltr 8-29-11.doc](#)  
[1525 Alameda St.Somers Revised Ltr 8-29-11.doc](#)
- 14 [RLH FCO](#)  
[11-303](#) Appeal of Jayant Saraph to a Fire Certificate of Occupancy Inspection Correction Notice at 601 CLIFFORD STREET.  
**Sponsors:** Stark  
**Attachments:** [601 Clifford.appeal.8-9-11.pdf](#)  
[601 Clifford St.Saraph Ltr 8-29-11.doc](#)  
[601 Clifford.Photo.pdf](#)  
**Legislative History**  
8/16/11 Legislative Hearings Laid Over to the Legislative Hearings  
*Rescheduled per owner's request.*
- 15 [RLH FCO](#)  
[11-307](#) Appeal of James Swartwood to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 1100 CONWAY STREET.  
**Sponsors:** Lantry  
**Attachments:** [1100 Conway.appeal.8-11-11.pdf](#)  
[1100 Conway St.Swartwood Ltr 8-29-11.doc](#)
- 16 [RLH FCO](#)  
[11-326](#) Appeal of Bee Vue to a Fire Certificate of Occupancy Correction Notice at 107 FRONT AVENUE.

- Sponsors:** Helgen  
**Attachments:** [107 Front.appeal.8-17-11.pdf](#)  
[107 Front Ave.Vue Ltr 8-29-11.doc](#)
- 17 **RLH FCO** Appeal of Bee Vue to a Fire Certificate of Occupancy Correction Notice at 980  
**11-327** CONWAY STREET.  
**Sponsors:** Lantry  
**Attachments:** [980 Conway.appeal.8-17-11.pdf](#)  
[980 Conway St.Vue Ltr 8-29-11.doc](#)
- 18 **RLH FCO** Appeal of Shuping Zhang to a Fire Certificate of Occupancy Inspection Correction  
**11-302** Notice at 852 FOURTH STREET EAST.  
**Sponsors:** Lantry  
**Attachments:** [852 4th.appeal.8-9-11.pdf](#)  
[852 Fourth St E.Zhang Ltr 8-29-11.doc](#)  
[852 4th St.Fieldstone Engineering Report.7-25-11.pdf](#)  
[852 4th St.Photos.8-15-11.pdf](#)
- 19 **RLH FCO** Appeal of Judith M. Martin to a Fire Certificate of Occupancy Correction Notice at 946  
**11-266** GALTIER STREET.  
**Sponsors:** Helgen  
**Attachments:** [946 Galtier.appeal.7-25-11.pdf](#)  
**Legislative History**  
8/16/11 Legislative Hearings Laid Over to the Legislative Hearings  
*Rescheduled per owner's request. Grant a variance on window(s).*  
*Appellant called and indicated that she was rescheduled to September 6 and not August 23.*
- 20 **RLH FCO** Appeal of Jeff Noreen to a Fire Certificate of Occupancy Approval With Corrections at  
**11-306** 764 MARYLAND AVENUE EAST.  
**Sponsors:** Bostrom  
**Attachments:** [764 Maryland E.appeal.8-10-11.pdf](#)  
[764 Maryland Ave E.Noreen Ltr 8-29-11.doc](#)
- 21 **RLH FCO** Appeal of Michael Ahrndt to a Fire Certificate of Occupancy Inspection Correction  
**11-289** Notice at 1901 MARYLAND AVENUE EAST.  
**Sponsors:** Bostrom  
**Attachments:** [1901 Maryland.appeal.8-4-11.pdf](#)  
[1901 Maryland Ave E.Ahrndt Ltr 8-29-11.doc](#)  
[1901 Maryland.Photos.7-1-11.pdf](#)
- 22 **RLH FCO** Appeal of Tod Peterson to a Re-Inspection Fire Certificate of Occupancy With  
**11-300** Deficiencies at 1364 REANEY AVENUE.

- Sponsors:** Lantry  
**Attachments:** [1364 Reaney.appeal.8-10-11.pdf](#)  
[1364 Reaney Ave.Peterson Ltr 8-29-11.doc](#)
- 23     **RLH FCO**     Appeal of Mark Grondahl to a Fire Certificate of Occupancy Inspection Correction  
**11-312**             Notice at 1654 MCAFEE STREET.  
**Sponsors:**     Bostrom  
**Attachments:**   [1654-1656 Mcafee.appeal.8-12-11.pdf](#)  
[1654 McAfee St.Fire C of O Letter.8-18-11.pdf](#)  
[1654-1656 McAfee.Grondahl Ltr 8-29-11.doc](#)
- 24     **RLH FCO**     Appeal of Kelly Korwin to a Fire Certificate of Occupancy Inspection Correction Notice  
**11-290**             at 734 OTTAWA AVENUE.  
**Sponsors:**     Thune  
**Attachments:**   [734 Ottawa.appeal. 8-3-11.pdf](#)
- 25     **RLH FCO**     Appeal of Scott Huestis, Trustee for Dorothy M. Huestis Trust, to a Fire Certificate of  
**11-296**             Occupancy Correction Notice at 1685 TAYLOR AVENUE.  
**Sponsors:**     Stark  
**Attachments:**   [1685 Taylor.appeal.8-08-11.pdf](#)  
[1685 Taylor Ave.Huestis Ltr 8-29-11.doc](#)
- 26     **RLH FCO**     Appeal of Robert Andrews, Twin Cities Real Estate Holdings, to a Correction  
**11-291**             Notice-Complaint Inspection at 880 WILSON AVENUE.  
**Sponsors:**     Lantry  
**Attachments:**   [880 Wilson.appeal.8-4-11.pdf](#)  
[880 Wilson Ave.Alter Ltr 8-29-11.doc](#)  
[880 Wilson.Photos.7-26-11.pdf](#)

## 2:30 p.m. Hearings

### Vacant Building Registrations

- 27     **RLH VBR**     Appeal of On Time Contractors to a Vacant Building Registration Requirement at 466  
**11-62**             EDMUND AVENUE.  
**Sponsors:**     Carter III  
**Attachments:**   [466 Edmund.appeal.8-23-11.pdf](#)  
[466 Edmund Ave.On Time Contractors Ltr 8-29-11.doc](#)
- 28     **RLH VBR**     Appeal of Roger New to a Vacant Building Registration Requirement at 956 IGLEHART  
**11-63**             AVENUE.  
**Sponsors:**     Carter III



**Attachments:** [956 Iglehart.appeal.8-08-11.pdf](#)  
[956 Iglehart Ave.Photos.7-25-11.pdf](#)  
[956 Iglehart Ave.Revocation & Order to Vacate.7-22-11.pdf](#)  
[956 Iglehart Ave.New Ltr 8-29-11.doc](#)

- 29 [RLH VBR](#)  
[11-60](#) Appeal of Thomas Poole to a Vacant Building Registration Notice plus Revocation of Fire Certificate of Occupancy and Order to Vacate at 401 FRONT AVENUE.

**Sponsors:** Helgen

**Attachments:** [401 Front.appeal.8-2-11.pdf](#)  
[401 Front Ave.Poole Ltr 8-29-11.doc](#)

**Legislative History**

8/16/11 Legislative Hearings Laid Over to the Legislative Hearings  
 Rescheduled.

## Staff Reports

- 30 [RLH FCO](#)  
[11-66](#) Appeal of Brett J. Horttor to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 637 HAZEL STREET NORTH.

**Sponsors:** Lantry

**Attachments:** [637 Hazel N.appeal.5-2-11.pdf](#)  
[637 Hazel St N.Horttor PC ltr 5-17-11.doc](#)  
[637 Hazel St N.Horttor PC ltr 8-3-11.doc](#)

**Legislative History**

5/17/11 Legislative Hearings Laid Over to the Legislative Hearings  
*All items, except Items 3 and 4, must be in compliance by the May 20, 2011 re-inspection. New set of orders will be written for progress on the petition for vacation. Laid over to July 19. (James Thomas)*

*RE: 637 Hazel Street North*

*Brett Horttor, owner, appeared.*

*Fire Inspector Urmann reported that this is an area that is used for parking that is actually part of a public right-of-way. The surface is not being maintained as is required by code and it still continues to be used as a parking space. The inspectors have asked them to contact zoning, provide site plans and to make it a durable dustless surface. Also, to get the public right-of-way signed off by zoning.*

*Mr. Horttor stated that apparently, the area in question is owned in some fashion by the City of Saint Paul - something called a right-of-way. He contacted the City property department and they said that he wouldn't be doing a site plan approval under item #3 and he wouldn't be doing an encroachment permit under item #4 but according to them, I should first do a petition for vacation, in which Saint Paul actually gives him that piece of property. It's a more expensive and lengthy process. He is asking for time because he needs to do title searches for his property and also for the next door neighbors because both properties are impacted by this petition. He has hired attorneys who are looking into the title. In other words, he cannot comply with the Fire*

Department until he can figure out how he can get it under his control. If he paved it, he would be violating one piece of Saint Paul law because it's not his yet. He has been mowing it, keeping it landscaped, shoveling the sidewalks, etc., as previous owners have done for decades. His goal is to comply with the dustless surface when he can control the property. He, Mr. Urmann and Ms. Moermond viewed and discussed Mr. Horttor's photos.

Ms. Moermond noted that she didn't see any reference to erosion problems in the Orders, and it doesn't look as though it's subject to erosion. She asked Mr. Horttor if he was told how long it would take to go through the vacation process. Mr. Horttor responded that he understands that once he files the petition, there's a \$700 fee, and 3 hearings. He imagines that would be 120 days or longer. Ms. Moermond said she thought it would be only 1 hearing, 3 readings, and it wouldn't take that long, overall, probably 4-5 months.

Mr. Horttor stated that Caroline in DSI talked with Terry in Real Estate after he had sent a letter to Inspector James Thomas explaining this. Terry had told him that he needed to do a petition for vacation.

Ms. Moermond stated that she would like to lay this over for 2 months to get a status report.

Mr. Horttor said his re-inspection has been scheduled for May 20, 2011 and he has complied with everything else. He asked if that would still take place or would it be pushed back. Mr. Urmann suggested that the things that are outstanding be completed and the rest be transferred to an RF. Ms. Moermond said that was a great idea. As soon as the May 20th inspection is completed, Mr. Horttor will get a new set of Orders that will come from an RF. Ms. Moermond asked that those Orders be forwarded to her office so that they could be attached to the appeal file. Mr. Urmann will send her an email.

7/26/11

Legislative Hearings Laid Over to the Legislative Hearings  
Layover 1 month, housekeeping. At that time assess if more time needs to be granted to complete the vacation petition request. Once that process is underway, we'll be able to get a better idea of what kind of extension should be granted.

RE: 637 Hazel St N (single family) (layover)

Brett Horttor, owner, appeared.

Fire Inspector Leanna Shaff:

- view photos in record
- re-inspection Fire Certificate of Occupancy (approved with deficiencies) May 20, 2011
- Inspector Thomas cited that all the parking spaces needed to be paved with asphalt, concrete or a durable, dustless surface; and discontinue use of all parking spaces that are located on property for which the owner needs to obtain an encroachment permit from Public Works

Mr. Horttor:

- at the last LH, he explained that he contacted the City about encroachments and they said they won't grant an encroachment unless a try is first made for a petition for a vacation because there's a Saint Paul right-of-way there
- he has been working with attorneys and next door neighbors to get all the legal documentation necessary to file a petition for a vacation

- as of last week, the neighbors were OK with it
- he's good to go; just needs more time
- after the petition is finished, he'll mail it to the next door neighbors at their cabin; they come back to town once a week
- should be able to file the petition in 2 weeks
- if the petition fails, he will try for the encroachment

Ms. Moermond:

- views photos
- if the petition is filed within 4 weeks, she will continue a Layover for 6 weeks to work on this
- if the petition is not filed within the 4 weeks, she will recommend going forward with enforcement
- she will put it on the agenda as a housekeeping item one month out
- if, for some reason, it doesn't happen, Mr. Horttor should contact Ms. Moermond and show documentation of being worked on

31

[RLH FCO  
11-273](#)

Appeal of Wengler FLP (John Wengler) to a Fire Certificate of Occupancy Correction Notice at 841 GRAND AVENUE.

**Sponsors:** Thune

**Attachments:** [841 Grand.appeal.8-9-11.pdf](#)  
[841 Grand Ave.Ltr 8-25-11.doc](#)  
[841 Grand Ave.Photos.8-22-11.pdf](#)

**Legislative History**

8/9/11 Legislative Hearings Laid Over to the Legislative Hearings  
*Laid over as housekeeping. Inspector will take pictures of the south basement south door, guardrail on third floor and dryer exhaust duct for review.  
 (Inspector Rick Gavin)*

RE: 841 Grand Ave (commercial/apartment)

*John Wengler, Wengler Family Limited Partnership (FLP), appeared.*

*Fire Inspector Leanna Shaff:*

- Fire Certificate of Occupancy inspection conducted Jul 21 by Inspector Rick Gavin
- appealing 3 items: 1,6,11
- #1 basement south door - repair and maintain the door frame
- #6 on 3rd floor - provide an approved guardrail (spiral staircase with gap at the top)
- #11 dryer exhaust duct must be metal with smooth interior finish (accordion type)
- no photos

*Mr. Wengler:*

- re: exterior door - the door is never used; because of all the rain and humidity, the door swells up and sticks a little tiny bit; as soon as it dries out, it's find (it's the outside humidity that effects it; not the inside); he has never opened that door; he doesn't have keys for it; you access it from the inside
- in case of a fire, anyone could get out of it (it's not stuck; just swelled up)
- there's no rot on it
- re: guardrail - the spiral staircase was put in as an emergency egress probably ordered by the fire marshal many years ago because there was only one point of

egress at that time for the third floor and there is a guardrail at the top  
 - re: dryer exhaust duct - it's solid aluminum 4" duct  
 - his maintenance person toured the building with the inspector while he went to the hardware store to get some batteries

Ms. Moermond:

- re: guardrail - she needs photos; asked that Inspector Gavin take some photos and send them in  
 - re: dryer duct - needs photos of the dryer duct, also  
 - photos will be taken  
 - will also ask inspector what he thinks needs to be repaired with the door  
 - will lay this matter over for 2 weeks (Aug 23, 2011 LH)

32 [RLH CO  
11-13](#)

Appeal of John Krenik to a Correction Order at 817 ALDINE STREET.

**Sponsors:** Stark

**Attachments:** [817 Aldine.appeal.7-25-11.pdf](#)  
[817 Aldine.Photos.8-5-11.pdf](#)  
[817 Aldine Notes on 4-5-10 Building Permit as of 9-16-11.pdf](#)  
[817 Aldine Notes on 11-23-10 Building Permit as of 9-16-11.pdf](#)

**Legislative History**

8/16/11 Legislative Hearings Laid Over to the Legislative Hearings  
 Laid over for housekeeping.

RE: 817 Aldine St (single family)

John Krenik, owner, appeared.

Mr. Krenik:

- these new Correction items are new but were listed as old  
 - has photos of all that's been done; showed them to Ms. Moermond; entered into record  
 - works for the Dept of Corrections and was an essential employee during the state shut-down or would have had this inspection sooner  
 - it takes him 2 weeks to get time off in order to get the property inspected (Mr. Ubl)  
 - needs to Withdraw his appeal; he will probably be able to take of work about Aug 30-31 to get it finalized  
 - doesn't want any more hassles with this situation

Fire Inspector Leanna Shaff:

- Fire C of O inspection done Jul 1, 2011 by Mitch Imbertson  
 - this has been going on for quite some time  
 - waiting for compliance on: repair and maintain window; foundation; door (new); (all should have been completed Apr 30, 2011) - must contact the bldg inspector for approval

Mr. Krenik:

- he got a criminal citation from DSI about this (City Attorney dismissed it saying he needed to get the inspection); state was in the midst of shutdown and couldn't take off work to do it  
 - the issues on the Correction Notice have been taken care of: windows are caulked; built a landing for the door; no form boards around foundation;

- just need to Withdraw the appeal and get it inspected
- Mr. Essling make on this file that it was Resolved May 2, 2011; Mr. Krenik assumed that it was done and over with; his attorney explained that to the City attorney; he didn't know he needed another bldg inspection; once he found out he needed another bldg inspection, the state shut-down happened and he couldn't take off work because he was classified an essential employee
- may have been a communication problem
- he and his attorney believes that Mr. Essling closed out all of Mr. Krenik's files

Ms. Moermond:

- viewed photos
- criminal tag was dismissed; ok
- will not recommend that City Council give any kind of extension because she can't see how the government shut-down would fit into this when the original deadline was Apr 30 and the CC voted on that
- thinks the Resolved May 2, 2011 was about his vehicle situation, not this issue
- Mr. Krenik needs to have conversation with DSI about what was and was not Resolved May 2, 2011; she does not view it the same as Mr. Krenik and doesn't think there should have been confusion around these issues
- won't go back and second guess City Council's decision months later
- will recommend that City Council deny this appeal

Mr. Krenik:

- Withdrew his appeal at the beginning of this hearing; now, he just needs to get it inspected
- just want to resolve this thing; don't want any issues

Ms. Shaff:

- so, Mr. Krenik is Withdrawing his appeal; Fire's Orders state that this should have been complied with by Aug 1, 2011 and we're way past that; if there's no appeal, do we go forward with enforcement action?
- then, we need to uphold the City Council's decision

Ms. Moermond:

- if Mr. Krenik Withdraws his appeal, she has no authority to do anything with this
- if she denies his appeal, City Council can over turn her recommendation or anything they want

Mr. Krenik:

- is trying to figure out how he can get this inspection done and move forward
- rules of his employment: he must put in for time off 2 weeks before he wants to take it; if he can do it sooner, he will do it sooner
- could he at least have until Aug 30, 2011 to get it inspected - finalized - that is what he is physically able to do unless his boss authorizes sooner
- all these issues were new since the previous LH that CC had decided on

Ms. Moermond:

- if appellant is Withdrawing his appeal, he needs to work with DSI
- if appellant is keeping the appeal in place, her recommendation is denial, he needs to work with DSI
- City Council could decide differently and they could give him more time (CPH Sep 7, 2011)
- wants to go back and look at testimony from Inspector Ubl
- will get back to Mr. Krenik

**Window Variances: No Hearing Necessary**

- 33     [RLH WP](#)     Appeal of Harmony Homes Inc., on behalf of Marsha Hartman, to an Egress Window  
[11-54](#)     Non-Compliance Determination at 1663 BAYARD AVENUE.  
  
         **Sponsors:**     Harris  
         **Attachments:**     [1663 Bayard.appeal.8-03-11.pdf](#)  
                                     [1663 Bayard Ave.Egress Window Permit.8-17-11.pdf](#)  
                                     [1663 Bayard.Harmony Homes Ltr 8-22-11.doc](#)
- 34     [RLH WP](#)     Appeal of Christopher Hubbuch to an Egress Window Non-Compliance Determination  
[11-57](#)     at 719 CHARLES AVENUE.  
  
         **Sponsors:**     Carter III  
         **Attachments:**     [719 Charles.appeal.8-23-11.pdf](#)  
                                     [719 Charles.Hubbuch Ltr 8-22-11.doc](#)
- 35     [RLH FOW](#)     Appeal of Raymond Simpson to an Egress Window Non-Compliance Determination at  
[11-124](#)     1871 CONWAY STREET.  
  
         **Sponsors:**     Lantry  
         **Attachments:**     [1871 Conway.appeal.8-03-11.pdf](#)  
                                     [1871 Conway.Simpson Ltr 8-22-11.doc](#)
- 36     [RLH FOW](#)     Appeal of Sandra Youngdahl to an Egress Window Non-Compliance Determination at  
[11-125](#)     2086 ELEANOR AVENUE.  
  
         **Sponsors:**     Harris  
         **Attachments:**     [2086 Eleanor.appeal.8-05-11.pdf](#)  
                                     [2086 Eleanor.Youngdahl Ltr 8-22-11.doc](#)
- 37     [RLH WP](#)     Appeal of Daniel Schmidt, Public Health, on behalf of Michael Butchko to an Egress  
[11-52](#)     Window Non-Compliance Determination at 1008 PACIFIC STREET.  
  
         **Sponsors:**     Lantry  
         **Attachments:**     [1008 Pacific.appeal.8-03-11.pdf](#)  
                                     [1008 Pacific.Public Health Ltr 8-22-11.doc](#)  
                                     [1008 Pacific St.Revised Letter 8-24-11.doc](#)
- 38     [RLH FOW](#)     Appeal of Jose Gutierrez to a Fire Certificate of Occupancy Inspection Correction  
[11-132](#)     Notice at 1726 SIMS AVENUE.  
  
         **Sponsors:**     Bostrom  
         **Attachments:**     [1726 Sims.appeal.8-12-11.pdf](#)  
                                     [1726 Sims.Gutierrez Ltr 8-22-11.doc](#)
- 39     [RLH FOW](#)     Appeal of Rodger Bradford to an Egress Window Non-Compliance Determination at  
[11-128](#)     919 TUSCARORA AVENUE.

**Sponsors:** Thune

**Attachments:** [919 Tuscarora.appeal.8-03-11.pdf](#)

[919 Tuscarora.Bradford Ltr 8-22-11.doc](#)