City of Saint Paul

15 West Kellogg Blvd. Saint Paul, MN 55102



Minutes - Final - Final

Tuesday, January 18, 2011 9:00 AM

Room 330 City Hall & Court House

Legislative Hearings

Marcia Moermond, Legislative Hearing Officer Mai Vang, Hearing Coordinator Jean Birkholz, Hearing Secretary legislativehearings@ci.stpaul.mn.us 651-266-8560 ALH 11-17 Appeal of Birch Terrace to a Fire Inspection Correction Notice at 1622

ENGLEWOOD AVENUE.

Sponsors: Stark

Attachments: 1622 Englewood.appeal.12-23-10.pdf

1622 Englewood Ave.PC Ltr 1-4-11.doc

2 ALH 11-66 Appeal of Special Tax Assessment for 1654 BUSH AVENUE for Project #:

J1107A, Assessment #: 118005.

Sponsors: Lantry

Attachments: 1654 Bush Ave.DOC

No one appeared. Approve assessment.

Item is Referred Under Master Resolution

3 ALH 11-84 Appeal of Special Tax Assessment for 1270 RICE STREET for Project

#:J1107A Assessment #: 118005.

Sponsors: Helgen

Attachments: 1270 Rice St. SA.DOC

No one appeared. Approve assessment.

Item is Referred Under Master Resolution

4 ALH 11-85 Appeal of Special Tax Assessment for 1576 RUTH STREET for Project #

J1107A, Assessment # 118005.

Sponsors: Bostrom

Attachments: 1576 Ruth St.SA.DOC

Approve the assessment.

Juavah and Elizabeth Lee appeared. (Mai Vang interpreted.)

Inspector Joel Essling reported that 1576 Ruth Street is a Summary Abatement for mattresses and couch in back yard. The Orders were mailed September 30, 2010 with a compliance date of October 6, 2010. It was re-checked on October 6, 2010 and found to be in non-compliance. A Work Order was sent to Parks and the work was done on October 8, 2010 at a cost of \$328 with a service charge of \$140 for a total of \$468.

Mr. Lee stated that they did not receive a Notice. A tarp was over the couch and mattresses because they were still good. They thought that someone had stolen their stuff. They are wondering where the couch and mattresses are now. Ms. Lee stated that if it were garbage, it wouldn't be covered with a tarp. They covered it with tarp so that if it rained, it wouldn't get wet.

Ms. Moermond reviewed the video showing that the couch and mattresses were

there and after Parks came, they were gone.

Ms. Moermond stated that it appears the Notice was sent to the correct address; there was no returned mail. The couch and mattresses were not properly stored; they would need to be inside a building.

Ms. Moermond will recommend approving the assessment.

Ms. Lee asked who had complained. Ms. Moermond explained that the City cannot divulge that information. Ms. Lee said that they want their property back. Ms. Essling told them that the couch and mattresses were ground up in a garbage truck and taken to a landfill. Ms. Moermond suggested that they file a claim with the City and/or go to the City Council Public Hearing.

Item is Referred Under Master Resolution

5 <u>ALH 11-71</u>

Appeal of Special Tax Assessment for 2022 SUBURBAN AVENUE for Project #: J1107A, Assessment # 118005.

Sponsors: Lantry

Attachments: 2022 Suburban Ave. sa.DOC

No one appeared. Approve assessment.

Item is Referred Under Master Resolution

6 ALH 11-52

Appeal of Special Tax Assessment for 1736 MARGARET STREET for Project #:J1107A, Assessment #: 118005.

Sponsors: Lantry

Attachments: 1736 margeret st. SA.DOC

Approve the assessment.

Dave Jones appeared.

Inspector Essling reported that 1736 Margaret Street is a Summary Abatement Order for tall grass and weeds. It was mailed September 14, 2010 with a compliance date of September 20, 2010. A re-check was done on September 28, 2010 and found to be in non-compliance. A Work Order was sent to Parks and completed on September 29, 2010 for a cost of \$160 with a service charge of \$140 for a total of \$300. There was no returned mail.

Mr. Jones is not quite sure why he is here. The problem has been going on for 23 years but he didn't start saving the letters until about 10 years ago. He is not sure what crime he has committed this time. The letter refers to property clean-up from September 30, 2010 to October 27, 2010.

Ms. Moermond asked to see the video; Inspector Seeley replied that they do not have a video for this property.

Ms. Moermond noted that Mr. Jones had been at a hearing not too long ago, and she remembered that he tends to let his lawn grow quite long. Then, when he gets a letter from the City, he goes out and mows it. Maybe once or twice he did not have it

mowed when the City came back to re-check. Mr. Essling noted that there are about ten (10) Abatement Orders on record for Mr. Jones' property and he confirmed that they have all been completed by Mr. Jones except for two (2).

Mr. Jones wanted to explain his situation because he has never had that opportunity before. For 23 years no one from the City has ever come out to his property, looked around, talked to him face to face and asked, "What's the problem? What do you have to say for yourself?" No one's ever given him a chance to say anything. They claim they get a complaint and then they sit back in their office and fire off one of these threatening letters to him. Apparently, Jack Reardon, who signs the letters, get to destroy peoples' lives but no one ever gets to see what he looks like. It doesn't seem fair. He went on to say that every year he waits until the end of May or the first of June to mow his lawn because he rakes it after he mows it. Ms. Moermond reminded him that this particular time was in September. Mr. Jones continued to say that he always waits until his lawn gets healthy before he starts ripping into it with his rake and mows it. In 2010, it rained and rained and rained; and his grass never got dry. His mower doesn't work on wet grass because it then doesn't eject the clippings out of the side but only packs them up underneath so the mower doesn't run. It works fine on dry grass no matter how long it is; it doesn't cut wet grass worth a damn. This time, it didn't get dry so that he could go out and mow, so the City came out and cut it but they really butchered his lawn. It looked just terrible. They also cut some branches off his apple tree.

Ms. Moermond recommended approving the assessment.

Item is Referred Under Master Resolution

7 ALH 11-68

Appeal of Special Tax Assessment for 936 Westminster St for Project #: J1107A, Assessment #:118005 in Ward 5

Sponsors: Helgen

Attachments: 936 Westminster St. clean up.DOC

Approve the assessment.

BethAnn Bretoi appeared.

Inspector Essling reported that 936 Westminster is a Summary Abatement Order for removing brush. The Order was mailed September 29, 2010 with a compliance date of October 11, 2010. A re-check occurred on October 15, 2010 and found to be in non-compliance. A Work Order was sent to Parks and the work was done on October 20, 2010 at a cost of \$400 plus a service charge of \$140 for a total of \$540. There was no returned mail.

Ms. Bretoi explained that a lot of money has been put into these properties, which were in shambles before the new owners purchase them. At this particular property, contractors have done a fantastic job. There have been a lot of inspections and people have been dumping, as well. A neighbor did some of the brush trimming along with her contractors. There had been quite a bit of tension between the previous tenant and this neighbor. There have been three (3) properties that her contractors have had trouble finishing up, so she is asking for a little bit of leniency. Also, some of the Notices go to the office of REI Property Management; some go to Osprey. Many times, she has only a day or two to organize a proper clean-up. Ms. Moermond stated that the obligation of the City is to send the Notices to the address on record at Ramsey County Tax Records. Ms. Seeley suggested that Ms. Bretoi contact Maynard Vinge, who can enter her new management company's address.

Let him know all of the addresses.

Ms. Moermond asked to view the video. Ms. Bretoi stated that she could not dispute the video; she will have a few words with her contractor.

Ms. Moermond recommended approving the assessment.

Item is Referred Under Master Resolution

8 ALH 11-53 Appeal of Special Tax Assessment for 430 CHARLES AVENUE for Project

#:J1107A, Assessment #: 118005.

Sponsors: Carter III

Attachments: 430 Charles Ave. SA.DOC

No one appeared. Approve assessment.

Item is Referred Under Master Resolution

9 ALH 11-65 Appeal of Special Tax Assessment for 1181 EDGERTON STREET for

Project #:J1107A, Assessment #: 118005.

<u>Sponsors:</u> Helgen

Attachments: 1181edgerton St. SA.DOC

No one appeared. Approve assessment.

Item is Referred Under Master Resolution

10 ALH 11-69 Appeal of Special Tax Assessment for 661 MAGNOLIA AVENUE EAST for

Project # J1107A, Assessment # 118005.

Sponsors: Bostrom

Attachments: 661 Magnolia Ave E.DOC

No one appeared. Approve assessment.

Item is Referred Under Master Resolution

11 ALH 11-86 Appeal of Special Tax Assessment for 1641 JUNO AVENUE for Project #

J1107A, Assessment # 118005.

Sponsors: Harris

Attachments: 1641 Juno Ave. SA.DOC

Approve the assessment.

Aaron Leventhal appeared.

Inspector Joel Essling reported that a Summary Abatement Order for 1641 Juno Avenue was mailed August 30, 2010 for bushes and vegetation obstructing the public right-of-way in the alley. The compliance date was September 15, 2010. Re-check

was done on September 28, 2010 and found to be in non-compliance. A Work Order was sent to Parks and the work was done on September 30, 2010 at a cost of \$316 plus a service charge of \$140 for a total of \$456. Actually, on the first re-check, the vegetation had been cut but hadn't been removed. So, it was re-checked again and still hadn't been removed. Ms. Moermond asked if there had been a second communication after the first re-check. Mr. Essling replied that there wasn't.

Mr. Leventhal explained that he trimmed the brush down within the time period and he piled it up next to the garage. He intended to give it to his garbage man in small increments; however, the trash man didn't take the couple branches Mr. Leventhal wanted him to. Then, he arranged for some guys who had a flatbed to come and pick up the rest. He watched them pick up some of it; they said they'd be back in a couple of days to get the rest. When it was gone, Mr. Leventhal assumed that they had come back and picked it up; he didn't know the City had done it. He was astonished that it cost \$456 to pick-up such a small pile of brush; he was looking a little leniency on the bill. Ms. Moermond said the cost is basically a trip charge plus a fee for it being brush itself.

The video was viewed showing the clean-up.

Ms. Moermond noted that Mr. Leventhal had a whole month to get the job done. She will recommend approving the assessment.

Item is Referred Under Master Resolution

12 ALH 11-100

Appeal of Special Tax Assessment for 1059 MARYLAND AVENUE EAST for Project #: J1107A, Assessment #: 8005 in Ward 6

Sponsors: Bostrom

Attachments: Summary Abatement

Delete

Kit Heath appeared.

Inspector Essling reported that 1059 Maryland Avenue East is a commercial building and it's been vacant since October 5, 2010. This Summary Abatement Order is regarding garbage/ rubbish and tall grass and weeds; it was mailed on October 5, 2010 with a compliance date of October 10, 2010. It was re-shecked on October 11, 2010 and found to be in noncompliance. The City did the work on October 12, 2010 at a cost of \$476 plus a service charge of \$140 for a total of \$616. The Notice was sent to Lawrence Heath, Kit's father, who died September 27, 2010.

Ms. Moermond recommended deleting the assessment.

Item is Referred Under Master Resolution

13 <u>ALH 11-101</u>

Appeal of Special Tax Assessment for 1187 EDGERTON STREET for Project #: J1107A , Assessment #: 8005 in Ward 5

<u>Sponsors:</u> Helgen

<u>Attachments:</u> <u>Summary Abatement</u>

Decision forthcoming (MM to look at previous minutes from last hearing on other issue).

Van Anh Nguyen appeared.

Inspector Essling reported that this is a Summary Abatement Order at 1187 Edgerton for brush, rubbish and phone books in the yard and front entryway. The Order was mailed on October 13, 2010 with a compliance date of October 18, 2010. It was re-checked on October 18, 2010 and found to be non-compliant. Parks did the work on October 20, 2010 for a cost of \$316 plus a service charge of \$140 for a total of \$456. He stated that it has been a Category 2 Registered Vacant Building since October 10, 2007. Notices were sent to Waconia Court, Blaine, MN and also to Kevin Vu, Partridge Circle, Andover, MN. Notes: remove improperly stored accumulated refuse.

Ms. Nguyen stated that she was here once before and now knows that she needs to cut the grass but she didn't know that she also needs to remove brush and rubbish; it's a vacant building. She has been taking care of the grass and snow removal. Ms. Moermond said that a Notice had been sent to her telling her to remove the rubbish, etc. Ms. Nguyen responded that she had not received any Notice. Mr. Essling noted that the warning letter had been returned from both mailees but that's not the same date that the Summary Abatement Notice was sent. Actually, he said that quite a few letters have been returned. There is no other address listed except for the previous owner.

The video was viewed showing debris and after the pick-up.

Ms. Moermond stated that she would like to have records pulled from the last time Ms. Nguyen appeared. She is curious about the notification she received at that time about how the property was to be maintained. Also, there should be a City Council record on the discussion at the meeting regarding maintenance of the property. She is concerned about all of the mail that has been returned. Also, Ms. Nguyen needs to start taking care of the property. The debris, unmowed lawns, graffiti on the side of the house are clues to people that there is no one caring for the property as they should be. Ms. Moermond encouraged Ms. Nguyen to do something with the property soon. Ms. Nguyen responded that it's hard to come with the money needed to remodel the building; she is working on that and she knows that she needs to take care of the property. She doesn't live there but others walk around and leave stuff on the property. Ms. Moermond repeated that she is the one who is responsible for the property and she needs to maintain it.

Ms. Moermond laid this matter over to February 1, 2011. She is looking for documentation of what was told to Ms. Nguyen at that time and she wants staff to investigate further about returned mail. She wants more information before she makes a decision. Ms. Nguyen left her email address for Ms. Moermond to communicate with. The City Council Public Hearing on this is for February 2, 2011.

Item is Laid Over to the Legislative Hearings, due back on 2/1/2011

14 ALH 11-111

Appeal of Special Tax Assessment for 796 CONCORDIA AVENUE for Project #: J1107A, Assessment #: 118005 in Ward 1

Sponsors: Carter III

Attachments: 796 Concordia Ave. SA.DOC

No one appeared. Approve assessment.

Item is Referred Under Master Resolution

15 <u>ALH 11-98</u>

Appeal of Special Tax Assessment for 1923 FREMONT AVENUE for Project #: J1103B, Assessment #: 8008 in Ward 7

<u>Sponsors:</u> Lantry

Attachments: Summary Abatement

Approve the assessment.

Ma Lee Vang appeared.

Inspector Joel Essling reported that this is a Boarding at 1923 Fremont Avenue. There were Orders issues August 7, 2010 with a compliance date of August 13, 2010. It was re-checked on August 18, 2010 and found to be in non-compliance. The Work was done on August 19, 2010 for a cost of \$57.80 plus a service charge of \$140 for a total of \$197.80.

Ms. Vang stated that she didn't close on this house until August 27, 2010. At the time of the Boarding, she was at most, only a potential buyer. Ms. Moermond asked to whom notification was sent. Mr. Essling responded that Notice was sent to City Mortgage, Regal Blvd, Irving, TX. Ms. Moermond stated that if notification had gone to the previous owner after Ms. Vang had purchased it, this notification wouldn't have been proper. In this case, notification went to the previous owner during the time that they still owned it, which was a proper notification. It was the previous owner's responsibility to take care of this situation and she suggested that Ms. Vang work to get money back from the previous owner because they should have paid for this. They are also responsible to disclose at the time of closing, any Orders, etc. that exist on the property. It might be something that Ms. Vang's realtor or Title Insurance Company could help her with.

Ms. Moermond asked staff to get together a packet of information that Ms. Vang could use to talk with her realtor about this. Ms. Essling replied that they will send her a copy of the Summary Abatement Order and the invoice. Ms. Vang provided her email address.

Item is Referred Under Master Resolution

16 ALH 11-97

Appeal of Special Tax Assessment for 369 KING STREET WEST for Project #: J1103B, Assessment #: 8008 in Ward 2

Sponsors: Thune

Attachments: Summary Abatement

No one appeared. Approve assessment.

Item is Referred Under Master Resolution

17 ALH 11-99

Appeal of Special Tax Assessment for 149 DELOS STREET EAST for Project #: J1103B, Assessment #: 8008 in Ward 2

Sponsors: Thune

Attachments: Summary Abatement

1/18/11-No one appeared. Approve assessment.

1/25/11-Appellant called, missed hearing. Rescheduled to 2/1/11 LH. (CPH 2/2)

Item is Referred Under Master Resolution

18 ALH 11-110

Appeal of Special Tax Assessment for 1986 ST CLAIR AVENUE for Project #: J1103B, Assessment #: 118008 in Ward 4

Sponsors: Stark

Attachments: 1986 ST CLAIR AVE. RESPRO INVOICE.pdf

1986 STCLAIR. NOTIFICATION LETTER.DOC

Decision forthcoming (MM to look at police report).

Gwynne Evans appeared.

Inspector Essling reported that this is for an Emergency Boarding at 1986 St. Clair. There isn't a lot of information because they don't have the Police Report.

Apparently, it's an 8-unit apartment building. It was boarded by Saint Paul Police on August 31, 2010 (secured lower unit; one (1) door and three (3) windows). Case # 10-190-559; invoice is # 7656 Respro. They don't have information about the call but it sounds as though someone broke in.

Ms. Evans stated that this is a beautiful building in a great neighborhood with long-term tenants; it's not a police call building. Evidently, the gentleman who lives in garden level apartment #7 had been drinking. His daughter (lots of problems) came over and started a fight with him. She called the police and the police called him out of his apartment and they took him away. It is her understanding that he wasn't bothering anyone; he does drink and he works at Snuffy's Malt Shop. When he comes home, he says his prayers, drinks and goes to bed; never bothers anyone. But, because the Police called him out of his dwelling, that put him in a position where they could take him away and they did. The Police told him he harassed his daughter; they believed her story. Ms. Evans' Certificate of Occupancy is posted on the front door with her name and telephone number. She would have hoped that they would have called her. She loves her buildings and her tenants and she loves safety for everyone. The Police did not call her and they did not notify the caretaker on site. Both the tenant and his daughter would have known who the caretaker is and where he lived. The caretaker's name is not posted anywhere. Ms. Evans is looking for a little leniency in the assessment.

Ms. Moermond stated that she wants some time to get a copy and take a look at the Police Report. She noted that SPPD cannot leave a building unsecured; they must make sure that the place has been closed up. She recommends laying this matter over for two (2) weeks (February 4, 2011).

Item is Laid Over to the Legislative Hearings, due back on 2/1/2011

19 ALH 11-45

Appeal of Special Tax Assessment for 1726 AMES PLACE for Project #: J1103E, Assessment #: 118003.

Sponsors: Bostrom

Attachments: 1726 Ames EC Bill.DOC

1726 Ames. Orders.DOC

1726 Ames Pl.Tricia Ltr 1-18-11.doc

Social Worker, Tricia, from Courage Center called on behalf of property owner to

reschedule. Rescheduled to Feb. 1 LH. MXV

Item is Rescheduled to the Legislative Hearings, due back on 2/1/2011

20 ALH 11-62 Appeal of Special Tax Assessment for 796 CONCORDIA AVENUE for

Project #: J1105G, Assessment #: 118013.

Sponsors: Carter III

Attachments: SA hauler 07.26.10, 1291 Seminary Ave.DOC

No one appeared. Approve assessment.

Item is Referred Under Master Resolution

21 ALH 11-48 Appeal of Special Tax Assessment for 1028 LOEB STREET for Project #:

VB1005, Assessment #: 108898 in Ward 5.

<u>Sponsors:</u> Helgen

<u>Attachments:</u> 1028 Loeb Street.Minutes.08-17-10

1028 Loeb Street.Minutes.08-31-10 1028 Loeb Street.Minutes.09-07-10 1028 Loeb St.Assess Roll.pdf 1028 Loeb St.9-13-10 Ltr.pdf

No one appeared. Approve assessment.

Item is Referred Under Master Resolution

22 ALH 11-113 Appeal of Special Tax Assessment for 1609 UPPER AFTON ROAD for

Project # CRT1102, Assessment # 118002 in Ward 7

Sponsors: Lantry

Attachments: 1609 Upper Afton 1st.pdf

1609 Upper Afton Final.pdf

No one appeared. Approve the assessment.

Item is Referred Under Master Resolution

23 ALH 11-114 Appeal of Special Tax Assessment for 1128 PAYNE AVENUE for Project #

CRT1102 Assessment # 118002 in Ward 6

<u>Sponsors:</u> Bostrom

Attachments: 1128 Payne 1st.pdf

1128 Payne Final.pdf

Reduce assessment from \$315 to \$180.

Fire Certificate of Occupancy

Frederick Herring appeared.

Inspector Westenhofer reported that the cost is \$180 with a service charge of \$135 for a total of \$315. Orders were mailed on July 15, 2010 and August 18, 2010. Bills were mailed August 20, 2010 and September 20, 2010 to Frederick Herring, 1128 Payne Avenue.

Mr. Herring stated that he mailed the check on September 8, 2010 in the envelope provided by the City. He doesn't have proof because the check never cleared. He was on vacation at the time. When he returned, he was notified that the check had not been received. He tried calling several times but got no answer or he got a recording stating that whoever is supposed to be there is gone. He left a message but never got a returned call and he became very frustrated. He has paid for the assessment, so he is disputing the extra service charge. He received only the bill that was mailed on August 20, 2010.

Ms. Moermond recommended that the assessment be approved (\$180) and the service charge (\$135) be deleted. She asked staff to double check the file to see if this check can be found. Inspector Shaff replied that she has already gone through this with Mr. Herring; they have no check.

Item is Referred Under Master Resolution

24 ALH 11-116

Appeal of Special Tax Assessment for 637 OHIO STREET for Project # CRT1102 Assessment # 118002 in Ward 2

Sponsors: Thune

Attachments: 637 Ohio 1st.pdf

637 Ohio Final.pdf

Reduce assessment from \$315 to \$247.50.

Fire Certificate of Occupancy inspection

Barb Brenny, Huber Brenny Corporation, appeared.

Inspector Westenhofer reported that the cost is \$180 with a service charge of \$135 for a total of \$315. Orders were mailed on July 23, 2010. Bills were mailed out on July 26, 2010 and August 25, 2010 to the appellant.

Ms. Brenny is appealing because they are closed during the summer and she re-scheduled the original inspection. The bill just got away from her she said. When she got the second bill, she assumed that 5% interest would be charged but it was \$135 extra and she feels that is excessive; that's a 75% penalty. Ms. Moermond responded that it's meant to encourage people to get payments in on time. Ms. Brenny thinks it's unfair; she wants some help. She usually pays every bill on time and it's not as though she had any violations; the inspector didn't even need to re-inspect.

Mr. Westenhofer explained that the \$180 is for the initial inspection and a free re-inspection. Ms. Brenny said that it never was re-inspected; the letter said that it would be re-inspected "after Thursday, August 26, 2010. (Inspector Diane McCabe) The cost seems excessive; she's asking for leniency.

Ms. Moermond stated that she thinks it would be reasonable to assume that the bill would come after Thursday, August 26, 2010 because, in the normal course of things, that's when it would come. There would be an inspection, a re-inspection and then the billing would follow.

Ms. Moermond recommended reducing the assessment from \$315 to \$247.50.

Item is Referred Under Master Resolution

25 ALH 11-117 Appeal of Special Tax Assessment for 45 WINONA STREET EAST for

Project # CRT1102, Assessment # 118002 in Ward 2

Sponsors: Thune

Attachments: 45 Winona St. E. 1st.pdf

45 Winona St. E. Final.pdf

No one appeared. Approve the assessment.

Item is Referred Under Master Resolution

26 ALH 11-118 Appeal of Special Tax Assessment for 773 FRANK STREET for Project #

CRT1102, Assessment # 118002 in Ward 7

Sponsors: Lantry

Attachments: 773 Frank St. 1st.pdf

773 Frank St. Final.pdf

Approve assessment and spread the payments over two (2) years.

Tong Pao Vang appeared. (Mai Vang interpreted.

Fire Certificate of Occupancy (4-unit building)

Inspector Westenhofer reported the cost to be \$327 with a service charge of \$115 for a total of \$462. Orders were sent June 7, 2010; August 5, 2010; and August 24, 2010. Bill was sent to the owner, Tong Vang, on August 25, 2010 and September 24, 2010. There was no returned mail.

Mr. Vang explained that he is not disputing the invoice; he was just not sure what it was about. Currently, he has no job. He asked if the assessment could be reduced or payable over years.

Inspector Shaff noted that these are annual Certificate of Occupancy fees.

Ms. Moermond recommended the payment be spread over two (2) years.

Item is Referred Under Master Resolution

ALH 11-119 Appeal of Special Tax Assessment for 700 Surrey Ave for Project #: J1103B,

Assessment #: 118008 in Ward 7

Sponsors: Lantry

Attachments: 700 Surrey AVe. EBI letter.DOC

Delete

James Richard appeared.

Boarding - (four (4) windows in basement)

(Fire Department had window boarded due to a dryer fire.)

Mr. Richard explained that his tenants had called him to advise him of a small fire on the property. He went to the scene and found four (4) windows were broken in the basement but there was no reason for those windows to be broken. They were openable windows that could have been opened to air out the place. The Fire Department just chose not to. His tenant stated that he was there and he couldn't believe that they broke the windows - they just went all the way around the house and broke all the windows on the basement level. The Orders say that the dryer fire was contained inside the dryer and the venting; it never burned anything else and there wasn't much smoke. Water wasn't needed. The second reason he is appealing is that he's an insurance adjuster and he knows what it costs to board windows. He was at the scene within an hour of Fire leaving. They advised his tenants that they were going to send someone out to board up the building. In order to mitigate his damages, Mr. Richard called the number that they had and told them that he was there and he would board up the windows. He had all of his tools and it would have taken him about half and hour. They told him that someone had already been dispatched and once they dispatch, they can't call them back. Three (3) hours later, he finally left (8:30) and had not boarded it up because he was under the understanding that they were still coming. They finally showed up at 9:30-9:45 and boarded them up. Mr. Richard stated that he did everything he could to prevent the windows from being boarded and still have the building fully secured.

Ms. Moermond said that it sounds as though Mr. Richard took some great steps to get it done.

Inspector Essling noted that it sounds as though he was misinformed, as well. Once the Boarding crew is called, they can be stopped - similar to dropping a vehicle off a tow truck (there is a fee).

Ms. Moermond recommended deleting the assessment.

Item is Referred Under Master Resolution

27 <u>ALH 11-121</u>

Appeal of Special Tax Assessment for 46 Elizabeth St. E. for Project # CRT1102, Assessment # 118002 in Ward 2

Sponsors: Thune

Attachments: 46 Elizabeth 1st.pdf

46 Elizabeth Final.pdf

Approve the assessment and spread the payments over two (2) years.

Fire Certificate of Occupancy

Jose L. Escoto, owner, appeared.

Mr. Escoto explained that the house is not rental property; it is family homesteaded and his son lives there. He pays the payment on the house and he has five (5) kids; he cannot pay for the Fire Certificate of Occupancy inspection. Every year for many years, Mr. Escoto has paid \$50 fee for inspection but this is the first time the house was inspected. He believed that he had been paying for the inspection with the \$50/year fee.

Inspector Westenhofer reported that this is a Class C property. Ms. Moermond

asked if there was any communication about whether or not this should be in the Fire C of O Program. Mr. Westenhofer responded, "No." He did the inspection at that time. The property is homesteaded as relative homestead, which is not owner occupied; so, it is considered a single-family rental property.

Ms. Moermond would like to have a conversation about whether this should be in the Fire Certificate of Occupancy Program. There may be ways to work on the ownership differently, where the son would assume some ownership in the house, not just paying payments but getting his name on the title. With an ownership interest in the house, he may not be subject to the Fire Certificate of Occupancy Program. At this time, the program is very clear that this would be considered non-owner occupied and so it has to be inspected by the Fire Certificate of Occupancy Program. This issue will be discussed in this format at this venue in three (3) weeks, February 8, 2011, at 1:30 p.m.

Ms. Moermond recommended approving the assessment, spreading the payments over two (2) years.

Mr. Escoto asked what the City did with the \$50 he had been paying every year. He thought it should go toward the inspection fee; the inspectors never came until recently. Ms. Moermond responded that the City had a practice of decreasing the first assessment by the amount of the previous year's provisional payment. That policy changed a little over a year ago. It actually costs the City more than it charges to do the inspection. Ms. Moermond suggested that Mr. Escoto attend the City Council Public Hearing on February 2, 2011, if he is looking for a different outcome.

Item is Referred Under Master Resolution

28 <u>ALH 11-113</u>

Appeal of Special Tax Assessment for 1609 UPPER AFTON ROAD for Project # CRT1102, Assessment # 118002 in Ward 7

Sponsors: Lantry

Attachments: 1609 Upper Afton 1st.pdf

1609 Upper Afton Final.pdf

No one appeared. Approved assessment.

Item is Referred Under Master Resolution

29 ALH 11-115

Appeal of Special Tax Assessment for 785 Hawthorn Ave E for Project #: J1104G, Assessment #: 118006 in Ward 6

Sponsors: Bostrom

Attachments: 785 Hawthorne Ave E. Hauler orders.DOC

785 Hawthorne Ave E. photo.DOC

No one appeared. Approve assessment.

Item is Referred Under Master Resolution

30 ALH 11-71

Appeal of Special Tax Assessment for 2022 SUBURBAN AVENUE for

Project #: J1107A, Assessment # 118005.

Sponsors: Lantry

Attachments: 2022 Suburban Ave. sa.DOC

No one appeared. Approve assessment.

Item is Referred Under Master Resolution

31 ALH 11-136

Appeal of Special Tax Assessment for 1945 IVY AVENUE EAST for Project #: J1107A, Assessment #: 118005 in Ward 6

Sponsors: Bostrom

Attachments: 1945 Ivy Ave E-WO.pdf

1945 Ivy Ave E-J1107A .pdf

Laid over for MM to review video.

Dominick Machenroth appeared.

Mr. Machenroth is not sure what this is about.

Inspector Essling reported that 1945 Avenue has been a Category 2 Registered Vacant Building since March 6, 2009. A Summary Abatement Order was mailed September 20, 2010 regarding tall grass and weeds with a compliance date of September 23, 2010. It was re-checked October 4, 2010 and found to be in noncompliance. The City did the work on October 6, 2010 at a cost of \$160 plus a service charge of \$140 for a total of \$300. The Notice was sent to Machenroth Enterprises LLC, 657 Plum Street. Mr. Machenroth responded that it was a wrong address. Notice was also sent to Fang Xiong, 1371 Ames. Mr. Machenroth said that Mr. Xiong has nothing to do with the property any more.

Mr. Machenroth stated that Hamline Property Management takes care of the grass once a month.

No video was available.

Mr. Essling suggested that Mr. Machenroth call to Deborah Jackson, 651-266-1907, to change his VB registration address.

Ms. Moermond said that she wants to view the video before she makes her recommendation. She will send him an email on her recommendation; if he is not satisfied with the outcome, he will be invited to come and view it himself.

Item is Laid Over to the Legislative Hearings, due back on 2/1/2011

32 <u>ALH 11-138</u>

Appeal of Special Tax Assessment for 1321 RICE STREET for Project #: CRT1102, Assessment #: 118002 in Ward 5

<u>Sponsors:</u> Helgen

<u>Attachments:</u> <u>CRT1102 LH 1-18-11; PH 2-2-11-1321 Rice.pdf</u>

Delete the assessment per DSI

Item is Referred Under Master Resolution

33 ALH 11-139 Appeal of Special Tax Assessment for 1352 GALTIER STREET for Project

#: 1103T, Assessment #: 119090 in Ward 5

Sponsors: Helgen

Attachments: 1103T-1352 Galtier St.pdf

Lay Over for four (4) months (May 17, 2011).

Mai Kao Yang and her son-in law, Her Thao appeared.

Tree removal

Inspector Karl Mueller reported that three (3) diseased trees at 1352 Galtier Street were marked on July 7, 2010: 1) 18"; 2) 4"; 3) 4". A re-check was due August 8, 2010 and made August 16, 2010. The trees were still standing. The contractor removed the trees October 18, 2010 at a cost of \$803.94. He entered two (2) photos. There also was an elm wood pile found on the property.

Mr. Thao explained that the trees were not on Ms. Yang's property. His father-in-law did not see any markings on their trees. The marked trees are on public or railroad property. A tree from the other side of the fence fell over to his inlaws' side and someone cut it up and pulled it away. No Notice was given to them.

Mr. Mueller stated that the tree was situated on an unimproved street or alley. The abutting property owner is responsible for any diseased tress that are on that property. Mr. Thao noted that they were told to leave the trees on the railroad side of the fence alone and the outer yard. His father-in-law cleaned up the brush around there once and the City sent a Notice to not touch anything on the other side of the fence.

Ms. Moermond asked staff to check Notices on this property.

Mr. Mueller stated that there would still be stumps.

Ms. Moermond will wait until spring to check this out. She recommended laying this matter over to May 17, 2011. This may be resolved without having a hearing.

Item is Laid Over to the Legislative Hearings, due back on 5/17/2011

34 ALH 11-140

Appeal of Special Tax Assessment for 2027 PRINCETON AVENUE for Project #: 1103T, Assessment #: 119090 in Ward 4

Sponsors: Stark

Attachments: IIO3T LH 1-18-11; PH 2-2-11-2027 Princeton.pdf

Delete the assessment (\$560.27).

No one appeared.

Karl S. Mueller, ISA Arborist, City of Saint Paul Forestry Unit, reported that a tree was marked June 24, 2010 (a 15-Inch American Elm that had Dutch Elm disease). On August 10, 2010, they went to re-check and there had been no progress. The tree was put onto a contractor's list. The tree was supposedly removed by City contractors; it's on the assessment. The property owner, Alec Johnson, called Mr. Mueller and told him that he had his own company take the tree down. Mr. Mueller check with the City contractor, BJ Haines Tree Service, who confirmed that they had

made a mistake. Two (2) people had worked on the bill and communication had failed. Mr. Mueller recommends that the assessment be deleted.

Ms. Moermond recommended deleting the assessment (Project #1103T Assessment #119090).

Item is Referred Under Master Resolution (CPH 2-2-11)

35 ALH 11-141

Appeal of Special Tax Assessment for 1340 HAZEL STREET NORTH for Project #: CRT1102, Assessment #: 118002 in Ward 6

Sponsors: Bostrom

Attachments: CRT1102 LH 1-18-11; PH 2-2-11-1340 Hazel.pdf

Approve the assessment.

Jonathan Zielske appeared.

Fire Certificate of Occupancy inspection.

(1340 Hazel, 1910 Clear and 1909 Ivy all have the same pin number)

Inspector Shaff reported that there is an assessment for \$180 plus the fee under 1909 lve Avenue East (the daycare).

Mr. Zielske is appealing because they had some questions about the bill. He thought the bill had been paid. His bill is not about the daycare; it's concerning the church. Mr. Ortez also had some problem finding a record.

Ms. Moermond stated that she and staff will need to do some investigating. She will recommend laying it over to February 1, 2011. If she finds something out sooner, she will contact Mr. Zielske via email.

After further investigation, Ms. Moermond recommended approving the assessment.

Item is Referred Under Master Resolution

36 <u>ALH 11-142</u>

Appeal of Special Tax Assessment for 632 SNELLING AVENUE SOUTH for Project #: J1107A, Assessment #: 118005 in Ward 3

Sponsors: Harris

<u>Attachments:</u> <u>J1107A LH 1-18-10, PH 2-2-11-632 Snelling.pdf</u>

632 Snelling Ave S-SA.DOC 632 Snelling Ave-WO.pdf

Appellant called to reschedule. (CPH 2/2)

Item is Rescheduled to the Legislative Hearings, due back on 2/1/2011

ALH 11-144

Appeal of Special Tax Assessment for 1020 CARROLL AVENUE for Project #: J1107A, Assessment #: 118005 in Ward 1

Attachments: 1020 Carroll Ave-SA.DOC

1020 Carroll Ave-WO.pdf

J1107A LH 1-18-10, PH 2-2-11-1020 Carroll.pdf

Appellant called to reschedule. CPH 2/2/11

Item is Rescheduled to the Legislative Hearings, due back on 2/1/2011

11:00 a.m. Hearings

ALH 11-150 Appeal of Special Tax Assessment for 200 PLATO BOULEVARD WEST for

Project #: CRT1102, Assessment #: 118002 in Ward 2

Sponsors: Thune

<u>Attachments:</u> <u>CRT1102 LH 1-18-11; PH 2-2-11-200 Plato.pdf</u>

Orders to Vacate, Condemnations and Revocations

37 <u>ALH 11-104</u> Appeal of Yolanda Menchaca to a Notice of Condemnation Unfit for Human

Habitation Order to Vacate at 480 LAWSON AVENUE WEST.

Sponsors: Helgen

Attachments: 480 Lawson.appeal.1-10-11.pdf

480 Lawson Ave W.C of O Revocation.12-6-10.pdf

480 Lawson Ave W.Photos.12-7-10.pdf

480 Lawson Ave W.Menchaca Ltr 1-18-11.doc

Deny the appeal and vacate the property by February 4, 2011.

Vacate Order/Condemnation

Yolanda Menchaca and her husband appeared.

Ms. Moermond noted that she and Ms. Menchaca had talked before. This building had been declared a Registered Vacant Building and Ms. Menchaca had appealed it. It had been declared Vacant because of a water shut-off; it had been addressed, so the Vacant status was lifted. Since then, the inspector has been on the inside of the building and has written a set of Orders; and there's a Condemantion/Order to Vacate the building because of that.

Inspector Shaff reported that the inspection by Fire was supposed to have been done by October 12, 2010. Unfortunately, Inspector Martin was out all week. Supervisor Dornfeld, Vacant Buildings, informed her that the occupants would be out by October 31, 2010. Notes date November 3, 2010, per Xcel, show the power back on. Ms. Menchaca interjected that the power was never shut-off. Ms. Shaff: an inspection was scheduled with Ms. Menchaca for 8:30 a.m. on December 6, 2010. Inspector Martin rang the doorbell and knocked on the door for fifteen (15) minutes and then left without gaining access. Notes indicate that the storm door was in disrepair and a van without plates was parked in the yard. Per Supervisor Urmann, Ms. Martin

posted a Revocation. On December 29, 2010, Ms. Martin met the occupant, Henry. Exterior issues have not been corrected. She gained access and found many serious code violations:

- egress window on main floor exits into an enclosed porch; not the exterior as code requires;
- attic egress window measures 21" high x 26" wide; code requires a minimum of 24" high x 20" wide;
- second floor ceiling measures 4 feet high; (that space is basically an attic, not to be used for a sleeping area) The appellant interjected that it measures 4 feet high at the center of the stairway. Once up the stairs, the ceiling is 8 feet high. The inspector measured from the turning point of the stairs to the roof, which is 4 feet; then it angels 60 degrees to 8 feet.
- running kitchen appliances off an extension cord/power surge cord;
- requirement of hiring a licensed plumber to install a temporary relief valve on the water heater; (If the boiler can't let off steam, it becomes a rocket)
- van outside:
- maintaining the exterior stairs, doors
- zoning issues;
- guardrail;
- removing cap off the free-standing toilet.

Ms. Shaff stated that it is her understanding that Ms. Martin spoke with the property owner, who is letting the property go back to the bank. Ms. Moermond noted that was in process at the time of the last hearing on this property. It sounded as though the bank had made a "cash for keys" offer. Ms. Menchaca responded that is happening now.

Ms. Menchaca noted that some things have been fixed; other items on the list that are being taken care of. The plumber removed the free standing toilet. He replaced the temperature relief valve on the boiler. The van is now legal and running. The upstairs attic had been considered bedrooms. She didn't know that it was to be only an attic because it had been converted into two (2) rooms. She had no idea that the house was originally a one (1) bedroom house. It had been sold as a two (2) bedroom home. They have moved out of the attic and are now sleeping downstairs. The plumber located the gas range shut-off in the basement, not six (6) feet from the range. The only rotten door is the bottom (flap) of the front porch door; the wooden doors in the house have been there for years, are solid wood and not rotten. There are no extension cords running anywhere. Child safety locks have been removed. The basement stairs guardrail has been installed. The roof is only eight (8) years old. The house is very sound and has been very well taken care of. There are no leaks or cracks, the walls are not falling apart, the windows are about five (5) years old. Ms. Menchaca said that the bank has just offered "cash for keys." She is waiting to hear from the bank's attorney. Because of some issues with the bank, they were not able to rent the house. Veterans' Services will be helping them with moving/renting costs.

The main floor consists of a bedroom, bathroom, living room and kitchen.

Ms. Menchaca's husband commented that on December 6, 2010, they were there and they were prepared for the inspection. The inspector did not show up. If the inspector said she was there knocking on the door for fifteen (15) minutes, it's absolutely false because they were there waiting. Ms. Menchaca stated that a half hour past the time of the scheduled inspection, she called the City and was told that something came up and the inspector was unavailable to inspect the house and they would need to re-schedule.

Ms. Moermond recommended that the property be vacated effective February 4,

2011. It will be on City Council Public Hearing February 2, 2011 at 5:30 p.m. If the appellant can get a re-inspection and the Condemnation were lifted by February 4, 2011, a Vacate would not be necessary. She suggested that item #9 on the deficiency list be modified to reflect the ceiling height within the stairway instead of the 2nd floor ceiling height.

Item is Referred to the City Council, due back on 2/2/2011

38 ALH 11-106

Appeal of John H. Reed to a Notice of Condemnation as Unfit for Human Habitation and Order to Vacate at 123 WAYZATA STREET.

Sponsors: Helgen

Attachments: 123 Wayzata.appeal.1-12-11.pdf

123 Wayzata St.Photos.1-10-11.pdf 123 Wayzata St.Photos.12-9-10.pdf

123 Wayzata St.Summary Abatement Order.12-9-10.pdf

123 Wayzata St. Correction Order. 12-9-10.pdf

123 Wayzata St.Reed Ltr 1-18-11.doc

Reduce the volume of items (75%) by noon on Friday, January 21, 2011, or vacate the property.

John H. Reed appeared.

Vacate Order/Condemnation

Inspector Essling reported that the file on 123 Wayzata Street goes back to May 2009. At that time, a Summary Abatement was issued for exterior violations and an appointment letter was sent. Inspector Smith made the first exterior inspection on December 8, 2010. No one had contact or was able to gain access until January 10, 2011 when Inspector Ed Smith, Erica, a social worker from House Calls and a nephew of the property owner were present for a re-inspection. At that time, Inspector Smith issued the Condemnation, giving him ten (10) days to clear things out. Mr. Reed has told him that he has removed two (2) pick-up loads of paper with the help of a friend. He also said that he is willing to bring in the roll-off from House Calls. The real issue is who is going to remove all of that stuff. Mr. Reed stated that his nephew and a friend, Ed, would be helping him clean-up.

Ms. Moermond stated that the next inspection date is February 10, 2011. She asked if that's the date to be vacated or cleaned-up. Mr. Essling said that's the re-check date. The deadline to vacate was January 11, 2011. Ms. Paula Seeley said that the photos indicate excessive clutter with blockage to windows, doors, service panel, water meter, etc. Ms. Moermond said that there may also be some gross unsanitary issues. She asked Mr. Reed how he got into such a mess. Mr. Reed explained that first of all, he's a saver; he doesn't like to waste anything. Almost everything is useful in some way; other things have sentimental value. Ms. Moermond stated that she was worried that he wouldn't be abel to get out of the house in case of a fire. Mr. Reed replied that if there were a fire, he would be able to smell it, hear it and he'd ease his way out of a window. Ms. Moermond said that he would need to cut down on the volume of stuff. Mr. Reed responded that he is going to do that; he has plans to get a dumpster. Ms. Moermond noted that there are also a lot of things outside. Mr. Reed said that Ed had helped him take a couple of truck loads of the exterior stuff away, too.

Ms. Moermond stated that Mr. Reed will need to find somewhere to stay while the

house is getting cleaned out. She wants him to reduce the clutter by 75% by noon Friday, January 21, 2011. For safety reasons, she wants him to move out while the house is being cleaned out. Mr. Reed sees no problem with him remaining in the house. Studying the photos, Ms. Moermond noted that the boiler and water heater seem to be very crowded in the basement. If Mr. Reed can reduce the clutter by 75% by Friday noon, the inspector will lift the Condemnation. For the outside materials, the City could write a Summary Abatement Order which would declare it a nuisance; they could remove it and charge Mr. Reed. Ideally, Mr. Reed should take care of it himself so he can decide what to keep and there won't be a charge from the City. Mr. Reed thinks that he can do a better job and save a lot of time if he stays in the house. He would worry a lot less if he could stay.

Ms. Moermond will recommend that Mr. Reed must be out of the property unless the inspector lifts the Condemnation Friday, January 21, 2011. This goes to City Council Public Hearing on February 2, 2011. She instructed Mr. Reed to call the House Calls Program; work with them to get the dumpster. They may also have ideas about temporary housing.

Item is Referred to the City Council, due back on 2/2/2011

1:30 p.m. Hearings

Fire Certificates of Occupancy Correction Orders

39 ALH 11-17 Appeal of Birch Terrace to a Fire Inspection Correction Notice at 1622 ENGLEWOOD AVENUE.

Sponsors: Stark

Attachments: 1622 Englewood.appeal.12-23-10.pdf

1622 Englewood Ave.PC Ltr 1-4-11.doc

Laid over from January 4. No one appeared; appeal denied. Written statement needed from Mechanical Inspector.

Laid over to January 25, 2011

Laid over to January 25 Legislative Hearings

40 ALH 11-20 Appeal of Wilson Simon to a Fire Inspection Correction Notice at 2554 COMO AVENUE.

Sponsors: Stark

Attachments: 2554 Como.appeal.12-27-10.pdf

<u>2554 Como Ave.PC Ltr 1-4-11.doc</u> <u>2554 Como Ave.PC Ltr 1-18-11.doc</u>

Laid over from January 4; Laid over to January 25, 2011.

Wilson Simon said he met with Larry Zangs, Department of Safety and Inspections, and Mr. Zangs asked him to make photocopies of everything in the premises and what the use was going to be. He was told there can be no more than ten people at one time in his unit during the hours he is home. He said he submitted the requested information on January 13 and has not heard anything back. Fire Inspector Angie Wiese was the last person he heard from.

Mr. Simon said he's put all his savings into the property over the past five years and It's not looking good at this point so he's going to give notice to vacate if things can't be worked out.

Ms. Moermond said she will lay the matter over one week and suggested he contact Ms. Wiese to assist him in setting up at a meeting. If they are not able to come to a conclusion, he should get a regular appeal and it would be heard before her. If Zoning approves, Fire staff will give a different order.

Laid over to January 25 Legislative Hearings.

41 ALH 11-44

Appeal of Omari Omari to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 1019-1021 CARROLL AVENUE.

Sponsors: Carter III

Attachments: 1019 Carroll. appeal.1-4-2011.pdf

1021 Carroll Ave.PC Ltr 1-18-11.doc

Appeal denied and extension granted to February 7, 2011 to come into compliance. City Council public hearing on February 2, 2002.

Mr. Omari said he was appealing Item No. 1. He has an estimate of over \$2,240 for the heating system items. Everything else on the list is done; he had the smoke detector affidavit and the existing fuel burning equipment safety test report with him but he also e-mailed them to Inspector Mitch Imbertson.

Marcia Moermond, Legislative Hearing Officer, asked Mr. Urmann if the heating system was written up because it was not done under permit. Mr. Urmann said that was correct.

Mr. Omari said the safety burning, etc. was fine so it's the issue with the chimney liner. The furnace went out on a Saturday morning in January a couple years ago and there was not time to get permits and a friend helped him with it. The property is in a short sale and what it would cost to do the chimney liner is more than he can afford to do.

In response to a question of Ms. Moermond, Mr. Omari said this is a duplex.

Inspector Urmann explained that chimneys were built to handle a furnace that didn't get as hot so the motor held up better and didn't condensate or break apart. With the higher efficiency furnaces, the liner protects the furnace from collapse and structural degradation over time.

Mr. Omari said the current furnace is just slightly different from the one that had been there.

Ms. Moermond said the mechanical inspectors are aware of the furnaces that would fall under this requirement because the Code is clear and they would have precise information. She said John Knutson could answer the questions Omari is raising.

Mr. Omari said the other thing found was the combustion air inlet hood which was within three feet of the dryer vent. That has been changed and he is waiting for a re-inspection on that. The inspector came once and told him the hose was wrong on the water heater so he's waiting for another inspection.

Ms. Moermond suggested to Mr. Omari that he communicate with the inspector via

e-mail. Mr. Urmann said he would assist.

Ms. Moermond said these are serious issues. Currently the deadline is January 19 to address these items; she now recommended everything be done by February 7. She will set up a public hearing before the City Council on February 2. If he does not come into compliance by the deadline, the department has to enforce the City Council reviewed order. Typically in this situation they would chose either using a criminal citation or revocation of the certificate of occupancy. It's at their discretion how they proceed. She said she understands it's a short sale. The work was done without a permit and it appears he did not go in right away to get a permit. Mr. Omari said no one ever went into the chimney and that's the work he is being asked to have done now. This will put him under and if the short sale doesn't go through, the renters will have to leave and it will be another foreclosure in St. Paul. He has tried hard to keep it in good standing, he said.

Ms. Moermond said she also has to think about the safety of the people living there. Since one half is not occupied, the Fire Certificate of Occupancy staff can revoke a part of the building or the entire building. Mr. Urmann said in this case because of the ventilation system for the furnace, it would affect the entire building so it would be a whole building issue. If it was determined by the mechanical inspector to be a life safety or habitability issue, it could also be a cause to condemn both sides of the building.

Ms. Moermond told Mr. Omari she understands his financial situation but there are expenses associated with maintaining property and this is the kind of expense that comes up from time to time. She reiterated that he should work with the inspectors and, hopefully, it can all be taken care of.

Appeal denied and extension granted to February 7, 2011 to come into compliance. City Council public hearing will be on February 2, 2002.

Item is Referred to the City Council, due back on 2/2/2011

42 <u>ALH 11-56</u>

Appeal of Sam Riesgraf, SMR Real Estate LLC, to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 576 WHITE BEAR AVENUE NORTH.

Sponsors: Lantry

Attachments: 576 White Bear.appeal.1-7-11.pdf

576 White Bear Ave.Riesgraf Ltr 1-18-11.doc

No one appeared; appeal denied. 1/19/10--mail was returned.

Item is Rescheduled to the Legislative Hearings, due back on 1/25/2011

43 ALH 11-57

Appeal of KBD Investments LLC to a Correction Notice-Complaint Inspection at 1008 CASE AVENUE.

Sponsors: Bostrom

Attachments: 1008 Case.appeal. 1-7-11.pdf

1008 Case.Frey PC Ltr 1-18-11.doc

Six-inch variance granted on the basement celing height on the condition that reflective sign/tape is posted for entrances going down to the basement.

Jason Fry and Brad Heusley appeared. Mr. Fry said they filed an appeal for the egress windows because according to the dimensions, they do meet the requirement. He has to talk to Inspector Jackie Girling to see if she measured the rest of the windows but he feels they all meet egress standards.

Marcia Moermond, Legislative Hearing Officer, said she would grant a variance on the egress window dimensions.

Inspector Mike Urmann said the width of the windows is 21 inches and required to be 24 inches. The ceiling height is 6 ft. 5in in the basement bedroom area and it should be 7-1/2 ft.

Mr. Fry said it was his impression that egress windows are required to be 24 in. high and 20 in. wide. Ms. Moermond said it appears a mistake was made and orders should not have been written on the windows.

Mr. Fry showed pictures of the basement and said the ceiling is flat with no angles or peaks.

Ms. Moermond said she will recommend a 6 in. variance on the ceiling. The owners are to put in reflective tape so if a firefighter went in, they will know it's low clearance.

Six-inch variance granted on the basement ceiling height on the condition that reflective sign/tape is posted for entrances going down to the basement.

Item is Referred Under Master Resolution

44 <u>ALH 11-60</u>

Appeal of Mary Kelsey to a Fire Inspection Correction Notice at 1866 HYACINTH AVENUE EAST.

Sponsors: Bostrom

Attachments: 1866 Hyacinth.appeal.1-7-11.pdf

1866 Hyacinth Ave E.Kelsey Ltr 1-18-11.doc

Grant 2-inch variance on the openable height of the egress windows in all bedrooms on the first floor; deny appeal and grant extension to May 1, 2011 for Items 5 and 6 on the condition that sand and salt are easily accessible to the tenants for use on the steps.

Inspector Urmann said the appellant requested an extension of time for Items 5 and 6 which involve steps to the public way that have more than three risers and require a handrail in accordance with the building code.

Items 7 & 8 – The heating system test report has been received but not the smoke detector affidavit which the appellant said was provided. Mr. Urmann said he brought an affidavit with which the appellant can fill out.

Marcia Moermond, Legislative Hearing Officer, said she would grant until May 1 to install the hand rails. She instructed the appellant to have a sand/salt bucket easily available so the tenants know to use it until railing is installed. Ms. Kelsey questioned what type of railing is required.

Mr. Urmann said he will have the inspector take photos after the snow melts and determine what type she needs.

Ms. Moermond said she has no concern with the windows on the first floor and she

will grant a variance.

Grant 2-inch variance on the openable height of the egress windows in all bedrooms on the first floor; deny appeal and grant extension to May 1, 2011 for Items 5 and 6 on the condition that sand and salt are easily accessible to the tenants for use on the steps.

Item is Referred Under Master Resolution

45 ALH 11-61

Appeal of Bee Vue to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 686 SHERBURNE AVENUE.

Sponsors: Carter III

Attachments: 686 Sherburne.appeal.1-7-11.pdf

686 Sherburne Ave. Vue PC Ltr 1-18-11.doc

Grant a six-inch variance on the ceiling height on the condition that reflective sign/tape be posted for entrances going down to the basement; grant a variance on the ceiling height issue in the upper unit second floor rear bedroom; grant a variance on the ceiling height issue in the upper unit third floor bedroom; and deny the appeal in the upper unit third floor bedroom (must maintain one occupant in the sleeping room).

Marcia Moermond, Legislative Hearing Officer, recommended the following:

Item #1 - Lower unit-basement bedroom - grant a variance of 6 ft. 5 in.

Item #2 – Upper unit 2nd floor rear bedroom ceiling – 35% is at 7 ft. or above and Ms. Moermond said she will recommend a variance on that.

Item #3 – Upper unit 3rd floor bedroom ceiling – 45% instead of 50% is at 6 ft. 10 in. or above and she will recommend a variance on that.

Item #4 – 3rd floor bedroom - No variance on the number of occupants. Mr. Vue said that issue has been addressed.

Grant a six-inch variance on the ceiling height on the condition that reflective sign/tape be posted for entrances going down to the basement; grant a variance on the ceiling height issue in the upper unit second floor rear bedroom; grant a variance on the ceiling height issue in the upper unit third floor bedroom; and deny the appeal in the upper unit third floor bedroom (must maintain one occupant in the sleeping room).

Item is Referred Under Master Resolution

46 <u>ALH 11-78</u>

Appeal of Heather K. Jamieson to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 1178 HERBERT STREET.

Sponsors: Bostrom

Attachments: 1178 Herbert.appeal.1-18-11.pdf

1178 Herbert St.Jamieson Ltr 1-18-11.doc

Deny the appeal on the sill height in Item #1 (cannot be used as a sleeping room; if it is used as a sleeping room, steps must be installed to address the sill height issue); deny appeal and grant extension to May 1, 2011 on the guardrail issue on the

condition that salt and sand are easily accessible to tenants for use on the steps; and grant 30-days for the permit to be finalized on the egress window issue.

Inspector Mike Urmann said a permit had been pulled but it expired for lack of activity. They are good for one year from date of issue. The permit was not approved for the installation of the windows and did not get signed off because the contractor did not call for final signoff and inspection.

With regard to Item #1, the sill height is 50 inches and it should be 48 inches. Ms. Jamieson said the code that was cited talks about bedrooms and sleeping areas and there is not a sleeping area in the basement.

Mr. Urmann said when Inspector Thomas was asked that question, he saw bedding and pillows in the area so it was determined that it was being used as a sleeping area. Ms. Jamieson responded that it is not rented as a sleeping area. She showed her Section 8 papers and lease indicating it's a 3-bedroom house and that is how it's being rented. She asked what control she has where people choose to sleep.

Ms. Moermond said she understands the house is not being rented that way but if the basement is being used as a sleeping unit, she will be held accountable and a step must be installed to the window. Ms. Jamieson said she will tell the renters that they are not to sleep in the basement. This has never been an issue in the time she has owned the house since 2003. Because it's a Section 8 rental, she has an inspection every year.

Mr. Urmann reiterated that if it's ever found it's being used as a sleeping room and not code compliant, the inspector would issue a citation.

Ms. Moermond said she will deny the appeal and Ms. Jamieson has choices how to become code compliant.

Item #3 – loose guard rails – Ms. Jamieson had asked for an extension. Mr. Urmann said a guard rail has to hold normal body weight with no deflection of any kind. Ms. Moermoned said it can't be repaired in the current weather conditions and said she will grant an extension to May 1 but wants to see that ice/sand is always available and easily accessible to the tenants to put on the sidewalk and steps.

Item #4 – Finalization of the egress window permit. Ms. Moermond said Window World needs to sign off. Ms. Jamieson said she was told by Esther from Window World that many people installed windows to take advantage of the tax credit and they weren't even taking appointments at the end of 2010. However, in November she was told that hers would be scheduled and closed. Later she got a call that it couldn't be done before the first of the year. Ms, Moermond said she would grant 30 days to comply.

Deny the appeal on the sill height in Item #1 (cannot be used as a sleeping room; if it is used as a sleeping room, steps must be installed to address the sill height issue); deny appeal and grant extension to May 1, 2011 on the guardrail issue on the condition that salt and sand are easily accessible to tenants for use on the steps; and grant 30-days for the permit to be finalized on the egress window issue.

Item is Referred Under Master Resolution

47 <u>ALH 11-79</u>

Appeal of Gholam Ashrafzadeh to a Revocation of Fire Certificate of Occupancy at 1119 ARUNDEL STREET.

Sponsors: Helgen

Attachments: 1119 Arundel.appeal.1-10-11.pdf 1119 Arundel St.Ltr 1-18-11.doc

Deny appeal and grant an extension for 60 days to bring the items into compliance. The vacant building fee is also waived for 60 days. If not in compliance in 60 days, appellant is required to obtain a Code Compliance Inspection and pay the Vacant Building fee.

Terry Alexander appeared and showed Ms. Moermond a certificate indicating he was authorized to represent the family in this matter.

Inspector Urmann said the issue that was conveyed to him regarding this building is that it is unoccupied. Vacant Buildings was carrying it as a Category I because no one did an interior inspection. Inspector Lisa Martin went out for an inspection and found it was still vacant and wrote up 19 violations in the interior. Issues include a converted attic space that was done without permit or approval and a heating system test report that was provided to DSI and is inadequate. The heating system is deteriorated and rusted and it was painted which it should not have been according to the mechanical inspector. It's almost impossible to fix now. It was referred as a Category II because of the number of violations and because the building was still vacant at the time of the inspection. Vacant Buildings concurred with the Cat. II and it will require a code compliance inspection.

Mr. Alexander said of the 19 violations, 13 or 14 are very minor. The test on the furnace was re-done and re-submitted and passed the test so the furnace is compliant at this time. He said they were asking that they get the property back to Category I. The investors bought the house strictly for a rental purpose and they invested the money as Category I. They have submitted the permits for the electrical and brought it up to code and the windows have been ordered. He asked that the house be re-inspected.

Mr. Urmann said a window insert would require a permit. Mr. Alexander explained the windows and Urmann said if he's just replacing a pane, it does not require a permit,

Mr. Alexander said everything will be brought up to code and they would like to keep it as a Category I or they will lose thousands of dollars on it. He said he has no problem with bringing the permits up to date.

Mr. Urmann said the attic space would have to be de-converted because it is an un-occupied illegal space. Mr. Alexander said this converted space is very old but he could put a locked door on. Ms. Moermond said that would take it out as being an occupied space and would be ok.

Ms. Moermond said she feels it is legitimately a Category II due to the many violations. She will give him 60 days to get everything done to the satisfaction of the inspector. She will waive the vacant building fee and require a code compliance if he doesn't have it signed off in 60 days.

Mr. Urmann told Mr. Alexander to contact Lisa Martin for an inspection. The heating unit must be replaced and the work must be done by a licensed installer.

Ms. Moermond denied the appeal on the furnace and required that it come into compliance.

Deny appeal and grant an extension for 60 days to bring the items into compliance. The vacant building fee is also waived for 60 days. If not in compliance in 60 days,

appellant is required to obtain a Code Compliance Inspection and pay the Vacant Building fee.

Item is Referred Under Master Resolution

48 ALH 11-83

Appeal of Cha Blong Xiong and Cheu Lo Xiong to a Fire Inspection Correction Notice at 610 WINTHROP STREET NORTH.

Sponsors: Lantry

Attachments: 610 Winthrop.appeal.1-10-11.pdf

610 Winthrop St N.Xiong Ltr 1-18-11.doc

Grant a 3-inch variance on the openable height of the egress windows in the main floor southeast, middle and northeast bedrooms; deny appeal and grant until June 1, 2011 for Item #10 (exterior-soffits); and deny appeal and grant extension for 30 days for Item 21 (main floor, NE bedroom-window glass).

Marcia, Moermond, Legislative Hearing Officer, said she was comfortable recommending a variance on the egress window opening.

Inspector Mike Urmann said the appellant is asking to have until spring to take care of Items 10 and 21. Item 21 is a piece of broken window glass that needs to be repaired, and Item 10 is soffits, facia, and pealing paint on the exterior.

Ms. Moermond said she will grant until June 1 to repair the exterior items and 30 days to repair the broken window.

Grant a 3-inch variance on the openable height of the egress windows in the main floor southeast, middle and northeast bedrooms; deny appeal and grant until June 1, 2011 for Item 10 (exterior-soffits); and deny appeal and grant extension for 30 days for Item 21 (main floor, NE bedroom-window glass).

Item is Referred Under Master Resolution

49 <u>ALH 11-112</u>

Appeal of Emer Properties, represented by Cynthia Emer, to a Fire Certificate of Occupancy Correction Order at 2152 MOHAWK AVENUE.

Sponsors: Lantry

Attachments: 2152 Mohawk.appeal.1-13-11.pdf

2152 Mohawk Ave.Emer Ltr 1-18-11.doc

Grant a 3-inch variance on the openable height of the egress window in the main floor southeast bedroom, no hearing necessary.

Item is Referred Under Master Resolution

Window Variances: Hearing Required

50 <u>ALH 11-81</u>

Appeal of Esther Dahl, Window World, to an Egress Window Non-Compliance Determination at 558 LARPENTEUR AVENUE EAST.

<u>Sponsors:</u> Helgen

Attachments: 558 Larpenteur.appeal.1-10-11.pdf

558 Larpenteur Ave E.Window World Ltr 1-18-11.doc

No one appeared; grant a 3-inch variance on the openable height of replacement bedroom windows measuring 21 inches high x 43.5 inches wide; deny the appeal for the replacement window measuring 21 inches high x 14 inches wide; deny the sill height issue for all three bedroom windows and two steps must be permanently affixed to the wall.

Item is Referred Under Master Resolution

No Hearing Necessary

Window Variances: Fire Certificate of Occupancy

51 ALH 11-50 Appeal of Suzann Murray to a Fire Inspection Correction Notice at 215-217

DORA COURT WEST.

<u>Sponsors:</u> Lantry

Attachments: 215-217 Dora Court.appeal.1-6-2011.pdf

215-217 Dora Ct W.PC ltr 1-4-11.doc

Grant a 6-inch variance on the openable height of the egress windows in the main

floor southwest and southeast bedrooms, Unit 217.

Item is Referred Under Master Resolution

52 <u>ALH 11-51</u> Appeal of Justin Fox to a Fire Inspection Correction Notice at 927

ALGONQUIN AVENUE.

Sponsors: Bostrom

<u>Attachments:</u> 927 Algonquin.appeal.1-6-2011.pdf

927 Algonquin Ave.Fox PC ltr 1-4-11.doc

Grant a 3-inch variance on the openable height of the egress window in the main

floor southwest bedroom.

Item is Referred Under Master Resolution

53 ALH 11-55 Appeal of Ellen Garbo and Leon Frid to a Fire Inspection Correction Notice

at 1569 RACE STREET.

Sponsors: Thune

Attachments: 1569 Race.appeal.1-7-11.pdf

1569 Race St.Garbo Ltr 1-18-11.doc

Grant a 3.5-inch variance on the openable height of the egress window in the first floor north and second floor east bedrooms and a 2-inch variance on the openable

height of the egress window in the first floor west bedroom.

Item is Referred Under Master Resolution

54 ALH 11-74 Appeal of Charles Boeck to a Fire Inspection Correction Notice at 152

BATES AVENUE.

Sponsors: Lantry

Attachments: 152 Bates.appeal.1-10-11.pdf

152 Bates Ave.Boeck Ltr 1-18-11.doc

Grant a 6-inch variance on the openable height of the egress bedroom windows in the upper unit.

Item is Referred Under Master Resolution

55 ALH 11-76 Appeal of Leo A. Viktora to a Fire Inspection Correction Notice at 2135

JAMES AVENUE.

Sponsors: Harris

Attachments: 2135 James.appeal.1-10-11.pdf

2135 James Ave. Viktora Ltr 1-18-11.doc

Grant a 5-inch variance on the openable height of the egress window in the first floor west and second floor bedrooms and a 2-inch variance on the openable height of the egress window in the first floor east bedroom.

Item is Referred Under Master Resolution

56 ALH 11-77 Appeal of Anne J. Smith to a Fire Inspection Correction Notice at 1295

LAUREL AVENUE.

Sponsors: Carter III

Attachments: 1295 Laurel.appeal.1-10-11.pdf

1295 Laurel Ave. Smith Ltr 1-18-11.doc

Grant a 7.5-inch variance on the openable height of the egress windows in the southeast, west and north bedrooms.

Item is Referred Under Master Resolution

57 ALH 11-80 Appeal of Sheila Bernstein to a Fire Inspection Correction Notice at 2109

RANDOLPLH AVENUE.

Sponsors: Harris

Attachments: 2109 Randolph.appeal.1-10-11.pdf

2109 Randolph Ave.Bernstein Ltr 1-18-11.doc

Grant a 5-inch variance on the openable height of the egress window in the first floor south bedroom, grant a 4-inch variance on the openable height of the egress window in the first floor north bedroom, and grant an 8-inch variance on the openable height

of the egress window in the second floor bedroom.

Item is Referred Under Master Resolution

58 <u>ALH 11-82</u> Appeal of Paul Johnson to a Re-Inspection Fire Certificate of Occupancy

With Deficiencies at 1817 ORANGE AVENUE EAST.

Sponsors: Bostrom

Attachments: 1817 Orange.appeal.1-10-11.pdf

1817 Orange Ave E.Johnson Ltr 1-18-11.doc

Grant a 1-inch variance on the openable width of the egress bedroom window in the attic

Item is Referred Under Master Resolution

Window Variances: Building Permits

59 ALH 11-58 Appeal of George Trembulak to an Egress Window Non-Compliance

Determination at 799 PARK STREET.

Sponsors: Helgen

Attachments: 799 Park.appeal.1-7-11.pdf

799 Park St.JB Constr Ltr 1-18-11.doc

Grant a 3.5-inch variance on the openable height of one double hung replacement egress bedroom window in the 3rd floor which measured at 20.5 inches high by 26.5 inches wide.

Item is Referred Under Master Resolution

60 ALH 11-59 Appeal of Nilles Builders to an Egress Window Non-Compliance

Determination at 792 ARLINGTON AVENUE WEST.

Sponsors: Helgen

Attachments: 792 Arlington.appeal.1-7-11.pdf

792 Arlington Ave W.Nilles Ltr 1-18-11.doc

Grant a 2-inch variance on the openable height of one slider replacement egress bedroom window on the condition that the owner install a permanent step to address the sill height issue.

Item is Referred Under Master Resolution

61 ALH 11-67 Appeal of Esther Dahl, Window World, to an Egress Window

Non-Compliance Determination at 1722 ORANGE AVENUE EAST.

Sponsors: Bostrom

Attachments: 1722 Orange.appeal.1-10-11.pdf

1722 Orange Ave E.Window World Itr 1-18-11.doc

Grant a 5-inch and a 3-inch variance on the openable height of three replacement egress bedroom windows which measured at 19 inches high by 27 inches wide and 22 inches high by 25 inches wide. The property owner is required to install a permanent affixed step the full width of the egress window for one of the windows which the sill height is at 54 inches high. The requirement is 48 inches high.

Item is Referred Under Master Resolution

62 <u>ALH 11-70</u> Appeal of Esther Dahl, Window World, to an Egress Window

Non-Compliance Determination at 1401 ARUNDEL STREET.

Sponsors: Helgen

Attachments: 1401 Arundel.appeal.1-10-11.pdf

1401 Arundel St. Window World Ltr 1-18-11.doc

Grant a 4-inch variance on the openable height of two double hung replacement egress bedroom windows which measured both at 20 inches high by 28.5 inches wide.

Item is Referred Under Master Resolution

63 ALH 11-72 Appeal of Esther Dahl, Window World, to an Egress Window

Non-Compliance Determination at 684 OTSEGO STREET.

Sponsors: Thune

Attachments: 684 Otsego.appeal.1-10-11.pdf

684 Otsego St.Window World Ltr 1-18-11.doc

Grant a 2-inch variance on the openable width of two glider replacement egress bedroom windows which measured at 41 inches high by 18 inches wide.

Item is Referred Under Master Resolution

64 <u>ALH 11-73</u> Appeal of Esther Dahl, Window World, to an Egress Window

Non-Compliance Determination at 1850 PRINCETON AVENUE.

Sponsors: Harris

Attachments: 1850 Princeton.appeal.1-10-11.pdf

1850 Princeton Ave. Window World Ltr 1-18-11.doc

Grant a 4-inch variance on the openable height of three double hung replacement egress bedroom windows which measured at 20 inches high by 24 inches wide.

Item is Referred Under Master Resolution

65 ALH 11-75 Appeal of Esther Dahl, Window World, to an Egress Window

Non-Compliance Determination at 1989 MINNEHAHA AVENUE EAST.

Sponsors: Lantry

Attachments: 1989 Minnehaha.appeal.1-10-11.pdf

1989 Minnehaha Ave E.Window World Ltr 1-18-11.doc

Grant a 1.5-inch variance on the openable height of two double hung replacement egress bedroom windows which measured at 22.5 inches high by 26 and 32 inches

wide.

Item is Referred Under Master Resolution

66 ALH 11-108 Appeal of Erik Anderson, Woodcrest Building & Remodeling, to an Egress

Window Non-Compliance Determination at 2226 UPPER AFTON ROAD.

Sponsors: Lantry

Attachments: 2226 Upper Afton.appeal.1-12-11.pdf

2226 Upper Afton Rd.Woodcrest Ltr 1-18-11.doc

Grant a 7.5-inch variance on the openable height of three double hung replacement egress bedroom windows.

Item is Referred Under Master Resolution

House Keeping

67 ALH 10-37 Appeal of Steve and Diane Anderson to a HPC Non-Compliance Garage

Plan for property at <u>340 Summit Avenue</u>. (Ward 2)

Sponsors: Thune

Attachments: 340 Summit.Appeal.7-1-10.pdf

340 Summit.Letter.7-23-10.doc

340 Summit.Fire Deficiency Ltr.10-2-06

340 Summit.Appt Ltr.12-5-05

68 ALH 10-202 Appeal of Steve Fisher to a Fire Certificate of Occupancy Correction Order

at 965 Hague Avenue. (Ward 1)

Sponsors: Carter III

<u>Attachments:</u> 965 Hague Avenue.Appeal.10-5-10.pdf

965 Hague Ave.Fire C of O Ltr.9-20-10 965 Hague Ave.Photos.9-20-10

69 ALH 10-271 Appeal of David Leventhal of Cecil Delicatessen to a Fire Certificate of

Occupancy Correction Order at 651 Cleveland Avenue South.

Sponsors: Harris

Attachments: 651 Cleveland Ave S.Appeal.10-19-10.pdf

651 Cleveland Ave S.Fire Inspection Ltr.10-12-10

651 Cleveland Ave S.PC ltr.10-26-10.doc 651 Cleveland Ave S.PC ltr.12-13-10.doc

70 ALH 10-417 Appeal of Kwasi Nanyakpe to a Notice of Condemnation Unfit for Human

Habitation Order to Vacate and Vacant Building Registration Notice at 330

MAPLE STREET.

Sponsors: Lantry

Attachments: 330 Maple.appeal.11-30-10.pdf

330 Maple St. Vacant Building Registration. 11-2-10. DOC

330 Maple St.Photos.11-2-10.pdf

330 Maple St.Order to Vacate.10-26-10.dot

330 Maple St.Summary Abatement Order.11-2-10.DOC 330 Maple St.Vehicle Abatement Order.11-2-10.DOC

330 Maple St.PC ltr.11-30-10.doc 330 Maple St.PC ltr.12-7-10.doc

330 Maple St. Power of Atty Affidavit. 12-3-10.pdf

71 <u>ALH 10-563</u>

Appeal of Don Frable to a Fire Inspection Correction Notice at 1187

WOODBRIDGE AVENUE.

<u>Sponsors:</u> Helgen

<u>Attachments:</u> 1187 Woodbridge.appeal.12-21-10.pdf

1187 Woodbridge St.photos 12-7-10.pdf 1187 Woodbridge St-photos.12-28-10.pdf

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