

City of Saint Paul

*15 West Kellogg Blvd.
Saint Paul, MN 55102*



Minutes - Final - Final

Tuesday, June 7, 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

Mary Erickson, Hearing Secretary

legislativehearings@ci.stpaul.mn.us

651-266-8560

9:00 a.m. Hearings**Special Tax Assessments****Laid over Summary Abatement Assessments: (referred back by Council on 6/1; on Council Public Hearing July 6)**

- 1 **RLH TA 11-62** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1108, Assessment No. 118050 at 331 AURORA AVENUE. (To be referred back into Legislative Hearing on June 7, 2011 and City Council Public Hearing on July 6, 2011)

Sponsors: Carter III

Referred back into Legislative Hearing on August 9, 2011 and City Council Public Hearing on August 17, 2011.

RE: 331 and 333 Aurora Avenue

Robert Andrews, Twin Cities Real Estate Partners LLC; Jonathan and Elizabeth Bruntjen, managers; and Randy McClanahan, caretaker, appeared.

Mr. Andrews noted that he owns most of this building but he doesn't manage it. Jonathan and Elizabeth Bruntjen manage it.

Ms. Moermond wanted to follow-up with staff because of the confusion about which side should be a registered Vacant Building or should the whole building be classified that way; which side had a Fire C of O inspection, etc. At the last hearing, it was determined that both sides were under the same pin number. She was able to get follow-up information from Matt Dornfeld and Lisa Martin.

According to Mr. Dornfeld's notes: this is a duplex; both units share the same pin number. Inspector Martin Revoked the C of O to 333 December 2010. Therefore, 333 was made a Vacant Building, Category 2. At that time, 331 was still occupied with the current C of O. April 2011, Inspector Martin Revoked the C of O on 331 side. Mr. Dornfeld proceeded to vacate that unit, as well. Should require the owner to pay only 1 VB fee and orders 1 Code Compliance which will cover both units, as they share the same pin.

Ms. Moermond noted that she received an email from Jonathan Bruntjen on May 18, 2011, which said that he is following-up with the City.

Mr. Yannarely said the assessment for the VB fee is \$1,100 with \$135 service charge. There is only 1 fee.

Mr. Roberts asked what the basis is for Revoking the Certificate of Occupancy. Mr. McClanahan added that the only thing Ms. Martin had a problem with when she inspected was the basement entrance door to the outside. It had a 2x6 lock system bracket on it. She didn't like that system.

Mr. Yannarely asked if he appealed the 333 Condemnation in December. Mr. Andrews said they did. Ms. Bruntjen responded that the 331 Condemnation

happened in April. She didn't appeal that one. Mr. McClanahan talked about the one in December for 333. The tenants moved out and one of the shut-off valves broke, which flooded the upstairs and part of the ceiling downstairs fell down. When she came in April to do the re-inspection on it, the only things she had issues with were some light domes upstairs and the locks on the lower basement exits. Those exits could be boarded, if necessary.

Mr. Yannerally found 34 items on the Revocation. Mr. Bruntjen questioned how a well run building became a vacant status in such a short period of time. Ms. Moermond responded that it looks like a lot of building damage on 333. Ms. Bruntjen interjected that this was about 331, she thought. Ms. Moermond stated that right now the VB fee applies to the whole building. She is looking for a way to move this forward as speedily as possible. The repairs are done except for the locks. Ms. Moermond said they should call to schedule a Certificate of Occupancy inspection. If the Fire C of O can be re-instated by July 30, 2011, she will recommend that the VB fee be cut down to 25% of what it would have been. If not, she will re-visit it. Ms. Moermond will lay the matter over for 60 days. Mr. Moermond explained where the Vacant Building fee comes from. A Condemned building or unit automatically gets referred into the Vacant Building Program and automatically get charged \$1,100.

Ms. Bruntjen said that there's a tenant living in 331. There was a turn the day before the re-inspection. A tenant had been 2 weeks late moving out; she moved to one of their other properties. Ms. Bruntjen didn't get Noticed of the Revocation until the Friday after.

Ms. Moermond is pulling up the file on the last appeal (333). She said that she didn't find an appeal on the Revocation or Condemnation. Ms. Bruntjen appeared 2 weeks ago on a VB fee tax assessment; the only paperwork she received for 331. She didn't receive the Fire C of O information for 331; she just received a phone call on March 28, 2011. Ms. Moermond saw in the file that the Revocation letter went out on April 25. She noted that it appears that the C of O is Revoked on 331 and it continues to be occupied. That's a problem and she doesn't see an appeal in the system. The genesis of the VB fee was the Condemnation on the other side. The public hearing at City Council is scheduled for July 6, 2011.

Referred to the City Council due back on 7/6/2011

- 2 **RLH TA 11-48** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1112A, Assessment No. 118064 at 393 CLEVELAND AVENUE NORTH.

Sponsors: Stark

Attachments: 393 cleveland Ave N Snow letter 2.23.11.pdf

Reduce the assessment from \$300 to \$150

RE: 393 Cleveland Avenue North

Kelly Wagner, owner, appeared.

Joe Yannarely, Department of Safety and Inspections (DSI): Snow letter issued February 23, 2011; compliance date Feb 26; rechecked on Feb 28, found in no-compliance; work was done March 4, 2011 at a cost of \$160 plus a service charge of \$140 for a total of \$300.

Ms. Wagner is appealing because there had been shoveling done on the sidewalk - a path of 20-in wide; it was done before she received the letter.

They watched the video which showed about 14-in wide had been shoveled with a foot deep on either side of that. Parks shoveled full width and length, salted and sanded.

Ms. Moermond will recommend reducing the assessment by half.

Referred to the City Council due back on 7/6/2011

- 3 **RLH TA 11-73** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1108, Assessment No. 118050 at 565 JEFFERSON AVENUE. (To be referred back to Legislative Hearing June 7, 2011 and City Council Public Hearing on July 6, 2011)

Sponsors: Thune

Attachments: 565 Jefferson.Assess Roll.VB1108.pdf

No show; deny the appeal.

Referred to the Legislative Hearings due back on 7/6/2011

- 4 **RLH TA 11-97** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1112A, Assessment No. 118064 at 1002 MINNEHAHA AVE EAST.

Sponsors: Lantry

Attachments: [1002 Minnehaha Ave E SA 2.24.11.DOC](#)
 [1002 Minnehaha Ave E Photo 2.24.11.DOC](#)

LO for 2 weeks to check out video.

RE: 1002 Minnehaha Avenue East

Mr. Alshaar, property manager, appeared.

Joe Yannarely, Department of Safety and Inspections (DSI), reported that this was a pre-authorized Work Order issued by Paula Seely on February 24, 2011 to clean-up garbage and rubbish with a deadline of February 28, 2011. On March 1, 2011, Parks abated the nuisance at a total cost of \$680 (\$520 plus \$20 mattress fee plus the service charge).

Mr. Alshaar said the letter was sent to the owner's address in Lake Elmo. He was on vacation at the time. When he came home, he sent the letter to them. They sent a guy over there at 8:30 a.m. on February 28, 2011 and the trash had already been removed. He provided the company name if Ms. Moermond wishes to call and confirm. He believes that the City had been there prior to 8:30 a.m. on February 28th. The neighbors had put the trash there.

Ms. Moermond asked if Mr. Alshaar was listed on the Certificate of Occupancy as a responsible party. Mr. Alshaar said he was. Apparently, the address had not been updated in the City's records. Mr. Alshaar will provide their current address online.

Ms. Moermond will lay this matter over for 2 weeks to check out the video.

Laid Over to the Legislative Hearings due back on 6/21/2011 (MM to see video - PH on July 6)

Summary Abatement Assessments: On July 6 Council Public Hearing

1107T

- 5 RLH AR 11-22 Ratifying Tree Removal services from March 2011. (File No. 1107T, Asmt No. 119098)

Sponsors: Lantry

Attachments: Assessment Roll

Referred to the City Council due back on 7/6/2011

- 6 RLH TA 11-80 Ratifying the Appealed Special Tax Assessment for Real Estate Project No. 1107T, Assessment No. 119098 at 878 CENTRAL AVENUE WEST.

Sponsors: Carter III

Attachments: 878 Central W.pdf

Approve the assessment and spread the payment over 10 years.

878 Central Avenue West

Barbara Clark, owner, appeared and requested more time to pay the assessment through her property taxes.

Karl Mueller, Forestry, reported that this address had 2 elm trees marked for Dutch Elm disease on July 15, 2010. There was a 20-in diameter and a 19-in diameter tree. On November 10, 2010 the trees were still standing. He provided a photo that was sent to the contractor, who removed the trees on March 10, 2011.

Ms. Moermond will recommend approval of the assessment and divide payment over 10 years.

Referred to the City Council due back on 7/6/2011

- 7 RLH TA 11-96 Ratifying the Appealed Special Tax Assessment for Real Estate Project No. 1107T; Assessment No. 119098 at 1311 LAUREL AVENUE.

Sponsors: Carter III

Attachments: 1311 Laurel.pdf

Approve the assessment and spread the payments over 10 years.

RE: 1311 Laurel Avenue

Jean St. Jean, owner, appeared.

Karl Mueller, Forest, reported that on July 30, 2007, a 27-in diameter diseased elm tree was marked west of the house. An Extension was given to October 2, 2010.

The tree was re-checked on October 21, 2010 and the tree was still standing. The contractor took down the tree around March 10, 2011. He entered a photo.

Ms. St. Jean would like the charge broken down and she is looking for a deferment on a payment plan. She has lived at this property for 33 years and she has only her retirement to live on. Mr. Muller said the total assessment is \$1,089.06. (He guesses that the service fee is about \$120.)

Ms. Moermond will recommend approval of the assessment and divide the payments over 10 years.

Referred to the City Council due back on 7/6/2011

- 8 **RLH TA 11-81** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. 1107T, Assessment No. 119098 at 2447 UNIVERSITY AVENUE WEST.

Sponsors: Stark

Attachments: 2447 University Ave W.photos.pdf

No show; approve the assessment.

RE: 2447 University Avenue West

No one appeared.

Referred to the City Council due back on 7/6/2011

VB1109

- 9 **RLH AR 11-41** Ratifying Collection of Vacant Building fees from March 2011. (File No. VB1109, Asmt No. 118062)

Sponsors: Lantry

Attachments: Assessment Roll

Referred to the City Council due back on 7/6/2011

- 10 **RLH TA 11-77** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1109, Assessment No. 118062 at 880 CASE AVENUE.

Sponsors: Bostrom

Delete the assessment per DSI. Cat 1 that was condemned for lack of utilities; on VB list as a Cat 1 for 3 months before being re-occupied.

RE: 880 Case Avenue

No one appeared.

Joe Yannarely, Department of Safety and Inspections (DSI), recommended that this Category 1 VB fee be deleted; it's occupied.

Ms. Moermond will recommend deleting this assessment.

Referred to the Legislative Hearings due back on 7/6/2011

- 11 **RLH TA 11-88** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1109; Assessment No.118062 at 998 SEVENTH STREET EAST.

Sponsors: Bostrom

Ms. Moermond will recommend a 90-day layover, allowing time to get the non-conforming use re-established and the C of O put into place. Rich Singerhouse will override and allow permits to be pulled. Mr. Yannarely stated that he would talk to Mr. Singerhouse.

RE: 998 Seventh Street East (triplex)

Bernetta Miller, owner, appeared.

Joe Yannarely, Department of Safety and Inspections (DSI), reported that this is an unpaid VB fee at a cost of \$1,100 plus a service charge of \$135 for a total of \$1,235. Has been a Category 2 VB since February 2007. There was a team inspection on August 2, 2010. Very little history of Work Orders.

Ms. Miller stated that there had been a fire; there was still a tenant at the time and they made her moved because she hadn't paid her rent. They determined that her unit also needed remodeling. They have had to come up with the repair money out of their own pocket. They are wrapping up the remodeling. A City inspector had been out at the building in January 2011 at the same time a heating contractor was present who did a fuel burning equivalency test report. The City of Saint Paul has no record of that permit. They have been working on the team inspection report. A plumber was trying to pull a permit in April 2011 and he was told that he could not pull a permit. Her husband phone to find out why. Apparently, the VB fee had been assessed and there would be a 30-day hold. A permit could be pulled on April 22, 2011. Then, Reid Soley phoned her husband saying that because the triplex had been vacant for more than a year, it lost it's non-conforming use permit and they would need to go through this 6-week process with the City and pay a \$700 fee. Application for appeal to the Board of Zoning Appeals was submitted this week and scheduled for June 30, 2011. She described their Catch-22 situation: if the City would not have, at the last minute without notification through all of the previous years that this might be a situation, this building would be occupied now. They were planning to get the final inspections done and getting the place leased out starting in May 2011. The City is holding them up. From the Zoning Department, she understood that it was really up to the City as to whether they were going to enforce that non-conforming use. She had a name of a fellow to call; she called him 4 times without receiving a returned phone call. Mr. Yannarely added that Mr. Singerhouse said the property is in very good condition, has not been a problem, and appears to be ready to be occupied. Ms. Miller stated that the building is ready to be occupied.

Ms. Moermond asked about the Fire Certificate of Occupancy. Fire Inspector Shaff responded that the C of O has been revoked for quite some time because of the fire. Revocation letters go back to October 2003; VB letters back to September 2005 - no activity on their end.

Ms. Miller explained that a tenant had set the building on fire, which ended up not being covered by insurance because their insurance had lapsed 5 days before.

Ms. Moermond will recommend a 90-day layover, allowing time to get the non-conforming use re-established and the C of O put into place. Rich Singerhouse will override and allow permits to be pulled. Mr. Yannarely stated that he would talk

to Mr. Singerhouse

Referred to the City Council due back on 7/6/2011 (to be referred into Legislative hearing on September 6 and City Council Public Hearing on September 21)

- 12 **RLH TA 11-91** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1109; Assessment No. 118062 at 1180 SEVENTH STREET EAST.

Sponsors: Bostrom

No show; deny the appeal.

Referred to the City Council due back on 7/6/2011

- 13 **RLH TA 11-90** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1109, Assessment No. 118062 at 607 SIMS AVENUE.

Sponsors: Bostrom

No show; approve the assessment.

Referred to the City Council due back on 7/6/2011

- 14 **RLH TA 11-78** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1109, Assessment No. 118062 at 1350 STILLWATER AVENUE.

Sponsors: Lantry

No show; deny the appeal.

Referred to the City Council due back on 7/6/2011

1104T2

- 15 **RLH AR 11-19** Ratifying the assessment for Tree Removal services during November 2010 at 1344 FOURTH STREET EAST. (File No. 1104T2, Asmt No. 119097)

Sponsors: Lantry

Attachments: Assessment Roll

No show; approve the assessment.

Referred to the City Council due back on 7/6/2011

J1111P

- 16 **RLH AR 11-46** Ratifying Graffiti Removal services from February 22 to March 21, 2011. (File No. J1111P, Asmt No. 118063)

Sponsors: Lantry

Attachments: Assessment Roll

Referred to the City Council due back on 7/6/2011

- 17 **RLH TA 11-94** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1111P; Assessment No. 118063 at 1253 JUNO AVENUE.

Sponsors: Harris

Attachments: 1253 Juno Ave Grafitti letter.pdf

Delete the assessment as waiver was received.

Referred to the City Council due back on 7/6/2011**J1111C**

- 18 **RLH AR 11-23** Ratifying Demolition services during March 2011. (File No. J1111C, Asmt No. 118070)

Sponsors: Lantry

Attachments: Assessment Roll

Referred to the City Council due back on 7/6/2011

- 19 **RLH TA 11-79** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1111C, Assessment No. 118070 at 987 EUCLID STREET.

Sponsors: Lantry

Attachments: Contract invoice and documents

Approve the assessment.

RE: 987 Euclid Street (remove nuisance building)

Phito Alcenat, owner, appeared.

Joe Yannarely, Department of Safety and Inspections (DSI), reported that this Demo was ordered by the City. HUD sold this property to Mr. Alcenat and Ms. Moermond had given him a lot of time. Demo Category 3 Nuisance Building cost: \$14,111.31 plus \$140 service charge for a total assessment of \$14,251.31. Low bid was \$10,400 and the cost of abating the asbestos was an additional \$2,500; admin fees were \$1,211.31 for a total of \$14,111.31.

Mr. Alcenat is appealing because he doesn't know how this cost was arrived at. After the Council meeting, he talked with the Council President's assistant and asked her about how much it would cost to tear down the house to which she responded, "Usually it takes \$3,000." If he had know it would be costing so much, he would have hired someone himself. He added that he doesn't have a job, now and he came to see if there's a way to work this out with the City.

Ms. Moermond explained that she looks at: 1) was adequate time given to the owner to do the demo; 2) did the City end up doing the work; and 3) is the cost accurate.

Mr. Alcenat added that after he bought the property, he tried to do everything he

needed to do to keep the property and live in it with his family. Now, since it's a parcel, he doesn't see that it's possible for him to build on it because he doesn't have a job. He doesn't have the money to pay the taxes; he'd prefer to sign the property over to the City.

Ms. Moermond thinks that dividing these payments will probably not help.

Mr. Yannarely wondered if the applicant realized that this assessment will stay with the property and not with him, personally. It's not a bill to Mr. Alcenat; it's a bill to the property itself. In other words, if he walks away or sells the property, the bill stays with the property. Mr. Yannarely added that if Mr. Alcenat doesn't do anything, the property will go into tax forfeiture and the county will end up taking over.

Ms. Moermond will recommend approval of this assessment.

Referred to the City Council due back on 7/6/2011

J1108B

- 20 **RLH AR 11-24** Ratifying Emergency Boarding and Securing services from February 2011. (File No. J1108B, Asmt No. 118066)

Sponsors: Lantry

Attachments: Assessment Roll

Referred to the City Council due back on 7/6/2011

CRT1105

- 21 **RLH AR 11-21** Ratifying Collection of Certificate of Occupancy fees from March 2011. (File No. CRT1105, Asmt No. 118061)

Sponsors: Lantry

Attachments: Assessment Roll

Referred to the City Council due back on 7/6/2011

- 27 **RLH TA 11-130** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1105; Assessment No. 118061 at 205 GOODRICH AVENUE.

Sponsors: Thune

Attachments: 205 Goodrich First Invoice.pdf
205 Goodrich Final Invoice.pdf

No one appeared. Approve the assessment.

Referred to the City Council due back on 7/6/2011

- 22 **RLH TA 11-83** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1105; Assessment No. 118061 at 110 SYCAMORE STREET WEST.

Sponsors: Helgen

Attachments: 110 Sycamore St. W. First Invoice.pdf
110 Sycamore St. W. Final Invoice.pdf

No show; approve the assessment.

Referred to the City Council due back on 7/6/2011

- 23 RLH TA 11-84 Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1105; Assessment No. 118061 at 1208 KENT STREET.

Sponsors: Helgen

Attachments: 1208 Kent St. First.pdf
1208 Kent St. Final.pdf

No show; approve the assessment.

Referred to the City Council due back on 7/6/2011

- 24 RLH TA 11-85 Ratifying the Appealed Special Tax Assessment for Real Estate Project No. #CRT1105; Assessment No. 118061 at 159 PENNSYLVANIA AVENUE WEST.

Sponsors: Carter III

No show; approve the assessment.

Referred to the City Council due back on 7/6/2011

- 25 RLH TA 11-86 Ratifying the Appealed Special Tax Assessment for Real Estate Project#: CRT1105, Assessment #: 118061 at 436 MINNEHAHA AVENUE EAST.

Sponsors: Thune

Attachments: 436 Minnehaha First Invoice.pdf
436 Minnehaha Final Invoice.pdf

No show; approve the assessment.

Referred to the City Council due back on 7/6/2011

- 26 RLH TA 11-99 Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1105; Assessment No. 118061 at 685 VAN BUREN AVENUE.

Sponsors: Carter III

Attachments: 685 Van Buren Ave First.pdf
685 Van Buren Ave Final.pdf

Approve the assessment.

RE: 685 Van Buren Avenue (duplex Fire C of O assessment)

Les Lucht, owner, appeared.

Mr. Lucht wanted it to be noted that when he appealed a Work Order on this at the beginning of last year, he asked for pictures and there weren't any available.

Fire Inspector Sean Westenhofer reported the cost is \$560; service charge \$135. Total assessment: \$695. Orders went out June 22, 2010, July 2, 2010, August 6, 2010, August 24, 2010, September 9, 2010, September 21, 2010, October 21, 2010 and December 2, 2010. Invoices were sent out January 21, 2011, February 21, 2011. Orders and billings were sent to property owner and responsible parties. Ms. Moermond asked for a breakdown of the \$560 cost. Mr. Westenhofer said there was a C of O fee; a No-entry penalty fee; and 3 re-inspection fees. Mr. Lucht interjected that he never received the invoice. Mr. Westenhofer said it was sent to Elizabeth and Leslie Lucht, 1090 Cumberland Street in Saint Paul.

Mr. Lucht said that he had called Mr. Urmann and Robert Humphrey two days before the scheduled inspection and told them that he wasn't ready for the inspection because he couldn't afford the material but they still showed up anyway. He also brought up a plea agreement related to a criminal citation, which he said was related to this case plus others, the outcome of which was that he paid \$50. His understanding was that everything else went away if there were no more violations within 6 months (criminal court).

Ms. Moermond will recommend approval of the assessment. Mr. Lucht responded that if he is charged this, he will file a motion and draw on his plea and he will move it out of the county because that was his understanding of the plea agreement. Ms. Moermond suggested he appear at the City Council public hearing on this

Referred to the City Council due back on 7/6/2011

11:00 a.m. Hearings

Summary Abatement Orders

- 28 [RLH SAO 11-13](#) Appeal of James Swartwood to a Summary Abatement Order at 697 WESTERN AVENUE NORTH.

Sponsors: Carter III

Attachments: [697 Western.appeal.5-18-11.pdf](#)
[697 Western.VB.pdf](#)
[697 Western.condemnation ltr.4-11-11.pdf](#)
[697 Western Ave.Swartwood SA Ltr 6-7-11.doc](#)

Withdrawn

Withdrawn

- 29 [RLH VBR 11-42](#) Appeal of James Swartwood to a Vacant Building Registration Notice at 697 WESTERN AVENUE NORTH.

Sponsors: Carter III

Attachments: 697 Western.appeal.VB.6-7-11.pdf
697 Western.condemnation ltr.4-11-11.pdf
697 Western Ave.Swartwood VB Ltr 6-7-11.doc

Waive the vacant building fee for three months and obtain a Code Compliance Inspection.

RE: 697 Western Avenue North

James, Swartwood, owner, and Mr. Schuliski, property manager/caretaker, appeared.

Fire Inspector Leanna Shaff reported that this case was here before. At that time, the appeal was denied and an extension was granted to May 16, 2011, at which time, all interior work needed to be completed. All exterior work needs to be completed by June 30, 2011. On May 16, 2011, Inspector Martin was inspecting the inside and she found that the work was not completed. Her notes: the granddaughter pulled the mattresses down from the upper floor; running extension cords; mom's in hospital; grandma admitted that the 18-yr old is still sleeping upstairs; second floor does not have a smoke detector, carbon monoxide detector or an egress window; there's a torn spring and broken windows; windows missing; mattress.

Ms. Moermond noted that a Summary Abatement Order went out, as well, dated May 18, 2011, issued by Matt Dornfeld related to rubbish and brush, with a compliance date of May 23, 2011.

Mr. Swartwood is appealing the Summary Abatement Order and the registered Vacant Building requirement because Ms. Martin never told him there was going to be an inspection; Mr. Dornfeld did. She just showed up a day early. He had everything done prior to that. Mr. Schuliski stated that the beds were supposed to be taken down. He did a walk-thru with a check-list. They had re-broken a cabinet door that had been fixed. The smoke detector didn't appear to be on the list. The applicant withdrew his appeal on the rubbish and brush.

Ms. Moermond stated that what she reads from the Council record is that the work should have been done by May 16, 2011. The inspector showed-up, the work wasn't done, so it was put into the Category 2 Vacant Building Program. The building needs to have a Code Compliance Inspection to get the building re-occupied. She would be willing to waive the VB fee for 3 months pending the completion of the Code Compliance inspection.

Ms. Moermond will recommend a 3-month waiver on the VB fee while the Code Compliance Inspection is taking place. The City Council will have it on it's agenda July 6, 2011.

Referred to the City Council due back on 7/6/2011

30 [RLH SAO 11-14](#) Appeal of Gwynne Evans to a Summary Abatement Order at 1617 SHERBURNE AVENUE.

Sponsors: Stark

Attachments: [1617 Sherburne.appeal.5-18-11.pdf](#)
 [1617 Sherburne Ave.Photos.5-17-11.pdf](#)

No one appeared. Appeal has been withdrawn.

RE: 1617 Sherburne Avenue

No one appeared.

Ms. Moermond entered a copy of the email received from Gwynne Evans, 1617 Sherburne, will not be appearing at 11:00 a.m. because Inspector Essling and she worked out a deal. Mr. Essling would like Inspector Yannarely to bring the file back to the office.

Withdrawn

Orders To Vacate, Condemnations and Revocations

- 31 RLH VO 11-17 Appeal of Zach Volk, on behalf of Union Depot Lofts Association, to a Notice of Condemnation as Unfit for Human Habitation and Order to Vacate at 214 FOURTH STREET EAST.

Sponsors: Thune

Attachments: 214 4th E.appeal.5-10-11.pdf
 214 4th St E.Diagram 1.pdf
 214 4th St E.Diagram 2.pdf
 214 4th St E.Diagram 3.pdf
 214 4th St E.Diagram 4.pdf

Ms. Moermond recommends denying the appeal.

Meeting on Monday, June 13. Time TBD. (Stephen Ubl); Marcia Moermond to review materials provided by Appellant.

Following: Minutes from the June 7, 2011 Legislative Hearing

RE: 214 Fourth Street (Union Depot Lofts)

Zachery Volk, Union Depot Lofts Association
Eddie Walker, Secretary/Treasurer for the Union Depot Lofts Association
Justin Miller, Vice President, Union Depot Lofts Association
Terrie Williams, Board Member, Union Depot Lofts Association
Stephen Ubl, Building Inspector, Department of Safety and Inspections (DSI), City of Saint Paul

Ms. Moermond stated that she received a large file for this appeal yesterday and wasn't able to review the 138 pages. After the appeal was filed, there were some diagrams that were provided in the plan review process of 2004, which will be online. She added that she was able to visit the building and look at the 2 areas of interest.

Stephen Ubl, Building Inspector, reported that Union Depot obtained a permit in 2005 by a general contractor named Olson to build out a good percentage of the building for residential use. During that process, most of the work was completed with the exception of what appears to be 4 units. The funding dried up and the workers were no longer receiving compensation for their work so, they pulled out. In addition to those 4 units, there was a second exit that was not built for the roof top deck and the community room on the top of the building. Also, there was a rate of assembly, a separation between a ventilation shaft and a trash shaft that was not fabricated and completed. Code mandates that there be a separation of those two pieces. Those

items were on the approved set of plans and Mr. Ubl believes they were not completed. Mr. Ubl stated that he became aware and got involved in those issues on February 11, 2010 when he inspected the property in response to a report of a building code deficiency involving a common trash shoot located within the walls of the building. During that inspection, he observed that the required fire enclosure in the common trash shoot was missing in violation of the International Building Code. On March 23, 2010, he met with Ramsey County, the builder and responsible party, Mr. Steve Franz, and the building official on site to discuss the missing fire enclosure in the trash shoot and the missing second means of egress in the roof deck community room. Afterward, Mr. Ubl issued multiple Orders directing the property owner to correct the 2 violations on the International Building Code. The notices were mailed out on May 5, 2010, June 11, 2010, July 21, 2010, October 15, 2010 and again on October 27, 2010. In October 2010, the upper units were sold from Steve Franz to the Board of the Union Depot Lofts CIC 716. On April 14, 2011, Mr. Ubl met with the members of the Union Depot Lofts CIC 716 and the property owner's agent, Heidi Langworth-Gross. During that meeting, Mr. Ubl again inspected the trash shoot and the roof deck community room with the property owner and his agent. He pointed out the structures in violation and he explained why they do not meet the requirements mandated by the International Building Code. He told the property owner and his agent that due to the fire hazard posed by both structures, the City would Condemn those structures and Order them Vacated. On April 15, 2011, the property owner contacted Mr. Ubl via mail to request that an additional inspection of the means of egress on the roof top and community room be conducted. On April 22, 2011, at 9:15 a.m., as requested, Mr. Ubl met with the property owner and re-inspected the building to assess whether alternative means of egress from the roof top community room did indeed, exist. He determined that there were no alternative means of egress at that time. On April 22, 2011, at approximately 4 p.m., Mr. Ubl contacted Ms. Langworth-Gross to report that the ship's ladder they inspected did not comply with the egress requirements mandated by the International Building Code. He requested that she meet with him on Monday, April 25, 2011, at 3 p.m. so that the placards could be posted. On April 25, 2011, Ms. Langworth-Gross sent Mr. Ubl an email confirming the meeting for that afternoon and agreed to meet with him at 3 p.m. At 3 p.m., Mr. Ubl appeared at 214 4th Street East and after waiting approximately 15 minutes, he telephoned Ms. Langworth-Gross but was unable to get an answer. Neither she nor the property owner appeared to allow Mr. Ubl access. On April 29, 2011, Mr. Ubl mailed the property owner and Ms. Langworth-Gross a Notice of Condemnation as unfit for occupancy and an Order to Vacate. The notice ordered the property owner or his agent to meet with him on May 6, 2011 at 9 a.m. to give him access to post the required placards. Mr. Ubl appeared at the property at 9 a.m., May 6, 2011 and was met by Ms. Langworth-Gross. He then posted the Notice to Vacate placards on the appropriate doors of the property.

For the record, Ms. Moermond stated that the Condemnation indicates "that material endangerment exists" under Saint Paul Legislative Code 23.34 and the letter itself is pursuant to the International Fire Code, which is, at the very least, consistent with if not identical language to the Building Code. Mr. Ubl concurred. She asked Mr. Ubl to elaborate on the relatively long time period during which the City inspection staff has interacted with this property and these issues. Mr. Ubl stated that Mr. Nelson was the area inspector for that property. When Mr. Ubl became involved, there was some open dialogue between Ramsey County and Steve Franz. They all met on the site. Mr. Franz acknowledged that he thought his contractors were reliable and responsible for the 2 significant issues being discussed today and he was going to have them get it resolved. Ms. Moermond asked if it were normal in circumstances of condos, that Mr. Ubl would be having preliminary meetings with contractors and owners. Mr. Ubl responded that it is typical that there are preliminary meetings in which the building official, the designated building inspector, owners, owner's

representatives, sometimes contractors and architects meet. In this situation, when the Orders are issued, they particularly target the person who pulled the permit (the one who's liable and responsible). This time, that was Olson General Contracting. Based on a meeting with Mr. Franz and Ramsey County, the building official and himself, they thought there still was good relationship between the contractor and Steve Franz; they had known that funds dried up. There was a lot of patience with this on the City's part because they thought there would be some outcome. When there wasn't a response via the Orders, Mr. Ubl tried to get a hold of the Olson Contracting (November 13, 2010), who today has closed doors. He did, however, get a hold of Joe, the superintendent, who's using the phone number of the previous construction company because of referrals, and he explained to Mr. Ubl his disposition as to what happened to this previous company and Steve Franz. When that was exposed, it became clear why Mr. Franz had not been responding.

Zachery Volk stated that today, they feel that the second egress (ship's ladder) with the short door is more than acceptable for it's purpose. Currently, Ramsey County and Mortenson workers use it every day. The County is going to put on full sized doors. They feel that this is an enforcement issued that they inherited; it should have been discovered when the properties were first being built. They don't have the funds to put in the stairwell that's being asked for. They feel the appropriate compromise would be a variance to use that second egress on the third floor. Ms. Moermond said that she noticed on the 2004 plans, it appears that what was submitted to the City involved a different second egress than the ship's ladder. Mr. Walker added that the tenants feel that it's a safe exit - there are individuals hauling heavy loads up and down that ship's ladder. If people can haul heavy things up and down it, they feel that people certainly could exit in an orderly fashion without anything in their hands safely. Aside from the money issues, at that time, the developer owned the entire building. At this point, that area is completely owned by Ramsey County; it's not their area. They are not sure whether they are even able to build that stairwell.

Regarding the garbage shoot, Mr. Walker said there has always been a lot of confusion about the trash shoot. According to some of the early owners, that trash shoot was constructed at a later time than the rest of the development and under a different contractor; so, it's news that it was in the original plan because they were unable to see those. Mr. Ubl said that on the original plan, it didn't show the main level having access to that trash shoot as it does now. He hasn't had the opportunity to research whether there was a change of order or a design to add that second connection to the trash shoot, but the other trash shoot elements were on the drawings. The appellants asked if that was put in by Olson or someone else. Mr. Ubl responded that in the conversation he had with the contractor who exposed the financial disposition they had with Steve Franz, indicated that Olson did not do the build-up of the enclosure of the doors and the trash shoot on the second level. That was done after they left the project. The appellants asked if that was done under a separate permit or was that all under the original permit. Mr. Ubl replied that it was all-inclusive. The appellants noted that all of this is news to them. They didn't know that the shoot wasn't lined until they received notice earlier this year. They recognize the safety issues but on the one hand, they don't have the money to fix it and on the other, they bought into this thinking that it all was inspected and approved. Also, they have very preliminarily approached the county because it's a danger to them, too. They own the first floor and it would be a hazard to them, as well. They spoke with Jolly Mangine and also to Mr. Mortenson. Talked about perhaps using that a pipe chase for any additional piping as part of the remodel that's going on in the building. They would need to have estimates and budgets to meet codes for the required construction for the secondary means of egress and to bring the trash shoot construction up to code. They found that no one wanted to give them a bid on the

trash shoot construction until they first presented a construction drawing. This is an engineer assembly that would need to be fire rated, etc. To do that, they would have to hire an engineer, architect, etc., and since they did not have access to the original construction drawings, that was a problem. Mr. Mangine estimated \$75,000 ball park for the fire rated assembly. The initial budget estimated from Mortenson and Tri Star Construction for the secondary stairwell, general construction was \$175,000 (did not include mechanical, electrical, fire protection). Others advised to add another \$50,000-\$70,000 on top of that for the rest. (\$211,821 for stairway under cap 13)

Ms. Williams noted that this association was turned over to them on January 11, 2011. This is all new to them.

Ms. Moermond stated that the peak of the foreclosures were loans that originated in 2004. That's when these plans were renewed.

Mr. Miller said that they were assured throughout this process that the building was up to code; they had a Certificate of Occupancy issued in 2005; to prospective buyers - everything is fine and anything that wasn't would be caught in a title check or closing. Most of them purchased in 2009-early 2010 - a lot of first time home buyers. They are trying to do their best to be proactive and cooperative.

Mr. Walker tried to shed more light on what they were left with. He thinks this is a pattern of behavior: promising things and not following through on them or not giving people all the information. They inherited about \$20,000 in unpaid bills: electricity, water, sewer, elevator bills (some of which had been collected by never used to pay Ramsey County). They have tried to satisfy these debts but are still \$3,000 in the hole.

Ms. Moermond asked if they have been using the roof top area or the trash shoot since the time they were condemned. They answered, "No." As long as that disuse continues, Ms. Moermond thinks they have time to sort through this. Mr. Volk asked what they are working toward. Ms. Moermond responded that the goal is to have use of both those items. Both of these issues have been addressed only on paper. Mr. Volk asked if it is customary that plans are approved but there is never a follow-up or never gets inspected. They were told that Certificate of Occupancies and Fire Inspections were done - all these different steps were taken to make sure things were safe - and yet the timeline suggests that the City is not doing a lot to make sure that they are safe. They are confused. Mr. Miller stated that the City had threatened civil and criminal action against Mr. Franz this past fall. Apparently, he hadn't responded to letters that had been sent. Why was that not followed through on? Action could have taken place while the developer was still in the picture. Ms. Moermond stated that she doesn't have the answer; and it doesn't matter because we're talking about building conditions - no matter who owns it. Ms. Moermond questioned whether for this to continue for this long under what is essentially a Correction Order was a usual occurrence. Mr. Ubl has said that it is usual if there is good communication going back and forth with responsible parties. Mr. Ubl said that they try to follow due process. In the past, their experience has shown that by giving people their time to take care of the issues is the best way to go - giving everybody every chance they can to step up to the plate and get reconciliation for the codes. In this case, they succumbed to Mr. Franz from the get-go. They were quite naive in that. At the time, they had a 100% commitment from Mr. Franz.

Mr. Volk asked if Mr. Franz had committed to any of these steps in writing. Mr. Ubl responded that typically, there's an almost immediate response based on a meeting they had. Because nothing was occurring, they sent out the Orders; and again, no response. That's rare.

Ms. Moermond added she sees it a lot - that the seller does not disclose to the purchaser their outstanding Orders. It is incumbent for the seller to do so. It is not incumbent on the City to put notice on the title. It's all about the seller telling the buyer. Mr. Volk commented that it seems, from a public policy standpoint, that that's not appropriate. You have here a developer that violated a code and walked away and stuck the buyers. Had the association just paid for it all. No one would find out that this developer wasn't trustworthy or a good person from whom to buy property. Seems like there should be some kind of record that this violation occurred. Seems like there's not even going to be a record of this if the association sues him. Mr. Ubl said that all their records on this property are available on the City's website, with the exception, perhaps, of the most recent activities. Things are posted almost immediately, depending upon the work load of the staff.

Ms. Moermond stated that she knows the association was left holding the bag and she wants to be sympathetic to that but there is also this unsafe situation that must be addressed. She realizes the association has no money and she doesn't know where there may be financing tools for this, although there may be some since it is concerned with fire safety. She is not thrilled with the ship's ladder exit in case of an emergency. Mr. Ubl added that there are many other issues here that need attention. Ms. Moermond stated that she needs time to read through the materials that were presented at the beginning of the hearing.

Appellants can go to the Department of Safety and Inspection to view the architectural plans; the law doesn't allow them to be copied or taken out of the office. The designer has copywrites to them.

Mr. Volk asked if the only way to get the developer to pay for this was for the association to privately sue him and that there's nothing the City can do. Mr. Miller asked if the City were interested in pursuing anything against the developer. He said they are curious about why nothing ever happened. Ms. Moermond responded by saying that this type of thing rarely happens; it is new to her. She is not sure about where the City would be going with a civil penalty; she knows that criminal tags are written for failure to comply with Orders. At this juncture, however, a criminal tag would not be written to a previous responsible party. Ms. Volk asked if this wasn't still a developer issue as opposed to a homeowner issue. Ms. Moermond responded by saying that it's a safety issue - all about the building, itself.

Mr. Walker said he thought their biggest concern was the safety of the trash shoot. Since it's co-located in the air shaft, shouldn't they be discussing this with Mortenson and Ramsey County parallel to discussions here. Mr. Ubl said that he hasn't had any dialogue regarding that; he can't get involved in any decision making process. Mr. Walker asked what would happen if they continue to do nothing. Ms. Moermond responded that those spaces are Condemned and can't be used. Mr. Ubl added that it's the usage of the trash shoot that creates the liability.

Ms. Moermond will lay this matter over to Monday, June 13, 2011. Ms. Mai Vang will work on a scheduling a meeting time.

Referred to the City Council due back on 7/6/2011

32 RLH VO 11-24

Appeal of Meng Vang to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 1486 THIRD STREET EAST.

Sponsors: Lantry

Attachments: 1486 3rd.appeal.5-23-11.pdf

Deny the appeal and grant extension to July 15, 2011. (Inspector Wayne Spiering)

RE: 1486 Third Street East

Be Vang appeared; owner, Meng Vang.

Fire Inspector Shaff: Fire Certificate of Occupancy Revocation

- process started on February 22, 2011; referral*
- owner not present for initial inspection*
- tenants are relatives of the owner, who is in California in the military*
- owner doesn't maintain a bedroom in the home in order for it to qualify as an owner-occupied home*
- his name is also not on the mailbox*
- no repairs have been addressed*

Mr. Vang:

- owner wants 4-6 months to fix things because he will soon be shipped out to Afghanistan*
- owner will come back from California before he ship's out; he wants them to wait with the other repairs*
- appellant lives in house; they have all of the minor items done; still need to fix doors, locks, etc.*

Ms. Moermond:

- it's been 3 1/2 months since inspection occurred; more than enough time with little or no progress*
- will not go to a 4-6 month extension*
- there's a lot on the list that's easy to fix*
- notes a typo in the letter of Revocation (says inspection was on April 15, 2011 - date of letter is May 16, 2011)*
- checked e-record: inspection was done in May, not April (inspection should have happened in April but didn't happen until mid-May)*

Ms. Moermond will recommend denying the appeal and granting an extension to July 15, 2011.

Referred to the City Council due back on 7/6/2011

33 RLH VO 11-27

Appeal of Charles McCarty to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 889 SIXTH STREET EAST.

Sponsors: Lantry

Attachments: 889 6th.appeal.5-27-11.pdf
889 6th St E.McCarty Ltr 4-12-11.doc
889 Sixth St E.McCarty Ltr 6-7-11.doc

Deny the appeal and grant extension to June 17, 2011 for compliance. (Barb Cummings)

RE: 889 Sixth Street

Charles McCarty, owner, appeared.

Fire Inspector Shaff:

- *Fire Certificate of Occupancy Inspection Revocation and Order to Vacate*
- *process started on February 10, 2011*
- *multiple no-shows by owner and property manager*
- *in interim, property manager is no longer involved*
- *deficiencies have not been corrected*

Mr. McCarty:

- *looking for 10-day extension; half of list already done*
- *half of things on list was clutter from tenants; tenants are hoarders; he got them a dumpster*
- *thinks he has 8 more things to do*
- *didn't get first inspection letter*

Ms. Moermond:

- *everything should be done by close of business next Friday, June 17, 2011*
- *inspector will come the following Monday a.m.*

Ms. Moermond will recommend denying the appeal and grant an extension to June 17, 2011 for compliance.

Referred to the City Council due back on 7/6/2011

34 RLH VO 11-29

Appeal of Coretta Walker-Rinehart to a Notice of Condemnation as Unfit for Human Habitation and Order to Vacate at 1833 SIMS AVENUE.

Sponsors: Bostrom

Attachments: 1833 Sims.appeal.6-3-11.pdf
1833 Sims Ave.Walker-Rinehart Ltr 6-7-11.doc

Deny the appeal. (James Thomas)

RE: 1833 Sims Avenue

Coretta Walker-Rinehart, owner, and her brother, Lawrence Walker, appeared.

Fire Inspector James Thomas:

- *February 14, 2011, a referral came in about water in the basement*
- *got access from tenant and did full Certificate of Occupancy inspection*
- *sent letter to owner with a re-inspection date of March 15, 2011, which was a no-show*
- *got 2 phone numbers for the owner from tenant, none worked*
- *2 weeks later, went back out to property and posted door with the appointment letter*
- *tenant then contacted the owner to let her know of the re-inspection*
- *significant amount of water in the basement and hard to tell where it was coming from*
- *a lot of evidence in kitchen of mice*
- *re-sent Orders to owner, whose address had changed twice; got one letter back*
- *got a new phone number for owner's brother and got a good address in Eagan*
- *re-sent that letter immediately after received the returned letter*
- *since then, had another C of O re-inspection, which the owner was not aware of (owner's representative was at the property when he drove up to do the inspection*
- *didn't do inspection because he said he hadn't notified the tenant.*
- *another re-inspection letter was sent*
- *between that time, he received another phone call from the tenant saying there was water in the basement again*

- he returned to the property and found water in the basement
- he called the owner and left a message that there had been water in the basement since Thursday of the past week (4-5 days)
- contacted his supervisor
- they Condemned the property because of the mold issue plus the probability of sewer rats

Ms. Walker Rinehart:

- everything is complete
- she had strongly disagreed with her brother about letting this tenant in (called inspector about it after she received Feb 14 inspection notice)
- brother would be managing the property; she contacted him immediately after getting letter
- she had only one change of address (moved Feb 25, 2011)
- there has been movement on repairs
- Feb 14 inspection list has 22 items
- Inspector noted water coming from pipe; they contacted plumber, who did not pull a permit, per instructions (couldn't pull one because he used her brother's name as owner of the property)
- Mar 14 inspection - only 17 items
- Apr 14 inspection - only 12 items
- progress on major issues
- informed Mr. Thomas and his supervisor that she agreed with their frustration - a lot of things should have been done
- furnace inspection had been done Feb 21; brother didn't hand the report to Mr. Thomas until May 25, along with the animal pest control report
- now she's involved and asked Mr. Thomas for an extra week; Fire denied extra time
- dryer on list was provided by the tenant, not the owner; tenant made threat after brother told her the dryer was her responsibility; owner called police
- tenant said she would be moving and take the dryer but she didn't take the dryer (entered photos of venting inside and outside)
- appellant thinks that water in basement may be result from excessive rain and tenant not putting rainspouts back on after she took them off; entered photos; she thinks tenant may also have contributed to water amount in basement
- tenant left June 2, 1022, the day before inspection; don't know if she's coming back; she left some of her belongings and has access to the building
- their hands are tied regarding securing the property
- photo revealed hole in wall

Ms. Moermond:

- there's not a direct relationship between it raining outside and water in the basement;

Inspector Thomas:

- he took a photo (in computer) of the NE corner, where water is coming in from cracks in the basement wall; when the ground gets saturated, water will continue to come in

Lawrence Walker:

- paneling in basement has been removed from wall

Ms. Moermond:

- can't give advice about the tenant
- she must determine whether these conditions merit a Condemnation/Order to Vacate
- not many changes have taken place since Feb 1

- inspection happened on May 25; Vacate was on Jun 3; tenant left on Jun (left a lot of stuff there)
- when the inspector goes there and work is done, the Condemnation will be lifted

Appellant:

- work is done except for hole in wall repair

Ms. Moermond:

- will recommend denying the appeal
- the problem was fixed
- inspector will see that things are fixed and the Condemnation will be lifted
- the C of O will be re-instated
- inspector will be out within 10 days

Ms. Moermond will recommend the appeal be denied. City Council public hearing July 6, 2011.

Referred to the City Council due back on 7/6/2011

35 RLH VO 11-28

Appeal of Southern Minnesota Regional Legal Services (SMRLS), on behalf of Amy Johnson, to a Condemnation, Order to Vacate at 207 MAPLE STREET, UNIT 2.

Sponsors: Lantry

Attachments: 207 Maple.appeal.6-1-11.pdf
207 Maple St.Hollingsworth Ltr 6-7-11.doc

Laid over to Legislative Hearing on June 28, 2011. (Pat Fish)

RE: 207 Maple

Lisa Hollingsworth, Southern Minnesota Regional Legal Services (SMRLS), appeared.

Ms. Moermond stated that this is a Condemnation and it looks as though it's a serious matter with legal activity pending.

Fire Inspector Shaff reported that this is a re-inspection of a complaint conducted May 24, 2011 by Inspector Pat Fish. The tenants had been asked to move and the landlord will not fix anything until they do.

Ms. Hollingsworth stated that her client moved into this unit in March 2011. She is current on rent and has never received an eviction action. There has been a relatively recent change in ownership of property precipitated by the parties' owners. The person holding himself out to be the owner right now is the divorcing husband, who goes by the name of Jonathan Freeman but we think he's the same person (Jonathan Brunschen?). She has Pat Fish's history of inspection Orders, including the most recent May 24, 2011 one that went out to the address in Wayzata. When they sent their ETRA Notice, they sent it to the same address in Wayzata. Mail has not come back to them. The person holding themselves out as the on-site caretaker of the building, who is probably the person who's been showing up for the inspections with Pat Fish, is very hostile to her client, who is one of only 2 African American tenants in the building; and he has said very disparaging and racist things to her. Ms. Hollingsworth believes that it is consistent with his viewpoint that he would want her to not live there anymore but to her knowledge there is no reason for that since she's not the source of these problems. Ms. Hollingsworth has been to the unit; her client

is visually impaired making mobility very difficult for her. The client's unit is not in that bad of shape, visually. There's a big hole in the fire door. Her client reports that her neighbor was there when the fire door was broken; her client wasn't living there at the time. Someone took a fire extinguisher and beat a hole right through the door. Her client was moving from homelessness. Recently, a 2-pane window was broken outside over a weekend; it's not broken into the unit; there's glass and debris in the yard. Client wasn't home at the time. There are no CO detectors, the bathroom fan is inoperable and there's a greasy stove. Also, needs some caulking. Ms. Hollingsworth noted that the entire list of repairs is not very extensive. SMRLS has filed an ETRA action; first appearance is in front of Referee Annish on Thursday afternoon at 2 pm. Even though the landlord wants to say that he is not responsible for that or that he is evicting their client because of this, she thinks this would be a pretty easy administrator case for Referee Annish to accept because the total repairs can't be more than \$500. SMRLS will pursue the ETRA, get the repairs made and their client will be able to continue to pay her rent and stay a tenant in good standing. They would like her to be able to stay there because they think this is a pretty salvageable situation.

Ms. Moermond asked how soon SMRLS might be able to get the repairs done if they got the ETRA. Ms. Hollingsworth noted that someone is already in violation of an Emergency Order because Judge Johnson issued an Emergency Order (May 31, 2011), attached, for the fire door, external window and CO detectors. He was supposed to have fixed those within 24 hours of May 31, 2011. When they go to court on Thursday, they will let Referee Annish know that he's in violation of Judge Johnson's Order. She thinks they can get it done pretty quickly.

Ms. Moermond will recommend a layover to June 28, 2011; stay enforcement - (City Council on July 6, 2011).

Referred to the City Council due back on 7/6/2011

1:30 p.m. Hearings

Correction Orders

Window Variances: Hearing Required

- 36 RLH FOW 11-57 Appeal of Mai Cha Moua and Chong Pao Yang to a Fire Certificate of Occupancy Correction Notice at 1636 CLARENCE STREET.

Sponsors: Bostrom

Attachments: 1636 Clarence.appeal.5-24-11.pdf
 1636 Clarence St.Moua Ltr 6-7-11.doc

Grant an 8-inch variance on the openable height of the egress windows in all bedrooms. (James Thomas)

RE: 1636 Clarence

Mai Cha Moua and Chong Pao Yang, appeared.

RE: a window 15h x 28w

Ms. Moermond stated that she needs at least 16 in height to recommend a variance.

Ms. Moua stated that she bought this house for her adult children to live in; it's in her name. Why was it inspected?

Ms. Moermond explained that the code says that if the owner doesn't live there, it needs to be in the Fire Certificate of Occupancy program.

Ms. Moermond asked if Ms. Moua could remove the tabs on the windows. Ms. Moua responded that she could open them up to over 16-inches high. Ms. Moermond asked for a picture. Ms. Moua provided one.

Mr. Urmann checked and there have been no permits on windows back to 2000.

Ms. Moermond will recommend a variance of 8 inches on openable height of the egress windows in all bedrooms.

Referred to the City Council due back on 7/6/2011

- 37 RLH FOW 11-62 Appeal of Scott McCoy to a Fire Certificate of Occupancy Correction Notice at 1071 FOREST STREET.**

Sponsors: Bostrom

Attachments: 1071 Forest.appeal.5-20-11.pdf
 1071 Forest St.Mccoy Ltr 6-7-11.doc

Grant an 8-inch variance on the openable height of the egress bedroom windows in Units 101, 102 and 103; grant a 5-inch variance on the openable height of the egress bedroom windows in Units 202, 203 and 204; and deny a variance on the egress bedroom window in Unit 201. If Appellant can show that the window in Unit 201 can be opened to 16 inches high, Ms. Moermond will grant a variance. If the window is denied, she will grant 90 days for compliance. (Kelly Booker)

RE: 1071 Forest Street

Scott McCoy, owner, appeared.

Fire Inspector Urmann:

- several window issues*
- Units 101, 102 and 103: 16h x 33.5w*

Ms. Moermond will recommend a variance for those windows in those units.

Fire Inspector Urmann:

- bedroom windows in Unit 201: 37h x 11.5w*

Ms. Moermond will not recommend a variance for those windows.

Mr. McCoy stated that he didn't understand. The 2 apartments in the front are exactly the same. There are 2 casement awning windows and a double-hung on the side. Ms. Moermond asked Mr. McCoy to measure them and take some photos for her. Inspector Booker will be coming back on the 17th.

Ms. Moermond will lay this matter over for 2 weeks which will allow Mr. McCoy and Inspector Booker to meet regarding Unit 201.

Fire Inspector Urmann:

- bedroom windows for Units 202, 203, 204: 19h x 33w

Ms. Moermond will recommend a variance for those windows in those units.

Mr. McCoy:

- heating inspection; previous owner had it done; date on receipt is 10/10/10; Ms. Moermond took a copy of the receipt and put it into the file.

- Mr. Urmann will check the charts in his office and give a copy to Ms. Booker

Ms. Moermond will grant 90-day extension if the window needs to be fixed.

Laid Over to the Legislative Hearings due back on 6/14/2011

38 **RLH FOW 11-64** Appeal of Shua Xiong to a Fire Certificate of Occupancy Correction Notice at 409 HOYT AVENUE EAST.

Sponsors: Helgen

Attachments: 409 Hoyt.appeal.5-24-11.pdf
 409 Hoyt Ave E.Xiong Ltr 6-7-11.doc

Grant a 7.5-inch variance on the openable height of the egress windows in the upper unit, north and south bedrooms; deny on the sill height in the lower unit, north and south bedrooms and must install a one step the full width of the egress windows. Appellant will provide photos with dimensions in the lower unit, north and south bedrooms. (Mike Cassidy)

RE: 409 Hoyt Avenue East

Shua Xiong, owner, appeared.

Fire Inspector Urmann:

- size of windows in question: 16.5h x 35w, glazed area 38.5h x 34w, upper unit, north and south bedrooms

Ms. Moermond will recommend a variance on those windows.

Ms. Moermond:

- size of windows in question: 14h x 35 w in lower unit, north and south bedrooms and sill height of 50 inches

Mr. Xiong: not sure why there was a problem opening the window downstairs because the windows downstairs are the same as upstairs

- he entered photos on window

- he will have his contractor check on it

Ms. Moermond:

- need at least 16-inches in openable height; if he can't get that, the windows will need to be replaced if those rooms are to be used for sleeping

- re: sill height needs to be 50 inches

Mr. Xiong:

- he was prepared to have that fixed

- City denied his contractor a permit on that; City wanted him to do a 3' x 3' landing in each unit (bedrooms are tiny-would render the rooms useless)

Ms. Moermond:

- I'm comfortable with installing one standard step 11" x 7 3/4"

Ms. Moermond will recommend a variance on the windows if Mr. Xiong presents photos that show they open 16-inches high or he checks them out with Mr. Cassidy. Mr. Xiong said he will replace them if they are not OK. Ms. Moermond said she will grant a variance if they meet the requirement; if they don't meet the requirement, she will grant a 90-day extension to replace them.

Laid Over to the Legislative Hearings due back on 6/14/2011

Fire Certificates of Occupancy

- 39 **RLH FCO 11-74** Appeal of David and Jeannette Morisette to a Fire Certificate of Occupancy Correction Notice at 1539 BIRMINGHAM STREET.

Sponsors: Bostrom

Attachments: 1539 Birmingham.appeal.4-29-11.pdf
1539 Birmingham St.Morisette PC ltr 5-17-11.doc
1539 Birmingham St.Morisette Ltr 6-7-11.doc

Grant the appeal for the dryer exhaust duct issue. (James Thomas)

RE: 1539 Birmingham Street

David Morisette, owner, appeared.

Ms. Moermond stated that she has reviewed the code and will recommend that his appeal be granted.

Referred to the City Council due back on 7/6/2011

- 40 **RLH FCO 11-138** Appeal of Jamie and Jason Scott to a Fire Certificate of Occupancy Correction Notice at 2078 SAINT CLAIR AVENUE.

Sponsors: Harris

Attachments: 2078 St.Clair.appeal.5-24-11.pdf
2078 St Clair Ave.Scott Ltr 6-7-11.doc

Grant a 1-inch variance on the openable height of the egress windows in the sleeping rooms throughout and grant the appeal on the one-inch throw deadbolt lock. (Rick Gavin)

RE: 2078 St. Clair Avenue

Jamie Scott, owner, and Jason Scott, appeared.

Ms. Moermond will recommend a 1-inch variance on the openable height of the egress windows in the sleeping room and grant the appeal on the deadbolt lock.

Referred to the City Council due back on 7/6/2011

- 41 **RLH FCO 11-140** Appeal of Patricia A. E. Whitney, on behalf of Robert Flaten, to a Correction Notice-Reinspection Complaint at 469 DAYTON AVENUE.

Sponsors: Carter III

Attachments: 469 Dayton.appeal.5-24-11.pdf
469 Dayton Ave.Whitney Ltr 6-7-11.doc

Deny the appeal on the exterior repairs and grant an extension for 90 days to come into compliance. (Lisa Martin)

RE: 469 Dayton Avenue

Patricia Whitney, attorney, on behalf of Robert Flaten, owner, appeared; Kristin Flaten, relative owner, also appeared.

Fire Inspector Urmann:

- appellant is seeking more time*
- don't know if they're appealing any of the Orders*

Ms. Whitney:

- referral inspection was done May 13, 2011; the cycle will begin shortly*

Ms. Moermond:

- doesn't see a specific length of time mentioned in appeal; only the circumstances*

Ms. Whitney:

- didn't mention specific length of time*
- another thing thrown into the mix: tenant is going on vacation and kind of demands that they don't enter the unit - he's leaving his dog behind*
- need to deal with personal issues first - tenant requested the referral over the handrail*
- Ms. Flaten has been working to get the proper bids*
- tenant went to Menards, who told her that Ms. Flaten doesn't need a permit, so tenant doesn't believe Ms. Flaten and Ms. Whitney*
- domino effect - everything will fall into place if the tree falls or is taken care of.*

Ms. Flaten:

- there's a 56-inch elm tree in backyard that's died of Dutch Elm disease: City has recommended their experienced crew do it - let the City Order the tree removed and have cost assessed on taxes - was ordered last fall - they started to work on it but stopped because of sudden snow fall. City came back in late February and started again on March 2, 2011 but didn't finish*
- City got Xcel's contractor to take out the branches that were near to the power lines*
- tree service came to clean up and then, disappeared*
- after they failed to come back after a week, she called to find out why; they told her they no longer had a valid contractor with the City, so if they continued to work, they wouldn't get paid*
- she spoke with Karl Mueller, Forestry, and found there was a problem between the contractor's office and the Forestry division in terms of timelines*
- Mr. Mueller thought it would take a month to get a new contract*
- April 15, 2011 came and went and there was still no new contract*
- when she spoke with Forestry last week, they said they'd send a letter for this hearing saying they are still without contracts - hoping they'll have one by June 15, 2011, but it could also take another 2 weeks beyond that*
- meanwhile, they had hail damage on the roof in September 2010, while she was in India for 3 weeks*
- she found out about that when she came back in October, 2010 and noticed water coming in through the fireplace*

- she called insurance adjusters, who were also going to come out in November 2010 but the snow fell so, they couldn't get there until March 2011
- insurance has agreed to pay for a new roof on the house, a new roof on the garage, repairs to the chimneys and to the metal roof over the bay
- she has included in those bids that the fascia be covered, as well
- doesn't make a lot of sense to put a brand new roof on the garage and then have the tree come down
- she's trying to time things so that they happen sensibly
- one contractor decided he couldn't do it because he had a lot of customers in North Minneapolis as a result of the tornado
- tenant, who says he has major mobility issues decides that he wants a handrail (notified Ms. Flaten on March 8, 2011)
- on March 8, 2011, she called the HPC and asked questions about the handrail and about being grandfathered-in
- HPC said, "Yes, you are grandfathered-in."
- Christine Boulware has advised her
- contractors and the tenant don't believe that she needs approval from HPC and a permit
- tenant's been calling the City, who's been saying "she doesn't need a permit" (and it's a code violation not to have a handrail)
- inflamed things with tenant
- HPC has told her that once she has architectural drawings, they look at them in the order received, so if there are several big projects ahead of her, it could still be several weeks before they can act on it (upon hearing that, the tenant blew up and called and made a complaint about code violation - because he didn't think she was doing anything about it)
- she has been trying to get bids but it has been difficult
- most recent bid involves core drilling into the sandstone steps (which she doesn't think HPC will agree to); she has letter from contractor who said that's the only way he would guarantee that the hand rail would be stable

Ms. Moermond asked Ms. Vang to contact Christine Boulware or Amy Spong to see if one of them could come to the hearing and address this. She added that it might be helpful to have something in writing from HPC to show to the tenant. Ms. Moermond stated that it seems as though the first domino can't fall until mid-June (tree removal).

Ms. Flaten:

- Inspector Martin was to start the Certificate of Occupancy process because this building has never had it's initial C of O, which doesn't make sense until she can address the issues that she knows are there

Mr. Urmann:

- inspectors try to get the whole series of inspections into one barrel instead of just dealing with the referral
- they move it out of the referral into the C of O
- sounds like they are moving forward

Ms. Flaten:

- asked Mr. Urmann to help with the scheduling; she couldn't do May 10, 2011 (first scheduled inspection)
- could do mid-June or mid-July (end of June, she is going out East to help scatter her mom's ashes)
- Ms. Martin scheduled for June 21st, during Ms. Flaten's travel time
- Mr. Urmann agreed to take care of that
- has questions about the list (Mr. Beamer did inspection); couldn't get a hold of him

who was in Minneapolis
- has door latch question

Ms. Moermond:

- need interior inspection on the property
- 90 days on this exterior list
- after final exterior inspection is complete; an interior inspection can be made (2 separate lists)
- right now, this property isn't considered owner-occupied (in Robert Flaten's name)
- Ms. Kristin Flaten could get a homestead with the State of Minnesota but it wouldn't get her out of the C of O program with the City

Ms. Flaten:

- she has an interest in the property, she is part-owner
- it's homesteaded as disabled
- she will provide verification to Ms. Moermond

Ms. Moermond recommend denying the appeal on the exterior repairs and granting an extension for 90 days to come into compliance.

Referred to the City Council due back on 7/6/2011

42 RLH FCO 11-94 Appeal of Ansel Johnson and Bruce Johnson to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 590 BLAIR AVENUE.

Sponsors: Carter III

Attachments: 590 Blair.appeal.5-9-11.pdf
 590 Blair Ave.Johnson Ltr 5-24-11.doc
 590 Blair Ave.Johnson Ltr 6-7-11.doc

The south bedroom window is in compliance and deny a variance on the north bedroom window in Unit 2 measuring 23 inches wide by 14 inches high (Item 8) . Deny the remaining items being appealed. (Pat Fish)

RE: 590 Blair Avenue

Ansel Johnson, owner, appeared.

Inspector Pat Fish:

- water leakage incident in 2010 and a fire; was understood that it was not supposed to be occupied
- Inspector Lisa Martin found it occupied
- Ms. Fish took over the case in January 2011 and has done several inspections and found some violations
- nuisance activity also going on
- she measured rooms and asked how many people were staying there
- lower unit was overcrowded
- problems with windows, etc.
- time is running out
- police have been there a few times in the last 30 days
- police said unit was overcrowded when they were there
- storage of sleeping arrangements in the basement (needs to be taken out)
- Unit 1 would allow 5 people occupancy; Ms. Fish found 8.
- Unit 1 has 3 bedrooms: 1) 100 sq ft; 2) 90 sq ft; and 3) 80 sq ft; each person requires 50 sq ft of sleeping space.

Ms. Moermond:

- Orders also talk about excessive accumulation of combustibles in the basement

Mr. Johnson:

- is appealing because in August 2010, the Condemnation was lifted and he has a current Certificate of Occupancy (Ms. Moermond issued that Order)

- he paid \$25 on Feb 9, 2009 for appeal of egress windows in bedroom; appeal was granted Mar 10, 2009

- building was a Category 1 VB when he purchased it; got a list and he fixed all the items; appealed and it was granted

- #2-removing combustibles - I had closed off basement access; nothing around the furnace or water heater; storage of crib and bunk bed remain stored there - they are metal (2 very small rooms down there are empty except for storage of windows, etc.)

- #3 spots need to be painted on exterior; should have been done yesterday

- #4 exterior - 2 screens with a tear that were replaced

- #5 sleeping units - square footage is actually: Bed 1 on main level is 110 sq ft; second bed is 110 sq ft; third bed is 88 sq ft (Inspector Fish told him that there was so much stuff, she couldn't measure the bedrooms)

- one adult and four children live there

- #6 combustibles have been cleaned

- #7 done know what it means - was told that room is OK

- #8

- #9 window locks - tenant had put something under the window so that it would stay open a little - took the stuff out & it locks

- #10

- #11 there's never been an issue with the roof; Pat Fish agreed that should come off the list

- #12 heating certificate was mailed to Pat Fish after the first inspection; he can get another one

- appellant is seeking closure on this

- things windows should be grandfathered-in; he's been here prior regarding them.

Ms. Moermond:

- all conditions have been addressed with the exception of the dispute of the bedding and the measurements of the bedrooms

- window 14h x 23 w - not acceptable dimension

- window 30h x 20 w - acceptable

- looking at the back set of Orders, it was found that the Orders were flawed because they did not provide actual dimensions for the windows, which means that there wasn't anything upon which a variance could be granted. Let's re-visit.

Mr. Johnson:

- concern: it's been 2 years; he's had 7 inspections but windows were only measured once during that whole time period

- Ms. Moermond did not tell Ms. Shaff to go back out to measure those windows

- he was under the impression, the appeal was granted until he repaired/replaced those windows

Ms. Moermond will recommend denial of the appeal. Mr. Johnson can attend the City Council public hearing on July 6, 2011.

Referred to the City Council due back on 7/6/2011

43 RLH FCO 11-69 Appeal of Kenneth Gyasi to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 913 SAINT ANTHONY AVENUE.

Sponsors: Carter III

Attachments: 913 St. Anthony.appeal.5-2-11.pdf
913 St. Anthony Ave.Gyasi PC ltr 5-17-11.doc
913 St. Anthony Ave.letter 6-3-11.pdf
913 St. Anthony Ave.Gyasi Ltr 6-7-11.doc

On June 3, 2011, Mr. Gyasi submitted a written letter regarding the skills and landlord responsibilities he may have had. Ms. Moermond reviewed the letter and recommended denying the appeal. Appellant to attend a Crime Free Multi-Housing training program.

(See May 17, 2011 minutes for other recommendations)

No one appeared.

Fire Inspector Urmann and Ms. Moermond read the letter submitted by Mr. Gyasi. Ms. Moermond determined that nothing he listed is comparable to the Crime Free Multi-Housing Training Program.

Ms. Moermond will recommend denying the appeal and requiring the appellant to attend a Crime Free Multi-Housing Training Program.

Referred to the City Council due back on 7/6/2011

2:30 p.m. Hearings

Vacant Building Registrations

- 44 [RLH VBR 11-40](#) Appeal of Nguyen and Chu Properties, on behalf of PRO Realty Services, to a Vacant Building Registration Notice, Code Compliance Report, and Revocation of Fire Certificate of Occupancy & Order to Vacate at 565 THOMAS AVENUE. (Laid over from June 8)

Sponsors: Carter III

Attachments: [565 Thomas.appeal.5-16-11.pdf](#)
 [565 Thomas Ave.Posch Ltr 5-24-11.doc](#)

Ms. Moermond will recommend granting the appeal on the following conditions:

- 1) get the C of O done; and*
- 2) develop a Work Plan (finish all work in 4 months)*

RE: 565 Thomas Avenue (Nguyen and Chu Properties)

June 1, 2011, City Council referred this matter back to Legislative Hearings

Gregory Prosch and Leah Frenning, Pro Realty Services appeared.

Ms. Moermond stated that she'd like to put together a hybrid list made up from the Code Compliance Inspection and the Fire C of O Inspection based on what City Council discussed - a "to do" list - the major violations. That hybrid list will need to be done the same as a Fire C of O list.

Mr. Prosch informed Ms. Moermond that the 11 items on the C of O list have been taken care of except for the deck on the back (separate permit) and the plumbing.

Rich Singerhouse, Department of Safety and Inspections (DSI), advised going off the C of O list. The 2 items on the list need permits and the plumber cannot pull a permit because of the Code Compliance Report. Ms. Moermond responded that she is going to ask Fire to roll that into their Orders.

Fire Inspector Urmann asked for time to go through the list and talk with the mechanical and electrical inspectors who may see something that he is unable to see. He is not comfortable over-writing their Order unless he knows the issue. He also does not know whether Inspector Martin did a full inspection or her process. He doesn't want to assume things that aren't in front of him. He wants to make sure he has time to research and is able to develop a clean list from the beginning.

Ms. Moermond asked whether this was a re-inspection. It has an Order to Vacate on it and is scheduled to be in front of City Council tomorrow. They laid it over.

Ms. Moermond summarized: This is a Condemnation/Order to Vacate. The owner wants to be good and goes ahead and registers it as a Vacant Building and gets the Code Compliance Inspection done. By the time it is realized that there's all of these requirements that go with a Code Compliance Inspection is when there's an appeal on the Vacant Building status itself. Unfortunately, all the things that one would look for when you're appealing a VB status (don't want to have to pay the fee; don't want to do the Code Compliance; etc.), is all behind us.

Mr. Singerhouse added that once there is a Code Compliance, Inspector Seeger will need to sign-off.

Mr. Prosch noted that they have gone through the Code Compliance Report and chose items that they felt were higher priorities and could be covered by the \$7,000 the owner has to repair. She has spent about \$7,000 each year for the past 5 years on repair. Ms. Moermond went over that list. Mr. Prosch noted highlighted items have either been completed already or they could be completed by August 31, 2011 or September 30, 2011. Mr. Singerhouse added that they can be ready to have all of that inspected within a week.

Ms. Moermond went through the lists and combined them, creating the "hybrid to-do" list. Questions were answered along the way and items on the lists were clarified by the inspectors present. Ms. Moermond will type this list to present to City Council tomorrow, June 8, 2011.

Applicants entered Orsat Test results.

Ms. Moermond would like to see all the work done on the C of O list before it's occupied. If complete in 3 weeks, she will allow re-occupation. Ms. Moermond will recommend granting the appeal on the following conditions:

- 1) get the C of O done; and*
- 2) develop a Work Plan (finish all work in 4 months)*

Referred to the City Council due back on 6/8/2011

45 RLH VBR 11-41 Appeal of Robert H. Paradise to a Vacant Building Registration Notice at 289 FIFTH STREET EAST, UNIT 309.

Sponsors: Thune

Attachments: 289 5th St E.appeal.5-23-11.pdf
289 5th St E.Paradise Ltr 6-7-11.doc

Waive the vacant building fee for 90 days.

RE: 289 Fifth, Unit 309

Robert Paradise, management company, appeared.

Mr. Paradise:

- officers of the board are unavailable*
- this unit is a foreclosure; now owned by the board*
- we have someone to do clean-up; tenant left a mess*
- legal work has being done to get control of this property into the hands of the association*
- waiting for a board decision to get it cleaned out - \$2,000*
- he has photos*
- after this hearing today, the board will decide to pay*
- they have a buyer in place*
- looking the Vacant Building fee to be waived*

Ms. Moermond will recommend waiving the registered Vacant Building fee for 90 days.

Referred to the City Council due back on 7/6/2011

46 RLH VBR 11-43 Appeal of Teng Scott Vang to a Vacant Building Registration Notice at 980 FULLER AVENUE.

Sponsors: Carter III

Attachments: 980-982 Fuller.appeal.5-25-11.pdf
980-982 Fuller Ave.Vang Ltr 6-7-11.doc

Waive the vacant building fee for 90 days.

RE: 980 Fuller Avenue

Teng Vang, owner, appeared.

Inspector Rich Singerhouse:

- Vacant Building file was opened June 17, 2008*
- Code Compliance inspection was done December 24, 2009*
- VB fees were paid in 2008 and 2009*
- VB fees were assessed in 2009-2010 and 2010-2011*

Mr. Vang:

- just bought this in March 2011*
- just want to get the work done here: we're behind 2 months already*
- want to be done around id-July*

Ms. Moermond:

- need Code Compliance inspection*
- hold VB fee for 90 days; if work is done by end of July, the VB won't be processed.*

Ms. Moermond will recommend waiviing the Vacant Building fee for 90 days.

Referred to the City Council due back on 7/6/2011

Staff Reports

- 47 [SR 11-42](#) Follow up Appeal of Kyle Dalton, Azingo LLC, to a Fire Inspection Correction Notice at 2007 MINNEHAHA AVENUE EAST.

Sponsors: Lantry

Attachments: [2007 Minnehaha.appeal.4-26-11.pdf](#)
 [2007 Minnehaha Ave - Minutes 4-26-11.pdf](#)

This matter went to Council on May 18 under RLH FCO 11-12. There was no recommendation on the gas meter. Ms. Moermond reviewed the code and recommends denying the appeal on the gas meter and granting an extension for 6 months to come into compliance. (Inspector Wayne Spiering)

Received and Filed

- 48 [SR 11-43](#) Follow-up Appeal of Brian Cox to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 1013 MARGARET STREET.

Sponsors: Lantry

Attachments: [1013 Margaret.appeal.4-19-11.pdf](#)
 [1013 Margaret St.Cox Ltr 4-26-11.doc](#)

This matter went to Council on May 18, 2011 under RLH FCO 11-88. Appellant wants more time. Ms. Moermond denied. (James Thomas)

Received and Filed

- 49 **RLH FCO 11-59** Appeal of Jane Lynch to a Fire Certificate of Occupancy Correction Notice at 1899 ORANGE AVENUE EAST.

Sponsors: Bostrom

Attachments: 1899 Orange.appeal.4-28-11.pdf
 1899 Orange Ave E.Lynch PC ltr 5-17-11.doc
 1899 Orange Ave E.Lynch Ltr 6-7-11.doc

Item 5 (front/rear doors)-forthcoming. Ms. Moermond reviewed the appeal further and recommended denying the appeal and granting an extension for 4 months to come into compliance. See the rest of Ms. Moermond's recommendations from May 17, 2011 hearing. (Inspector James Thomas)

Ms. Moermond recommended the door handles be moved upward; denying the appeal and granting a 4-month extension to come into compliance.

Referred to the City Council due back on 7/6/2011

Window Variances: No Hearing Necessary

- 50 **RLH FOW 11-65** Appeal of Will Rolf to a Fire Certificate of Occupancy Correction Notice at 501 ASHLAND AVENUE.

Sponsors: Carter III

Attachments: 501 Ashland.appeal.5-25-11.pdf
501 Ashland Ave.Rolf Ltr 6-7-11.doc

No hearing necessary. Grant a 3-inch and 7-inch variance on the openable height of the egress bedroom windows in all units of the building. (Mitchell Imbertson)

Referred to the City Council due back on 7/6/2011

- 51 **RLH FOW 11-56** Appeal of Rebecca Torres to a Fire Certificate of Occupancy Correction Notice at 622 BUSH AVENUE.

Sponsors: Bostrom

Attachments: 622 Bush.appeal.5-18-11.pdf
622 Bush Ave.Torres Ltr 6-7-11.doc

No hearing necessary. Grant 7-inch variance on the openable height of the egress window in the north bedroom. (Kelly Booker)

Referred to the City Council due back on 7/6/2011

- 52 **RLH WP 11-23** Appeal of Sam Riesgraf, on behalf of SMR Real Estate, to an Egress Window Non-Compliance Determination at 995 BURGESS STREET.

Sponsors: Carter III

Attachments: 995 Burgess.appeal.5-20-11.pdf
995 Burgess Ltr 6-7-11.doc

No hearing necessary. Grant 6.5-inch variance on the openable height of two double hung replacement egress bedroom windows measuring 17.5 inches high by 34.5 inches wide. (Jim Seeger)

Referred to the City Council due back on 7/6/2011

- 53 **RLH FOW 11-61** Appeal of Joe Skelly to a Fire Certificate of Occupancy Correction Notice at 1231 KENNARD STREET.

Sponsors: Bostrom

Attachments: 1231 Kennard.appeal.6-7-11.pdf
1231 Kennard St.Skelly Ltr 6-7-11.doc

No hearing necessary. Grant a 1-inch variance on the openable height of the egress windows in the upstairs and downstairs bedrooms. (James Thomas)

Referred to the City Council due back on 7/6/2011

- 54 **RLH FOW 11-59** Appeal of Gregory Mailand, on behalf of Mailand Management, to a Fire Certificate of Occupancy Correction Notice at 1376 THIRD STREET EAST (also known as 1351 CONWAY STREET).

Sponsors: Lantry

Attachments: 1376 Third St aka 1351 Conway.appeal.5-18-11.pdf
1376 Third St.Mailand Ltr 6-7-11.doc

No hearing necessary. Grant variances for all egress bedrooms throughout the building as indicated in the April 22, 2011 Fire Inspection Correction Notice. Ms. Moermond stated that although no permit was pulled for these windows, she won't recommend that Appellant get one. (Wayne Spiering)

Referred to the City Council due back on 7/6/2011

- 55 **RLH FOW 11-63** Appeal of Scott John Lund to a Fire Certificate of Occupancy Correction Notice at 1534 LARPENTEUR AVENUE EAST.

Sponsors: Bostrom

Attachments: 1534 Larpenteur.appeal.5-23-11.pdf
1534 Larpenteur Ave E.Lund Ltr 6-7-11.doc

No hearing necessary. Grant a 1-inch variance on the openable height of the egress bedroom window for Item 8 of the May 17, 2011 Correction Notice. (James Thomas)

Referred to the City Council due back on 7/6/2011

- 56 **RLH WP 11-24** Appeal of Daniel Schmidt and Jim Yannarely, Saint Paul Ramsey County Department of Public Health, to an Egress Window Non-Compliance Determination at 1147 MATILDA AVENUE.

Sponsors: Helgen

Attachments: 1147 Matilda.appeal.5-20-11.pdf
1147 Matilda Ave.Schmidt Ltr 6-7-11.doc

No hearing necessary. Grant a 2-inch variance on the openable height of three double hung replacement egress bedroom windows measuring 22 inches high by 25 inches wide.

Referred to the City Council due back on 7/6/2011

- 57 **RLH WP 11-27** Appeal of James Stretch to an Egress Window Non-Compliance Determination at 833 PORTLAND AVENUE.

Sponsors: Carter III

Attachments: 833 Portland.appeal.5-31-11.pdf
833 Portland Ave.Stretch Ltr 6-7-11.doc

No hearing necessary. Grant a 5-inch variance on the openable height of one double hung replacement egress bedroom window measuring 19 inches high by 41 inches wide. (Ken Eggers)

Referred to the City Council due back on 7/6/2011

- 58 **RLH WP 11-25** Appeal of Jen Stachowiak to an Egress Window Non-Compliance Determination at 1751 YORK AVENUE.

Sponsors: Bostrom

Attachments: 1751 York.appeal.5-24-11.pdf
1751 York Ave.Stachowiak Ltr 6-7-11.doc

No hearing necessary. Grant a 5-inch variance on the openable height of one double hung replacement egress bedroom window measuring 19 inches high by 24 inches wide. (Rehn per Seeger's measurements).

Referred to the City Council due back on 7/6/2011