



# City of Saint Paul

15 West Kellogg Blvd.  
Saint Paul, MN 55102

## Minutes - Final Legislative Hearings

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

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Tuesday, July 12, 2011

9:00 AM

Room 330 City Hall & Court House

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### 9:00 a.m. Hearings

#### Remove/Repair Orders

- 1     [RLH RR 11-34](#)     Ordering the rehabilitation or razing and removal of the structures at 677-679 AURORA AVENUE within fifteen (15) days after the August 3, 2011, City Council Public Hearing.

**Sponsors:**     Carter III

**Attachments:**     [677 Aurora Order to Abate 4-29-11.pdf](#)  
[677 Aurora Pub Hrng Notice 6-10-11.pdf](#)  
[677-679 Aurora Ave.Photos.4-21-11.pdf](#)  
[677-679 Aurora Ave.R-R FTA & LO Ltr 7-12-11.doc](#)  
[677-679 Aurora-Photos.pdf](#)

*Ms. Moermond's recommendation is forthcoming. Continue the public hearing to August 17, 2011.*

*RE: 677 Aurora Ave (single family)*  
*No one appeared.*

*Steve Magner, Vacant Buildings:*

- two-story wood frame single family dwelling on a lot of 3,485 sq.ft.
- vacant since July 15, 2009
- owner: Federal National Mortgage Association
- Apr 21, 2011-inspection conducted, list of deficiencies which constitute a nuisance condition was developed; photos taken
- Order to Abate a Nuisance Building posted Apr 29, 2011 with compliance date of May 31, 2011
- as of today, this property remains in a condition which comprises a nuisance as defined by the legislative code
- market value: \$12,000 on land; \$128,600 on building
- taxes for 2009 and 2010 are delinquent in the amount of \$3,393.58 plus penalty and interest (currently in tax forfeiture with redemption period ending July 31, 2011)
- Vacant Building registration fees were paid by assessment Aug 20, 2010 (fee for 2011-2012 due on 7/15/11)
- Code Compliance Inspection done July 7, 2011
- \$5,000 performance bond has not been posted

- 13 Summary Abatement Notices since 2009
- 16 Work Orders issued for: 1) boarding/securing; 2) grass/weeds; 3) snow/ice; 4) garbage/rubbish' exterior --cut tree branches protruding into public right-of-way (alley and sidewalk)
- Code Enforcement officers estimate cost of repairs to exceed \$75,000; demo between \$10,000- \$12,000
- DSI recommends removal of the building within 15 days

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

- 2 1/2 story constructed in 1915
- alterations include enclosed front porch
- siding over original clapboard
- not eligible for national register; located in the Dale Station Area for Central Corridor
- an architectural survey was done of area; this property was looked at for it's ability to contribute to a national register individually but not for a district contextual significance
- located across the street from a local historic resource, a church
- each corner has original similar type construction
- there's a need to try to avoid demolition of residential properties on either side of University Ave
- site condition is good; neighborhood is intact
- this property is very representative of that area
- HPC staff would strongly encourage rehab (in the sense of maintaining the continuity of architecture of that neighborhood and along the Central Corridor)

*Ms. Moermond:*

- will recommend that Council lay this matter over to Aug 17, 2011 CCPH to give the 4R Program to look at this
- directed Mai Vang to send an email to Kris Kujala, copy Mark Oswald

**Referred to the City Council due back on 8/3/2011**

- 2      [RLH RR 11-37](#)      Ordering the rehabilitation or razing and removal of the structures at 806 EDMUND AVENUE within fifteen (15) days after the August 3, 2011 City Council Public Hearing.

**Sponsors:**      Carter III

**Attachments:**      [806 Edmund Appt Ltr 5-25-10.DOC](#)  
                                  [806 Edmund Appt Ltr 4-21-11.DOC](#)  
                                  [806 Edmund Order to Abate 5-4-11.pdf](#)  
                                  [806 Edmund Pub Hrng Notice 6-10-11.pdf](#)  
                                  [806 Edmund Ave.R-R FTA & HRA LO Ltr 7-12-11.doc](#)  
                                  [806 Edmund.Photos 4-21-11.pdf](#)

LO 2 wks to Jul 26 LH

RE: 806 Edmund Ave (duplex)  
 No one appeared.

*Steve Magner, Vacant Buildings:*

- 2-story wood frame duplex with a 2-stall detached garage on a lot of 4,792 sq.ft.
- vacant since Dec 5, 2008
- owner, Nicholas Bartyzal
- Apr 25, 2011, inspection was conducted, list of deficiencies which constitute a

*nuisance condition was developed and photos taken*

- *Order to Abate a Nuisance Building was posted on May 4, 2011 with a compliance date of June 6, 2011*
- *as of today, the property remains in a condition which comprises a nuisance as defined by the legislative code.*
- *market value \$15,300 on land; market value \$84,700 on building*
- *real estate taxes current*
- *Vacant Building Registration fees were paid by assessment on Dec 15, 2010*
- *a Code Compliance Inspection has not been done*
- *\$5,000 performance bond has not been posted*
- *12 Summary Abatement Notices since 2008*
- *15 Work Orders: 1) boarding/securing; 2) grass/weeds; 3) snow/ice; 4) garbage/rubbish (from 2008 - May 4, 2011)*
- *estimated cost to repair exceeds \$50,000; to demolish between \$11,000-\$13,000*
- *DSI recommends removing the building within 15 days*

*Ms. Moermond:*

- *extensive list in the Order to Abate a Nuisance Building of those items which constitute a nuisance*
- *no Code Compliance list*

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

- *built 1890; has a turret; has some ornate Queen Anne details*
- *some alterations: front porch has been enclosed; siding's been installed over clapboard*
- *not locally designated; however, currently in Legacy Survey area*
- *not individually eligible for designation but it's details complement the neighborhood*
- *HPC staff would strongly encourage rehab*

*Ms. Moermond:*

- *viewed photos*
- *would need to be deconverted to a single family, if rehabbed (but money is hard to find)*
- *the building is in very bad shape*
- *looks like a case of complete abandonment*
- *she will bring this to the attention of the councilmember, HRA and*
- *directed Mai Vang to send email to Sheri Pemberton to ask her if this is on a First Look list and if Chase Bank would be willing to sign it over to the City; have Michelle Vojacek do the title work on it.*
- *will recommend that the City Council lay this over for 2 weeks (CCPH Aug 17, 2011)*

**Laid Over to the Legislative Hearings due back on 7/26/2011**

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[RLH RR 11-36](#)

Ordering the rehabilitation or razing and removal of the structures at 718 LAFOND AVE within fifteen (15) days after the August 3, 2011, City Council Public Hearing.

**Sponsors:** Carter III

**Attachments:** [718 Lafond.Code Compliance Report.7-10-06.doc](#)  
[718 Lafond.Code Compliance Report.9-16-10.doc](#)  
[718 Lafond.Appt Ltr.3-15-11.DOC](#)  
[718 Lafond.Appt Ltr.4-19-11.DOC](#)  
[718 Lafond.Order to Abate.4-29-11.pdf](#)  
[718 Lafond.PH Notice 6-10-11.pdf](#)  
[718 Lafond Ave.R-R FTA Ltr 7-12-11.doc](#)  
[718 Lafond-Photos.4-25-11.pdf](#)

*Ms. Moermond recommends removal of the building within 15 days with no option for repair.*

*RE: 718 Lafond Ave (single family)  
No one appeared.*

*Steve Magner, Vacant Buildings:*

- one-story wood frame single family dwelling on a lot of 4,792 sq.ft.
- vacant since May 19, 2006
- owner: Federal Home Loan Mortgage Corp
- Apr 25, 2011 inspection conducted, list of deficiencies which constitute a nuisance condition was developed; photos taken
- Order to Abate a Nuisance Building posted Apr 29, 2011; compliance date May 31, 2011
- as of today, property remains in a condition which comprises a nuisance as defined by the legislative code
- market value: \$15,300 on land; \$11,300 on building
- taxes are current
- Vacant Building registration fees were paid by assessment on July 1, 2010 (2011-2012 went to assessment on 6/20/11)
- Code Compliance inspection done Sep 16, 2010
- \$5,000 performance bond has not been posted
- 14 Summary Abatement Notices since 2006
- 15 Work Orders issued for: 1) garbage/rubbish; 2) boarding/securing; 3) grass/weeds; 4) snow/ice
- Code Enforcement officers estimate cost to repair between \$40,000-\$50,000; cost to demolish between \$10,000-\$12,000
- DSI recommends removal within 15 days

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

- 1 1/2 story wood frame property located in the Frogtown neighborhood
- within the potential Frogtown Historic District and in the Legacy Survey Area
- alterations: 4 additions between 1890-1899; enclosed front porch; vinyl siding; dormers
- has lost a lot of individual integrity
- HPC staff would allow for demolition

*Ms. Moermond:*

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

**Referred to the City Council due back on 8/3/2011**

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[RLH RR 11-38](#)

Ordering the rehabilitation or razing and removal of the structures at 1027 MCLEAN AVE within fifteen (15) days after the August 3, 2011, City Council Public Hearing.

**Sponsors:** Lantry

**Attachments:** [1027 Mclean Appt Ltr 11-9-09.DOC](#)  
[1027 Mclean Order to Abate 2-11-10.DOC](#)  
[1027 Mclean Pub Hrng Notice 3-26.10.pdf](#)  
[1027 Mclean Pub Hrng Notice 6-10-11.pdf](#)  
[1027 McLean Ave.Harris.R-R Ltr 7-12-11.doc](#)  
[1027 Mclean-Photos.11-16-09.pdf](#)  
[1027 McLean Ave.Photos.12-7-09.pdf](#)

*Ms. Moermond will recommend removal of the building within 15 days with no option for repair.*

*RE: 1027 McLean Ave (single family)*

*William Harris, owner, appeared.*

*Steve Magner, Vacant Buildings:*

*- Background Notes: performed a building deficiency inspection in 2010 and a LH was scheduled. In Apr or May 2010, DSI was notified that the property had been conveyed to HUD. Per DSI policy due to prior litigation, the City held up the legislative hearings and waited for this property to no longer be HUD's. In May, DSI received notification that the property had been sold; and a LH was scheduled.*

*- Noted: Mr. Magner received a phone call yesterday from Mr. Harris' employer, Jeff Holgren, who wanted to have a conversation about the building. He was calling on behalf of Mr. Harris because he was concerned about the situation. He was familiar with real estate, specifically, in Saint Paul. He was aware of VB statuses and requirements. Mr. Magner suggested that someone be at this hearing today. This property has been a Vacant Building for more than 2 yrs; it's a Category 3 (nuisance property- the chimney fell off this house and landed on the neighbor's property). Mr. Harris is the new owner and he hasn't gone through sale review. Doesn't think a Code Compliance has been applied for.*

*-Summary:*

*- one-story wood frame single-family dwelling on lot of 5,227 sq ft*

*- vacant since Nov 6, 2009*

*- Nov 17, 2009, an inspection was conducted, list of deficiencies which constitute a nuisance was developed/photos were taken*

*- Order to Abate Nuisance Building was posted Feb 10, 2010; compliance date Mar 15, 2010*

*- as of this date, the property remains in a condition which comprises a nuisance as defined by the legislative code.*

*- taxation's estimated market value of the land is \$20,500; \$10,000 on the building*

*- taxes are current*

*- VB registration fees were sent to assessment on Nov 18, 2010*

*- Code Compliance has not been completed*

*- \$5,000 performance deposit has not been posted*

*- 5 Summary Abatement Notices since 2009*

*- 4 Work Orders: 1) boarding/securing; 2) garbage/rubbish; 3) tall grass/weeds*

*- Code Enforcement officers estimated cost to repair: exceeding \$40,000; to demolish: exceeding \$12,000*

*- DSI recommends removing the building within 15 days*

*- there are numerous violations throughout: heating plant, chimney, electrical; no code compliance; no permits have been pulled*

*- the City is unaware of available resources to rehabilitate the structure and unaware*

*of the buyer's intent*

- seems as though Mr. Harris was unaware of the City's actions prior to the purchase of this property
- all necessary original placards had been placed inside the porch on the front door
- need to get a Code Compliance inspection to establish a base line; then can re-photo

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

- constructed in 1887
- small porch in front has been altered/enclosed
- several additions and alterations to the building between 1916 and 1935
- located in Mounds Park Neighborhood; adjacent to Dayton's Bluff Historic District
- has not been surveyed
- staff would allow for demolition; no adverse effect

*Mr. Harris:*

- this information would have been great to have before he purchased the house
- HUD sold it for \$14,000-\$15,000
- no Truth in Sale and Housing; his realtor told him it was a great idea to buy it (Steve Hill, MK Real Estate)
- when Mr. Harris contacted Mr. Hill, Mr. Hill said, "You own the house; HUD does not need to conform to these ordinances; HUD operates under federal law." (forward email to Ms. Moermond)
- Mr. Holgren had been in real estate business for 26-27 yrs and advised Mr. Harris to contact the state attorney general or the state dept of commerce
- doesn't have \$5,000 for the performance deposit
- used money from his personal injury settlement to buy the house

*Ms. Moermond:*

- all photos are from 2010
- she needs to see the performance deposit and have confirmation of financial ability to rehab before she can go to bat for Mr. Harris
- the City Council needs to see that Mr. Harris has the ability to get the rehab done within 6 months (which he was unaware of)
- thinks it's a good idea to contact the attorney general's office; a package of this information will be provided to take with; suggested Mr. Harris top the package with a letter and fill out a complaint form with the attorney general's office
- suggested that he also contact either a representative in Congress or a U.S. senator and provide them with all this information, as well, about what HUD did
- let them know that HUD did not disclose that a move had already been made to initiate demo proceedings
- advised Mr. Harris to go to the City Council's public hearing on this Aug 3, 2011 at 5:30 pm to explain his situation
- City Council may have some ideas as to how Mr. Harris should proceed
- staff would be willing to make phone calls and/or write letters

**Referred to the City Council due back on 8/3/2011**

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[RLH RR 11-39](#)

Resolution ordering the rehabilitation or razing and removal of the structures at 998 SCHEFFER AVE within fifteen (15) days after the August 3, 2011, City Council Public Hearing.

**Sponsors:** Thune

**Attachments:** [998 Scheffer CC Report 3-23-10.doc](#)  
[998 Scheffer Appt Ltr 2-24-11.DOC](#)  
[998 Scheffer Order to Abate 4-29-11.pdf](#)  
[998 Scheffer Pub Hrng Notice 6-10-11.pdf](#)  
[998 Scheffer Ave.R-R FTA Ltr 7-12-11.doc](#)  
[998 Scheffer-Photos.4-18-11.pdf](#)

*Ms. Moermond will recommend removal within 5 days with no option for repair.*

*RE: 998 Scheffer Ave  
No one appeared.*

*Steve Magner, Vacant Buildings:*

- 1 1/2 story wood frame single family dwelling with a 2-stall detached garage on a lot of 7,405 sq.ft.*
- vacant since Sep 14, 2009*
- owner: Robin L Sook*
- Apr 18, 2011: inspection conducted, a list of deficiencies which constitute a nuisance condition was developed; photos taken*
- Order to Abate a Nuisance Building posted on Apr 29, 2011; compliance date May 31, 2011*
- as of today, this property remains in a condition which comprises a nuisance as defined by the legislative code*
- estimated market value: \$32,300 on land; \$124,100 on building*
- taxes for 2010 are delinquent in the amount of \$2,304.71 plus penalty and interest; first half of 2011 is due and owing in the amount of \$1,559.79*
- VB registration fees were paid by assessment Oct 22, 2010*
- Code Compliance inspection was done Mar 23, 2010 (not listed in STAMP as expired)*
- \$5,000 performance bond has not been posted*
- 11 Summary Abatement Notices since 2009*
- 10 Work Orders issued for: 1) garbage/rubbish; 2) boarding/securing; 3) grass/weeds*
- estimated cost to repair between \$80,000-\$90,000; cost to demolish between \$10,000-\$12,000*
- DSI recommends removal within 15 days*

*Ms. Moermond:*

- the list of items that need to be fixed in order for it to be re-occupied is also included in this Order as the list of items which constitute a nuisance*
- the same as the previous record*

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

- 1 1/2 story frame craftsman style bungalow constructed in 1921*
- other than the fire damage and the enclosed/altered front porch, still retains the wood siding and the shake and gables*
- this area has not been surveyed individually nor for context*
- mixture of housing styles in this area*
- nice looking building*
- HPC would allow for demolition*

*Mr. Magner:*

- doesn't have access to information regarding the fire*
- has post-fire photos: building is charred all the way through; whole inside is gutted*
- talked with owner - she was unable to market it*
- spoke with a representative of owner and suggested that owner submit a letter for*

today, which she did not do, saying that she wanted the City to raze the dwelling (she doesn't have the money to do anything with it); was cost prohibitive  
- Reid Soley had given her some extra time

Ms. Moermond:

- asked to have the fire report on the record
- eye soar for the neighborhood
- will recommend removal within 5 days with no option for rehabilitation

**Referred to the City Council due back on 8/3/2011**

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[SR 11-52](#)

Reviewing progress of rehabilitation for 640 MINNEHAHA AVENUE WEST. (Reference Council File No. RES 10-530)

**Sponsors:** Carter III

Check on final sign-offs. (CCPH - suspension item for July 13, 2011)

RE: 640 Minnehaha Ave W (single family)

Benjamin Shamrokh, owner, and Benjamin Shamrokh, father, appeared.

Reviewing progress on rehab

Ms. Moermond:

- understands that owner forfeited performance bond for lack of progress

Mr. Magner, Vacant Building:

- a Vacant Building since Oct 2003
- last LH on Apr 2010
- resolution passed by City Council and signed by Mayor on May 27, 2010
- resolution: grant 180 days (6 mos) for the rehab
- a bond was posted that was forfeited for noncompliance with the resolution
- today, there are permits that have not been signed-off and a Code Compliance Certificate has not been issued
- electrical permit expired
- plumbing permit inspected but not finalized (scheduled for final tomorrow)
- building permit inspected but not finalized
- mechanical permit finalized
- Mr. Shamrockh entered into contract with A & A Contracting, Stillwater, whereby he put down some initial money and made monthly payments based on his income which had been established in the plan; A and A was to finish the project
- estimated date of completion of entire project: Nov 30, 2010 (agreement between A & A Contracting and Mr. Shamrockh)
- Mr. Shamrockh was going to do sweat equity things like painting, clean-up, etc.

Mr. Shamrockh, son:

- he has taken all appropriate steps to complete the project but had 2 snags: 1) electrician did 90% of the work, then quit because of illness. All he had to do was run the electric up to second floor (not finalized). He said he would finish but couldn't. Mr. Shamrockh tried to hire other electricians but once they heard the story, they refused because another electrician had started it. Mr. Shamrockh was running out of time but no one would help out. 2) he needed a new boiler, which was very costly (he decided to borrow money).
- found electrician to finish job but City wouldn't allow him to pull a permit (electrician talked with Reid Soley)
- house is now a conforming single-family



- now has heat, water, lights
- inspector is scheduled to come out tomorrow
- frustrated: he is living out of his car; his dad is retired; has a 3-month old daughter - they all plan to live in this house
- he's put all of his money into it
- the electrician, Dave Winkleman, has held up all of this
- the house is not only livable and safe; it's completed; he has taken many photos and will email them to Ms. Moermond
- just needs the City to allow the new electrician to pull a permit to finish up; then inspection
- that one permit held up the other 2 - all the work is done
- asking for short extension, if City will allow elect permit to be pulled

Mr. Magner:

- concerned that this hadn't been dealt with six months ago (although he realizes that contractors can disappear)
- under ordinance, would have granted an extension if all other items had been taken care of
- if Council were to request that bond be re-instated, DSI would need to establish: 1) a firm timeline; and need to have 2) documentation from new electrical contractor that says he agrees to come in to finish repairs in a time certain; 3) something from the plumbing contractor stating what is left to do; 4) \$125 for an updated version of the Code Compliance inspection by Mr. Seeger (Code Compliance is more than 1 year old)
- he has not spoken to Mr. Seeger or Mr. Ubl about the building permit (just a year old - probably is OK)
- this would be the 2nd bond forfeited (other in 2005)
- a Code Compliance inspection was done Sep 2004; another in Apr 2010
- if the Code Compliance inspection indicates that most of the work has been done with just a punch list left to do, he thinks Mr. Ubl would be fine with leaving those permits open
- a new electrical permit, however, will need to be pulled because either one was never pulled and/or a second vendor cannot do work under a previous vendor's permit

Mr. Shamrokh, father:

- he blames himself for this situation, not his son
- this property used to belong to him
- he moved because of a job and he rented it out
- at that time, the area was very dilapidated; City has done a good job to improve it (200%)
- 30-40 kids were hired by someone to brake every window in this property with stones (this started the deterioration of this property)
- inspector gave him time to finish windows; however, the cost was high and he was unemployed
- has a Master's degree in agriculture but has a lot of health problems, including cancer
- he tried to fix the windows but he couldn't do it in the time allotted - then, it became a Vacant Building and he hired someone to board it
- if he had known about the City's procedures, perhaps things would be different
- all this became overwhelming for him so he sold the property to his son
- his son did what he needed to do to fix it
- Mr. Magner's staff was very kind and patient while working with them
- they borrowed money and hired the contractor; he, too, was patient; but didn't check on whether the permits were pulled
- after 6 months, they called Mr. Seeger; he looked at it and said it was over 50%

done; he gave them a 6 month extension  
- the building permit started July 6, 2010 (6 months and 6 months is a year)  
- finished the list - now, the house is very beautiful - an asset to the neighborhood and city  
- Jun 18, 2011, he talked with Mr. Seeger and told all was done except for the electric and the electrician doesn't answer his phone  
- Mr. Seeger told him to find another one  
- then, they found out that no electrical permit had been pulled  
- one electrician wanted to take advantage of them - come in, do \$500 worth of work and charge \$2,000  
- they found another one for \$1,000 - we said OK; he tried to pull permit on June 22, 2011  
- June 21, 2011 was the deadline - the bond has expired; and no one wants to talk anymore  
- they've lost a lot of money during the past 5 years  
- will pay \$125 for Code Compliance inspection  
- thank you for Mr. Steve  
- the bond was forfeited not because of them but because of the electrician

*Ms. Moermond:*

- under suspension tomorrow, she will recommend that the City Council re-instate the performance bond for 2 weeks to get it all done  
- if it doesn't get done, she will ask that they need to provide contracts with the appropriate contractors, another code compliance inspection and a work plan with a short time line (will know by July 26, 2011)  
- asked Ms. Moermond for her kindness

*Mr. Magner reiterated:*

- at City Council public hearing tomorrow, Ms. Moermond will re-instate the bond, effective July 13, 2011 (can pull electrical permit July 14 at 7:30 a.m.)  
- the Shamrokh's have 2 weeks to complete the work  
- if work isn't complete by July 26, they will need a Work Plan, a Seeger inspection, appropriate contract documentation  
- this note will be entered into the system today

**Laid Over to the Legislative Hearings due back on 7/26/2011**

- 7      [RLH RR 11-42](#)      Reinstating the \$5,000 performance deposit held by the Department of Safety and Inspections under Legislative Code Chapter 33 pertaining to issuance of building permits for dangerous and/or nuisance structures for 640 MINNEHAHA AVENUE WEST.

**Sponsors:**      Carter III

*Check on final sign-offs. (CCPH - suspension item for July 13, 2011)*

*RE: 640 Minnehaha Ave W (single family)*

*Benjamin Shamrokh, owner, and Benjamin Shamrokh, father, appeared.*

*Reviewing progress on rehab*

*Ms. Moermond:*

- understands that owner forfeited performance bond for lack of progress

*Mr. Magner, Vacant Building:*

- a Vacant Building since Oct 2003

- last LH on Apr 2010
- resolution passed by City Council and signed by Mayor on May 27, 2010
- resolution: grant 180 days (6 mos) for the rehab
- a bond was posted that was forfeited for noncompliance with the resolution
- today, there are permits that have not been signed-off and a Code Compliance Certificate has not been issued
- electrical permit expired
- plumbing permit inspected but not finalized (scheduled for final tomorrow)
- building permit inspected but not finalized
- mechanical permit finalized
- Mr. Shamrockh entered into contract with A & A Contracting, Stillwater, whereby he put down some initial money and made monthly payments based on his income which had been established in the plan; A and A was to finish the project
- estimated date of completion of entire project: Nov 30, 2010 (agreement between A & A Contracting and Mr. Shamrockh)
- Mr. Shamrockh was going to do sweat equity things like painting, clean-up, etc.

Mr. Shamrockh, son:

- he has taken all appropriate steps to complete the project but had 2 snags: 1) electrician did 90% of the work, then quit because of illness. All he had to do was run the electric up to second floor (not finalized). He said he would finish but couldn't. Mr. Shamrockh tried to hire other electricians but once they heard the story, they refused because another electrician had started it. Mr. Shamrockh was running out of time but no one would help out. 2) he needed a new boiler, which was very costly (he decided to borrow money).
- found electrician to finish job but City wouldn't allow him to pull a permit (electrician talked with Reid Soley)
- house is now a conforming single-family
- now has heat, water, lights
- inspector is scheduled to come out tomorrow
- frustrated: he is living out of his car; his dad is retired; has a 3-month old daughter - they all plan to live in this house
- he's put all of his money into it
- the electrician, Dave Winkleman, has held up all of this
- the house is not only livable and safe; it's completed; he has taken many photos and will email them to Ms. Moermond
- just needs the City to allow the new electrician to pull a permit to finish up; then inspection
- that one permit held up the other 2 - all the work is done
- asking for short extension, if City will allow elect permit to be pulled

Mr. Magner:

- concerned that this hadn't been dealt with six months ago (although he realizes that contractors can disappear)
- under ordinance, would have granted an extension if all other items had been taken care of
- if Council were to request that bond be re-instated, DSI would need to establish: 1) a firm timeline; and need to have 2) documentation from new electrical contractor that says he agrees to come in to finish repairs in a time certain; 3) something from the plumbing contractor stating what is left to do; 4) \$125 for an updated version of the Code Compliance inspection by Mr. Seeger (Code Compliance is more than 1 year old)
- he has not spoken to Mr. Seeger or Mr. Ubl about the building permit (just a year old - probably is OK)
- this would be the 2nd bond forfeited (other in 2005)
- a Code Compliance inspection was done Sep 2004; another in Apr 2010

- if the Code Compliance inspection indicates that most of the work has been done with just a punch list left to do, he thinks Mr. Ubl would be fine with leaving those permits open
- a new electrical permit, however, will need to be pulled because either one was never pulled and/or a second vendor cannot do work under a previous vendor's permit

Mr. Shamrokh, father:

- he blames himself for this situation, not his son
- this property used to belong to him
- he moved because of a job and he rented it out
- at that time, the area was very dilapidated; City has done a good job to improve it (200%)
- 30-40 kids were hired by someone to brake every window in this property with stones (this started the deterioration of this property)
- inspector gave him time to finish windows; however, the cost was high and he was unemployed
- has a Master's degree in agriculture but has a lot of health problems, including cancer
- he tried to fix the windows but he couldn't do it in the time allotted - then, it became a Vacant Building and he hired someone to board it
- if he had known about the City's procedures, perhaps things would be different
- all this became overwhelming for him so he sold the property to his son
- his son did what he needed to do to fix it
- Mr. Magner's staff was very kind and patient while working with them
- they borrowed money and hired the contractor; he, too, was patient; but didn't check on whether the permits were pulled
- after 6 months, they called Mr. Seeger; he looked at it and said it was over 50% done; he gave them a 6 month extension
- the building permit started July 6, 2010 (6 months and 6 months is a year)
- finished the list - now, the house is very beautiful - an asset to the neighborhood and city
- Jun 18, 2011, he talked with Mr. Seeger and told all was done except for the electric and the electrician doesn't answer his phone
- Mr. Seeger told him to find another one
- then, they found out that no electrical permit had been pulled
- one electrician wanted to take advantage of them - come in, do \$500 worth of work and charge \$2,000
- they found another one for \$1,000 - we said OK; he tried to pull permit on June 22, 2011
- June 21, 2011 was the deadline - the bond has expired; and no one wants to talk anymore
- they've lost a lot of money during the past 5 years
- will pay \$125 for Code Compliance inspection
- thank you for Mr. Steve
- the bond was forfeited not because of them but because of the electrician

Ms. Moermond:

- under suspension tomorrow, she will recommend that the City Council re-instate the performance bond for 2 weeks to get it all done
- if it doesn't get done, she will ask that they need to provide contracts with the appropriate contractors, another code compliance inspection and a work plan with a short time line (will know by July 26, 2011)
- asked Ms. Moermond for her kindness

Mr. Magner reiterated:

- at City Council public hearing tomorrow, Ms. Moermond will re-instate the bond, effective July 13, 2011 (can pull electrical permit July 14 at 7:30 a.m.)
- the Shamrokh's have 2 weeks to complete the work
- if work isn't complete by July 26, they will need a Work Plan, a Seeger inspection, appropriate contract documentation
- this note will be entered into the system today

**Referred to the City Council due back on 7/13/2011**

- 8      [RLH TA 11-150](#)      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1113A, Assessment No.118077 at 755 HOWELL STREET NORTH.

**Sponsors:**      Stark

**Attachments:**      [755 howell St N. SA.DOC](#)  
                                   [755 Howell St N.Photos 4-14-11.pdf](#)

*Ms. Moermond will recommend approval of the assessment.*

*RE: 755 Howell St N (duplex)*

*Ms. Moermond reviewed the video; the City did the clean-up. There was a substantial amount of material all the way around the house: garbage, discarded items, etc. The video will be retained. She will recommend that the City Council approve this assessment.*

**Referred to the City Council due back on 8/3/2011**

## 11:00 a.m. Hearings

### Summary Abatement Orders

- 569      [RLH SAO 11-18](#)      Appeal of Theresa Bellaphant to a Notice to Cut Tall Grass and/or Weeds at 825 FREMONT AVENUE.

**Sponsors:**      Lantry

**Attachments:**      [825 Fremont.appeal.7-1-11.pdf](#)  
                                   [825 Fremont Ave.Bellaphant Ltr 7-12-11.doc](#)

*Ms. Moermond recommends laying over the matter for City Attorney to look at boulevard ordinance. (Inspector Maureen Mitch)*

*RE: 825 Fremont Ave (single family)*

*Theresa Bellaphant, owner, appeared.*

*Inspector Paula Seeley:*

- tall grass and weeds on the boulevard
- complaint came in and Orders were issued July 1, 2011
- inspector went out July 8, and found it to be cut
- odd parcel; introduced aerial photo
- enforcing Chap 105 and City Attorney Kyle will be looking into it further (may want to layover for 2 weeks)
- needs to cut all the right-of-way blvd up to the curb
- suggested that Ms. Bellaphant call Merrick Home Services (have a sliding fee scale)

- do work for people with disabilities

*Ms. Bellaphant:*

- lived at this address for 5 years
- no inspector ever told her that she needed to take care of that park-like property; that she was responsible for it
- a lady from 4th St came to her door and asked if that space was her property; she told her, "No"
- she chose that property because it has a very small yard (would take a normal person 2 minutes to cut the grass)
- is on disability - has 3 bones sticking out of her ankle; had a disc taken out of her back; coughs a lot because of acid burns in her lungs and throat she got from her job; her back goes out quite a lot
- she can't do all that physical labor
- this is the first time she got a letter about cutting grass and she doesn't think it's right because she is disabled
- doesn't have the money to pay others to do it, either; lives from month to month
- in winter, sometimes people from the half-way house 2 doors down come to help her
- the people who sold the house to her didn't even seem to know that the land was there's
- there are 2 sidewalks
- her grandson cut the grass on that property

*Ms. Moermond:*

- will lay this matter to the Aug 9, 2011 LH - (CCPH Aug 17, 2011)
- when the confirmation letter is written, include the contact information for Merrick Home Services (chore service)
- City Attorney will look into the boulevard ordinance to see if it shed's light on Ms. Bellaphant's situation
- explained the City's right-of-way

**Laid Over to the Legislative Hearings due back on 8/9/2011**

- 10      [RLH SAO 11-17](#)      Appeal of Lesley Anizor to a Summary Abatement Order and an Excessive Consumption of Services Invoice at 692 WILSON AVENUE.

**Sponsors:**      Lantry

**Attachments:**      [692 Wilson.appeal.6-26-11.pdf](#)  
                                   [692 Wilson Ave.Anizor Ltr 7-12-11.doc](#)

*Grant the appeal on the Excessive Consumption. Withdraw the Summary Abatement Order as the Appellant is in compliance. (Inspector Paula Seeley)*

*RE: 692 Wilson Ave (single family)*

*Lesley Anizor, owner, appeared.*

*Inspector Paula Seeley:*

- Summary Abatement Order issued June 24, 2011 for rubbish in the back yard
- Excessive Consumption on the exterior of the house; Orders have been out since August 18, 2009 to repair the siding and the roof of the house
- Inspector issued Orders again on July 20, 2010 and Oct 1, 2010
- she spoke with owner a few times; got her yard cleaned-up
- need to get the repairs done on the house
- applicant has everything: HPC signed-off; building permit (Feb 14, 2011)

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

- introduced photos
- Jan 26, 2011, she received an application from Ms. Anizor to do roof and spot repairs to the siding on the rear elevation and a few smaller areas
- Jan 29, 2011, applicant submitted photos of the property that needed work
- Feb 10, 2011, HPC issued a Certificate of Approval for work on the property with following conditions: 1) materials used for spot replacement must match existing; 2) any work on the fascia and soffit needs matching downspouts; 3) roofing must receive approval from HPC staff
- HPC in AMANDA #11008179
- property owner noted that there was storm damage to the property

*Ms. Anizor:*

- single parent with 5 children, raising 2 of her brother's children and a disabled grandchild; now, also has 2 toddlers in her house
- lived in area for 27 years
- worked with Paula to remove some of the things in her backyard
- roofer found damage due to storms, soffit and fascia, siding; suggested that she talk with her insurance company
- insurance adjuster, Kenneth Mahoney, came out and said the insurance would cover this - the whole roof, too; just not the rotted items
- Asha Roofing was willing to do it for cost (must do it on Richard's schedule)
- submitted paperwork
- waiting for a check from Minnesota Properties Insurance for the roof
- CRF will then sign off; once they do, Richard will start the work ASAP and he will work with the HPC
- regarding the rubbish - she just has her lawn furniture, now; she got rid of everything else with the extra dumpster
- she is not responsible for when Minnesota Properties gets their work done or for when Asha will be able to do the work
- she doesn't have a garage, so her lawn mower is under her back deck
- there's only one report about the stuff in her yard and she got rid of it; there's planters, recycling, grill, flower pots; not rubbish, not garbage
- she and her family spend a lot of time in her yard (there's a lot of family); her yard is her life
- doesn't want the inspector to come back and write another Excessive Consumption charge while her outdoor things are in the back of her yard while the construction is taking place

*Ms. Moermond questioned the 3 times/year for similar kinds of problems.*

*Ms. Seeley:*

- she issued the first Excessive Consumption on Oct 1, 2010, which should have been issued a long time ago (she cancelled that one)
- applicant said she'd recived money from annuities in Jan 2011, so Ms. Seeley waited
- in June, still no work on the building was done, so she had to issue another Excessive Consumption
- she saw rubbish in the yard, so she issued Orders on that, too (improper storage, not construction related) (applicant has no garage)
- she knew that the applicant had been working with the HPC; she saw that it was approved
- Ms. Anizor can keep all outdoor furniture, pots, etc., unless there are broken things - the yard doesn't look bad now.

*Ms. Moermond:*

- wants to see Ms. Anizor's yard stay in good condition (not full of rubbish); lot of people generates a lot of things
- wants to create an incentive for Ms. Anizor
- will recommend that the appeal on Excessive Consumption be granted
- must continually remove the construction debris
- will recommend that the Summary Abatement Order be withdrawn; appellant is in compliance

**Referred to the City Council due back on 8/3/2011**

### Orders To Vacate, Condemnations and Revocations

- 11     [RLH VO 11-34](#)     Appeal of Mohammed Shahidullah to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 1132 CENTRAL AVENUE WEST.

**Sponsors:**     Carter III

**Attachments:**     [1132 Central.appeal.6-21-11.pdf](#)  
[1132 Central Ave W.Photos.6-16-11.pdf](#)  
[1132 Central Ave W.Photos.5-12-11.pdf](#)  
[1132 Central Ave W.Photos.3-17-11.pdf](#)  
[1132 Central Ave W.Fire Inspection Orders.3-23-11.pdf](#)  
[1132 Central Ave W.Fire Inspection Orders.4-28-11.pdf](#)

*Rescheduled to July 26, 2011 per owner's request. (William Beumer)*

*RE: 1132 Central Ave E*

*Fire Inspector Urmann:*

- inspector Beumer informed him that this property is vacant at this time

*Ms. Moermond:*

- the Condemnation/Order to Vacate is rather old; since mid-Jun and already had been delayed at the owner's request
- wanting another layover isn't OK
- the Order talked about it being a Revocation Order to Vacate but it's a Condemnation/Order to Vacate (more heavy-duty)
- title needs adjusting

**Laid Over to the Legislative Hearings due back on 7/26/2011**

- 12     [RLH VO 11-46](#)     Appeal of Lisa Hollingsworth, Southern Minnesota Regional Services, on behalf of Vangulia Williams (tenant) to a Fire Certificate of Occupancy Revocation and Order to Vacate at 797 PARK STREET.

**Sponsors:**     Helgen

**Attachments:**     [797 Park.appeal.7-12-11.pdf](#)  
[797 Park Ave.SMRLS Ltr 7-12-11.doc](#)

*Deny the appeal and grant an extension to August 3, 2011 for the items to be addressed at Emergency Relief and Tenant Remedy Action (ETRA). If not, the tenants have until August 5, 2011 to vacate the property. (Mike Cassidy)*

*RE: 797 Park St (single family)*



*Michael and Jerin Mcrath, owners*

*Lisa Hollingsworth, Southern Minnesota Regional Services (SMRLS), on behalf of Vangulia Williams (tenant)*

*Fire Inspector Urmann:*

- he spoke with Ms. Hollingsworth prior to the hearing this morning to discuss the case
- dealing with the property since Mar 2011 trying to gain entry; owner is absent
- gone through foreclosure; no one has contacted them; has not been re-claimed by bank yet or anyone else
- immediate issues: 1) water heater is back drafting (gas supply continues to fire but the pilot light doesn't ignite until it is actually exploding to ignition) - 1) venting may be restricted; or 2) the gas supply may not be coming out by the pilot light (burner may be clogged); and 2) 8 Orders - one of which is to provide access to the building because a full inspection has not been done
- an explosion could occur because of the excessive gas

*Ms. Hollingsworth:*

- recent involvement
- client came to her with the Vacate Order and she has 6 children and is 8 months pregnant with a child on the way
- these issues are not caused by the tenant
- tenant got the initial notice of foreclosure in 2009
- sheriff's sale has occurred
- in redemption period
- to speed up the process, she filed and served an Emergency Tenant Remedy Action a few days ago; first hearing with Referee Anish Mon, Jul 18, 2011
- owners will probably not appear
- her recommendation to Referee Anish will be to appoint an administrator, who can facilitate the access to the building that the inspectors have not had access to
- asks for an extension of time to get things sorted out
- administrator has had a lot of experience with property management

*Mr. Urmann:*

- added that they both understand that licensed contractors are required to do the work under permit and have that work approved

*Ms. Moermond:*

- comfortable with the fact that the inspectors want immediate fix on this
- wants the water shut-off and the appliance shut-off (gas shut-off) until it's fixed
- by Aug 3, 2011 - let her know whether or not the list is being addressed through an ETRA (if it is, she is comfortable granting more time; if it isn't, the vacate date will be Aug 5, 2011)

**Referred to the City Council due back on 8/3/2011**

## 1:30 p.m. Hearings

### Fire Certificates of Occupancy

- 13     [RLH FOW 11-99](#)     Appeal of Patrick Her and Felicia Xong Her to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 595 WELLS STREET.

**Sponsors:**     Bostrom

**Attachments:**     [595 Wells.appeal.7-6-11.pdf](#)  
                               [595 Wells St.Her Ltr 7-12-11.doc](#)

7/12/11--No one appeared. Deny the appeal. (Kelly Booker)

On Friday, Appellant called, missed hearing and wants to reschedule so it's on for July 26.

**Laid Over to the Legislative Hearings due back on 7/26/2011 (On CPH 8/3)**

14     [RLH FCO  
11-220](#)

Appeal of Martin R. Russo to a Fire Certificate of Occupancy Inspection Correction Notice at 1015 BURNS AVENUE.

**Sponsors:**        Lantry

**Attachments:**     [1015 Burns.appeal.6-29-11.pdf](#)  
                               [1015 Burns Ave.Photos.pdf](#)  
                               [1015 Burns Ave.Russo Ltr 7-12-11.doc](#)

Grant a 4.5-inch variance on the openable height of the main floor southwest bedroom egress windows; grant a 2-inch variance on the openable height of the upper floor bedroom egress windows; grant the appeal on the driveway on the condition that Appellant repair the driveway by adding more Class 5; forthcoming on the basement wash machine issue (need to consult with Building Officials) - CPH 8/17 (Inspector Wayne Spiering)

RE: 1015 Burns Ave (single family)

Martin Russo, owner, appeared.

Fire Inspector Urmann:

- photos in file
- exterior driveway and egress windows (SW bedroom, main floor double-hung 19.5h x 27w openable; upper floor bedroom, double-hung 22h x 22w openable)

Ms. Moermond:

- will grant variances on the egress windows

Mr. Russo:

- life-long Dayton's Bluff residents
- bought property for parents at a cost of \$113,000; probably worth \$79,000; parents didn't move in; are renting it out
- will try to sell it to occupant
- of 17 listed deficiencies, 14 have already been done
- he called the Fire Inspector instead of the other way around
- driveway has always been Class 5, empties onto Suburban Ave
- asks that he can keep it Class 5; adds a load every couple years; will add this week
- he does the yard work; snow removal
- this house built in 1874

Ms. Moermond:

- ultimately, it would be great if Mr. Russo could lay cement tire tracks
- looks as though it's ready for another load of Class 5
- will grant the appeal on the driveway on the condition that Mr. Russo adds another load (repair)
- it will probably come up again

*Mr. Russo:*

- basement washer empties into a laundry tub that has a hose that drains right into the floor drain (called out by inspector); hasn't changed since 2005
- had plumbers estimate repair and re-rout: \$2,300; both plumbers didn't see any safety issue (there's nothing else in the 12 x 12 basement space except furnace, washer, dryer, water heater); too expensive
- plumber said to secure the drain top and put a hole in it for the drain hose (get one with a check valve to keep anything from coming back up)
- the washer is in use; won't dry out
- everyone in the area has drains like this
- has a signed Purchase Agreement: closing probably in Aug, 2011

*Mr. Urmann:*

- explained that the situation could produce 1) a siphon from the sewer from the floor as well as the household sewer which would bring gas back into the building; and 2) sewer rats could get in if the top of the drain is not secured
- each plumbing appliance needs a vent and a trap
- the floor drain has a wet trap; as soon as the hose is put in, the trap is broken and a siphon could occur

*Ms. Moermond:*

- can't tell how long this situation has been this way
- would like to talk to the Building Official about the drain issue
- uncomfortable with the section of the Code that this was written under; it seems to apply to the person, not to the circumstance
- will lay this matter over until August 9, 2011 LH to get feedback from the Building Official
- asked Inspector Urmann if there was a way that they could use a Certificate of Occupancy with deficiencies to transact the property

*Mr. Urmann:*

- the only reason that they wouldn't be able to use a Certificate of Occupancy with deficiencies to transact the property is because it might be considered to be a life safety or habitability issue because of the possibility of the sewer gas

**Laid Over to the Legislative Hearings due back on 8/9/2011 (On August 17 CPH)**

15      **RLH FCO  
11-193**

Appeal of Daniel P. McGowan to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 1324 SAINT CLAIR AVENUE.

**Sponsors:**      Harris

**Attachments:**      1324 St Clair.appeal.6-15-11.pdf  
1324 St. Clair Ave.McGowan Ltr 7-12-11.doc

*Grant a 2-inch variance on the openable height of the first floor north bedroom egress window; grant a 7-inch variance on the openable height of the second floor south bedroom egress window; deny a variance on the second floor north bedroom unless Appellant can demonstrate that the window opens to 16 inches; forthcoming on the garage issue. (CPH 8/17) (Inspector Rick Gavin)*

*RE: 1314 St. Clair Ave (single family)*

*Daniel McGowan, owner, appeared.*

Fire Inspector Urmann:

- painting exterior garage
- notes from appellant say garage is to be replaced and painting will be done at that time
- egress windows: 1) first floor north is 22h x 29w; 2) second floor south is 17h x 29w; and 3) second floor north is 15h x 29w

Ms. Moermond:

- grant a variance for the first two windows
- second floor bedroom (15h x 29w): asked Mr. McGowan to measure height of the opening with tape and take a picture of it; can send it by email to her; if he can show that it opens to 16h, she will recommend a variance for it

Ms. McGowan:

- re the second floor bedroom window, he measured it as 18h (and 20h on the two south windows)
- garage has serious bow in the roof; they are in the process of deciding if it can be repaired or should be replaced; either will probably not be done this year
- when the garage is done, it will be painted
- his wife and he will be moving back there in the near future and plan on keeping it in ship shape

Ms. Moermond:

- viewed photos; didn't see any photos of the garage
- needs photos on one window and on the garage
- will lay this over to Aug 9, 2011 LH

**Referred to the Legislative Hearings due back on 8/9/2011**

16 [RLH FCO  
11-183](#)

Appeal of William Coleman to a Fire Certificate of Occupancy Inspection Correction Notice at 1424 ARLINGTON AVENUE EAST.

**Sponsors:** Bostrom

**Attachments:** [1424 Arlington E.appeal.6-20-11.pdf](#)  
[1424 Arlington Ave E.Coleman Ltr 7-12-11.doc](#)

*Deny a variance on the basement bedroom egress windows unless Appellant can demonstrate that the window opens to 16 inches; if not, grant an extension for 6 months to come into compliance; grant a 4-inch variance on the openable height of the main floor bedroom egress windows; for the rest of the items being appealed, Appellant must be in compliance by the re-inspection date. (Inspector James Thomas)*

RE: 1424 Arlington Ave E (single family)

William Coleman, owner, appeared.

Fire Inspector Urmann:

- fireplace: inspector saw some debris in fireplace and so it must be maintained on an annual basis as the code requires
- egress window #1: basement window 15h x 26w openable height with sill height of 44 in
- egress window main floor 20h x 31w openable height will sill height of 25 in
- bathroom floor - toilet loose to the floor (moving) - just secure it and caulk it

Ms. Moermond:

- will grant a variance on egress window with 20 in openable height
- re: basement window with 15 in openable height - if he can get it open to 16", she will grant a variance (send her a photo with measuring tape that shows the openable height)
- she doesn't grant variances on less than 16" on both heights and widths

Mr. Coleman:

- Order is dated May 23, 2011; inspector said the mail to him keeps coming back (Mr. Coleman doesn't understand it because all that was missing on the address was the E off the Circle)
- Inspector said on the Order, he would be back 10 days from the Order
- he bought that home for a group home for disabled adults around 12 years ago. Then, things started to change with funding. Everything passes for it then
- if the window needs replacing, he'll have to dig down
- tenants said they don't used the fireplace (6 yrs), except for one time; it takes more heat out of the house in the winter
- they never used it with the disabled folks in there
- tenants have been there 6 yrs
- he will close the fireplace

Mr. Urmann:

- to close off a fireplace: the fire box would have to be blocked off in some way: 1) lock the screen in place or permanently fix something so no one can throw something in there

Mr. Coleman:

- will tighten the toilet to the floor and put some caulk around it
- re: impervious floor on the bathroom that was written up - it's tiled and a very small area lifts up to the drain

Ms. Moermond:

- scanned photos
- staple Internet cable to the wall
- if the basement window isn't large enough, she will recommend granting a 6 month extension at the City Council public hearing Aug 3, 2011

**Referred to the City Council due back on 8/3/2011**

- 17      [RLH FOW 11-81](#)      Appeal of Bonnie Hammer to a Fire Certificate of Occupancy Inspection Correction Notice at 419 MICHIGAN STREET.

**Sponsors:**      Thune

**Attachments:**      [419 Michigan.appeal.6-21-11.pdf](#)  
                                 [419 Michigan St.Hammer Ltr 7-12-11.doc](#)  
                                 [419 Michigan St.Revised Hammer Ltr 7-12-11.doc](#)

Grant a 7.25-inch variance on the openable height of the egress window in the second floor north bedroom. Ms. Moermond stated that she will recommend granting the appeal on the plumbing fixture on the condition that the sewer line is capped in the basement and where the supply for the water comes from. (Inspector AJ Neis)

RE: 419 Michigan St (single family)

Bonnie Hammer, owner, appeared.

Fire Inspector Urmann:

- #3- second story bathroom - bathtub/shower does not work because there's a cracked sewer line and the tenant has signed something on her lease saying she wouldn't use it
- inspector called it out because if it's in place, it has to work
- there is also the possibility of sewer gas escaping

*Ms. Hammer:*

- it's an old house that has an old bathtub with original plumbing and the drain leaks
- there's a shower on first floor
- current tenant has been there for 2 yrs and has agreed to not use the upstairs tub/shower
- tenants are happy living there and she hopes the bathroom can stay as is
- a couple of years ago when they wanted to sell, she had Kelly Plumbing come out for an estimate: \$5,000-\$6,000 because they would have to cut out some of the kitchen cabinets below
- tenants are working poor, paying \$700/month for rent (she's not renting it for profit)
- it's worth is having this very nice family living in my mom's house
- if they need to make this repair, she will have to sell the house
- a plumber is coming out to check out the washer in the basement; inspector said that they could just remove the washer and the problem would be solved
- furnace is fine
- the Carbon Monoxide detector will be installed shortly
- will get in the smoke detector affidavit

*Ms. Moermond:*

- will need to check with the Building Official on this
- will lay this matter over to Aug 9, 2011 LH
- ideally, the Appellant will be able to keep her tenants in the house until she decides to sell it

*Mr. Urmann:*

- regarding the plumbing fixture: maybe the building inspector would approve their capping the appliance which means they would cut it in the basement and the sewer line then becomes dry. The supply would also have to be capped.
- provided website where inspector can be found and smoke detector affidavit can be sent

*Ms. Moermond:*

- suggested they took Mr. Urmann's advice about the bathtub/shower on 2nd floor
- will recommend granting the appeal

**Laid Over to the Legislative Hearings due back on 8/9/2011**

18 [RLH FCO  
11-206](#)

Appeal of Dave Engstrom, Affordable Properties, to a Fire Certificate of Occupancy Inspection Correction Notice at 1757 BUSH AVENUE.

**Sponsors:** Lantry

**Attachments:** [1757 Bush.appeal.6-27-11.pdf](#)  
[1757 Bush Ave.Affordable Prp Ltr 7-12-11.doc](#)

- Item 1 (fence) - grant the appeal;*
- Item 2 (front steps attached to house) - withdrawn;*
- Item 3 (garage) - deny the appeal and grant an extension to November 15, 2011 for compliance;*
- Item 4 (extension cord) - deny the appeal;*
- Item 7 (front steps) - deny the appeal;*

Item 8 (parking spaces) - grant the appeal;  
Item 9 (dryer exhaust duct) - deny the appeal  
Grant an extension on the re-inspection from July 18 to after August 30, 2011.  
(Inspector James Thomas)

RE: 1757 Bush Ave

Dave Engstrom, Affordable Properties, and Jill Holtenstein, appeared.

Fire Inspector Urmann:

- brought up photos
- appellant is appealing all items on the list except for #5 and #6, easier to go one by one

Mr. Engstrom:

- Affordabel Properties consists of two guys - they buy houses, rehab them and rent them to Section 8
- has been here once before
- had two appointments scheduled for this inspection notice; the inspector did not show up for the first inspection; on the second inspection, they received very, short notice (20 minutes), that he wasn't going to be there
- Mr. Engstrom complained twice to his supervisor, Leanna Shaff; his emails were copied directly to the inspector, Mr. Thomas
- third inspection comes up and all of a sudden, they had a list of things that were called out (never happened before)
- did contact the Mayor's Office and was directed to Mr. Humphrey, who said that Supervisor Shaff would call him back but she never did
- he will not send emails anymore because they are so easily copied; and he's has been a supervisor and he would just never do that; it's just not the way to handle something. I had a legitimate complaint. They were paying someone to be there for the inspection
- #1 the fence: I believe that we do not own the fence (would gladly pitch in half the cost); may also remove the fence
- house passes the Saint Paul Public Housing inspection
- #2 front steps and rail: it met Saint Paul Public Housing standards
- #3 garage repair - garage is in rough shape but the tenant doesn't have access to the garage; the garage isn't being used; might be tearing it down
- #4 living room - extension cords (HUD won't allow a lease to state that a tenant will be evicted if he uses extension cords) - power strip
- #5 heating - heating is always inspected and safety tested and FAXED into the office (Hinding Heating Company 1-21-11) - doesn't know why this is on the list (also entered copy)
- #6 no problem supplying the smoke detector affidavit (they always replace with new smoke detectors)
- #7 front steps are hazardous - passed the PHA inspection
- #8 parking spaces paved - that will cost a lot to get it paved
- #9 dryer exhaust duct - they did have it done
- they have made huge investments in Saint Paul

Ms. Moermond:

- power strips are fine
- can offer advice on work process but not on personnel; Mr. Engstrom had a legitimate concern and did go through the right chain of command
- we can forward the record of this hearing in this matter to the director

Mr. Urmann:

- Ms. Shaff's supervisor is Phil Owens, 266-8941
- re: #2 will talk to supervisor: under 34.9b says that more than 3 risers needs a railing so, this shouldn't have been called

Ms. Holtenstein:

- has gone through inspections with Mr. Urmann and some of the other Fire inspectors and this particular list is nothing like anything Mr. Urmann would give her; he's been great about telling her what needs to be done; things seemed logical for safety purposes (unlike this list); this seems like a retribution list to her

Ms. Moermond:

- will refer #1 to Code Enforcement and get the fence checked out; if it's Mr. Engstrom's fence and it comes up again, she will grant time to get it done
- #2 withdrawn per Fire
- #3 garage is out of C of O program; referred to Code Enforcement; will grant extension to Nov 15, 2011 to scrape and repair
- #4 deny the appeal
- #7 deny the appeal ; steps could use patch and repair
- #8 grant appeal on parking area; apply Class 5 when needed
- #9 deny the appeal; mechanical code requires a licensed contractor to install a solid metal vent

Mr. Engstrom:

- it's nice to be here and to be heard; is thankful for Ms. Moermond listening and send a copy of this record to the supervisor
- was very appreciative

Mr. Urmann:

- re-inspection date will be changed to after Aug 30, 2011

**Referred to the City Council due back on 8/3/2011**

19 [RLH FCO  
11-182](#)

Appeal of Kathleen M. Henderson to a Fire Certificate of Occupancy Inspection Correction Notice at 885 MARION STREET.

**Sponsors:** Helgen

**Attachments:** [885 Marion.appeal.6-20-11.pdf](#)  
[885 Marion St.Henderson Ltr 7-12-11.doc](#)

Item 1 (exterior painting) - deny the appeal and grant an extension to October 1, 2011;  
Items 2 and 3 (guardrail and handrail) - grant the appeals;  
Item 4 (dryer exhaust duct) - done per owner;  
Item 5 (walls in basement) - done per owner;  
Item 7 (door locks) - City staff withdrew the order;  
Item 8 (excessive accumulation) - done per owner;  
Item 9 (carbon monoxide test) - grant the appeal since everything in the house is electric. (Inspector Lisa Martin)

RE: 885 Marion St (outer townhome)

Kathleen Henderson, owner, appeared.

Ms. Henderson:

- entered photos



*Fire Inspector Urmann:*

- Inspector Martin says that there is a storage issue in the building; need to reduce it by 50% for life safety issue
- building is occupied by the appellant's son (it's a non-owner-occupied property)
- inspector's camera broke on the day of the inspection
- easier to go item by item

*Ms. Henderson:*

- most everything has been taken care of; wants to talk about 2 things and since the weather has made it difficult to paint or stain, she is asking for an extension on that
- son lives there; it's been our family home; they are connected to the neighborhood
- there is no assistance available to a mom helping out her kid from PED's Housing and Redevelopment Authority
- none of the items on the list affect the health, safety or welfare of the building's occupant or the general public
- #1 exterior painting; wants extension
- #2, #3, guardrail and handrail are not damaged; they are sturdy and well maintained; would like a variance
- #4 dryer vent has been done (\$300); City has come out to inspect
- #5 water in basement was a surprise to her (never had water all the years that she lived there; but also never had a winter like this past one); we put down caulking
- #7 would like a variance on locks; she bought these locks to stay-locks on two rooms: 1) her office; and 2) used to be her bedroom; have been there a very long time and don't require a key - she still has her things in those rooms; they are not sleeping rooms. If she has to replaced the locks, she will need to replace the doors, too
- #8 we took out more than 50% of the junk
- #9 no need for a carbon monoxide detector; it's an all electric house

*Ms. Moermond:*

- will grant extension to Oct 1, 2011 for #1
- will grant a variance on #2 & #3
- order on #7 is withdrawn
- will grant appeal on #9

*Mr. Urmann:*

- would like to close all the issues except the painting
- re-inspection will take place on July 19, 2011

**Referred to the City Council due back on 8/3/2011**

## 2:30 p.m. Hearings

### Window Variances: No Hearing Necessary

- 20 [RLH FOW 11-84](#) Appeal of Randy J. Anderson to a Fire Certificate of Occupancy Inspection Correction Notice at 866 ARKWRIGHT STREET.

**Sponsors:** Helgen

**Attachments:** [866 Arkwright.appeal.6-22-11.pdf](#)  
[866 Arkwright St.Anderson Ltr 7-12-11.doc](#)  
[866 Arkwright St.Anderson Ltr 7-15-11.doc](#)

Grant a 2-inch variance on the openable height of egress window in the downstairs

*west bedroom and a 6-inch variance on the openable height of the egress window in the downstairs east bedroom. (Kelly Booker)*

**Referred to the City Council due back on 8/3/2011**

- 21      [RLH FOW 11-78](#)      Appeal of Ted Kaehler to a Fire Certificate of Occupancy Inspection Correction Notice at 104 CLEVELAND AVENUE NORTH.

**Sponsors:**      Stark

**Attachments:**      [104 Cleveland.appeal.6-17-11.pdf](#)  
[104 Cleveland Ave N.Kaehler Ltr 7-12-11.doc](#)

*Grant a 4-inch variance on the openable height of the egress windows in the lower unit and upper unit bedrooms; and grant a 2-inch variance on the window well depth in the basement lower unit. (Mitch Imbretson)*

**Referred to the City Council due back on 8/3/2011**

- 22      [RLH CO 11-8](#)      Appeal of Heather Matias, on behalf of Selby-Dale Cooperative, to a Correction Notice-Complaint Inspection at 666 DAYTON AVENUE.

**Sponsors:**      Carter III

**Attachments:**      [666 Dayton.appeal.6-22-11.pdf](#)  
[666 Dayton Ave.Matias Ltr 7-12-11.doc](#)

*Grant a 2-inch variance on the openable height of the egress windows in all four sleeping rooms. (Leanna Shaff)*

**Referred to the City Council due back on 8/3/2011**

- 23      [RLH WP 11-39](#)      Appeal of Bryan Horton, Renewal by Andersen, on behalf of Sharon Lemay, to an Egress Window Non-Compliance Determination at 2163 FALCON AVENUE.

**Sponsors:**      Lantry

**Attachments:**      [2163 Falcon.appeal.6-27-11.pdf](#)  
[2163 Falcon Ave.Andersen Windows PC ltr 7-12-11.doc](#)

*Grant a 6-inch variance on the openable height of three double hung replacement egress windows measuring 18 inches high by 36 inches wide.*

**Referred to the City Council due back on 8/3/2011**

- 24      [RLH WP 11-35](#)      Appeal of Bryan Horton, Renewal by Andersen, on behalf of David and Janet Kowitz to an Egress Window Non-Compliance Determination at 1044 HYACINTH AVENUE EAST.

**Sponsors:**      Bostrom

**Attachments:**      [1044 Hyacinth.appeal.6-27-11.pdf](#)  
[1044 Hyacinth Ave E.Andersen Windows PC ltr 7-12-11.doc](#)  
[1044 Hyacinth Ave E.Andersen Windows PC Revised ltr 7-12-11.doc](#)

*Grant a 3-inch variance on the openable width of two casement egress bedroom windows measuring 44.5 inches high by 17 7/8 inches wide.*

**Referred to the City Council due back on 8/3/2011**

- 25      [RLH FOW 11-85](#)      Appeal of Brook Biggers to a Fire Certificate of Occupancy Inspection Correction Notice at 1137 HYACINTH AVENUE EAST.

**Sponsors:**            Bostrom

**Attachments:**        [1137 Hyacinth.appeal.6-23-11.pdf](#)  
[1137 Hyacinth Ave E.Biggers Ltr 7-12-11.doc](#)

*Grant a 2-inch variance on the openable height of the egress window in the 2nd floor east bedroom. (Mike Cassidy)*

**Referred to the City Council due back on 8/3/2011**

- 26      [RLH WP 11-44](#)      Appeal of Craft Masters Remodeling, on behalf of Jan Mehlhoff, to an Egress Window Non-Compliance Determination at 1491 KENT STREET.

**Sponsors:**            Helgen

**Attachments:**        [1491 Kent.appeal.6-27-11.pdf](#)  
[1491 Kent St.Turnquist Ltr 7-12-11.doc](#)  
[1491 Kent St.Turnquist revised ltr 7-15-11.doc](#)

*Grant a 7.5-inch variance on the openable height of one double hung replacement egress bedroom window measuring 16.5 inches high by 24 inches wide. (Virgil Thomas)*

**Referred to the City Council due back on 8/3/2011**

- 27      [RLH WP 11-40](#)      Appeal of Bryan Horton, Renewal by Andersen, on behalf of Eva Smith, to an Egress Window Non-Compliance Determination at 1830 MECHANIC AVENUE.

**Sponsors:**            Bostrom

**Attachments:**        [1830 Mechanic.appeal.6-27-11.pdf](#)  
[1830 Mechanic Ave.Andersen Windows PC ltr 7-12-11.doc](#)

*Grant a 6-inch variance on the openable height of seven double hung replacement egress bedroom windows measuring 18 inches high by 36 inches wide.*

**Referred to the City Council due back on 8/3/2011**

- 28      [RLH FOW 11-86](#)      Appeal of Michael J. Ubl to a Fire Certificate of Occupancy Inspection Correction Notice at 1647 MIDDLETON AVENUE.

**Sponsors:**            Harris

**Attachments:**        [1647 Middleton.appeal.6-28-11.pdf](#)  
[1647 Middleton Ave.Ubl ltr 7-12-11.doc](#)

*Grant a 2.5-inch variance on the openable height of the second floor bedroom egress window; grant a 1-inch variance on the openable height of the first floor north and south bedroom egress windows. (Rick Gavin)*

**Referred to the City Council due back on 8/3/2011**

- 29      [RLH WP 11-37](#)      Appeal of Bryan Horton, Renewal by Andersen, on behalf of Craig and Connie Hecht, to an Egress Window Non-Compliance Determination at 789 NEVADA AVENUE EAST.

**Sponsors:**      Helgen

**Attachments:**      [789 Nevada.appeal.6-27-11.pdf](#)  
                                 [789 Nevada Ave E.Andersen Windows PC ltr 7-12-11.doc](#)

*Grant a 1-inch variance on the openable height of two double hung replacement egress bedroom windows measuring 23 inches high by 24 inches wide; one double hung measuring 23 inches high by 28 inches wide; and one double hung measuring 19 inches by 28 inches. (Ryan Rehn)*

**Referred to the City Council due back on 8/3/2011**

- 30      [RLH WP 11-36](#)      Appeal of Bryan Horton, Renewal by Andersen, on behalf of Julia Shepherd, to an Egress Window Non-Compliance Determination at 2009 VILLARD AVENUE.

**Sponsors:**      Harris

**Attachments:**      [2009 Villard.appeal.6-27-11.pdf](#)  
                                 [2009 Villard Ave.Andersen Windows PC ltr 7-12-11.doc](#)

*Grant a 5-inch variance on the openable height of the one double hung replacement egress bedroom window measuring 19 inches high by 36 inches wide.*

**Referred to the City Council due back on 8/3/2011**