



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
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Mary Erickson, Hearing Secretary
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651-266-8560

Tuesday, August 16, 2011

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Special Tax Assessments

LAID OVER ITEMS - 8/17 CPH

- 1 [RLH AR 11-60](#) Ratifying Excessive Inspection service billed February 09, 2011 at 326 ONEIDA STREET. (File No. J1107E1, Assessment No. 118115) [Laid over from July 06, 2011 for separate consideration to Legislative Hearing August 02, 2011 and City Council Public Hearing August 17, 2011]

Sponsors: Thune

Delete the assessment as the property owner made a good faith effort to address the issue.

RE: 326 Oneida St (single family)

Robert Hahn, owner, appeared.

Inspector Paula Seeley:

- PAEC for \$50 plus service chg of \$20 for a total \$70
- Feb 2, 2011 - snow letter was issued; compliance date Feb 5; re-checked Feb 7 and a Work Order was issued Feb 9
- crew went out Feb 9 and found the snow already removed
- Order issued to Robert Hahn, 326 Oneida and Occupant
- explained that a PAEC (Excessive Consumption) is for Parks crew loading up the truck and go to the address; \$20 admin fees
- no history of problems

Mr. Hahn:

- entered photos he took Feb 3
- received Notice Feb 3 and his walk was pretty well cleared
- called the inspector immediately and he said that the walk hadn't been shoveled quite wide enough per the new guidelines
- went out and widened the walk
- suggested that the bigger problem was the way the snow in the street was blocking the handicapped walk
- received another letter Order to Abate this violation by Feb 2 (same day letter was

sent out) paperwork didn't match up
- was confused with the process and the letters, thinking there must have been some confusion at the City
- was also confused with there being 2 items on the agenda for his address

Ms. Moermond:

- appellant made a good faith effort to address the concern
- property has a good history
- will recommend deleting this assessment

Referred to the City Council due back on 8/17/2011

2 [RLH TA 11-228](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1107E, Assessment No. 118115 at 326 ONEIDA STREET.

Sponsors: Thune

Delete the assessment as the property owner made a good faith effort to address the issue.

RE: 326 Oneida St (single family)

Robert Hahn, owner, appeared.

Inspector Paula Seeley:

- PAEC for \$50 plus service chg of \$20 for a total \$70
- Feb 2, 2011 - snow letter was issued; compliance date Feb 5; re-checked Feb 7 and a Work Order was issued Feb 9
- crew went out Feb 9 and found the snow already removed
- Order issued to Robert Hahn, 326 Oneida and Occupant
- explained that a PAEC (Excessive Consumption) is for Parks crew loading up the truck and go to the address; \$20 admin fees
- no history of problems

Mr. Hahn:

- entered photos he took Feb 3
- received Notice Feb 3 and his walk was pretty well cleared
- called the inspector immediately and he said that the walk hadn't been shoveled quite wide enough per the new guidelines
- went out and widened the walk
- suggested that the bigger problem was the way the snow in the street was blocking the handicapped walk
- received another letter Order to Abate this violation by Feb 2 (same day letter was sent out) paperwork didn't match up
- was confused with the process and the letters, thinking there must have been some confusion at the City
- was also confused with there being 2 items on the agenda for his address

Ms. Moermond:

- appellant made a good faith effort to address the concern
- property has a good history
- will recommend deleting this assessment

Referred to the City Council due back on 8/17/2011

3 [RLH TA 11-192](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1114A, Assessment No. 118086 at 1092 EDGERTON STREET.

Sponsors: Bostrom

Delete the assessment as notification was sent to the previous owner.

RE: 1092 Edgerton St (duplex)

David Schimelpfenig, JDL Towers LLC, owner; and Margaret Uriah, Hamline, property manager, appeared.

Inspector Paula Seeley:

- Summary Abatement for property clean-up*
- Orders mailed Apr 28, 2011; compliance date May 2; re-checked May 3 and found to be in noncompliance*
- Work was done May 16, 2011 for a cost of \$338 plus service chg \$140 for a total of \$478*
- Orders sent to Dan Tyler, 4816 W 111th St, Mpls; BDayC Home Loan Services, 301 E Vanderbilt, San Bernadino, CA*
- May 6 - SA mail was returned from Dan Tyler*
- Ramsey County Property records list Dan Tyler as the homesteader*
- JDL Towers LLC listed now as owner*

Mr. Uriah:

- does not know who Dan Tyler is*
- garage takes up the whole back side of the property and touches the alley way*
- had they known, they would have taken the dumped items and put them into the dumpster inside the garage*
- aren't able to see the back of the garage from the house (didn't know that anything had been dumped)*
- they just got the Code Compliance; didn't get the first 2 copies of it*
- now, should be coming to correct address*
- have a hard time getting the County records straight*

Mr. Schimelpfenig:

- bought it in Dec 2010, rehabbed it and rented it*
- has a Warranty Deed*
- Ramsey County still has the bank listed on the tax records*
- all the assessments charged before he bought it are being billed to him even though all that was paid by the bank in Dec 2010*

Ms. Moermond:

- viewed video*
- notification was sent to the previous owner during Mr. Schimelpfenig's period of ownership*
- will recommend this assessment be deleted*

Referred to the City Council due back on 8/17/2011

- 4 [RLH TA 11-236](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1114A, Assessment No.118086 at 925 MAGNOLIA AVENUE EAST.

Sponsors: Bostrom

Delete the assessment as notification was sent to the previous owner.

RE: 925 Magnolia Ave E (duplex)

David Schimelpfenig, JDL Towers LLC, owner; and Margaret Uriah, Hamline,

property manager, appeared.

Inspector Joe Yannarely:

- SA to remove rubbish and brush
- Orders sent May 2, 2011 with a compliance date of May 9; re-checked May 10 and found to be in noncompliance
- Parks performed abatement May 12, 2011 at a cost of \$316 plus a service chg \$140 for a total of \$456
- little bit of history on the property
- Orders sent to a bank in New York; Melon in West Palm Beach, FL; and Mie Vang, West Lakeland MN
- current record in Ramsey County lists 925 Magnolia Avenue E LLC as owner (Mr. Schimelphenig)

Mr. Schimelphenig:

- bought property Jan 7, 2011 (record is not correct in Ramsey County)

Ms. Moermond:

- notification was provided to the previous owner during Mr. Schimelphenig's period of ownership
- will recommend deleting this assessment

Referred to the City Council due back on 8/17/2011

5 [RLH TA 11-234](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1110B, Assessment No. 118085 at 702 PREBLE STREET.

Sponsors: Bostrom

Ms. Moermond will recommend reducing the assessment from \$538.90 to \$400.

RE: 702 Preble St (single family)

Roger Berres, owner, appeared.

Inspector Joe Yannarely:

- 2 different securings/boardings by ResPro
- one emergency securing issued by Saint Paul Police Dept on Apr 8, 2011 at 10:15 p.m. (\$261.95 + admin chg)
- another off a SA Order issued Apr 15, 2011; compliance date Apr 19; found in non-compliance; Work Order sent (south side window next to door)
- work done on Apr 20, 2011 (\$21.95 + admin chg)
- total cost \$283.90 with a total service charge of \$255 for a grand total of \$538.90
- SA Order was sent to 1260 Hastings Ave, Newport (issued by Rich Singerhouse)/ per Ramsey County
- C of O program correctly lists his address as 1280 Hastings Ave, Newport
- asked Mr. Berres to fill out a registered VB form
- informed Mr. Berres that if he gets this place off the VB list by Oct 27, 2011, he won't need to pay another VB fee

Mr. Berres:

- is aware only of the Order issued Apr 15, 2011
- 1260 Hastings is not his address
- if something was done by police, it may have gone to 1260 - no knowledge of this
- lives at 1280 Hastings Ave, Newport
- gets mail for 704 Preble St ?
- put a board on when he got Order; City took off his board and put on their own

board

- owned this property since 1988 and since it has been in the VB program, he has had nothing but trouble trying to resolve problems at this property
- asked if there were photos (no photos are available)
- would like a copy of police record (call: 291-1111)
- property has been empty since Oct 27, 2009

Ms. Moermond:

- suggested Mr. Berres call Ramsey County Property Records and correct his address (Mr. Berres said he has requested that change repeatedly)
- Police did emergency securing of the rear south side door on a Fri night; they take care of it right away
- will reduce assessment to \$400
- police case number: #11068563
- will request a copy of the police report
- asked Mr. Berres to call his inspector to discuss VB, Rich Singerhouse
- go to City Council Public Hearing, Aug 17, at 5:30 pm for another outcome
- will recommend reducing the assessment to \$400

Referred to the City Council due back on 8/17/2011

6 [RLH TA 11-249](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1114A, Assessment No. 118086 at 663 THIRD STREET EAST.

Sponsors: Lantry

Delete the assessment. - Paperwork wasn't together.

RE: 663 Third St E (three/four family)

Richard Finch, realtor and C of O responsible party, appeared.

Inspector Joe Yannarely:

- Cat 2 Vacant Building opened Apr 26, 2011
- Cost: \$1,100 plus \$135 service chg for a total: \$1,235
- inspector's notes: multi-unit residential wood frame bldg - units 663 and 665 are partially/mostly gutted; 663 side has been opened; missing primary window on 2nd floor in back; unit 667 has new sheet rock but is still vacant, not finished; no steps to back doors; exposed wiring; cracked, uneven walkway; multiple violations on exterior and interior; bldg is secure and vacant; garage/shed had both doors open to access - inspector shut and locked both; large dog house full of rubbish, junk, debris, etc.
- no video

Mr. Finch:

- this is an assessment of \$428 for cleaning the place
- original folks who owned the property passed away and the children inherited it - they are elderly people
- they got a letter to clean up a dog house in the back yard which is just a dog house with some trash (they had picked up the yard and put the trash into the dog house)
- it's a VB and has been for a couple years; they are trying to sell it
- an investor was going to buy it and 2 days before closing it was put into the VB program
- they have been maintaining the property
- they have a buyer in it now waiting for Council to approve it; it's an historical home - beautiful
- he was here 2 weeks ago and you had me come back today

Ms. Vang:

- appellant was at the last hearing and was re-scheduled because there was no video

Ms. Moermond:

- will delete this assessment because the paperwork was wrong on this

Referred to the City Council due back on 8/17/2011

ASSESSMENT ROLLS - 9/7 CPH

- 7 [RLH AR 11-61](#) Ratifying Excessive Inspection Service billed on February 01, 2011 at 1444 Como Boulevard East. (File No. J1107E2, Assessment No. 118116) [Laid over from July 06, 2011 for separate consideration to Legislative Hearing August 16, 2011 and City Council Public Hearing September 07, 2011]
- Sponsors:** Helgen
- Referred to the City Council due back on 9/7/2011**
- 8 [RLH AR 11-62](#) Ratifying Demolition service from March 2011 at **186 Front Ave.** (File No. J1111C1, Asmt No. 118114) [Laid over from July 06, 2011 for separate consideration to Legislative Hearing August 16, 2011 and City Council Public Hearing September 07, 2011]
- Sponsors:** Helgen
- Referred to the City Council due back on 9/7/2011**
- 9 [RLH AR 11-100](#) Ratifying Collection of Vacant Building Fees in May 2011 (File No. VB1111, Assessment No. 118082)
- Sponsors:** Lantry
- Referred to the City Council due back on 9/7/2011**
- 10 [RLH AR 11-64](#) Ratifying Demolition Services from May 2011 (File No. J1113C, Asmt No. 118093)
- Sponsors:** Lantry
- Referred to the City Council due back on 9/7/2011**
- 11 [RLH AR 11-65](#) Ratifying Demolition Services in May 2011 (NON-C.D.B.G. Funds). (File No. J1114C, Assessment No. 118094)
- Sponsors:** Lantry
- Referred to the City Council due back on 9/7/2011**
- 12 [RLH AR 11-66](#) Ratifying Emergency Sewer Repair service at 654 Bellows Street (File No. SWRP1107, Assessment No. 118098)

Sponsors: Lantry

Referred to the City Council due back on 9/7/2011

- 13 [RLH AR 11-67](#) Ratifying Excessive Inspection Services billed from April 12 to May 13, 2011 (File No. J1109E, Assessment No. 118100)

Sponsors: Lantry

Referred to the City Council due back on 9/7/2011

- 14 [RLH AR 11-68](#) Ratifying Boarding and Securing services during May 2011. (File No. J1111B, Asmt No. 118999)

Sponsors: Lantry

Referred to the City Council due back on 9/7/2011

- 15 [RLH AR 11-101](#) Ratifying Trash Hauling Services from June 01 to June 29, 2011 (File No. J1112G, Assessment No. 118104)

Sponsors: Lantry

Referred to the City Council due back on 9/7/2011

- 16 [RLH AR 11-70](#) Ratifying Graffiti Removal Services from May 29 to June 12, 2011 (File No. J1114P, Assessment No. 118105)

Sponsors: Lantry

Referred to the City Council due back on 9/7/2011

APPEALS - 9/7 CPH

- 17 [RLH TA 11-265](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1109E, Assessment No. 118100 at 923 BURR STREET.

Sponsors: Helgen

No one appeared; approve the assessment.

Referred to the City Council due back on 9/7/2011

- 18 [RLH TA 11-247](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1114P, Assessment No. 118105 at 470 AND 476 CLEVELAND AVENUE SOUTH.

Sponsors: Harris

Delete per DSI. (graffiti)

Referred to the City Council due back on 9/7/2011

- 19 [RLH TA 11-255](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1111, Assessment No. 118082 at 1020 CONWAY STREET.

Sponsors: Lantry

Delete the assessment per DSI.

Referred to the City Council due back on 9/7/2011

- 20 [RLH TA 11-263](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1114P, Assessment No. 118015 at 2075 DAYTON AVENUE.

Sponsors: Stark

Delete the assessment as graffiti waiver was received.

Referred to the City Council due back on 9/7/2011

- 21 [RLH TA 11-272](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1112G, Assessment No. 118104 at 612 COOK AVENUE EAST.

Sponsors: Bostrom

Delete the assessment.

Referred to the City Council due back on 9/7/2011

- 22 [RLH TA 11-283](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1111, Assessment No. 118082 at 1201 COOK AVENUE EAST

Sponsors: Bostrom

Recommendation forthcoming

Referred to the City Council due back on 9/7/2011

- 23 [RLH TA 11-271](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1111, Assessment No. 118082 at 1851 FIFTH STREET EAST.

Sponsors: Lantry

Ms. Moermond will recommend deleting this assessment.

RE: 1851 Fifth St E (single family)

La Vang, owner, appeared.

Inspector Joe Yannarely:

- was a Cat 1 VB from Feb 8, 2010 until Jun 10, 2011

Mr. Vang:

- plans to fix it; there's not much broken down

- moved in 2 months ago

- paid the VB fee right away

Ms. Moermond:

- will recommend deleting this assessment

- it will take a lot of paperwork and Mr. Vang won't get his money back for a while

Referred to the City Council due back on 9/7/2011

- 24 [RLH TA 11-254](#) Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1111B, Assessment No. 118099 at 286 FORBES AVENUE.

Sponsors: Thune

Delete the assessment per DSI.

Referred to the City Council due back on 9/7/2011

- 25 [RLH TA 11-248](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1109E, Assessment No. 118110 at 668 FOURTH STREET EAST.

Sponsors: Lantry

No one appeared. Approve the assessment.

Referred to the City Council due back on 9/7/2011

- 26 [RLH TA 11-261](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1109E, Assessment No. 118100 at 892 LAUREL AVENUE.

Sponsors: Carter III

No one appeared. Approve the assessment.

Referred to the City Council due back on 9/7/2011

- 27 [RLH TA 11-281](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1111, Assessment No. 118082 at 1028 LOEB STREET.

Sponsors: Helgen

Approve the assessment payable over 5 years.

No one appeared on Aug 16, 2011.

LH September 6, 2011

RE: 1028 Loeb St (single family)

Tyler Nelson, owner, appeared.

Inspector Joe Yannarely:

- Cat 2 Vacant Building since Apr 12, 2008

- recently scheduled for a building deficiency inspection Sep 21, 2011

- issues of placard removal and night checks to check for illegal occupancy

- VB fee \$1,100 plus \$135 service charge for a total of \$1,235

- current Code Compliance Report Jan 2011

- 1 active bldg permit

Mr. Nelson:

- trying to fix it up before Jul 2012 so that he can live in it
- trying to save as much money as he can
- bids he has are \$42,000 and \$36,000

Ms. Moermond:

- not seeing how Mr. Nelson will get in enough progress during the next 6 mos that she could look at decreasing the VB fee
- Apr 2011 - Apr 2012 is what this fee covers; we're nearly halfway and it won't be done in the next couple of months
- has nothing to work with
- will recommend that the assessment be approved payable over 5 years
- suggests he decide what to do and do it fast

Mr. Yannarely:

- the VB Program is contemplating downgrading it to a Cat 3 (could be looking at demolition)
- suggested he contact Matt Dornfeld about his next steps

Referred to the City Council due back on 9/7/2011

- 28 [RLH TA 11-290](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1109E, Assessment No. 118100 at 323 LAWSON AVENUE EAST.

Sponsors: Helgen

323 Lawson Ave E (single family) Excessive Consumption

Roman Gonzalez Haro, owner, appeared.

Inspector Paula Seeley:

- PAEC – Work Order was issued to clean up debris on Apr 18, 2011 but it had already been cleaned up by owner when parks came out to clean up
- was a pre-authorized Work Order
- SA was to clean up some mattresses, brush, rubbish, refrigerator, wood along garage doors, debris in driveway, etc.
- SA issued Apr 11, 2011; re-checked Apr 14; she went out there Apr 18 and issued Work Order
- No photos

Ms. Moermond:

- since work done and there's no photos of re-check
- DSI recommends deletion

Referred to the City Council due back on 9/7/2011

- 29 [RLH TA 11-244](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1114P, Assessment No. 118105 at 300 MAPLE STREET.

Sponsors: Lantry

Delete per DSI. (graffiti)

Referred to the City Council due back on 9/7/2011

- 30 [RLH TA 11-251](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No.

J1111B, Assessment No. 118099 at 672 RIVOLI STREET.

Sponsors: Thune

No one appeared. Approve the assessment.

Referred to the City Council due back on 9/7/2011

- 31 [RLH TA 11-240](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1112G, Assessment No. 118104 at 475 SAINT CLAIR AVENUE.

Sponsors: Thune

Appellant submitted written statement. Ms Moermond reviewed the document and recommended reducing the assessment from \$525.00 to \$262.00.

Referred to the City Council due back on 9/7/2011

- 32 [RLH TA 11-243](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1109E, Assessment No. 118100 at 1891 SEVENTH STREET EAST.

Sponsors: Lantry

No one appeared. Approve the assessment.

Referred to the City Council due back on 9/7/2011

- 33 [RLH TA 11-273](#) Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1114P, Assessment No. 118105 at 20 SEVENTH PLACE WEST.

Sponsors: Thune

Delete the assessment

Referred to the City Council due back on 9/7/2011

- 34 [RLH TA 11-256](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1111, Assessment No. 118082 at 1125 SIXTH STREET EAST.

Sponsors: Lantry

Ms. Moermond will recommend approving the assessment. (If occupied by Oct 1, 2011, she will process a special resolution to reduce the assessment by half)

RE: 1125 6th St E (single family)

Dennis Redding appeared.

Inspector Joe Yannarely:

- VB registration fee for Cat 1 VB for a cost of \$1,100 plus service chg of \$135 for a total \$1,235*
- condemned for lack of utilities Apr 27, 2010; opened VB file Apr 29, 2010*
- since then 6 Work Orders*
- call the inspector, Rich Singerhouse (266-1945) when someone is occupying the house and the VB file will be closed*

Mr. Redding:

- just bought property May 2011*

- doesn't think it's fair too assume that the City is going to have expenses and charge him over \$1200
- doing mostly cosmetic rehab and intends to sell it
- needs to pull a few permits
- maintains the property
- has refurbished the property at 1021 E Fifth St (duplex)
- it's on the tax rolls
- will be holding the property for at last 6 months
- he's refinishing walls and floors

Ms. Moermond:

- the charge is figured on all of the expenses for running the VB Program and instead of dividing them up and doing invoices for each property, they divide it equally over all the registered Vacant Buildings
- wants to see the house occupied
- not sure if he's going to be able to sell it to someone who can move in right away or if anything is in the works
- looks like it'll be a VB for the majority of the year; can cut down the assessment if someone would move in sooner rather than later
- can work with Mr. Redding until the end of Sep 2011 and then the taxes need to be locked in for the next year
- looking for a warm body in the house
- this fee is on for the 2012 taxes, it's not immediate; first half due May 2012)
- can cut the assessment in half if it's occupied by Oct 1, 2011
- will recommend the Council approve the assessment as it stands; if it can be occupied by Oct 1, 2011, she will process a special resolution to cut it in half if someone will be moving in by Oct 1, 2011
- since it's a Cat 1, it can be moved into right now (then, she could reduce it by 3/4)

Referred to the City Council due back on 9/7/2011

- 35 [RLH TA 11-238](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1114P, Assessment No. 118105 at 632 SNELLING AVENUE NORTH.

Sponsors: Stark

Delete per DSI. (graffiti)

Referred to the City Council due back on 9/7/2011

- 36 [RLH TA 11-241](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1114P, Assessment No. 118105 at 859 TUSCARORA AVENUE.

Sponsors: Thune

Delete per DSI. (graffiti)

Referred to the City Council due back on 9/7/2011

- 37 [RLH TA 11-257](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1109E, Assessment No. 118100 at 1030 WALSH STREET.

Sponsors: Bostrom

No one appeared. Approve the assessment.

Referred to the City Council due back on 9/7/2011

- 38 [RLH TA 11-259](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1109E, Assessment No. 118100 at 1545 WINCHELL STREET.

Sponsors: Bostrom

No one appeared. Approve the assessment.

Referred to the City Council due back on 9/7/2011

- 39 [RLH TA 11-258](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1111, Assessment No. 118082 at 863 YORK AVENUE.

Sponsors: Bostrom

No one appeared. Approve the assessment.

Referred to the City Council due back on 9/7/2011

11:00 a.m. Hearings

Summary Abatement Orders

- 40 [RLH SAO 11-21](#) Appeal of Timothy J. Hickey to a Vehicle Abatement Order at 535 NEVADA AVENUE EAST.

Sponsors: Helgen

Withdrawn. Has been given an extension by Inspector Paula Seeley to install pavement.

Withdrawn

Orders To Vacate, Condemnations and Revocations

- 41 [RLH VO 11-55](#) Appeal of Louis P. Sanders to a Condemnation, Revocation of Fire Certificate of Occupancy and Order to Vacate at 910 COTTAGE AVENUE EAST.

Sponsors: Bostrom

*Forthcoming
9-6-11--Laid over 2 weeks.*

RE: 910 Cottage Ave E (single family)

Louis Sanders and his son appeared.

Fire Inspector Shaff:

*- started out as a complaint Apr 6, 2011: bathroom, exterior steps, basement, elect wiring in garage, someone living in garage
- Mike Cassidy responded and found serious code issues
- rolled into the Fire Certificate of Occupancy: 1) garage is condemned for sleeping issue - someone can't be living in a garage; 2) Revocation of Fire C or O for noncompliance*

- code issues: basement being occupied without means of egress; more egress window issues in rest of house
- no photos in file
- C of O process began May 5, 2011; with re-inspections May 16, Jun 20 and Revocation letter sent Jul 28, 2011
- condemnation applies to the garage only
- double hung windows in bedrooms open 16h x 27w (minimum code is 24h x 20w)

Mr. Sanders:

- they are going to vacate but need more time, probably a couple of months to find something
- owner, his brother-in-law, Leroy Hayes, lives in Texas and won't fix the property; bought it in 2004
- and he isn't planning to fix it either
- 2 bedrooms in house

Son:

- house probably shouldn't even have been sold - surprised they got away with selling it
- deterioration in walls of bathroom from wetness of the shower became noticeable after 2-3 yrs
- they let another one of Mrs. Sander's brothers stay in the garage until Inspector Cassidy said he couldn't be there; he moved into the basement
- Mr. Cassidy said he couldn't stay in the basement - lack of egress, so he moved upstairs
- owner in Texas has the money to repair the house for his family but he won't do it
- asked what they could do

Ms. Moermond:

- in 2004, there was a Truth in Sale and Housing inspection done by Mike Moser, so there was disclosure of conditions
- upstairs windows were called out because the opening area is too small
- they must be out of the house by Oct 1, 2011
- one enforcement option for living there could be boarding the entire house
- Mr. Sanders could be issued a criminal citation for occupying the house; the owner could be issued a criminal citation for allowing occupation of it
- they need to move unless the repairs are taken care of
- suggested that they file a Tenant Remedy Action (TRA) in district court (SMRLS) - the court may appoint a Receiver; contact Andrea Jepson 222-4731 for the Senior's Program, which has a Title 3 funding component that has a different income cap
- if the Sanders initiate action, she can slow things down for them
- they can look for a Receiver, who'd administer the property and get it fixed
- suggested they call today; she can probably lay this matter over at the Sep 7, 2011 City Council Public Hearing, if necessary

On August 18, 2011, Mr. Sanders contacted Ms. Vang. He indicated that he was told at the hearing to contact SMRLS for legal assistance. He contacted SMRLS and he was told that they are understaff and won't be able to look at the matter. He wants other advice.

On September 6, 2011, Ms. Vang gave file to Ms. Moermond for review and indicated the August 18 phone conversation. Ms. Moermond recommended that the City Council laid over to September 21, 2011.

Referred to the City Council due back on 9/7/2011

42 [RLH FCO](#)
[11-295](#)

Appeal of SMRLS (Colleen Walbran), on behalf of Mayhoua Moua, to a Fire Certificate of Occupancy Correction Notice at 1157 SHERBURNE AVENUE.

Sponsors: Stark

Grant extension to Oct 1, 2011 to give appellant time to close on house and move.

RE: 1157 Sherburne Ave (single family)

Colleen Walbran, SMRLS, appeared on behalf of Mayhoua Moua, her husband, Pao Yang and her son, Affinity Yang, also present

Fire Inspector Mitch Imbertson:

- *Revocation of Certificate of Occupancy - on-going for an extremely long period of time*
- *initial inspection for the C of O renewal Jul 2009*
- *the C of O Revoked since Sep 2009*
- *citation has been issued to the previous owner for allowing occupancy without a C of O*
- *has no knowledge of when these tenants moved in*
- *had some conversations with previous owner who said some work was getting done*
- *previous owner lost the property to foreclosure; had trouble tracking new ownership*
- *his first inspection with current owner end of Apr 2011*
- *some work has been done: new roof under permits; extensive damage throughout the bldg, rotting wood on window frames, missing screens, broken glass, debris in yard*
- *inspected interior in Jul 2011; found extensive new violations (interior had been completed but wasn't very well taken care of)*
- *recently, tenants had repaired some of the things: put in smoke detectors and moved furniture from blocking egress windows, etc.*
- *the bulk of the work has not been done*
- *principal violations: cost wise, the siding and window frames need replacement; as far as safety, some immediate issues have been addressed; still concerned with a hard wired smoke detector and electrical panel cover has fallen down and needs to be replaced without wires hanging from it*

Ms. Walbran:

- *situation is similar to previous case where the landlord (Ying Xiong) can't be found and isn't going to make these repairs*
- *there's no expectation on the part of her clients that these repairs will be made*
- *clients have a plan: their adult son, Affinity Yang, intends to reunite with the family and is in the process of buying a 5 bedroom house in Saint Paul at 844 Thomas Ave, where the family could all live together (has applied for financing; closing date will be Sep 15, 2011)*
- *loan was approved and the realtor has all the information, which they will have him provide to Ms. Moermond*
- *all paperwork has been signed*
- *a TRA hasn't been done on this because it may not be economically viable; plus, the family had intended to move on*

Mr. Yang:

- *explained that when the roofers came in, they used heavy equipment so they took the panel cover off to change the fuse and they didn't put it back; all that needs to be done is to push the wires in and make sure the panel cover is on*
- *signed Purchase Agreement last Sat*

Ms. Moermond:

- viewed photos of a receptacle and box in the basement
- will recommend granting an extension to Oct 1, 2011 to move into their new home

Referred to the City Council due back on 9/7/2011

43

[RLH VO 11-60](#)

Appeal of Lawrence Walker to a Fire Certificate of Occupancy Revocation and Order to Vacate at 823 AURORA AVENUE.

Sponsors: Carter III

Ms. Moermond:

- will recommend the bldg be Vacated by Sep 1, 2011
- will recommend that DSI hold off on the VB fee of 90 days
- if Mr. Walker can get the C of O signed-off in 6 weeks, she will keep him from doing a Code Compliance Inspection; if he cannot get that taken care of in 6 weeks, he will need to get a Code Compliance Inspection and deal with the list it generates

RE: 823 Aurora Ave (duplex)

Lawrence Walker, owner, appeared.

Fire Inspector Mitch Imbertson:

- Revocation of Certificate of Occupancy (on-going and recent issues)
- initial C of O inspection Sep 2009; noted issues: exterior siding, soffit, paint
- Revoked Jan 2010 for non-compliance; re-instated for bldg was approved although upper unit did not have heating system (exterior items still outstanding)
- upper unit still vacant; lower unit occupied
- extension given for winter
- posted Revocation at the bldg and referred to VB Program
- most recent report issues: tuckpoint chimney; tighten handrails, exterior soffit, siding, trim, upper unit lacks heating system, issues with flue liner being cracked (carbon monoxide escaping possibly), etc.

Mr. Walker:

- appealed the VB status
- can't afford tuckpointing on chimney; bids coming from licensed brick contractor include \$3,000, \$4,000 and \$8,000 (look at photos - it's not coming down); entered photos taken yesterday
- brick contractor is scheduling chimneys 2-3 weeks out
- siding has been contracted
- viewed and discussed photos with Ms. Moermond
- there's no furnace at the property, currently; heating system in lower unit is electrical
- both water heater's are gas
- first floor unit is occupied (vacate date was Jul 31, 2011)-his mistake
- the upper unit hasn't been certified since 2009
- not worried about additional items being added to the list

Ms. Moermond:

- not thrilled about circumstances: chimney, trim-siding-soffits
- 3 things in play: 1) whether or not the C of O should be Revoked and the place ordered Vacated; 2) the requirement that this needs to be a Registered VB; 3) should the property be Vacated while it's being worked on
- there's danger with the build up of carbon monoxide in the house and chimney
- still isn't vacated and wasn't appealed in a timely fashion
- will recommend that this be Vacated and empty by Sep 1, 2011 (should have already been Vacated)

- wants to get a re-inspection ASAP (asked dept to waive this re-inspection fee of \$100)
- thinks the bldg should be in the VB Program; if Mr. Walker can get everything on the list fixed quickly, she will recommend he be taken out of the VB Program, waive the fee and free him from the Code Compliance Inspection if the C of O is re-instated

Fire Inspector Shaff:

- if the dept were to bill this today with no additional inspections, the assessment is \$1,120 (re-inspections are \$100)
- the C of O fees are higher than the VB fee

Ms. Moermond:

- will recommend the bldg be Vacated by Sep 1, 2001
- will recommend that DSI hold off on the VB fee of 90 days
- if Mr. Walker can get the C of O signed-off in 6 weeks, she will keep him from doing a Code Compliance Inspection; if he cannot get that taken care of in 6 weeks, he will need to get a Code Compliance Inspection and deal with the list it generates

Referred to the City Council due back on 9/7/2011

44 [RLH VO 11-59](#)

Appeal of Lawrence Walker to a Fire Certificate of Occupancy Revocation and Order to Vacate at 818 SHERBURNE AVENUE.

Sponsors: Carter III

Ms. Moermond:

- will recommend the VB fee be waived for 90 days
- if C of O can be reinstated in 6 weeks, he won't be required to do a Code Compliance Inspection; if not, then a Code Compliance Insp will need to be done.

RE: 818 Sherburne Ave (single family)

Lawrence Walker, owner, appeared.

Fire Inspector Mitch Imbertson:

- Revocation of Certificate of Occupancy; transferred to VB Program (file is still under review)
- Orders issued Aug 2, 2011; appeal filed Aug 3, 2011
- didn't inspect interior work on Aug 2 (no appointment had been set)
- many re-inspections since original inspection
- some work has been completed
- Jan 31, 2011 he was advised by owner that furnace had been red-taped and was shut-off (contractor would install new one Feb 3, 2011)
- Feb 16, 2011 - we went back out and there were no permits; noticed that tenants still heated with oven (no adequate space heaters)
- at that time, property was Condemned and posted because of lack of proper heating system
- Condemnation revokes the C of O
- Condemnation lifted after new heating system was installed under permit and was approved
- in April 2011, tenant had vacated as ordered; he went back to property and found it vacant; allowed time for work to progress; bldg still had C of O and was not to be re-occupied (complied with)
- much work is still remaining; no solid Work Plan in place for remaining items
- extensive work done to the exterior for which he wasn't able to locate a bldg permit (front porch, roof)
- it has met the qualifications of a Cat 2 VB for nearly 4 months

Fire Inspector Leanna Shaff:

- part of the issue has been that staff wanted to give Mr. Walker the opportunity to repair his property
- email from Mr. Walker dated May 26, 2011: "Completing majority of required work from Fire Dept; additional items: planning to have porch removed and replaced second week of Jun 2011. Would like occupancy put back in place not later than Jul 1, 2011."
- email from Mr. Walker to Ms. Shaff dated Jun 28, 2011: "This property is not ready for examination due to extensive carpentry work being done on the exterior. The property will not be ready for approximately Jul 20, 2011; see permits on file."
- keep trying to work with Mr. Walker; deadlines keep moving out

Mr. Walker:

- property is vacant; he can't go in and remove tenants belongings
- 90 per cent of the work has been completed
- wish Ms. Moermond could see before and after photos - they would tell the story
- is down to 2 items: 1) chimney; and 2) side door railings
- all washers/dryers have been removed
- there's 3 windows with rotting wood underneath them that have not been repaired on exterior
- has 4 properties under the gun from this dept
- don't have the money

Ms. Moermond:

- this is about significant code violations that have gone on for a long time
- it's not about dept demands; it's about safety for the people who live in these properties
- if Mr. Walker wants to use these properties for rental, it's great but they need to be maintained to a certain level
- will recommend the VB fee be waived for 90 days
- if C of O can be reinstated in 6 weeks, he won't be required to do a Code Compliance Inspection; if not, then a Code Compliance Insp will need to be done.
- suggested Mr. Walker go to the City Council Public Hearing Sep 7, 2011 at 5:30 pm

Referred to the City Council due back on 9/7/2011

1:30 p.m. Hearings

Window Variances: Hearing Required

45

[RLH FOW](#)
[11-113](#)

Appeal of Michael Taff to a Fire Certificate of Occupancy Correction Notice at 1381 HAZELWOOD STREET.

Sponsors: Bostrom

Deny the appeal and grant an extension for 90 days to come into compliance in the downstairs egress bedroom windows and grant a 2-inch variance on the openable width of the egress windows in the upstairs bedroom. (Inspector James Thomas)

RE: 1381 Hazelwood St (duplex)

Michael and Holli Taff, owners, appeared.

Fire Inspector Leanna Shaff:

- Fire Certificate of Occupancy inspection conducted Jul 18 by Inspector James

Thomas

- egress windows are being appealed: 1) downstairs double hung 14h x 29w; 2) upstairs casement 32h x 18w
- double hung window takes 8 movements to get both panes out
- in this case, the double hung windows require special knowledge to get them out quickly and it's not reasonable to believe that people will know how to do that
- time is of the essence

Mr. Taff:

- submitted photos

Ms. Moermond:

- will recommend a variance on the upstairs casement windows
- downstairs windows are troubling
- will recommend denial of the downstairs windows; can grant 90 days to replace the windows
- can look for a different outcome from the City Council

Mr. Taff:

- both panes are removable relatively quickly on these downstairs windows; tenants can open them easily
- has removed stops which gains about 1 inch
- has owner property since 2001
- have had Section 8 inspect with approval of both units
- have been paying the C of O since 2001
- option B - install a casement with an egress hinge - need time to order and install (in the works)
- inspection scheduled for this Thu will be rescheduled (contact Inspector Thomas)
- everything else is done

Ms. Shaff:

- Section 8 honors and enforces the City's window requirements
- this property was first brought into the Fire C of O program in Mar 2007; this is the first Fire C of O inspection
- the mechanical code requires that a licensed contractor pulls a permit to replace a dryer vent

Ms. Moermond:

- will recommend a variance on the upstairs escape windows
- will recommend denial on the downstairs escape windows; will grant 90 days to come into compliance (a different type of window may be able to be installed into that opening)
- will look into the point value of the windows
- a mechanical contractor may/may not accept someone else's work on the dryer vent (DSI will need to final it)

Referred to the City Council due back on 9/7/2011

46

[RLH WP 11-49](#)

Appeal of Window World, on behalf of Roger Jones, to an Egress Window Non-Compliance Determination at 1950 ROME AVENUE.

Sponsors: Harris

No one appeared. Deny the appeal.

Referred to the City Council due back on 9/7/2011

Correction Orders

47 RLH CO 11-13 Appeal of John Krenik to a Correction Order at 817 ALDINE STREET.

Sponsors: Stark

Laid over for housekeeping.

RE: 817 Aldine St (single family)

John Krenik, owner, appeared.

Mr. Krenik:

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

Fire Inspector Leanna Shaff:

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

Mr. Krenik:

- he got a criminal citation from DSI about this (City Attorney dismissed it saying he needed to get the inspection); state was in the midst of shutdown and couldn't take off work to do it*
- the issues on the Correction Notice have been taken care of: windows are caulked; built a landing for the door; no form boards around foundation;*
- just need to Withdraw the appeal and get it inspected*
- Mr. Essling make on this file that it was Resolved May 2, 2011; Mr. Krenik assumed that it was done and over with; his attorney explained that to the City attorney; he didn't know he needed another bldg inspection; once he found out he needed another bldg inspection, the state shut-down happened and he couldn't take off work because he was classified an essential employee*
- may have been a communication problem*
- he and his attorney believes that Mr. Essling closed out all of Mr. Krenik's files*

Ms. Moermond:

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

- won't go back and second guess City Council's decision months later
- will recommend that City Council deny this appeal

Mr. Krenik:

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

Ms. Shaff:

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

Ms. Moermond:

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

Mr. Krenik:

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

Ms. Moermond:

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

Laid Over to the Legislative Hearings due back on 8/23/2011

48

[RLH CO 11-15](#)

Appeal of Mary E. Johnson to a Correction Order at 2067 NOKOMIS AVENUE.

Sponsors: Lantry

Grant an extension for 4 weeks to get roof financing. If the financing went well and Appellant is able to get financing, Ms. Moermond will grant an extension to mid-November. If the financing doesn't get approved, Ms. Moermond requests a structural engineer's report to determine the roof's condition. (Jack Reardon)

RE: 2067 Nokomis Ave (single family)

Mary Johnson, owner, appeared.

Inspector Jack Reardon:

- complaint came in Jul: roof appeared to be unsafe
- went out and saw that roof was in obvious distress
- wrote Order to Repair and gave a short notice, thinking Ms. Johnson would contact him to let him know she was making plans to work on it

- appellant was working with Dayton's Bluff to get financing; if she would have called, this hearing could probably been avoided
- had a Sr. Bldg trades inspector look at it and he noted: "All the I can tell you is when I made a visual observation of this roof, there's obvious distress on the roof structure
- wonder how long it will hold up before the roof structure fails - it's uncertain. Our dept will ask for a structural engineer to evaluate this condition if we're asked to approve the roof."
- has photos, but not printed

Ms. Moermond:

- viewed photos on Inspector Reardon's camera
- there was a Truth in Sale and Housing back in 1997
- a lot can change over 15 yrs
- need to know the roof's true condition before a lot of money is spent on repairs

Ms. Johnson:

- bought the house 15 yrs ago in that condition and have had no problems with it; inspector approved it at that time - it had that sway then
- there's no leakage problem
- Dayton's Bluff NHS is working with them to get financing for replacing the roof - re-developing the support underneath

Ms. Moermond:

- if Ms. Johnson can get financing to repair the roof in 4 weeks, she will grant an extension to mid-November to repair the roof
- if Ms. Johnson cannot get financing for the repair in 4 weeks, a structural engineer's report will be needed in order to confirm whether the roof is sound or whether it must be replaced (a different timeline can be made then)
- if financing doesn't work out with Dayton's Bluff NHS, contact Ms. Moermond about discussing alternative financing possibilities

Referred to the City Council due back on 9/7/2011

Fire Certificates of Occupancy

49

[RLH FCO
11-261](#)

Appeal of Mark Kneer and Dan Gelb on behalf of Quality Residences, LLC, to a Fire Certificate of Occupancy Correction Notice at 983 MARYLAND AVENUE.

Sponsors: Bostrom

Received an email from Supervisor Shaff on August 15, 2011 indicating that the window measurement in the 2nd floor east bedroom measured at 20.5 inches high by 25 inches wide; and 20 inches high by 25 inches wide. Therefore, Ms. Moermond recommended that the City Council grant a 3.5-inch variance on the openable height of the egress window in the 2nd floor east bedroom and grant a 4-inch variance on the openable height of the egress window in the 2nd floor south bedroom. (Mike Cassidy)

Referred to the City Council due back on 9/7/2011

50

[RLH FCO
11-303](#)

Appeal of Jayant Saraph to a Fire Certificate of Occupancy Inspection Correction Notice at 601 CLIFFORD STREET.

Sponsors: Stark

Rescheduled per owner's request.

Laid Over to the Legislative Hearings due back on 8/23/2011

51 [RLH FCO](#)
[11-267](#)

Appeal of Kia Lee to a Fire Certificate of Occupancy Correction Notice at 786 7TH STREET EAST.

Sponsors: Lantry

Deny the appeal and grant an extension to November 1, 2011 for the window frames; deny the appeal and grant an extension to May 1, 2012 for the chimney issue on the east side of the building. (Inspector Kelly Booker)

RE: 786 Seventh St E (mixed use)

Kia Lee, owner, appeared.

Ms. Lee:

- this bldg has been vacant since 2009

Fire Inspector Leanna Shaff:

- re-inspection of Fire C of O on Jul 19 by Inspector Kelly Booker*
- appealing #1 exterior chimney - repair*
- #2 scrape and paint exterior window frames*
- #3 provide DSI with a heating equipment maintenance report*
- no photos*

Ms. Lee:

- #3 and #4 are completely done - Inspector Booker came to inspect and talked to the guy who did the repair job*
- is appealing #1 and #2*
- since 2009 they worked and finished interior; all done now*
- don't have money to pay for #1 and #2*
- requests extension of time to get a loan to hire professional people to do the job; perhaps Oct 1, 2011*
- working with the bank and East Side Dev Corp*
- second apt upstairs is occupied; first apt upstairs is vacant and first floor convenience store is also vacant*

Ms. Moermond:

- is comfortable granting an extension to Nov 1, 2011 for getting the window frames repaired, scraped and painted*
- will grant an extension to May 1, 2012 on the chimney repair*

Referred to the City Council due back on 9/7/2011

52 [RLH FCO](#)
[11-272](#)

Appeal of TDM Properties LLC (Brian Dvorak) to a Fire Certificate of Occupancy Correction Notice at 165 WHEELLOCK PARKWAY WEST.

Sponsors: Helgen

Grant the appeal on the sill height issue in the basement; grant the appeal on the door issue; and deny the appeal and grant an extension for one year on the egress windows throughout the units. (Inspector Lisa Martin)

RE: 165 Wheelock Parkway W (apartments 11 units)

Brian Dvorak, TDM Properties LLC, appeared.

Fire Inspector Leanna Shaff:

- Fire C of O inspection conducted Jul 28 by Inspector Lisa Martin
- appealing #3, #4, #5
- #3 basement windows sill height 51 inches (maximum is 48 in)
- #4 basement windows 37h x 14w (code 24h x 20w minimum)
- #5 adjust fire door on 3rd floor (they are supposed to close tightly)

Mr. Dvorak:

- had this same inspection a year ago and it passed
- Section 8 has passed it
- all brick bldg - cost of replacing all windows would put him out of business

Ms. Moermond:

- cannot grant a variance on the egress windows; will recommend denial; can ask City Council
- basement window sill height - she will recommend his appeal be granted
- fire door, 3rd floor adjusted - she will recommend his appeal be granted

Referred to the City Council due back on 9/7/2011

53

[RLH FCO](#)
[11-280](#)

Appeal of William Lowe and Paula A. Eklund-Lowe to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 1885 MARYLAND AVENUE EAST.

Sponsors: Bostrom

*Deny the appeal and grant an extension to November 1, 2011 for the chimney issue.
(Inspector James Thomas)*

RE: 1885 Maryland Ave E (single family)

William Lowe and Paula Eklund-Lowe, owner, appeared.

Fire Inspector Leanna Shaff:

- re-inspection of Fire C of O conducted on Jul 29, 2011 by Inspector Thomas
- C of O cycle started Apr 15, 2011
- few remaining issues: address numbers on garage; repairing chimney; exterior painting; exterior garbage and refuse; dryer vent; roof; window screens

Mr. Lowe:

- trying to do as much as he can
- thinks he can get it done in the time span
- taking care of his wife has turned into nearly a 24-hour day job (brain cancer)
- asking for a little more time to make sure that it gets done
- they sold the house to a guy (Rent to Own deal); he wasn't supposed to do anything to the house but he took the house apart
- before he knew it, this guy was taking off siding and putting in windows, etc.
- then, he backed out of the deal, didn't pay the last month's rent and bolted
- now, they have new tenants who have been helping getting it done
- asking for 3 months
- re: roof - there's a section where it slopes and half the shingles are starting to curdle; it doesn't leak - he thinks that a tenant's children a few years back climbed on the roof a lot (he saw them climb out the upstairs window and run around on the roof)

Ms. Moermond:

- will grant an extension to Nov 1, 2011 to come into compliance

Referred to the City Council due back on 9/7/2011

54 [RLH FCO](#)
[11-294](#)

Appeal of Francisco Cardona to a Fire Certificate of Occupancy Inspection Correction Notice at 1675 MINNEHAHA AVENUE EAST.

Sponsors: Lantry

Deny the openable height of the egress bedroom window in the 2nd floor bedroom; grant a 90 day extension to come into compliance; forthcoming on the ceiling height on the 2nd floor (Appellant to submit photos for review) (Inspector Pat Fish).

The appellant submitted a photo for review.

On August 19, 2011, Ms. Moermond reviewed the photographs of the ceiling height submitted by Appellant. Based on the documentation, Ms. Moermond recommended denying the appeal on the ceiling height. (Inspector Pat Fish)

RE: 1675 Minnehaha Ave E (single family)

Francisco Cardona, owner, appeared.

Fire Inspector Leanna Shaff:

- Fire C of O inspection conducted Jul 28 by Inspector Pat Fish
- appealing #8 and #9
- #8 second floor ceiling height (floor area is 320 sq ft - only 80 sq ft of that if 7 ft height or 25%); code requires ceiling height of 7 ft or higher over half the floor area
- #9 second floor windows measure 17h x 22w; code requires 24h x 20w (no permit on file)

Mr. Cardona:

- bought property with 3 bedrooms
- windows were new when he bought it
- ceiling height - he measured 7' 3" - he thinks it's 55% that's 7 ft; room is huge, as large as the house
- he can pass through hallway very easily

Ms. Moermond:

- reviewed photos
- the hallway to the stairs on second floor bothers her more than the room; thinks Orders should also have been written on the hallway
- explained with photos what room should be
- asked Mr. Cardona to provide more photos with a measuring tape of the second floor bedroom in 2 weeks
- the angled ceiling height bothers her in the hallway
- the window size 17h x 22w is 7 inches too short; she will recommend denial on this; suggests he go to City Council public hearing on this (Sep 7, 2011)
- she will extend to 90 days if he replaces the window.

Ms. Moermond reviewed the floor plan of the ceiling height issue and recommended denying the appeal.

Referred to the City Council due back on 9/7/2011

55 [RLH FCO](#)
[11-266](#)

Appeal of Judith M. Martin to a Fire Certificate of Occupancy Correction Notice at 946 GALTIER STREET.

Sponsors: Helgen

Rescheduled per owner's request. Grant a variance on window(s).

Appellant called and indicated that she was rescheduled to September 6 and not August 23.

Laid Over to the Legislative Hearings due back on 9/6/2011

- 56 [RLH FCO
11-263](#) Appeal of Leonard and Dean Carlson to a Registration into the Certificate of Occupancy Program for 1620 ENGLEWOOD AVENUE.

Sponsors: Stark

Withdrawn by staff and appellant.

Withdrawn

- 57 [RLH FOW
11-104](#) Appeal of Mary Fasching to an Egress Window Non-Compliance Determination at 1486 IGLEHART AVENUE.

Sponsors: Carter III

Grant a 7.5-inch variance on the openable height of the egress window in the 2nd floor west bedroom and grant a 6.5-inch variance on the openable height of the south wall replacement window in the 2nd floor east bedroom. (William Beumer)

Referred to the City Council due back on 9/7/2011

2:30 p.m. Hearings

Vacant Building Registrations

- 58 [RLH VBR 11-50](#) Appeal of Seventh Place Associates, LLC to a Vacant Building Registration Notice at 17 SEVENTH PLACE WEST.

Sponsors: Thune

No one appeared. Deny the appeal.

Referred to the City Council due back on 9/7/2011

- 59 [RLH VBR 11-61](#) Appeal of Gholamreza Ashrafzadehkian to a Vacant Building Registration Notice plus Notice of Condemnation as Unfit for Human Habitation and Order to Vacate at 1119 ARUNDEL STREET.

Sponsors: Helgen

At the end of the meeting, Ms. Moermond laid this matter over for 6 weeks to see what makes sense at that point based on the Appellant's ability to work with the inspector.

(Waive the vacant building fee for 90 days. If the Certificate of Occupancy is signed-off in six weeks, Appellant doesn't need to go through Code Compliance Inspection.) (Inspector Lisa Martin)

Laid over to September 27, 2011.

RE: 1119 Arundel St (single family)

Gholamreza Ashrafzadehkian, owner, appeared.

Matt Dornfeld, Vacant Buildings:

- *Category 2 Vacant Building opened by Inspector Mike Kalas Jul 26, 2011 due to a Condemnation by Fire Inspector Lisa Martin on Jul 19, 2011*
- *18 code deficiencies were documented by Inspector Martin*

Fire Inspector Leanna Shaff:

- *principal reason for Condemnation was a sewer line break and back-up into the home*
- *don't know whether there are issues with appliances in the basement due to back-up*
- *may have some sanitation issues that need to be addressed*
- *may have mold/mildew*
- *photos in Amanda*
- *came in as a referral Jul 19, 2011*

Mr. Ashrafzadehkian:

- *apologized; he was on vacation when this happened*
- *have fixed the problem using proper professionals through the City; was costly*
- *have removed tenant to a different building*
- *had been inspected in Dec 2011 and Inspector Martin came up with a list;*
- *then, she was on vacation for a long time and she got back in Feb 2011 passed it (lost a couple months rent just waiting for the inspector to show up)*
- *brought in a structural engineer and there's no problem*
- *would like to see it go back to Certificate of Occupancy Program so that he could rent it*
- *would rather not go through the Code Compliance inspection*
- *call Inspector Martin between 6:30 and 8:00 a.m.*
- *were renting this out at a 1-bedroom, not a 2 or 3 bedroom*
- *the one area is completely closed off (why we were here last time); now inspector wants to see everything; how do we deal with that item*
- *also would like to have noted with inspector that re: #3 driveway, Mr. Jim Seeger advised them to use recycled asphalt after they dug it up to repair the sewer line*

Ms. Moermond:

- *invoice from Pipe Right Plumbing dated Aug 31, 2011 (2 weeks from now, must be a typo)*
- *no one lives there right now*
- *will need to get the bldg up to code: 1) could go with this existing list; or 2) need a full Code Compliance inspection through the VB Program*
- *she will recommend the VB fee be waived for a period of 90 days*
- *if appellant can get a sign-off from Fire C of O people in 6 weeks, he won't need to go thru the Code Compliance inspection*
- *asked Supervisor Shaff if this inspection could be shifted to another inspector if Inspector Martin is not available*
- *asked Supervisor Shaff to make a note in the inspector's Orders as to why that one area is completely closed off*
- *concerned about #6 - wants a structural engineer to look at the footings as well as #1, the foundation elements*

Ms. Shaff:

- *Inspector Martin has an inspection partner, Inspector Beumer, who will be inspecting in her absence*

Ms. Moermond:

- will lay this over for 6 weeks and see what makes sense at that point based the appellant's ability to work with the inspector

Laid Over to the Legislative Hearings due back on 9/27/2011

60 [RLH VBR 11-60](#)

Appeal of Thomas Poole to a Vacant Building Registration Notice plus Revocation of Fire Certificate of Occupancy and Order to Vacate at 401 FRONT AVENUE.

Sponsors: Helgen

Rescheduled.

Laid Over to the Legislative Hearings due back on 8/23/2011

61 [RLH VBR 11-64](#)

Appeal of Katherine Holmquist-Burks to a Vacant Building Registration Notice and Fire Inspection Correction Notice at 107 GERANIUM AVENUE WEST.

Sponsors: Helgen

Laid over to September 13, 2011 on the roof and steps; waive the vacant building fee for 90 days. (Inspector Lisa Martin)

RE: 107 Geranium Ave W (single family)

Katherine Holmquist Burks and Anthony Holmquist Burks, appeared.

Matt Dornfeld, Vacant Buildings:

- Inspector Mike Kalas opened a Category 2 VB file on Aug 4, 2011 due to a Revoked Certificate of Occupancy by Fire Inspector Lisa Martin in Aug 1, 2011
- Inspector Martin documented 44 code violations

Ms. Holmquist- Burks:

- entered photos before and after (as of last night)
- will be occupied by their daughter (owner); on mortgage and deed

Fire Inspector Shaff:

- photos in Amanda
- came in as a complaint Jun 29: leaky roof; basement leaks;
- Inspector Martin went thru a series of inspections including the Fire C of O
- many of the photos will speak for themselves
- concerns: looks as though the paint is actually sagging
- when the tenants moved out, Inspector Martin met with the owners and referred it to VB Program

Mr. and Ms. Holmquist Burks:

- the sagging paint: he cut is open and found the wall completely dry; it's a concrete wall; there were 2-3 layers of paint; the sagging is from heat and moisture because the fan wasn't being used in the bathroom; paint didn't adhere to the wall - perhaps wasn't primed properly
- tenants actually caused most of the problems because of electrical cords and sleeping arrangements, pets, smoking; more people were living there
- they broke the lease in many different ways
- they'd inspect the property at least once a year and everything was usually pristine (they'd give them a week's notice)

- after they decided that their daughter wanted to move back there, they gave the tenants proper notice
- tenants paid them back by calling the City, kicked-in the wall, beds were placed upstairs in storage space, they had plug-in strips on each outlet and all the strips were full, etc.
- they had specifically asked the tenants about the roof because it was aging; tenants said it was fine
- they gave them Notice to move Jun 27; the complaint was filed with the City Jun 29
- the had some type of operation going on in the attic - growing plants - their Xcel bills averaged about \$400/month - all that heat made the roof separate and moisture got caught in between the panels, etc.
- they bought the house 12 years ago for her 4 grown children (they lived there until 4 years ago)
- her daughter wants to move into that house; she's on the mortgage and title; she lived with them while she was student teaching (Feb-Jun, 2011)
- they have been in the house for the last 2 weeks thru a lot of rain storms and there was one little puddle in the basement
- 16 items on the list have been completed; the other things they have estimates on
- have submitted the roof to the insurance company; inspected last Tue; - already have an estimate to repair/replace it
- they will take the steps out and rebuild some wooden steps
- have not yet pulled permits; waiting for this outcome and the insurance outcome
- have cleaned up all the trash, yard, etc.
- would like to make sure that the home is owner-occupied again; she has retired from the landlord business
- entered second letter which shows the things they are in the process of doing

Ms. Moermond:

- she would like to see a Work Plan with time lines (appellant entered plan) so that if they come into compliance, we can once again keep them out of the VB Program (concerning are the bigger issues like a new roof & does that need a different timeline, etc.)
- since their daughter is an owner of the property, they are out of the Certificate of Occupancy Program
- question is who will do the follow-up on this so it gets closed out
- eliminated from the current list is the fuel burning equipment test and the affidavit for smoke detector; the rest of this list will be transferred from the C of O group of inspectors to the owner-occupied group of inspectors
- Mr. Dornfeld will take care of it; he said they should plan on his being there
- daughter can move in right now; it's currently an occupied Cat 1 VB (legally)

Mr. Dornfeld:

- can give them a prelim on this; hold the fee and give them a timeline for finishing (90 days)

Ms. Shaff:

- will refer this to Code Enforcement

Mr. Holmquist Burks:

- what about these major projects (steps and roof); waiting for insurance to come thru on roof
- most of list can be done easily

Ms. Moermond:

- Laid over to September 13, 2011 on the roof and steps (send email to report)
- waive the vacant building fee for 90 days

Laid Over to the Legislative Hearings due back on 9/13/2011

- 62 [RLH VBR 11-59](#) Appeal of David Broenen to a Vacant Building Registration Requirement at 489 HATCH AVENUE.

Sponsors: Helgen

Ms. Moermond will recommend waiving the VB fee for 90 days; it will need a Code Compliance Inspection.

Housekeeping item:

RE: 489 Hatch Ave (single family)

LH September 6, 2011 -

Ms. Moermond:
- heard on Aug 16, 2011

Mr. Dornfeld:
- his notes
- property owners didn't appear at the LH Aug 16, 2011
- owner did send email to Ms. Moermond outlining their case
- Ms. Moermond will make a ruling and inform him via email at a later date
- Condemned Vacant Jun 13, 2011
- VB file opened Jul 14, 2011

Ms. Moermond will recommend waiving the VB fee for 90 days; it will need a Code Compliance Inspection

Laid Over to the Legislative Hearings due back on 8/23/2011

- 63 [RLH VBR 11-66](#) Appeal of Toan Than Truong to a Vacant Building Registration Notice and a Summary Abatement Order at 499 WESTERN AVENUE NORTH.

Sponsors: Carter III

Waive the vacant building fee for 90 days. If Appellant can get the Certificate of Occupancy list signed-off, there is no need for a code compliance inspection. If not in compliance, Ms. Moermond will waive the vacant building fee for 6 weeks and Appellant will need to obtain a Code compliance inspection. (Inspector Dennis Senty)

RE: 499 Western Ave N (duplex)

Toan Than Truong, owner, appeared.

Inspector Matt Dornfeld, Vacant Buildings:
- Cat 2 VB file opened by Inspector Senty Jul 15, 2011
- house was found to be open to entry; shed was open to entry; issued Summary Abatements for securing, clean-up and tall grass Jul 18, 2011
- Work Orders issued Jul 26 for securing and clean-up
- Jul 28, 2011: house and shed were secure by restoration professionals
- currently the yard is clean

Fire Inspector Leanna Shaff:
- started out as a complaint - water shut off Jun 28, 2011
- Jun 29, Inspector Martin issued Orders for compliance when it didn't get turned

back on

- tenants vacated the premises*
- Condemned for items #8- restore water to the bldg or vacate bldg*
- there are other issues: lower unit-plumbing leaks; ceilings falling in; needs exterminator; exterior paint, screens; sanitation issues, no smoke detector*

Mr. Truong:

- said his English was not clear enough*
- he called Insp Martin and sent her an email that he was going on vacation May 11; she scheduled her inspection appointment for May 12, 2011*
- he wanted her to email him if anything was wrong*
- he didn't receive any emails so he assumed everything was fine*
- when he came back Jun 28, his tenant acted funny: he didn't pay utility bills, he didn't pay rent - so, everything shut down*
- he called Insp Martin immediately - said he didn't know what was going on*
- went to his property to look at lower unit, noticed his tenant had ripped off ceiling*
- called Insp Martin back, don't know what to do; she said everyone had to move out of bldg - he got key back and locked the door*
- due to rental agreement, tenant had to have 30 day notice to move their stuff out*
- needs more time to get repairs done; can't get in until everyone completely moved out*
- receive VB Notice a week after that*
- when he received Notice that water had been shut off, he called City to find out what happened - they told me that the people on the account (his tenants) hadn't paid the bill; but that's not right; his name is on the Water Utility - they had sent Notice to tenant*
- he paid the water bill right away*
- just needs more time to get things done as quickly as possible*

Ms. Moermond:

- will recommend the VB fee be waived for 90 days if appellant can get a Fire C of O inspector to sign-off on the list in that time, it will keep him from needing a Code Compliance inspection; if he can't get it done, she will recommend waiving the VB fee for the next 6 weeks, but he will need to get a Code Compliance inspection*

Referred to the City Council due back on 9/7/2011

- 64 [RLH VBR 11-57](#) Appeal of John Reed (by Bruce Johnson) to a Vacant Building Registration Requirement at 123 WAYZATA STREET.

Sponsors: Helgen

123 Wayzata for this afternoon, Inspector has worked out a plan with the property owner. (Matt Dornfeld)

Withdrawn

Window Variances: No Hearing Necessary

- 65 [RLH WP 11-48](#) Appeal of Window World, on behalf of Jason Groff, to an Egress Window Non-Compliance Determination at 936 COTTAGE AVENUE EAST.

Sponsors: Bostrom

Grant a 4-inch variance on the openable height of the double hung replacement egress bedroom window(s) measuring 20 inches high by 33.5 inches wide.

Referred to the City Council due back on 9/7/2011

66 [RLH FOW](#)
[11-114](#)

Appeal of Michael Hafner to a Fire Certificate of Occupancy Correction Notice at 1824 HOYT AVENUE.

Sponsors: Bostrom

Grant a 7-inch variance on the openable height of the egress windows in all bedrooms. (James Thomas)

Referred to the City Council due back on 9/7/2011

67 [RLH FOW](#)
[11-123](#)

Appeal of Stephen A. Haider to a Fire Certificate of Occupancy Correction Notice at 1004 PRIOR AVENUE SOUTH.

Sponsors: Harris

Grant a 4-inch variance on the openable height of the egress windows in the second floor. (Rick Gavin)

Referred to the City Council due back on 9/7/2011

68 [RLH FCO](#)
[11-258](#)

Appeal of Tony Fares to a Correction Order at 805 ROBERT STREET.

Sponsors: Thune

Grant a 3.5-inch variance on the openable height of both the double hung north and west windows in the northwest sleeping room.

Referred to the City Council due back on 9/7/2011

69 [RLH FOW](#)
[11-122](#)

Appeal of Faith Krogstad to a Correction Notice-Complaint Inspection at 1220 SEMINARY AVENUE.

Sponsors: Stark

Ms. Moermond recommended the following:

1. *grant a 5-inch variance on the openable height of the egress window in the first floor northwest sleeping room, north window;*
2. *grant a 2-inch variance on the openable height of the egress window in the first floor northwest sleeping room, west window;*
3. *grant a 1.5-inch variance on the openable height of the egress window in the first floor southwest sleeping, south window; and*
4. *grant a 2.5-inch variance on the openable height of the egress window in the 2nd floor east sleeping room, east window.*

Referred to the City Council due back on 9/7/2011

70 [RLH FOW](#)
[11-121](#)

Appeal of Hilario Rosales to an Egress Window Non-Compliance Determination at 1561 SHERWOOD AVENUE.

Sponsors: Bostrom

Grant a 4-inch variance on the openable height of the egress windows in all bedrooms. (James Thomas)

Referred to the City Council due back on 9/7/2011

71

[RLH FOW](#)
[11-116](#)

Appeal of Merric Bilotta to an Egress Window Non-Compliance
Determination at 423 WYOMING STREET EAST.

Sponsors: Thune

*Grant a 1.5-inch variance on the openable height of the egress windows in all
sleeping rooms for Item 1. (Sean Westenhofer)*

Referred to the City Council due back on 9/7/2011