

City of Saint Paul

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



Minutes - Final - Final

Tuesday, August 23, 2011

9:00 AM

Room 330 City Hall & Court House

Legislative Hearings

Marcia Moermond, Legislative Hearing Officer

Mai Vang, Hearing Coordinator

Jean Birkholz, Hearing Secretary

Mary Erickson, Hearing Secretary

legislativehearings@ci.stpaul.mn.us

651-266-8560

9:00 a.m. Hearings**Remove/Repair Orders**

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

Sponsors: Bostrom

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

On September 27, 2011, the matter was discussed and Ms. Moermond recommended referring back to LH on Nov 22 and CC on Dec 7, 2011.

Laid over for 90 days to November 22, 2011.

RE: 936 Earl St (duplex)

Steve Magner, Vacant Buildings:

- layover from City Council

- last letter sent Jul 29, 2011 to Ms. Kujala (she says it isn't hers) from Mai Vang:

"Dear Ms. Kujala, a LH was held Jul 26, 2011. No one appeared on behalf of the property owner or the bank. It was laid over from Council on Jun 1, 2011 because the Heritage Preservation Commission believes that it's an historic resource. On Jun 9, 2011, at the HPC business meeting, HPC staff recommended the City Council delay demolition in order for alternatives to be explored, that a qualified historian be hired to evaluate both national register and local eligibility not only as a house but as it's contribution to the Payne-Phalen neighborhood. Ms. Moermond, Legislative Hearing officer stated that she will recommend that this matter be referred back to Aug 23, 2011 LH at 9:00 am, Room 330 City Hall, and that the City Council Public Hearing be held on Sep 7, 2011 at 5:30 pm Room 300 to allow Ramsey County to come up with a plan to rehabilitate the property because the property is going to be forfeited for lack of tax payment. If Ramsey County is interested in the building, you may attend Aug 23, 2011 LH."

- although Ms. Kujala was here today, there was no conversation about 936 Earl St

Ms. Moermond:

- the record shows that taxes are current

- will bring this to the attention of City Council President, Kathy Lantry and ask her to make a phone call to the lenders in this case to see if she can shake something loose

Mr. Magner:

- the May 31, 2011 letter went to Fannie Mai, Brian Herrick, Usset Winegarten, Prodigy Real Estate and nothing was heard back from any of those

Christine Boulware, Heritage Preservation Commission (HPC):

- looks at this property as having major integrity
- it would be a total loss

Ms. Moermond:

- will recommend a Layover of 90 days to allow this to be looked at
- hopefully, Ms. Lantry will be interested in it

Referred to the City Council due back on 10/5/2011

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RLH RR 11-48

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

Sponsors: Carter III

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

Ms. Moermond will recommend a Layover for 1 month:

- In order for the Code Compliance Inspection to be completed
- to revise the Work Plan showing more detail (send a sample work plan)
- Needs to provide an affidavit about financing
- Provide bids from contractors (city staff say it will cost \$60,000)

LH September 6, 2011

RE: 554 Charles Ave (single family) – STAFF REPORT

(Ms. Moermond to review plans)

Ms. Moermond:

- has applied for a Code Compliance inspection Aug 29, 2011
- Western Bank submitted a letter confirming that K 3 Investment's has \$49,579 in an account but it doesn't state that the amount has been set aside for this project
- Need an affidavit from K 3 indicating that they are going to use this money for that purpose
- Work Plan indicates a need for 5-6 months
- Has paid the taxes
- Will recommend a Layover for 1 month:
 - o In order for the Code Compliance Inspection to be completed
 - o to revise the Work Plan showing more detail (send a sample work plan)
 - o Needs to provide an affidavit about financing
 - o Provide bids from contractors (city staff say it will cost \$60,000)

Ms. Vang:

- attorney Marcus Almon called on behalf of Mr. Ballard

- wanted to know if they should come tomorrow

LH Aug 23, 2011

Recommendation is forthcoming.

Ms. Moermond recommended the following conditions to be met by September 5, 2011:

- 1) post the \$5,000 performance deposit;
- 2) maintain the property;
- 3) pay the taxes
- 4) apply for the Code Compliance Inspection; and
- 5) provide a work plan.

RE: 555 Charles Ave (single family)

Brad Ballard, K 3 Investments, appeared.

Ms. Moermond:

- City Council Public Hearing Sep 7, 2011

Steve Magner, Vacant Buildings:

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

Christine Boulware, Heritage Preservation Commission (HPC):

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

Mr. Magner:

- original hearing was Aug 9, 2011
- Aug 12, 2011 - letter generated by Mai Vang: "This is to confirm that a Legislative Hearing was held on Aug 9, 2011. The above referenced matter and the owner of record or the bank did not appear therefore, Marcia Moermond, Legislative Hearing Officer recommended that the City Council let this building be removed within 15 days with no option for repair. City Council Public Hearing, scheduled for Wednesday, September 7, 2011 at 5:30 p.m. in Room 300 Council Chambers.
- Aug 19, 2011 - attorney representing owner called and indicated the owner had missed the Aug 9 hearing and asked to be rescheduled

Mr. Ballard (K 3 Investments):

- plans to rehab
- has been going thru serious health issues; had a 3 month stay in hospital for an implementation device that significantly improved his health condition
- medically, he hasn't been up to taking care of his bldgs properly
- has questions: thought that plumbing had been finaled - had it re-done throughout the bldg; also thought the electrical had been finaled; he's added egress windows; added brick in front; repaired the railing, etc.
- needs painting and maybe re-address the electrical - didn't see in such a bad state of disrepair
- biggest projects, plumbing and heating, are actually done

Mr. Magner:

- plumbing permit pulled Jan 2010 - inspected, not finaled (note: hold closing until notified by plumbing contractor)
 - (appellant said there was one wall that just had to be closed up)
- bldg permit is inactive
- electrical permit was finaled in 2009
- warm air permit from 2008 was finaled
- new warm air permit is inactive (should have been finaled - was already a vent in bathroom; furnace test was done)
- problem is that the permits are more than a yr old and not bee finaled
- photos indicate that there's been some changes to the property
- would still require a Code Compliance Inspection (a lot can happen in 2 yrs)
- need a \$5,000 performance deposit
- need permits (estimates and finaled)
- need work plan
- get new permits and have work finaled otherwise DSI can't sign off
- estimated total rehab at \$60,000, some of which has been done based on receipts from vendors
- concern: housing sitting since 2007; now, it's 2011; they've been out there numerous times
- don't seem to be moving forward
- there's been an illegal occupancy in 2009 (he and owner were tagged)
- quite a few clean-ups; had to secure bldg

Ms. Moermond:

- vast majority of the work on list is in the bldg area; plumbing has small list; electrical looks like a small list
- value of bldg permit work put at \$5,000 (seems very low)
- owe a lot in property taxes (appellant says it's not a problem)
- \$5,000 performance deposit (appellant says it's not a problem)
- need new Code Compliance inspection (apply for by Sep 5); maintain the property
- provide Work Plan after he gets the Code Compliance or have a contractor go thru
- requires that all this be done by Mon (Sep 5) before CC hearing

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

- 3 [RLH RR 11-54](#) Ordering the rehabilitation or razing and removal of the structures at 1160 CONWAY STREET within fifteen (15) days after the September 21, 2011, City Council Public Hearing.

Sponsors: Lantry

Attachments: [1160 Conway St Order to Abate 6-14-11.pdf](#)
[1160 Conway St.Public Hearing Notice 7-29-11.pdf](#)
[1160 Conway St.Code Compliance Report 4-28-10.pdf](#)
[1160 Conway St Photos.pdf](#)
[1160 Conway St.FTA Ltr R-R 8-29-11.doc](#)
[1160 Conway St.Bid Tabs 8-23-11.pdf](#)

No one appeared. Remove the building within 15 days with no option for repair.

RE: 1160 Conway St (single family)

Steve Magner, Vacant Buildings:

- 1-story wood frame single family dwelling on a lot of 13,504 sq ft
- vacant since Dec 4, 2009
- current property owner Federal National Mortgage Association per Ramsey County
- May 24, 2011 inspection conducted; list of deficiencies which constitute a nuisance condition developed; photos taken
- Order to Abate Nuisance Bldg posted Jun 14, 2011; compliance date Jul 14, 2011
- as of this date, the property remains in a condition which comprises a nuisance as defined by legislative code
- estimated market value of land: \$40,400; estimated market value of bldg: \$10,100
- taxes for 2010 are delinquent in the amount of \$1,282.79 and first half of 2011 in the amount of \$1,927.20 (scheduled to tax forfeit in 2014)
- VB fees paid by assessment Dec 15, 2010
- Code Compliance inspection done Apr 28, 2010 has expired; \$5,000 performance deposit not posted
- 1 Summary Abatement Notice since 2009
- 1 Work Order for garbage/rubbish
- estimated cost to repair \$50,000; estimated cost to demolish \$10,000-\$12,000

Christine Boulware, Heritage Preservation Commission (HPC):

- constructed 1889, consumed by an addition
- outside of local Dayton's Bluff Historic District
- windows have been replaced; not original siding; not original door
- HPC staff would allow for demolition

Ms. Moermond:

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

Referred to the City Council due back on 9/21/2011

- 4 [RLH RR 11-55](#) Ordering the rehabilitation or razing and removal of the structures at 937 IGLEHART AVENUE within fifteen (15) days after the September 21, 2011, City Council Public Hearing.

Sponsors: Carter III

Attachments: [937 Iglehart Ave Order to Abate.pdf](#)
[937 Iglehart Ave Public Hearing Notification.pdf](#)
[937 Iglehart Ave Expired Code Compliance Report.pdf](#)
[937 Iglehart Ave Photos.pdf](#)
[937 Iglehart Ave.Fuchs Ltr Ltr 8-29-11.doc](#)
[937 Iglehart Ave.Photos.9-21-11.pdf](#)
[937 Iglehart Ave.VB Perf Dep & Registration.9-12-11.pdf](#)
[937 Iglehart.Financial Statement.9-14-11.pdf](#)
[937 Iglehart.Workplan.9-18-11](#)
[937 Iglehart Ave.Additional Materials 9-28-11.pdf](#)

Ms. Moermond recommended the following conditions to be met by September 12:

- 1) post the \$5,000 performance deposit;*
- 2) maintain the property;*
- 3) pay the vacant building fee;*
- 4) get Jim Seeger to inspect the property;*
- 5) provide financial information for the project, at least \$50,000 dedicated towards the project; if personal account, need an affidavit dedicating the funds for the project; and*
- 6) provide a work plan to complete the rehab*

If the conditions are met, Ms. Moermond will recommend that the City Council grant 6 months for the rehabilitation of the building.

RE: 937 Iglehart Ave (duplex)

Hans Peter Fuchs, owner, appeared.

Steve Magner, Vacant Buildings:

- 2-story wood frame duplex on lot 4,792 sq ft*
- vacant since Aug 8, 2007*
- owner Hans Peter Fuchs per Ramsey County*
- Jun 20, 2011 inspection conducted; list of deficiencies which constitute nuisance condition was developed; photos taken*
- Order to Abate Nuisance Bldg posted Jun 29, 2011; compliance date Jul 29, 2011*
- as of this date, property remains in a condition which comprises a nuisance as defined by the legislative code*
- estimated market value \$58,200 on land; \$115,000 on bldg*
- taxes for first half of 2011 are delinquent in amount of \$1,727*
- VB fees for 2011-2012 are due and owing as of Aug 8, 2011*
- Sep 19, 2008, Code Compliance Inspection was done; has expired; \$5,000 performance deposit not posted*
- 9 Summary Abatements since 2007; 2 Work Orders: 1) garbage/rubbish; and 2) vehicles*
- estimated cost to repair: \$100,000; estimated cost to demo: exceeding \$12,000*

Christine Boulware, Heritage Preservation Commission (HPC):

- constructed 1911; 2 additions added in 1919*
- always been a multi-family bldg*
- not original windows, but gable*
- not original doors; original garage has been demolished*
- property keeps rhythm of the street*

- no original details on exterior remaining
- encourages rehab for the block face but allow for demo

Mr. Fuchs:

- owner for 16 yrs
- vacant for at least 4 yrs
- he lived there at first, then, kept it going
- four yrs ago he sold on a lease to own to the daughter of a business associate (a big mistake - caused to make some people in the nhbd very unhappy with her behavior)
- bldg is solid - there were just minor infractions when Fire Marshal first came in
- he had an agreement with Fire Marshal and it was broken; should never been a Cat 2 or 3 - he was willing to rehab
- when tenant finally left, he was confronted with Category 2, so he decided to do a full rehab (in process) - new windows; new roof; new heating/air in both units; new plumbing; new electrical; new drywall and insulation (in the middle of spending \$100,000)
- he's not a construction person - is learning as he goes
- he wants to do a quality job - that is usually more complicated
- has old water connection in pit; still has lead - needs copper to lead fitting
- talked to Jerry Liddon, St. Paul Regional Water, who told him about another thing to do - dig a hole in the front and replace the whole lead situation up to the street; he needs to go to the Water Utility, sit down with an inspector and find out about how to do it
- he entered photos - they are ready to put on siding; waiting for windows
- has been the garbage collector for the neighborhood for the past 4 yrs
- is motivated to get things done because every month it is not rented, it costs him money

Ms. Moermond:

- wants to check with staff about permits and condition of bldg
- duplex was Condemned Mar 2007 (it was appealable at the time)
- if a bldg is Condemned and remains vacant, it's not a decision for staff whether it becomes a Cat 2 - it's automatic according to code
- there was a 6 month time period during which appellant was given a chance to address the list from the Fire Marshall, which would have resulted in not being put into the VB Program

Mr. Magner:

- many permits were pulled Oct 2010: 2 electrical permits, active; plumbing permit, inspected, not finalized; warm air permit, inspected, not finalized; 2 mechanical permits, active; bldg permit, inspected
- photographs tell story
- bldg, completely gutted that will need to be rehabbed to 2011 standards (explicit in state of Minnesota)
- lost it's C of O; been on VB list since Aug 8, 2007 with multiple code violations
- the ordinance states that if a Category 2 VB has been on the rolls for 2 yrs, it has to be reviewed and a determination made (this case is doubled)
- owner has intent for rehab; City needs to put a deadline on that
- a list of things need to be brought into place:
 - VB fees paid
 - new Code Compliance Inspection or a 'Seeger only' inspection (cost of \$125)
 - work plan and financial plan
- Apr 2010, Mr. Fuchs paid for a 'Seeger only' inspection but it looks as though it was never done, so he just needs to request Jim Seeger to do the inspection
- Regional Water had a lead service replacement plan - they have a list of contractors

that they hire; they spread the cost onto the taxes

Ms. Moermond:

- will require appellant post a \$5,000 performance deposit (refundable on completion of rehab)
- appellant needs to maintain the property
- VB fees need to be paid
- schedule a 'Seeger only' inspection
- will require a financial report (\$50,000): construction loan, rehab loan, line of credit, bank account, etc. or affidavit of use of funds from savings account
- will require a work plan with timelines
- will recommend granting and extension of 6 months if the above conditions are met by Mon Sep 12, 2011
- at City Council Public Hearing Sep 21, 2011

Referred to the City Council due back on 9/21/2011

- 5 [RLH RR 11-56](#) Ordering the rehabilitation or razing and removal of the structures at 591 MACKUBIN STREET within fifteen (15) days after the September 21, 2011, City Council Public Hearing.

Sponsors: Carter III

Attachments: [591 Mackubin St Order to Abate.pdf](#)
[591 Mackubin St Public Hearing Notification.pdf](#)
[591 Mackubin St Photos.pdf](#)
[591 Mackubin St.Kujala Ltr 8-29-11.doc](#)

Laid over to LH Sep 13, 2011 to give the appellant a chance to get into the building.

RE: 591 Mackubin St (single family)

Kris Kujala and Paul Scharf, Ramsey County 4R Program, appeared.

Steve Magner, Vacant Buildings:

- 2-story wood frame single family dwelling on a lot of 3,049 sq ft
- vacant since Feb 8, 2010
- current owner is State of MN Trust Exempt per Ramsey County
- Jun 9, 2011 inspection conducted; list of deficiencies which constitute a nuisance condition developed; photos taken
- Order to Abate Nuisance Bldg posted Jun 27, 2011; compliance date Jul 27, 2011
- property remains in a condition which comprises a nuisance as defined by the legislative code
- estimated market value \$11,200 on land; \$14,900 on bldg
- went tax forfeit to the State of MN Aug 2, 2011
- VB fees paid by assessment Mar 23, 2011
- Code Compliance Inspection not done; \$5,000 Performance deposit not posted
- 21 Summary Abatement Notices since 2010
- 26 Work Orders for: 1) garbage/rubbish; 2) grass/weeds; 3) snow/ice; 4) boarding/securing
- estimated cost to repair \$70,000 - \$80,000; estimated cost to demolish \$10,000 - \$12,000

Christine Boulware, Heritage Preservation Commission (HPC):

- built 1906

- 2011 Frogtown Legacy Survey Area
- twin house right next to it
- not much exterior integrity
- photos show a lot of ice build up from water damage; may be a lot of structural issues
- HPC staff would allow for demolition

Ms. Moermond:

- significant water penetration in bldg; perhaps pipes froze; probably full of mold
- will take a very extensive rehab

Mr. Scharf:

- have been only in the bldg for a few minutes
- opened the door; secured it
- saw lots of garbage and trash around
- very bad smell

Ms. Kujala:

- based on the photos, they will need to look at the structure of the floor; if the floors are not structurally compromised, they would recommend rehab; if the floors are structurally compromised, they would recommend demolition

Ms. Moermond:

- will Lay this over to Sep 13, 2011 which will give the appellant a chance to evaluate the condition of the bldg
- doesn't look promising to her

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

- 6 [RLH RR 11-57](#) Ordering the rehabilitation or razing and removal of the structures at 983 MINNEHAHA AVENUE EAST within fifteen (15) days after the September 21, 2011, City Council Public Hearing.

Sponsors: Lantry

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

No one appeared. Remove within 15 days with no option for repair.

RE: 983 Minnehaha Ave E (single family)

Steve Magner, Vacant Buildings:

- 2-story wood frame single family dwelling with a detached 2-stall garage on a lot of 6,970 sq ft
- vacant since Nov 16, 2009
- current property owner, Georgette Marie Yates per Ramsey County
- Jun 6, 2011 inspection conducted; list of deficiencies which constitute a nuisance condition developed; photos taken
- Order to Abate Nuisance Bldg posted Jun 14, 2011; compliance date Jul 14, 2011
- property remains in a condition which comprises a nuisance as defined by the legislative code

- estimated market value on land \$18,400; on bldg \$97,100
- taxes for 2009 and 2010 are delinquent in the amount of \$4,165.25 and first half of 2011 in the amount of \$3,683.50 (scheduled to go tax forfeiture in 2013)
- VB fees paid by assessment Dec 15, 2010
- Aug 19, 2011 Code Compliance Inspection not done; \$5,000 performance deposit not posted
- 14 Summary Abatement Notices since 2009
- 16 Work Orders issued for: 1) garbage/rubbish; 2) grass/weeds; 3) snow/ice; 4) boarding/securing
- estimated cost to repair exceeds \$50,000; estimated cost to demolish \$10,000 - \$12,000

Christine Boulware, Heritage Preservation Commission (HPC):

- built 1922, 1 1/2 story bungalow
- in a survey area
- has original siding and most original windows
- open side porch and the front porch have been enclosed
- property has good integrity
- HPC staff encourages rehab

Ms. Moermond:

- looks like it's been completely abandoned and the copper's been stripped
- no one has been taking care of it for a while
- had been winterized
- graffiti on side of bldg is a heart with an arrow thru it
- will recommend removal of the bldg within 15 days with no option for rehabilitation

Referred to the City Council due back on 9/21/2011

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

Sponsors: Carter III

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

Laid over for status of building. If the Appellant gets his Certificate of Code Compliance, appeal will be withdrawn.

RE: 353 Sherburne Ave (single family)

Mark Kneer, Quality Residences LLC, appeared.

Steve Magner, Vacant Buildings:

- one story wood frame single-family dwelling with a detached one-stall garage on a lot of 3,920 sq ft
- vacant since Oct 7, 2010
- owner is Quality Residences LLC, according to Ramsey County
- Jun 8, 2011 - inspection conducted, list of deficiencies which constitute a nuisance condition was developed; photos taken

- Order to Abate Nuisance Bldg posted Jun 27, 2011; compliance date Jul 27, 2011
- property remains in a condition which comprises a nuisance as defined by the legislative code
- estimated market value \$12,500 on land; \$12,400 on building
- taxes are current
- VB fees paid by assessment Nov 18, 2010
- Code Compliance Inspection done Jul 21, 2011
- \$5,000 performance deposit posted Jul 27, 2011
- 1 Summary Abatement Notice since 2010; 1 Work Order for grass/weeds
- estimated cost to repair exceeds \$100,000; estimated cost to demolish exceeds \$12,000

Christine Boulware, Heritage Preservation Commission (HPC):

- constructed 1880 (predates bldg permits in St. Paul)
- this property along with the ones on either side is typical of the area: 2 bldg constructed on one lot
- front porch has been enclosed
- siding covered by stucco
- rear most addition has been removed
- located in 2011 Legacy Grant Survey Area for Frogtown
- may be designation, potential based on context for the area
- individual this property would not qualify
- staff encourages rehab

Ms. Moermond:

- looks as though Mr. Kneer has a lot of his paperwork taken care of
- property has been maintained over this past year

Mr. Kneer:

- bldg is Code Compliant now; all permits have been signed-off; mechanical and electrical - this morning

Ms. Moermond:

- an unusual circumstance to have it this far along
- probably will be done by the time of public hearing
- will Lay this over - waiting for all sign-offs to be done and Order Withdrawn

Mr. Magner:

- sees all permits finalized; thinks Jim Seeger just hasn't issued the Code Compliance Certificate, which will probably happen tomorrow or next day

Ms. Moermond:

- reminder for appellant to apply for return of performance deposit

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

8

[RLH RR 11-59](#)

Ordering the rehabilitation or razing and removal of the structures at 949 ST ANTHONY AVENUE within fifteen (15) days after the September 21, 2011, City Council Public Hearing.

Sponsors: Carter III

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

Remove the building within 90 days with no option for repair.

RE: 949 St Anthony (single family)

Kris Kujala and Paul Scharf, 4R Program, Ramsey County, appeared.

Steve Magner, Vacant Buildings:

- 1 1/2 story wood frame single family dwelling on a lot of 4,792 sq ft
- vacant since Jul 1, 2010
- current property owner State of MN Trust Exempt according to Ramsey County
- Jun 16, 2011, inspection conducted; list of deficiencies which constitute a nuisance condition developed; photos taken
- Order to Abate a Nuisance Bldg posted Jun 27, 2011; compliance date Jul 27, 2011
- property remains in a condition which comprises a nuisance as defined by the legislative code
- estimated market value \$12,000 on land; \$30,100 on bldg
- went tax forfeit to State of MN on Aug 2, 2011
- VB fees went to assessment Jul 22, 2011
- Code Compliance Inspection not done; \$5,000 performance deposit not posted
- 5 Summary Abatement Notices since 2010
- 4 Work Orders for: 1) garbage/rubbish; 2) grass/weeds; 3) snow/ice
- estimated cost to repair exceeds \$75,000; estimated cost to demolish exceeds \$12,000

Christine Boulware, Heritage Preservation Commission (HPC):

- constructed 1916
- located in Frogtown Survey area
- front porch has been enclosed; clapboard siding has been covered
- few original windows remaining
- HPC staff would allow for demolition

Mr. Scharf:

- believes copper has been stripped
- front foundation has been compromised

Ms. Kujala:

- would recommend demolition from their preliminary review

Ms. Moermond:

- will recommend removing the structure within 90 days with no option for repair

Referred to the City Council due back on 9/21/2011

11:00 a.m. Hearings

Summary Abatement Orders

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

Sponsors: Helgen

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

Deny the appeal and Appellant must be vacated by the close of business on September 9, 2011. (The building stays a Category 2 and Appellant will need to be in compliance by September 7, otherwise the City will go ahead and board the house.)

RE: 864 Marion St (duplex)

Robert Schilling, owner, appeared.

Steve Magner, Vacant Buildings:

- originally opened this Category 2 VB file May 14, 2010 based on referral from Fire Prevention staff (indicated property was vacant because the C of O had been Revoked; referred to VB with multiple violations)
- Jun 2010 - changed property to a Cat 1 VB based on an appeal (Ms. Moermond recommended it be changed to Cat 1, hold VB fees for 60 days to allow owner to obtain a C of O; if property owner fails to obtain the C of O, it would revert back to a Cat 2 and owner must pay VB fees)
- Aug 2010 - changed property back to a Cat 2 VB; at that time, Mr. Schilling did not meet the C of O requirements
- have been doing numerous night inspections to determine illegal occupancy; found commercial vehicles at the property
- Mar 2011 - owner filed another appeal which Ms. Moermond denied; set it up for CCPH (appellant had until Mar 21, 2011 to unoccupy 864 Marion St unless granted an extension by Council)
- Mar 18 2011- left a message for Legislative Hearing Officer referenced CC ruling on Mar 16

"Property owner stopped by the office that morning to discuss the status of the home. He's requesting to be allowed to finish up the exterior work under permit to avoid the Code Compliance Inspection. Mr. Dornfeld, then, transferred the property back to a Cat 1 VB to allow Mr. Schilling to work off the original Fire Inspection report from Ms. Moermond. He was given an additional 60 days (now, total 120) to pull the permits and complete the exterior work. If property owner fails to comply with the house, it will revert back to a Cat 2 status and a full Code Compliance Inspection will be needed. Property owner also agreed to owner occupy the dwelling. If he chooses to rent again, he will have to get a full C of O. Bob Schilling also agreed to these conditions over phone conversation May 21, 2011. The hearing office was also in agreement with the aforementioned work plan proposed by Mr. Schilling."

- Apr 5, 2011 - owner called and said that he'd come down to get a permit
- Apr 13, 2011 - permit was pulled and work had begun
- Apr 29, 2011 - work was moving slowly
- May 20, 2011 - rehab was on-going, but slow
- Jul 1, 2011 - changed back to a Cat 2 VB; permits had not been signed-off; work had not been completed; believe that owner is illegally occupying the house
- have continued to do night inspections on the property; issued a \$50 Excessive Consumption charge and a Summary Abatement to secure property
- City is spending a lot of time and energy to try to bring this property into compliance

Mr. Schilling:

- occupied the bldg prior it being posted as a VB
- got advice from his attorney - if he did not have a tenant, he would not need a Certificate of Occupancy
- as the owner, it would be owner-occupied

Ms. Moermond:

- remembers - at the time, the C of O had been Revoked; bldg Ordered Vacated and then Mr. Schilling moved in under the belief that an owner could move in

Mr. Schilling:

- he moved in after he received the first Correction Notice but prior it being a VB (he appealed to CC and lost)

- up until that loss, his attorney thought he had a good chance of winning

- then, it was agreed that he could occupy it and get the exterior work done; he thought he could complete it

- inspector pointed out: front porch needed new footings, etc. (he had assumed that some would be grandfathered and not necessary)

- he removed porch; is still occupying the house and found that he needs that buffer zone due to the noise in the nhbd (police calls, troubled block)

- believes bldg would have been burnt down had he not been occupying it

- began occupying it because he first thought he was going to get around the VB status

- he worked hard to get the bldg finished but because of hard times - his financial ability to continue and losing 4 bldgs due to delinquent property taxes - was totally overwhelmed with obligations

- had to work to earn income so he contracted out the bldg repair work (he had some bad contractors); by the time he got a legitimate contractor, it was the second week in Jul (Jul 1, bldg was reverted back to a Cat 2 and City wouldn't allow him to do the work)

- at this point, he is asking for one shot to get it done

- he will move out in 10 days or have it passed in 10 days (the exterior)

Ms. Moermond:

- owner lost his appeal when it needed to be vacated when Fire C of O was Revoked

- she gave him a chance when he got the SA Order to vacate (within 60 days)

- then, Code Enforcement gave owner another change (60 days); the Council had already said 60 days

- been going on too long

- the building needs to be vacated by close of business Sep 9, 2011 (CCPH Sep 7, 2011)

- this needs to a Code Compliant bldg in order to live there - the whole bldg (owner has already been given a couple of chances)

- doesn't feel comfortable acting contrary to what the Council decided last time

- this Order says Mr. Schilling is illegally occupying a Registered Vacant Building; it will be boarded to prevent him from occupying it

- finish the work very quickly and get the Certificate of Code Compliance; need to get that inspection if he hasn't had it and do all the things in it

- if Mr. Schilling has sign-offs by Sep 7, 2011, great; if he doesn't, the bldg will be boarded after Sep 9, 2011, his deadline

- bldg remains a Cat 2 VB, requiring a Certificate of Code Compliance in order for it to be re-occupied

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

Orders To Vacate, Condemnations and Revocations

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

Sponsors: Carter III

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

Referred back to Legislative Hearing in 90 days. (Inspector Mitch Imbertson)

RE: 1020 Hubbard Ave (single family)

Lawrence Moloney, Southern Minnesota Regional Legal Services (SMRLS), appeared on behalf of Pam Olson; Pam Olson also appeared.

Fire Inspector Mike Urmann:

- been sending the written Orders to the owner of record per Ramsey County, Mortgage Elec Reg Systems Inc*
- failing to be able to gain access in order to get a full inspection of the bldg to gain compliance on the property, it became necessary to Revoke the Certificate of Occupancy for noncompliance, basically force the owner's hand (who they thought they were communicating with)*
- Revoked the Certificate of Occupancy Jul 15, 2011*
- no contact from MERS*

Ms. Moermond:

- asked Mr. Urmann if it were possible at this point for a new Fire C of O form to be filled out with Ms. Olson being the Responsible C of O party? (Mr. Urmann responded that it would be possible but didn't know if it would stand up. He spoke with Mr. Moloney out in the hall before this hearing and told him that if they provided written documentation as to Ms. Olson being the Responsible Party with contacts, Fire would try to go thru them for the inspection to insure that there were no life safety or habitability issues.*

Mr. Moloney:

- here to try to coordinate 2 different legal processes both of which are perfectly legitimate and neither one of which do they have any problems with*
- Ms. Olson is in a law suit against MERS; the records say that MERS is the owner; they are challenging that*
- received a Court Order a few weeks ago and they will be filing a motion before the court tomorrow asking to change it's decision; safe to say they will have a ruling in 60 days*
- either the judge will stick to what he has already ruled, in which case MERS will be declared the owner; their option would be an appeal*
- if the judge changes his mind, then he could declare that the mortgage was no good and MERS isn't the owner because the foreclosure was invalid and that would mean Pam Olson would be the owner but then MERS would have an opportunity to appeal, too*
- he understands the City's process and has no interest in obstructing the inspection*
- they will do the inspection whenever Fire wants to*
- the issue of who's responsible really does depend on the court case*
- suggested that Fire do the inspection ASAP and whatever the outcome, they would all have to communicate with MERS*
- Mr. Moloney agrees to be the middleman*
- if the inspection results say there's nothing pressing, let their court process get finalized (30-60 days)*

Ms. Olson:

- has been in this house since 1993*
- by virtue of foreclosure, a different owner is showing up on the record*
- that ownership is disputed*

Ms. Moermond:

- if this were an owner-occupied property, this conversation wouldn't exist
- is hesitant to help out the landlord
- asked if the records could be modified so that Ms. Olson and Mr. Moloney get notifications of future inspections (Mr. Urmann: if this is an owner-occupied home, they don't need the inspection- Actually, the City may not want to go into the bldg until ownership is clear)
- will recommend City Council on Sep 21, 2011 to send this back to LH in 90 days (Dec 2011) and hopefully, ownership will have been clarified
- for the time being, we'll treat this property as if it were owner-occupied

Referred to the City Council due back on 9/21/2011

11 [RLH FOW](#)
[11-126](#)

Appeal of Robert E. Gotch to Revocation of Fire Certificate of Occupancy and Order to Vacate at 1009 THOMAS AVENUE (appealing windows only).

Sponsors: Carter III

Attachments: [1009 Thomas.appeal.8-04-11.pdf](#)
[1009 Thomas Ave.Gotch Ltr 8-29-11.doc](#)

Deny the appeal and grant 90 days for the 2nd floor, rear room (top of the stairway); grant a 3-inch variance on the openable height of the egress windows in the first floor, 2 bedrooms; and grant a 7-inch variance on the openable height of the egress window in the 2nd floor, front room. (Inspector Mitch Imbertson)

RE: 1009 Thomas Ave (single family)

Robert Gotch, owner, appeared.

Fire Inspector Mike Urmann:

- bedroom windows
- 1st floor - 2 bedroom windows double-hung 21h x 23.5w with glazed area of 50.25h x 23.5w (8.2 sq ft)
- 2nd floor rear bedroom - double-hung 17h x 17.5w with glazed area of 42h x 17.5w (5.2 sq ft)
- 2nd floor front bedroom - double-hung 17h x 21.5w with glazed area of 42h x 21.5w (6.4 sq ft)

Ms. Moermond:

- 1st floor bedrooms - she will recommend a variance
- 2nd floor front bedroom - she will recommend a variance
- 2nd floor rear bedroom - she will deny that appeal

Mr. Gotch:

- the 2nd floor rear room has never been advertised as a bedroom and it should not be used as a bedroom; tenant is aware of that
- the tenants have used it as a bedroom and they are fully aware that it is not to be used as a bedroom
- he replaced all the windows 8 yrs ago
- no way to make those windows larger without altering the structure of the bldg
- will add an amendment to the lease that it cannot be used as a bedroom at any time

Ms. Moermond:

- two problems: 1) the window in the 2nd floor rear room is significantly too small; and 2) Mr. Gotch appears to not have been able to control the use of that room as a

bedroom; and it doesn't look as though it's going to resolve itself
- appellant will be able to get the height dimension if he changes the window to a casement type and then she would be happy to look at a variance on the width dimension (most affordable solution)
- is concerned that the tenants will sleep in that room regardless
- need 16"

Mr. Gotch:

- thinks he will still be short about an inch if he changed the window to casement
- will recommend denying the appeal and grant 90 days extension on the 2nd floor rear window

Mr. Urmann:

- suggested that his contractor put in egress hardware; it will take away a lot of hinge space

Referred to the City Council due back on 9/21/2011

1:30 p.m. Hearings

Correction Orders

- 12 [RLH CO 11-17](#) Appeal of Tom Anderson to a Correction Notice at 2179 BENSON AVENUE.

Sponsors: Harris

Attachments: [2179 Benson.appeal.8-10-11.pdf](#)
[2179 Benson.Photos.8-1-11.pdf](#)

Inspector Essling asked the property owner to reschedule to 9.6.11 at 11:00 AM and he agreed.

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

Fire Certificates of Occupancy

- 13 [RLH FCO 11-310](#) Appeal of Scott Somers to a Fire Certificate of Occupancy Inspection Correction Notice at 1525 ALAMEDA STREET.

Sponsors: Helgen

Attachments: [1525 Alameda.appeal.8-11-11.pdf](#)
[1525 Alameda St.Somers Ltr 8-29-11.doc](#)
[1525 Alameda St.Somers Revised Ltr 8-29-11.doc](#)

Grant the appeal per the conditions outlined in Appellant's letter; grant a 6-inch variance on the openable height of the egress windows in the 2nd floor bedrooms. (Lisa Martin)

Referred to the City Council due back on 9/21/2011

- 14 [RLH FCO 11-303](#) Appeal of Jayant Saraph to a Fire Certificate of Occupancy Inspection Correction Notice at 601 CLIFFORD STREET.

Sponsors: Stark

Attachments: [601 Clifford.appeal.8-9-11.pdf](#)
 [601 Clifford St.Saraph Ltr 8-29-11.doc](#)
 [601 Clifford.Photo.pdf](#)

Housekeeping: #4-Both units - forthcoming (MM to look at window language from previous).

#7 - Exterior (parking spaces) - Appellant will work with Zoning on site plan. (Inspector Mitch Imbertson)

RE: 601 Clifford St (duplex)

Jayant Saraph and Ann Rauvola appeared.

Fire Inspector Leanna Shaff:

*- Fire Certificate of Occupancy inspection Aug 2, 2011 by Inspector Imbertson
- #4 Egress/ Escape windows*

*Lower Unit - one bedroom has awning style window with an unobstructed open area of 16" wide on side of hardware and 12 inches outward
sill height is 55 inches*

*Upper Unit - 2-bedroom - front bedroom has awning style 16" wide on side of hardware and 12 inches outward
sill height is 58 inches*

rear bedroom has a double-hung window 12 3/4h x 38.5w

sill height is 55 inches

Code Requires 24h x 20w openable; maximum sill height is 48 inches

- #7 parking area had been expanded and repaved without a site plan review and zoning approval

(Inspector Imbertson notes that he discussed this with Karen Zacho in zoning who will review the photos and determine if the placement of the driveway is not the same and needs site plan review - approach is too wide at 16 feet and the driveway is less than 1 foot from the property line)

- no photos

Ms. Rauvola:

- entered photos

- Mr. Saraph had called zoning before it was put in and they told him that because it was already paved before that it could go up to the property line and they said it didn't need a site plan; that's why he didn't get one

Mr. Saraph:

- they are working with a person in zoning but haven't heard back

- it was always part concrete and part gravel

Ms. Moermond:

- the driveway looks as though it is strictly a zoning issue at this point and it will be resolved with zoning

- Fire people will touch base with zoning

Mr. Saraph and Ms. Rauvola:

- egress windows were inspected in 2008; installed in 2005

- bldg is stucco and brick - they have a permit and everything was approved

- Insp Imbertson said that the only reason that he didn't approve the windows was because he couldn't find the inspector who had inspected them in 2005; Ms. Rauvola spoke with the window company this morning and they said that the City had been called, permits had been pulled and on the permits it says exactly what the opening

should be and they did everything according to the permit in 2005; again, it was inspected in 2008 and passed

- entered the paperwork from 2008 (Orders from Jun 13, 2008- Insp Tuher- no longer with Fire); copy of permit for windows
- used a window company that has been in business for over 100 yrs (Gladstone)

Ms. Shaff:

- noted there is an express permit in 2005 (express permits are done with a fax or online); it was never inspected; Inspector Tensing (retired) never inspected them; file was closed due to expired permit
- code is very clear that it's incumbent upon the permit holder to call for inspections

Ms. Moermond:

- scanned appellants' copies
- not a good situation: the inspector who told appellant that the sill height was OK at 55 inches didn't actually have the authority to do that; at the same time, she wants to take that into account and read the specific language in the permit itself (the old language may be a little confusing)
- in each case, sill height is too high (code 48"); the code has remained the same; it's possible that the measurements were not actually done in 2005
- will take time to examine the document
- this will be on the City Council Sep 21, 2011 public hearing agenda; plan to be there
- her recommendation is forthcoming; must give this extra consideration
- looks as though appellants have been maintaining the bldg very well

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

15 [RLH FCO
11-307](#)

Appeal of James Swartwood to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 1100 CONWAY STREET.

Sponsors: Lantry

Attachments: [1100 Conway.appeal.8-11-11.pdf](#)
[1100 Conway St.Swartwood Ltr 8-29-11.doc](#)

Grant the appeal. (Inspector Wayne Spiering)

RE: 1100 Conway St (single family)

James Swartwood, owner, appeared.

Fire Inspector Leanna Shaff:

- Fire C of O re-inspection done Aug 5 by Inspector Spiering
- #2 dryer exhaust vent has improper gauge aluminum (must be minimum of 30 gauge galvanized metal or minimum 26 gauge aluminum)
- no permit on file
- will take time to go thru old Orders and find out why inspectors were changed

Mr. Swartwood:

- does not provide clothes dryers at this property
- tenants are finally moving out after 2 yrs of strife
- tenants had put in a flexible hose; then he put replaced the flexible vent with a rigid one
- got his Fire Certificate of Occupancy last year (Pat Fish Sep 5, 2010)
- series of criminal acts done by tenants; talked with Phil Owens who agreed to send out a substitute inspector, Pat Fish,

Ms. Moermond:

- not seeing #2 called out in the 2010 inspection; then, she found "Status is Abated"

- will recommend granting the appeal

Referred to the City Council due back on 9/21/2011

16 [RLH FCO
11-326](#)

Appeal of Bee Vue to a Fire Certificate of Occupancy Correction Notice at 107 FRONT AVENUE.

Sponsors: Helgen

Attachments: [107 Front.appeal.8-17-11.pdf](#)
[107 Front Ave.Vue Ltr 8-29-11.doc](#)

Laid Over to LH Sep 6, 2011. (Owner missed the August 23 hearing)

Laid Over to Legislative Hearing due back on 9/6/11.

17 [RLH FCO
11-327](#)

Appeal of Bee Vue to a Fire Certificate of Occupancy Correction Notice at 980 CONWAY STREET.

Sponsors: Lantry

Attachments: [980 Conway.appeal.8-17-11.pdf](#)
[980 Conway St.Vue Ltr 8-29-11.doc](#)

Laid Over to Legislative Hearings Sep 6, 2011. (Owner missed the August 23 hearing)

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

18 [RLH FCO
11-302](#)

Appeal of Shuping Zhang to a Fire Certificate of Occupancy Inspection Correction Notice at 852 FOURTH STREET EAST.

Sponsors: Lantry

Attachments: [852 4th.appeal.8-9-11.pdf](#)
[852 Fourth St E.Zhang Ltr 8-29-11.doc](#)
[852 4th St.Fieldstone Engineering Report.7-25-11.pdf](#)
[852 4th St.Photos.8-15-11.pdf](#)

Ms. Moermond recommended the following: (Inspector Wayne Spiering)

Item 1 (basement foundation) - Appellant can do the work on her own;

Item 4 (basement grounding jumper around water meter) - forthcoming;

Item 5 (egress windows) - grant a 3-inch variance on the openable width of the egress window in the upper floor north bedroom;

Item 12 (lower unit, kitchen, SE and NE bedroom) - grant the appeal;

Item 16 (upper unit, living room walls) - grant the appeal;

Item 18 (upper unit, living room and north bedroom window maintenance) - deny the appeal and grant 60 days;

Item 20 (heating furnace test) - deny the appeal and grant 60 days.

RE: 852 Fourth St E (duplex)

Shuping Zhang, owner, appeared.

Fire Inspector Leanna Shaff:

- Fire C of O inspection done Jul 15, 2010 by Inspector Wayne Spiering
- there are photos on file
- appealing items listed above
- #4 do not see a jumper around meter - appellant has photo
- #12 lower unit kitchen and SE and NE bedrooms - maintain windows; repair/replace windows in kit and bedrooms; remove plexiglas attached to outside of window in SE bedroom
- #16 repair damaged west wall in living room, upper unit (lack photo)
- #18 window latch upper unit living room and N bedroom (code requires windows to be easily operable; can't require special knowledge)
- #20 submit a completed copy of Fire Marshal's Existing Fuel Burning Equipment Safety Test Report (2009); code requires the completed copy upon inspection - must be less than one year old

Ms. Zhang:

- #4 passed final inspection in 2009; showed copies of permits pulled (electrical, heating, plumbing, bldg)
- #12 provided photos; inspector said that each room must have one operable window
- #16 photo - wall is solid - has some dots on it but it is solid; Jim Seeger said it was OK
- #18 photo - described how latch keeps window open
- #20 provided 2009 copy of text report
- asked for more time to get the work done
- #1 has an engineer's degree and wants to know whether she can do it instead of hiring a licensed contractor to do the work; provided copy of structural engineer's report (Fieldstone Engineering)

Ms. Moermond:

- #4 sees a permit pulled 2009 for \$5,700 for work including jumper
- asks Ms. Shaff to connect with Steve Thurmond, who apparently signed off on the permit to see what he saw in 2009
- #12 scanned all photos; will recommend granting the appeal; asks appellant to label each inoperable window so that people know it is not an egress window
- #16 will recommend granting the appeal lacking photo
- #18 will recommend denial
- #20 will recommend denial; must provide recent furnace test
- #1 Appellant may do the work on her own (foundation is sound and work to be done is cosmetic in nature)
- will recommend granting 60 days to come into compliance (3rd week of Oct 2011)
- CCPH Sep 21

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

19

[RLH FCO
11-266](#)

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

Sponsors: Helgen

Attachments: [946 Galtier.appeal.7-25-11.pdf](#)

Ms. Moermond will recommend granting an extension to Oct 1, 2011 to come into compliance.

Laid Over to Sep 6, 2011 LH.

RE: 946 Galtier St (single family)

LH Sep 6, 2011 -

Ms. Moermond:

- looks as though Appellant is coming into compliance
- will recommend granting an extension to Oct 1, 2011 to come into compliance

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

20 [RLH FCO
11-306](#)

Appeal of Jeff Noreen to a Fire Certificate of Occupancy Approval With Corrections at 764 MARYLAND AVENUE EAST.

Sponsors: Bostrom

Attachments: [764 Maryland E.appeal.8-10-11.pdf](#)
 [764 Maryland Ave E.Noreen Ltr 8-29-11.doc](#)

Deny the appeal and grant 90 days for compliance. (Inspector Mike Cassidy)

RE: 764 Maryland Ave E (duplex)

Jeff Noreen, owner, appeared.

Fire Inspector Leanna Shaff:

- Fire C of O inspection done Jul 29 by Inspector Cassidy
- permit is required for dryer duct in basement; appellant was denied a permit

Mr. Noreen:

- installed a solid duct
- has been told to go back and get a permit, which he tried to but was denied by DSI
- has not hired a licensed contractor to pull the permit

Ms. Moermond:

- will need to hire a licensed contractor to pull the permit and have it inspected
- will recommend denial and grant 90 days to come into compliance

Referred to the City Council due back on 9/21/2011

21 [RLH FCO
11-289](#)

Appeal of Michael Ahrndt to a Fire Certificate of Occupancy Inspection Correction Notice at 1901 MARYLAND AVENUE EAST.

Sponsors: Bostrom

Attachments: [1901 Maryland.appeal.8-4-11.pdf](#)
 [1901 Maryland Ave E.Ahrndt Ltr 8-29-11.doc](#)
 [1901 Maryland.Photos.7-1-11.pdf](#)

Deny and grant an extension to October 15, 2011 for compliance. (Inspector James Thomas)

RE: 1901 Maryland Ave E (3/4 family)

Michael Ahrndt, owner, appeared.

Fire Inspector Leanna Shaff:

- Fire C of O inspection Jul 26, 2011 by Inspector Thomas

- 29 items on Order

Mr. Ahrndt:

- questions the legitimacy and accuracy; and certainly the reasonableness, given 24 days
- about a decade ago he came back to the East Side with some real estate specialists, investor friends, also East Siders who agreed to go back into their home community to make some improvements; the others have been driven off and he is still here
- this triplex is being questioned again
- the interiors of 2 units have been completely remodeled; the exterior has been left as it was when he purchased it in mid 90s
- the exterior is long overdue and he feels a responsibility to the community and neighbors; asks for more time to complete it
- when he thinks an item is inaccurate, he will contact Mr. Dave Nelson, bldg insp whom he's worked with in the past
- there's nothing unsafe about this property
- he's an engineer and each item on the list will be addressed and more
- the house looks terrible and everything will be corrected
- the bigger picture: when he came back to this community, he's had tenants molested, cars stolen, house broken into, thousands of dollars worth of tools stolen, 2 family members nearly run over because of the speeding on the street
- would like to ask the City of Saint Paul if they feel a responsibility in addressing what has not been addressed since he came back here
- in the past month, they've had 3 windows shot out of vehicles, a shed broken into, cited drug dealings, etc.
- the inspector who came out said that the nbrs had had it with him, but he has spoken with his neighbors and that's not true
- he talked about cooperation with the inspector; the inspector talked about condemnation
- he will present a plan to do things differently - very cooperatively and proactively and he will pay for it
- he's engaged and will make improvements in this community thru his foundation
- he has solutions to these problems; has captured the attention of Mayor Coleman, Mayor Rybek, Governor Pawlenty, Governor Dayton, senators - they are so disconnected with what's going on in the communities - the people of his community will become engaged and expand
- asking for a reasonable time frame in which to get this done
- the inspector has already driven out one of his tenants, who was frightened and left
- he will address the safety issues immediately

Ms. Shaff:

- there have been tarps on the roof for at least a couple of yrs
- roofing and siding permits have expired
- would like this bldg to be in compliance - 2 yrs is too long
- Mr. Ubl, Sr Bldg Insp, would be open to the Legislative Hearing Officer allowing an extension to complete the work if 2 issues can be carved in stone: 1) new permits be obtained prior to work commencement; and 2) a drop dead completion date (Mr. Ahrndt has agreed to both those conditions; he would like to work with the bldg construction people; he will not work with Inspector Thomas)

Ms. Moermond:

- need to hire a licensed electrician - exposed wiring in some places (a terminated circuit-wire was exposed when he removed some trim)
- too many people in sleeping areas (those tenants are moving out - did provide a letter to them asking it to cease immediately)

- CCPH Sep 21, 2011
- will recommend denying the appeal and granting an extension to October 15, 2011 to come into compliance

Referred to the City Council due back on 9/21/2011

22 [RLH FCO
11-300](#)

Appeal of Tod Peterson to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 1364 REANEY AVENUE.

Sponsors: Lantry

Attachments: [1364 Reaney.appeal.8-10-11.pdf](#)
 [1364 Reaney Ave.Peterson Ltr 8-29-11.doc](#)

Ms. Moermond recommended the following:

Item 1 (basement patching of cracks and holes in walls) - deny the appeal and grant an extension for 90 days;

Item 7 (upstairs sleeping room) - grant a 7 sq ft variance on the space of the sleeping room, provided that only one person sleeps there; and

Item 14 (unapproved use of room) - deny the appeal and grant an extension for 90 days to come into compliance. (Inspector James Thomas)

RE: 1364 Reaney Ave (duplex)

Tod Peterson, owner, appeared.

Fire Inspector Leanna Shaff:

- Fire C of O inspection done Jul 28, 2011 by Inspector James Thomas

- #1 patch holes and cracks in walls

- #7 sleeping room being too small on the west side 63.5 sq ft (code requires minimum sleeping room area for one person 70 sq ft)

Mr. Peterson:

- has asked for clarification by inspector but has not heard back from him

- #1 inspector talked about peeling paint (built in 1912 - ongoing condition) needs attention every year; where are the cracks? it's peeling paint

- entered photos

- question #14 his use of personal office - is looking for time to move the office to another location

Ms. Moermond:

- #7 will recommend a sq ft variance - put in lease that only one person can use that room for sleeping

- #1 may be that paint is peeling in a way that appears as cracks

- she and Ms. Shaff viewed his photos and both agree that they can see cracks in the wall

- #1 will recommend denial and grant an extension of 90 days

- #14 will recommend an extension of 90 days to move his office

Referred to the City Council due back on 9/21/2011

23 [RLH FCO
11-312](#)

Appeal of Mark Grondahl to a Fire Certificate of Occupancy Inspection Correction Notice at 1654 MCAFEE STREET.

Sponsors: Bostrom

Attachments: [1654-1656 McAfee.appeal.8-12-11.pdf](#)
[1654 McAfee St.Fire C of O Letter.8-18-11.pdf](#)
[1654-1656 McAfee.Grondahl Ltr 8-29-11.doc](#)

No one appeared. Ms. Moermond recommended the following:

*Item 2 (clearance around electrical panel) - deny the appeal;
 Item 10 (egress windows) - egress windows in compliance (moot)
 Item 12 (extension cords) - deny the appeal. (James Thomas)*

RE: 1654 McAfee St (duplex)

Fire Inspector Shaff:

*- did send Inspector James Thomas back out there; Ms. Moermond needed window measurements - 42h x 20w
 - windows were installed without a permit
 - express permit 2009 is inactive; closed due to inactivity*

Ms. Moermond:

- will recommend granting the appeal on the windows

On August 30, 2011, Appellant called and stated that he got my letter of the hearing officer's recommendation. However, he indicated to me that his appeal was rescheduled to September 6, 2011.

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

24 [RLH FCO
11-290](#)

Appeal of Kelly Korwin to a Fire Certificate of Occupancy Inspection Correction Notice at 734 OTTAWA AVENUE.

Sponsors: Thune

Attachments: [734 Ottawa.appeal. 8-3-11.pdf](#)

Withdrawn by Department and Appellant. (Sean Westenhofer)

Withdrawn

25 [RLH FCO
11-296](#)

Appeal of Scott Huestis, Trustee for Dorothy M. Huestis Trust, to a Fire Certificate of Occupancy Correction Notice at 1685 TAYLOR AVENUE.

Sponsors: Stark

Attachments: [1685 Taylor.appeal.8-08-11.pdf](#)
[1685 Taylor Ave.Huestis Ltr 8-29-11.doc](#)

Ms. Moermond indicated that she will re-visit this matter in 6 months. The property can be out of the Certificate of Occupancy Program.

*Item 9 (egress windows throughout) - grant the appeal. For those that don't meet egress or don't open, put signage on them;
 Item 12 (glazed area in Unit 1, first floor side bedroom) - deny a variance on the glazed area;
 Item 16 - grant an 8-inch variance on the openable height of the egress window in the front bedroom in Unit 3; grant a 3-inch variance on the openable width of the egress window in the side bedroom in Unit 3;*

Item 19 (legal use of unapproved unit) - Appellant (future owner) will need to work with Zoning. (Inspector Mitch Imbertson)

RE: 1685 Taylor Ave (triplex)

Scott Huestis, trustee, appeared.

Mr. Huestis:

- needs to sell the house because his father is bedridden with alzheimers

Fire Inspector Leanna Shaff:

- Fire Certificate of Occupancy inspection conducted Jul 29, 2011 by Inspector Mitch Imbertson

- numerous items are being appealed

- #9 maintain windows; repair so easily openable; at least one window in each bedroom must meet egress requirements 24h x 20w; windows should be able to be opened without excessive force

Mr. Huestis:

- #9 there are windows everywhere; does every single double hung window have to open?

- 1 bedroom opening in each bedroom is not a problem; thinks at least 1, 2 or more windows open easily in each room

- house is empty now; he's trustee for his mother and inherited the responsibility of the house (his mother's trust owns it)

- does not plan to rent the house

- had questions about changing things in the house; Ms. Moermond suggested he talk with the bldg official about it (plans may need to be submitted and reviewed by the appropriate inspectors) - for future owner

Ms. Moermond:

- #9 concerned about how much of the window opens and 1 window in each bedroom must open properly and easily to the right dimensions

- #9 not every room is listed in the Orders; but 1 window on each side must open properly

- label the windows that don't open

- right now, this is owner equivalent, so she will get him out of the C of O Program

- when he sells the property, he will need to have a Truth in Sale of Housing Inspection or he can share the Fire C of O inspection and use it to transact the property (this can be a disclosure document that he has already in place); whoever acquires this house will need to deal with this list

- also, when the house is sold, the seller will need to get a Certificate of Occupancy

- make sure the property is winterized

- will put this on for a staff report in 6 months

- if it is sold, great; if it is not sold, we need to figure out a different plan of action

- it will go before the City Council as a matter to continue

- the answer to changes in the house are going to depend on how the purchaser wants to use the space; they will need to craft a solution at that time

- currently, the bldg is a tri-plex, the purchaser can arrange it in whatever way they choose but they will need to get approval

- Mr. Huestis just needs to disclose the list

- we'll touch base in 6 months; Mr. Huestis will get a letter from Mai Vang

Referred to the City Council due back on 9/21/2011

Sponsors: Lantry

Attachments: [880 Wilson.appeal.8-4-11.pdf](#)
[880 Wilson Ave.Alter Ltr 8-29-11.doc](#)
[880 Wilson.Photos.7-26-11.pdf](#)

Deny and grant to October 1, 2011 for compliance. (Inspector Wayne Spiering)

RE: 880 Wilson Ave (three/four family)

Jane Alter, property manager, on behalf of Robert Andrew, Twin Cities Real Estate Holdings

Fire Inspector Shaff:

- complaint inspection conducted Jul 26 by Inspector Wayne Spiering (2 open complaints)*
- photos in Amanda*
- complaints of mice infestation and mold issues in basement that floods; bedroom leaks thru window frames*
- all work should be done under permit (appellant says that wasn't asked for any of the work)*
- once the sheet rock was removed, the occupancy separation was removed from the upper apartment; it needs to be put back in a certain way which requires a contractor working under permit*

Ms. Alter:

- no one lives in apt above the basement*
- has not seen flooding in the basement; have repaired a pipe that had been leaking in basement (before complaint issued)*
- complaints were most likely issued by tenants whom they are removing*
- trying to evict 3 out of the 4 tenants in that bldg*
- need more time*
- have done mold remediation in basement (took out all sheetrock; applied bleach and fungicides)*
- have done nearly every item on list*
- have not yet gotten a contractor in to do the basement dryer vent*
- had demolition done by tenants*
- looking for more time to get things done: hire a contractor to put in dryer vent; time to continue mediate any more mold re-growth; time for the humidifier to take out more moisture; tenants are moving out, etc*
- have hired a caretaker and lawn care*
- clean trash in yard continuously (neighborhood issue at this point)*

Ms. Moermond:

- before new tenants move in, the living spaces need to be properly separated from one another so fire doesn't spread too quickly (1 hr separation)*
- suggested Ms. Alter call the permit desk in the Department of Safety and Inspections to talk with them about this circumstance (they can walk appellant thru the nuts and bolts)*
- parts of the work needs to be done by a licensed contractor; other parts may not but all the work that's done needs to be inspected*
- will deny appeal and grant an extension to October 1, 2011 to come into compliance*

Referred to the City Council due back on 9/21/2011

2:30 p.m. Hearings

Vacant Building Registrations

- 27 [RLH VBR 11-62](#) Appeal of On Time Contractors to a Vacant Building Registration Requirement at 466 EDMUND AVENUE.

Sponsors: Carter III

Attachments: [466 Edmund.appeal.8-23-11.pdf](#)
[466 Edmund Ave.On Time Contractors Ltr 8-29-11.doc](#)

If Appellant can get Certificate of Occupancy or Certificate of Code Compliance by October 1, 2011, Ms. Moermond will recommend deleting the vacant building fee. (Inspector Dennis Senty)

RE: 466 Edmund Ave (single family)

Vadim Komisarchik, property manager

Matt Dornfeld, Vacant Buildings:

- bldg condemned Jul 16, 2009 by Inspector Barb Cummings*
- opened Cat 2 VB Aug 31, 2009 by Inspector Dennis Senty*
- went thru a Sale Approval Process by Mr. Reid Soley, DSI Apr 8, 2011 to On Time Contractors*
- since 2009, 6 Work Orders issued for: 1) snow/ice; 2) boarding/securing; 3) removal of furniture and household items, debris*
- in future, give your inspector a call if you're this close to finish*

Mr. Komisarchik:

- will be done with the house in 1 week; all work will be done; On Time Contractors are a construction company, too*
- permits have been pulled*
- they always make sure everything is up to code*
- going to apply for Certificate of Occupancy*

Ms. Moermond:

- if you have the C of O or Certificate of Code Compliance by Oct 1, 2011, she will recommend waiving the VB fee; if that's done in 90 days, she will recommend it be reduced considerably*
- letter from Mai Vang is forthcoming*

Referred to the City Council due back on 9/21/2011

- 28 [RLH VBR 11-63](#) Appeal of Roger New to a Vacant Building Registration Requirement at 956 IGLEHART AVENUE.

Sponsors: Carter III

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

Ms. Moermond recommended changing the vacant building fee status from Category 2 to 1 and waiving the vacant building fee for 90 days. (Property owner must have Certificate of Occupancy if the owner does not occupy the building) (Inspector Dennis Senty)

RE: 956 Iglehart Ave (single family)

Roger New, owner, appeared.

Matt Dornfeld, Vacant Buildings:

- Revoked C of O Jul 22, 2011 by Inspector Beumer*
- 10 deficiencies were documented at that time*
- Cat 2 VB opened by Inspector Senty Jul 26, 2011*
- Insp Senty had garaged secured Aug 2, 2011*
- most recent, tall grass and weeds letter issued this am*

Fire Inspector Shaff:

- Condemnation within Orders for water shut off and multiple code violations*
- haven't been able to gain access to interior of property*
- Insp Beumer has been in contact with Mr. New since May 2011*
- no decision on whether he will sell, occupy or etc.*

Mr. New:

- apologized for not knowing the ordinances*
- when he first came into contact with Insp Beumer, he explained to him that he was in the process of selling the home and understood that if it was on the market it could remain unoccupied*
- Insp Beumer said he needed to do an inspection or a Truth in Sale of Housing report had to be done by a licensed inspector, which he had done and submitted the report to the City*
- several weeks later, Mr. Beumer called and asked whether the water was still shut off and it was because the meter needed to be changed in the house resulting from tenants leaving a huge mess; they trashed the place (has photos)*
- he fixed all those things the tenants had damaged*
- been in the process of trying to sell it, currently on the market*
- last Mon, the water meter was changed by the City and the water was turned back on*
- garage door had been fixed and re-secured*
- he responded to all Notices from City*
- put a new locking mechanism latch on basement window*
- made arrangements for the grass to be mowed*
- a relative has asked to stay there until the property has been sold;*
- entered photos*
- was under impression that Truth in Sale and Housing would suffice*

Ms. Moermond:

- viewed photos (before and after)*
- will recommend waiving the VB fee for 90 days from when the City Council acts on this (to late Nov, 2011)*
- if Appellant sells, he must share his Truth in Sale and Housing report*
- someone can occupy it; if it's not owner-occupied it will need a Fire Certificate of Occupancy*

Referred to the City Council due back on 9/21/2011

FRONT AVENUE.

Sponsors: Helgen

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

Ms. Moermond recommended appeal be denied and waiving the vacant building fee for 90 days. The property will remain Category 2 vacant building and must go through the Code Compliance Inspection process. (Inspector Mike Kalis)

RE: 401 Front Ave (duplex)

Thomas Poole, owner, appeared.

Matt Dornfeld:

*- Revoked C of O Jul 18, 2011 by Inspector Lisa Martin
- 22 violations were documented
- Insp Martin's last inspection notes: "Met representative from Real Property Mgmt who stated he has never been on the property. I asked who made the repairs. He told me the owner was responsible for some repairs and the mgmt company sent someone out to the home for some repairs but he was not sure. I explained that a responsible party is to meet the inspector. He admitted that there is a lack of repairs and the repairs made do not meet minimum standards and that Unit 1 is over-occupied; an egress window is blocked; the roof is in poor condition; the only addition was new carpet in the vacant Unit 2. The representative stated the mgmt company and the owner pass the blame on each other so it's fair to say that no one is taking responsibility for this property. The front/rear doors do not open/close and designed. Unit 1 - over-occupied, hole in walls, the tub is peeling, lack of egress, illegal bedroom still being used, landing to basement is dangerous and may fall thru - (recent repair!) Spoke to Supervisor Shaff and we will Revoke with 10 days for _____."*

Fire Inspector Shaff:

*- might remember property from 2009-2010, it went thru here but also thru Referee Anish's courtroom
- an on-going lack of maintenance; lack of workmanship;
- photos will speak for themselves
- been dealing with this since Jan 2011 (letters: Jan 4; Feb 16; Mar ---it's excessive for a lot of these issues)
- patching walls has been not so good
- don't get a lot of cooperation from Mr. Poole*

Ms. Moermond:

*- viewed photos
- this is a VB now, DSI wants it to be in the registered VB program
- Fire Prevention is telling the VB people that the C of O has been Revoked and it's been Ordered Vacated - when that happens, it automatically goes into the VB Program and they call it a Category 2. That means you need to Code Compliance Inspection and get all those things signed off. At this point, Mr. Poole needs to let her know how he is going to get the place fixed*

Mr. Poole:

*- deed is in his name; first property purchased on his own
- passed original list except couple issues: windows, paint exterior
- it's a lot more work than he thought it would be
- had a bad tenant upstairs*

- lost his job
- appealing - basement guardrail (replace in an approved manner)
2 guardrails in entire house; both passed code compliance in 2009 and there's not a single thing different about them since then
- house was remodeled and now it's been tenant damaged and those issues have been addressed
- problem with mgmt company - he paid them \$2600 to put in carpet and other repairs, because some repairs weren't up to DSI's approval, he is suffering from that
- this is recent - it hasn't been bad for 2 yrs - all those things were fine in 2009
- #19 "repair and maintain the floor; repair and replace floor in Unit 2 that's sunken"; there's nothing sunken-it's not perfectly level but nothing's sunken
- lots of things on list he doesn't understand why they're on the list
- Ms. Shaff and Ms. Martin don't like him; he apologizes for the back and forth
- all the lights work - don't understand
- the list becomes very small when you take out the things that are not actual "issues"
- a bathtub needs recoating; a permit needs to be pulled for dryer vent; a handrail needs to be put on stairway on front (none of those are real safety issues - why is it Condemned?)
- patching issue on dry wall is fine; patching on lath and plaster in stairway is not going to get 100% smooth
- roof is old but it doesn't leak (been turned into insurance)
- leaking plumbing on list - there was some kind of spill upstairs and it seeped down (I had to have a plumber come out to make sure there was no leakage)- now they're talking about the same issue because there's a little water stain
- when I ask, "what needs fixing" I get, "we can't tell you how to fix....."
- he wants to be told what needs to be fixed, specifically
- dryer has been done; waiting on permit
- apologized for venting
- would like to hire a plumber and a general contractor to go thru the list or have a bldg inspector look at things and get signed-off
- the things that aren't signed off, I'll replace

Ms. Moermond:

- looking for a plan to address these items
- back and forth with Fire; sees a lot of appointments
- bad communication from mgmt company
- seeing long term noncompliance; a lot of inspection attempts - almost 8 months down the line and still have items on the list
- hearing some bickering from Appellant
- looks as though things have deteriorated since 2009 C of O inspection
- has photos from Jul 18, Jul 5, Apr 19 and Feb 17
- will recommend that this be in the Registered VB Program; it's empty; C of O has been Revoked
- will recommend waiving the VB fee for 90 days to see what can be sorted out
- will recommend a Code Compliance Inspection be done on this property (leave the Fire list behind) to see what the trade inspectors say, given the history of the bldg; a lot of problems seem to be from long term deterioration
- if another outcome is desired, attend the City Council Public Hearing Sep 21, 2011

Referred to the City Council due back on 9/21/2011

Staff Reports

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

Sponsors: Lantry

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

Ms. Moermond reviewed the Petition for Vacation provided by the property owner. Ms. Moermond recommended continuing the matter for 6 weeks to November 1, 2011 to work on the petition. (Inspector James Thomas)

Laid Over to the Legislative Hearings due back on 11/1/2011

31 [RLH FCO
11-273](#)

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

Sponsors: Thune

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

Ms. Moermond will recommend denying this appeal.

On August 23, 2011, Ms. Shaff indicated Appellant fixed the door and the ballistrade. (moot point and in compliance). Ms. Moermond recommended denying the appeal on the dryer exhaust duct and property owner will need to pull a permit. (Inspector Rick Gavin)

On August 30, 2011, Ms. Vang spoke to Mr. Wengler and he indicated that the dryer vent duct was in existence when he bought the house in 2005. He didn't put in the vent so he don't think he should be the one to pull the permit.

On September 6, 2011, Ms. Vang indicated that Mr. Wengler had called and he wants it to be looked at again. She showed Ms. Moermond a photo - she pointed to "the only thing that he fixed; and everything is solid." It was there when he bought the house.

Ms. Moermond is not comfortable with "that U-shape" (Fire Inspector Urmann also looked at it and added tht a licensed contractor will need to fix it; he will know what to do.) A contractor will need to be brought in to bring it up to code.

Ms. Moermond will recommend denying this appeal.

Referred to the City Council due back on 9/21/2011

32 [RLH CO 11-13](#)

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

Sponsors: Stark

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

Ms. Moermond's recommendation is forthcoming.

RE: 817 Aldine St (single family)

LH Sep 6, 2011 -

Mai Vang:

- MM wanted me to research prior Inspector Ubl's notes from 2007
- Mr. Krenik called this morning and said he wasn't aware of this hearing; Ms. Vang told him it was a staff report to review Mr. Ubl's notes from 2007 and he said he would like to be part of that review. He argued that MM said she would call him in a couple of days and she never did, so he's been waiting on that.

Ms. Moermond:

- let's re-schedule him for Tuesday, Sep 13, 2011

On September 6, Mr. Krenik called and stated he wants a hearing. Ms. Vang rescheduled to September 20 at 1:30 p.m.

9/20/11

817 Aldine was not on the agenda on this date; however, Mr. Krenik and his attorney Mr. Thompson appeared.

Ms. Moermond will recommend to the City Council on September 21 that an extension be granted to October 14 for a building permit inspection and deny the remainder of the items. Enforcement could be initiated on October 17 if need be.

Ms. Moermond referred to the Correction Order which was subsequent to a work plan that was agreed upon with an April deadline. She noted that they previously discussed the criminal tag which was written and later dismissed for non-compliance, and the correction order. Ms. Moermond said she reviewed Inspector Ubel's notes on the permits which she posted on line. Based on that review, it appears there are still outstanding things to be done and that an inspection must be done to insure that the work is complete and permits can be signed off.

Mr. Thompson, attorney, said he had advised Mr. Krenik on August 16 that he withdraw his appeal and they have another inspection because everything is in compliance. He said the current issues are all new and they have proof that the inspection on May 2 it was checked off, going back to the 11/19/10 correction notice, all issues related to the November 19, 2010 correction notice were marked 'resolved.' The three new issues are from a July 1, 2011 inspection. He stated he has photographs to show that everything has been corrected. Ms. Moermond said she would scan the photographs and put them on the record. Mr. Thompson said he looked at the code pertaining to the deficiencies Mr. Krenik has been tagged for and everything in the code he cited applies to an occupied building and even a garage. He said each time they get in compliance, they are tagged with something new. He's at a loss as to what's going on and would like to get a final resolution.

Ms. Moermond said under Chapter 40 all buildings on a parcel are considered a part of the Certificate of Occupancy and a part of the certified property. She said sees Fire C of O staff looking back and trying to get the things checked off. There are different things they are looking for in order to close the permit. She asked what they're looking at to finish up. Mr. Thompson again suggested setting up a complete final inspection and be done with it.

Ms. Moermond asked if they have scheduled an inspection. Mr. Krenik said it takes

about two weeks for him to schedule time off from work for an inspection. Everything is exterior and there is no need for inside inspections as Mr. Ubel said he has checked off all the interior work.

Ms. Moermond noted that the City Council already looked at this from the Legislative Hearings last winter and gave an end time in April for this to be taken care of. The criminal tag was written because the permits weren't signed off at that time. The City Attorney's Office said they would not prosecute the criminal tag pending an inspection to see whether or not the work was done. The Fire C of O staff then went out and put a C of O on and said the building permits must be finished and closed out. The original issue before the City Council was whether these things had to be done under the timeline and they said they did have to be done. The C of O orders issued on July 13, 2011 said August 1 would be the deadline and now it's mid-September. She feels this can be resolved when the permit is signed off. She said she wants a time certain from them to get an inspection and if they are not done, there is a criminal tag. The extension date is final.

Mr. Krenik said he will make arrangements at work to get time off and schedule an inspection.

Ms. Moermond said she will recommend to the City Council on September 21 that an extension be granted to October 14 for a building permit inspection and deny the remainder of the items. Enforcement could be initiated on October 17 if need be.

Referred to the City Council due back on 9/21/2011

Window Variances: No Hearing Necessary

- 33 [RLH WP 11-54](#) Appeal of Harmony Homes Inc., on behalf of Marsha Hartman, to an Egress Window Non-Compliance Determination at 1663 BAYARD AVENUE.

Sponsors: Harris

Attachments: [1663 Bayard.appeal.8-03-11.pdf](#)
[1663 Bayard Ave.Egress Window Permit.8-17-11.pdf](#)
[1663 Bayard.Harmony Homes Ltr 8-22-11.doc](#)

Grant a 3-inch variance on the openable height of the double-hung window measuring 21.75 inches openable height and 25.25 inches openable width; and grant a 7.75 inch variance on the openable height of the double-hung window measuring 43.25 inches openable width and 16.25 inches openable height.

Referred to the City Council due back on 9/21/2011

- 34 [RLH WP 11-57](#) Appeal of Christopher Hubbuch to an Egress Window Non-Compliance Determination at 719 CHARLES AVENUE.

Sponsors: Carter III

Attachments: [719 Charles.appeal.8-23-11.pdf](#)
[719 Charles.Hubbuch Ltr 8-22-11.doc](#)

Grant a 2.5-inch variance on the openable width of one double-hung egress bedroom window measuring 28 inches openable height and 17.5 inches openable width.

Referred to the City Council due back on 9/21/2011

- 35 [RLH FOW
11-124](#) Appeal of Raymond Simpson to an Egress Window Non-Compliance Determination at 1871 CONWAY STREET.
- Sponsors: Lantry
- Attachments: [1871 Conway.appeal.8-03-11.pdf](#)
 [1871 Conway.Simpson Ltr 8-22-11.doc](#)
- Grant a 2-inch variance on the openable height of the window measuring 22 inches openable height and 23 inches openable width. (James Thomas)*
- Referred to the City Council due back on 9/21/2011**
- 36 [RLH FOW
11-125](#) Appeal of Sandra Youngdahl to an Egress Window Non-Compliance Determination at 2086 ELEANOR AVENUE.
- Sponsors: Harris
- Attachments: [2086 Eleanor.appeal.8-05-11.pdf](#)
 [2086 Eleanor.Youngdahl Ltr 8-22-11.doc](#)
- Grant a 3.5-inch variance on the openable height of the first floor north and south bedroom windows. (Rick Gavin)*
- Referred to the City Council due back on 9/21/2011**
- 37 [RLH WP 11-52](#) Appeal of Daniel Schmidt, Public Health, on behalf of Michael Butchko to an Egress Window Non-Compliance Determination at 1008 PACIFIC STREET.
- Sponsors: Lantry
- Attachments: [1008 Pacific.appeal.8-03-11.pdf](#)
 [1008 Pacific.Public Health Ltr 8-22-11.doc](#)
 [1008 Pacific St.Revised Letter 8-24-11.doc](#)
- Grant a 4-inch variance on the openable height of two double hung egress bedroom windows measuring 20 inches high by 25 inches wide.*
- Referred to the City Council due back on 9/21/2011**
- 38 [RLH FOW
11-132](#) Appeal of Jose Gutierrez to a Fire Certificate of Occupancy Inspection Correction Notice at 1726 SIMS AVENUE.
- Sponsors: Bostrom
- Attachments: [1726 Sims.appeal.8-12-11.pdf](#)
 [1726 Sims.Gutierrez Ltr 8-22-11.doc](#)
- Grant a 5-inch variance on the openable height of the windows in all bedrooms measuring 19 inches openable high by 37 inches wide. (James Thomas)*
- Referred to the City Council due back on 9/21/2011**
- 39 [RLH FOW
11-128](#) Appeal of Rodger Bradford to an Egress Window Non-Compliance Determination at 919 TUSCARORA AVENUE.
- Sponsors: Thune

Attachments: [919 Tuscarora.appeal.8-03-11.pdf](#)
[919 Tuscarora.Bradford Ltr 8-22-11.doc](#)

Grant a 1.5 inch variance on the openable width of the windows in the second floor south bedroom which measures at 40.5 inches high by 18.5 inches wide.

Referred to the City Council due back on 9/21/2011