



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final - Final Legislative Hearings

Marcia Moermond, Legislative Hearing Officer
Mai Vang, Hearing Coordinator
Jean Birkholz, Hearing Secretary
Mary Erickson, Hearing Secretary
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651-266-8560

Tuesday, October 18, 2011

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Special Tax Assessments (CPH 10/19)

- 1 [RLH TA 11-333](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1116A1, Assessment No. 118144 at 1210 ALBEMARLE STREET. (Public hearing continued from October 5)

Sponsors: Helgen

Approve the assessment and spread the payment over three (3) years.

RE: 1210 Albemarle St (duplex)

Siu Lui Fung, owner, and Randy Lam, interpreter, appeared.

Ms. Moermond:

- sees a significant clean-up

Inspector Joe Yannarely:

- SA Order for overflowing dumpster and tall grass and weeds by Inspector Mike Kalis, 651/266-1929

- issued Jun 30, 2011; compliance date Jul 7, 2011; re-checked Jul 14 and found in noncompliance

- WO issued and work done Jul 21, 2011; cost \$2,140 + \$140 service charge = \$2,280

- 5 WO in 2008; nothing is last couple yrs

- Cat 2 VB since Oct 10, 2007

- no valid Code Compliance Report

- Notice sent to Siu Lui Fung, 528 Rice St - Mrs. Fung

- Jul 14 notes: "re-checked - refuse still in yard; called owner, will have a dumpster on site to remove garbage; gave owner extension to Jul 18, 2011

- Jul 18 notes: "re-checked - called contractor on Jul 14 who told me he would have it all removed on Jul 18 but refuse was still there; sending WO

- phone # 415/425-1286, San Francisco, CA

Viewed Video - showed a great deal of material: household items, junk, garbage, trash, construction debris, mattresses, dumpster, contents in garage; removed by City

Appellant:

- he got one Notice before they left for San Francisco; so, he called a contractor to clean it up but before deadline on Notice, the City already cleaned it up
- City took away re-modeling materials, a fence and the garage door, too
- he paid the contractor to take away construction materials, etc., in the dumpster
- what if contractors are no longer in business? (MM provided state licensing contacts)

Ms. Moermond:

- remembering previous conversation - there were 2 contractors involved (Home Owners Improvement Company and Aaron Philips Construction)
- was going to pull some information on these contractors (asked Mai Vang to check on them); apologized for losing track of that
- wants Mr. Fung to leave today with some good information about how to legally pursue these contractor with a claim
- contractor owes Mr. Fung the cost of the clean-up
- provide Mr. Fung with a copy of the video of clean-up and the City file records (Mr. Fung needs to write check for \$13 for copy of video)
- keep the invoice from Real Estate office indicating this tax assessment for this clean-up that wasn't done by the contractor
- recommended Mr. Fung file a claim against the City for removal of materials and garage door and fence (claim form in Room 310 CH)
- will recommend to CC that this assessment be approved payable over three (3) yrs
- CCPH Oct 19, 2011; a Cantonese translator will be provided for public hearing and to help fill out claim form
- have video available for CCPH tomorrow

Referred to the City Council due back on 10/19/2011

- 2 [RLH TA 11-386](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1113, Assessment No. 118119 at 909 DESOTO STREET

Sponsors: Helgen

No one appeared. Approve the assessment.

Referred to the City Council due back on 10/19/2011

- 3 [RLH AR 11-121](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1113B1, Assessment No. 118145 at 636 EARL STREET.

Sponsors: Lantry

Delete the assessment.

RE: 636 Earl St (single family)

Cindy Eskandary, owner, appeared.

Inspector Joe Yannarely:

- this is for an Emergency Boarding requested by SPPD Jul 15, 2011 at 7 pm
- unsecured window at cost of \$271.95 + \$140 service charge = \$411.95 (EMS charge is \$250)
- has been a Cat 2 VB since Apr 2009
- history of 9 WOs on property in past 2 yrs
- if the rehab is not done by Apr, Ms. Eskandary should contact inspector who will give her an extension, so that she won't need to pay \$1,100 for the VB fee

Ms. Eskandary:

- purchased home during state shut-down when she was out of work
- when she knew she intended to purchase it, she went to the people who were involved in nbhd organizations and introduced herself
- at the time, kids were camping out and breaking windows - she asked that people watch the property and gave them her phone number
- Jul 15, 2011, she received a call from one of the nbrs who told her that the kids were inside the porch breaking windows
- she went to the house at that time; she called the brokers handling property
- at this point, she still didn't have a scheduled closing but she did have an interest on rehab
- when she got there, she talked with the officer who never indicated that this property was going to be boarded; if he had, she could have been more persevering in getting hold of the brokers who would have taken care of it
- she was buying the house for her own residence; spent \$23,000 so far to rehab
- closed Aug 4, 2011; filed with her title company which didn't cover the assessments (this is one of many)
- this assessment to her is heinous - a property crime was committed and reported - she was there
- she thinks someone should have been consulted before the boarding was done - that's why she's here - she doesn't think she should be responsible for this particular assessment

Ms. Moermond:

- there has been no negative activity reported since Apr 2011
- the police found this place open to entry and probably have already called the boarding contractor because they need to move on to their next call; their thing is that they can't leave it unsecured
- will recommend deleting this assessment because there was some miscommunication
- printed out list of the assessments on this property; all have been levied

Referred to the City Council due back on 10/19/2011

- 4 [RLH TA 11-353](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1110E1, Assessment No. 118135 at 812 FULLER AVENUE. (Public hearing continued from October 5)

Sponsors: Carter III

Approve the assessment.

RE: 812 Fuller Ave (single family)

Pat Ware, representing DRB #24, appeared.

Two assessments: J1110E1 and J1113G1

Inspector Joel Essling:

- J1110E1 - Excessive Consumption fee for multiple violations in a 12-month period
- Orders issued: May 17; May 25; and Jul 1, 2011
- EC fee \$50 + \$20 service charge = \$70

- J1113G1 - Inspector had issued Orders to provide the City with the name and phone number of the licensed refuse removal company by Jul 5, 2011
- since there was no response by property owner, Inspector started weekly garbage

service

- garbage service started Jul 13, 2011 (it was out there for one week)
- \$50 to drop the container + \$50 for 1 wk service + \$50 to remove container + \$140 service charge = \$290
- check out photo of rear yard in STAMP Jul 6
- did not receive notice that Appellant had garbage service
- when inspector went back and saw Walters container, he called them to verify service had been started and then he had the City container removed

Ms. Ware:

- I know we had garbage service Jul 11, 2011
- she started working for DRB #24 Jul 25, 2011 but she had been at that property and saw the barrel that had been put there by the City; right next to it was their barrel from Walters
- questions whether the City is billing for a week that Walters picked up
- has a letter and bill from Walters that they billed for that week
- is confused about the EC fee
- note on her paper says FAX to C Skally at 651-266-1919 (3 days after City started service)

Ms. Moermond:

- the City did not know that there was garbage service there because no one let the City know that there was garbage service
- trash service hadn't been in place and trash was overflowing; City did a clean-up and at the same time ordered garbage service; afterwards, there's a confirmation that service has been re-established at the property and the Order was lifted
- will recommend approval for both assessments

Referred to the City Council due back on 10/19/2011

- 5 [RLH TA 11-354](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1113G1, Assessment No. 118143 at 812 FULLER AVENUE.
(Public hearing continued from October 5)

Sponsors: Carter III

Approve the assessment.

RE: 812 Fuller Ave (single family)

Pat Ware, representing DRB #24, appeared.

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Ms. Moermond:

- the City did not know that there was garbage service there because no one let the City know that there was garbage service
- trash service hadn't been in place and trash was overflowing; City did a clean-up and at the same time ordered garbage service; afterwards, there's a confirmation that service has been re-established at the property and the Order was lifted
- will recommend approval for both assessments

Referred to the City Council due back on 10/19/2011

- 6 [RLH TA 11-304](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1107A, Assessment No. 118134 at 1583 HAZELWOOD STREET.

Sponsors: Bostrom

Ms. Moermond recommends that the City Council reduce the assessment from \$835.00 to \$635.00.

Referred to the City Council due back on 10/19/2011

- 7 [RLH TA 11-374](#) Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1116A, Assessment No. 118121 at 323 LAWSON AVENUE EAST.

Sponsors: Helgen

Delete the assessment.

Inspector Joel Essling:

- LH recommended deleting this assessment after reviewing video for grass cutting

Referred to the City Council due back on 10/19/2011

- 8 [RLH TA 11-381](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1110E, Assessment No. 118120 at 1139 RAYMOND AVENUE.

Sponsors: Stark

Delete the assessment.

Inspector Joel Essling:

- Ex Consumption fee for \$70
- recommends that this assessment be deleted
- an arrangement had been made with the property owner

Referred to the City Council due back on 10/19/2011

- 9 [RLH TA 11-363](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1113A, Assessment No. 118136 at 1340 SEVENTH STREET WEST. (Public hearing continued from October 5)

Sponsors: Thune

Reduce the assessment from \$1,235.00 to \$475.00.

RE: 1340 7th St W (car wash)

Bill Lindsey, partner in the business going into facility owned by Dram Investments Limited Partnership, appeared.

Inspector Joe Yannarely:

- registered VB fee: \$1,100 + \$135 service charge = \$1,235*
- commercial bldg (River Bluff Car Wash)*
- Cat 2 VB since Jun 25, 2009*
- since then there have been 13 WO*
- team inspection completed Apr 2011*
- numerous permits pulled*
- C of O inspector, Scott St. Martin, is on top of this*

Mr. Lindsey:

- bldg is not vacant today; they're in the process of building a car wash*
- bldg went under auction*
- owner had been Zion's National Bank, Salt Lake City; they tried to see it unsuccessfully for a couple of years*
- went on auction May 20, 2011*
- owner of Dram was successful bidder*
- closed Jun 20, 2011 and almost immediately, they began to plan the refurbishing of the bldg*
- since Jul 2011, they have been at work doing the rehab*
- bldg was completely gutted; new interior tile; roof repaired; tress cut down; grass cut, etc.*
- probably 30 days away from opening the business (target it Nov 15)*
- is aware that there were previous assessments to Zion's for no occupancy in the previous period but from Jun 20 when Dram took ownership and they formed a partnership, they were almost immediately in that bldg*
- is puzzled by being charged a VB assessment when they are rehabbing the bldg and trying to build a business; seems counter intuitive*
- what is the foundation for charging an assessment? We have occupied the bldg*
- this company has nothing to do with what's gone on in previous years*

Ms. Moermond:

- will recommend the CC reduce the assessment in half (guessing they'll finish by Nov 15) - staff will monitor*
- if C of O is not issued by Dec 15, 2011, the other half of the bill will be processed*
- explained that the registered VB fee applied to everyone who has a registered VB - recovering some of the City's costs during the time that it's a registered VB and to provide a big incentive for people to get the bldg off the VB list*
- assessments go with the property even though they started with a previous owner; this should have been disclosed to you by the previous owner / at closing*
- this is not a penalty*

- will recommend that CC reduce the assessment from \$1,235.00 to \$475.00.

Referred to the City Council due back on 10/19/2011

- 10 [RLH TA 11-387](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1116A, Assessment No. 118121 at 1491 UNIVERSITY AVENUE WEST.

Sponsors: Stark

Owner will pay assessment.

Withdrawn

- 11 [RLH TA 11-388](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1115P, Assessment No. 118123 at 1491 UNIVERSITY AVENUE WEST

Sponsors: Stark

Delete the assessment because waiver was received.

Referred to the City Council

11:00 a.m. Hearings

Orders To Vacate, Condemnations and Revocations

- 12 [RLH VO 11-90](#) Appeal of Elsie Mayard to a Notice of Condemnation as Unfit for Human Habitation and Order to Vacate at 755 MINNEHAHA AVENUE WEST.

Sponsors: Carter III

Rescheduled to October 25.

Laid Over to the Legislative Hearings due back on 10/25/2011

1:30 p.m. Hearings

Window Variances: Hearing Required

- 13 [RLH FOW
11-174](#) Appeal of Joshua O'Neill, CBI LLC, to a Fire Inspection Correction Notice and Condemnation of Basement Bedrooms at 1594 and 1596 HAGUE AVENUE.

Sponsors: Stark

LH 10/11: Laid over from October 18 for housekeeping. Ms. Moermond to look at the building code on guardrail and owner to submit photos of the three window wells. Condemnation is lifted.

LH 10/18: Ms. Moermond reviewed the file and Appellant failed to submit photos of the window wells; therefore, she recommends denying the appeal on the window wells.

On October 18, Ms. Vang reviewed her letter to Mr. O'Neill and in error the matter

was laid over to October 25 for Ms. Moermond to review the guardrail code.

Laid over to Oct 25 to further discuss guardrail issue and forthcoming photos. PH is November 2.

Laid Over to the Legislative Hearings due back on 10/25/2011

14 [RLH FOW](#)
[11-190](#)

Appeal of Tony Swanson, Public Housing Agency, to a Fire Certificate of Occupancy Inspection Correction Notice at 260 POINT DOUGLAS ROAD NORTH.

Sponsors: Lantry

Laid over from October 11 for Appellant to provide measurement of at least 16 inches high for the main floor northwest bedroom. Ms. Shaff spoke to Mr. Swanson and he indicated that the window measures 16 inches high. Ms. Moermond recommends that the City Council grant an 8-inch variance on the openable height of the egress window in the main floor northwest bedroom. (See October 28 hearing for other recommendation.) (Inspector Wayne Spiering)

RE: 260 Point Douglas Road N (single family)

Fire Inspector Leanna Shaff:

- Public Housing is appealing the egress windows #2
- window is question: main floor NW bedroom double-hung 15h x 32w (she talked with Tony Swanson, maintenance personnel; he was able to get that window open to 16-inches - she hasn't verified that but doesn't doubt it

- Ms. Moermond:

- based on the re-measurement of egress window, will recommend Council grant variances on all 3 windows

Referred to the City Council due back on 11/16/2011

15 [RLH FOW](#)
[11-192](#)

Appeal of Richard Kedrowski to a Fire Certificate of Occupancy Correction Notice at 1190 MAGNOLIA AVENUE EAST.

Sponsors: Bostrom

Deny the appeal on the awning type windows in the upstairs bedroom and grant an extension for 90 days to come into compliance. (Inspector Kelly Booker)

RE: 1190 Magnolia Ave E (single family)

Richard Kedrowski, owner, appeared.

Fire Inspector Leanna Shaff:

- Fire C of O inspection Sep 28 by Inspector Kelly Booker
- #8 - egress window- awning type open 22.5 x 45 with scissor type hardware in center of window

Mr. Kedrowski:

- scissor type assembly is what Ms. Booker was concerned about; however, there is a clip on the sash and if that clip is flipped, the assembly falls loose from the window so there wouldn't be an obstruction
- he looked into a vinyl side slider window that would fit; best he found would have a 22.68 x 20.9 opening
- house is stucco and the roof lines would prevent him from being able to create a

larger opening

Ms. Moermond:

- *the MN State Fire Code will not allow awning type windows for egress*
- *would be happy to look at a variance for that slider*
- *instructed Mr. Kedrowski to pull the permit for the slider; DSI will tell him that the window is too small per code but will give him a form that he can appeal*
- *we'll waive the fee on the appeal (she will make sure the front desk knows that)*
- *with those dimensions, she will always recommend a variance*
- *will deny appeal on awning type window and grant 90 days to come into compliance*

Referred to the City Council due back on 11/16/2011

- 16 [RLH WP 11-84](#) Appeal of Bryan Voyda to two Egress Window Non-Compliance Determinations at 859 HOYT AVENUE WEST.

Sponsors: Helgen

Grant a 2-inch variance on the openable height of two single hung replacement egress bedroom windows measuring 22.75 high by 21.75 wide; deny the appeal on the two single hung egress replacement windows measuring 16.75 high by 21.75 wide and grant 90 days to come into compliance.

RE: 859 Hoyt Ave E

Bryan Voyda appeared.

Ms. Moermond:

- *2 egress windows*
- *will grant a on the 2 single hung windows 22.75 h x 21.75w (glazed area 19 x 23.25)*
- *will deny appeal on 2 single hung windows 16.75h x 21.75w (glazed area 19.25 x 17)*

Mr. Voyda:

- *had purchased these windows (special color); inspector said it didn't meet egress code and suggested I go get a variance (windows were already in)*

Ms. Moermond:

- *she needs to be concerned about pushing a body thru the opening*
- *perhaps, he can switch types of windows: slider may work - three panels*
- *will deny appeal on 2 single hung 16.75 x 21.75; grant 90 days to come into compliance*

Referred to the City Council due back on 11/16/2011

- 17 [RLH FOW 11-199](#) Appeal of Jennifer Holden to a Fire Certificate of Occupancy Correction Notice at 486 BIRMINGHAM STREET.

Sponsors: Lantry

Laid Over to the Legislative Hearings due back on 10/25/2011

- 18 [RLH FCO 11-327](#) Appeal of Bee Vue to a Fire Certificate of Occupancy Correction Notice at 980 CONWAY STREET.

Sponsors: Lantry

Grant the appeal on the ceiling height issue in the bathroom.

RE: 980 Conway (duplex)

Bee Vue, owner, appeared.

Mr. Vue:

- entered photos on bathroom ceiling height; Ms. Moermond scanned into record

Fire Inspector Leanna Shaff:

- referral re-inspection conducted Aug 10, 2011 by Inspector Pat Fish
 - Unit 2: she cites bathroom ceiling height does not meet the minimum requirement of 7 feet over half the floor area
 - the 7 foot area measures 78 inches x 30 inches where the total measurement of the room is 8 ft x 14 ft
 - kneewall is 45 in high

Ms. Moermond:

- asks Ms. Shaff to view photos with her
 - Ms. Shaff: "Be tough taking a shower" - huge safety concern in bathtub

Mr. Vue:

- looking for variance on ceiling height
 - maybe he could just remove the shower; it has been that way for a long time

Ms. Moermond:

- the only thing called out on the Orders is the ceiling height; nothing called out on the tub
 - will recommend a variance on this

Referred to the City Council due back on 10/19/2011

Fire Certificates of Occupancy

19

[RLH FCO
11-449](#)

Appeal of Va Tou Her to a Correction Notice-Reinspection Complaint at 2153 GLENRIDGE AVENUE.

Sponsors: Lantry

Deny the appeal and grant an extension to December 1, 2011 to replace or repair the siding. (Inspector Wayne Spiering)

RE: 2153 Glenridge Ave (duplex)

Vatou Her, owner, appeared.

Fire Inspector Leanna Shaff:

- photos in Amanda
 - re-inspection of a referral Aug 30 by Inspector Spiering
 - started out in the Fire C of O process first noted Jan 24, 2011
 - since Jan 24, 2011, Inspector Spiering required that the missing/deteriorated shingle siding be repaired or replaced; all work must be done under permit
 - photos show needed repair
 - subsequent inspection Feb 24, 2011 and Mar 24, 2011
 - approved with deficiencies Jul 11, 2011
 - today it's 3 months past that date without compliance
 - re-inspection scheduled for Oct 17, 2011 at 1:30 pm

Ms. Moermond:

- noticed the Orders are for one side of the bldg and not the other
- asked Mr. Her to view photos with her to point out which side of the duplex is his
- found exterior complaint listed for 2151; Correction Orders sent Aug 22, 2011 with deadline Sep 22, 2011; (Mr. Her's deadline is Oct 17, 2011);
- these deadlines should be in sync with one another
- bottom line is that this needs to get fixed; concerned that it won't get done this year any more

Ms. Shaff:

- this is a side by side duplex with different owners and a 0 lot line
- at one time, Mr. Her submitted a request with a compliance finish date but that time came and went
- Code Enforcement issued Orders (Sep 2011) to the owner of the next door Unit 2151 to repair/replace siding

Mr. Her:

- his neighbor is not willing to repair/replace the siding on her duplex (owner-occupied); she doesn't have the money now
- he wanted to re-side (estimated cost \$12,000) and the whole bldg should be of the same siding and same color, etc.
- hasn't talked to nbr since both have received Orders for siding
- doesn't think nbr will do it unless Code Enforcement forces her to take action
- maybe, he will replace the shingles that need to be

Ms. Moermond:

- both deadlines are going to be missed if this isn't taken care of; and
- the next stop for both owners is criminal court unless they come up with an action plan
- will recommend denial and grant an extension to Dec 1, 2011 to repair / replace the siding
- will let Jack Reardon, inspector for 2151, know
- suggested they work with mediation
- repairing or replacing the siding will work

Referred to the City Council due back on 11/16/2011

20 [RLH FCO](#)
[11-389](#)

Appeal of Bridgitte Bachmeier, WA Dorsey House Condo Associations, to a Reinspection Fire Certificate of Occupancy with Deficiencies at 457-459 PORTLAND AVENUE.

Sponsors: Carter III

Grant the appeal on the condition that Appellant fill out the smoke detector affidavit and making sure everything is working properly on an annual basis and retain that record to DSI upon requirement inspection(s). (Angie Wiese and Mitch Imbertson)

RE: 457-459 Portland Ave (multi-family/condominium)

Fire Inspector Leanna Shaff:

- bldg had been an apartment and was made into 4 condos
- common area stairway requires a fire alarm (here Fire will accept something that mimics what would have been accepted at the time of converting it into 4 condos)
- the problem is how to power it because there is no "bldg only" power
- they want to install a main smoke detector in that stairway and have radio-controlled interconnected

- originally, Fire said they wouldn't accept that; now, they are OK with that as long as it's powered off one unit and have a smoke detector affidavit annually available upon inspection by DSI
- Mid-Northern Electric is already doing the work

Ms. Moermond:

- will recommend granting the appeal on the condition that Appellant fill out the smoke detector affidavit on an annual basis and retain the record for required inspections by DSI

Referred to the City Council due back on 11/16/2011

21 [RLH FCO
11-292](#)

Appeal of Robert Andrews, Twin Cities Real Estate Holdings, to a Fire Certificate of Occupancy Inspection Correction Notice at 327-329 AURORA AVENUE.

Sponsors: Carter III

Deny the appeal and grant an extension to December 6 (90 days from original hearing date) on all items. (Inspector Lisa Martin)

RE: 327-329 Aurora Ave (double dwelling)

Fire Inspector Leanna Shaff:

- layover - Inspector Martin was to have looked at the roof
- the roof is not done yet - they pulled permit couple of days ago
- the rest of the list also needs to be done; none of it's done
- they haven't contacted Inspector Martin, who has sent emails and phoned them; they just haven't done their part

Ms. Moermond:

- CCPH Nov 2, 2011
- on Sep 6, she recommended 90 days
- now, she will recommend denial of appeal and grant extension to Dec 6, 2011 to come into compliance on all items

Referred to the City Council due back on 11/2/2011

22 [RLH FCO
11-408](#)

Appeal of Randy Schichel to a Fire Certificate of Occupancy Inspection Correction Notice at 1079 WESTERN AVENUE NORTH.

Sponsors: Helgen

RE: 1079 Western Ave N (single family)

Fire Inspector Leanna Shaff:

- she went to that inspection
- Ms. Moermond had granted the size on the windows but the install on the windows was not good
- many of the repairs that Mr. Schichel had done were less than workmanship like
- she explained to Mrs. Schichel, who accompanied her on the inspection, that it's not like every job of \$500 value, it's the whole scope of work (stairs, re-installing windows, window cranks, porch steps with some wood over the old concrete - the whole balance of this) that would require a permit
- she went thru the whole list of Orders with her and explained what needed to be done
- in the previous LH, Appellant said he would do whatever needs to be done; it was a question of time

- the steps (put wood over crumbling steps underneath): when they did that, there's still about an inch of the steps underneath showing out past the wood which created a trip hazard; and they wobbled
- the back steps felt as though Ms. Shaff would fall thru; and there's a gap between the stairs and the house and they're rotting

Ms. Moermond:

- she's looking at this the way the appeal was treated: it says, "Will grant appeal on window installation without a permit 'after the fact'"; so the inspector is really calling out a poorly installed window - and in order to correct that, you'd need a permit (However, simply saying "permit" doesn't communicate that.)
- it would help to make the Order more specific
- variances on escape windows are fine
- exterminator - no issue; is fine
- re: window installation without a permit - in a letter to them, put "upon review with the Fire Inspection Supervisor, more specific code violations were outlined with the installation of the window." It's being addressed; Appellant is in agreement
- front and rear steps need to be fixed properly and will require a permit
- CCPH Nov 16, 2011
- completion date Dec 1, 2011

Referred to the City Council due back on 11/16/2011

23 **RLH FCO**
11-446

Appeal of Abera Mulugeta to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 172 CHARLES AVENUE.

Sponsors: Carter III

Deny rear deck; grant extension to Dec 9, 2011 to come into compliance.

RE: 172 Charles Ave (single family)

Fire Inspector Leanna Shaff:

- photos in Amanda
- rear deck
- they need a whole lot more than just footings on this deck; they need to do a re-install under permit
- Orders say, "Repair or replace the unsafe stairways, porches, decks; both the front porch - post the fore and rear deck; provide written plan of work to be completed."
- when you are doing a platform that's under 30 inches off the average grade and it's not attached to a structure, it doesn't need a permit; deck blocks may be used and sometimes they will start to sink; then, people will jack it up and put in a 2 x 4 with shims

Ms. Moermond:

- the Orders aren't very clear; she wouldn't understand if she were the Appellant
- send him a letter - say, "There is a problem with rotting because the wood is actually into soil and not properly supported by concrete (footing); also, there's an issue with how they are attached to the bldg; therefore, they must be properly supported by footings. The structural members are in poor condition and must be repaired or replaced under permit."
- concerned about going thru the winter like this
- Order says, "Provide a written plan" - thinks that one of the options
- bottom line - she thinks that this is about "repair or removal" of the deck with code compliant steps to the door
- will recommend denying the rear deck and grant extension to Dec 9, 2011 to come into compliance

- CCPH Nov 16, 2011

Referred to the City Council due back on 11/16/2011

- 24 **RLH VO 11-88** Appeal of Stewart Mednick to a Notice of Condemnation as Unfit for Human Habitation and Order to Vacate at 1260 SEVENTH STREET EAST (appealing windows, exterior walls, tanks, dryer exhaust duct).

Sponsors: Bostrom

*Grant a 3-inch variance on the openable width of the egress window in the attic.
Laid over to November 1 LH on Items 13, 14 and 15.*

RE: 1260 7th St E (single family)

Harriet Mednick, owner, appeared.

Fire Inspector Leanna Shaff:

- Fire C of O inspection which resulted in an Unfit for Human Habitation / Order to Vacate

- items: #1, #13, #14, #15 are being appealed which don't have anything to do with the Condemnation Order

- #1 - casement window in attic 36h x 17w; inspector writes, "There is no sill"

- #13 - all wood exterior unprotected surfaces need to be painted or protected

- #14 - all above/underground tanks which have been out of service over 90 days be free of product (requires a permit); requirement is either removing or capping them off - making sure they're not in service; may want to have a mechanical inspector check it out

- #15 - dryer exhaust duct (requires a permit)

Ms. Mednick:

- bldg is currently occupied

- Notice of Condemnation was pulled off by the inspector (she was present at the time)

- first inspection was on Aug 24, 2011 (Stewart and inspector met and went thru); deficiency list was given

- re-inspection Sep 6, 2011 (she met inspector and went thru; then, pulled the Notice of Condemnation)

- a third inspection was scheduled but they never got notice of it; inspector came and Stewart didn't (they met later)

- Stewart sent email to LH office late last night (she entered copy); photos are attached to sent email

- house itself has no peeling paint

- tank is outside and it's vented and line is capped (Stewart sent photo); terribly expensive to remove it

- Stewart called City to get specific on the dryer exhaust duct; he was told that he could do the work and then, he could pull a permit "anytime." When he went to apply for the permit, he was then told that since this is a rental property, he could not perform the work nor could he pull a permit; a contractor must do it; however, if the property were homesteaded, he could do it (Stewart felt that he was competent to perform the task; he has been trained in all this; worked for Koch Refinery for years; has a boilers license)

Ms. Moermond:

- will recommend a variance on the attic window

- would like to see photos on exterior (paint); can't make a judgment today

- asked if they have considered removing the tank

- is not seeing that the dryer exhaust duct was installed incorrectly, only that it was installed without a permit; - the question on this is how long has it been this way and is there an actual problem on how the installation was done (need more feedback from the inspector)

Ms. Shaff:

- plumbing, heating, electrical: if you are owner-occupied, you can pull those permits and do the work yourself and have the City inspect it
- on property that is not owner-occupied, you cannot do that type of work (plumbing, heating and electrical codes state those restrictions)

Ms. Moermond:

- will grant appeal on the window in the attic
- exterior wood surfaces - Inspector Thomas will take photos
- tank - a mechanical inspector will look at it
- dryer venting - we will ask Inspector Thomas why he called this out
- will attach photos to record
- will LAY this OVER for 2 weeks

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

25 [RLH OA 11-8](#)

Appeal of Benjamin Roberts to an Inspection Appointment at 808 LAUREL AVENUE.

Sponsors: Carter III

Laid over for Appellants to deal with ownership of property. (Inspector Rick Gavin)

RE: 808 Laurel Ave (single family)

Benjamin Roberts, owner, appeared.

Fire Inspector Leanna Shaff:

- this is an appeal to the Fire inspection appointment letter requiring the inspection to take place
- letter was sent to Mr. Roberts
- Ms. Shaff spoke with Karen Norgaard, Ramsey County, Sep 11, 2011, who said that there are no other names on the property besides Mr. Roberts

Mr. Roberts:

- Carol Dawson and he bought the property about 1980 as co-owners; still are co-owners
- her name was taken from the tax record when he re-financed the loan and she didn't want to go into debt
- she still owns half the house; it hasn't been a problem until this inspection came up
- they have been planning to get her name back on the title; they thought the only way they could do that was to put her back on the mortgage
- has some documents going back to 1980, 1986 with her name on it (MM scanned them)
- will go down to Ramsey County Property Records and Revenue to put her name back on the tax record
- asked for a 2 month extension

Ms. Moermond:

- as soon as Ms. Dawson's name is on the title, she will be happy to make a determination on getting them out of the C of O Program
- will LAY this OVER for 2 months to get Ms. Dawson's name back on the tax record

Laid Over to the Legislative Hearings due back on 12/13/2011

26 [RLH FCO](#)
[11-431](#)

Appeal of Paul J. Benassi to a Correction Notice and Inspection Appointment at 1130 JESSIE STREET.

Sponsors: Helgen

Ms. Moermond recommends denying the appeal and grants an extension to December 1, 2011 for repair of siding; grant extension to December 1 for fuel burning test; and Appellant to provide documentation of ownership transfer by August 1, 2012. (Inspector Mike Cassidy)

RE: 1130 Jessie St (duplex)

Paul Benassi, owner, appeared.

Fire Inspector Leanna Shaff:

- *Fire C of O inspection attempt (have been trying to gain access to this property for quite some time)*
- *exterior Orders were issued Sep 29, 2011*
- *Mr. Benassi claims that this is owner-occupied or family-occupied*
- *Ms. Shaff has had correspondence with Mr. Benassi*
- *Mr. Benassi indicated in earlier letters that the mail should go to 1130 Jessie St; however, it was returned*
- *she sent him a copy of that to the address listed on his driver's license: 975 Kohlman Lane, Maplewood*
- *that address for him is also listed at Ramsey County Tax Records, St Paul Regional Water and Xcel*
- *further investigation found that his daughter, Erin, resides at the 1130 Jessie St address but she is not on the list of recorded owners*
- *Chapter 40 of the Legislative Code describes the primary owner of a residence*
- *Ms. Shaff sent all this info to Mr. Benassi at his Maplewood address*
- *as of Oct 3, according to Ramsey County, there has been no activity on this property as far as ownership changes, etc., as stated in the letter*

Mr. Benassi:

- *he got out of the rental business in Jan 2006*
- *his daughter has been living there; he lives there with her part time*
- *it's not his primary residence but there is no law that says you cannot live in more than one house*
- *re Post Office returning letter - he can't speak for them; his name is on the mailbox*
- *Fire Dept has called his house and asked question about his marriage with his wife and how is it that you live in separate houses (he sent a letter to Ms. Shaff explaining that this was inappropriate behavior on the part of the City inspector to be asking a resident about his marriage; and said that they are not renting this house; they are using it for personal use; it has since been homesteaded in his daughter's name (filed with Ramsey County in Sep 2011))*
- *daughter is getting married Jul 2012; she works only 1 day/wk right now (normally, she works full time but they don't have much work right now)*
- *he doesn't have an issue with the list of repairs; he does have an issue with them coming inside*
- *subsequently, they have replaced the roof and taken care of some of the other things on the list*
- *have removed the windows from the front porch*
- *siding, soffit and fascia are in need of repair*
- *they have an outstanding claim with their insurance company on the siding for hail damage from storm of Sep 2010 (currently, up in the air; working with a public*

adjuster); every house on the block had damage
 - those repairs will not happen by Oct 24, 2011 as required but will be started as soon as he gets a settlement from the insurance company
 - he received a letter from the company this week saying that all the damage was mechanical (was done on purpose)
 - he needs time to settle the claim
 - he cleans the furnace every year himself
 - there is a carbon monoxide detector in the house
 - vehicle has tabs
 - the driveway is right next to the house and the damaged siding happened when people have opened their car doors into the siding

Ms. Moermond:

- would like to see the Orders on the exterior completed
 - would like to see Mr. Benassi get a fuel burning equipment test by an outside contractor and the report sent to Fire Inspections Office
 - would like to see Mr. Benassi patch the siding with something appropriate with the understanding that he will completely re-do it when the insurance money comes thru (she would like to close the book on the appeal)
 - grants an extension to Dec 1, 2011 to repair the siding and get the fuel burning equipment test
 - by Aug 1, 2012, provide documentation that Mr. Benassi is transferring ownership to his daughter (get her on title)

Referred to the City Council due back on 11/16/2011

27 [RLH FCO](#)
[11-433](#)

Appeal of Darlene Hoppe to a Fire Certificate of Occupancy Inspection Correction Notice at 1152 MARION STREET.

Sponsors: Helgen

Rescheduled per owner's request.

Laid Over to the Legislative Hearings due back on 10/25/2011

28 [RLH FCO](#)
[11-435](#)

Appeal of Rebecca Rand to a Fire Certificate of Occupancy Inspection Correction Notice at 131 CRETIN AVENUE NORTH.

Sponsors: Stark

Grant a 5.25 on the openable height of the egress windows in the south and northwest bedrooms; and grant a 5-inch variance on the openable height of the egress window in the northeast bedroom; Appellant is exempt from the rental program; Appellant will not require smoke detector affidavit; deny on heating equipment testing; and grant an extension to June 15, 2012 for painting or demolition of the garage. (Inspector Rick Gavin)

RE: 131 Cretin Ave N (single family)

Rebecca Rand, owner, appeared.

Fire Inspector Leanna Shaff:

- Fire C of O inspection conducted Sep 16, 2011 by Inspector Rick Gavin
 - 5 items on list
 - owner is appealing the entire Order; it's never been a rental house

Ms. Rand:

- doesn't think she should be in this C of O program
- it's not clear to her how the City decides who to apply this to
- she got kicked into this program when she took off the homestead
- she has owned and lived in this house since 1974
- 1995 - got married and moved, at least most of the time, to Wayzata
- the house has never at any time been a rental house; no one has ever lived in the house except her and her family members
- when her husband died; she homesteaded the more expensive property and then, she got put into this program
- someone came around and said she needed a C of O; she wondered why? she never needed one before
- this year, the whole window thing tipped her over (this is ridiculous!); the same size windows have been there since she bought it
- she would like to know how the City determines who needs to be in the C of O program; (people's situation changes)
- she does not actually live in the Wayzata house; she actually lives with her boy friend in Stillwater most of the time
- she, her son, her son's father are the only ones who have ever lived in the Cretin house (her son's father still lives there)
- she stays there some of the time (she has furniture, clothes, books, computer, car, etc. there); she stays there when she has business in town; when she travels by plane;
- right now, she doesn't have a principal residence; she's developing the property in Wayzata - when that house is torn down, she will have enough of a permanent residence in the St. Paul house to re-homestead it

Ms. Moermond:

- the Legislative Code is plain: "owner-occupied"; it's phrased that way because there's been experience with other definitions of ownership that have been problematic for the City" i.e., if you were to buy your 2 college age children a house and they have 3 of their friends come and rent with them and it gets to be a big rental party house - that's a problem
- in this particular situation, it's still a family house and has been for a lot of years; it wasn't converted from being rental
- she must determine if this is equivalent to being owner-occupied (somewhat subjective determination)
- she is comfortable recommending Ms. Rand be exempt from the Fire C of O Program for 131 Cretin Ave N
- the Orders on the property need to be closed; finish these Orders and Ms. Rand is done
- will recommend variances for each of the 3 windows
- Ms. Rand will not need to send in smoke alarm affidavit
- Ms. Rand will need to place carbon monoxide detectors within 10 feet of each sleeping room
- Ms. Rand will need to get a heating equipment test (mechanical contractor) and send report to DSI
- will recommend granting an extension to Jun 15, 2012 to either paint the garage or remove it
- Ms. Rand is out of the C of O Program
- re-inspection Oct 24, 2011

Referred to the City Council due back on 11/16/2011

Grant the appeal and Appellant is exempt from the Fire Certificate of Occupancy Program. (Inspector Wayne Spiering)

RE: 65 Flandrau Place (single family)

Brian and Carole Conway, owners, appeared.

Ms. Conway:

- this property has always been a part of her family; her son and their grandchildren live there*
- the Conways bought in May last year because her son couldn't qualify for the mortgage; they make payments to parents*
- they have complied with all of the inspections; everything's up to code*
- it's never been rental property*
- Orders are complete*
- will pay the C of O inspection fee*

Ms. Moermond:

- Appellant must provide a letter to Ms. Moermond indicating that the son is making the mortgage payments and for all intents and purposes this is their house (an email will work)*
- is comfortable recommending Appellant be exempt from the Fire C of O Program*

On October 21, 2011, Mr. and Mrs. Conway sent an email in lieu of a letter stating that his son, Jacob Conway, is paying them for the house payments and intends to make this their home and eventually will be listed as such. The house is homesteaded under his name at Ramsey County.

Referred to the City Council due back on 11/16/2011

30 [RLH FCO
11-444](#)

Appeal of John Wengler to a Fire Certificate of Occupancy Inspection Correction Notice at 26 and 28 VICTORIA STREET SOUTH.

Sponsors: Thune

Grant an 8-inch variance on the openable height of the egress window in the upper unit east bedroom; grant a 1-inch variance on the openable height of the egress windows in the upper unit west and lower unit south bedrooms; deny the appeal on the first floor kitchen floor covering issue. (Inspector Rick Gavin)

RE: 26 and 28 Victoria St S (duplex)

John and William Wengler, owners, appeared.

Fire Inspector Leanna Shaff:

- Fire C of O Inspection Sep 22 by Inspector Rick Gavin*
- Ms. Moermond already granted an appeal on the windows*
- balance of appeal is just the condition of the floor (caused by tenant's dog)*
- no photos*

Mr. Wengler:

- they patched the flooring, temporarily*
- will replace the linoleum flooring after tenant moves out*
- doesn't feel comfortable putting in new linoleum flooring with a dog living there*
- just one little corner near refrigerator is damaged (dog scratched thru)*
- re-inspection on Oct 28, 2011*

Ms. Moermond:

- will recommend variances on the windows
- repair of flooring is fine
- will recommend denying appeal on first floor kitchen flooring

Referred to the City Council due back on 11/16/2011

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[RLH FCO
11-463](#)

Appeal of Joel Stephens to a Fire Certificate of Occupancy Correction Notice at 1135 LAWSON AVENUE EAST.

Sponsors: Bostrom

Grant the appeal. (Inspector Kelly Booker)

RE: 1135 Lawson Ave E (single family)

Joel Stephens, owner-occupant, appeared.

Mr. Stephens:

- he owns Sukra Investments LLC (entered document to prove that)
- bought the house in 2004 and has been living there the whole time ever since
- provided checkbook
- entered statement from a friend
- entered mail being received by him at this address

Ms. Moermond:

- scanned documents
- is satisfied with mail coming to him at this address
- will grant appeal

Referred to the City Council due back on 11/16/2011

Staff Reports

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[SR 11-76](#)

Staff Report

RE: 1554 Fellows

Mai has not yet sent lette.

Minutes have been done.

Fire Inspector Leanna Shaff:

- talked with Public Housing and told them that they need to figure it out
- they have already done the down spouts and exterior work
- they are having tenants sign contracts saying that basements are not meant for storage; if they store something in a basement, it's at their own risk
- utilities that are in the basement are set up off the floor quite a bit

Ms. Moermond:

- a letter will be sent

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[RLH FCO
11-418](#)

Appeal of Bruce Ford to a Fire Certificate of Occupancy Inspection Correction Notice at 811 SHERBURNE AVENUE.

Sponsors: Carter III

October 4 LH: Ms. Moermond:

- will recommend appeal be granted on #27 when documentation is provided
- will recommend granting an extension to Nov 15, 2011 on mechanical and electrical items
- will recommend granting an extension of 90 days on rest of unfinished items

October 18 LH: Item 27 - landlord training material was provided; grant the appeal.

Referred to the City Council due back on 10/19/2011

34 [RLH FCO](#)
[11-382](#)

Appeal of Kendall Burton to a Fire Certificate of Occupancy Inspection Correction Notice at 899 JENKS AVENUE.

Sponsors: Bostrom

On October 13, 2011 Inspector Kelly Booker emailed Ms. Vang and indicated that ceiling height is approximately 6'6" over less than half the floor area.

Ms. Moermond reviewed the file, photos and the ceiling height, she recommends denying the appeal.

RE: 899 Jenks Ave (single family)

Kendall Burton appeared.

Ms. Moermond:

- Ms. Vang got email from Inspector Booker indicating ceiling height approx 6'6" over less than half floor area
- asked if this were a VB
- looked at photos with Mr. Burton

Mr. Burton:

- met Inspector Booker at property yesterday; she measured and took pictures and told me to come here this morning
- Inspector Booker registered it vacant because a door was open; then, I went thru it with her and the only she called was the ceiling height
- just put in new carpet and re-painted
- ceiling height passed previous inspections
- bedroom is (12 x 11.5)
- door height is only a 5' door (can either do a landing there or cut doorway up)
- is trying to get a Section 8 tenant in (as a 3 bedroom)

Ms. Moermond:

- is not comfortable recommending a variance on the ceiling height
- doesn't normally go under 6'8"
- CC may be willing to go lower
- Fire Code people have specific measurements as to what they can / can't allow landing wise
- will recommend denial of the appeal

Referred to the City Council due back on 10/19/2011

Window Variances: No Hearing Necessary

- 35 [RLH FOW
11-189](#) Appeal of KBD Investments to a Fire Certificate of Occupancy Inspection Correction Notice at 713 BEDFORD STREET.
- Sponsors: Thune
- No hearing necessary. Grant a 5-inch variance on the openable height of the egress window in the downstairs bedroom. (Kelly Booker)*
- Referred to the City Council due back on 11/16/2011**
- 36 [RLH FOW
11-181](#) Appeal of Gretchen Iwen to a Fire Certificate of Occupancy Inspection Correction Notice at 1899 BEECHWOOD AVENUE.
- Sponsors: Harris
- No hearing necessary. Grant a 1.5-inch variance on the openable height of the egress window in the north bedroom and grant a 1-inch variance on the openable height of the egress window in the south bedroom. (Rick Gavin)*
- Referred to the City Council due back on 11/16/2011**
- 37 [RLH WP 11-88](#) Appeal of Department of Public Health, on behalf of Kelly Dehn, to an Egress Window Non-Compliance Determination at 300 CLARENCE AVENUE.
- Sponsors: Lantry
- No hearing necessary. Grant a 2.5-inch variance on the openable height of one wood acraft tilt-pac replacement egress bedroom window measuring 21.5 inches high by 22.5 inches wide.*
- Referred to the City Council due back on 11/16/2011**
- 38 [RLH FOW
11-201](#) Appeal of Charles Nosie to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 970 CONWAY STREET.
- Sponsors: Lantry
- No hearing necessary. Grant a .5-inch variance on the openable height and 1.5-inch variance on the openable width of the egress window in the upper floor west bedroom. (Wayne Spiering)*
- Referred to the City Council due back on 11/16/2011**
- 39 [RLH FOW
11-194](#) Appeal of Michael J. Mazzara to a Deficiency List for Fire Certificate of Occupancy Inspection at 1076 CONWAY STREET.
- Sponsors: Lantry
- No hearing necessary. Grant a 1-inch variance on the openable height of the egress window in the upper unit northwest bedroom. (Wayne Spiering)*
- Referred to the City Council due back on 11/16/2011**
- 40 [RLH FCO
11-434](#) Appeal of 33rd Company, on behalf of Nilka Dulan, to a Fire Certificate of Occupancy Inspection Correction Notice at 957 HAGUE AVENUE.
- Sponsors: Carter III

No hearing necessary. Grant a 2.5-inch variance for the basement ceiling height. (Rick Gavin)

Referred to the City Council due back on 11/16/2011

- 41 [RLH WP 11-87](#) Appeal of Renewal by Andersen to two Egress Window Non-Compliance Determinations at 2053 IOWA AVENUE EAST.

Sponsors: Bostrom

No hearing necessary. Grant a 5-inch variance on the openable height of two double hung replacement egress bedroom windows measuring 19 inches high by 36 inches wide; and grant a 5-inch variance on the openable height of one double hung replacement egress bedroom window measuring 19 inches high by 28 inches wide. (Ryan Rehn)

Referred to the City Council due back on 11/16/2011

- 42 [RLH FOW 11-186](#) Appeal of Ying Khang to a Fire Certificate of Occupancy Correction Notice at 540 and 542 IVY AVENUE EAST.

Sponsors: Helgen

No hearing necessary. Grant window variances for 540-southwest and west bedrooms and 542-northeast and south bedrooms. (Mike Cassidy)

Referred to the City Council due back on 11/16/2011

- 43 [RLH FOW 11-183](#) Appeal of Joseph Huttie and Lynette Sroka to a Fire Certificate of Occupancy Inspection Correction Notice at 841 LAUREL AVENUE.

Sponsors: Carter III

No hearing necessary. Grant window variances for the second floor southeast, southwest, northeast and northwest bedrooms. (Rick Gavin)

Referred to the City Council due back on 11/16/2011

- 44 [RLH FOW 11-191](#) Appeal of David McKee to a Fire Certificate of Occupancy Correction Notice at 1888 MARGARET STREET.

Sponsors: Lantry

No hearing necessary. 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 11/16/2011

- 45 [RLH FOW 11-198](#) Appeal of Relando Aguilar to a Fire Certificate of Occupancy Correction Notice at 833 YORK AVENUE.

Sponsors: Bostrom

No hearing necessary. Grant a 3.5-inch variance on the openable height of the egress window in the south bedroom of Unit 2. (Kelly Booker)

Referred to the City Council due back on 11/16/2011