



# City of Saint Paul

15 West Kellogg Blvd.  
Saint Paul, MN 55102

## Minutes - Final Legislative Hearings

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

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Tuesday, November 1, 2011

9:00 AM

Room 330 City Hall & Court House

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### 9:00 a.m. Hearings

#### Special Tax Assessments

#### Assessment Rolls (City Council Public Hearing - 1/4/12)

- 1      **RLH AR 11-104**      Ratifying Collection of Certificate of Occupancy fees from August 2011 (File No. CRT1201, Assessment No. 128200)

Sponsors:      Lantry

**Referred to the City Council due back on 1/4/2012**

- 2      **RLH AR 11-140**      Ratifying Tree Removal Services for June and July 2011 (File No. 1201T, Assessment No. 129000)

Sponsors:      Lantry

**Referred to the City Council due back on 1/4/2012**

- 3      **RLH AR 11-106**      Ratifying Graffiti Removal services from July 20 to July 24, 2011 (File No. J1201P, Assessment No. 128400)

Sponsors:      Lantry

**Referred to the City Council due back on 1/4/2012**

- 4      **RLH AR 11-107**      Ratifying Property Clean Up services during July 28 to August 31, 2011. (File No. J1201A, Asmt No. 128500)

Sponsors:      Lantry

**Referred to the City Council due back on 1/4/2012**

- 5      **RLH AR 11-108**      Ratifying Trash Hauling Services during August 03 to August 31, 2011. (File No. J1201G, Assessment No. 128700)

**Sponsors:** Lantry

**Referred to the City Council due back on 1/4/2012**

- 6      **RLH AR 11-109**      Ratifying Demolition Services from August 2011 (NON-CDBG Funds) [File No. J1201C, Assessment No. 122000]

**Sponsors:** Lantry

**Referred to the City Council due back on 1/4/2012**

**Assessments being appealed: CPH 1/4/12**

- 7      **RLH TA 11-417**      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1201A, Assessment No. 128500 at 916 AURORA AVENUE.

**Sponsors:** Carter III

*Approve the assessment.*

*916 Aurora Avenue*

*Inspector Paula Seeley*

- *Summary abatement; orders issued July 26, 2011 with compliance date of August 3.*
- *Re-checked August 4, work order sent, and crew cleaned up August 5 for total cost of \$295.00.*
- *Orders sent to Turn Key Properties, Twin Cities Real Estate Partners LLC, 448 Old Long Lake Road, Suite A, Wayzata, MN*
- *Box spring against the garage, cut and remove tall grass and weeds, plant growth along alley by garage. Showed photos*

*Larry Grell, Donnelly Property Management:*

- *Took over the property for Bremer Bank in mid-August*

*Ms. Moermond:*

- *The assessment goes with the property*

*Mr. Grell:*

- *It's happening frequently at this property; they have cleaned it up twice.*
- *Talked with Don Freeman who was with the previous group and he said he had not received a notice but Mr. Grell has no proof of that.*
- *Video was shown – Box spring and mattress were removed from back side of garage*

*Ms. Moermond:*

- *said she only saw a box spring*
- *Was there a charge for mowing the lawn and getting rid of the rank plant growth or was the charge only for the mattress?*

*Inspector Seeley:*

- *Inspector Skelly issued a work order to have the rank plant growth removed but it*

was not sent.

-

Inspector Essling:

- There was no charge for cutting the grass, only for the cleanup

Ms. Moermond:

- Asked if the order sent to Turn Key Properties and Twin Cities Real Estate in Wayzata, was returned mail and the answer was "no."

Ms. Moermond recommended approval.

**Referred to the City Council due back on 1/4/2012**

- 8      **RLH TA 11-411**      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1201A, Assessment No. 128500 at 929 AURORA AVENUE.

**Sponsors:**      Carter III

*No show; approve the assessment.*

**Referred to the City Council due back on 1/4/2012**

- 9      **RLH TA 11-416**      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1201A, Assessment No. 128500 at 698 BEDFORD STREET.

**Sponsors:**      Thune

*Delete the assessment.*

*Turn Key Properties, Twin Cities Real Estate Partners LLC, 448 Old Long Lake Road, Suite A Wayzata, MN*

- *Video shown of garbage, refuse, furniture near the garage*

*Inspector Seeley showed photo of lots of garbage by the garage.*

*Larry Grell, Donnelly Property Management :*

- *They hired someone and had everything removed but someone dropped things after that.*

Ms. Moermond:

- *Will recommend deletion of the assessment.*

**Referred to the City Council due back on 1/4/2012**

- 10      **RLH TA 11-405**      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1201A, Assessment No. 128500 at 1420 BEECH ST.

**Sponsors:**      Lantry

*Delete the assessment. (Per DSI, Inspector work ordered wrong property)*

**Referred to the City Council due back on 1/4/2012**

- 11      **RLH TA 11-426**      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1201A, Assessment No. 128500 at 1564 BEECH STREET.

**Sponsors:** Lantry

*No show; approve the assessment.*

**Referred to the City Council due back on 1/4/2012**

12      **RLH TA 11-431**      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1201A, Assessment No. 128500 at 1359 BURR STREET.

**Sponsors:** Helgen

*Reduce the assessment from \$729.00 to \$629.00.*

*RE: 1359 Burr St (single family)*

*William Acree, owner, appeared.*

*Inspector Joe Yannarely:*

*- SA for tall grass/weeds; garbage/rubbish issued Aug 11, 2011; compliance date Aug 15*

*- re-checked Aug 15 and found in non-compliance*

*- WO sent to 1145 Glendon St N, Maplewood and Saint Paul*

*- work done Aug 19, 2011 at a cost of \$574 plus \$155 service charge = \$729 (grass/weeds = \$160; garbage/rubbish = \$414)*

*- no returned mail*

*- has been a VB since Apr 2010*

*- had a Vehicle Abatement Order (Appellant removed it) and Summary Abatement Order in Jul 2010*

*Viewed Video - removed all scrap metal, wood, debris, lawn mowers, refuse, etc; cut tall grass and weeds*

*Mr. Acree:*

*- did not get a Notice; had he gotten Notice, he would have gotten it cleaned up*

*- he had cut the grass; there may have been some weeds that needed to come down*

*- shocked at the amount of the assessment; the cost is excessive*

*- they cut down a lot of his flowers in front*

*- his new patio door that was to be installed was also removed (\$700)*

*- his serviceable lawn mowers and his patio tables were taken away*

*- just retired from years of working for Ramsey County*

*- he will fix it up this year; he might sell the house or live there himself*

*- the overgrown brush was only in the back and on the side; the purpose of it was to create more privacy on the sides*

*- he put a tarp down to keep the weeds away*

*Ms. Moermond:*

*- this was a substantial clean-up and the work was done by the City*

*- is frustrated that Appellant hadn't cleaned it up before it go to this point*

*- wil recommend reducing the assessment by \$100*

*- CCPH Jan 2012*

**Referred to the City Council due back on 1/4/2012**

13      **RLH TA 11-419**      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1201A, Assessment No. 128500 at 1165-1167 BUSH AVENUE.

**Sponsors:** Bostrom

*No show; approve the assessment.*

**Referred to the City Council due back on 1/4/2012**

- 14      **RLH TA 11-434**      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1201A, Assessment No. 128500 at 754 CHARLES AVENUE.

**Sponsors:** Carter III

*No show; approve the assessment.*

**Referred to the City Council due back on 1/4/2012**

- 15      **RLH TA 11-401**      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1201G, Assessment No. 128700 at 612 COOK AVENUE EAST.

**Sponsors:** Bostrom

*MM to check with City Attorney. (City Council on January 4, 2012)*

**Laid Over to the Legislative Hearings due back on 11/15/2011**

- 16      **RLH TA 11-432**      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1201A, Assessment No. 128500 at 954 COOK AVENUE.

**Sponsors:** Bostrom

*11/1/11-No show; approve the assessment.*

*11/10/11 - Appellant called wanting to reschedule because he missed his hearing.*

**Laid Over to the Legislative Hearings due back on 11/15/2011**

- 17      **RLH TA 11-437**      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. 1201T, Assessment No. 129000 at 469 DAYTON AVENUE.

**Sponsors:** Carter III

*Reduce the assessment from \$2,939.34 to \$2,200.00.*

*RE: 469 Dayton Ave (duplex)*

*Kris Flaten, relative owner and homesteader, appeared.*

*Karl Mueller, Parks:*

*- 56-inch elm marked for Dutch Elm Disease Aug 24, 2010*

*- re-checked Nov 10, 2010 and found in noncompliance*

*- re-checked Mar 16, 2011 and found in noncompliance*

*- got a contractor to remove tree Jun 21, 2011*

*- no returned mail*

*- entered photo of this very large tree*

*- explanation: when tree was marked, it was questioned whether it really was diseased and they wanted to make sure, so, they waited to see if the disease progressed and it did. When it was time to take it down, they had set it up with contractor to have tree removed and the contractor started the work by taking limbs away from the power line. The next day or day after, Mr. Mueller got work from*

downtown that the Master Contract had expired, so, he could not allow the contractor to continue the job. The next Master Contract didn't get approved until 3 months later and the price was higher. The original contract price was about \$2,200; the new contract price was \$2,939.34 (\$35/inch old; \$47/inch new).

*Ms. Flaten:*

- appealing the difference in the amount
- Mr. Mueller was very nice and explained everything; discussed competency of contractors to remove such a large tree
- they were planning to take it down in Nov; didn't get totally down until the next Jul
- there was also damage done to her fence and they shattered the rocks around the tree
- she doesn't think she should bear the expense of the new contractor
- she wasn't told that the new contract was going to cost more
- entered photos

*Ms. Moermond:*

- will recommend decreasing the assessment to \$2,200
- Appellant can file a claim with the city for the hole in fence and shattered rocks (Mr. Mueller said that the contractor would take care of the damage; he took the photos)

**Referred to the City Council due back on 1/4/2012**

- 18      **RLH TA 11-427**      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1201A, Assessment No. 128500 at 2076 DAYTON AVENUE, UNIT ONE.

**Sponsors:**      Stark

*Delete the assessment.*

*Showed video – Garbage outside dumpster and side alley.  
Instead of charging \$260, \$130 was charged, per Inspector Essling.*

*Inspector Joel Essling:*

- Assessment was split four ways and there was a \$35 fee for each unit so it came out to be about the same.
- On-going issue with the condo with refuse outside the dumpster. A pre-authorized work order was previously done.
- Brad Leventhal was assessed previously for cleanup. After he received a couple notices, he called and said the refuse was not his but was coming from properties across the alley. It was determined that there were about four rental properties across the alley which did not have garbage service.

*Ms. Moermond:*

- Will recommend the assessment be deleted.

*Brad Leventhal:*

- Spoke with the police, an officer came out and found five or six rental homes along Cleveland Avenue that do not have trash service. The officer spoke with the owners and found college renters were involved.
- They manage the property and keep it up but the garbage keeps coming. Tenants in the area say they were told to throw their garbage in the dumpster.

**Referred to the City Council due back on 1/4/2012**

- 19      **RLH TA 11-428**      Ratifying the Appealed Special Tax Assessment for Real Estate Project No.

J1201A, Assessment No. 128500 at 2076 DAYTON AVENUE, UNIT TWO.

**Sponsors:** Stark

*Delete the assessment.*

**Referred to the City Council due back on 1/4/2012**

- 20      **RLH TA 11-429**      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1201A, Assessment No. 128500 at 2076 DAYTON AVENUE, UNIT THREE.

**Sponsors:** Stark

*Delete the assessment.*

**Referred to the City Council due back on 1/4/2012**

- 21      **RLH TA 11-430**      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1201A, Assessment No. 128500 at 2076 DAYTON AVENUE, UNIT FOUR.

**Sponsors:** Stark

*Delete the assessment.*

**Referred to the City Council due back on 1/4/2012**

- 22      **RLH TA 11-412**      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1201A, Assessment No. 118500 at 2216 ELEANOR AVENUE.

**Sponsors:** Harris

*Approve the assessment.*

*RE: 2216 Eleanor Ave (single family)*

*Keni Johnson, owner, appeared.*

*Inspector Paula Seeley:*

*- SA issued Jul 19, 2011; re-check Jul 28*

*- Notes: bushes, brush, vines need to be pruned so they're not hanging in the City alley right-of-way; they must also be pruned so they are 8 feet from the surface of the alley*

*- re-inspected Jul 29 and found in noncompliance*

*- WO sent to Warren and Keni Johnson, Bemidji and 4225 Linden Hills Blvd, Mpls*

*- have returned mail from the Linden Hills address*

*- work done Aug 2, 2011 for a cost of \$344 plus service chg \$155 = \$499*

*Ms. Johnson:*

*- did get the Notice*

*- is questioning the amount; would like it reduced*

*- one Notice went to the property they sold; the other Notice came to Bemidji*

*- have been out of the city for about 1 year*

*- this is a rental property and they keep it in very good shape; have very reliable tenants*

*- personal situation: she has spent the last 18 months with some major health issues; she had 9 major surgeries since 2010*

- their mail was held very often in Bemidji while they went back and forth to the University of MN
- they just didn't get to the work
- they have "Service Plus" to take care of appliances
- the tenants do most of the yard work; her husband had taken care of large projects
- the last time they did this work, the City came back to inspect it and said that they needed to do it again; so, they did it again (their neighbor didn't speak to them for over a month because she was so upset that so much was taken out)

Ms. Moermond:

- very over-grown (photos)
- viewed Video which was taken the day the Orders were sent
- will recommend CC approve this assessment
- CCPH Jan 2012

**Referred to the City Council due back on 1/4/2012**

- 23      **RLH TA 11-436**      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1201A, Assessment No. 128500 at 1315 FREMONT AVENUE.

**Sponsors:**      Lantry

*Appellant showed up late. Rescheduled to Nov. 15. (CPH 1/4/11)*

**Laid Over to the Legislative Hearings due back on 11/15/2011**

- 24      **RLH TA 11-402**      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1201A, Assessment No. 128500 at 717 FRY STREET A/K/A 1642 MINNEHAHA AVENUE WEST.

**Sponsors:**      Stark

*Approve the assessment for the 8/30/11 clean-up. Laid over the assessment done on 8/9/11 (need to look at video). City Council January 4, 2012.*

*RE: 717 Fry St a/k/a 1642 Minnehaha Ave (duplex)*

*David Anderson, owner, and Loni Labrocca, property mgr, appeared.*

Ms. Moermond:

- clean-up and garbage hauling

Inspector Joel Essling:

- clean-up has 2 assessment rolled into one for \$604 plus \$270 service fee = \$874
- pre-authorized WO done (Orders issued Aug 1, 2011; compliance Aug 5, 2011; work done Aug 9, 2011)
- SA issued Aug 23, 2011; compliance Aug 29, 2011; work done Aug 30, 2011
- history lists 10 Orders; 11 Work Orders; 3 Excessive Consumption since Jul 2010
- during the course of these SAs, inspector also sent a Correction Order, Aug 23, 2011, that says the property doesn't have enough capacity to contain garbage generated from the units; obtain a second container; at that time, inspector issued a hauler WO to obtain that second container; compliance date Aug 29, 2011; re-checked Aug 30, 2011; work done Aug 31, 2011 at a cost of \$100 plus \$155 service charge = \$255 (dropping container and removing it in the same week; no cost assessed for weekly refuse removal because property owner did obtain a second container)
- viewed Video, dated Aug 30, 2011



- have photos for prior assessment

Mr. Anderson:

- background - owned property since 1979;  
- up until 2009 - there were no complaints, no Orders; then, all of a sudden came a tsunami of complaints, inspection Orders and Re-Orders, etc. as though there's now a completely different set of regulations somehow  
- he suspects there's a nbr who's become a self-appointed inspector for the City, and a call is made at the least of infractions  
- he hired Loni Labrocca about 1 yr ago because issues like this and other issues (problems with a prior tenant)  
- every time he gets a Notice, he immediately FAX it to Loni, send her an email and also call her; she immediately calls the tenant and has it taken care of  
- garbage issue: service was discontinued for about 1 week - he called Loni immediately after receiving Notice; she called them and brought them back in to bring another container (perhaps, there was a gap of a couple of days)  
- these issues are not business as usual; the regulations, notices and complaints have become excessive, bordering on harassment; now, every single move is being watched

Ms. Labrocca:

- as soon as Mr. Anderson FAXES over notices, she calls the tenants right away; they both are fantastic tenants, who have always done what she's asked; there's never been a police call; they have told her that they know who this neighbor is (nbr doesn't like the fact that this property is being rented)  
- did let tenants know that all garbage needs to be in the containers; nothing on the ground, whatsoever

Mr. Essling:

- he has been the inspector at this property at times and this has nothing to do with toys being left out; this is about garbage

Ms. Moermond:

- the photo shows piles of garbage bags in the middle of the yard  
- there must be adequate containers provided  
- this duplex is new in the Fire C of O program - a set of inspections that didn't exist prior to 2007 (now covers single family and duplex rentals)  
- need to wrap up repairs  
- thinks the Video and photographs are showing a pile of garbage but not the same pile of garbage that the Orders were written on  
- will recommend approval of the garbage hauling (container)  
- in terms of the garbage hauling assessment she just looked at, she will recommend deletion of it because it was different garbage  
- will look at the other earlier Video in 2 weeks (LH Nov 15, 2011 - housekeeping)

**Laid Over to the Legislative Hearings due back on 11/15/2011**

25 [RLH TA 11-403](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1201G, Assessment No. 128700 at 717 FRY STREET A/K/A 1642 MINNEHAHA AVENUE WEST.

Sponsors: Stark

Approve the assessment.

RE: 717 Fry St a/k/a 1642 Minnehaha Ave (duplex)

*David Anderson, owner, and Loni Labrocca, property mgr, appeared.*

*Ms. Moermond:*

*- clean-up and garbage hauling*

*Inspector Joel Essling:*

*- clean-up has 2 assessment rolled into one for \$604 plus \$270 service fee = \$874*  
*- pre-authorized WO done (Orders issued Aug 1, 2011; compliance Aug 5, 2011; work done Aug 9, 2011)*  
*- SA issued Aug 23, 2011; compliance Aug 29, 2011; work done Aug 30, 2011*  
*- history lists 10 Orders; 11 Work Orders; 3 Excessive Consumption since Jul 2010*  
*- during the course of these SAs, inspector also sent a Correction Order, Aug 23, 2011, that says the property doesn't have enough capacity to contain garbage generated from the units; obtain a second container; at that time, inspector issued a hauler WO to obtain that second container; compliance date Aug 29, 2011; re-checked Aug 30, 2011; work done Aug 31, 2011 at a cost of \$100 plus \$155 service charge = \$255 (dropping container and removing it in the same week; no cost assessed for weekly refuse removal because property owner did obtain a second container)*  
*- viewed Video, dated Aug 30, 2011*  
*- have photos for prior assessment*

*Mr. Anderson:*

*- background - owned property since 1979;*  
*- up until 2009 - there were no complaints, no Orders; then, all of a sudden came a tsunami of complaints, inspection Orders and Re-Orders, etc. as though there's now a completely different set of regulations somehow*  
*- he suspects there's a nbr who's become a self-appointed inspector for the City, and a call is made at the least of infractions*  
*- he hired Loni Labrocca about 1 yr ago because issues like this and other issues (problems with a prior tenant)*  
*- every time he gets a Notice, he immediately FAX it to Loni, send her an email and also call her; she immediately calls the tenant and has it taken care of*  
*- garbage issue: service was discontinued for about 1 week - he called Loni immediately after receiving Notice; she called them and brought them back in to bring another container (perhaps, there was a gap of a couple of days)*  
*- these issues are not business as usual; the regulations, notices and complaints have become excessive, bordering on harassment; now, every single move is being watched*

*Ms. Labrocca:*

*- as soon as Mr. Anderson FAXES over notices, she calls the tenants right away; they both are fantastic tenants, who have always done what she's asked; there's never been a police call; they have told her that they know who this neighbor is (nbr doesn't like the fact that this property is being rented)*  
*- did let tenants know that all garbage needs to be in the containers; nothing on the ground, whatsoever*

*Mr. Essling:*

*- he has been the inspector at this property at times and this has nothing to do with toys being left out; this is about garbage*

*Ms. Moermond:*

*- the photo shows piles of garbage bags in the middle of the yard*  
*- there must be adequate containers provided*  
*- this duplex is new in the Fire C of O program - a set of inspections that didn't exist*

prior to 2007 (now covers single family and duplex rentals)  
 - need to wrap up repairs  
 - thinks the Video and photographs are showing a pile of garbage but not the same pile of garbage that the Orders were written on  
 - will recommend approval of the garbage hauling (container)  
 - in terms of the garbage hauling assessment she just looked at, she will recommend deletion of it because it was different garbage  
 - will look at the other earlier Video in 2 weeks (LH Nov 15, 2011 - housekeeping)

**Referred to the City Council due back on 1/4/2012**

- 26      **RLH TA 11-415**      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1201A, Assessment No.128500 at 1618 GROTTO STREET NORTH.

**Sponsors:**      Helgen

*No show; approve the assessment.*

**Referred to the City Council due back on 1/4/2012**

- 27      **RLH TA 11-406**      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1201A Assessment No. 128500 at 1571 HAZELWOOD STREET.

**Sponsors:**      Bostrom

*Delete the assessment.*

*RE: 1571 Hazelwood St (single family)*

*Badri Johnson, responsible party, appeared.*

*Inspector Paul Seeley:*

*- SA issued Jul 19; re-checked Jul 25 and Aug 2, 2011 and issued WO  
 - City did clean-up Aug 8, 2011 at a cost of \$288 plus \$155 service chg = \$443  
 - Orders sent to Nancy Thomas, 1726 Iowa Ave E; and Badri Johnson, 1726 Iowa Ave E*

*Ms. Johnson, appealing on behalf of her daughter, who is in the Army:*

*- she is taking care of this house as well as her daughter's; she lives on Iowa  
 - she rents out 1571 Hazelwood St  
 - the renter doesn't have time to do everything*

*Ms. Moermond:*

*- viewed Video that showed a relatively minor clean-up; tenant and Ms. Johnson did some cleaning before City came  
 - will recommend the assessment be deleted*

**Referred to the City Council due back on 1/4/2012**

- 28      **RLH TA 11-409**      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1201A, Assessment No. 128500 at 735 JESSIE STREET.

**Sponsors:**      Thune

*No show; approve the assessment.*

**Referred to the City Council due back on 1/4/2012**

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- 29      **RLH TA 11-413**      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1201A, Assessment No. 1218500 at 663 LAFOND AVENUE.
- Sponsors:**      Carter III
- No show; approve the assessment.*
- Referred to the City Council due back on 1/4/2012**
- 30      **RLH TA 11-418**      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1201A, Assessment No. 128500 at 230 MAPLE STREET.
- Sponsors:**      Lantry
- No show; approve the assessment.*
- Referred to the City Council due back on 1/4/2012**
- 31      **RLH TA 11-423**      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1201A, Assessment No. 128500 at 525 MARYLAND AVENUE EAST.
- Sponsors:**      Helgen
- Delete the assessment due to the time frame between date of complaint and the late inspection date.*
- Referred to the City Council due back on 1/4/2012**
- 32      **RLH TA 11-400**      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1201A, Assessment No. 128500 at 164 MILFORD STREET.
- Sponsors:**      Helgen
- Delete the assessment.*
- RE: 164 Milford St (duplex)*
- Vadim Cherner, owner, appeared.*
- Inspector Paula Seeley:*
- tall grass and weeds Order
  - Orders sent Aug 16; compliance Aug 19; re-checked Aug 19, 2011
  - WO sent to Vadim Cherner, 1855 Silver Bell Rd, Eagan and Occupant
  - crew cleaned-up Aug 19, 2011 for a cost of \$160 plus service chg \$155 = \$315
  - viewed Video - vacant lot; bad video
- Mr. Cherner:*
- he came and mowed, left for lunch, then, City came and finished
- Ms. Moermond:*
- will recommend deletion
- Referred to the City Council due back on 1/4/2012**
- 33      **RLH TA 11-420**      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1201A, Assessment No. 128500 at 545 MINNEHAHA AVENUE EAST.

**Sponsors:** Thune

*Approve the assessment.*

*RE: 545 Minnehaha Ave E (duplex)*

*Jeff Wordon, Raven Financial, owner, appeared.*

*Inspector Paula Seeley:*

- SA - failure to maintain exterior property free from refuse*
- Issued Aug 16; compliance Aug 20; re-checked Aug 23*
- WO sent to Raven Financial, 300 Broadway N Unit 305, Fargo ND and Midwest Investments, PO Box 25466, Woodbury*
- work done Aug 24 at a cost of \$356 plus service chg \$155 = \$511*
- no returned mail*
- viewed Video*

*Mr. Wordon:*

- when they got the Notice, they did not know there was not trash service at the property; bought it Jun 2011*
- he happened to drive by the property and one of the tenants was there; Mr. Wordon told him that they would be getting the containers that day; the tenant was asked to fill up the containers with the trash; he didn't realize there was a build up of stuff that needed to be taken away*
- the only Notice he received was to provide trash service; did not get previous Notice for tall grass/weeds*

*Ms. Moermond:*

- must have been totally awful for the neighbors*
- will recommend approval of the assessment*

**Referred to the City Council due back on 1/4/2012**

- 34 RLH TA 11-433** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1201A, Assessment No. 128500 at 760 MINNEHAHA AVENUE EAST.

**Sponsors:** Lantry

*Delete the assessment.*

**Referred to the City Council due back on 1/4/2012**

- 35 RLH TA 11-399** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1201A, Assessment No. 128500 at 1127 REANEY AVENUE.

**Sponsors:** Lantry

*No show; approve the assessment.*

**Referred to the City Council due back on 1/4/2012**

- 36 RLH TA 11-408** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1201A, Assessment No. 128500 at 1428 SHERBURNE AVENUE.

**Sponsors:** Stark

*Delete the assessment.*

Sharon Burt, property owner, appeared.

Inspector Paula Seeley:

- Summary abatement order for failure to maintain exterior property
- Orders issued July 29, 2011 with compliance date of August 3.
- Re-checked August 3. Work order was sent.
- Parks did the work order August 9 for a total assessment of \$471.00.
- No returned mail. Orders were sent to Sharon Burt, 1428 Sherburne Avenue.
- Only have photos; do not have a video.

Sharon Burt:

- Received a notice in the summer. A baby seat was dropped off by the garage. Had water damage in the kitchen and had debris from that outside. She paid someone to remove it and does not feel that the City removed her things.

Ms. Moermond:

- Lacking a video tape, she will have to recommend the assessment be deleted.

**Referred to the City Council due back on 1/4/2012**

- 37      **RLH TA 11-394**      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1201P, Assessment No.128400 at 174 SIXTH STREET EAST.

**Sponsors:**      Thune

*Delete the assessment as a graffiti waiver was received.*

**Referred to the City Council due back on 1/4/2012**

- 38      **RLH TA 11-435**      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1201A, Assessment No. 128500 at 1752 STILLWATER AVENUE.

**Sponsors:**      Bostrom

*No show; approve the assessment.*

**Referred to the City Council due back on 1/4/2012**

- 39      **RLH TA 11-414**      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1201A, Assessment No. 128500 at 1347 VAN BUREN AVENUE.

**Sponsors:**      Stark

*Reduce the assessment from \$493.00 to \$75.00.*

*Donna Werth, property owner appeared.*

Inspector Paula Seeley:

- Summary abatement order for failure to maintain exterior property
- Orders issued August 19, 2011, compliance date of August 26 , re-checked August 30, work order sent
- Parks cleaned up August 30 at cost of \$493.00
- Video shown of shopping cart, TV, paint cans. Ms. Werth said those things were not hers. She had a dresser for trash which was broken down and put in the shed until the neighborhood cleanup in September.

*Ms. Moermond:*

- Will recommend to Council that fee be reduced to \$75.00 for the illegal dumping cleanup because it's Ms. Werth's property and she is responsible.  
- Asked Inspector Essling if it was illegally dumped when he wrote the orders or if it was a new arrival after he wrote the orders.

- Inspector Essling said the orders were written for illegal dumping.  
- Ms. Werth said she thought it was for the dresser.  
- Ms. Moermond told Ms. Werth she can ask the Council to waive the \$75 but approximately \$425 was removed from the assessment.

**Referred to the City Council due back on 1/4/2012**

- 40      **RLH TA 11-410**      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1201A, Assessment No. 128500 at 984 WAKEFIELD AVENUE.

**Sponsors:**      Lantry

*Delete the assessment. (Per DSI, improper notification Inspector sent orders to wrong address)*

**Referred to the City Council due back on 1/4/2012**

- 41      **RLH TA 11-425**      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1201, Assessment No. 128200 at 920 ATLANTIC STREET.

**Sponsors:**      Bostrom

*Layover to Dec 6 LH*

*RE: 920 Atlantic St (general retail)*

*No one appeared.*

*Fire Inspector Sean Westenhofer:*

- \$420 total assessment  
- recommend deletion of service charge - current owner bought it shortly after the Fire C of O inspection so all bills did go to prior owner; current owner is willing to pay as long as he gets a bill  
- once it goes to Real Estate, it's incredibly hard to pull back

*Ms. Moermond:*

- why delete for this address and not the previous address?  
- let's do some research  
- LAYOVER to next C of O LH

**Laid Over to the Legislative Hearings due back on 12/6/2011**

- 42      **RLH TA 11-421**      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1201, Assessment No. 128200 at 359 CLEVELAND AVENUE NORTH.

**Sponsors:**      Stark

*Approve the assessment.*

*RE: 359 Cleveland Ave N (single family)*

*Robert Page appeared.*

*Fire Inspector Sean Westenhofer:*

- Fire C of O inspection \$765 plus \$150 service chg = \$915
- Orders sent Jun 30, 2010; Jul 29, 2010; Sep 28, 2010; Oct 26, 2010; Nov 29, 2010; Dec 30, 2010; Jan 27, 2011; Feb 23, 2010
- billing sent Jun 7, 2011; Jul 7, 2011
- Sent to owner, responsibly party, Cullen LLC, PO Box 16725, Mpls

*Mr. Page:*

- bought house Mar 2010 and it was occupied; their lease up end of May 2010
- did a lot of renovations: new siding and new windows per inspector's request; updated interior: all new plumbing; some new elect; remodeled; refloored
- on the Notice, we were never told that we had to pay for every re-inspection (if they had know that, they wouldn't have been so willing to have so many inspections); the letter just says that if you don't show up for the inspection, it's \$100 but they showed up for every one
- on the first inspection, they were still updating the house (no one was living there)
- windows had been on back order and during that time, they had 2 more inspections, so they couldn't close them out
- they told inspector to hold off the inspections so that they could get all the issues resolved with just one re-inspection but he said he wanted to see the house
- one time the house was cited for over-occupancy because there were 5 bikes on the deck and after being citing, there were multiple checks just to check for over-occupancy, which was never found
- do they have to pay for a re-inspection if inspectors are checking for just 1 item?
- at one time, the only thing left on the list was a permit that needed to be closed by a contractor; but an inspection was still scheduled even though there was nothing to re-inspect (a permit can be closed without seeing the property)
- \$765 for a house that's practically brand new (????); those re-inspections could have been consolidated for their benefit
- they have put a lot of money into the house already
- has hired a handyman/landlord who shows up for each appointment
- he and 2 partners own this and they have a couple more properties in the nbhd
- seems as though they are being charged just for someone to walk thru

*Fire Inspector Leanna Shaff:*

- started as a referral in May 2010 (peeling paint; broken and missing siding; over-occupancy)
- there are extensive notes: quite a few re-schedules or "no shows" more or less; permits not filed; no residential heating report; ice and snow issues; exposed wiring on outside
- 2/24/11 - evidence of up to 7 occupants (4 beds in tact; 3 thrown in another room disassembled)
- in empty rooms, found clothing and other items that appeared as though the rooms were occupied and were quickly converted before inspectors arrived

*Ms. Moermond:*

- doesn't see a letter listing just 1 item (the smallest one has 6 items)
- starting with the Sep 28, 2010 letter, there is a sentence in the introductory paragraph indicating that there will be an assessment for additional inspections
- will recommend approval of this assessment
  - there are a lot of letters and a lot of re-inspections
  - there was adequate Notice that these inspections would cost more
  - these appointments were made, there was a month in between the appointments and the list wasn't closed out in the interim
- the solution is to finish the work; the cost of not finishing the work in a timely manner



is 1) paying for another re-inspection; or 2) losing the C of O  
- all the Notices are on-line

Mr. Page:

- will check Notices and email a letter to Ms. Moermond explaining why they took so long to finish

- they weren't just stalling

**Laid Over to the Legislative Hearings**

- 43      [RLH TA 11-424](#)      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1201, Assessment No. 128200 at 236 GRAND AVENUE.

**Sponsors:**      Thune

*Layover to Dec 6 LH*

*RE: 236 Grand Ave (gas station)*

*Fire Inspector Sean Westenhofer:*

- \$330 total assessment

- is recommending deletion of assessment

- the billing went to the previous owner

*Ms. Moermond:*

- why not re-bill to the current owner - assessments go with the property not with the owner

- will LAYOVER to next C of O LH to do some research

**Laid Over to the City Council due back on 12/6/2011**

- 44      [RLH TA 11-422](#)      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1201, Assessment No. 128200 at 1609 UPPER AFTON ROAD.

**Sponsors:**      Lantry

*No show; approve the assessment.*

**Referred to the City Council due back on 1/4/2012**

## 11:00 a.m. Hearings

### Orders To Vacate, Condemnations and Revocations

- 45      [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; deny the appeal with extension on the following:*

*Grant an extension for 90 days (February 1, 2012) to cap or remove the tank in the basement;*

*Repair any broken fence section or boards by Dec 1, 2011 and grant the painting issue until June 30th, 2012; and*

*Dryer vent – immed stop using the dryer and grant to Dec 1 to fix the dryer or remove the dryer. (Inspector James Thomas)*

*RE: 1260 7th St E (single family)*

*Fire Inspector Shaff:*

- at LH 2 weeks ago, Ms. Moermond recommend granting the appeal on the window in the attic. Inspector Thomas did take pictures of the exterior wood surfaces (in Amanda)*
- the tank is not exterior; it's in the basement; she asked him why he put 90 day requirements on the tank and why he called out the dryer vent. He said there wasn't a dryer vent (there was a sock on the backside of it)*

*Ms. Moermond:*

- viewed the photos of the exterior surfaces including the fence and the tank in the basement*
- will recommend granting 90 days to remove or cap the tank*
- will recommend granting until Dec 1, 2011 to repair fence; until Jun 20, 2012 for painting the fence*
- stop using dryer and grant extension to Dec 1, 2012 to install vent or remove dryer*

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

46 [RLH VO 11-96](#)

Appeal of Albert Miller to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 1980 ASHLAND AVENUE.

**Sponsors:** Stark

*Deny the appeal and grant an extension to January 1, 2012 for the balance of the items with exception of Items 8, 10, 11, 12 and 15 (grant to June 15, 2012) (Inspector Mitch Imbertson)*

*RE: 1980 Ashland Ave (apartments)*

*Albert Miller, C of O responsible party, appeared.*

*Fire Inspector Leanna Shaff:*

- Fire C of O inspection; there have been multiple inspections*
- first appointment letter sent Apr 2009 by Inspector Imbertson*
- unique situations surrounding property; has been difficult gaining compliance*
- the amount of repairs needing to be done, what has not been getting done and the length of time this has been going on has resulted in a Revocation of Certificate of Occupancy*
- has been family and legal trust issues for Mr. Miller resulting in noncompliance*
- Mr. Miller has a new business partner, Brian Purgament, who is going to work with him on the bldg*
- repairs of the bldg are underway*
- DSI is not opposed to granting more time*

*Mr. Miller:*

- appealing for more time to get the items done (45 days) except for those which need to be done in summer (#8, 10, 11, 12, 15 - Jun 30, 2012)*
- bldg has been in family for about 40 yrs*
- now, he and Brian are buying it out from the Trust*
- Brian is in process of doing the work; they hope that by the end of Dec 2011, they will be official business partners*
- it's a good bldg*

- his mother passed away 5 months ago; he and 5 sisters have been trying to deal with it
- now, he and Brian will own it together
- they just need enough time to get it all done

Ms. Moermond:

- will grant extension to Jan 1, 2012 for getting inside work done
- will grant extension to Jun 30, 2012 for getting outside work done

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

- 47      [RLH VO 11-95](#)      Appeal of Aundranita J. Morris to a Fire Certificate of Occupancy Revocation and Order to Vacate at 1004 CARROLL AVENUE.

**Sponsors:**      Carter III

*Deny the appeal and grant an extension to December 1, 2011 to vacate the property. (Inspector William Beumer)*

*RE: 1004 Carroll Ave (townhome)*

*Aundranita Morris, tenant, appeared.*

*Fire Inspector Leanna Shaff:*

- photos from Oct 11 and Oct 14 in system
- started as a referral Sep 12, 2011 which stated plumbing issues, toilet leaks, kit ceiling water damage (caved in), didn't have a Fire C of O on file
- Inspector Beumer transferred it immediately to a Fire C of O inspection; he said, "The ceiling damage and partially fallen in sewer pipe from toilet on 2nd floor is leaking; missing smoke detectors and carbon monoxide alarms, dryer needs to be vented; property owner stated she will serve eviction papers for nonpayment; she has no money to make repairs without the rent."
- inspector made sure the smoke detectors were working
- property owner still says she will not make repairs; it will go back to the bank
- Fire still has some sanitation issues, etc.
- DSI chose Revocation instead of Condemnation because there are multiple issues at play here (with a Condemnation, there is just a Condemnation issue and when that's repaired, the Condemnation is lifted); here, the owner has stated she will not be making the repairs and that the house will be going to the bank; it's a Condemnable issue but a Revocation covers multiple issues
- not sure that there's a life endangerment issue here; however, it's disconcerting when they are told that it's going back to the bank, owner will not be making repairs, and there's someone living there

*Ms. Morris:*

- appealing because landlord told her she was going to make the repairs but she isn't
- when the ceiling fell in on the night of Aug 29, 2011, they had a plan but after waiting a couple weeks with no repairs having been made, they tried to mitigate some of the damages - she had a new toilet installed and after she did that, she got a letter from the landlord saying that she wanted Ms. Morris to move because she had the toilet installed and she had a dog (although it was agreed up in her lease for her to have one)
- she didn't owe any rent at that point
- landlord is letting the house go into foreclosure
- Ms. Morris is asking for an extension of the Revocation to Dec 1, 2011 when they can move into their new place
- she was shocked to get the certified letter of eviction from her landlord; she went to

legal aide and the attorney said the landlord really didn't have the right to evict her; she had signed a year's lease which ends Nov 30, 2011  
 - she had told her landlord that she would be willing to make these repairs because she has children (ages 11, 8, 5) who live there; her landlord ignored that  
 - there is mold in the basement (her children are not allowed down there)

Ms. Moermond:

- asked why DSI chose Revocation instead of Condemnation?  
 - there isn't a Condemnation statement in the Orders  
 - Condemnation says there is an unhealthy or dangerous condition going on, which could be as simple as not having a smoke detector outside a sleeping area  
 - Revocation says that you can't occupy the bldg because you don't have the certificate you need to operate the bldg as a rental property; if it's Condemned, you would lose that certificate, anyway, but here they are saying there are a couple reasons why the certificate should be Revoked, not just bad conditions  
 - will recommend denying the appeal and granting an extension to December 1, 2011 to vacate the property

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

48

[RLH VO 11-97](#)

Appeal of John Obrey to a Fire Certificate of Occupancy Revocation and Order to Vacate at 518 CHARLES AVENUE.

**Sponsors:** Carter III

Layover to LH 12/6/2011 (Inspector Lisa Martin)

RE: 518 Charles Ave (duplex)

John Obrey appeared.

Revocation / Order to Vacate

Fire Inspector Leanna Shaff:

- Fire C of O inspection Oct 17, 2011 by Inspector Lisa Martin (did not get access to interior)  
 - Orders are for exterior  
 - Appellant says the house is not vacant  
 - there are notes stating that the house is owner-occupied (owner of record and responsible party live in CA)  
 - note says Ramsey County sends tax statement to owner, Colleen Cox, CA; it's a relative homestead  
 - there is not a VB registration  
 - Inspector Martins' notes said that she met with the property owner's brother who refused entry for the inspection (to which Mr. Obrey replied, "It's an owner-occupied home and the letter said we had the right to decline an owner-occupied home inspection."  
 - notes: " property owner sent a letter stating that it's not a rental, yet she lives in CA; there's sheet rock in the yard; appears work is being completed without permits; explained I would refer to VB - he then changed his story and stated, 'Colleen's husband, Jack Obrey lives here; he stated he is not home.' Jack's license is registered in CA, according to brother-in-law; per Xcel, the power bill for the entire bldg is under Patrick McGrath but paid by Colleen Cox."  
 - the definition of owner-occupied is the primary or principal place of residence for the owner of record; the owner of record for this property is somebody who lives in CA (Chap 40 St Paul Legislative Code)  
 - if sold, will need Truth in Sale and Housing; if rented or someone other than owner

of record living there, it would need a Fire Certificate of Occupancy (Fire C of O can be used in lieu of Truth in Sale and Housing)

Mr. Obrey:

- Colleen Cox is his mom
- his uncle Pat and his aunt had lived in this house for about 20 yrs; Apr 2011, his uncle Pat passed away and at end of May-early Jun, they transitioned his aunt into a more suitable home for her (Pat and his aunt are not listed on the title)
- he had been living there from 3 1/2 mos and will continue to live there while making repairs to the home (since July)
- haven't yet decided what they will do with the house: 1) fixing and selling or renting; 2) fixing and keeping it for family
- no one's lived upstairs for over 50 yrs
- today, if he can't live there, he can't work on it and thus, it will stay in it's current state
- he met with Inspector Ed Smith in July re: the exterior - chimney needed repair, tuckpointing, etc.; Mr. Smith came back on Sep 8, 2011 to inspect and approved it; so, he thought "we were good"
- main issue today - that it's not considered a vacant home; it's neither been vacated nor looks as though it's vacated
- anyone can see that there's fresh paint, tuckpointing, new stained decks, new fencing, re-built chimney
- if Ms. Martin had looked into the kitchen window, she would have seen the kitchen was freshly painted and restored; currently, re-tiling the kitchen
- he has gas, elect, water, trash service, telephone
- he also had 3 nbrs document that he'd been living there since the beginning of Jul 2011
- it's family-owned home
- Oct 17, Ms. Martin came onto property by back entrance and spoke to his uncle; John Obrey had gone to the store and there was a note from him to his uncle that he had gone to Home Depot; it was 1 pm and he'd be back (his cell phone has been having problems). His uncle Terry, who has been helping John repair the house, told Ms. Martin that the house wasn't vacant (there's a letter dated the same day Oct 17 saying "Your bldg was determined to be a Registered Vacant Bldg on Oct 17, 2011." His mom FAXed something on Oct 10, 2011 and sent it Certified Mail on Oct 11, 2011, which wasn't signed for until Oct 18, 2011, which clearly states that this is not a VB; it's a family-owned occupied residence. He doesn't understand how Inspector Martin could have determined the house was vacant (?)
- for the last decade, there has been an issue as to whether this property is a family residence or a rental

Ms. Moermond:

- have the Revocation of Certificate of Occupancy; the VB registration is not attached to this
- since home is in Mr. Obrey's mom's name, could he acquire an ownership interest in the property? (Mr. Obrey responded that it's already taking place; you can grant approx \$10,000 / yr per child without having tax ramifications and she had already done that; and has talked with an attorney)
- asked that his mom write a letter to that effect and present documents to prove that's part of the equity in the house that's been transferred to Mr. Obrey (him having a tangible ownership interest in the property would make it be owner-occupied; if he doesn't have that ownership interest, then it walks and talks like a rental)
- will LAYOVER for 1 month to acquire that information
- the exterior items have been written and the re-inspection will need to be made; finish and get sign-off from bldg inspector

**Laid Over to the Legislative Hearings due back on 12/6/2011**

**1:30 p.m. Hearings****Window Variances: Hearing Required**

- 49      [RLH FOW](#)      Appeal of Ronald D. Juelfs to a Fire Certificate of Occupancy Correction  
[11-226](#)      Notice at 1227 BEECH STREET.
- Sponsors:**      Lantry
- Grant a 2-inch variance on the openable height of the egress windows on the main floor southwest and northwest bedrooms; deny a variance in the upper floor bedroom window; deny the appeal on the ceiling height in the upper floor. (Inspector Wayne Spiering)*
- RE: 1227 Beech St (single family)*
- Ronald Juelfs, owner, appeared.*
- Fire Inspector Mike Urmann:*
- window issue and ceiling ht issue on 2nd fl
  - photos in C of O file of this room: at the time of this inspection, the inspector found a bed in this space (being used as a child's bed)
  - ceiling height is inadequate in that space, as well
- Ms. Moermond:*
- re main fl window 22h x 22w
  - will recommend granting a variance
  - troubled by upper fl bed window 15h x 15w
  - 6'2" is too low for ceiling height
- Mr. Juelfs:*
- realized that the upper fl bed with 15h x 15w can't be used as a sleeping room anymore
- Ms. Moermond:*
- this home hasn't been inspected previously; it's just coming into the Fire C of O Program
  - will recommend granting a 2-in variance on the openable height of the egress windows on the main floor southwest and northwest bedrooms
  - will recommend denying a variance for the upper floor bedroom window
  - will recommend denying the appeal for the ceiling height in the upper floor
  - CCPH Nov 16, 2011 at 5:30 pm
- Referred to the City Council due back on 11/16/2011**
- 50      [RLH FOW](#)      Appeal of Paoze Her and Song Lor to a Fire Certificate of Occupancy  
[11-210](#)      Correction Notice at 1631 BIRMINGHAM STREET.
- Sponsors:**      Bostrom
- Owner missed hearing. Rescheduled.*
- Laid Over to the Legislative Hearings due back on 11/8/2011**

51      **RLH WP 11-101**      Appeal of Adaptable Builders (Julie Dale), on behalf of Michael Sellers, to an Egress Window Non-Compliance Determination at 1336 HARTFORD AVENUE.

**Sponsors:**      Harris

*Appellant to send in actual manufacture specs. (LH Nov 8, 2011) (Dave Tank)*

*RE: 1336 Hartford Ave (single family)*

*Mr. McGrath, contractor, appeared.*

*Ms. Moermond:*

- egress opening 16.6h x 22.5w (code requires 24h x 20w)
- this opening has 2.5 extra in width but a shortfall in 7.5 in height (extra width doesn't accommodate the shortfall in height)

*Mr. McGrath:*

- those were the window openings that were there
- new owner-occupied purchaser is spending money to upgrade the house
- she bought Marvin inserts
- casements won't work because we'd still be short (doesn't remember the dimensions)
- it's a stucco home so we'd need to cut into the stucco to make the openings larger
- he and the owner were not aware that they would need to cut bigger holes in the house and buy complete windows
- so labor and cost of windows will be increased; her budget is extremely tight

*Ms. Moermond:*

- wants contractor to email her the dimensions of casements for the egress opening (manufacturer's specs)
- she might grant a variance if the dimensions get closer to code
- if the casement doesn't work after all, she would recommend granting either 90 or 120 days to come into compliance

**Laid Over to the Legislative Hearings due back on 11/8/2011**

52      **RLH FOW**      Appeal of Phil DeBruzzi to a Fire Certificate of Occupancy Correction Notice  
**11-216**      at 417 VAN DYKE STREET.

**Sponsors:**      Lantry

*Deny the appeal and grant an extension for 90 days to bring the windows into compliance. (Inspector James Thomas)*

*RE: 417 Van Dyke St (duplex)*

*Phillip Debruzzi, Jr., owner, appeared.*

*Fire Inspector Mike Urmann:*

- egress window appeal
- double-hung window in south bed 13h x 35 (glazed 30 x 35)
- downstairs - double-hung window 13h x 35 (glazed 30 x 35) -sill height of 43 in

*Mr. Debruzzi:*

- double-hung windows are working and in good condition
- each room has 2 windows

- as the windows age, he will replace them to be compliant

*Ms. Moermond:*

- 13h is just too short - too small to get most bodies thru
- will recommend denying appel on the egress windows
- might be able to change out type of window
- will grant extension of 90 days to come into compliance

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

### Fire Certificates of Occupancy

- 53     [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

*..Legislative Hearing Officer Recommendation*

*If petition to vacate is granted, recommend City Council grant an extension to September 1, 2012 for compliance. If petition is not granted, refer back to Legislative Hearing on December 6, 2011.*

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

- 54     [RLH FCO 11-451](#)     Appeal of Daniel Jesse to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 1767 DAYTON AVENUE.

**Sponsors:**     Stark

*File was not discussed. At the October 25 hearing, it was laid over for Inspector Beumer to get interior/exterior photos. (Beumer)*

**Laid Over to the Legislative Hearings due back on 11/8/2011**

- 55     [RLH FCO 11-486](#)     Appeal of Sean Maynard on behalf of AAA North Properties LLC to a Fire Certificate of Occupancy Correction Notice at 342 SNELLING AVENUE SOUTH.

**Sponsors:**     Harris

*Grant a variance on the ceiling height in the basement and west bedrooms; grant egress window variances in the first floor west, second floor south and north bedrooms; and grant 90 day extension for tenants to move (Item 3). (Inspector Rick Gavin)*

*RE: 342 Snelling Ave S (single family)*

*Sean Maynard, AAA North Properties LLC, appeared.*

*Fire Inspector Mike Urmann:*

- basement ceiling height of 6'10.5" in 220 sq ft in west bedroom
- basement ceiling height of 6'10.5" in 144 sq ft in other bedroom

*Ms. Moermond:*

- will recommend granting variances on ceiling height in basement bedrooms
- will recommend granting variances on egress windows 21.5h x 24w



Mr. Maynard:

- he also got hit for over-occupancy and he wanted to say the he didn't intentionally over-occupy
- his definition of "relative" also meant "cousin"

Ms. Moermond:

- referred Mr. Maynard to Zoning Code because this isn't an over-occupancy issue; it's a Zoning issue
- it's not OK; you can't have more than 4 unrelated adults (Zoning Code defines the relationship)
- go to City Website - City Charter and Codes - St Paul Legislative Code 62.101 - look up definitions (direct line descendants: mother, father, sister, brother)
- great resources: Wendy Lane, head of Zoning, DSI, 651-266-9081; and YaYa Diatta, DSI, Board of Zoning Appeals, 651-266-9080
- will recommend granting 90 extension for 2 tenants to move out
- there will be a new code citation on this; you may want to appeal

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

56 [RLH FCO  
11-482](#)

Appeal of Todd Harrington, Marpe Holdings, LLC., to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 632 AURORA AVENUE.

**Sponsors:** Carter III

*Deny the appeal and grant an extension to January 1, 2012 to repair the boards throughout; grant an extension to August 1, 2012 for the painting issue. (Mitch Imbertson) (See also File No. RLH VO 11-98)*

RE: 632-634 Aurora Ave (duplex)

Todd Harrington, property mgr, appeared.

Fire Inspector Mike Urmann:

- on-going long term problem with the exterior
- Mar 17, 2011 - first Order went out; Sep 30, 2011 - last set of Orders is being appealed; work never completed
- photos in file
- he interviewed the inspector this morning who said that the original Orders were not just about the trim; had it been, he would have written "trim" instead of "exterior walls"; everything including the trim has needed and still needs repair and paint; photos are clear

Mr. Harrington:

- Marpe Holdings LLC has owned property for 2 1/2 yrs
- appealing #1 repair, paint exterior
- items #2, #3, #4 - Inspector Imbertson hasn't had a chance to sign-off on yet; they've been addressed
- there were issues with the white trim (orig. citation); first inspection May 11, 2011 - we were working thru quite a few items
- entered photos of property then and now
- got C of O 2 yrs ago
- the white trim needed to be touched up and tuckpointed - that's what they did
- at re-inspection Aug 4, 2011, the siding of bldg had started to peel
- asking for an extension (because they had already done exterior painting; he perceived it first as the trim being cited; then, he noticed the peeling on siding)
- asking for an extension until Jul 2012; they do understand that it does need to be

*painted*

*- if they paint it in Nov 2011, they will be back here again in 2 yrs*

*Ms. Moermond:*

*- looking at boards that may have some rot on them, pocked holes in them; trim pieces also seem to have holes*

*- I'd like to see the repair work done - rip off the bad pieces of wood and put on some new*

*- we can go longer on the painting*

*Mr. Harrington:*

*- thought he was here to re-paint; baffled that now he needs to replace wood*

*- he needs more specificity about what wood needs to be replaced*

*- it more be more worthwhile to put new siding on the entire property rather than piecemeal the property*

*Ms. Moermond:*

*- she doesn't see replacing wood on this property as an insurmountable task*

*- painting can be extended to summer*

*- some houses are more difficult to keep paint on than others*

*Mr. Urmann:*

*- will recommend the boards be repaired / replaced by Jan 1, 2012*

*- will recommend the painting be completed by Aug 1, 2012*

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

57 [RLH VO 11-98](#)

Appeal of Todd Harrington to a Fire Certificate of Occupancy Revocation and Order to Vacate 632/634 AURORA AVENUE.

**Sponsors:** Carter III

*Deny the appeal and grant an extension to January 1, 2012 to repair the boards throughout; grant an extension to August 1, 2012 for the painting issue. (Mitch Imbertson) (See also file no. FCO 11-482)*

*RE: 632-634 Aurora Ave (duplex)*

*Todd Harrington, property mgr, appeared.*

*Fire Inspector Mike Urmann:*

*- on-going long term problem with the exterior*

*- Mar 17, 2011 - first Order went out; Sep 30, 2011 - last set of Orders is being appealed; work never completed*

*- photos in file*

*- he interviewed the inspector this morning who said that the original Orders were not just about the trim; had it been, he would have written "trim" instead of "exterior walls"; everything including the trim has needed and still needs repair and paint; photos are clear*

*Mr. Harrington:*

*- Marpe Holdings LLC has owned property for 2 1/2 yrs*

*- appealing #1 repair, paint exterior*

*- items #2, #3, #4 - Inspector Imbertson hasn't had a chance to sign-off on yet; they've been addressed*

*- there were issues with the white trim (orig. citation); first inspection May 11, 2011 - we were working thru quite a few items*

- entered photos of property then and now
- got C of O 2 yrs ago
- the white trim needed to be touched up and tuckpointed - that's what they did
- at re-inspection Aug 4, 2011, the siding of bldg had started to peel
- asking for an extension (because they had already done exterior painting; he perceived it first as the trim being cited; then, he noticed the peeling on siding)
- asking for an extension until Jul 2012; they do understand that it does need to be painted
- if they paint it in Nov 2011, they will be back here again in 2 yrs

Ms. Moermond:

- looking at boards that may have some rot on them, pocked holes in them; trim pieces also seem to have holes
- I'd like to see the repair work done - rip off the bad pieces of wood and put on some new
- we can go longer on the painting

Mr. Harrington:

- thought he was here to re-paint; baffled that now he needs to replace wood
- he needs more specificity about what wood needs to be replaced
- it more be more worthwhile to put new siding on the entire property rather than piecemeal the property

Ms. Moermond:

- she doesn't see replacing wood on this property as an insurmountable task
- painting can be extended to summer
- some houses are more difficult to keep paint on than others

Mr. Urmann:

- will recommend the boards be repaired / replaced by Jan 1, 2012
- will recommend the painting be completed by Aug 1, 2012

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

58 [RLH FCO  
11-481](#)

Appeal of Todd Harrington, Marpe Holdings LLC, to a Correction Notice-Complaint Inspection and Inspection Appointment at 527 TEDESCO STREET.

**Sponsors:** Helgen

*Deny the appeal on the extermination issue; deny the appeal and grant an extension for one month on the inspection appointment. (Appellant to contact inspector regarding the new inspection appointment). (Kelly Booker)*

RE: 527 Tedesco St (duplex)

Todd Harrington, Property Mgr, appeared.

Ms. Moermond:

- looks as though you need an exterminator

Mr. Harrington:

- what determines infestation vs noninfestation? not the first time it's come up
- he's contesting infestation because he hasn't seen anything
- have been going thru eviction with tenant downstairs
- have a full C of O inspection appt for Nov 3, per complaint - related to tenant
- asking for extension of time for primary inspection so he can reclaim the Unit first of

*all*

*Fire Inspector Mike Urmann:*

*- the inspector saw a mouse*

*- if any signs of infestation are seen: droppings, dig, track, carcasses, etc., we call for extermination*

*Ms. Moermond:*

*- will recommend granting a one month extension*

*- Appellant will need to contact inspector to set up an appointment; if he does not, the inspector will send a letter of appointment*

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

59      [RLH FCO  
11-472](#)

Appeal of Robert J. Polski, Jr. to a Fire Certificate of Occupancy Correction Notice at 1068 SUMMIT AVENUE.

**Sponsors:**      Carter III

*Grant egress window variances for the lower north and south bedrooms and upper north and south bedrooms. (Items 4 and 6 has been withdrawn by owner; work has been completed.)*

*RE: 1068 Summit Ave (duplex)*

*Robert Polski, Jr., owner, appeared.*

*Fire Inspector Mike Urmann:*

*- there's a new set of Orders as of yesterday (re-inspection on window issue)*

*- other 2 issues no longer exist*

*Mr. Polski:*

*- windows now open 19h - were fixed yesterday*

*- other 2 items are no longer an issue: 1) installed a new dishwasher; and 2) other item fixed, as well*

*Ms. Moermond:*

*- have a note from inspector saying, "It now opens 19 inches high"*

*- will recommend granting a variance on the windows*

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

60      [RLH FCO  
11-474](#)

Appeal of Tim and Jamie Flynn to a Correction Order at 2055 FAIRMOUNT AVENUE.

**Sponsors:**      Stark

*Grant an extension of four months to get the business above the garage out; deny the appeal on the ceiling height and grant an extension to end of May 2012; the items in the garage need to be organized; laid over to LH Nov 15, 2011 to get feedback from Inspector Mitch Imbertson.*

*RE: 2055 Fairmount Ave (single family)*

*Tim Flynn, owner, appeared.*

*Mr. Flynn:*

*- appealing basement ceiling height #2, the fire wall issue #9 and the Vacate the*

property-my wife's business #11  
- wants an extension for #11

Fire Inspector Mike Urmann:

- #2 - throughout basement, ceiling height is 6' 5.5" (7' is required)  
- there are 2 bedrooms in basement

Mr. Flynn:

- bought this house as a rental property; also have house on Cleveland that's rental; underwater on both  
- 4 students from St. Thomas live in this house  
- the front house has 2 bed upstairs; living room, dining room and kitchen  
- downstairs are 2 bed, an office area and a 3rd unused room (furnace and water)  
- in the back of the front house is a carriage house which is over the garage (they had rented it out at one point but now his wife had used it as her small business office)  
- they are trying to sell this property; they don't have time to take care of it  
- his wife's business partner had lived in the apt above the garage and used the office; lower part of garage never was used for cars; it was used to store some of wife's merchandise (dry storage)  
- basement height - 2008 house was inspected for the first time (Inspector said both bedrooms were illegal because they didn't have escape windows so the beds needed to be moved out immediately; they moved them out. Inspector said to discontinue use as sleeping rooms until escape windows are installed; so, they installed the egress windows and put the beds back into the bedrooms. No mention was made of the ceiling height at that time.) They were a little taken aback when this appeared on the Orders. Why were they legal in 2008 and not in 2011? The dry wall ceiling is drop-down to allow for venting and pipes. They don't understand why it wasn't called out in 2008, at which time, they wouldn't have installed the egress windows. They are underwater on this house and to tear out the drywall and do something different would be just too costly.  
- lease on this house is up in Jun 2012; they don't intend to re-rent it; they will replace the roof and sell the house  
- there have never been vehicles in that garage; it's been explicitly used for his wife's business; and it looked exactly the same in 2008 and wasn't called out  
- entered plan of house  
- wife's objective is to have moved her business by the end of Dec 2011  
- it's being marketed as a single family home  
- next scheduled inspection Nov 8, 2011

Mr. Urmann:

- per inspector, the reason basement ceiling ht wasn't called out in 2008 was because the owner voluntarily vacated the basement; it was no longer an occupiable space (Mr. Flynn said that they still had beds in there when he re-inspected it; and it wasn't called out then)  
- #9 - fire separation at ceiling - it is required to have a 1-hr fire separation between residential and a garage used for storage of vehicles; a commercial use also has to be separated by 1-hr (commercial storage is a use); must be disclosed to new owner  
- moratorium would affect anything that had a Purchase Agreement signed after Jul 17, 2011; Appellant may want to visit that before the sale of the home; (the number of occupants would change from 4-3, if still being used as student housing)

Ms. Moermond:

- Appellant will need one of two documents to do the sale: 1) Truth in Sale of Housing Inspection; or 2) Fire Certificate of Occupancy Inspection; must disclose to purchaser  
- this garage used as commercial storage is the definition of excessive accumulation

of flammable materials so, it needs to be taken care of

- if the garage can be organized and it won't be used as automobile storage or storage of flammable liquids, she will recommend an extension of 4 months to get the business out of there (then, Appellant will not need to do the fire separation between garage and office space)
- is not thrilled with 6'6" ceiling height but she will recommend extending it thru the end of May to allow tenants to stay there until the end of the school year
- Appellant must send tenants a letter with an explanation
- no different people and no new people are allowed to rent that space
- if Appellant wants variance on ceiling height, he must go to CCPH
- if Appellant wants to rent the house again next year and use the basement bedrooms, he must put in a different ceiling
- will LAY this OVER to LH Nov 15, 2011

**Laid Over to the Legislative Hearings due back on 11/15/2011**

## 2:30 p.m. Hearings

### Vacant Building Registrations

- 61 [RLH VBR 11-81](#) Appeal of Shoua Thao to a Vacant Building Registration Requirement at 1541 OLD HUDSON ROAD.

**Sponsors:** Lantry

**Withdrawn**

- 62 [RLH VBR 11-82](#) Appeal of Orthodox Church Of The Resurrection of Christ, Inc. to a Vacant Building Registration Requirement at 758 SIXTH STREET EAST.

**Sponsors:** Lantry

*Waive the vacant building fee for 4 months. (VB inspector)*

*RE: 758 6th St E (single family)*

*John Cavin, Orthodox Church of the Resurrection, appeared.*

*Matt Dornfeld, Vacant Buildings:*

- filling in for Inspector Singerhouse
- referral from Inspector Harold Robinson Sep 29, 2010
- violations cited at the time: dilapidated siding, roof, soffits and fascia; peeling paint; basement window boarded; rotting flooring on front porch; peeling paint on garage; garage is in very poor condition
- he issued SAs for refuse in yard
- a Cat 2 VB was opened at that time
- VB fee went to assessment Oct 28, 2011

*Mr. Cavin:*

- Ms. Moermond suggested that they appeal the VB fee to get more time so that they could more properly prepare the house for sale or find a buyer who could do the rehab
- the guy who is going to be selling it will be out of the country for another 2 weeks
- have been in contact with Reid Soley who emailed the documents that the prospective buyer would need to fill out
- Mr. Singerhouse did call and asked why this was being handled this way; Mr. Cavin

told him that MM suggested he show up for an appeal; then Mr. Singerhouse said that he could have granted an extension  
 - appreciated receiving the minutes from the last LH; asked for these minutes to be sent, as well

*Ms. Moermond:*

- this was the unexpected gift to the church  
 - this is the second VB fee (the first one went to assessment on Nov 18, 2010)  
 - will recommend waiving the VB fee for 4 months to give the church a chance to sell it to someone who is qualified to do the fix; if no Purchase Agreement is in place, it will be assessed at that time and she would be willing to divide that assessment over several yrs for payment  
 - Appellant will receive a letter and the minutes from today's LH

*Mr. Dornfeld:*

- suggested that they make a prospective buyer aware that a VB fee would be coming

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

### 3:00 p.m. Hearings

63 [RLH VBR 11-80](#) Appeal of Michael A. Lee to a Vacant Building Registration Requirement at 110 DOUGLAS STREET.

**Sponsors:** Thune

*Grant the appeal on the vacant building registration requirement; a permit must be pulled for the remainder of the siding work; and DSI will re-issue exterior correction order with a deadline of July 30, 2012. (Dennis Senty/Matt Dornfeld)*

*RE: 110 Douglas St (single family dwelling)*

*Michael Lee, owner, appeared.*

*Matt Dornfeld, Vacant Buildings:*

- Oct 12, 2011, Inspector Ed Smith transferred file to VB program  
 - Inspector Dennis Senty opened a Cat 2 VB file due to Inspector Smith's report of numerous exterior violations  
 - Inspector Smith issued original Orders Nov 19, 2009 - no compliance in that time  
 - there's a lock box on the front door  
 - Inspector Smith issued SAs and WOs for misc. junk and refuse; tall grass and weeds

*Ms. Moermond:*

- wonders what follow-up there's been on those Orders besides sending it to VB program

*Mr. Lee:*

- house built in 1912; was initially a single-family home; converted to duplex in 1950's; since has been converted back to a single family home (one meter on the house)  
 - entered a photo of twin house next door (112 Douglas)  
 - has done quite a bit on the house in the last couple weeks (showed photos and described what he had done)  
 - can't get scaffolding between the houses so, some small portions still need to be done near the top

- 99% is finished
- this is his home- he has owned it for 6 yrs; this address is on his driver's license; he has all of the utilities; he pays taxes there; he votes from there; eats lunch there; has a TV there; refrigerator and dishwasher; range
- in addition, because he's a police officer, he also lives in Public Housing (officer in residence)
- this property has a lock box on it because of his children: it was always a refuge for the children if they had problems at home with their mother and he didn't expect them to always have the key - Now, the lock box has been moved so that it's not in plain view; so it doesn't look like a rental house
- the house has had a lack of attention in the last couple of yrs
- would appreciate it if the placards could be taken off so that no one breaks into the house (the mail man stopped delivering his mail when he saw the Notice)
- has been a cop for 30 yrs; is retiring Dec 31, 2011 and will have time to focus on fixing and maintaining the house
- he won't be working 60-70 hrs a week anymore
- he loves West 7th; he will either fix it up to live in himself or sell it
- he's had calls in to DSI but hasn't received calls back

Ms. Moermond:

- the rub is the long-standing Orders, plus the lock box (can give the impression of a VB - it has the earmarks)
- Orders went out Nov 19, 2009, Jun 15, 2010, DSI charged Appellant with Excessive Consumption

Mr. Dornfeld:

- sees new windows and siding; effort and progress has been made judging from the photos

Ms. Moermond:

- let's get rid of the VB registration (if a permit is pulled and a Correction Order is put on it with a summer deadline)
- there are still some exterior issues
- will grant an extension to July 1, 2012 on the exterior; pull a permit and get an interim inspection - get it signed-off by July 1, 2012
- you can take off the placards

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

## Staff Reports

### Window Variances: No Hearing Necessary

- 64 [RLH FOW 11-209](#) Appeal of Cal Xiong to a Fire Certificate of Occupancy Correction Notice at 1108 EDGERTON STREET.
- Sponsors:** Bostrom
- No hearing necessary. Grant a 2-inch variance on the openable width of the egress windows in the southeast and southwest bedrooms. (Mike Cassidy)*
- Referred to the City Council due back on 11/16/2011**
- 65 [RLH WP 11-94](#) Appeal of Window World (Esther Dahl), on behalf of Chuck Yang, to an Egress Window Non-Compliance Determination at 1468 FREMONT AVENUE.



**Sponsors:** Lantry

*No hearing necessary. Grant a 5-inch variance on the openable height of three glider replacement egress bedroom windows measuring at 19 inches high by 64 inches wide. (Note: The steps has been installed to address the sill height issue) (David Nelson)*

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

66 [RLH FOW](#)  
[11-222](#)

Appeal of Delores Flynn to a Fire Certificate of Occupancy Correction Notice at 1439 JEFFERSON AVENUE.

**Sponsors:** Harris

*No hearing necessary. Grant a 3-inch variance on the openable height of the egress window in the first floor bedroom. (Rick Gavin)*

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

67 [RLH FOW](#)  
[11-218](#)

Appeal of Daniel R. Fowlds to a Fire Certificate of Occupancy Correction Notice at 2007 PORTLAND AVENUE.

**Sponsors:** Stark

*No hearing necessary. Grant a 4-inches egress opening width for upper unit front bedroom. (Mitch Imbertson)*

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

68 [RLH FOW](#)  
[11-214](#)

Appeal of Yeng A. Lee-Xiong to a Fire Certificate of Occupancy Correction Notice at 1510 REANEY AVENUE EAST.

**Sponsors:** Lantry

*No hearing necessary. Grant a 4-inch variance on the openable height of the egress windows in all bedrooms measuring 20 inches high by 31 inches wide. (James Thomas)*

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

69 [RLH FOW](#)  
[11-215](#)

Appeal of Katherine Soderberg on behalf of Sibley Manor, Inc. to a Fire Certificate of Occupancy Correction Notice at 2318 ROCKWOOD AVENUE.

**Sponsors:** Harris

*No hearing necessary. Grant a 4-inch variance on the openable height of the egress window in the second floor south bedroom. (Rick Gavin)*

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

70 [RLH FOW](#)  
[11-221](#)

Appeal of Daniel Schmidt, Saint Paul Ramsey County Department of Public Health, to an Egress Window Non-Compliance Determination at 240 WYOMING STREET EAST.

**Sponsors:** Thune

*No hearing necessary. Grant a 5-inch variance on the openable height of two double hung wood acraft replacement egress bedroom windows measuring 19 3/4 high by 22.5 inches wide.*

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