



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
legislativehearings@ci.stpaul.mn.us
651-266-8560

Tuesday, December 20, 2011

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Special Tax Assessments

- 1 **RLH AR 11-134** Ratifying Collection of Vacant Building fees in September 2011 (File No. VB1202, Assessment No. 128801)

 Sponsors: Lantry

 Referred to the City Council due back on 2/1/2012

- 2 **RLH AR 11-135** Ratifying Boarding and/or Securing Services in September 2011. (File No. J1202B, Assessment No. 128101)

 Sponsors: Lantry

 Referred to the City Council due back on 2/1/2012

- 3 **RLH AR 11-136** Ratifying Demolition Services in September 2011 (CDBG Funds) [File No. J1204C, Assessment No. 122003]

 Sponsors: Lantry

 Referred to the City Council due back on 2/1/2012

- 4 **RLH AR 11-137** Ratifying Emergency Sewer Repair on Private Property at 1984 Fremont Ave (File No. SWRP1202, Assessment No. 123001)

 Sponsors: Lantry

 Referred to the City Council due back on 2/1/2012

- 5 **RLH AR 11-139** Ratifying Property Clean Up services during October 01 to 31, 2011. (File No. J1204A, Asmt No. 128503)

 Sponsors: Lantry

 Delete the assessment.

App – Randy Millenosky

Seeley – unsecured, 9-5-11 burglary, secure rear door \$416; police report doesn't say a lot;

A - gone for labor day weekend, just arrived home and back door had been broken in, called police – he asked if I wanted it boarded up – he said it was a city service, but didn't say anything about a fee. He put 3 nails in the door

Seeley – officer David N Strucker, primary officer

M – will double check with Officer Strucker

Looks like I would delete it because of miscommunication; we'll find out

MM delete the assessment (after the meeting) - mxv

Referred to the City Council due back on 2/1/2012

- 6 **RLH AR 11-138** Ratifying Trash Hauling services from October 01 to October 26, 2011 (File No. J1203G, Assessment No. 128703)

Sponsors: Lantry

Referred to the City Council due back on 2/1/2012

- 7 **RLH TA 11-485** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1202B, Assessment No. 128101 at 822 AURORA AVENUE.

Sponsors: Carter III

Delete the assessment.

Applicant - Randy Milanowski

Inspector Paula Seeley:

- an unsecured single family dwelling burglary on 9/5/11*
- St. Paul Police Department called contractor to secure rear door from inside. Cost was \$416.*
- Police report indicates burglary forced entry 9/5 2230 hrs*

Mr. Milanowski"

- he and family were gone at the time; called police when they returned home.*
- police asked if they wanted someone out to secure the back door and did not say there would be a charge, said it was a city service*
- someone came and put three nails in the door.*
- a month later he received a bill for \$400.*

Inspector Seeley:

- pPrimary officer was David N. Strucker*

Ms. Moermond:

- will check with Officer Strucker as to his information on the charges*
- feels she would delete it because of mis-communication on the part of the city.*

Referred to 2/01/2012 City Council

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- 8 **RLH TA 11-486** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1204A, Assessment No. 128503 at 529 BLAIR AVENUE.
- Sponsors:** Carter III
- No show; approve the assessment.*
- Referred to the City Council due back on 2/1/2012**
- 9 **RLH TA 11-459** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1201B Assessment No. 128100 at 651/653 BURR STREET.
- Sponsors:** Thune
- Forthcoming. M. Moermond to review police report.*
- On 12/27/11, Ms. Moermond recommended approval of the assessment. (mce)*
- Referred to the 1/04/11City Council**
- 10 **RLH TA 11-483** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1204A, Assessment No. 128503 at 970 BURR STREET.
- Sponsors:** Helgen
- Approve the assessment.*
- Inspector Paula Seeley:*
- *Summary Abatement Order – pre-authorized work order*
 - *orders sent 9/29/11, compliance date of 10/2/11*
 - *work done by Parks 10/3/11 at a cost of \$499*
 - *orders sent to Jamal Hassen, 817 101st Ave. NE, Blaine, MN; no orders returned*
 - *12/7/11 orders on garbage; 7/12/11 orders on garbage*
- Jemal Hassen:*
- *received a letter on a Friday and cleaned everything on Saturday and Sunday. He called the office and said he will be cleaning and have ready for pick up. The letter said he had three days and he questioned why the order for cleaning.*
- *Video showed that the city picked up scattered refuse as well as trash cans and wood. Some wood was being kept for a shed.*
- Mr. Hassen:*
- *said he did not get a letter for the first one and found out after everything was finished. There was a two-day difference; one in August and the other around September and the two were combined.*
- Ms. Moermond:*
- *looked at a photograph taken in July and sees different things*
 - *orders indicate there was a mattress.*
 - *a lot more over-growth in July compared to the October video*
- Inspector Seeley:*
- *two different work orders*
 - *city did the cleanup but she does not see the assessment for the work*
 - *this is a totally different one. Photos she showed from this cleanup showed debris all over the ground, the debris was cleaned up and put in the containers. Also a lot of excess litter and wood.*
-

Ms. Moermond:

- he had enough time to do the cleanup and the cleaning that was done was not good.
- will recommend the City Council approve the assessment as written

Referred to the 2/1/2012 City Council

- 11 [RLH TA 11-494](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1204A, Assessment No. 128503 at 381 CLEVELAND AVENUE NORTH.

Sponsors: Stark

Rescheduled per tenant's request.

Laid Over to the Legislative Hearings due back on 1/17/2012

- 12 **Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1203G, Assessment No. 128703 at 381 CLEVELAND AVENUE NORTH.**

Rescheduled per tenant's request.

Laid over to the 1/17/2012 Legislative Hearings

- 12 [RLH TA 11-481](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1204A, Assessment No. 128503 at 792 EDMUND AVENUE.

Sponsors: Carter III

Reduce the assessment from \$471.00 to \$321.00.

Appellant: Daisy Haung

Inspector Paula Seeley:

- Summary Abatement Order
- orders issued 10/14/11 with compliance date of 10/19/11. Re-checked 10/20/11.
- work order done 10/20/11 for cost of \$471.
- orders sent to Thomas Haung and Daisy Haung, 6891 Beach Road, Eden Prairie, MN
- no mail returned and no history on the property

Daisy Haung:

- was out of town on 10/19 and returned home evening of 10/23.
- trash scattered and they called the tenants.
- she and two of the tenants cleaned up all the trash the next morning and put in the containers what would fit and the remainder next to the containers.
- called Walter Company and they came on an emergency to help them; apparently they came right after the city was out as the containers were empty.
- the letter came when she was gone
- trash was contained when they cleaned up.
- has verification letter from Walter Co.

Video showed most trash had been put into containers.

Ms. Moermond:

- a substantial amount of garbage was picked up
- will recommend to the City Council to decrease the assessment by \$150 as a good faith effort was made and the history is good.

Referred to the 2/1/2012 City Council

13 [RLH TA 11-479](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1203A, Assessment No. 128502 at 1543 EUCLID STREET.

Sponsors: Lantry

Reduce from \$315.00 to \$158.00

Appellant - Carlos Urrutia

Inspector Seeley:

- Summary Abatement Order for failure to maintain exterior properties
- order issued September 1, 2011 with compliance date of September 6, 2011
- re-inspected September 6, work order sent and work order done September 8 for a total cost of \$315.
- orders sent to Carlos Urrutia and Lucia Urrutia, 1543 Euclid Street
- No mail returned and no history on the property.

Daughter (interpreted)

- did not receive letter until September 9, 2011
- had someone to pick up the refrigerator, they came and the city had already taken it.

Inspector Seeley:

- four-day abatement is done with refrigerators because of doors and the danger of falling on a child.
- inspector said he got a call and gave them five days to remove it.

Ms. Moermond:

- asked Mr. Urrutia's daughter if she reads English or has someone help her.

Daughter:

- said she works a lot so she's not home much.
- reiterated that they didn't get it or didn't open it on time. Older brother also reads to the parents.

Ms. Moermond:

- a refrigerator hanging out is a real serious issue
- will recommend to the Council that the assessment be decreased by \$150 for a total of \$158 - there is good history with the property.

Referred to the 2/01/2012 City Council

14 [RLH TA 11-493](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1202, Assessment No. 128801 at 1415 HAZEL STREET NORTH.

Sponsors: Bostrom

No show; delete the assessment.

Referred to the 2/01/2012 City Council

- 15 **RLH TA 11-489** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1204A, Assessment No.128503 at 1643 IOWA AVENUE EAST.

Sponsors: Bostrom

No show; approve the assessment.

Referred to the 2/01/2012 City Council

- 16 **RLH TA 11-501** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1204C, Assessment No. 122003 at 1066 LAFOND AVENUE.

Sponsors: Carter III

No show; approve the assessment.

Referred to the 2/01/2012 City Council

- 17 **RLH TA 11-488** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1204A, Assessment No.128503 at 1323 LINCOLN AVENUE.

Sponsors: Harris

Approve the assessment.

Appellant: David Coyne

Inspector Paula Seeley:

- *Summary Abatement Order for failure to maintain exterior property*
- *orders issued October 20, 2011 with compliance date of October 27, 2011*
- *re-checked 10/27, work orders sent, work was done October 31 for a cost of \$443 to remove large tree branch, brush, etc. from the NW end of property.*
- *orders sent to David Coyne, 1323 Lincoln Avenue; no mail returned.*
- *ongoing open file on house and garage with Inspector Smith*

Ms. Moermond reviewed photos.

David Coyne:

- *was doing two projects: front porch needed re-building and was taking out a tree in the back by hand and putting brush by the side of the garage until finished*
- *porch was done, inspector came to do a final inspection on the building permit and apparently saw the brush.*
- *received orders 10/28 or 10/29 and did not open envelope until evening of 10/31*
- *he and a friend cleared brush one afternoon and disposed of it at a refuse dump*
- *had given neighbor permission to take large branches for firewood*

video was shown of the cleanup.

Mr. Coyne:

- *he and a friend cut the tree down to the stump*

Ms. Moermond:

- *photos show two stumps and a large trunk.*
- *felt it was reported wrong in the video but the problem is the huge tree and branches lying in the yard which the city did clean up*

Mr. Coyne:

- It had fallen days before and he made arrangements that a friend would come over the following Saturday to clean it up
- his recollection was that when he got the notice, he had already done the cleanup.

Ms. Moermond:

- what she saw in the photo was the same as was seen in the video.
- is confident that what was written on the orders on 10/21 is the same thing the city cleaned up on 10/31
- will recommend that the City Council approve the assessment.

Referred to the 2/01/2012 City Council

- 18 [RLH TA 11-480](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1203A, Assessment No. 128502 at 1579 MARGARET STREET.

Sponsors: Lantry

No show; approve the assessment.

Referred to the 1/18/2012 City Council

- 19 [RLH TA 11-496](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1202, Assessment No. 128801 at 1228 MATILDA STREET

Sponsors: Helgen

Delete the assessment.

Referred to the 2/01/2012 City Council

- 20 [RLH TA 11-482](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1204A, Assessment No. 128503 at 715 MARYLAND AVENUE EAST.

Sponsors: Bostrom

Approve the assessment.

Appellant and property manager Richard Cobbs, Sr. appeared. Jason Kramer is the owner of SF Homes and had a family emergency

Inspector Paula Seeley:

- Summary Abatement Order
- orders issued September 29, 2011 with a compliance date of October 3, 2011
- pre-authorized work order which was done October 4, 2011 for a cost of \$521
- orders were sent to SF Homes LLC, 13570 Grove Street, Unit 193, Osseo, MN and SF Homes LLC, P.O. Box 48223, Minneapolis, MN
- She left a message on the property manager's voice mail on October 29, when she issued the orders, that they needed to get to the property immediately. Four days are given on a pre-authorized.

Richard Cobbs:

- this involved a domestic in the upstairs apartment
- were 18 broken windows; feces all around
- have photos and a letter from the Post Office stating that if mail left here on 10/29,

a Thursday, there is no way they would get it on the 3rd which was the due date.

- he was notified afternoon of the 3rd that the work needed to be done and he ordered a dumpster*
- They were working at another property and by time they got there, the city had taken what they were unable to haul that day.*
- he disputed that from the time the order was written; they were basically given 3 days, two of which were a weekend.*

Inspector Seeley:

- she left a message on voice mail that they needed to get over there because it was going to be a short time frame*
- she read the number where she left her message and Mr. Cobbs said that was a fax number for Pro Realty.*

A video of the property cleanup was shown.

Ms. Moermond questioned the property history. Ms. Seeley said on August 3, 2010 there were orders for rubbish, and in April 2011 there were orders for garbage and vehicles.

Mr. Cobbs:

- main issue is the time and the letter from the post office (Maple Grove) saying they doubt the orders were received in time*
- discussion about the mailing address; Cobbs said it had changed, Seeley said they go by what Ramsey County has on record*

Ms. Moermond:

- there is not a great history on the property*
- voice mail message was left and the number called will be checked for accuracy.*

Inspector Seeley:

- telephone information was updated and it may not be the number she called.*

Ms. Moermond:

- will recommend the City Council approve the assessment based on the fact that legal notice was provided within the time period required (72 hours). It was a minimal notice given the volume of material that had to be cleaned up and there was a substantial cleanup at the property.*

Mr. Cobbs:

- one day is not legal notice as weekends cannot be counted according to state statute 203-461*

Ms. Moermond:

- Will have city attorney look at the statute but for nuisance abatement purposes, weekends have counted*
- recommending approval to the City Council but if she learns something different from the statute that changes her mind, she will let them know.*

Referred to the 2/01/2012 City Council

21 RLH TA 11-484

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1204A, Assessment No. 128503 at 666 MINNEHAHA AVENUE EAST.

Sponsors: Carter III

Delete the assessment.

Appellant: Peter Vang

Inspector Paula Seeley:

- Summary Abatement Orders issued October 5, 2011 with compliance date of October 11, 2011.
- re-checked 10/11, work order sent to Parks and work done October 13 for cost of \$443
- orders sent to John Boecker at 666 Minnehaha Avenue West
- orders were returned October 5
- does not see that Peter Vang was listed at that time

Peter Vang:

- took possession of the property October 28, 2011 and received the letter one week after
- was not the owner at the time and should not be responsible for this charge but should go to previous owner
- he has not talked to the previous owner about it
- after 10/28, he is 100% responsible.

Ms. Moermond:

- there is a responsibility on the part of the seller to notify Mr. Vang that this is an existing order on the property and that the work occurred

A video of the property was shown

Ms. Moermond:

- it is a relatively insignificant amount and the timing is close
- will recommend to the City Council that the assessment be deleted.

Referred to the 2/01/2012 City Council

22 [RLH TA 11-470](#)

Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1203A, Assessment No. 128502 at 1072 MINNEHAHA AVENUE EAST.

Sponsors: Lantry

Delete the assessment.

Appellant – Pheng Xiong

Inspector Yannarely:

- Summary Abatement Order for a dumpster on-site with debris around it
- orders issued September 6, 2011, re-check September 15, 2011
- not in compliance and work order was sent
- work performed September 19 at a cost of \$408 and service charge of \$155 for total of \$563.00.
- Category 2 Vacant Building
- file opened January 20, 2009 and eight work orders in the last two years

Mr. Xiong:

- bought the house one year ago.
- does not feel violations apply to him prior to that time
- A lot of work has been done
- had three dumpsters and every time people have thrown trash in them. The last

time, the roll off was removed and a bed and bags of trash were put there. He called for pickup, the next day it was gone and he received a bill.

- feels it's the officers' duty to make sure people aren't throwing trash around.*
- has a person's address that was in a trash bag*

A video was shown of the property.

Mr. Xiong:

- there was no trash when he purchased the property – only his building materials*
- reiterated he has the address of the person(s) who dumped the trash. He contacted the Police and was told they would pick up the information.*

Ms. Moermond:

- will call the police department; does look as if someone dumped their trash on the property*
- as a rule, it's his property and he is responsible for maintaining it*
- will be back in touch with him.*

Referred to the 1/18/2012 City Council

- 23 RLH TA 11-500** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1202B, Assessment No.128101 at 702 PREBLE STREET

Sponsors: Bostrom

No show; approve the assessment.

Referred to the 2/01/2012 City Council

- 24 RLH TA 11-498** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1204A, Assessment No. 128503 at 1704 SEVENTH STREET EAST

Sponsors: Lantry

Delete the assessment.

Appellant: Sara Peters

Inspector Yannarely:

- Summary Abatement Order for garbage/rubbish issued September 23, 2011 with compliance date of September 30*
- not in compliance and work order issued and abatement performed October 3, 2011*
- on Vacant Building list from June 26, 2008 and closed October 7, 2011 as a rehab*
- cost of abatement \$344 with \$155 service charge for total of \$499*

Sara Peters:

- closed on the house September 13, 2011; Category 2*
- assumes paperwork was not sent to the city and no sign-off until October 5*
- called around and found that Harvester Investments, prior owner, was notified but she was not*

Ms. Moermond:

- will recommend to the City Council that the assessment be deleted.*

Referred to the 2/01/2012 City Council

- 25 **RLH TA 11-492** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1202, Assessment No. 128801 at 1087 SIMS AVENUE
- Sponsors:** Bostrom
- Delete the assessment.*
- Referred to the 2/01/2012 City Council**
- 26 [**RLH TA 12-50**](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1203A, Assessment No. 128502 at 1171 SIXTH STREET EAST.
- Sponsors:** Lantry
- No show; per DSI reduce the assessment from \$1,105.00 to \$560.00.*
- Referred to the City Council due back on 1/18/2012**
- 27 **RLH TA 11-504** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1204A, Assessment No. 128503 at 1288 and 1290 SNELLING AVENUE NORTH.
- Sponsors:** Stark
- Forthcoming. PO sent in documentation. MM to review.*
- Laid Over to the Legislative Hearings due back on 1/3/2012**
- 28 **RLH TA 11-499** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1202B, Assessment No. 128101 at 1005 THOMAS AVENUE.
- Sponsors:** Carter III
- No show; approve the assessment.*
- Appellant – Margorie Mangine present with parents Albert and Madelyne Mangine*
- Inspector Leanna Shaff:*
- Fire C of O fees on mixed occupancy building.
 - Cost of inspection is \$700, service charge \$150 for total assessment of \$850
 - Dates of the orders were 2/14/11, 3/24/11, 4/19/11 and 5/17/11; billing dates were 7/26/11 and 8/25/11
 - Orders and and billing sent to property owner/responsible party, Albert S. Mangine in Lake Elmo
 - Pat Fish was the inspector and someone was present for each inspection
- Margorie Mangine:*
- Entered her written report
 - Has owned the property over 50 years and has never been a problem property owner
 - It's a Chinese take-out restaurant with only three owners since 1960
 - Everything fine in prior inspections. This time it was found that their drain sink from upstairs down to the formal drain didn't meet code and venting was not good for the water heater.
 - The business owner changed out the piping for the water heater.
 - Was told washer and dryer were not correct so she removed that and plugged up

the gas pipe but Inspector Fish said it wasn't right.

- Was just under \$6,000 to re-pipe the drain. I*
- Arrangement is that the rent is low so the business can be sustainable. It is a good, clean business and there is no problem with the tenants. The arrangement is that some of the things to operate the business, such as the piping, would be the business owner's responsibility.*
- 6 months time acc to Pat Fish*

Ms. Moermond:

- This is just the Fire Inspection fees, it's not a problem property*
- Is seeing monthly inspections and it appears Ms. Mangine talked to Pat Fish about having a longer period of time. Inspector Fish is now retired.*
- Asked Insp. Shaff what the current charge is for reinspection. Ms. Shaff said it is half the amount of the C of O inspection.*

Inspector Shaff:

- These are serious issues - the vent on a water heater rusted through.*
- Note from Inspector Fish indicates the PVC pipe from the kitchen sink on the first floor runs down the basement, across the basement floor to within several feet of the floor drain. When the sink is drained, water emptied on floor creating a flood of water and waste.*
- Unapproved plumbing in the waste line in the basement bathroom*
- Fire extinguishing service is required because one in the basement had been discharged.*
- C of O fee is \$350; reinspections are \$175*

Ms. Mangine:

- When Insp. Fish came out the first time, they thought they had everything fixed. The same plumbing situation had always been there. Had the prior owner come out and said there were pictures in the file and they were told it was okay at the time they owned it.*
- They got things done with the owner.*
- With regard to the rusting water heater vent, said she suspects it has been rushed for some time. It was changed out but Ms. Fish said it still was not correct. It was then changed again.*
- Everything was done by July 26.*
- Because of the payment, she had to provide the contractor with information that plumber gave her a year to pay*
- Fixed everything ; don't think it took too long*

M – without having inspector here, will take off one of the re-inspection fees (\$175) and half on another re-inspection fee plus serv chg = \$437 + \$150 =

Did you talk to Pat about the bill;

A – wasn't aware of the bill – not sure what happened to the bill;

Shaff – the clock starts ticking on the Fire C of O fee right from the beginning; we want it done in 90 days, this took 5 months; parts do rust out; mechanical things break; it's up to the owner to take care of the bldg

A – plumbing had been improved and upgraded many, many times

Shaff – just because it was right before doesn't make it right today

A - \$6,000 is a lot of money, as well and communication isn't what it should be; we have tried to be good landlords

M – take off 1 fee and ½ of another

Will consider looking at the \$150 fee that goes on top of this

Regular fee is \$350 plus half of re-inspe fee plus ???

Parents will pay the bill when they get the bill in the mail after CC mtg

Referred to the 2/01/2012 City Council

- 29 **RLH TA 11-497** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1202, Assessment No. 128801 at 1396 VICTORIA STREET NORTH.

Sponsors: Helgen

Delete the assessment.

Referred to the 2/01/2012 City Council

- 30 **RLH TA 11-502** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB 1202, Assessment No. 128801 at 1281 WILSON AVENUE.

Sponsors: Lantry

Delete the assessment.

Referred to the 2/01/2012 City Council

- 31 **RLH TA 11-495** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1202, Assessment No. 128801 at 47 WINIFRED STREET WEST.

Sponsors: Thune

Delete the assessment.

Referred to the 2/01/2012 City Council

- 32 [**RLH TA 11-474**](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1202, Assessment No. 128201 at 1191 EARL STREET.

Sponsors: Bostrom

Reduce the assessment from \$850.00 to \$587.00

Appellant Marjorie Mangine:

- *She sent Inspector Pat Fish notice that everything is in place to move forth with getting the necessary repairs made at once.*
- *contractor will give her a year to pay so had to provide information that tenant would continue to be a renter for that long and will maintain the business.*
- *July 13, 2011 she reported that everything should be completed by the end of the month. She thought it was done on July 26.*
- *not sure why the bill wasn't paid but things were received at different addresses.*
- *everything is fixed and she didn't feel it took too long.*

Ms. Moermond:

- *without the inspector present and not knowing what the communication had been, she will remove one of the re-inspection fees. Another re-inspection fee will be reduced to half the amount. The total will be \$437.00 plus \$150.00 for administrative fees.*
- *asked if she talked to Ms. Fish about the bill when it was received.*
- *Ms. Mangine said no because they were unaware of the bill and it would have been paid by her mother or addressed at the time if they had been aware of it. She assume Pat Fish would be at this hearing.*

Inspector Shaff:

- *the clock starts ticking on a fire certificate of occupancy from the beginning and is not rated on when it's finished.*
- *on non-serious issues, they want it done in 90 days; this took five months and there were some very serious issues; parts rust out, mechanical things break and it's up to the property owner or representative to maintain it rather than to wait for the fire inspector to make sure it's taken care of.*

Ms. Mangine

- *the plumbing was there for many years in the same condition and had been approved many times by fire inspections.*

Ms. Moermond:

- *everyone has a fire certificate of occupancy fee so this is not anything different.*
- *besides eliminating one fee and reducing the other, will consider looking at the \$150 fees in addition to the others. Not convinced they aren't in order but she will look into it.*
- *regular C of O fee is \$350 which Ms. Mangine owes, one-half of the re-inspection fee, and possibly the \$150 administrative fee.*
- *This is an assessment and it can be payable over three years. Ms. Mangine said she felt her parents would pay the full amount.*

(mce)

Referred to the City Council

33 [RLH TA 11-503](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1203A, Assessment No. 128502 at 578 THOMAS AVENUE.

Approve the assessment and spread the payments over 2 years.

578 Thomas Avenue

Nghi Huynh, Linh Nguyen, Jane Prince and Jack Lee (Vietnamese interpreter for Linh Nguyen) appeared.

Ms. Moermond:

- tax assessment hearing*
- what the conditions are and what led to the clean up and the costs associated with it and why appealing and what appellant is looking for in the process*
- Jan 4 PH (Note: it was discovered later after the hearing that the public hearing is January 18)*

Inspector Joe Yannarely:

- this was an emergency abatement of a nuisance*
- he was the inspector at the property*
- there was a large roll off on site, probably had there for a couple weeks or longer*
- 10:30 a.m. on Sept 8, 2011, witnessed an employee of the roll off company dumping contents of trash in the alley*
- he confronted the employee and asked to speak to his boss, Anthony Nitti, by phone.*
- he was told that the owner wasn't paying for the work being done there so the company wanted to take the roll off*
- he told employee of roll off to put the content of trash and debris off the alleyway*
- the owner of the property then showed up at the property*

Ms. Moermond:

-questions who showed up at the property

Nghi Huynh:

-he showed up at the property

Jack Lee (interpreting for Linh Nguyen):

-Ms. Nguyen paid the company already but the contractor didn't know that.

Nghi Huynh:

-questioning who showed up at the property

-stated Ms. Nguyen was at the house at that time

-we showed up an hour after we learned what was happening at the property

Inspector Joe Yannarely:

-he had conversation with Ms. Nguyen and was told that she would abate the nuisance by 1:00 p.m.

-he also consulted with his supervisor, Steve Magner, and he also stated that 1:00 p.m., the nuisance needed to be addressed

-this will give enough time for City crew to abate the nuisance, if needed

-Ms. Nguyen made an attempt to get a contractor

-there was a dumpster at the end of the block and she tried calling the number on the dumpster

-he thought she had arrange for the company to pick up the debris/trash. A guy came but told him he was not there to pick up the trash/debris

-he called City crew to address the nuisance and they arrived at the site at 1:30 p.m.

[Pause for Jack Lee to do interpreting]

Jack Lee (interpreting for Linh Nguyen):

-At the time that the contractor dumped the debris and trash, the inspector showed up

-couple hours given wasn't enough time for her to get things cleaned up

-she wanted at least a day notice or at least a letter sent to her

-she didn't have a dumpster estimate

-she was upset about the whole situation

-she stated this was not her fault but the roll off company because she already paid the company

-she stated the inspector was coming from 11:00 to 1, but the contractor wouldn't let her do anything

-she wants the hearing officer to reconsider

-she doesn't want to bother the City and just want to get things resolve.

-she doesn't want to leave the house to foreclosure and because she lives in CA, she wants to resolve it.

-she stated she comply with the orders, they just didn't give him enough time.

-Ms. Nguyen provided receipts of the clean up from Nitti Dumpster.

-the items in the dumpsters are not hers.

Inspector Joe Yannarely:

-as far as abatement goes, whether or not the issue with the Nitti Dumpster, there was a dead dog in there. Comparing this price to other, this is low. Ms. Nguyen made a good faith to contact a contractor to do the clean up but she won't be able to get a better price on this especially on an emergency basis.

Ms. Moermond:

-questions whether Inspector Yannarely had encountered a similar situation such as this.

Inspector Joe Yannarely:

-yes, if the dumpster company notified the City, the City would engage the charges and they would assess to the owner due to having a dumpster sitting there for a period of time.

Ms. Moermond:

-questions whether Nitti done this before.

Inspector Joe Yannarely:

-he don't know.

Nghi Huynh:

-want to clarify the issue

-dumpster co made the mistake because Ms. Nguyen paid the company

-he called the dumpster company that was near there and asked if they can pick up trash and a new dumpster showed up but inspector said it was too late and won't let that dumpster company picked up the trash/debris.

Inspector Joe Yannarely:

-the dumpster didn't come to the property. A representative of the dumpster company came and stated he had no idea that the owner wants him to pick up trash and debris.

Jack Lee (interpreting for Linh Nguyen):

-there were two dumpster companies that came but they were there to do estimates.

-Ms. Nugyen asked for more time but she was told that it was too late.

-she went to the bank to get money and came back but it was too late

-she wasn't given enough time to contact another contractor

Ms. Moermond:

-how quickly would you call for in this type of situation and allow time

Inspector Joe Yannarely:

-an emergency means right now. It was my assumption that she paid the dumpster co and they were ready do the work, not for her to go and look for another contractor. That is why we only give her two hours.

Jack Lee (interpreting for Linh Nguyen):

-It's a mistake

Ms. Moermond:

-neighbors were going there and dumping, tires, trash, dead dog and so it made the dumpster more full and nauxious

-and the fact that Nitti re-dump the trash back onto the alley because they didn't get pay

-private matter between Ms. Nguyen and Nitti.

-can file a claim against Nitti to seek reimbursement

-not the City's problem

Jack Lee (interpreting for Linh Nguyen):

-for the tires and dead dog, she did not put there

Ms. Moermond:

*-i get that but if it's there, it's her responsibility to get rid of them.
-approve the assessment and spread the payments over 2 years.*

Referred to the City Council due back on 1/18/2012

- 34 **RLH TA 11-523** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1204A, Assessment No. 128503 at 873 MARION STREET.

Sponsors: Brendmoen

Rescheduled

Laid Over to the Legislative Hearings due back on 1/3/2012

- 35 **RLH TA 11-509** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. 1202T, Assessment No. 129001 at 535 MARYLAND AVENUE EAST.

Sponsors: Helgen

Owner missed hearing on Dec. 6, 2012. Rescheduled to December 20, 2011; however, file was not entered into system and; therefore, Ms. Moermond continued the hearing to January 3.

12/20/12

Michael Bieble, property owner, was present but left early

Inspector Karl Mueller:

- notification sent to Michael Biebl at 1256 Nursery Hill Court, New Brighton, MN 55112 on June 17, 2011*
- tree originally marked on June 16, 2011 - 15 inch American Elm in the east side yard with Dutch Elm Disease*
- owners were given one month*
- re-checked July 21, 2011 and no work had started.*
- pink (urgent) notice was left on the door.*
- has a photo file which will be put in Legistar*
- letter given to contractor on August 15. Not sure when the crew arrived.*
- concurred with Ms. Moermond that three weeks after the compliance date is when the crews showed up at the earliest.*

Ms. Vang contacted Mr. Biebl on December 22 and stated a staff report was given by Forestry staff who arrived later in the hearing. He stated he wants to make comment at the hearing and wishes to be heard. I rescheduled him to January 17, 2012 Legislative Hearing. NOTE: Council date is January 18, 2012.

Recommendation is forthcoming.

Referred to the 1/18/2012 City Council

- 36 **RLH TA 11-532** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1204A, Assessment No.128503 at 1015 YORK AVE.

Sponsors: Bostrom

CPH: 2/1/12

Laid Over to the Legislative Hearings due back on 1/17/2012

- 37 **RLH TA 12-3** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1204A, Assessment No. 128503 at 417 HAMLINE AVENUE.

Sponsors: Harris

Delete the assessment.

Referred to the City Council due back on 2/1/2012

- 38 **RLH TA 12-2** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1202, Assessment No. 128801 at 843 EDMUND AVENUE.

Sponsors: Carter III

Reduce the assessment from \$1,250.00 to \$400.00.

Referred to the City Council due back on 2/1/2012

- 39 [**RLH TA 11-510**](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1202, Assessment No. 128201 at 1570 UNIVERSITY AVENUE WEST.

Sponsors: Carter III

11:00 a.m. Hearings

Orders To Vacate, Condemnations and Revocations

- 40 [**RLH VO 11-121**](#) Appeal of Larry D. Grell, on behalf of Bremer Bank, to a Notice of Condemnation as Unfit for Human Habitation and Order to Vacate, Correction Notice-Complaint Inspection, and Vacant Building Registration Notice at 992 ALBEMARLE STREET.

Sponsors: Helgen

Waive the vacant building fee for 90 days; get Fire Certificate of Occupancy reinstated in 45 days. If not reinstated, Appellant will need to obtain a code compliance inspection.

Appellant: Larry Grill, representing Bremer Bank

Inspector Shaff:

- started out as a referral from Water on 11/21/11
- water was shut off
- Inspector Imbertson sent notification on 11/28 to turn water back on.
- remained off for non-payment. No one has been contacted since then.
- was rolled over to Fire Certificate of Occupancy which is practice and policy.
- upon further investigation, could see the property was vacant and could hear the smoke detectors beeping for low battery signal
- trash throughout the rear yard
- doors are secure

- checked with Xcel and gas and electric were on at that time.
- condemned and sent to Vacant Buildings.

Larry Grill:

- Bremer Bank got the premises under their control in October
- all Utilities were notified when they took over the property
- never received a bill for overdue water bill until water was shut off
- bill has been paid
- received notice of a complaint to a condemnation to a vacant building registration
- appealing because they did not know about the water condition
- have corrected the front door; put in seven smoke detectors and four CO detectors
- property was cleaned when they took it over. Debris appeared in the yard and was cleaned up a second time
- furnace was tested and it did not pass; hired Dietrich Mechanical to replace furnace. Permit could not be released because of the Category 2 Vacant Building status

Ms. Moermond:

- asked that a fire inspector go to the property to check
- if life-safety issues are deemed to be adequately handled, Fire C of O will be reinstated or on it's way and will be removed from Vacant Building Program
- will recommend the Vacant Building Fee be waived for a period of 90 days. If C of O can be reinstated within 45 days, a Code Compliance Inspection will not be necessary. If not reinstated within 45 days, a Code Compliance Inspection will be required

Mr. Grill:

- Item 3 – exterior garage, etc. – needs to know specifically what the inspector was looking at

Inspector Shaff:

- Inspector Imbertson on leave and will be back on 12/22

(mce)

Referred to the 1/18/2012 City Council

- 41 [RLH VO 11-122](#) Appeal of Mike Capistrant to a Fire Certificate of Occupancy Revocation and Order to Vacate 1389 FURNESS PARKWAY.

Sponsors: Bostrom

Appellant to get inspection done in 2-3 weeks. Deny the appeal and grant an extension to February 1, 2012 to get Fire Certificate of Occupancy reinstated.

Appellant: Mike Capistrant, Occupant

Inspector Shaff:

- fire Certificate of Occupancy Revocation by Inspector James Thomas
- property revoked on November 21, 2011 with re-inspection on December 12
- process started September 6 with an appointment letter for an initial inspection on October 5
- owner did not meet the inspector for inspections
- owner said he does not pick his mail up often at this address; assumed his tenants would handle

- Inspector Thomas at property on October 27, November 21, and December 12
- Insp. Thomas' notes indicate on October 27 he gave tenants SMRLS phone number as the owner had not made inspections and does not return phone calls
- Insp. Thomas went to the property on December 12 at 10 am and was not able to get in.

Mr. Capistrant:

- needs more time to either move out of the house or to get another re-inspection.
- was not notified the times the inspector was coming.
- requests inspector let him know a specific date
- received notice of inspection on 12th
- on 12th he and landlord were both in the house and insp. didn't hear the dogs because they were removed so the inspection could be done
- property was ready but inspector did not knock on the door and they did not notice that he had come.
- he and owner waited from approx. 9:45 to 11:00 for the inspector.
- they called inspector's office and the main line and were told there is a 30-minute window between 10 and 10:30 that the inspector has to show up
- December 13 two vacant building notices were put on the house
- has lived there three years, paying rent to the same landlord, never had a problem with landlord
- does not know why landlord was not receiving notices
- gave inspector phone number he has for landlord
- inspector and inspector's office won't tell him anything because he doesn't own the property

Inspector Shaff:

- Inspector Thomas' notes of December 12 indicate he received a call at 10:47 am (inspection was scheduled for 10 am) that tenant was waiting for him at the property
- Mr. Thomas explained to the tenant that the building was to be vacated at 10 am.

Mr. Capistrant:

- did not call the inspector until 10:45 because he didn't know he had to.
- called the number that was on the notice he received which was the city information desk. Found out later that the people at that number can't give any information and that he has to go to the fire inspectors' office.
- under the assumption that on the 12th another inspection would be done and if access was given to the inspector it would not have to be vacated at that time.

Ms. Moermond:

- what was going on the other three times?

Mr. Capistrant:

- inspector had stopped by and put the vacate notice on the home when he was at work.
- one time the inspector came unannounced. He has three dogs so that made it difficult to let inspector in.

Insp. Shaff:

- notifications were sent to Eric Richens at 17734 Sheffield Lane, Eden Prairie
- he indicated he did not stop at that address very often for his mail

Mr. Capistrant:

- gave Eric Richens' e-mail address and phone number to inspector in October, he thought
- believe was in November he received notification for the occupancy revocation

- contacted Richens and set up an appointment for him to come to the home on December 12 to meet with the inspector
- was told he has to ask for more time because he has to look for different housing
- prefers he is given a date when inspector will be out and allow access to the house

Ms. Moermond:

- not comfortable saying this is on the City for not providing proper notice of the upcoming inspection when the notification was sent to the address Mr. Richens provided. His requirement is to notify the tenant within 24 hours of the inspector's visit
- City will hold the owner responsible for doing the repairs. The owner and tenant could have a private arrangement but accountability goes back to the owner
- will give him one more chance. Suggested Richens go on line and print out the pre-inspection list and make sure all the items are addressed
- asked that an inspection be scheduled in 2-3 weeks
- should try to have everything done ahead of time
- try to have C of O reinstated by February 1. If not, will discuss again
- Mr. Capistrant can remove the vacant building notice

(mce)

Referred to the 1/18/2012 City Council

42 [RLH VO 11-120](#)

Appeal of Matthew Ladwig, Ladwig Companies, to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 32 WHEELER STREET SOUTH.

Sponsors: Harris

Deny the appeal and grant an extension to January 13, 2012 for compliance or the building must be vacated immediately; grant an extension to June 1, 2012 for Item 17 (grade to slope away from building)

RE: 32 Wheeler St S (single family)

Matthew Ladwig, Ladwig Companies, Inc., owner, appeared.

Fire Inspector Leanna Shaff:

- pull up photos from Nov 29, 2011
- layover from Dec 13, 2011 LH
- Fire Certificate of Occupancy Revocation inspection conducted by Inspector Bill Beumer
- process started in Mar 2011; initial inspection was re-scheduled at property owner's request
- initial inspection Apr 26, 2011
- Inspector's notes: found it over-occupied with 5 students; owner stated that he was unaware of requirements
- subsequent inspection Jun 7 - owner didn't show
- Jul 14 - owner didn't show
- there is a list of phone calls from Jun 8
- tenant refuses access
- email about a date mix-up
- Nov 28, 2011 re-inspection - owner didn't show; tenant refuses access
- pattern of no shows by owner and inability to access property resulted in the Revocation
- she spoke with Mr. Ladwig about providing a work plan, which he did however, it is

not acceptable

Mr. Ladwig:

- he is not really appealing; he was planning to repair the items anyway and he wants it done*
- he is just looking for 2-3 weeks extension to finish the work*
- he provided an updated work plan*
- looking to have a re-inspection in 2-3 weeks*

Ms. Moermond:

- questions whether the work will really get finished and whether Mr. Ladwig will show up for this inspection*
- it took losing his tenant to get him started fixing*

Mr. Ladwig:

- explained that he had been planning to take off the whole front porch and repairing the ceiling in the back*
- he just went back and forth with some contractors, finally going with J & D, which took some time*
- he spoke with Inspector Beumer about waiting to inspect until all was finished*
- has 3 or 4 more items to finish on the list*
- plumbing and electrical contractors are working on the permits (still need those inspections)*
- renters will be gone on break so he can do the ceilings*
- has 4 renters now (there were 5 when Inspector Beumer came in Mar 2011)*
- doesn't know what to do with #17*
- he had the electrical done by Highland Electric and still hasn't heard from the inspector*

Ms. Moermond:

- will recommend that the City Council deny the appeal and grant an extension to Jan 13, 2011 to address the items on the list to the satisfaction of the inspector (to get the Certificate of Occupancy re-instated); if it's not re-instated by that time, the Order will be to vacate the building immediately*
- this file will be prepped for City Council Public Hearing Jan 4, 2012*
- Mr. Ladwig can go to City Council to look for a different outcome*
- re: item #17, Ms. Moermond will recommend granting an extension to Jun 1, 2012*

Ms. Shaff:

- reminded the Appellant that every time an inspector comes out, there is a fee associated*
- call Highland Electric and Hinding Heating to get them going on calling the inspectors*
- the codes say it is incumbent upon the permit holder to get those inspections done; it is their requirement to call for those inspections*

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

Summary Abatement Orders

11:30 a.m. Hearings

- 43 [RLH SAO 11-43](#) Appeal of Victoria Gbojueh to a Summary Abatement Order at 1300 MISSISSIPPI STREET.

Sponsors: Helgen

Order withdrawn. City order will be re-issue to correct owners.

Withdrawn

1:30 p.m. Hearings

Correction Orders

- 44 [RLH CO 11-25](#) Appeal of Blair Rumble to a Correction Order at 969 LOMBARD AVENUE.

Sponsors: Thune

Appeal withdrawn by Appellant.

Withdrawn

Window Variances: Hearing Required

- 45 [RLH FOW 11-268](#) Appeal of Billy Vang to a Fire Certificate of Occupancy Correction Notice at 2044 HYACINTH AVENUE EAST.

Sponsors: Bostrom

No show; grant a 5-inch variance on the openable height of the egress window in the northwest side bedroom and deny a variance on the southwest side bedroom egress window.

Referred to the City Council due back on 1/18/2012

- 46 [RLH FOW 11-263](#) Appeal of Lori Kustritz to a Fire Certificate of Occupancy Correction Notice at 1191 RICE STREET.

Sponsors: Helgen

No show; deny a variance on the egress bedroom windows on the second floor.

Referred to the City Council due back on 1/18/2012

- 47 [RLH FOW 11-265](#) Appeal of Bill Walker, on behalf of Calabash Properties, to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 549 SELBY AVENUE #2 (appealing windows only).

Sponsors: Carter III

Deny a variance on the egress skylight awning windows in the upper unit, 3rd floor bedrooms and grant an extension for 120 days to come into compliance.

RE: 549 Selby Ave (duplex)

Bill Walker appeared on behalf of Calabash Properties

Fire Inspector Mike Urmann:

- awning type window that is in the roof (skylight); it's not an egress window
- cannot accept as egress
- photos in file
- the Fire Code doesn't address a window on an angle; it just addresses awning type windows, which are prohibited by code
- there are side hinging windows that may work here; a window contractor might be able to direct Mr. Walker to something that could work
- problem with hinges at the top of the window: when subjected to heat, the hinge collapses; it doesn't hold, even if it's hydraulic - that's why the Fire Code disallows awning type windows
- an area can be de-converted only once

Mr. Walker:

- entered photos of the window 41h x 36w, on an angle
- these windows have been in place for about 23 years
- inspectors, including Section 8 inspectors, have OK'd it in the past
- the opening is big enough space for a 200 lb man to crawl out of

Ms. Moermond:

- not comfortable with this window being an egress window
- something else will need to be done to create egress from that space
- if the hardware could be modified to change the window from an awning to another type, she might be able to consider it
- will recommend denying the appeal and granting an extension of 120 days to come into compliance
- if the room is not used for sleeping, the window can stay in place

Referred to the City Council due back on 1/18/2012

48 [RLH WP 11-127](#) Appeal of Harvester Investments LLC to an Egress Window Non-Compliance Determination at 283 WYOMING STREET EAST.

Sponsors: Thune

Grant the appeal on the condition that the basement room is not being used as sleeping room. Appellant must disclose information upon sale of the property.

RE: 283 Wyoming St E (single family)

Jamie Von Vargen appeared on behalf of Harvester Investments LLC.

Ms. Moermond:

- #43 - building permit
- window needs to be at least 16 inches wide (requirement is 20")
- would give a variance if height were enough to offset the shortage in width but in this case, it doesn't

Ms. Von Vargen:

- this area is in the basement and not necessarily sleeping rooms
- it's a 3-bedroom house (main and upper level)
- house is on the market staged as a 3-bedroom

Ms. Moermond:

- it should be noted in the sales transaction that this window is not a legal egress window and the room should not be used for sleeping
- will grant appeal on condition that basement room is not used as a sleeping room and appellant must disclose information upon sale of property

Referred to the City Council due back on 1/18/2012

Fire Certificates of Occupancy

49

RLH FCO
11-562

Appeal of Staci Vang to a Fire Certificate of Occupancy Correction Notice at 482 EARL STREET.

Sponsors: Lantry

Deny the appeal on the basement ceiling height, garage electrical and window repair issues and grant an extension for 90 days to come into compliance; grant an extension for the balance of the items in 30 days.

RE: 482 Earl St (duplex)

Tom Yang appeared for Staci Vang

Fire Inspector Mike Urmann:

- #9 use of extension cords in garage (whether rental or not, Fire Code doesn't allow the use of extension cords)
- there were no permits issued when windows were installed (prior to current owner) and there appears to be some issues with the windows
- a window contractor must pull a permit and approve the windows (windows were not professionally installed)
- #1 basement ceiling height is 6' 6" through out (6 inches under code)
- no photos of basement

Ms. Moermond:

- will recommend denying appeal on use of extension cords in garage (a light socket with a plug-in is also not allowed anymore, either)
- a licensed contractor should be able to install an outlet under permit
- will recommend granting appeal on the window permit part but order the inspector to re-issue Orders for the repair of the windows
- grant extension of 90 days to come into compliance on garage electrical and window repair

Mr. Yang:

- doesn't think he should be responsible for the installation of the windows when he didn't have them installed
- 3 bedrooms upstairs; 4th bedroom in basement with egress window

Ms. Moermond:

- needs photos of basement ceiling height
- is inclined to deny basement ceiling height for a sleeping room (photographs may change her mind)
- some suspended ceilings can be moved up
- if ceiling can be moved up a 2-3 inches, she'd be willing to look at a variance for the sleeping space
- will grant 90 days to come into compliance on basement ceiling height
- will recommend the Council grant the appeal for the rest of the basement space
- will recommend granting an extension of 30 days to come into compliance on balance of items

Referred to the City Council due back on 1/18/2012

50 [RLH FCO](#)
[11-581](#)

Appeal of Joel Anderson to a Fire Certificate of Occupancy Correction Notice at 534 FOREST STREET.

Sponsors: Lantry

Grant window variances in the upper floor southwest and northwest bedrooms; grant an extension to July 1, 2012 for the driveway; grant an extension to June 1, 2012 for the foundation walls and painting; and grant an extension to February 15, 2012 to repair the back door and frames.

RE: 534 Forest St (single family)

Joel Anderson, owner, appeared.

Ms. Moermond:

- egress windows - will recommend granting a variance on each window

Fire Inspector Mike Urmann:

- look at photos in file

- exterior walls and surfaces are together

- foundation elements are twofold: 1) an entry door is starting to move in the frame (when door is opened and closed, the wall actually moves with the door frame); and 2) the door frame itself is no longer attached - it moves with the wall; the header and footer may be detached, as well

- the sill plate may be rotted out or detached in some way

- the concrete block is starting to separate and split; mortar lines are missing

Mr. Anderson:

- he is not appealing the door; he plans on repairing that

- he is appealing the driveway, the exterior foundation, the exterior wall and exterior surfaces (painting)

- the skim coat is cracked on the foundation and needs work (freezing and cement work don't work well together)

- #14 and #18 are scraping and painting around the window and door frames and some wood on the porch (wants to wait for warmer weather)

- driveway - is 2-track gravel with grass in middle

- paving driveway is not feasible at this time in his financial situation (asks for a year variance)

- is in the process of selling his home (this is investment property)

- garage is just for storage; tenants park near driveway front

Mr. Urmann:

- it's not a skim coat issue; it's a foundation shifting; there's also an area where the mortar is missing

- photos of foundation

- there are several places in the brick mold, soffit and fascia areas where there are actual holes, which need to be patched to make weather tight now (painting can wait until spring)

Ms. Moermond:

- driveway can wait until spring; can't use gravel for tracks; need pavers or cement
- where wood is rotted out, wood needs to be replaced and probably primed; painting can wait

- driveway must be in compliance Jul 1, 2012

- foundation, walls and painting must be in compliance Jun 1, 2012

- back door needs to be replaced, including header and footer and sill plate, by Feb 15, 2012

Referred to the City Council due back on 1/18/2012

- 51 [RLH FCO 11-39](#) Appeal of Edward Valdes to a Fire Certificate of Occupancy Correction Notice at 168 GEORGE STREET EAST.

Sponsors: Thune

No show; upon review of the file, Ms. Moermond recommended that the Appellant must be in compliance with the fuel tank issue in 90 days.

On December 29, 2011, a letter was received from Iris Valdes indicating that the fuel tanks had been removed by Dean's Tank, Inc. and Inspector Dave Bergman has approved the Fire Certificate of Occupancy. Therefore, the order has been withdrawn because appellant is now in compliance.

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

- 52 [RLH FCO 11-582](#) Appeal of Ger Moua to a Fire Certificate of Occupancy Correction Notice at 585 PAYNE AVENUE.

Sponsors: Thune

Grant a variance on the ceiling height issue in the south bedroom.

RE: 585 Payne Ave (single family)

Cha Moua appeared on behalf of his brother, Ger Moua, owner.

Fire Inspector Mike Urmann:

- ceiling height issue: 6' 8"

- the inspector who did this inspection no longer works with the Department of Safety and Inspections so, Mr. Urmann was not able to interview him regarding the specifics of this issue

Ms. Moermond:

- will recommend the Council grant a variance on the ceiling height issue

Referred to the City Council due back on 1/18/2012

- 53 [RLH FCO 11-563](#) Appeal of Por-Due Inc., Curt Wohlberg, to a Fire Certificate of Occupancy Correction Notice at 1080 PAYNE AVENUE.

Sponsors: Bostrom

No show; deny the appeal.

December 28, 2011: Appellant called after receiving Ms. Vang's letter and stated he never received the date of the hearing. Rescheduled to January 3, 2012 at 1:30 p.m.

Laid Over to the Legislative Hearings due back on 1/3/2012

- 54 [RLH FCO 11-573](#) Appeal of Robert Gotch to a Fire Certificate of Occupancy Correction Notice at 1009 THOMAS AVENUE.

Sponsors: Carter III

Grant a variance on the ceiling height in the 2nd floor, rear room (top of stairway).

RE: 1009 Thomas Ave (single family)

Robert Gotch, owner, appeared.

Fire Inspector Mike Urmann:
- ceiling height issue: 6' 10.5"

Ms. Moermond:
- will recommend the Council grant a variance on the ceiling height

Referred to the City Council due back on 1/18/2012

55

RLH FCO
11-574

Appeal of Hamline Housing Trust LLC to a Fire Certificate of Occupancy Correction Notice at 1743 THOMAS AVENUE.

Sponsors: Stark

Grant an 8-inch variance on the openable height of the egress bedroom windows throughout; deny the appeal and grant an extension to July 1, 2012 for the asphalt driveway to come into compliance.

RE: 1743 Thomas Ave (apartments)

No one appeared.

Fire Inspector Mike Urmann:
- all of the other issues have been taken care of
- the asphalt parking space will be done; contractor is in place - no timelines
- egress windows are original to the building 16h x 34w openable (glazed area 34 x 34 = 1156 sq in)
- looking for time on the asphalt parking space

Ms. Moermond:
- will recommend denying the appeal and granting an extension to Jul 1, 2012 for the asphalt driveway to come into compliance

Referred to the City Council due back on 1/18/2012

2:30 p.m. Hearings

Vacant Building Registrations - None This Week

Staff Reports

56

RLH FCO
11-454

Appeal of Paul Magelssen to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 1577 HOYT AVENUE EAST.

Sponsors: Bostrom

Laid Over to the Legislative Hearings due back on 1/3/2012

57

RLH FCO
11-499

Appeal of Gary Hoyt to a Fire Certificate of Occupancy Correction Notice at 1564 SEVENTH STREET WEST.

Sponsors: Thune

Not discussed. Laid over.

Laid Over to the Legislative Hearings due back on 1/3/2012

Window Variances: No Hearing Necessary

- 58 [RLH FOW](#) Appeal of Joseph Kummer to a Fire Certificate of Occupancy Inspection
 [11-273](#) Correction Notice at 1293 BURR STREET.
- Sponsors: Helgen
- No hearing necessary; grant an 8-inch variance on the openable height of the egress window in the 2nd floor bedroom.*
- Referred to the City Council due back on 1/18/2012**
-
- 59 [RLH FOW](#) Appeal of Kao Vue to a Fire Certificate of Occupancy Correction Notice at
 [11-267](#) 842 CASE AVENUE EAST.
- Sponsors: Bostrom
- No hearing necessary; grant a 2-inch variance on the openable height of the egress window in the north bedroom of Unit 1.*
- Referred to the City Council due back on 1/18/2012**
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- 60 [RLH FOW](#) Appeal of James Rossman to a Re-Inspection Fire Certificate of Occupancy
 [11-261](#) With Deficiencies at 54 CHATSWORTH STREET SOUTH.
- Sponsors: Thune
- No hearing necessary; grant bedroom window variances in Units 1, 3 and 4.*
- Referred to the City Council due back on 1/18/2012**
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- 61 [RLH FOW](#) Appeal of Shinbay Yang to a Re-Inspection Fire Certificate of Occupancy
 [11-262](#) With Deficiencies at 921 EUCLID STREET.
- Sponsors: Lantry
- No hearing necessary; grant a 1-inch variance on the openable height of the egress window in the west bedroom of Unit 1 and grant a 3-inch variance on the openable height of the egress window in the south bedroom of Unit 2.*
- Referred to the City Council due back on 1/18/2012**
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- 62 [RLH FOW](#) Appeal of Katherine Zerfahs to a Fire Certificate of Occupancy Inspection
 [11-260](#) Correction Notice at 827 GRAND AVENUE.
- Sponsors: Thune
- No hearing necessary; grant a 3-inch variance on the openable height of the egress bedroom windows in Units A, B and C.*
- Referred to the City Council due back on 1/18/2012**
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- 63 [RLH FOW](#) Appeal of Louis Frillman to a Fire Certificate of Occupancy Correction Notice
 [11-276](#)

at 461 HOLLY AVENUE.

Sponsors: Carter III

No hearing necessary; grant a window variance in Unit 4 – 2nd bedroom provided that the room is not being used as a bedroom.

Referred to the City Council due back on 1/18/2012

64 [RLH FOW](#)
[11-275](#)

Appeal of Mary Bebel to a Fire Certificate of Occupancy Inspection Correction Notice at 704 HOLLY AVENUE.

Sponsors: Carter III

No hearing necessary; grant a 4.5-inch variance on the openable height of the egress bedroom windows on the 3rd floor.

Referred to the City Council due back on 1/18/2012

65 [RLH FOW](#)
[11-269](#)

Appeal of Public Housing Agency of St. Paul (Tony Swanson) to a Fire Certificate of Occupancy Correction Notice at 1676 LUELLA STREET.

Sponsors: Bostrom

No hearing necessary; grant a 5-inch variance on the openable height of the egress windows in all bedrooms.

Referred to the City Council due back on 1/18/2012

66 [RLH FOW](#)
[11-274](#)

Appeal of Bie Drake to a Correction Notice-Daycare Inspection at 1309 MAYNARD DRIVE WEST.

Sponsors: Harris

No hearing necessary; grant a 2-inch variance on the openable height of the egress windows in bedroom 1 east window and bedroom 2 on south side.

Referred to the City Council due back on 1/18/2012

67 [RLH FOW](#)
[11-270](#)

Appeal of Public Housing Agency of St. Paul (Tony Swanson) to a Fire Certificate of Occupancy Correction Notice at 1576 MCLEAN AVENUE.

Sponsors: Lantry

No hearing necessary; grant an 8-inch variance on the openable height of the egress windows in all bedrooms.

Referred to the City Council due back on 1/18/2012

68 [RLH FOW](#)
[11-271](#)

Appeal of Joshua Burbul to a Fire Certificate of Occupancy Correction Notice at 511 MINNEHAHA AVENUE EAST.

Sponsors: Thune

No hearing necessary; grant bedroom window variances in Units 1, 2, 3 and 4.

Referred to the City Council due back on 1/18/2012

- 69 [RLH FOW](#)
 [11-259](#) Appeal of Matthew Ballenthin to a Fire Certificate of Occupancy Inspection
Correction Notice at 1725 MONTANA AVENUE EAST.
- Sponsors: Bostrom
- No hearing necessary; grant a 6-inch variance on the openable height of the egress
window in the attic bedroom.*
- Referred to the City Council due back on 1/18/2012**
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- 70 [RLH FOW](#)
 [11-264](#) Appeal of Ken Erickson to a Re-Inspection Fire Certificate of Occupancy
With Deficiencies at 1379 WINCHELL STREET.
- Sponsors: Bostrom
- No hearing necessary; grant a 6-inch variance on the openable height of the egress
window in all bedrooms.*
- Referred to the City Council due back on 1/18/2012**
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- 71 [RLH FOW](#)
 [11-272](#) Appeal of Billy Vang to a Fire Certificate of Occupancy Correction Notice at
1733 YORK AVENUE EAST.
- Sponsors: Bostrom
- No hearing necessary; grant a 1-inch variance on the openable height of the egress
window in the northeast side bedroom.*
- Referred to the City Council due back on 1/18/2012**