



# 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*  
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Tuesday, March 6, 2012

9:00 AM

Room 330 City Hall & Court House

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### 9:00 a.m. Hearings

#### Special Tax Assessments

- 1 [RLH TA 12-76](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1203E, Assessment No. 128302 at 1053 BEECH STREET.

**Sponsors:** Lantry

*Approve the assessment.*

*RE: 1053 Beech St (single family)*

*Shirley Wyttenback, owner, appeared.*

*Inspector Paula Seeley:*

- PAEC for \$85
- Sep 9, 2011 inspector issued Orders on vehicle parts, tires, brush, car frames, other rubbish in yard
- Sep 21, 2011 compliance date; re-checked on Sep 22 and still found debris in the yard
- took a photo and sent a Work Order to Parks
- work had been taken care of when the crew arrived
- Jack Reardon and Cynthia Scally were the inspectors
- entered photo
- inspectors also had to go out there Dec 1, 2011 and found another problem; also, Jan 5, 2012, too
- granted, she may has a petty neighbor
- she will recommend deleting the forthcoming Excessive Consumption due to inspector error, but not this one

*Ms. Moermond:*

- looks like Appellant did clean-up after re-checked Sep 22

*Ms. Wyttenback:*

- whenever she receives a letter like this from the city, the work is taken care by the deadline because she doesn't want any extra money put on her property taxes
- that happened in the middle of her son trading that car
- owns double corner lot; house sits on the alley, basically, she has all yard
- she has a creep for a neighbor, who works down here
- she always calls the inspector when she gets a letter

- this last time she said, "You got a complaint because of the boat"
- the photo her shows a large shed; around the shed is a 6 foot fence; her husband's boat is around there; and in this case, the complaint involved the fact that the boat's trailer nose wasn't pressed up against her fence
- she got an Order to move the boat 12 inches; inspector said, "some people have nothing but time on their hands"
- Ms. Wyttenback told her that she knew who it was; he works for the city and he knows all the laws and he doesn't like her from a previous incident involving the fire dept (this same neighbor complained about a hotdog and marshmallow fire)
- this is such petty stuff - he complains every time there is something in front of the shed

Ms. Moermond:

- looking just at this one circumstance, it does look like the material talked about in the Order is the same as she sees in the photo
- the charge is for sending out an inspector to re-check and it wasn't done (trip charge); later it did get taken care of

Ms. Wyttenback:

- she doesn't believe that; it's always done by the deadline
- picture is incorrect; that's what it looked like when it hadn't been cleaned-up
- and, it's always cleaned up

Ms. Moermond:

- the photo is dated Sep 22, 2011; the deadline was Sep 21, 2011
- will recommend approval of this assessment
- can go to the City Council for another outcome

**Referred to the City Council due back on 3/21/2012**

- 2      **RLH TA 12-152**      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1205B, Assessment No. 128104 at 1359 BURR STREET.

**Sponsors:**      Brendmoen

*Approve the assessment.*

*RE: 1359 Burr St (single family)*

*William L. Acree, owner, appeared.*

*Inspector Joe Yannarely:*

- boarding Order for an unsecured Registered Vacant Building
- 24 opening secured with 17 boards and 3 metal storm removals
- Summary Abatement Order issued Dec 15, 2011; compliance Dec 19, 2011; re-checked Dec 20 and found non-compliant
- work was done Dec 21, 2011 by ResPro at a cost of \$520 plus \$155 service chg = \$675
- vacant since Apr 22, 2010
- 1 other Work Order in Aug 2011

*Mr. Acree:*

- the 5-day period that was given for me to board included a weekend and he was out of town
- he called the inspector as soon as he got back to town (Tue) but the inspector was out of town and didn't get back to him until Fri because he had been out of town; Mr. Acree explained to him that he just hadn't been given enough time to do the work

- right after work, he went to the building to do the work and there was a truck already there doing the work
- he researched the surrounding areas and found that Maplewood, Roseville, etc., give from 7 - 10 days to comply
- he didn't even have time to get the letter and do the work
- the second reason he's appealing is because the company that did the boarding did extreme damage to the property
- he called Officer Dave (SPPD) because of all the damage
- he had broken windows; the air conditioner on the sun porch was thrown out; doors were just thrown on the ground
- he entered photos of the damage
- he doesn't think the city should subcontract those kinds of people to do that kind of work

Ms. Moermond:

- viewing the photos, she asked what's going on with the siding (tar, fire and smoke damage, ??); Mr. Acree explained that was weathering of cedar siding

Mr. Yannarely:

- typically, they give 4 days to secure the building on the first and second occurrence; after that, they would just send a work crew without sending a Summary Abatement Notice and if the police find a property open, they will not notify, they will just do it
- this came to his attention by a typical re-inspection by Mr. Singerhouse
- Mr. Singerhouse also sent a Summary Abatement on a Lexus with expired tabs, flat tires and in an inoperable condition (Mr. Acree said he donated the Lexus; the recipient just didn't pick up the car until a day after this boarding)
- past - 2 Work Orders sent in Aug 2011 (Mr. Acree said he hadn't received Notice, he just paid the bill)
- city mowed the lawn Sep 9, 2011 and cleaned up the back yard
- compliance date was Dec 19 and work was done Dec 21, 2011

Ms. Moermond:

- is satisfied that Mr. Acree had sufficient time to take care of things
- will recommend this assessment be approved

**Referred to the City Council due back on 4/18/2012**

**3**      **RLH TA 12-147**      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1204E, Assessment No.128303 at 926 CHARLES AVENUE.

**Sponsors:**      Carter III

*No show; approve the assessment.*

**Referred to the City Council due back on 4/18/2012**

**4**      **RLH TA 12-146**      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1204E, Assessment No.128303 at 658 IOWA AVE WEST.

**Sponsors:**      Brendmoen

*Approve the assessment.*

*658 Iowa Ave W (duplex)*

*Terrance J. Peltzer, owner, and an assistant, appeared.*

*Inspector Paula Seeley:*

- PAEC letter
- office received a complaint Aug 23, 2011
- Summary Abatement issued Sep 29, 2011; compliance Oct 14, 2011
- she spoke with Mr. Peltzer and gave him a couple more weeks (has a broken leg)
- re-checked Oct 17, 2011; then, she gave an extension of 1 month
- re-checked Nov 18, 2011 and sent the Excessive Consumption fee for a cost of \$85
- there is also a \$75 forthcoming Excessive Consumption
- no video

*Mr. Peltzer:*

- appealing the Ex Con
- he has a building permit and was under the impression that he had a construction zone
- when he got a Notice saying his permit expired, he went to the Department of Safety and Inspections (DSI); they told him his permit didn't expire until the building inspector, Virgil, takes it off his list
- whatever the inspectors asked me to clean up, I did clean up; and he continued on with his project in the back yard (bldg permit for a shop)
- they completed the earth work; insulated the foundation; put the slab in; then, Virgil came out - he signed off on the 9th; on the 23rd, he had a retaining wall fall on his leg, now, he has 7 screws and a plate in his leg
- further on the complaint was that he had material in his yard
- he hadn't worked out there because of his broken leg
- he hired 2 guys to put in block work
- Virgil came out Jan 31, 2012 and he said that he has 20 jobs going on in the city right now and this address was the cleanest one they had

*Ms. Moermond:*

- viewing the photos, she sees some construction material
- can't believe that Virgil said that when she looks at the photos
- sees more than construction materials throughout the yard in the photos (taken Nov 18)

*Ms. Seeley:*

- spoke with Virgil: permit has been out for 2 years
- permit on slab expired
- 10% of materials in the yard is construction debris
- on Jan 31, 2012, she didn't see much progress; didn't see a dumpster

*- Assistant:*

- they brought in a 30-yard dumpster and filled it within about 4 days
- most of that material will go into the finished garage when it's built but that couldn't be done last fall because Terry broke his leg

*Ms. Moermond:*

- the material in the dumpster showed up in the photos (Assistant says, "No; that's not the same material;" got dumpster end of Oct 2011)
- inclined to recommend that the re-inspection fee be approved
- can go to the City Council Public Hearing Apr 18, 2012 at 5:30 pm

*Mr. Peltzer:*

- his neighbor has been trying to sell his house since last year
- he came over and asked if the yard could be cleaned up so that he could sell his house (although, he saw my broken leg)

**Referred to the City Council due back on 4/18/2012**

- 5      [RLH TA 12-159](#)      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1204B, Assessment No. 128104 at 760 JESSAMINE AVENUE EAST.

**Sponsors:**      Bostrom

*Delete.*

*RE: 760 Jessamine Av E (duplex)*

*George Trembolak appeared.*

*Inspector Joel Essling:*

- emergency boarding, conducted by Saint Paul Police Dept Dec 30, 201
- upper apartment door at 12:50 am
- charges for securing 1 opening with 1 board: \$271.95 plus service chg of \$155 = \$426.95
- he does not have the police report
- no returned gold card
- inspector verified (1-6-12) that the contractor had boarded it

*Appellant:*

- they actually did no work there; no one boarded anything up
- their own personal team went there; they got a courtesy call from the Police Dept (their contact information is placarded)
- they have a 24-hr on call service
- they also got a call from the downstairs neighbor that evening
- the door had been kicked in; their crew fixed the upper apartment door (they cut out part of the jam, put in a new 2 x 4, trimmed it down, put on a new plate; the lock wasn't damaged)

*Ms. Moermond:*

- will track down the officer on the scene
- will get the necessary info and contact

*Follow-Up - the police report is not clear whether the property management crew or the boarding contractor secured the broken front door. Therefore, I recommend deletion. ~MM*

**Referred to the 3/21/2012 City Council**

- 6      [RLH TA 12-160](#)      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1204E, Assessment No. 128303 at 359 MARIA AVENUE.

**Sponsors:**      Lantry

*Approve the assessment.*

*RE: 359 Maria Ave (apartments)*

*Danielle Oh, owner, appeared.*

*Inspector Joel Essling:*

- Excessive Consumption fee for multiple violations within a 12-month period
- fee: \$50 plus service chg \$35 = \$85
- Nov 14, 2011 inspector found property in violation; sent Summary Abatement Order
- prior to that, SA were sent Sep 9 and Sep 22, 2011
- furniture, vacuums, loose scattered debris and litter in yard

- all SAs came in as complaints
- items were found on 4 different locations on the property

Ms. Oh:

- rental properties
- some people are really abusing their power of complaining; some of the neighbors of this property don't really like the existence of a 4-plex, 3-bedroom apartments (usually involves many kids); one of her neighbors made several bad phone calls to her wanting her to evict a particular tenant with whom he had a bad relationship, or something bad would happen; she told him that she would not evict the tenant and within 2 months, she received 3 Summary Abatements
- there were also many move-ins and move-outs during that period and not everyone was good at keeping the rules of garbage disposal
- for large furniture pieces, they have to wait until the trash hauler comes

Ms. Moermond:

- the 3 SAs are clustered during that time period
- if the city gets a call on something, inspectors don't write an Order unless it's a founded call; they have to actually see a violation going on for any of the dates to be relevant
- checked the photos on file
- looks like there was enough to Nov to justify the Orders written; she saw 2 cases that were justified; on the 3rd, the inspector wrote Orders so, she's assuming that also was justified
- the question she has is whether or not there were 3 occasions within 12 months where it was a founded complaint and it looks as though all 3 were founded
- will recommend this assessment be approved

Inspector Paula Seeley:

- noted that there is a neighborhood watchdog in this area - keep it clean

**Referred to the City Council due back on 4/18/2012**

- 7      **RLH TA 12-104**      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. 1206T, Assessment No. 129005 at 284 RICHMOND STREET.

**Sponsors:**      Thune

*Delete the assessment. (Owner paid the assessment through Forestry and then back to Real Estate)*

**Referred to the City Council due back on 4/18/2012**

- 8      **RLH TA 12-151**      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1205, Assessment No. 128204 at 891 ROSE AVENUE EAST.

**Sponsors:**      Bostrom

*Reduce the assessment from \$610 to \$300.*

*RE: 891 Rose Ave (two family dwelling)*

*Daniel J. Towle, owner, appeared.*

*Fire Inspector Sean Westenhofer:*

- Fire Certificate of Occupancy for a cost of \$460 plus \$150 service chg = \$610
- Orders sent May 25, Jan 21, Jul 26 and Sep 16, 2011
- billing went out Oct 12 and Nov 11, 2011

- sent to responsible party and owner, Daniel J. Towle, North Oaks, MN

Ms. Moermond:

- asked for the breakdown of costs

Mr. Westenhofer:

- original C of O fee for a duplex: \$200

- no entry fee: \$60

- rest are re-inspection fees: \$100 each

- no one showed up for the initial appointment in May

- his first actual access to the property was Jun 21, 2011 (the free re-check would have been the Jul visit)

Fire Supervisor Leanna Shaff:

- there should not be a \$60 no entry fee included

Ms. Moermond:

- 1 item is the flat Fire C of O fee: \$200

- 2 extra re-inspections associated with this: \$200

- will take off one of the re-inspection fees \$100

- will reduce this assessment by \$160

- \$150 for assessment fee (added on when you don't pay the bill)

- asked if there was anything left over from the Jul 26 Orders that was unaddressed by Sep 16, 2011 or was everything except the vent closed out?

Mr. Towle:

- he is showing \$510 assessment

- you took out \$60 and added in \$150 (assessment cost-not on the bill)

- when he was dealing with the inspector, he was under the impression that we were going to wait until the city was able to submit him the permit for the dryer vent; he was dealing with a company that was licensed in St. Paul. We couldn't have another inspection until that was taken care of by their company, along with the plumbing inspector; it took a long time for him to schedule an actual inspection for the dryer vent. This took longer than expected; there wasn't much he could do because he's not licensed as a plumber or inspector, so, he could go only so fast (city wanted to keep coming out to inspect - he kept telling the inspector that he wasn't ready)

- bill shows he's being billed for an Oct 11, 2011 re-inspection, too

Mr. Shaff:

- the Fire C of O was approved Sep 16, 2011 with deficiencies (the dryer vent)

- it still had the deficiency but it would approve the Fire C of O, which would then make it a complaint inspection (no inspection fee would have been charged)

- they wouldn't have made a follow-up inspection on that; they would have relied on the appropriate permit inspector to make sure it was done (was finalized Sep 16, 2011)

- 7 items were left over from Jul 26 Orders: extension cords; CO alarm; dryer vent; exterior areas free from garbage, back; front storm door; front porch window; screens (those would have had to have follow up on Sep 16 regardless); those items were abated on the Sep 16 inspection with only the dryer vent left outstanding; although C of O was approved with deficiencies

Ms. Moermond:

- so, we have \$200 and \$100 that should be billed

- will recommend this assessment be reduced to \$300

**Referred to the City Council due back on 4/18/2012**

J1204E, Assessment No. 128303 at 1237 SELBY AVENUE.

**Sponsors:** Carter III

*No show; approve the assessment.*

**Referred to the City Council due back on 4/18/2012**

- 10      **RLH TA 12-145**      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1204E, Assessment No. 128303 at 746 SEVENTH STREET EAST.

**Sponsors:** Lantry

*No show; approve the assessment.*

**Referred to the City Council due back on 4/18/2012**

- 11      **RLH TA 12-170**      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1205B, Assessment No. 128104 at 774 SHERBURNE AVENUE.

**Sponsors:** Carter III

*Forthcoming. Ms. Moermond needs to see the police report.*

*RE: 774 Sherburne Ave (single family)*

*Ghulamreza Ashrafzad, owner, appeared.*

*Inspector Joe Yannarely:*

- *emergency boarding requested by SPPD on Dec 15, 2011 at 5:30 pm for a cost of \$271.95 plus \$155 service chg = \$426.95*
- *Category 2 Vacant Building file opened Apr 6, 2011*
- *3 Work Orders done in that period of time*
- *entered invoice and photos*
- *if a VB inspector goes out and finds it open to entry, he will give the owner a notification; the Police are told not to do that - if they see contact information prominently displayed, they could notify as a courtesy; they cannot leave a scene unsecured*
- *had trouble getting the police report*
- *if break-ins are problematic at a property, it would be in the owner's interest to board up the entry-ways to the building on the first floor*
- *suggested that Appellant post his contact information both on the front and back of the property*
- *it's in the owner's interest to get the property off the Vacant Building list*

*Mr. Ashrafzad:*

- *bought it Dec 2011 (foreclosed property)*
- *they have his contact number so, why didn't they contact him; he would have sent over a crew*
- *he intends to bring this up to code compliance and get a Certificate of Occupancy; it just takes time*
- *the city is charging him \$1,100 a year to take care of issues and communicate to owners*
- *he drives by his property to check on it quite a bit*

*Ms. Moermond:*

- *if the Police Dept is who requests the boarding, the officer on the scene calls the*

*boarding contractor on an emergency basis so that they can move on with their calls for the day; they can't leave the scene unsecured*

- *there's a lot of criminal activity that can take place in a Vacant Building and if the SPPD get a call there, they need to walk through to make sure there's nothing else going on and they can't just leave the scene, they need to make sure it's secured*
- *needs to get information from the police report (and give Appellant a call)*
- *it's the city's responsibility to keep things as safe as possible*
- *scheduled for City Council Public Hearing Apr 18, 2012 at 5:30 pm*
- *will look at the police report before making recommendation*
- *will call Mr. Asnrafzad with her findings and recommendation*

**Referred to the City Council due back on 3/21/2012**

- 12      **RLH TA 12-149**      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1204E, Assessment No. 128303 at 1602 SIXTH STREET EAST.

**Sponsors:**      Lantry

*No show; approve the assessment.*

**Referred to the City Council due back on 4/18/2012**

- 13      **RLH TA 12-144**      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1204E, Assessment No. 128303 at 1641 SIXTH STREET EAST.

**Sponsors:**      Lantry

*No show; approve the assessment.*

**Referred to the City Council due back on 4/18/2012**

- 14      **RLH TA 12-156**      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1205, Assessment No. 128204 at 1384 SYLVAN STREET.

**Sponsors:**      Brendmoen

*Reduce the assessment from \$330 to \$180 (administrative fee was deleted).*

*RE: 1384 Sylvan St (general retail and svc - B- Commercial)*

*Dale Capistrant, owner, appeared.*

*Fire Inspector Sean Westenhofer:*

- *no Orders were sent; file was approved on the same day*
- *billing dates: Aug 25 and Sep 26*
- *sent to Dale Capistrant, Cappies Trucking, Inc., Saint Paul*
- *the last bill Appellant was billed for the 400 sq ft bldg, was \$156 in 2008*
- *9,500 sq ft bldg billed \$156; assessed in 2009*
- *the repair garage for \$144 in 2006; \$156 in 2009*

*Mr. Capistrant:*

- *appealing C of O fee because he has a copy of the check from his bank for the \$180 he sent Sep 15, 2011, stamped on back, City of Saint Paul*
- *his letter says, "No payment received" in red letters and a \$150 fee was added*
- *entered copy of check*
- *they have only 1 building that's occupied there; the rest are just pole buildings with dirt floors used for storing trailers, etc.*

- have been there since 1991 and all they've paid for the C of O was \$180
- he thought "occupancy" meant having human beings in the bldg (Ms. Shaff explained that "occupancy" of a bldg in code is how the bldg is used)
- asked for a copy of the Building Code (not free; cost approx. \$80 at the MN Book Store)

Fire Supervisor Leanna Shaff:

- there are 3 buildings on this property
- there's a 9,500 sq ft storage building and a 400 sq ft storage building
- looks like the 400 sq ft bldg wasn't paid for
- each bldg is billed separately because each bldg is required to have its own Fire Certificate of Occupancy
- even a small storage shed requires a permit
- the other 2 bldgs were paid this cycle

Ms. Moermond:

- understands Appellant's frustration
- someone screwed up
- there are 3 bills out there; 2 were paid and now there's an extra fee associated with one
- will recommend the Council delete the fee
- will recommend they approve the assessment on that last bldg for the C of O
- Appellant paid \$180 on 2 of the other bldgs; we're talking about the 3rd one today
- he should be billed every 2 yrs for each bldg
- Appellant to pay directly to Real Estate Office
- asked what the city's policy is on empty bldgs (Ms. Shaff responded that if it's empty and not used at all, it would become a Vacant Building)

**Referred to the City Council due back on 4/18/2012**

15 [RLH TA 12-27](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. 1203TA, Assessment No. 129007 at 825 SYLVAN STREET. (Public hearing continued from February 15)

**Sponsors:** Brendmoen

*Recommendation forthcoming; waiting to see proof of closing date.*

RE: 825 Sylvan St (duplex)

*George Trembulak, property manager, appeared.*

Karl Mueller, Forestry:

- Jun 16, 2011 a diseased elm was marked
- Jul 17, 2011 a letter was sent to JNB Investments LLC, Inver Grove Heights with compliance date of Jul 18, 2011
- re-check done Jul 21, 2011 and found noncompliant
- contractor removed tree Aug 31, 2011 for a cost of \$245.81 plus service charge \$126.39 = \$372.20
- no returned mail from JNB Investments LLC, 5858 Blackshire Path, Inver Grove Heights 55076
- a letter did not go out to the Certificate of Occupancy Responsible Party, Tricia at Quality Residences LLC

Mr. Trembulak:

- is not disputing that the work was done; however, they never received notification until now

- the owner, JNB Investments LLC, called on 21st to have the notification sent to a different address; he hadn't received anything to notify them that it needed to be done
- the address that the city sent to in Inver Grove Heights is not JNB's address; that address is actually for TCM Properties, a separate owner, Mark Kineer
- JNB Investments LLC (Bill) address is 555 Mariner Way, Woodbury (acquired property approx. 1 1/2 yrs ago)
- DanMark Properties sold it to JNB

Ms. Moermond:

- according to Ramsey County Tax Records, the 2010 tax statement went to a 3rd party: Daniel Hodgen (previous owner)
- the 2011 tax statement went to DanMark Properties, Inver Grove Heights
- is looking for the actual date that JNB bought the property
- provide a closing document within the week showing when the transaction occurred, which will tell her if notice was given to the right party at the right time
- City Council Public Hearing Mar 21, 2012 at 5:30 p.m.

**Referred to the City Council due back on 3/21/2012**

- 16      [RLH TA 12-154](#)      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1205, Assessment No. 128204 at 611 VIRGINIA STREET.

**Sponsors:**      Bostrom

*Appellant arrived late. Rescheduled to March 20, 2012.*

**Laid Over to the Legislative Hearings due back on 3/20/2012**

- 17      **RLH AR 12-19**      Ratifying Collection of Certificate of Occupancy fees from December 2011 (File No. CRT1205, Assessment No. 128204)

**Sponsors:**      Lantry

**Referred to the City Council due back on 4/18/2012**

- 18      **RLH AR 12-20**      Ratifying the assessments for Demolition Services from September 2011 (NON-CDBG Funds). (File No. J1208C, Assessment No. 122002)

**Sponsors:**      Lantry

**Referred to the City Council due back on 4/18/2012**

- 19      [RLH AR 12-57](#)      Ratifying Boarding and/or Securing services in December 2011. (File No. J1205B, Assessment No. 128104)

**Sponsors:**      Lantry

**Referred to the City Council due back on 3/21/2012**

- 20      **RLH AR 12-23**      Ratifying Tree Removal services from January 2012. (File No. 1206T, Assessment No. 129005)

**Sponsors:**      Lantry

Referred to the City Council due back on 4/18/2012

- 21      **RLH AR 12-22**      Ratifying Excessive Use of Inspection Services during October 28 to December 9, 2011. (File No. J1204E, Assessment No. 128303)

Sponsors:      Lantry

Referred to the City Council due back on 4/18/2012

## 11:00 a.m. Hearings

### Summary Abatement Orders

- 22      **RLH SAO 12-6**      Appeal of Chee Yang Lee to a Summary Abatement Order and Vacant Building Registration Notice at 741 JESSAMINE AVENUE EAST.

Sponsors:      Bostrom

*Appeal withdrawn as Chee Yang Lee is no longer the owner of the property.*

**Withdrawn**

- 23      **RLH SAO 12-7**      Appeal of Nancy Vang to a Summary Abatement Order at 450 ROSE AVENUE EAST.

Sponsors:      Brendmoen

*Deny the appeal and grant an extension to March 19, 2012.*

*RE: 450 Rose Ave (single family)*

*Nancy Vang, owner, appeared.*

*Inspector Paula Seeley:*

- *Summary Abatement Order*
- *their office received a complaint Feb 24, 2012:*
- *garage fire: debris and misc junk left in yard and driveway*
- *found garage fire damaged (roof, walls, doors are gone) and a lot of stuff in the yard*
- *issued SA on a short time frame due to the hazard of the garage*
- *spoke with Ms. Vang on a couple occasions and tried to explain that the city could clean it up and it would be assessed*
- *Ms. Vang said the insurance company allotted \$15,000 for the garage*
- *Ms. Seeley explained that she needed a permit to take the garage down*
- *Ms. Vang wants to find someone who will take the garage down and also, immediately erect a new garage (same people)*
- *owner is running into difficulty trying to find contractor who will do that, so she is asking for more time (and they are very expensive)*
- *Ms. Seeley doesn't know how much time she should give her*
- *the rafters are damaged by fire; don't know how much long they will stand up*

*Ms. Moermond:*

- *if it were just a garage without fire damage, the cost to demo might be a couple grand*
- *being, it's fire damaged, they may need to treat the damage as hazardous materials because, if there was asbestos or other hazard in there and it's a part of the charred*

remains, they may have to designate it all as hazardous materials in a land fill (will cost more)

- suggested that Ms. Vang split those things: 1) call someone who does just demolition; and 2) a building contractor
- there are a number of companies in the area that will demo a building
- splitting them may be the cheapest route
- the Department of Safety and Inspections (DSI) will be able to give out a list of licensed demolition contractors in the city

Ms. Vang:

- did have a contractor come out earlier today to take a look and give an estimate and another one will be coming out later today, as well so, she will compare prices when she gets them
- time wise, the first contractor said either this week or next week
- just would like more time
- Dayton's Bluff has no programs to help and couldn't give out a contractors' list, either
- the composite site opens up this weekend; will get rid of some stuff
- some of the items in yard have been dealt with
- the car in the photo is gone (had been there temporarily)

Ms. Moermond:

- difficult to tell from photos just how compromised the timbers are
- will grant 2 weeks extension (Mar 19, 2012)
- go to Menards and get a roll or two of yellow caution tape and run it around the garage a couple times
- call Fire Chief's Office 222-0477

Supervisor Urmann:

- suggested she stop by her local fire station - may be able to provide her with the caution tape

**Referred to the City Council due back on 3/21/2012**

### Orders To Vacate, Condemnations and Revocations

- 24     [RLH VO 12-18](#)     Appeal of Southern Minnesota Regional Legal Services (SMRLS), on behalf of Julie Stutz, to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 1020 PACIFIC STREET.

**Sponsors:**     Lantry

*Attorney Michael Holloway withdrew the appeal as tenants have moved out.*

**Withdrawn**

### 11:30 a.m. Hearings

#### Orders To Vacate, Condemnations and Revocations

*No show;*

- 25     RLH VO 12-17     Appeal of Reginald E. Moore to a Fire Certificate of Occupancy Revocation and Order to Vacate 818 OCEAN STREET.

**Sponsors:** Bostrom

*Rescheduled to March 13, 2012.*

**Laid Over to the Legislative Hearings due back on 3/13/2012**

## 1:30 p.m. Hearings

### Correction Orders (none)

### Window Variances: Hearing Required

- 26      **RLH FOW 12-84**      Appeal of Jeremy Hollingsworth to a Fire Certificate of Occupancy Correction Notice at 447 WHITALL STREET.

**Sponsors:** Brendmoen

*Grant a 1-inch variance on the openable width of the egress window in the upstairs unit, and deny the appeal on the egress window in the downstairs unit and grant an extension for 90 days to come into compliance.*

*Re: 447 Whittall St  
Appellant - Jeremy Hollingsworth*

*Appealing Items 8 & 12.*

*Mr. Hollingsworth:*

- *Not talking about egress windows; that was a different number*
- *Talking about a main floor bedroom and an upstairs bedroom*
- *Bed was stored in the basement, there was not an egress window, and the bed has been removed.*

*Ms. Moermond:*

- *Will recommend a variance on Item 12*

*Hollingsworth:*

- *Item 8 (window) is not in the basement but is on the main floor*
- *It is a regular window but does not meet the glaze requirements; it's the same window approved in item 12*

*Ms. Moermond:*

- *Papers say it's a casement with 12-inch wide opening*
- *Item 12 says casement that opens 19 inches wide which falls 1" short of the requirement*
- *Routinely will grant a variance down to 16 inches but has never recommended a variance for 12 inches in width*

*Mr. Hollingsworth:*

- *Could not picture which window the inspector is talking about*
- *What is done if a person can not afford to put in a new window?*

*Ms. Moermond:*

- *It can't be a sleeping room*

Mr. Hollingsworth:

- Questioned if the size was written up wrong or if Ms. Moermond was reading it wrong

Ms. Moermond:

- She is looking at the area a person can go through to get out
- This is a 1 foot opening that someone would have to get out of and it needs to be at least 4 inches wider
- If there is enough width in the glazed area, changing out the hardware may work

Inspector Leanna Shaff:

- Did not think the glazed area she was looking at was 14 inches in width. It may have a very large area around it.
- When casement windows are cranked out, the hardware pushes out on the window but it will usually swing it away from the edge. It is measured from the face of the glass to the edge of the crank which is the open area. That is the 12 inches they are talking about.
- The window may no longer be available. May be a matter of swapping out the hardware so it doesn't pull so far into the window opening itself or the open area.

Ms. Moermond:

- Openable area needs to be 16"
- Will recommend to the City Council that they deny the appeal and grant a 90-day extension for compliance.

**Referred to the 4/04/2012 City Council**

### Fire Certificates of Occupancy

27      **RLH FCO**  
12-122

Appeal of Amy Westerlund to a Fire Certificate of Occupancy Inspection  
Correction Notice at 1245 FIFTH STREET EAST.

Sponsors:      Lantry

*Grant a 4-inch variance on the openable height of the egress window in the main floor northeast bedroom; grant a 3-inch variance on the openable height of the upper floor bedroom; and deny the appeal on the dryer vent and ground outlet issue and grant an extension for 90 days to come into compliance. (Appellant can be removed from Fire C of O program after compliance).*

Re: 1245 Fifth Street East  
Appellant: Amy Westerlund

Inspector Leanna Shaff:

- Fire Certificate of Occupancy inspection conducted on February 13, 2012 by Inspector Wayne Spiering
- Six items on the deficiency list:
  - 1) Dryer vent requirement - currently an unapproved flexible metal exhaust duct. Code requires that it's a smooth interior and must be installed by a licensed contractor under permit
  - 2) Egress windows do not meet the minimum opening requirement.
    - Ms. Moermond said she was recommending a variance on the windows.
  - 3) Fire place on main floor – requirement is to have it inspected for soundness, deposits and correct clearances

*Ms. Westerlund:*

- *Dryer vent is not flexible but thinks the problem is that it's 3 inches and should be 4 inches*
- *Property is being sold; not a rental; has a purchase agreement and a closing date on March 20.*
- *Per the purchase agreement, has had a chimney put into the chimney; fireplace has never been used.*
- *Heating part has been complete.*

*Ms. Moermond:*

- *Appellant has to deal with this either by handling it at closing or fixing prior to that*
- *Same code applies now for owner-occupied and rental property so dryer vent issue must be addressed*

*Inspector Shaff:*

- *There will be a Fire Certificate of Occupancy – Cost is \$170.*

*Ms. Westerlund:*

- *Inspector had also called the screens on the two egress windows; asked if they can be included in the window variance in Item 3*

*Ms. Moermond:*

- *Orders state to remove or replace torn and missing window screens throughout the property*
- *This could be a disclosure with the purchaser of the property*
- *Copy of the invoice for the chimney was sent to Inspector Spiering*
- *Happy to let her out of the Fire C of O program if it's going to be owner-occupied and she will inform Inspector Spiering to keep an eye on it and close the file once everything is resolved.*

**Referred to the 4/04/2012 City Council**

28      **RLH FCO  
12-126**

Appeal of Sandra M. Bishop to a Fire Certificate of Occupancy Correction Notice at 1580 IOWA AVENUE EAST.

**Sponsors:**      Bostrom

*Grant a 3-inch variance on the openable height of the egress windows in all bedrooms; grant the appeal on the one-inch throw deadbolt lock in the rear exit door, and grant the appeal to have the property owner removed from the Fire Certificate of Occupancy Program. Remove Items 6 and 7 from the list and grant 90 days to complete the remaining items.*

*Re: 1580 Iowa Avenue  
Appellant: Sandra Bishop*

*Inspector Leanna Shaff:*

- *Fire Certificate of Occupancy inspection conducted on February 13, 2012 by Inspector James Thomas*
- *Ten items on the Correction Orders*
- *Item 1, windows, Ms. Moermond will recommend a variance*
- *Appears not appealing so much what needs to be done; this is a family home.*

*Ms. Bishop:*

- *This was her mother's and father's home*
- *Mother is presently in a nursing home. Her brother lived at the house with the mother until she went to a nursing home.*

- In the process of cleaning out the home and moving the brother into an assisted or independent living facility
- The house will be put up for sale

Ms. Moermond:

- It's clear that she should be removed from the C of O Program since family is living there
- Removed the smoke detector and carbon monoxide testing from the list (Items 6 & 7)
- At point of sale, disclosure, etc. can wait but make it known the list of things that have been called out

Ms. Shaff:

- A few of the things look easy to do but the house isn't on the market yet
- Will need a Fire Certificate of Occupancy in lieu of a Truth in Sale of Housing
- Does not look like there is much to do to get a Fire C of O.

Ms. Moermond:

- When a person sells a house in the City of St. Paul, one of these documents is required to disclose to the buyer what the conditions are
- The one most commonly used for single family homes and duplexes is a Truth-in-Sale of Housing inspection report
- Second document that could be used for disclosure is a Code Compliance Inspection but that is usually reserved for vacant buildings or buildings that require a lot of work to be re-occupied
- Third document for disclosure is a Fire Certificate of Occupancy and owner is almost there with that type of document
- There is a correction notice with some items on it but if it's completed, the Fire C of O could be used as the disclosure document for any sale
- Will try to give Ms. Bishop some time to figure out what she wants to do
- Current range of prices for Truth in Sale of Housing Inspection is \$300-500
- Reviewed deficiency list. Ms. Bishop said most things have been corrected.
  - Ms. Moermond approved the deadbolt lock since it will be owner-occupied.
  - Electrician should look at the 3-wire ungrounded outlets; to be replaced with a 2-wire or ground the 3-wire to code
  - Dryer vent needs to be taken care of.
- When the two things are done, appellant will get the C of O and can use that to disclose to any potential buyer the condition of the building.

Ms. Bishop:

- Will start working on it but would appreciate additional time.

Ms. Moermond:

- Will grant a 90-day extension.
- Appellant will receive a letter with an appointment date in about three months.

**Referred to the 4/04/2012 City Council**

29      **RLH FCO  
12-127**

Appeal of Joseph P. Flood to a Fire Certificate of Occupancy Correction Notice at 903-905 LAUREL AVENUE.

**Sponsors:**      Carter III

*Deny the appeal on Item 3 (reduce number of unrelated adults) and grant an extension to June 1, 2012, and deny the appeal on the exterior painting issue and grant an extension to August 1, 2012 for compliance.*

903-905 Laurel Ave  
Appellant: Joseph P. Flood

Inspector Leanna Shaff:

- There are five unrelated adults living at the property

Mr. Flood:

- Appealing because he did not know about this law  
- A five-bedroom house  
- Five college girls living there since June; lease up end of May  
- Trying to not disrupt their lives because of his lack of knowledge  
- House is plenty big for five people; five bedrooms, all have egress windows  
- Lease is up the end of May and would like it approved until then

Ms. Moermond:

- Comfortable giving additional time to June 1, 2012

Mr. Flood:

- Wants to get the house painted; will cost \$26,000  
- Could possible start the end of April

Ms. Moermond:

- Will grant until August 1, 2012 to paint the entire house

Mr. Flood:

- Asked for clarification on tenants – whether three college students and three sisters would be ok. Ms. Moermond responded “yes”

**Referred to the 4/04/2012 City Council**

30 RLH FCO  
12-129

Appeal of James Schoffman, on behalf of JBI & Associates, Inc., to a Fire Certificate of Occupancy Correction Notice at 1833 MARGARET STREET.

Sponsors: Lantry

Grant the appeal on the bathroom floor tile (Item 3); grant the appeal on the kitchen floor tile (Item 5); deny the appeal on the bathroom floor impervious to water (Item 8) and deny the appeal for Item 9 (secure toilet to floor).

1833 Margaret St  
Appellant: James Schoffman

Mr. Schoffman:

- James Thomas was his inspector  
- Does not have a problem with 99% of the items  
- All the electrical work required is complete  
- Contractor license permit has been applied for and will have it for the re-inspection

Ms. Moermond:

- Must make sure that permit goes through because he will be held accountable

Mr. Schoffman:

- List is done except for the kitchen and bathroom floors  
- Does not have a problem with safety issues but he does with “cosmetic police”  
- Showed photo of a very small piece of tile in the kitchen that is slightly broken and

said he was offended by the citation and asked where it stops and where in the Fire Code this is. Feels Inspector Thomas is over-reaching.

Ms. Moermond:

- Feels grout could fill in the space.

Inspector Shaff:

- If the toilet overflows and it sits there, it would seep into the hole  
 - Fire inspectors are also charged with enforcement of the Property Maintenance Code and other reference codes  
 - Are enforcing a floor that is impervious to water

Mr. Schoffman:

- The whole floor is impervious to water; are stick-on tiles and water can go into every crack  
 - Spent \$610 for electrical; did the handrail, did the seal, had the screws taken out of the dryer and a non-combustible tape put on  
 - The floor is a cosmetic issue  
 - Tenant will be there three more months and then will be putting the house up for sale

Ms. Moermond:

- When a fire inspector is deployed to a property, they look at a variety of codes  
 - The concern is that the property be maintained  
 - Will grant the appeal on the bathroom tile (Item 3), it can be patched  
 - Will grant the appeal on the kitchen tile (Item 5); patch it so someone does not cut their foot on it as the inspector indicated.

**Referred to the 4/04/2012 City Council**

31 RLH FCO  
12-123

Appeal of Mark Finley to a Fire Certificate of Occupancy Inspection Correction Notice at 571 SARATOGA STREET SOUTH.

**Sponsors:** Tolbert

Grant the appeal to remove the owner from the Fire Certificate of Occupancy Program and recommended the following:

- 1) deny the appeal for Items 1 (remove all locks in excess of two);
- 2) grant a 2-inch variance on the openable height of the egress window in the first floor bedroom;
- 3) delete Items 5, 6, 8 from list;
- 4) grant the appeal on the one-inch throw deadbolt lock in unit entry doors;
- 5) deny the appeal on the window screen;
- 6) deny the appeal on the dryer exhaust duct; and
- 7) deny the appeal on fire extinguisher. (Appellant may replace or remove the fire extinguisher)

Granted additional two months to complete the work

571 Saratoga Street South

Appellant: Mark Finley, Appellant

Represented by Attorney Joseph m. Finley

Mr. Finley:

- Occupant, Mark Finley, is his cousin  
 - Mr. Finley had a medical condition a few years ago and has some physical and

*anxiety issues*

- Home has been owned by the Finley family over 50 years
- Mark Finley's father, William Finley, owned the home and died on 10/12/2006 without a will
- Mark has lived in the house his entire life and since the day his father died, he has been the owner of the home
- Is prepared to put something into the record to help clarify why the city may have been confused as to whether he is the owner
- Not here to dispute any of the orders
- House could use some work and Mark's brother, George, has been working on it.
- Home has been continuously owner-occupied for over 50 years and, therefore, it does not qualify for Chapter 40 which exempts owner-occupied homes
- Are a lot of laws and they get confusing; Uniform Probate Bill, a state law which supersedes all city laws, states what happens when a person dies, has a will, and how it's administered. It also set rules for when a person dies without a will.
- "When a person dies in intestate (without a will), that person's real estate vests immediately and the person's heirs of law
- Land is not owned by deceased people nor does land go for 4-5 years without having an owner
- When a person dies intestate the heirs are immediate owners and entitled to occupation
- Have to go through a title search procedure to change
- Mark and his brother have been discussing for quite some time how they would jointly own the property
- Has a copy of the petition that he filed in Probate Court
- The house is not in as good of condition as others but they are working on the issues
- The order is under Chapter 40 and asked that it be withdrawn.

*Inspector Shaff:*

- When Mark Finley came in to address some of these items he was adamant that that his father died in 1996.

*Ms. Moermond:*

- That enforces the whole notion that he's living in a dependent fashion on his family rather than independent.

*Mr. Finley:*

- He is not a vulnerable adult but he has not worked since he had the aneurysm.
- Repeated that Mark's father died in 2006

*Ms. Moermond:*

- If it's familial property that is owner-occupied, she is comfortable with that
- Struggling with the list and "knowing what we know," would like to close the loop on it.
- Want to have certain items continue forward under the current inspector and close the file or else under an owner-occupied inspector
- Would like to get the number of locks on the door down to two; that is a basic fire code requirement for gaining entrance
- Item 3 – If there was a sale, Truth-in-Sale of Housing is just a disclosure.
- Item 4 – will recommend a variance.
- Items 5 and 6 can be taken care of without an order – delete.
- Painting – not a concern
- Items 7, 8 & 9 – Will recommend granting a variance.
- Item 10 - Second story window screens should be checked.
- Item 11 – take care of the dryer vent.

- Item 12 - either keep the fire extinguisher up-to-date or get rid of it
- Re-inspection is scheduled for March 23, 2012
- When closed out, will be out of the Fire C of O Program.
- 

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

## 2:30 p.m. Hearings

### Vacant Building Registrations

- 32      **RLH VBR 12-8**      Appeal of Ahmed Al-Beheary to a Vacant Building Registration Fee at 622 WINSLOW AVENUE.

**Sponsors:**      Thune

**Laid Over to the Legislative Hearings due back on 3/13/2012**

### Other

### Staff Reports

### Window Variances: No Hearing Necessary (CPH 4/4/12)

- 33      **RLH FOW 12-81**      Appeal of Thomas Rodriguez, Nelson Capital LLC, to a Fire Certificate of Occupancy Inspection Correction Notice at 1014 ARMSTRONG AVENUE.

**Sponsors:**      Thune

*No hearing necessary; grant a 4-inch variance on the openable height of the egress windows in the north and south bedrooms.*

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

- 34      **RLH FOW 12-82**      Appeal of Nina Moua to a Fire Certificate of Occupancy Correction Notice at 1011 BURR STREET.

**Sponsors:**      Brendmoen

*No hearing necessary; grant an 8-inch variance on the openable height of the egress window in the 2nd floor west bedroom.*

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

- 35      **RLH WP 12-25**      Appeal of Marpe Development and HPC, on behalf of Mark Pasvogel, Jr., to two Egress Window Non-Compliance Determinations at 336 MAPLE STREET.

**Sponsors:**      Lantry

*No hearing necessary; grant a 4-inch variance on the openable width of two double hung replacement egress bedroom windows measuring 29 inches high by 16 inches wide and grant a 4-inch variance on the openable width of two double hung replacement egress bedroom windows measuring 29 inches high by 18 inches wide.*

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

- 36      **RLH FOW 12-78**      Appeal of Michael S. Amos, Sr. to a Fire Certificate of Occupancy Inspection Correction Notice at 2071 ORANGE AVENUE EAST.

**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 4/4/2012**

- 37      **RLH FOW 12-83**      Appeal of Paul Santacruz to a Fire Certificate of Occupancy Correction Notice at 1377 PRIOR AVENUE SOUTH.

**Sponsors:**      Tolbert

*No hearing necessary; grant a 4-inch variance on the openable height of the egress windows in the first floor east and west bedrooms.*

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

- 38      **RLH FOW 12-86**      Appeal of Tony Swanson, Saint Paul Public Housing Agency, to a Fire Certificate of Occupancy Inspection Correction Notice at 1664 CHAMBER STREET.

**Sponsors:**      Bostrom

*No hearing necessary; grant a 3-inch variance on the openable height of the egress window in the southeast bedroom.*

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

- 39      **RLH FOW 12-85**      Appeal of Tony Swanson, Saint Paul Public Housing Agency, to a Fire Certificate of Occupancy Inspection Correction Notice at 1222 DESOTO STREET.

**Sponsors:**      Brendmoen

*No hearing necessary; grant a 1-inch variance on the openable width of the egress windows in the southeast and northeast bedrooms and grant a 5-inch variance on the openable height of the egress window in the southwest bedroom.*

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

- 40      **RLH FOW 12-89**      Appeal of Tony Swanson, Saint Paul Public Housing Agency, to a Fire Certificate of Occupancy Inspection Correction Notice at 842 GERANIUM AVENUE EAST.

**Sponsors:**      Bostrom

*No hearing necessary; grant a 2-inch variance on the openable height of the egress window in the north bedroom.*

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

- 41      **RLH FOW 12-87**      Appeal of Tony Swanson, Saint Paul Public Housing Agency, to a Fire Certificate of Occupancy Inspection Correction Notice at 789 HYACINTH

AVENUE EAST.

**Sponsors:** Bostrom

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

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

- 42      **RLH FOW 12-88** Appeal of Tony Swanson, Saint Paul Public Housing Agency, to a Fire Certificate of Occupancy Inspection Correction Notice at 876 SHERWOOD AVENUE.

**Sponsors:** Bostrom

*No hearing necessary; grant a 4.5-inch variance on the openable height of the egress window in the 2nd floor bedroom.*

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

- 43      **RLH FOW 12-90** Appeal of Tony Swanson, Saint Paul Public Housing Agency, to a Fire Certificate of Occupancy Inspection Correction Notice at 1676 WESTMINSTER STREET.

**Sponsors:** Brendmoen

*No hearing necessary; grant a 1-inch variance on the openable height of the egress window in the first floor, northeast bedroom and grant a 6-inch variance on the openable height of the egress window in the 2nd floor bedroom.*

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