



# City of Saint Paul

15 West Kellogg Blvd.  
Saint Paul, MN 55102

## Minutes - Final Legislative Hearings

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

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Tuesday, April 3, 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  
12-176](#)      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1205A, Assessment No. 128504 at 621 REANEY AVENUE.
- Sponsors:**      Bostrom
- Will do an amended Resolution since this has already been to Council. Approve and spread payments over 5 years.*
- Withdrawn**
- 2      [RLH TA  
12-178](#)      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1208A, Assessment No. 128511 at 621 REANEY AVENUE.
- Sponsors:**      Bostrom
- Delete the assessment.*
- RE: 621 Reaney Ave (single family)*
- Tin Tin Hlaing, owner, appeared.*  
*Etaew Dwe, interpreter*
- Inspector Paula Seeley:*
- Summary Abatement Order for a clean-up yard and front porch sent Jan 23, 2012; compliance Jan 27; re-checked Jan 27, 2012
  - sent Work Order; work done Jan 31, 2012 for a total cost of \$471
  - sent to Tin Tin Hlaing, Moe Myint and Tha Zin Oo at 621 Reaney Ave
  - no returned mail; still have an open file
  - has photos
- Ms. Hlaing:*
- Moe Myint is her husband and lives at the house; he doesn't speak English
  - Tha Zin Oo is her daughter and lives at the house; she is 26 years old
- Ms. Moermond:*
- checked out photos
  - viewed Video

- based on what she sees in the photographs and what she saw the crew cleaned-up, she will recommend deletion of the assessment

**Referred to the City Council due back on 5/2/2012**

**3**      [RLH CO 12-9](#)      Appeal of Thao Zin OO and Tin Tin Hlaing to a Correction Notice at 621 REANEY AVENUE.

**Sponsors:**      Bostrom

*Deny the appeal and grant an extension to April 15, 2013 for the driveway to come into compliance.*

*RE: 621 Reaney Ave (single family)*

*Tin Tin Hlaing, owner, appeared.  
Etaew Dwe, interpreter*

*Inspector Paula Seeley:*

- Correction Order issued Jan 2012
- the elevated concrete driveway needs to be repaired and maintained; there are chunks falling onto the public sidewalk
- it's in pretty bad shape; lots of grass growing through it
- no photos
- patching concrete doesn't work very well
- it's very close to the neighbor's property

*Ms. Moermond:*

- will pull up an aerial photo
- driveway needs to be fixed; eventually, will need to be replaced
- for the time being, she can repair it; patching is acceptable and probably the most affordable
- no permit is needed to repair the driveway
- they could also remove the driveway

*Ms. Hlaing:*

- they don't drive on the driveway
- the neighbor is always complaining - she's the neighborhood watchdog
- she needs time to find someone to help her fix the driveway; her husband is sick

*Ms. Seeley:*

- suggested that Appellant buy or build some type of shed to store things in or the neighbor will continue to complain
- a shed 8 x 10 feet or less would not require a permit
- make sure that debris is not falling on the public sidewalk
- don't part on the grass

*Ms. Moermond:*

- will recommend granting an extension to Apr 15, 2013 to repair the driveway
- suggested Appellant build a compost

**Referred to the City Council due back on 5/2/2012**

**4**      [RLH TA 12-197](#)      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1206A, Assessment No. 128505 at 83 JESSAMINE AVENUE WEST.

**Sponsors:**      Brendmoen

*No show; approve the assessment.*

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

- 5      [RLH TA 12-58](#)      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1203B, Assessment No. 128809 at 2385 NOKOMIS AVENUE.

**Sponsors:**      Bostrom

*No show; approve the assessment.*

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

- 6      **RLH TA  
12-185**      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1203, Assessment No. 128802 at 675 AURORA AVENUE.

**Sponsors:**      Carter III

*Owner called and stated he can't make the hearing. Rescheduled to April 17, 2012.*

**Laid Over to the Legislative Hearings due back on 4/17/2012**

- 7      [RLH TA  
12-216](#)      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1206, Assessment No. 128205 at 748 DESOTO STREET.

**Sponsors:**      Thune

*No show; delete the assessment.*

*RE: 748 DeSoto St (duplex)*

*Fire Inspector Sean Westenhofer:*

- duplex Fire Certificate of Occupancy Inspection fee \$550
- orders sent Apr 29, Jun 13 and Jul 8, 2011
- bill sent Oct 27 and Nov 28, 2011
- sent to Markel Holding LLC, Wayzata
- recommends the assessment be deleted; the property was owner-occupied at the time of inspection
- property was sold during the summer of 2011

*Fire Supervisor Leanna Shaff:*

- acknowledged an inspector error that will handled in-house

*Ms. Moermond:*

- will recommend the City Council delete this assessment

**Referred to the City Council due back on 5/16/2012**

- 8      **RLH TA  
12-172**      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1201V, Assessment No. 128000 at 858 DESOTO STREET.

**Sponsors:**      Brendmoen

*No show; approve the assessment.*

**Referred to the City Council due back on 5/16/2012**

- 9 RLH TA** Ratifying the Appealed Special Tax Assessment for Real Estate Project No.  
**12-194** J1201V, Assessment No. 128000 at 860 DESOTO STREET.

**Sponsors:** Brendmoen

*Owner called from CA. Owner stated that his mom and siblings live at the house, mom is on disability and house is going to foreclosure. Mom can't move around much due to bad knee and won't be able to attend hearing. I told owner that if the house is going to foreclosure, then the assessment would go with the property.*

**Referred to the City Council due back on 5/16/2012**

- 10 RLH TA** Ratifying the Appealed Special Tax Assessment for Real Estate Project No.  
**12-218** J1209C, Assessment No. 122008 at 978 DESOTO STREET.

**Sponsors:** Brendmoen

*No show; approve the assessment.*

**Referred to the City Council due back on 5/16/2012**

- 11 RLH TA** Ratifying the Appealed Special Tax Assessment for Real Estate Project No.  
**12-209** CRT1206, Assessment No. 128205 at 968 EDMUND AVENUE.

**Sponsors:** Carter III

*No show; approve the assessment.*

**Referred to the City Council due back on 5/16/2012**

- 12 RLH TA** Ratifying the Appealed Special Tax Assessment for Real Estate Project No.  
**12-180** J1206B, Assessment No. 128105 at 667 FIFTH STREET EAST.

**Sponsors:** Lantry

*No show; approve the assessment.*

**Referred to the City Council due back on 5/16/2012**

- 13 RLH TA** Ratifying the Appealed Special Tax Assessment for Real Estate Project No.  
**12-215** CRT1206, Assessment No. 128205 at 376 FULLER AVENUE.

**Sponsors:** Carter III

*Approve the assessment and spread the payments over 3 years.*

**Referred to the City Council due back on 5/16/2012**

- 14 RLH TA** Ratifying the Appealed Special Tax Assessment for Real Estate Project No.  
**12-201** J1206B, Assessment No. 128105 at 471 HERSHELL STREET (a/k/a 1728 UNIVERSITY AVENUE WEST)

**Sponsors:** Stark

*Approve the assessment payable over two years.*

*RE: 471 Hershell St (1728 University Ave W) - General Retail and SVC B Commercial*

*Alfrieda Cooledge, owner of Clean Cuts, appeared.*

*Inspector Joel Essling:*

*- Emergency Boarding requested by the Saint Paul Police Dept at 4:30 am, Jan 11, 2012*

*- there was a burglary / attempted forced entry at this business, Clean Cuts*

*- officers were assisted by dispatch in an attempt to contact the key holder with negative results*

*- cost: \$271.95 plus \$155 service chg = \$426.95*

*Ms. Cooledge:*

*- owner of Clean Cuts*

*- doesn't think that it was necessarily a burglar attempt*

*- the area is where they are doing construction for light rail*

*- she thinks it was young kids who were vandalizing because nothing was touched or stolen in the building*

*- the reason the police were called was because of their security alarm, otherwise, the police would not have even known about it*

*- the police did call her phone number; however, she didn't hear the phone ring at 4 am*

*- at 7 am, she realized they had called; she went to the business and found that it had already been boarded*

*- she feels that she didn't even have a chance to get it fixed*

*- with the light rail construction, they already lose a lot of business plus the added vandalism that it brings in; now, we need to pay all this out, too*

*- she could really use some help; they haven't neglected their business*

*- asks that the cost could be removed or at least, reduced*

*- she never knew that the police need to board it; then, they have to put it back together again as it's supposed to be and pay for that*

*Ms. Moermond:*

*- it really falls on the property owner to pay for this work; it would be something that the insurance should cover*

*- the City Council might look at it differently*

*- go to the City Council Public Hearing May 16, 2012 at 5:30 pm*

*- she gave the Appellant the police report*

*- she recommends approval of the assessment payable over 2 years*

**Referred to the City Council due back on 5/16/2012**

**15**      [RLH TA  
12-208](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1206, Assessment No. 128205 at 930 HYACINTH AVENUE EAST.

**Sponsors:**      Bostrom

*No show; approve the assessment.*

**Referred to the City Council due back on 5/16/2012**

**16**      [RLH TA  
12-173](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1201V, Assessment No. 128000 at 608 LAWSON AVENUE EAST.

**Sponsors:** Bostrom

*Approve the assessment.*

*RE: 608 Lawson Ave E (duplex)*

*Wamoua and Sheng Lee, owners, appeared.*

*Inspector Paula Seeley:*

- *Vehicle Abatement Order issued Aug 4, 2011; compliance date Aug 8, 2011*
- *re-checked Aug 9; noncompliance*
- *failure to remove vehicle with expired license tabs from grass*
- *Orders sent to United Hmong Investment LLC, Maplewood and Aurora Loan Services, Nebraska*
- *no returned mail*
- *has photo*
- *police towed vehicle Aug 15, 2011*

*Ms. Lee:*

- *did not receive Notice*
- *tenant called them about their car being towed because they had parked on the grass*

*Ms. Moermond:*

- *without returned mail, the city met it's requirements to notify the owners; it was not the first notification*
- *will recommend the City Council approve this assessment*

**Referred to the City Council due back on 5/16/2012**

17      [RLH TA  
12-217](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1206, Assessment No. 128205 at 431 LYNNHURST AVENUE WEST.

**Sponsors:** Stark

*No show; approve the assessment.*

**Referred to the City Council due back on 5/16/2012**

18      **RLH TA  
12-182**

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1206B, Assessment No. 128105 at 1590 MARION STREET.

**Sponsors:** Brendmoen

*Delete the assessment.*

*RE: 1590 Marion St (apartments)*

*Ronda Woolery, Wheelock Parkway Apartments, appeared.*

*Inspector Paula Seeley:*

- *Emergency Boarding done at 6 am Jan 29, 2012 for a cost of \$448 (domestic assault at the property)*

*Ms. Woolery:*

- *appealing because they had to go through the cost of replacing the whole door and the locks the next day*

- they are asking for a deletion of the assessment
- the officer told her that she would not be billed for this; otherwise, she would have called her maintenance man to do the securing
- she lives on site; she was there at that time and saw the damage they had done
- the police had already called their guys

Ms. Moermond:

- the Police cannot leave the building open
- will recommend the assessment be deleted because Ms. Woolery was right there on site and was prepared to secure the building

**Referred to the City Council due back on 5/16/2012**

19      [RLH TA  
12-214](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1206, Assessment No. 128205 at 967 REANEY AVENUE.

**Sponsors:**      Lantry

*Approve the assessment and spread payments over three years.*

*RE: 967 Reaney Ave (duplex)*

*Shoua Xiong, owner, appeared.*

*Fire Inspector Sean Westenhofer:*

- Duplex Fire Certificate of Occupancy Inspection fee
- cost \$500 plus service chg \$150 = \$650
- Orders sent: Jun 14, Jun 29, Jul 14 and Sep 7, 2011
- bill sent: Oct 18 and Nov 17, 2011
- sent to responsible party and owner, Shoua Xiong, 376 Fuller Ave

*Mr. Xiong:*

- made a \$250 payment Dec 20, 2011; city sent it back (no partial payments accepted)

*Ms. Moermond:*

- took a number of tries to get the inspection completed and the bill paid
- that partial payment attempt was made very, very late
- will recommend the City Council approve the assessment payable over 3 years

*Mr. Xiong:*

- would like to keep the original fee and make monthly payments on it

*Ms. Moermond:*

- she cannot may payment arrangements or accept payments
- will refer Appellant to the Real Estate Office (thinks they would accept partial payment)
- the additional fee is for processing necessary because there wasn't timely payment on the bill

**Referred to the City Council due back on 5/16/2012**

20      [RLH TA  
12-175](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1206B, Assessment No. 128105 at 201 SEVENTH STREET WEST.

**Sponsors:**      Thune

*Owner missed hearing, came to office on Wednesday. Rescheduled to April 17, 2012.*

**Laid Over to the Legislative Hearings due back on 4/17/2012**

- 21      [RLH TA  
12-202](#)      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1206, Assessment No. 128205 at 735 SNELLING AVENUE NORTH.

**Sponsors:**      Stark

*No show; approve the assessment.*

**Referred to the City Council due back on 5/16/2012**

- 22      [RLH TA  
12-211](#)      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1206, Assessment No. 128205 at 2438 STEWART AVENUE.

**Sponsors:**      Tolbert

*No show; approve the assessment.*

**Referred to the City Council due back on 5/16/2012**

- 23      [RLH TA  
12-212](#)      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1208A, Assessment No. 128511 at 995 THIRD STREET EAST.

**Sponsors:**      Lantry

*Approve the assessment and spread the payments over 2 years.*

*RE: 995 Third St E (single family)*

*Kristine Molina, owner, appeared.*

*Inspector Paula Seeley:*

- Summary Abatement Order issued Jan 5; compliance Jan 11; re-checked Jan 13, 2012*
- Work done Jan 18, 2012 for a cost of \$305*
- Orders sent to Adan Molina and Kristine Molina, 995 Third St E*
- no returned mail*
- discarded furniture, box spring and mattress in back*
- has photo from compliance date*
- no Video (video is defective)*

*Ms. Molina:*

- appealing because her husband was out of town during the end of Dec 2011 and beginning of Jan 2012; came back Jan 17, 2012*
- he's been in and out of jobs and looking for work*
- he had 2 contacts in 2 different cities*
- they are going through a divorce*
- he had his mail stopped but she was making sure that the snow was plowed and the house was maintained*
- she noticed that the mattress was in back*
- there's a very unkempt duplex next door; she spoke with the owner of that duplex about it because they had previously left junk outside her garage; he said he would take care of it but it didn't get taken care of*
- when her husband came back, she told him about the mattress; he said the*



*mattress was gone when he went to take care of the mattress*  
*- they have been taking care of this house; it's where her children live part of the time*  
*- she thinks the city gave them a short amount of time*  
*- often, there are things left behind the garage and tagging is done frequently*  
*- the cost is unreasonable*

*Ms. Moermond:*

*- the costs to the city the same*  
*- she must decide whether this cost falls on the property owner or the citizens at large; in this case, it falls on the property owner*  
*- there was sufficient notice for this to be addressed (Jan 5 to Jan 13, 2012); then, another 5 days until the crew cleaned it up*  
*- will recommend the City Council approve the assessment payable over 2 years*

**Referred to the City Council due back on 5/2/2012**

**24**      [RLH TA  
12-210](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1206, Assessment No. 128205 at 1738 UNIVERSITY AVENUE WEST.

**Sponsors:**      Stark

*No show; approve the assessment.*

**Referred to the City Council due back on 5/16/2012**

**25**      [RLH TA  
12-205](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1204, Assessment No. 128803 at 681 WESTERN AVENUE.

**Sponsors:**      Carter III

*Delete the assessment.*

*RE: 681 Western Ave (single family)*

*Michael McDonald, owner, appeared.*

*Joe Yannarely, Vacant Buildings:*

*- annual Registered Vacant Building fee*  
*- VB file opened Nov 10, 2008 as a Category 2*  
*- Code Compliance Inspection Report approved Mar 5, 2012*  
*- VB file closed*

*Mr. McDonald:*

*- looking for fairness*  
*- Jan 4, 2012 - he purchased this HUD home*  
*- HUD doesn't pay anything*  
*- he got stuck paying all the VB fees plus he paid for the Code Compliance Insp Report*  
*- he paid for all the permits and repairs*  
*- he called and spoke with Mai Vang about an appeal*  
*- he repaired the house and it's been rented*

*Ms. Moermond:*

*- will recommend that the assessment be deleted*

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



*Michael Chaney, tenant, appeared.*

*Mr. Chaney:*

*- he was leaving the property at 8 am when Inspector Thomas pulled up and asked if he could come in; Mr. Chaney hadn't gotten any prior notice, so, he asked if he could get a little time to get things cleaned up. Mr. Thomas said that he needed to come into the house. He called up a police officer to tell him that Mr. Chaney wasn't cooperating. Mr. Chaney left and tried to contact his attorney. Inspector Thomas proceeded to kick-in the back door (Mar 23, 2012)*

*Fire Supervisor Leanna Shaff:*

*- photos in Amanda*

*- Fire Certificate of Occupancy Notice of Condemnation: Unfit for human habitation / Order to Vacate*

*- inspection conducted Mar 27, 2012 by Inspector James Thomas*

*- photos reveal reason for Condemnation: excessive amount of combustibles making it a hazard*

*- re-inspection was to take place on Mar 30, 2012; Inspection Thomas said that he did not make entry - the appointment was at Noon - that tenant refused access*

*- the brother and sister of the owner have said that the tenant is aware that he needs to move*

*- according to inspector's notes, the first inspection was Mar 23; the, on Mar 27; vacate date was Fri Mar 30, 2012*

*- the appeal came in 4:30 pm on Fri Mar 30*

*- he has not gained entry; he was there on Mar 30; tenant refused him access*

*- originally, came in as a complaint on exterior condition of the yard on Mar 22, 2012; it was suspected that the interior was also a problem*

*- a lots of things were going on Jan - Jun 2011 on the exterior*

*- it is their practice that the inspectors seek supervisor's approval for Revocation / Condemnation*

*- did not have the time of inspection appointments on Mar 23 or Mar 27*

*Mr. Chaney:*

*- on Mar 30, Inspector Thomas showed up but didn't stop; all he did was call up his officer friends again; 2 task force officers pulled up and asked, "What are you doing here?" Mr. Chaney responded, "What do you mean? I'm cleaning the yard; I have to have the yard clean and have everything done." The officer said, "Well, you're not supposed to be here." Mr. Chaney said, "Well, I went down and filed the appeal for it." The officer said, "Well, we don't know - you can't be here after 8 pm." Mr. Chaney said, "I understand that."*

*- the yard is finished; I entered pictures of the exterior*

*- right after he finished the yard, he received the Condemnation*

*- all his belongings are in the house*

*- he is not contesting the abatement; he understands; the yard needed to be done; he apologized for that*

*- he only received one letter and that was from Inspector Seeley saying that he had to have the yard cleaned up*

*- left is a little bit of siding to be put onto a shed and the removal of another shed*

*- William Hammes, his boss, friend, homeowner has cancer; he has another property on 4th St. (Mr. Chaney helps with that property, too); Leo Hammes lives in Wisconsin; he originally worked for Mr. Hammes but has been laid off*

*- the yard was the way it was because he was doing scrapping which he now knows is illegal in the City of Saint Paul; he is looking for other work*

*- he is appealing because his belongings are still in the house; he has talked with Eleanor and Bill and told them he would leave if they wanted him to; he has been paying rent*

- he contacted Renters' Advocates about the Condemnation; they said he should make a Police Report but Mr. Thomas convinced the Hammes' that they needed to get in
- completed exterior; hasn't had time to work in the interior
- he is concerned about losing his belongings since Inspector Thomas kicked in and wrecked the back door and didn't secure it
- he works on electronics - fix computers, etc.
- the scrapping has been an eye soar for the neighbors but the house is always quiet
- no parties or anything
- he will be moving to Minneapolis
- as of Mar 30, he was unaware the Inspector Thomas wanted to make entry; he hadn't gotten a letter about it (Ms. Moermond explained that Fire Inspectors typically, deal with the owners not the tenants)
- he has done all the necessary work on the house because, basically, he considers the Hammes' his family

Ms. Shaff:

- Fire Inspection has no issues with Mr. Chaney getting his belongings out of the house but with the amount of accumulation inside the house and propane and motor vehicles in the house, it's a danger to not only Mr. Chaney but to emergency personnel and neighbors for someone to be living in the structure
- the photos speak for themselves
- Appellant lived at this house in 2009 and the record shows Orders 7-29-09 that talk about a 90% reduction of things (remove gas tanks, small engines, electrical items, propane storage, etc.); seems to be a pattern at this property

Mr. Chaney:

- there was no propane in the house; maybe 1 propane tank for soldering on the sink pipes but that's all
- his tools are in the kitchen because he works on computers and vehicles
- there's no motor vehicles of any sort inside the home
- the gas powered compressor in the basement; it's been totally drained (no gas has been in it for 1 1/2 - 2 yrs)
- he will clean everything up because he doesn't want to cause the Hammes' any problems; they have taken care of him
- he's had a lot of things going on: he lost his mother and another situation has caused him a lot of stress, etc.
- he has been self-employed most of his life, fixing computer, etc.
- because he fixes things, he saves things because he works on Bill's other house plus a 160 acre farm in Spooner where his father does retreats for juveniles
- in 2009, everything actually passed; permits were pulled for heating; he did comply with all the things that were asked
- this whole thing seems as though was to vacate him from the property faster; although, he told the Hammes' that he would leave after he fixed up the house and; cleaned-up things
- Inspector James' approach to communicating seems to be abrasive; he's extremely rude; made threats that his police friends would come to help him, etc.
- at the time of inspection, Mr. Hammes stayed with Inspector James and the Appellant left
- he has another job; he doesn't understand how he can get things out if he can be there only from 8 am - 8 pm
- he needs more time to move things out
- both the Renters' Advocates and the Attorney General's Office told him that it was the responsibility of the home owner to care of things; although, because they are elderly, he is willing to help
- he will seek charges against the Fire Inspector for breaking and entering

- he will take care of things; he doesn't want to cause the Hammes' and Lyon's any more problems than this has already caused them

Ms. Moermond:

- is very concerned about what's going on in the interior
- it was a good call without speaking to Mr. Thomas' behavior - just looking at the conditions; a generic inspector would correctly order the place vacated
- city policy will allow the Appellant to be in the house from 8 am - 8 pm
- the volume and nature of materials justify a Condemnation in her mind
- by close of business on Thu Apr 5, 2012, the Appellant must be vacated
- Appellant can be there from 8 am - 8 pm but he can't sleep, cook or watch TV there; he can clean and do repairs
- if the place is cleared out to the satisfaction of the inspector, he can lift the Condemnation and Vacate Order
- Ms. Moermond's decision will be in place for the next 2 weeks
- it will go to the City Council Public Hearing on Apr 18, 2012 and they can make any decision they want

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

## 1:30 p.m. Hearings

### Window Variances: Hearing Required

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[RLH FOW  
12-110](#)

Appeal of Eric Lein to a Fire Certificate of Occupancy Inspection Correction Notice at 934 GRAND AVENUE.

**Sponsors:** Thune

*Grant a variance on the sill height provided that appellant install two permanently fixed steps below the egress window (8" rises between the two steps and full width; tread must be a minimum of 10" in depth; appellant should install grab bars) and grant a .1 ft2 variance on the glazed area of the casement window in Unit B2.*

*RE: 934 Grand Ave (apartments)*

*Eric Lein, owner, appeared with daughter, Alisa.*

*Fire Supervisor Shaff:*

- Fire Certificate of Occupancy Correction Notice conducted Mar 12, 2012 by Inspector Rick Gavin
- egress casement window in Unit B2 is being appealed (32h x 20w) glazed area: 4.9 sq ft; sill height is 55 inches to floor; there's a ledge 38 inches above the floor; code requires minimum opening size of 24h x 20w; minimum glazed area of 5.0; maximum sill height from the floor of 48 inches
- no photos

*Ms. Moermond:*

*- her concern is the ledge versus steps to be installed; she would prefer to see standard steps so that it's easy to egress and a hand grab bar*

*Mr. Lein:*

- he has the same situation in the ground floor apartments of his other buildings, too
- his photos are attached to the appeal
- the window area is recessed as is the ledge

- he is considering adding another shelf/board/step above the lower ledge (Ms. Shaff finds that solution reasonable)

Ms. Moermond:

- Appellant needs to add another step at the half way point between the lower ledge and the window sill
- build out the upper step
- also add the grab bar
- will recommend granting 2 weeks to come into compliance

On April 9, 2012, Ms. Lein sent an email to Ms. Vang indicating that the glazed area was not mentioned. It was then brought to Ms. Moermond's attention and upon further review of the file, Ms. Moermond recommended granting a .1 ft2 variance on the glazed area of the casement window in Unit B2.

**Referred to the City Council due back on 5/2/2012**

33

[RLH FOW  
12-111](#)

Appeal of Young Paul Xiong to a Fire Certificate of Occupancy Inspection Correction Notice at 2108 NOKOMIS AVENUE.

**Sponsors:** Lantry

Grant a 3.5-inch variance on the openable height of the egress windows in the main floor southeast and northeast bedrooms; deny the appeal on the egress windows for the upper floor east and west bedrooms and grant an extension until August 1, 2012 for compliance.

RE: 2108 Nokomis Ave (single family)

Moua Xiong appeared with a friend. Mai Vang interpreted.

Fire Inspector Leanna Shaff:

- Fire Certificate of Occupancy Correction Notice
- inspection conducted Feb 2, 2012 by Inspector Wayne Spiering
- egress windows on main floor are being appealed (double-hung 20 1/2h x 25w); a variance has been granted
- casement window on upper floor east bedroom 36h x 14 1/2w
- double hung window, upper floor west bedroom 15 1/2h x 25w
- code requires 24h x 20w
- in 2008, it was a Category 1 Vacant Building; doesn't look as though there was a Certificate of Occupancy inspection

Appellant:

- appealing 2 upper floor bedroom windows
- those windows were in the house when they bought it
- the windows are wood
- asked if he could install the windows himself
- he will need time to correct

Ms. Moermond:

- it doesn't matter that the windows have always been there; they have to correct them now
- looks as though there was a Condemnation in 2007 for water shut-off (Appellant wasn't living there at that time)
- he can do the installation; however, he needs a permit and the work has to be inspected and signed-off
- will recommend granting an extension to Aug 1, 2012 to come into compliance with

*the upper floor egress windows*

**Referred to the City Council due back on 5/2/2012**

### Fire Certificates of Occupancy

**34 RLH FCO** Appeal of Mitchell Caron to a Fire Certificate of Occupancy Correction Notice  
**12-96** at 1787 AMES AVENUE EAST.

**Sponsors:** Bostrom

*Deny the appeal on the driveway and grant until July 1, 2012 for compliance. In the meantime, Appellant needs to provide a site plan to include borders, grass area and where the class 5 would separate.*

*On April 9, 2012 Appellant provided a proposed plan and Ms. Moermond reviewed and approved the plan.*

*RE: 1787 Ames Ave E (single family)*

*Mitchell Caron, owner, appeared.*

*Fire Inspector Leanna Shaff:*

- photos in Amanda*
- originally heard Feb 21, 2012*
- Fire Certificate of Occupancy inspection conducted on Feb 2, 2012 by Inspector James Thomas*
- item #11 - all parking surfaces shall be paved with asphalt, concrete or durable, dustless surfacing requiring site plan approval*
- before there were no pictures*
- this is a shared driveway but the Orders were written only on Mr. Caron, not his neighbor*
- the class 5 doesn't look well-maintained*

*Mr. Caron:*

- 25% of the shared driveways in Saint Paul are class 5; what's the criteria that one has to change it and the other doesn't? (Ms. Moermond responded, "When they get around to them. Everything's being converted over, including the city properties.")*
- there's a lot of class 5 around Saint Paul*
- asked how he finds out about where the city is in this conversion process*

*Ms. Moermond:*

- would like to see an aerial photos; pulls up GIZMO*
- this address has no garage but the neighboring property has a garage, which abuts the property line*
- the whole back area appears to be parking area made up of compacted soil*
- suggested that Appellant reduce parking area in back replacing it with grass and landscaping*

*Mr. Caron:*

- he envisions allowing 2 parking spaces in the back and replacing the rest with grass; the class 5 needs replenishing and the back needs to be landscaped; so the driveway and the parking spaces would be class 5*
- the neighbors use the driveway for their garage; he doesn't want to take the driveway away from the neighbors; it would not be very neighborly*
- has not talked with zoning about this*

- putting in asphalt / concrete would cost him approximately \$10,000

Ms. Moermond:

- is inclined to allow the Appellant to do that if he can show her a decent plan for the site, showing the boundaries of class 5 and putting grass in the back yard
- it doesn't mean that this solution will be good forever - just for now; however, the councilmember may look at this differently
- get the plan to her by mail, email, etc.
- she will recommend granting an extension to Jul 1, 2012
- she will prep this for the City Council Public Hearing at 5:30 pm May 2, 2012, if she is satisfied with Appellant's plan

**Referred to the City Council due back on 5/2/2012**

**35**      [RLH FCO  
12-144](#)

Appeal of Genevieve Woodward to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 1253 BEECH STREET.

**Sponsors:**      Lantry

*File transferred to Code Enforcement and Inspector Seeley indicated that she has worked out a plan for owner to come into compliance and has given property owner until April 30, 2012. Appeal withdrawn.*

**Withdrawn**

**36**      **RLH FCO  
12-179**

Appeal of Angela Goss, on behalf of CMP3, LLC, to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 957 THIRD STREET EAST.

**Sponsors:**      Lantry

*Deny the appeal and grant an extension to September 1, 2012 for compliance. (See recommendation for others from March 20 hearing)*

*RE: 957 Third St E (duplex)*

*No one appeared.*

*Laid Over item from March 20, 2012*

*Fire Supervisor Leanna Shaff:*

- regarding water heaters for both units in the basement
- space heaters were put into the upper unit without permits

Ms. Moermond:

- the water heaters need to be accessible by the individual units that they are for
- the Appellant will need to move one
- will recommend granting an extension to September 1, 2012 to move water heater
- Appellant didn't appeal it; Ms. Moermond's not going to touch it

**Referred to the City Council due back on 5/2/2012**

**37**      **RLH FCO  
12-203**

Appeal of James Stohr, on behalf of Doris M. Bailey, to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 1030 CONWAY STREET.

**Sponsors:**      Lantry

*Grant a 1.5-inch variance on the openable height of the egress window in the main floor bedroom; grant a 2-inch variance on the openable height of the egress window*



*in the upper floor bedroom; grant a variance on the ceiling height in the upper floor bedroom. Deny the appeal on the soffit and fascia and grant an extension for 90 days to come into compliance. As to the exterior painting on the house and garage, appellant can wait on that.*

*RE: 1030 Conway St (single family)*

*James Stohr appeared on behalf of his sister, Doris M. Bailey, property owner.*

*Mr. Stohr:*

- entered photo*
- is requesting a year extension on the exterior repairs and painting*
- he re-did the whole interior during the past 4 months (put in new floors; re-vented; painted; new ceiling in kitchen; hardwood floors in bathroom and kitchen; did the basement; put in a new gas line; added 5 fire alarms; handrails on both sides of the railings, etc.)*
- Ms. Bailey is currently in the Rose of Sharon (is disabled); she is just about rehabilitated; not sure when she will be able to come back to her home*
- his nephew has been staying in the house to keep an eye on it*
- he has been paying for everything and currently, doesn't have the financial resources to repair and paint the exterior*
- his sister gets Social Security and a \$200/mo pension*
- has not had problems with squirrels that he is aware of*
- the fascia piece is in bad shape*

*Fire Supervisor Leanna Shaff:*

- photos in Amanda*
- looks bad above the electrical mast (Appellant explained that a tree limb came down and pulled off the service and put a hole in the fascia; will need to be replaced); this is a huge rodent concern (attic and interior walls)*

*Ms. Moermond:*

- asked if he has contacted Dayton's Bluff Neighborhood Housing Services (Mr. Stohr said he had not); they have homeowner loans to do rehab*
- looked at the photos of the damaged soffit and fascia; significant problem*
- Appellant needs to get soffit and fascia repaired; painting can be done as needed*
- the windows and ceiling height have been granted*
- the inspector will be out to check*
- the garage could use some paint and TLC*
- will grant a 90-day extension to repair soffit and fascia*

**Referred to the City Council due back on 5/2/2012**

**38 RLH FCO  
12-204**

Appeal of AIMS Realty, on behalf of Carol Bourquin, to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 1757 IVY AVENUE EAST.

**Sponsors:** Bostrom

*Grant a 4-inch variance on the openable height of the egress windows in all bedrooms; and deny the appeal on the 36 inches clearance in front of electrical panels and grant 90 days for compliance.*

*RE: 1757 Ivy Ave E (single family)*

*Patrick Meyer, property manager, AIMS Realty, appeared on behalf of Carol Bourquin, owner.*

*Fire Supervisor Leanna Shaff:*

- photos in Amanda
- Fire Certificate of Occupancy conducted on Mar, 26, 2012 by Inspector James Thomas
- #12 requires a 30-inch clearance in front of mechanical equipment and a 36-inch clearance in front of electrical panels; here, the gas dryer sits in the way of getting to the electrical panel - almost impossible to get back there

*Mr. Meyer:*

- unfortunate that he doesn't have copies of the photos; it is actually quite possible to get back to the electrical panel; there's a gap between the dryer and a unused shower stall (about 20 inches) but from there, the electrical panel is perfectly accessible; with the current position of the dryer, the dryer overhangs the electrical panel by about 1 inch. They've adjusted it over the dryer as close to the wash basin as they can (at the time of the inspection, there was about a 3-inch gap there); they also had to adjust the venting for the dryer
- he will remove the unused shower stall and concrete base, if there is one

*Ms. Moermond:*

- all is good if Appellant removes shower stall, etc.
- she will recommend granting 90 days extension to come into compliance

**Referred to the City Council due back on 5/2/2012**

## 2:30 p.m. Hearings

### Vacant Building Registrations

- 39**      [RLH VBR  
12-18](#)      Appeal of Leona Blair to a Vacant Building Registration Notice at 1086 LAFOND AVENUE.
- Sponsors:**      Carter III
- DSI staff held VB fee for 90 days.*
- Withdrawn**
- 40**      **RLH VBR  
12-17**      Appeal of Earl F. Miller to a Vacant Building Registration Notice at 1116 PACIFIC STREET.
- Sponsors:**      Lantry
- Owner called after hearing and stated he is out of town and wants to reschedule. Rescheduled to April 10, 2012.*
- Laid Over to the Legislative Hearings due back on 4/10/2012**
- 41**      **RLH VBR  
12-19**      Appeal of First Commercial Bank to a Vacant Building Registration Notice at 322 SUMMIT AVENUE, UNIT 102.
- Sponsors:**      Thune
- Grant the appeal and owner is out of the Vacant Building Program. Changed to a Category 1. (need written letter from electrician and sign off by May 2, 2012)*
- RE: 322 Summit Ave, Unit 102 (3 apartments)*

*Josh Harrington, First Commercial Bank, appeared.*

*Fire Supervisor Leanna Shaff:*

- *appealing a Vacant Building Registration Notice*
- *came out of a Certificate of Occupancy inspection*
- *read through Inspector Mitch Imbertson's notes*
- *process began in Sep 2010*
- *initial appointment was set up for Oct 21, 2010; both agreed to a different time*
- *Oct 28, 2010 conducted inspection on empty unit*
- *issues with egress windows*
- *no work was being done in Unit 322*
- *Oct 31, 2011 per bank, the unit is still empty; managed by Renter's Warehouse*
- *Nov 15, 2011 met management at the property and found Unit 322 with no heat and live electrical service with exposed wiring through out*
- *later on, they found that work was going on with the live electrical wires hanging out*
- *there is no heat in that unit that directly affects the other units in the building*
- *the management was bringing in contractors to address the heat and electrical systems but at that point, it's a Condemnation of the unit until it has adequate utilities (Nov 15, 2011)*
- *it was previously an owner-occupied unit and 2 different inspectors worked on this*
- *once the utilities were off, Fire sent the unit to Vacant Buildings*

*Inspector Matt Dornfeld, Vacant Buildings:*

- *Inspector Senty opened a Category 2 Vacant Building file when it was transferred*
- *inspector's notes: "The property was converted into 3 condos; this property is inspected under 1 single Certificate of Occupancy. Unit 102, identified as 322 Summit Ave and the other 2 units listed under 324 Summit Ave have mismatched pin numbers. Work was done by a Certificate of Occupancy inspector during 2011 to correct this issue. In 2012, the issue was corrected and a referral came to us to make 322 Summit, Unit 102 a Category 2 VB because the unit was Condemned. See the Condemnation letter for a list of violations. The unit was under remodeling but that work was never finished."*

*Ms. Moermond:*

- *looked back on the Nov 21, 2011 Orders to see, specifically, what it said about the Condemnation; she does not see a Condemnation in the Orders (Ms. Shaff notes that it's item #2 in the Correction Notice Re-inspection)*
- *the reason for the Condemnation is not in the Orders (Ms. Shaff said it was for no heat but she can't explain why that's not in the Orders)*
- *there was water, sewer, plumbing*
- *the electrical was called out under the Fire Code (#3 exposed wiring called out under 605.1 Fire Code) (Ms. Shaff: basically, there was no heat in the unit which will affect the rest of the building if this unit freezes up)*
- *would like Appellant to have an electrician come in to stabilize the situation; to make it safe*
- *the Condemnation doesn't clearly outline what the principal violations are that lead to the Condemnation (Ms. Shaff concurred and said she would speak with the inspector; it's an extremely unusual situation)*
- *she cannot accept a Condemnation on unfounded violations which is what the Vacant Building Registration is premised upon*

*Mr. Harrington:*

- *the bank owns the entire building (all 3 units)*
- *there is temporary heat at the unit and since then, the heating system has been corrected and the live electrical can be shut off in the unit*

- the plan is to sell the unit; they don't plan to remodel it or finish it; whoever buys it can finish it as they like
- the bank got the property back in 2008
- the other 2 units are occupied
- a property management company is there; they take care of the building
- with the Vacant Building registration, it makes it much more difficult to market
- regarding the heat: it's a very complicated system - each unit has it's own heating system - the only other affected unit would be the common area

Ms. Moermond:

- the unit is empty right now and can't be re-occupied until a Fire Certificate of Occupancy is issued; however, this would be an owner-occupied unit, said Ms. Shaff
- a Code Compliance Certificate wouldn't be what's in question, though, so it's back to a Fire C of O
- without it being Condemned, we wouldn't have a Vacant Building Program referral
- currently, it doesn't meet the definition to be a Registered VB (it would need to have been empty for a year)
- when the permits have been signed-off, it will go to Steve Ubl and he can decide when it can be occupied

Ms. Shaff:

- acknowledged that this situation was unusual and she wasn't sure how to handle it; and there were inspector errors regarding this case (Mr. Dornfeld suggested that it could be wiped from the VB program and followed-up by Code Enforcement - Ms. Moermond is inclined to do that)

Ms. Moermond:

- the question that she needs to consider: if you're not Condemned and not in the VB Program, when can people move back in and the answer is they can move back in when the permits are signed-off to complete items on deficiency list
- relevant permits include: electrical, building, plumbing
- the building official, Steve Ubl, can issue a Building Certificate of Occupancy, which would suffice

Mr. Harrington:

- the banks intention is to sell the unit and it would be the owner's responsibility to do the build out and the owner can't move in until the permits are all signed-off

Ms. Moermond:

- the unit is not Condemned; it's simply an empty space in the process of being rehabbed; there is no enforcement action on it right now
- the Condemnation was not adequately supported
- will recommend granting the appeal and Appellant is out of the VB Program
- the hazardous wiring needs to be addressed by a licensed electrician under permit (Ms. Moermond wants to see something from that electrician to that effect); electrical inspection to follow (Dan Moynahan, Sr Elect Insp)
- will recommend granting 30 days to do this
- City Council Public Hearing May 2, 2012 at 5:30 pm
- Appellant will receive a letter of confirmation

**Referred to the City Council due back on 5/2/2012**

42

[RLH VBR](#)  
[12-20](#)

Appeal of Bao Yang to a Vacant Building Registration Notice at 746 JENKS AVENUE.

**Sponsors:** Bostrom

*DSI is closing open vb file. There is a current C of O and the problem with old tenant has been resolved.*

**Withdrawn**

**Other**

**Staff Reports**

- 43**      [RLH FCO](#)  
[12-152](#)      Appeal of Tony Hessburg to a Correction Notice-Complaint Inspection at 1339 EUSTIS STREET.

**Sponsors:**      Stark

*Fire withdrawn orders and referred to Zoning.*

**Withdrawn**

**Window Variances: No Hearing Necessary**

- 44**      [RLH WP](#)  
[12-28](#)      Appeal of Renewal by Andersen, on behalf of Marie Dotseth, to an Egress Window Non-Compliance Determination at 812 FAIRMOUNT AVENUE.

**Sponsors:**      Thune

*No hearing necessary; grant a 4 7/8-inch variance on the openable height of two double hung replacement egress bedroom windows measuring 19 1/8 inches high by 20 inches wide.*

**Referred to the City Council due back on 5/2/2012**