



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final Legislative Hearings

Marcia Moermond, Legislative Hearing Officer
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Tuesday, June 5, 2012

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Special Tax Assessments

- 1 [RLH TA
12-172](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1201V1, Assessment No. 128001 at 858 DESOTO STREET. (Public Hearing held on May 16, 2012)
- Sponsors:** Brendmoen
- Approve the assessment and spread the payments over 5 years.*
- RE: 858 DeSoto St (single family)*
- Rusty Atkinson, owner, appeared.*
- Vehicle Abatement
Laid Over*
- Inspector Joel Essling:*
- Orders were issued Sep 28, 2011; compliance Oct 6, 2011
 - re-inspected Oct 21 and found noncompliant; tow Orders were sent to Police
 - 2 vehicles on the Vehicle Abatement Order and 2 tow Orders were sent
 - unable to pull this up in the computer to see whether one or both of the vehicles were towed
 - cost: \$722.81 (\$567 + \$155 admin. fee)
- Ms. Moermond:*
- sees a red truck and a vehicle underneath the tarp that was gray with red interior
- Mr. Atkinson:*
- has a single driveway and not enough room in the garage (needs to shuffle things around)
 - put his driving car into the garage at night
 - had a old car that he was restoring on the blacktop covered with tarp
 - he put the truck on the grass and tarped it
 - the inspector said he needed plates for the truck, so, he got plates and hung them off the back because the bumpers were off of it; he was repairing it
 - inspector said the Camero needed to be registered; he has the receipt for registering it and he has collector plates (her computer didn't show that it had plates); he bought them in White Bear Township

- went 2 foreclosures and made them out; he was restoring the house
- he's been beat down financially since the recession
- just didn't have enough money to finish the vehicle projects
- had been in the union; now, he is doing maintenance and odd jobs
- unemployment insurance is burned up
- he was able to get the Camero back; not the truck
- all financial problems

Mr. Essling:

- explained that parking on the grass is irrelevant; vehicles aren't towed for parking on the grass
- both these vehicles meets the definition of an abandoned vehicle: they lack current registration; are inoperable; were open to illegal entry; and were missing vital parts (inspector put that on the Notice that was sent to the Appellant)
- the inspector did give Appellant 30 days to get the vehicles operable
- the assessment is for a towing fee and storage of the truck at the impound lot
- if person doesn't retrieve the vehicle from impound lot, they sell it and whatever they get for the vehicle is subtracted from the cost and the remainder is what you owe

Ms. Moermond:

- check out Appellant's receipts for the Camero's tabs (paid Jul 22, 2011)
- photos also showed tabs in place on vehicle
- the city did provide the service
- it was 3 months between when the original Notice went out and the police actually towed it
- will recommend the assessment be approved
- seeing Appellant is in a financially difficult situation, she will recommend the assessment be payable over 5 years
- suggested Mr. Atkinson go to the City Council Public Hearing if he wanted a different outcome

Referred to the City Council due back on 6/20/2012

2 [RLH TA
12-186](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1205, Assessment No. 128804 at 1795 SELBY AVENUE. (To be referred back to a Legislative Hearing on June 5, 2012 and City Council public hearing on June 20, 2012 for a compliance check)

Sponsors: Stark

Owner is not in compliance; approve the assessment.

No one appeared.

RE: 1795 Selby Ave (single family)

Referred to the City Council due back on 6/20/2012

3 [RLH TA
12-332](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1210A Assessment No. 128517 at 947 BARCLAY STREET.

Sponsors: Bostrom

No show; approve the assessment.

Referred to the City Council due back on 7/18/2012

- 4 [RLH TA](#)
 [12-317](#)
- Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1210A, Assessment No. 128517 at 1487 BARCLAY STREET.
- Sponsors:** Bostrom
- Delete the assessment; owner made a good faith effort to address the situation.*
- RE: 1487 Barclay St (single family)*
- Rodney Edwards, owner, appeared.*
- Inspector Joel Essling:*
- *Summary Abatement Notice issued Jan 20, 2012; compliance date Feb 13, 2012*
 - *re-inspected Feb 17 and found to be in noncompliance*
 - *work done Mar 20, 2012 for a cost of \$316 + \$155 admin fee = \$471*
 - *regarding large bags of leaves*
 - *inspector's note: also information about disposal of the leaves at Ramsey County Yard Waste Disposal site*
 - *long compliance date because that site is open only 1 weekend a month in the winter*
 - *inspector's notes also say that he feels bad about sending the Work Order about removing these bags*
 - *someone called in a complaint about those bags of leaves*
 - *there's never been a complaint or inspection there before*
- Mr. Edwards:*
- *he doesn't understand why he's here*
 - *actually, he feels bad that the city had to come out and take the bags off his property*
 - *he knows the Yard Waste Disposal site's hours are really short in the winter and very odd*
 - *and, they were just leaves; his father wanted to use those leaves to put into his garden as compost; he had planned on using them again this year but when he came to get them, the bags of leaves were gone*
 - *Mr. Edwards thought that maybe one of his neighbors took them*
 - *the next thing he knows is he's got a letter in the mail saying he owes \$470 because they moved his leaves*
 - *he has the biggest tree on the block so, he rakes his yard 3 times*
 - *he takes pride in his property and tries to keep it nice and neat*
 - *it had to be one of his neighbors but he takes care of his neighbors, as well; he shovels their snow*
 - *have lived in that house for 10 years and he usually takes the leaves to the compost site; this year he had a hard time and his father said that he would take them and put them into his garden*
- Ms. Moermond:*
- *will recommend deleting this assessment*
- Referred to the City Council due back on 7/18/2012**
- 5 **RLH TA**
 12-303
- Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1210A, Assessment No. 128517 at 1031 BRADLEY STREET.
- Sponsors:** Brendmoen
- Rescheduled to June 19, 2012 per owner's request.*

Laid Over to the Legislative Hearings due back on 6/19/2012

- 6 **RLH TA** Ratifying the Appealed Special Tax Assessment for Real Estate Project
 12-312 No.J1210A, Assessment No. 128517 at 523 CASE AVENUE.

Sponsors: Brendmoen

No show; approve the assessment.

Referred to the City Council due back on 7/18/2012

- 7 [RLH TA](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No.
 [12-320](#) J1210A, Assessment No. 128517 at 995 CASE AVENUE.

Sponsors: Bostrom

No show; approve the assessment.

Referred to the City Council due back on 7/18/2012

- 8 [RLH TA](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No.
 [12-324](#) CRT1208, Assessment No. 128210 at 1193 COOK AVENUE EAST.

Sponsors: Bostrom

Reduce the assessment from \$405 to \$170.

RE: 1193 Cook Ave E (single family)

Shah L. Vang, owner, appeared.

Fire Inspector Sean Westenhofer:

- Fire Certificate of Occupancy Inspection cost of \$255 + service charge \$150 = \$405*
- Orders dated Aug 18, 2011; Sep 20, 2011*
- Billing dates: Dec 28, 2011 and Jan 27, 2012*
- sent to owner, responsible party C and N Properties LLC, c/o Shah Vang, P.O. Box 65557, St. Paul*

Mr. Vang:

- made a claim with Human Resource Office because there was no re-inspection done Dec 14, 2011 and he was charged \$85 for it; the inspector never showed up*
- his attorney has been talking with Sarah Bodensteiner (Ms. Moermond: that's the wrong forum for that; this is the right place to make that appeal)*
- this is why the fee hasn't been paid*

Ms. Moermond:

- she will get all the information from Mr. Vang because the first process is this one, the legislative hearing process*
- the second stop is City Council; third stop, if Mr. Vang chooses, is District Court (the information is on the back of the form he has)*

Fire Supervisor Leanna Shaff:

- Mr. Vang showed the building inspector, who showed up and signed off on the permit on Dec 14, 2011 that the work was done*
- they have no problem removing the re-inspection fee or the administrative fee*

Mr. Vang:

- he is also asking for \$60 plus mileage because the inspector did not show (Ms. Bodensteiner already approved this)

Ms. Moermond:

- asked staff to pull up the Orders and let her know what the follow-up inspection would have been checking (Ms. Shaff: inspection done by Inspector Kelly Booker; follow-up inspection was for 2 items: 1) a light fixture globe; and 2) a window (appeal had been granted on window)

- Inspector Booker is no longer with Fire Prevention staff

- will recommend reducing the assessment from \$405 to \$170

- in case of any confusion on this, she asked Mai Vang to send Sarah Bodensteiner an email regarding this

Referred to the City Council due back on 7/18/2012

**9 RLH TA
12-325**

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1210A, Assessment No. 128517 at 748-750 DESOTO STREET.

Sponsors: Thune

No show; approve the assessment.

Referred to the City Council due back on 7/18/2012

**10 RLH TA
12-314**

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1210A, Assessment No. 128517 at 1003 EDGERTON STREET.

Sponsors: Brendmoen

Rescheduled for Spanish interpreter.

Laid Over to the Legislative Hearings due back on 6/19/2012

**11 RLH TA
12-331**

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1210A, Assessment No. 128517 at 482 EDMUND AVENUE.

Sponsors: Carter III

Laid over to get feedback from inspector.

On June 6, 2012, Inspector Kalis emailed our office indicating that it was the same trash.

RE: 482 Edmund Ave (single family)

Rolando Aguilar, representing North Real Estate LLC, owner, appeared.

Inspector Joe Yannarely:

- Summary Abatement Notice for garbage and rubbish at a cost of \$536 + \$155 service charge = \$691

- issued Feb 24, 2012; compliance date Feb 29, 2012; re-checked Mar 4, 2012 and found in noncompliance

- work done Mar 5, 2012

- Cat 2 single family VB; file opened Jun 7, 2011

- Work Orders for: 1) tall grass and weeds; 2) garbage; 3) snow walk complaint in addition

Mr. Aguilar:

- they cleaned it up the first time there was an Order even though the material in the photo is not their's
- everything out of the container (household stuff) is not theirs but they took it away
- the property was vacant at the time so, it couldn't have come from there
- when they started to work on the property, they brought in a large 30 yard container and within a week, it was already filled with a lot of junk from the neighbors, etc.; they called the garbage company to take it away and provide an empty container, which also got filled up again, mostly with the neighbors' stuff. Right now, he has four 30-yard containers.
- people are dropping off things on a daily basis, usually after working hours; it's very hard to control
- when they leave for the day, all is fine but when they come back the next day, there's more rubbish, etc.
- he received the Notice a day after they said they would come to re-check
- the containers are \$150 each and each mattress is an extra \$35

Ms. Moermond:

- does not have the original Order Video

Mr. Aguilar:

- the black dirt and mulch were for grading the house; they needed it; it was not waste
- requests that he get a photo from the person who did the clean-up if he took a picture

Inspector Joel Essling:

- breakdown on the price: \$150 TV fee; \$50 mattress fee; \$20 tire fee; \$56 cubic yardage

Ms. Moermond:

- has a great deal of sympathy for Mr. Aguilar's position in providing these dumpsters, knowing that they are being used by others
- however, it is his responsibility to maintain that yard
- the Notice was sent and there was adequate time to deal with the situation (Mr. Aguilar insisted that it was done; it was clean; then, more stuff appeared before it was re-inspected; items come from different places; it was clean right after they received the Order)
- would like to get more information from Inspector Kalis

Mr. Yannarely:

- Inspector Kalis wrote only: "Refuse in back yard." and when he re-inspected, "Refuse still there."

Mr. Moermond:

- let's have Inspector Kalis look at the video; she will hold off making a decision until after he looks at the video
- will lay this over for 2 weeks
- will email Mr. Aguilar
- suggests any photos be sent to her email address

Laid Over to the Legislative Hearings due back on 6/19/2012

- 12** **RLH TA**
12-329
- Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1208, Assessment No. 128210 at 946 GALTIER STREET.
- Sponsors:** Brendmoen
- 6/5/12--No show; approve the assessment; however, Ms. Martin sent a letter after the fact. Ms. Moermond to review the letter.*
- Laid over to the 6/19/12 Legislative Hearings**
- 13** [RLH TA](#)
[12-323](#)
- Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1208, Assessment No. 128210 at 1154 GRAND AVENUE.
- Sponsors:** Thune
- Delete the assessment. Owner paid Fire C of O invoice.*
- RE: 1154 Grand Ave (mixed commercial)*
- No one appeared.*
- Fire Inspector Sean Westenhofer:*
- Fire Certificate of Occupancy inspection fee for \$380 + service charge \$150 = \$530
 - Orders dated Nov 3, 2011 and Dec 14, 2011
 - Billing dates: Jan 20, 2012 and Feb 20, 2012
 - owner's paid the Fire C of O invoice
 - recommend deletion of assessment
- Ms. Moermond:*
- will recommend that this assessment be deleted.
- Referred to the City Council due back on 7/18/2012**
- 14** [RLH TA](#)
[12-319](#)
- Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1210A, Assessment No. 128517 at 837 IVY AVENUE EAST.
- Sponsors:** Bostrom
- Delete the assessment as owner has good history on the property.*
- RE: 837 Ivy Ave E (single family)*
- Sarah August, owner, appeared.*
- Inspector Joel Essling:*
- Summary Abatement Notice issued Mar 15, 2012; compliance date Mar 20, 2012
 - re-inspected Mar 21, 2012 and found to be in noncompliance
 - work done Mar 22, 2012 for a cost of \$288 + \$155 admin fee = \$443
 - inserted language: please dispose of 3 bags of refuse on the north side of the garage of the alley
- Ms. Moermond:*
- is looking at a photo of those 3 bags
- Ms. August:*
- they left the state Mar 15, 2012 and returned Mar 25, 2012
 - the letter arrived while they were gone

- the clean-up took place while they were gone
- history: since they moved into the house in 2005, people have been dumping garage right in that spot; it's covered by some lilac trees and apparently, seems like a nice place to put things
- over the last 7 years, they have cleaned up tires, furniture, parts of washing machines, bags of trash, etc.
- they take it down to Twin Cities Refuse
- they get rid of their own garbage with regular garbage service every week
- unfortunately, they were out of town when this refuse appeared and we couldn't take care of it
- this is an on-going problem; how do we stop this from happening?

Mr. Essling:

- he usually tells people to get a sign "No Dumping" and a sign that says "Under Video Surveillance"
- also, check out Amazon.com for a fake camera with a red light in it and a motion detector for \$4.99
- may have to erect a post to put up the signs

Ms. Moermond:

- check out the bags to see if you can find a name and an address; has heard of police then taking the bag and delivering it to the owner of the garbage; she has also heard of tags being written; usually done by police who aren't on duty in the evening
- will recommend deleting this assessment; there's excellent history here

Referred to the City Council due back on 7/18/2012

**15 RLH TA
12-322**

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1210A, Assessment No. 128517 at 521 JENKS AVENUE.

Sponsors: Brendmoen

Approve the assessment.

RE: 521 Jenks Ave (single family)

Chue Thaow, owner, and the renter appeared.

Inspector Joel Essling:

- Summary Abatement Notice issued Mar 2, 2012; compliance Mar 6, 2012
 - re-inspected Mar 7, 2012 and found noncompliant
 - work done May 8, 2012 for a cost of \$158 + \$155 admin fee = \$313 for a clean-up
 - inserted language: tire, water cooler, yard waste in yard and rubbish on blvd (small clean-up)
- Viewed Video
- there was a SA issued prior to this and inspector's notes say that the yard has been cleaned up 90%; then, inspector issued another SA on this additional 10% that had been remaining
 - original SA was issued 2-23-12

Ms. Thaow:

- have owned house since 2009
- the renter had just moved out of the property and she cleaned up most everything; there was a little left and since it wasn't much, she thought it was OK
- she didn't know if the renter had cleaned the property or if the city did until she got the letter
- the renter paid for the garbage service when she lived there

Ms. Moermond:

- whatever is in the yard is the owner's responsibility to pick it up
- the letter from the city said to pick it up
- it would be better in her eyes if Ms. Thaow had provided garbage service to begin with (it is legally required that the landlord provide garbage service in Saint Paul); a private arrangement can be made with a tenant but it is the owner's responsibility, legally
- have been 5 Orders since Jun 2010 and the city cleaned it up twice
- will recommend this assessment be approved

Referred to the City Council due back on 7/18/2012

**16 RLH TA
12-310**

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1210A, Assessment No. 128517 at 80-82 JESSAMINE AVENUE EAST.

Sponsors: Brendmoen

Delete the assessment.

80-82 Jessamine Ave (duplex)

Cha Vang, owner, appeared.

Inspector Joel Essling:

- appears there's been a change of ownership
- if he purchased this property prior to the date the Work Order was done, he didn't receive proper notification (needs documentation)

Mr. Vang:

- has owned the property 6 months; bought it from Steve Yang and Youa Lee; took ownership Mar 1, 2012
- never got the Summary Abatement Notice
- there had been numerous complaints and the police dept has his correct address
- they evicted the problem tenants and cleaned-up
- his company bought it from Steve Vang and Youa Lee Mar 1, 2012

Ms. Moermond:

- code enforcement looks into Ramsey County tax records to see who they have listed as the owner
- Appellant's letter says he closed Mar 1, 2012
- Orders were also issued May 1, 2012; Appellant owned it but the previous owner got the notification so, Mr. Cha Vang did not received proper legal notification
- will recommend this assessment be deleted

Referred to the City Council due back on 7/18/2012

**17 [RLH TA](#)
[12-321](#)**

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1210A, Assessment No.128517 at 592 JESSAMINE AVENUE EAST.

Sponsors: Bostrom

Approve the assessment and spread over 5 years.

RE: 592 Jessamine Ave (duplex)

Hsar Pipi, owner, and Mo (interpreter), appeared.

Inspector Joel Essling:

- Summary Abatement Notice issued Mar 5, 2012; compliance date Mar 8, 2012
- re-checked Mar 12, and found noncompliant
- work was done Mar 14, 2012 for a cost of \$420 + \$150 admin fee = \$575
- no returned mail

Viewed Video

Moe, interpreter:

- Appellant hasn't received any of these (hasn't received Orders which were sent twice)
- his aunt helps him read the mail
- he checks his mail once a day, every day

Ms. Moermond:

- the city's legal requirement is to send the Order first class mail to the owner of record per Ramsey County tax records
- saw that mattresses were there at the time of the video; the tires, buckets and trash were nearly all gone
- lacking any other information, she will recommend the Council approve this assessment payable over 5 years
- City Council Public Hearing will be held Jul 18, 2012; Mr. Pipi may come also but he needs to bring an interpreter or let us know so that we can provide one

Referred to the City Council due back on 7/18/2012

**18 RLH TA
12-316**

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1210A, Assessment No. 128517 at 434 LAFOND AVENUE.

Sponsors: Carter III

Approve the assessment and spread the payments over 2 years.

RE: 434 Lafond Ave (apartments)

Abby Barber, EIG Property Management, appeared.

Inspector Joel Essling:

- Summary Abatement Notice issued 2/24/12; compliance date 3/6/12
- re-inspected 3/5/12 and found noncompliant
- work done 3/7/12 for a cost of \$316 + \$155 admin fee = \$471

Viewed Video

Ms. Barber:

- she did receive the Notice
- on Feb 24, she created a task for her maintenance person to break up the couches, etc., by the garbage so that the trash company would take them
- on Feb 27, she assigned it to her maintenance person
- on Feb 28, her maintenance person said it was done
- Video show quite a bit of trash around the dumpster
- \$471 to pick up some trash around the dumpster seems awfully expensive
- she doesn't have the time to check up on every one of the orders for her maintenance people
- we certainly tried to comply with this and we don't have a lot of money

Ms. Moermond:

- sees rubbish and discarded furniture underlined in bold

- at the end of the Order it says debris in the back yard (all caps and bold)
- will recommend the Council to approve this assessment payable over 2 years
- if it doesn't get paid in 30 days, it will be certified to go onto the taxes

Referred to the City Council due back on 7/18/2012

- 19** [RLH TA
12-318](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1210A, Assessment No. 128517 at 661 MAGNOLIA AVENUE EAST.

Sponsors: Bostrom

No show; approve the assessment.

Referred to the City Council due back on 7/18/2012

- 20** [RLH TA
12-306](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1210A, Assessment No. 128517 at 843 MAGNOLIA AVENUE EAST.

Sponsors: Bostrom

No show; approve the assessment.

Referred to the City Council due back on 7/18/2012

- 21** **RLH TA
12-311** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1210A, Assessment No. [128517 at 155 MARYLAND AVENUE WEST.

Sponsors: Brendmoen

Reduce the assessment from \$453.00 to \$300.00.

RE: 155 Maryland Ave W (duplex)

Margaret Uriah, property manager, appeared.

Inspector Joel Essling:

- Summary Abatement Notice for clean-up issued 3/14/12; compliance date 3/21/12
 - re-inspected 3/29/12; found to be in noncompliance
 - work done 3/29/12 for a cost of \$298 + \$155 admin fee = \$453
 - language inserted: couch and debris in back yard (tire)
- Video*

Ms. Uriah:

- the couch started where the tenant left it at the other end of the house
- when they got the Order, they moved it
- Mar 29, it was sitting on the side of the garage waiting for it to be picked up on Apr 4 (that's as soon as Waste Management would come out to pick it up)
- don't know where the tire came from; it wasn't there originally
- there was 4 times the amount at the beginning; they got it down to the loveseat and the boxes that they broke down (all sitting at the side of the garage inside the gate waiting for garbage day because they didn't want to put it out before the special pick-up)
- they were trying to comply as much as possible
- somehow, it's out of the garage but it wasn't there on Mar 29 - she kind of confused (photo confirms that)
- doesn't see boxes in that photo, either
- doesn't know where the extra stuff came from

- the garbage company charges \$48 to take the couch
 - she would have stored it in the garage but the garage is locked so that the tenants don't store things there

Ms. Moermond:

- took another look at the Video
 - the Video is different from the photo
 - one day it's inside the gate; the next day it's out by the garage (Ms. Uriah said she had it inside the gate the entire time)

Mr. Essling:

- original \$298 charge which includes a \$28 fee for cubic yardage and \$10 for the tire
 - notes that the inspector was there Mar 23 ready to issue the Work Order but he didn't have a working camera, so he came back a week later

Ms. Moermond:

- thinks Orders were originally written Mar 14; compliance Mar 21 so Appellant moved it inside and against the garage; another week later, the city crew comes to get it from near the garage
 - she wants to give the Appellant credit for making an effort
 - she will recommend decreasing the amount to \$300
 - the City Council may look at this differently

Referred to the City Council due back on 7/18/2012

22 [RLH TA
12-307](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1210A, Assessment No.128517 at 1488 REANEY AVENUE.

Sponsors: Lantry

No show; approve the assessment.

Referred to the City Council due back on 7/18/2012

23 [RLH TA
12-330](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1210A, Assessment No. 128517 at 644 SELBY AVENUE.

Sponsors: Carter III

No show; approve the assessment.

Referred to the City Council due back on 7/18/2012

24 [RLH TA
12-309](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1210A, Assessment No.128517 at 1700 SEVENTH STREET EAST.

Sponsors: Lantry

No show; approve the assessment.

Referred to the City Council due back on 7/18/2012

25 [RLH TA
12-315](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1210A, Assessment No. 128517 at 1334 SHERBURNE AVENUE.

Sponsors: Stark

No show; approve the assessment.

Referred to the City Council due back on 7/18/2012

- 26** [RLH TA
12-328](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1208, Assessment No. 128210 at 316 SUPERIOR STREET.

Sponsors: Thune

No show; approve the assessment.

Referred to the City Council due back on 7/18/2012

- 27** [RLH TA
12-327](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1210A, Assessment No. 128406 at 175 TENTH STREET EAST.

Sponsors: Thune

Recommend deletion. Waiver on file.

Referred to the City Council due back on 7/18/2012

- 28** [RLH TA
12-326](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1210A, Assessment No. 128517 at 586 THOMAS AVENUE.

Sponsors: Carter III

Reduce the assessment from \$721.00 to \$375.00 and spread the payments over 2 years.

RE: 586 Thomas Ave (single family)

Margaret Uriah, property manager, appeared.

Inspector Joel Essling:

- Summary Abatement Notice issued Feb 21, 2012; compliance date Feb 28
 - re-inspected Feb 29 and found to be noncompliant
 - work done Mar 1, 2012 for a cost of \$566 + \$155 admin fee = \$721
 - returned mail from Margaret Uriah, 719 Hamline Ave N; (now, address has been changed to 501 Dale St N)
 - Notice did go to listed owner, Hallad Properties, Bavaria Rd, Victoria, MN; and Occupant
- Video*
- \$56 cubic yardage fee; \$250 TV fee

Ms. Uriah:

- presently, there's no one living in the house
- photo shows damaged garage door
- she counted 4 TVs total
- didn't get a Notice
- there was more dropped between the time of the Notice and the video
- a real money hardship here - first, going without a tenant and now, going through a divorce

Ms. Moermond:

- it's legally encumbant upon the city to provide notification to the owner of record and

that happened
- the Appellant did not receive notification
- she knows that if Ms. Uriah would have received notification, she would have tried to address the problem
- thinks this is dumping but at the same time, it's the owner's responsibility
- will take off 2 TVs and the tire (SA says couch, chair, TV, shelf and garbage in garage area) which are items that weren't on the summary abatement order itself, but showed up later
-assessment reduced to \$375
- will recommend this assessment be decreased: \$375 payable over 2 years

Referred to the City Council due back on 7/18/2012

- 29 [RLH TA
12-333](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1208, Assessment No. 128210 at 1949 UNIVERSITY AVENUE WEST.

Sponsors: Stark

No show; approve the assessment.

Referred to the City Council due back on 7/18/2012

- 30 **RLH AR
12-71** Ratifying Collection of Certificate of Occupancy fees from March 2012. (File No. CRT1208, Asmt No. 128210)

Sponsors: Lantry

Referred to the City Council due back on 7/18/2012

- 31 **RLH AR
12-72** Ratifying Property Clean Up services during March 2012. (File No. J1210A, Asmt No. 128517)

Sponsors: Lantry

Referred to the City Council due back on 7/18/2012

- 32 **RLH AR
12-73** Ratifying Trash Hauling services during March 2012. (File No. J1208G, Asmt No. 128708)

Sponsors: Lantry

Referred to the City Council due back on 7/18/2012

11:00 a.m. Hearings

Summary Abatement Orders

- 33 [RLH SAO
12-15](#) Appeal of DeAnne Tambornino to a Summary Abatement Order at 287 BLAIR AVENUE.

Sponsors: Carter III

Deny the appeal and grant an extension to June 22, 2012.

RE: 287 Blair Ave (single family)

DeAnne Tambornino, owner, appeared.

Ms. Moermond:

- layover*
- Appellant was waiting to hear from the insurance people doing a 5th estimate*

Ms. Tambornino:

- insurance person keeps sending incomplete estimates for demolition*
- he's agreed to send out a payment for demolition sooner than the entire repair / replacement for the house, so he needs to get an estimate for that*
- yet, he keeps sending them the same estimates as he did in Dec 2011 for just the front part of the house*
- she tells him that she needs a whole house demo estimate; then, he says, "OK, let me adjust that."*
- 4 days later, he sends another partial estimate - that's not including permits, abatement, etc.*
- then, he says, "Oh. Hold on; let me get back to you."*
- he just keeps going on and on with incomplete estimates*
- they are set to have a conference call tomorrow with her attorney, her contractor, insurance agent and the estimator for the demo to go over the latest estimate*
- the entire house will be razed and rebuilt*
- they sent in for the demo permit but were rejected because they can't approve it until the Summary Abatement Order is out of appeal (Ms. Moermond didn't agree)*
- still doesn't know if the fire investigation is closed; the fire started on the front porch*
- has called lawn services; they say they won't take the liability to mow the lawn*

Ms. Moermond:

- asked Mr. Essling if we've seen cases like this where the city goes and mows the lawn and takes away some of debris; it turns into an assessment and that assessment gets sent to the insurance company as their bill to pay? It seems to her that the city assumes that cost and puts it onto the property taxes and the Appellant would bring that assessment forward as a claim against the insurance company. (Ms. Tambornino said she could try but that she could see the insurance agent just denying it.)*
- the city crews that mow would know how to deal with the hazard at this property; we would alert them, also*

Inspector Joel Essling:

- the Appellant could make the argument that the city had to abate the fire damage because the insurance company delayed the demolition*
- total cost will be approximately \$300 for the grass + \$440 = \$770*

Ms. Tambornino:

- she brought the complaint to the Department of Commerce*

Ms. Moermond:

- guessing that it would be a 2 hour job, not a 1 hour job (Mr. Essling doesn't think it would take 2 hours)*
- Appellant could take the job to the private market and get a much better price*
- is sure that the insurance company has real estate people on the ground to deal with things*
- talk about all these things at the conference call tomorrow*

- City Council Public Hearing Jun 20, 2012 at 5:30 p.m.
- will recommend denying the appeal and granting an extension to Jun 22, 2012 (CC may change it)
- if Appellant cannot reach resolution, she would invite her to testify at the CC Public Hearing, feeling very free to share her story (the City Council will want to know the insurance company and names of the people she has interacted with there)

Referred to the City Council due back on 6/20/2012

Orders To Vacate, Condemnations and Revocations

34

[RLH VO
12-42](#)

Appeal of Roger Layer to a Notice of Condemnation as Unfit for Human Habitation and Order to Vacate at 838 JENKS AVENUE.

Sponsors: Bostrom

Deny the appeal and grant an extension until June 26, 2012 to get water heater installed under permit or vacate the property on July 6, 2012.

RE: 838 Jenks Ave (single family)

Roger Layer, owner, appeared.

Ms. Moermond:

- looks like the power is off (Mr. Layer said the gas is shut-off)

Inspector Joel Essling:

- Roger and Marian Layer own this property; homesteader is Doreen Krenik, the Layer's daughter, who is deceased
- house is occupied by Mr. Stuart Krenik, Doreen's husband and Mr. Layer's son-in-law, and their 4 children ages 13, 18 and 2 males in their early 20s
- there's a large Xcel Energy bill because the gas is shut-off
- Stuart Krenik has some serious health issues, per Mr. Layer
- the only real issue here is having hot water available for bathing
- there's no outside agency that's going to come up with the amount they owe (\$9,000); nor a combination of outside agencies; and the Kreniks won't be able to come with that any time soon
- Mr. Layer lives across the street from this property
- the children visit Mr. and Mrs. Layer's house for meals and bathing
- Mr. Krenik is limited by his physical ability to go over for meals and bathing but he does make it over sometimes
- Mr. Layer has advised him that he would be able to install an electric water heater at this property
- critical time will be when heating season starts again in the fall (Oct 15, 2012)

Mr. Layer:

- he spoke with Mr. Krenik this morning; he said that he has something in the works-thinks they will be able to make some sort of an arrangement to get the bill paid (however, Mr. Layer knows that Mr. Krenik doesn't have that kind of money and he doesn't have it); if necessary, they will find a way to do something
- would like to know if the idea of installing an electric hot water heater is acceptable or even makes sense
- doesn't know of any other way to solve this problem
- is asking for more time to sort this out
- he and his wife also do the Krenik's laundry
- Mr. Krenik does not work; he's on disability (SSI)

- the boys are able-bodied and good kids but are lackadaisical when it comes to looking for employment; he can't make excuses for the boys not working
- the family has been somewhat dependent on him and his wife; at this time, they have no car
- the electricity has been kept on because Mr. Krenik needs to be on oxygen (Mr. Essling said that Xcel cannot shut off electricity when someone has medical equipment that requires it)
- Mr. Krenik does not want Mr. Layer to pay for everything; he wants to help

Ms. Moermond:

- is concerned with the 13 year old living there; the others are old enough - they can find their own way if they need to
- it appears that at some time, there needs to be a catalyst for change here and maybe the Condemnation Order to Vacate can be used as a tool for that change
- will deny the appeal and grant 3 weeks to get the electric water heater installed or the vacate date will be Jul 6, 2012
- first deadline is Jun 26, 2012 and we'll cross the next bridge when we come to it

Mr. Essling:

- they will need a permit for the water heater; there will be an electrical inspection unless the house is already set up for it; they will need to run a circuit to the panel which will require an electrical permit, a licensed electrical contractor and an electrical inspection
- the licensed contractor should have both plumbing and electric in the same shop and they should take care of the permits

Referred to the City Council due back on 7/3/2012

Orders To Vacate, Condemnations and Revocations

11:30 a.m. Hearings

- 35** **RLH VO** Appeal of Joel Ashbacher to a Fire Certificate of Occupancy Revocation and
12-29 Order to Vacate 104 DALE STREET. (Public hearing continued from May 16) (To be referred back to Legislative Hearing on June 5, 2012 and City Council public hearing on June 6, 2012)

Sponsors: Carter III

To be referred back to Legislative Hearing on June 19, 2012 and City Council public hearing on July 3, 2012.

Referred to the City Council due back on 6/6/2012

1:30 p.m. Hearings

- 36** **RLH FOW** Appeal of Joan Benson, Priscilla Apartments, to a Fire Certificate of
12-172 Occupancy Inspection Correction Notice at 2333 PRISCILLA STREET.

Sponsors: Stark

Deny the appeal on the 11 windows in all units and grant an extension to January 1, 2013 for compliance.

RE: 2333 Priscilla St (apartments)

Joan Benson, Priscilla Apts Inc, owner, appeared.

Fire Certificate of Occupancy Inspection

Ms. Benson:

- building constructed 1949; windows were replaced in 1979
- contractor who furnished and installed those windows is in the process of locating the permit and inspection from 1979
- assumed that she could come in under the exception (that was her understanding)
- entered the document that shows the windows were installed in Apr 1979
- entered an inspection report from May 27, 1999 signed by the inspector and herself that show the escape windows qualify under Chap 34.13

Ms. Moermond:

- it doesn't really matter if a permit was pulled or signed-off at the time; these are safety codes which supercede the building permit when they were installed
- all these windows measure 24h x 14w
- routinely, Ms. Moermond goes down to 16 inches in width in this situation; she never goes narrower than 16 inches
- suggested that Appellant bring this to the City Council Public hearing Jul 18, 2012 at 5:30 p.m.

Ms. Benson:

- she has already decided that if she can get a long extension, she will install different windows
- she is asking for a 12-month extension
- currently, she is upgrading the electric in the building, which she contracted before this inspection; she has 10 more apartments to do; total cost: \$15,000
- she also signed-up with a landscape company to do a complete upgrade for about \$3,000
- it's an 11-unit building
- 11 windows plus installation will cost about \$17,500 and she doesn't know whether she'd be able to do that

Ms. Moermond:

- routinely, she would grant a 90-day extension; 1 year is way too far out
- will recommend granting an extension to Jan 1, 2013
- the City Council may be willing to an extra 6 months; there's no harm in trying

Referred to the City Council due back on 7/3/2012

37

[RLH FOW
12-203](#)

Appeal of Lance Jackels to a Fire Inspection Correction Notice at 2110 PINEHURST AVENUE.

Sponsors: Tolbert

Grant a 4-inch variance on the openable width of the egress window in the second floor bedroom.

RE: 2110 Pinehurst Ave (single family)

Lance Jackels, Sherlackels Property Mgmt, C or O responsible party, appeared.

Fire Supervisor Mike Urmann:

- double hung window, 2nd floor window measures 38h x 16w

Ms. Moermond:

- doesn't know why this wasn't granted on the paperwork
- will recommend granting a variance

Referred to the City Council due back on 7/3/2012

38 [RLH WP
12-52](#)

Appeal of Renewal by Andersen, on behalf of John Wilebski, to an Egress Window Non-Compliance Determination at 1239 SCHEFFER AVENUE.

Sponsors: Tolbert

Grant a 5 1/8 inch height and a 1 5/8 inch width variance on the one double hung replacement egress bedroom window measuring 18 7/8 inches high by 18 3/8 inches wide.

RE: 1239 Scheffer Ave (single family)

Mr. Horton, Renewal By Andersen, appeared on behalf of John Wilebski, owner.

Ms. Moermond:

- there's a shortfall in all the dimensions of this double hung window: height, width and sq. ft.
- 18 7/8 h x 18 3/8 w

Mr. Horton:

- entered photo of the windows together
- the problem is that there are weight pockets between each of the windows so, there's not an economical way to make that opening larger to accommodate a larger window or a casement window
- in talking to one of his installers, the only way to make this opening larger is to put in a new header and take out all the weight pockets; to that, it nearly doubles the cost of the job (not economically possible for the homeowner)
- homeowner is choosing only to do the 4 windows in that photo, at this point; he's not willing to double the cost of the job

Ms. Moermond:

- putting in a different style of window may work

Mr. Horton:

- had a conversation with the homeowner on style of window; he has double hung windows throughout the house, has had them since the house was built and he has chosen not to change style
- homeowner wants him to do everything he can to get these double hungs approved because that's the only thing he wants to put in

Fire Inspector Mike Urmann:

- not asking that all 3 windows in the set be put in as casements if they're all in the same room; only 1 of the 3 set would have to be casement
- knows that there are casement windows out there that look like double hung windows; the equipment is out there that meets the code

Ms. Moermond:

- after pondering her decision, she will recommend granting a variance on the egress window

Referred to the City Council due back on 7/3/2012

Fire Certificates of Occupancy

- 39 [RLH FCO
12-316](#) Appeal of Taric Abdelaziz to a Fire Inspection Correction Notice at 1022 MARGARET STREET.

Sponsors: Lantry

Deny the appeal and grant an extension to July 1, 2012 to repair or replace the siding; grant the appeal on the dryer vent and grant a 5-inch variance on the openable height of the egress windows in the main floor northeast, southeast and southwest bedrooms.

Referred to the City Council due back on 7/3/2012

- 40 [RLH FCO
12-317](#) Appeal of Gerald Yost to a Fire Inspection Correction Notice at 2142 PALACE AVENUE.

Sponsors: Tolbert

RE: 2142 Palace Ave (duplex)

Gerald Yost, owner, appeared.

Fire Supervisor Mike Urmann:

- 2 abandoned fuel oil tanks which need to be removed*
- the combustible gas still off-gases when it's heated up; that's why the code requires it to be removed*
- Fire Code requires oil tanks be removed if not used in 12 months*
- the danger doesn't go away; the fuel oil or hydrocarbon will actually permeate the metal and every time the metal heats up, there is a flammable gas around that container*

Mr. Yost:

- he bought this side-by-side duplex in 1981; the tanks were there at the time; he was told they were empty at the time of closing*
- the property was already fueled by gas in 1981 and since; those tanks weren't being use then*
- has owned it for 31 years and has been inspected about 6 times prior to this inspection*
- no one has ever said anything about these tanks or asked him to remove them before*
- when he asked the inspector what hazard the tanks brought, he didn't know*
- the tanks are in a tiny room by themselves with a door; the room doesn't even have electricity; it may have been a coal bin at one time*
- tanks have caused no problems in 31 years; no tenant has asked him to remove them or made any mention of them*
- the bid he got is in excess of \$5,000 because they would have to be cut in half with a torch to remove them*
- there are no heat ducts in the basement*
- his bid was a handyman's bid and is probably the cheapest bid he can get*
- he has lived in this property himself in both sides throughout the years*
- this seems rather wasteful; there's no leakage - no odors, etc.*

- he actually forgot they were in there

Mr. Urmann:

- a new inspector; had been inspected 2 other times according to current records; it was missed by the last 2 inspectors
- has always been part of the code and should have been caught in the past
- a handyman cannot remove these tanks; they are considered hazardous waste and will need to be removed by a licensed tank removal company under permit and the tank has to be removed in an approved way under PCA

Ms. Moermond:

- will do some homework on this
- she's seeing a lot of cases now on this and she needs to look at it as a policy question
- will lay this over for one month; in the meantime, enforcement is stayed
- if she decides to recommend the Council not grant this appeal, she would give Appellant at least 90 days to do the correction
- a letter will be sent for a probably hearing Jul 10, 2012; she can call you or come to the hearing

Laid Over to the Legislative Hearings due back on 7/10/2012

**41 RLH FCO
12-337**

Appeal of Marvin Lindo to a Fire Certificate of Occupancy Correction Notice at 656-658 LEXINGTON PARKWAY NORTH.

Sponsors: Carter III

Grant a 2-inch variance on the openable height of the egress windows in the lower level and upper level east bedrooms one; grant a 2.5-inch variance on the openable height of the egress window in the upper level east bedroom 2; grant a 1.5-inch variance on openable height of the egress window in the upper level west bedroom; and deny the appeal and grant an extension to January 1, 2013 to replace or repair the driveway under permit.

RE: 656-658 Lexington Parkway N (duplex)

Marvin Lindo, owner, appeared.

Ms. Moermond:

- will recommend variances on all egress windows

Fire Supervisor Mike Urman:

- photo of driveway in file as well as hard copies

Mr. Lindo:

- another issue is the driveway/parking area in back
- this area is an optional parking space for tenants, who are comfortable with it; however, the inspector wasn't
- he patches it a little in the fall to keep it in reasonable shape but it does tend to break up
- tenants would need to park on Blair or Lafond if not here
- it's a pretty expensive replacement for something that there is absolutely no return on
- the alley is at a lower level

Mr. Urmann:

- concern- the slope and deterioration, it's starting to wash out and it has been

patched to a point where it can't be patched anymore; it needs to be replaced

Ms. Moermond:

- it does need to be replaced; however, she will say repair or replace but the repair has to meet the expectations of the building inspector*
- the main problem will be the grading - it's really in rough condition and not safe to walk on*
- will recommend deny the appeal and grant an extension to Jan 1, 2013*
- if Appellant can't get it done, the city can Revoke his certificate but that's appealable, too*

Mr. Urmann:

- make sure the contractor gets a permit by a licensed contractor*

Referred to the City Council due back on 7/3/2012

42 [RLH FOW
12-187](#)

Appeal of Gretchen Iwen, on behalf of Steve and Rachel Alwin, to a Fire Certificate of Occupancy Inspection Correction Notice at 1779 WELLESLEY AVENUE.

Sponsors: Tolbert

Grant a 3-inch variance on the openable height of the egress windows in the east and southwest bedrooms, grant a 2.5-inch variance on the openable height of the egress window in the northeast bedroom and grant the appeal on the door issue in unit entry doors.

RE: 1779 Wellesley Ave (single family)

Gretchen Iwen appeared on behalf of Steve and Rachel Alwin, owners.

Ms. Iwen:

- the egress window was granted a variance but the lock (front door deadbolt) was added #6 (3/4 inch throw)*
- has photos*

Fire Inspector Mike Urmann:

- inspector should not have called out - 3/4 inch in place in good repair is acceptable; no replacement is needed*

Ms. Moermond:

- will recommend the appeal be granted on the lock*

Referred to the City Council due back on 7/3/2012

43 [RLH FCO
12-338](#)

Appeal of Diane Ricci to a Fire Certificate of Occupancy Correction Notice at 1118 PACIFIC STREET.

Sponsors: Lantry

Grant the appeal on the driveway; deny the appeal on the main floor kitchen gas range and grant an extension to July 30, 2012 for compliance.

RE: 1118 Pacific St (single family)

Diane Ricci, owner, appeared.

Ms. Ricci:

- brought photos of all the work they did; cost them over \$2,000
- can't afford to do the driveway with asphalt or cement; can put in rock because there was rock in there before
- plans to get a gas range from her sister-in-law when she moves the end of Jun

Fire Supervisor Mike Urmann:

- has been going on since Jan 2012
- submitted a letter from the Appellant for an extension which was granted
- it's time for the re-inspection and the work has not been completed

Ms. Moermond:

- wishes she had a photo that actually showed the driveway

Ms. Ricci:

- house was built in early 1900s; they bought in 1965
- they live next door and has a perfect renter, her granddaughter, except that she can't afford it right now
- she is an RN and just starting back to work after being off for 6 months
- she is a single parent raising her son; her only support comes from Mr. and Mrs. Ricci
- she and her husband are living on Social Security and a pension
- this is a hardship for them
- her husband is 78 and does most of the repair work and he complied with everything except the driveway
- there are many gravel driveways (she counted 15 in a 2-block area) in her neighborhood

Ms. Moermond:

- will recommend the Council grant the appeal on the condition that if the driveway deteriorates, the city may re-visit it
- will recommend granting an extension to Jul 30, 2012 to come into compliance with the gas range

Referred to the City Council due back on 7/3/2012

44

[RLH FCO
12-318](#)

Appeal of Bryan Desma to a Fire Inspection Correction Notice at 396 GOODRICH AVENUE.

Sponsors: Thune

Grant a 1-inch variance on the openable height of the egress windows in the northwest and southwest bedrooms; deny the appeal on the foundation walls, shed and grading and grant an extension to September 4, 2012 for compliance.

RE: 396 Goodrich Ave (single family)

Bryan Desma, owner, appeared.

Fire Inspector Sean Westenhofer:

- Fire Certificate of Occupancy inspection
- Orders May 4, 2012; was rescheduled twice
- 2nd floor south wall and ceiling need to be repaired because of previous water damage
- exterior basement door needs scraping and painting; the bottom panel needs to be replaced or repaired
- there are a few cracks in the foundation wall that need sealing

- shed in back yard needs to be repaired or removed
- questionable grading around the property; houses are very close to each other in that neighborhood - between the foundation and the grading, it needs to be sealed up to make sure that the water flows away from the building
- egress windows in 2 bedrooms, 4 windows each with same dimensions 23h x 23w openable
- metal fascia pieces missing in the back
- tree growing near meter; should be cut down

Fire Supervisor Mike Urmann:

- photos have been added to the file; also has hard copies

Mr. Desma:

- not necessarily objecting to any of them; needs clarification
- questions the sealing of the foundation walls and the drainage issue go hand in hand; houses are very close together with 100-year old limestone foundations; foundation has settle a little; he has tuckpointed to the best that he can but there will be seepage coming through those walls no matter what
- is asking for an extension of time on the shed and the grading; he'd like 90 days; will settle for 60 days (not life-safety)
- will work with the neighbor on the grading

Ms. Moermond:

- will recommend a variance on the egress windows
- looking at diverting the water away from the building
- will grant to Sep 4, 2012 to come into compliance with the shed, grading and to cut down tree near meter

Referred to the City Council due back on 7/3/2012

**45 RLH FCO
12-339**

Appeal of Terry F. Fransen to a Correction Notice-Complaint Inspection at 1039 WAKEFIELD AVENUE.

Sponsors: Lantry

Laid over to June 12 at 3:00 p.m. (staff report). Hearing officer will go with Sr. bldg inspector to look at retaining wall.

RE: 1039 Wakefield Ave (single family)

Terry Fransen, A Home 4U LLC, owner, appeared.

Fire Supervisor Mike Urmann:

- submitted information that came to them as a referral for a drainage issue
- entered an email from Sr. Building Inspector who concurs with their request for compliance on the drainage issue and retaining wall
- Orders were actually written by the Sr. Building Inspector and submitted by Fire Inspections Supervisor

Ms. Moermond:

- read the Orders: there are ownership issues to begin with: Where does the property line fall?

Mr. Fransen:

- entered photos
- the sidewalk goes alongside the house; then, there's a piece of yard; then, a fence on top of a retaining wall

- 3 years ago, the lady next door told him that her basement was getting wet; so, he tried to fix it by digging that section up and put down plastic and rock to force the water to go out to the front (trying to get the water from going onto her property)

- last year, the lady said she was also getting water in her basement and told him to fix his gutters; he told her he didn't have what he needed to fix his gutters right then, so, she called and complained; an inspector came out and told him he had 2 options: 1) take down the gutters; or 2) replace them. He took off the gutters, then, told her he didn't know what else he could do to help her out.

- this year, it's the fence; and from what he can tell (poles are on her inside), the fence is on her property; those neighbors have been there way longer than he's owned his property

- he understands she may have some water in her property but the problem starts east of him - their property is 4 feet higher than his property; her property is about a foot lower than his property

- he gets water in his basement, too

- when he checked her property, it was dry while he still had wetness on the west side of his property

- if he owns the retaining wall, he will be surprised

- look at where the wall is and where the neighbor's garage is; if the wall is Mr. Fransen's, then the neighbor needs to move his garage over

- he tried to talk with his neighbor but she was not happy with him because he did not comply; things went down hill when he took down the gutters

- if he decides to get a survey and the fence is hers, he would want her to reimburse him for the cost

Mr. Urmann:

- clarification: this is not an issue of a fence; it's an issue of a deteriorating west retaining wall on the property

- the only way to tell where the property line falls is with a survey; it is not apparent who owns the retaining wall

Ms. Moermond:

- wants to go look at the property with the building official

- wants to pull all the old permits on this property and the adjacent property to see if there's any information on who built the retaining wall or where the property line falls (second best to having a survey)

- will lay this over for one week to Jun 12, 2012 Legislative Hearing at 3 p.m. as a staff report

Laid Over to the Legislative Hearings due back on 6/12/2012

46

[RLH FCO
12-336](#)

Appeal of David Bassekle to a Fire Inspection Correction Notice at 885 CLARK STREET.

Sponsors: Brendmoen

Deny the appeal.

RE: 885 Clark St (duplex)

David Bassekle, owner, appeared.

Fire Inspector Mike Urmann:

- photos in file

- several attempts have been made to get compliance

- outstanding Orders since Dec 2009 from a Code Compliance Report that requires the garage in the back of the property be removed

- no permits have been pulled
- they are seeing a pattern of noncompliance
- Appellant is asking for more time
- even with time that they have extended for the Appellant on these other issues, they see no sign of compliance and no response when inspections have been set up for the garage (no one showed up or called)
- the whole inspection for this issue started Apr 30, 2012
- there are 49 more items on the Code Compliance inspection
- the work for the Code Compliance inspection was never done
- the Appellant was approved to have occupancy because the exterior work was considered seasonal (was outstanding since 2009)

Mr. Bassekle:

- he is asking for an extension because he has applied for a loan but has not yet received the money
- filed for eviction of the tenants; court date is May 24, 2012; building will be vacant very soon to allow for work to be done quickly
- bought the house in 2009; had all the inspections
- had bad tenants twice
- he put a lot of money into the property but the tenants are very bad, so he'll needed to evict them; everything is broken in the house
- he did some wiring but didn't do all of it because he's not an electrician; he thought it would cost him more to hire an electrician to do all of it so, he did most of it and needs an electrician to connect it; the inspector said he needed to bring in a licensed electrician in under permit to fix it all
- the upstairs tenant is the one who screwed-up everything in the house; he broke everything
- the tenant connected his own apartment electrical system to the one downstairs, so, he was not paying for his own electrical
- told him to move; then, he said if he had to move, he was going to call the Fire Dept for inspection
- has a lot to do in the house
- he thought he was investing in the house but has ended up losing money
- he wants to fix it and just sell it
- he is going to school full time for one more month; he could do a lot if he were done with school
- now, he has to hire someone to fix it so, he needs to get a loan to do it
- he had the court move the tenant who was wrecking everything and the one downstairs will be gone in about 10 more days; she wanted to move on her own

Ms. Moermond:

- looking at the photos, she said there are some really strange ideas that people who've worked on this house have about how to support the structure; it's strange how the basement and supports are set up; she can't believe that they are actually working
- thinks that Fire could and, arguably, should have done a Condemnation on the first visit
- the structural things are so profound

Mr. Urmann:

- quite a bit of work done without permit or licensed contractors
- as soon as the building goes vacant, they will most probably Condemn it and send it to the Vacant Building Program
- they had been trying to give the Appellant an opportunity to fix it
- as soon as it goes vacant, it will meet the Cat 2 VB status and will be Condemned
- he has not been in the building

Ms. Moermond:

- she will recommend that the City Council deny the appeal
- it will be on the Jun 20, 2012 City Council Public Hearing
- she anticipates that there be additional enforcement measures between now and then; she is inviting them to do that
- she will lay this over to the legislative hearing Tue, Jun 12, 2012 at 3 p.m. on any other Orders that are written
- there are a lot of profound things wrong with this building; it's not a safe place for people to be living

MINUTES FROM JUNE 12, 2012 LH

David Bassekle, owner, appeared.

Mai Vang:

- Ms. Moermond already denied the appeal
- Ms. Moermond was looking to see if there were new written Orders

Mr. Bassekle:

- tenants are now out; just needs some time

Ms. Moermond:

- summarized Jun 5, 2012 LH's minutes
- she was inviting DSI to apply additional enforcement measures before Jun 20, 2012 (Fire Supervisor Shaff said she knew nothing about that)
- she laid it over to get follow-up on any Orders that would have been written
- her expectation, clearly, was that the building was going to be Condemned (Ms. Shaff said she will take action)
- told Appellant that he has as much time as he wants to do the repairs; he just can't have anyone living there while it happens; and the repairs have to be made under permit; will need a full inspection starting from scratch
- instructed Mai Vang to send an email to Inspector Matt Dornfeld, Vacant Buildings Program
- will recommend that the VB fee be waived for 90 days to give Mr. Bassekle a chance to take care of this over the summer

Referred to the City Council due back on 6/20/2012

Window Variances: Hearing Required

2:30 p.m. Hearings

Vacant Building Registrations

- 47** [RLH VBR 12-33](#) Appeal of Rolondo Aguilar Estrada to a Vacant Building Registration Requirement at 482 EDMUND AVENUE.

Sponsors: Carter III

Withdrawn. Inspector gave extension on Vacant Building fee.

Withdrawn

- 48 [RLH VBR
12-36](#) Appeal of Boris Tsvetovat, on behalf of Victor Yelchin, to a Vacant Building Registration Notice and Order to Vacate at 759 EDGERTON STREET.
- Sponsors:** Brendmoen
- Withdrawn. Property returned to Cat 1 and will be inspected by Fire Inspector. VB inspector will close VB file when owner is in compliance.*
- Withdrawn**
- 49 **RLH VBR
12-35** Appeal of Tony Hoong, on behalf of Zheng Rental Properties, to a Vacant Building Registration Notice and Order to Vacate at 731 THOMAS AVENUE.
- Sponsors:** Carter III
- Waive the vacant building fee for 120 days and owner will need to obtain a code compliance inspection.*
- RE: 731 Thomas Ave (single family)*
- Tony Hoong, on behalf of Zheng Rental Properties, and Shu Teoh, property manager, appeared.*
- Inspector Rich Singerhouse, Vacant Buildings:*
- they received a referral from the Certificate of Occupancy Program on the status
 - property was Condemned May 9, 2012 with a 29 item deficiency list
 - May 10, 2012, Inspector Senty opened up a Cat VB file
 - Condemnation was due to lack of basic facility (electric), along with another 28 items
 - extension cords are used as temporary wiring
- Fire Inspector Mike Urmann:*
- the 28 item list would have caused the Condemnation anyway (overall dilapidation)
 - photos in the file
- Mr. Hoong:*
- extension cords from next door neighbors to the kitchen and from there, there was one going to every room
 - when he got there, there was a hose taking water from next door, too
- Ms. Teoh:*
- they received notice from Water about disconnection and reconnection
 - in May, the electricity bill was not paid again; tenant told her they owe \$1,500 under her ex-husband's name
 - there are a lot of complications between her and her many boyfriends, her ex-husband and her unauthorized tenants
 - an inspector told her husband that the main reason is because they received so many police calls
 - she went to the police dept yesterday and found 22 cases, different items
 - owner first purchased house 1 1/2 years ago and it was in good shape at the time; it was not Vacant Building but after a year and a half of abuse, this is how it turns out
- Ms. Moermond:*
- looking at the sheet of police calls from Jan 1, 2011 to today; reports written on drug possession, possession of meth; sex offense; molesting; family, children, child placement; warrant arrest; investigate all other and auto theft
 - other calls: investigate family children issues and welfare checks; disturbance; a

very troubled household
- now, it's an empty house with a lot of code violations

Mr. Hoong:

- he fixed up 90% of it; he called the city about pulling permits but he couldn't pull the electric or the plumbing (the pipes were all cut)
- the water is on and the electricity is on

Ms. Teoh:

- advised Mr. Hoong to not do the plumbing work until the Notice has been taken off the house because if people see the Vacant Building Notice, it alerts them to go in and steal the piping
- Mr. Hoong has the contractors all lined up; thinks it can be fixed in 2 weeks
- she manages a lot of properties and this is the only one that was turned into a VB by the tenant

Ms. Moermond:

- looking at the TISH Report from 2010: there were some significant electrical issues (listed as hazardous); missing circuit breakers; and hazardous plumbing conditions: floor drain in basement; waste and venting (below standards for almost all other plumbing things)
- looks as though it was just an OK building and bad tenants made it significantly worse
- checked out Appellant's photos of chopped out copper piping
- the copper was cut after the Orders were written
- Appellant should be getting a code compliance inspection report (\$447) to get inspectors to walk through; will need electrical and plumbing contractors
- the cost will be high
- she can waive the Vacant Building fee for 4 months and the Appellant must apply for the Code Compliance inspection; then, he can pull permits

Mr. Singerhouse:

- contact Jim Seeger 651-266-9046 for the inspection
- install a lockbox so that inspectors can come in whenever their schedule allows

Referred to the City Council due back on 7/3/2012

50 [RLH VBR
12-34](#)

Appeal of Mark Sullivan, Sullivan Property Investments LLC, to a Vacant Building Registration Renewal Notice at 363 GRAND AVENUE.

Sponsors: Thune

Withdrawn. Inspector granted a 120 day VB fee extension.

Withdrawn

Staff Reports

51 **RLH FCO
12-292**

Appeal of Craig W. Baumann, Attorney at Law, on behalf of Brent and Lisa Sharp, to a Fire Certificate of Occupancy Inspection Correction Notice at 695 PARKWAY DRIVE.

Sponsors: Bostrom

Hearing officer needs to talk to mechanical inspector. Forthcoming.

Laid Over to the Legislative Hearings due back on 6/12/2012

Window Variances: No Hearing Necessary

- 52** **RLH FOW** Appeal of Lisalan Thai to a Fire Certificate of Occupancy Inspection
12-191 Correction Notice at 635 BLAIR AVENUE.
- Sponsors: Carter III
- Grant a 2-inch variance on the openable height of the egress window in the second floor north bedroom.*
- Referred to the City Council due back on 7/3/2012**
- 53** **RLH FOW** Appeal of David Brown to a Fire Certificate of Occupancy Correction Notice
12-192 at 1021 BLAIR AVENUE.
- Sponsors: Carter III
- Grant a 4-inch variance on the openable height of the egress windows in the main level front and rear bedrooms.*
- Referred to the City Council due back on 7/3/2012**
- 54** [RLH WP](#) Appeal of Window World to an Egress Window Non-Compliance
[12-53](#) Determination at 1029 BUSH AVENUE.
- Sponsors: Bostrom
- Grant a 2-inch variance on the openable height of one slider replacement egress bedroom window measuring 22.81 inches high by 22.06 inches wide.*
- Referred to the City Council due back on 7/3/2012**
- 55** **RLH FOW** Appeal of Tony Swanson, on behalf of Public Housing Agency of St. Paul, to
12-180 a Fire Inspection Correction Notice at 805 CARROLL AVENUE.
- Sponsors: Carter III
- Grant a 1-inch variance on the openable height of the egress windows in the northeast, northwest and southwest bedrooms.*
- Referred to the City Council due back on 7/3/2012**
- 56** **RLH FOW** Appeal of Tony Swanson, on behalf of Public Housing Agency of St. Paul, to
12-182 a Fire Certificate of Occupancy Correction Notice at 761 IGLEHART
AVENUE.
- Sponsors: Carter III
- Grant a 4-inch variance on the openable width of the egress slider windows in 761 second floor northeast, southeast, and southwest bedrooms and grant a 2-inch variance on the openable width of the egress slider window in 761 second floor northwest bedroom.*
- Referred to the City Council due back on 7/3/2012**

- 57 [RLH FOW
12-181](#) Appeal of Marcia and Alexandre Hupalo to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 1154 FLANDRAU STREET.
- Sponsors: Bostrom
- Grant a 4-inch variance on the openable height of the egress windows in all bedrooms.*
- Referred to the City Council due back on 7/3/2012**
- 58 [RLH FOW
12-201](#) Appeal of Todd Schneider to a Fire Certificate of Occupancy Inspection Correction Notice at 1350 HEWITT AVENUE.
- Sponsors: Stark
- Grant a 4-inch variance on the openable height of the egress window in the upper level bedroom 1, grant a 2.5-inch variance on the openable height of the egress window in the upper level bedroom 2, and grant a 5-inch variance on the openable height of the egress window in the upper level bedroom 3.*
- Referred to the City Council due back on 7/3/2012**
- 59 [RLH WP
12-54](#) Appeal of Jeff Beissel, Beissel Window and Siding Company, to an Egress Window Non-Compliance Determination at 2184 LARRY HO DRIVE.
- Sponsors: Lantry
- Grant a 7 3/8-inch variance on the openable height of two double hung replacement egress bedroom windows measuring 16 5/8 inches high by 31 3/8 inches wide.*
- Referred to the City Council due back on 7/3/2012**
- 60 [RLH FOW
12-195](#) Appeal of Thomas Bausch, on behalf of Kathleen Bausch, to a Correction Notice-Complaint Inspection at 868 MARGARET STREET.
- Sponsors: Lantry
- Grant a 4-inch variance on the openable height of the egress window in the southwest bedroom of Unit 3 and grant a 3.25-inch variance on the openable height of the egress window in the southeast bedroom of Unit 3.*
- Referred to the City Council due back on 7/3/2012**
- 61 [RLH FOW
12-183](#) Appeal of Gerald Yost to a Fire Inspection Correction Notice at 422 MOUNT CURVE BOULEVARD.
- Sponsors: Tolbert
- Grant a 3-inch variance on the openable height of the egress windows in the east and west bedrooms.*
- Referred to the City Council due back on 7/3/2012**
- 62 **RLH FOW
12-189** Appeal of Arta Cheney to a Fire Certificate of Occupancy Inspection Correction Notice at 808 PASCAL STREET NORTH.
- Sponsors: Stark

Grant a 6-inch variance on the openable height of the egress window in the front bedroom lower unit; grant a 3-inch variance on the openable height of the egress window in the rear bedroom lower unit; and grant a 6.5-inch variance on the openable height of the egress window in the upper unit bedroom.

Referred to the City Council due back on 7/3/2012

63

[RLH FCO
12-327](#)

Appeal of Lori Kustritz to a Fire Certificate of Occupancy Inspection Correction Notice at 1960 SAINT CLAIR AVENUE.

Sponsors: Tolbert

Grant a 3-inch variance on the ceiling height in the basement.

Referred to the City Council due back on 7/3/2012

64

[RLH FOW
12-194](#)

Appeal of Marjorie Olson to a Fire Certificate of Occupancy Correction Notice at 1945 SHERWOOD AVENUE.

Sponsors: Bostrom

Grant a 2-inch variance on the openable height of the egress windows in all east side bedrooms.

Referred to the City Council due back on 7/3/2012