



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final Legislative Hearings

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Tuesday, October 2, 2012

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Special Tax Assessments

- 1 [RLH TA](#)
[12-495](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1208E, Assessment No.128311 at 918 CASE AVENUE.

Sponsors: Bostrom

Delete the assessment.

RE: 918 Case Ave (single family)

Jesus Balderrama Jr, owner, appeared along with Jesus Balderrama Sr.

Ms. Moermond:

- looks like an assessment for many trips by the inspector to resolve the issue

Inspector Joel Essling:

- \$50 Excessive Consumption fee for noncompliance on an Order

- Order issued Apr 26, 2012; compliance date May 1, 2012

- 3 items on the Correction Notice

- the item at issue here is siding and fascia on the house

- Correction Notice is actually ancillary to the complaint, which was regarding animal feces and urine in the yard

- while inspector was there he also issued the Correction Notice for items on the house

- that's an awfully short compliance time for items on the house

- file was closed Aug 30, 2012 - not clear from the inspector's notes if the siding was repaired

- issue with animal feces was taken care of

Mr. Balderrama Jr:

- he misunderstood what the inspector was talking about the siding; actually, the back of the house was missing a couple of pieces, which he replaced

Mr. Essling:

- the Excessive Consumption was issued May 23, 2012

- that gave the property owner approximately 1 month to finish with work

- he recommended deleting the fee and asked the owner if he can finish that work by the time the snow flies

Mr. Balderrama Jr:

- can you be clear about what exactly we're talking about because the photo is not of siding but of fascia
- the siding is done
- a piece of fascia flew off in one of the storms and he just hasn't replace it yet

Mr. Essling:

- the Order says, "Siding and Fascia"
- showed photo
- recommends deleting the assessment if the fascia work can be done by Oct 31, 2012

Ms. Moermond:

- will recommend the City Council delete this assessment

Referred to the City Council due back on 10/17/2012

2 [RLH TA
12-504](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1212A1, Assessment No. 128530 at 987-989 DAYTON AVENUE.

Sponsors: Carter III

Delete the assessment.

RE: 987 989 Dayton Ave (two-family dwelling)

Willie Mae Day, owner, and her sister, Patricia Thomas, appeared.

Inspector Joel Essling:

- clean-up fee \$310 + \$155 service charge = \$465
- Summary Abatement issued May 10, 2012; compliance May 16, 2012
- re-checked for 2 items: 1) garbage and refuse, underlined Tires; and 2) cut tall grass and weeds
- photos shows 4 tires near garage
- has a Video
- Work Order was to remove tires
- he is somewhat dismayed that the inspector issued a Work Order to remove those tires knowing what the cost was going to be; the inspector could probably have gotten someone from Mosquito Control MN to remove those tires at no cost
- appears to be illegal dumping
- inspector Notes: received a call from Mary at Ramsey County (?)
- would recommend, at least, a reduced assessment

Ms. Day:

- situation is that there has been illegal dumping at that spot before (in alley behind post); multiple times
- her niece called the city and said that they were getting frustrated because of the illegal dumping; she asked what they could do; the inspector suggested putting up a light; however, they are not in a position to pay for a light to go up in that alley
- they even have a sign "No Dumping" but it continues to happen
- there is a light out there but it doesn't really deter the dumping
- they have always gotten rid of whatever had been dumped; this time, they weren't aware of it right away and didn't get rid of it in time

Mr. Essling:

- suggested getting a sign, "Under Video Surveillance; also a motion detector

Ms. Moermond:

- the garage has been painted over; Appellant was a victim of graffiti
- is the garage used?

Ms. Day:

- the garage stores an inoperable vehicle

Ms. Moermond:

- the photo shows that the garage door is in disrepair and that the siding needs some work, too, which creates a visual effect that invites dumping
- it looks as though the garage is not cared for
- it would help to fix up the garage door and siding
- will recommend deleting this assessment

Mr. Essling:

- suggested that if she gets a Notice to call the inspector right away

Referred to the 10/17 City Council

3 [RLH TA
12-496](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1208E, Assessment No. 128311 at 773 WHITE BEAR AVENUE.

Sponsors: Lantry

No show; approve the assessment.

RE: 773 White Bear Ave (single family)

Ms. Moermond:

- will recommend approval of this assessment.

Referred to the City Council due back on 10/17/2012

4 [RLH TA
12-455](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1213A, Assessment No. 128524 at 530 THOMAS AVENUE.

Sponsors: Carter III

Approve the assessment and spread the payments over five years.

RE: 530 Thomas Ave (single family)

Chong Lor, owner, appeared. (Panhia Vang, co-owner)

Inspector Joel Essling:

- don't have Videos here
- a preliminary Vacant Building file was opened Jun 16, 2012 (no placard)
- \$476 assessment plus a \$270 service charge = \$746
- 2 Work Orders: 1) clean-up; and 2) cut tall grass and weeds
- Summary Abatement Notice issued May 31, 2012; compliance date Jun 6, 2012
- language inserted: open garbage at rear of property; accumulated refuse
- tall grass and weeds letter issued Jun 13, 2012; compliance date Jun 16, 2012
- clean-up done Jun 13, 2012
- grass cut Jun 22, 2012
- Notices were sent to Chong Lor, Panhia Vang and Occupant at 530 Thomas Ave
- there was no returned mail

Mr. Lor:

- bought property end of Apr 2012
- his uncle lives there, temporarily; Mr. Lor plans to live there when the upstairs is finished
- place was filled with 4-5 inches of grass and leaves thick; they cut down a lot of trees and grass; had 20-30 bags of grass, etc. they cleaned out as much as they could outside
- they wanted to move in – the inside needed major remodel; so, they invested time on the inside; he works 2 jobs but he was there every other day cleaning up in the evenings and on Saturdays
- they cleaned up all the leaves the neighbors had dumped on his property and also cleaned up the back yard
- this stuff was from remodeling the inside of the house; he came on a Sat to take it away but it was already gone
- he never received any letters or notices from the city; only mail they get is ads for windows
- the city up after he had already cleaned up most of it; a couple truck loads
- he and his uncle both get their mail at 530 Thomas

Ms. Moermond:

- photos show a big mess
- needs to look at the VIDEOS of this; will make her decision after she sees the videos
- according to the city's records, Orders were mailed to Mr. Lor, the previous owner, Panhia Vang and to Occupant; the city fulfilled its obligation

Mr. Lor:

- swears that he did not get any of the letters or Notices from the city
- even his insurance company got back the mail they sent to him twice

Ms. Moermond:

- will look at the Videos at 10:45 a.m. this morning
-

Back at 10:45 a.m.

Viewed VIDEOS

Mr. Lor:

- he received no notices
- asked to see a copy of the letters that had been sent
- the city didn't do anything in the front; he had done it
- the city did clean up a little in the back but he had cleaned up most of it

Ms. Moermond:

- it appears that Mr. Lor did a lot of clean-up; however, the city also did a lot and legal notice was provided
- all letters were sent to the same address
- will recommend this assessment be approved payable over 5 years (recognizes financial hardship)
- at City Council Public Hearing tomorrow, Oct 3, 2012 at 5:30 p.m.

Referred to the City Council due back on 10/3/2012

- 5 [RLH TA](#)
[12-498](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1202V, Assessment No. 128002 at 1163 KENNARD STREET.

Sponsors: Bostrom

Approve the assessment.

RE: 1163 Kennard St (single family)

Ms. Moermond:

- *is not learning anything from the police report*
- *do we know if this car had tabs? he said he had tabs*

Inspector Joel Essling:

- *the Tow Order says: Toyota - maroon - parked on unapproved surface (we don't tow for this) and lacks current tabs*

Ms. Moermond:

- *the car was moved from the unapproved surface*
- *will recommend approving this assessment*

Referred to the City Council due back on 10/17/2012

11:00 a.m. Hearings

Summary Abatement Orders

- 6 [RLH SAO](#)
[12-30](#) Appeal of Thomas Boeltl and James Boeltl to a Summary Abatement Order and Vehicle Abatement Order at 1706 FIELD AVENUE.

Sponsors: Tolbert

Grant until November 1, 2012 to bring the Ford pick-up truck and tent like structures to come into compliance . Owner will need to pull a permit for the tents and if there is a sign-off on the tents indicating that the structures are structurally sound, the tents can remain on the property.

RE: 1706 Field Ave (single family)

Thomas Boeltl and James Boeltl, owners and brothers, appeared.

Inspector Joel Essling:

- *an appeal of a Summary Abatement and Vehicle Abatement issued Sep 17, 2012 with a compliance date of Sep 24, 2012*
- *additional language inserted: including storage in the tent-like structures and the pick-up bed; remove the tent-like structures from the yard*
- *photos*
- *vehicle abatement relates to 2 vehicles that lack current plates, are missing vital parts and are inoperable*
- *it appears there's some kind of scrapping operation going on at this property according to the complaint, which is very specific regarding vehicles, scrapping, accessory structures and storage in the yard*

Mr. Boeltl:

- *re: the tent-like structures, when they put them up, a Ms. Skally said we could keep our cars in there; he has his street rod in there*

- she said it was alright; had it there for 5 years; it's parked in the back so no one can get in there
- no photos of the street rod - it's in one of the structures

Ms. Moermond:

- cars in question: 1) Ford - yellow and brown; and 2) one green with some blue
- both cars have tabs (has DVS receipts; check book ledger; insurance papers)
- one set of tabs has been on since Jan 2012; the other since May 2012

Mr. Boeltl:

- hasn't been able to do too much; has had knee operation and has developed a bad rash-reaction on face and scalp
- the day Mr. Eastman was at the yard, his leg started to bleed; Mr. Boeltl asked Mr. Eastman to look at his leg but Mr. Eastman wouldn't
- he found a man in the yard taking pictures; when Mr. Boeltl came out to the yard, he asked the man a few times if he could help him and the man just asked for his name and address
- the Saturn is going to be picked up by Crossed-Out Auto Fri
- he has someone from Lakeville helping him to get the Ford pick-up truck going
- his intentions were to get the things done but thinks he probably is in depression again because he just put things off
- people in the neighborhood just drop off metal in the truck; it just got out of hand and he's not been around for a while
- he's connected to the service and he's been at the Chateau
- he goes to group meetings at the VA
- the metal is all cleaned-up around the vehicles now
- the Saturn tab is yellow; it expires in Dec (the Saturn will be gone Fri)
- the Ford pick-up truck needs a part

Mr. Essling:

- the surface looks to be approved
- could the pick-up be up and running by Oct 17, 2012?

Ms. Moermond:

- will given Mr. Boeltl a deadline of Nov 1, 2012 to get the Ford pick-up running
- if it's not running by then, Mr. Essling will send a Work Order for it to be towed
- the tent-like structures are considered buildings once they are bigger than 8 x 10; so, you'd need a building permit for them
- go talk to the building inspections to pull a permit; if you get a sign-off that they are safe and OK, she will also be OK with them remaining
- deadline on the building permit Nov 1, 2012

Mr. Essling:

- since Mr. Boeltl's garage is filled and there is other stuff in the yard that he wants to get rid of, the city may be able to get him a roll-off at no cost to get rid of the stuff; call Mr. Essling, if he's interested.

Referred to the City Council due back on 11/7/2012

7 [RLH SAO](#)
[12-29](#)

Appeal of Darlene Evans to a Summary Abatement Order at 1009 SIMS AVENUE.

Sponsors: Bostrom

Laid over for 30 days pending sale of the house with a condition that the dogs not remain at the property.

RE: 1009 Sims Ave (single family)

Thomas Evans, son of Darlene Evans, owner, appeared.

Inspector Joel Essling:

- *this is a Category 2 Registered Vacant Building since Jul 8, 2011 at which time it was Condemned for utility shut-off*
- *subsequently, it became a foreclosure*
- *the VB file was opened; then, it became a HUD house and the VB file became dormant*
- *the property was sold and purchased by Darlene Evans, who was not aware that it was a Registered Vacant Building*
- *now, Mr. Tom Evans stated that there's a pending sale (VB inspector also told him that)*
- *if the sale takes place, then Ms. Evans will be out from under; however, this issue is about a Summary Abatement issued Sep 13, 2012 with a compliance date of Sep 18, 2012*
- *secure the building - all first floor doors and windows must be boarded*
- *animals may not be kept in the house; dogs will be removed by Animal Control if left in the house*
- *there are 2 dogs in the house and there's been a problem with the possibility of the dogs breaking some windows*
- *he would recommend laying this over for 30 days, pending the sale of the house with the provision that the dogs are not kept in the house and the understanding is that if the inspector finds the dogs in the house, he will have the dogs removed and board the first floor*
- *it's standard policy that animals not be kept in registered vacant buildings*

Mr. Evans:

- *right now, they are trying to sell the house*
- *they have spent a lot of money on the dogs, so, they are trying to find another house*
- *he goes there 3 times a day*

Ms. Moermond:

- *this Order was written Sep 13, 2012 and gave the Appellant 5 days to get things taken care of*
- *ordered the Appellant to remove the dogs within 24 hours; get them to a safe place to live*
- *the boarding can wait but those dogs cannot be living in a registered vacant building*

Laid Over to the Legislative Hearings due back on 11/6/2012

8 [RLH CO
12-16](#)

Appeal of Elizabeth Onsted to a Correction Notice at 708 SIMON AVENUE.

Sponsors: Brendmoen

Inspector gave owner extension until October 31, 2012 for compliance.

Withdrawn

Orders To Vacate, Condemnations and Revocations

9 [RLH VO
12-96](#)

Appeal of Francis X. Viggiano to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 581 PARK STREET.

Sponsors: Carter III

Grant until December 15, 2012 to bring list into compliance with the exception of the tank, chimney and tuckpointing which is granted to June 1, 2013.

RE: 581 Park St (duplex)

Francis X. Viggiano, owner, appeared; both his tenants also appeared.

Fire Inspector A. J. Neis:

- Revocation of a Fire Certificate of Occupancy and Order to Vacate by Fire Inspector Bill Beumer

- inspected Sep 10, 2012;

- 34 code violations listed

- photos in Amanda

- Inspector Beumer said that the lower unit has a very strong cat urine smell

- in addition to the code violations is an Order to Vacate by Oct 1, 2012, today, by 1:30 p.m.

Mr. Viggiano:

- background - has owned this building almost 25 years; it was his former residence

- he has been through many inspections and has always complied with their wishes

- he had a situation with tenant Michael's mother-in-law became a hoarder; he first found out about this past spring-summer

- he went to talk to her about it; that they had to work together to get it under control; they got her into a high rise; got a giant dumpster and filled it, which took weeks to get things cleared out - they worked with the inspectors; he was told by the inspectors that the priority in such a situation was to get the combustible materials out, clear the hallway and clear the rooms; he, personally, worked with Mike and his family; the tenant upstairs also helped out

- during that clean-up process, he got the list of 34 violations, a very large list for him

- the inspector was in last year and all was complied with; the inspectors told him not to worry about the list - just get the hoarding situation taken care of first

- he put in every available moment; both tenants worked together; the dumpster was filled; some stuff was stored at another property

- both tenants have been at the house for over a decade and they know each other well

- thinks they have completed 18 items on the list

- subsequent letter mentioned a tank in the basement; it has always been there since he bought the building in 1985 - now, it has to be removed, which will be a big issue for him

- the front porch is another big issue; he hasn't gotten an explanation of what needs to be done with it

- when this process began, he was assured that he'd have enough time, particularly, on the large items, to be able to come up with the money and to work with the tenants to ensure that they are in a safe environment

- he has a good record and doesn't intend to walk away from doing what he needs to do but taking away the C of O doesn't help the situation; it makes it 10 times worse:

1) it puts 2 people out on the street; and 2) it puts him into a position where he has to consider possible bankruptcy because if he can't pay the mortgage and the bills, then, he can't pay the contractors to come in and do what is supposed to be done

- hindering him somewhat is another one of his houses at 125 Como, which was a drug house; he worked with the gang unit on that house; those guys broke into his house, they took his pipes, they ran his tenants off; then, they called the city inspectors and had his house Condemned after they did all the damage; he spent \$62,000 bringing that house back up to code, during which time he worked with every

inspector (he has a good record of working with people to get things done - is just a matter of resources many times); these guys moved in from Indiana and were criminals; and he couldn't even get Xcel to shut off the electricity; this went on for almost 1 year (they threatened his life, calling his house; his wife wanted to buy him a bulletproof vest)

- in the middle of working on 581 Park St, he is having break-ins again at 125 Como)
- he is trying his best to juggle the situation with the resources that he has; and his tenants have been very cooperative
- wants his tenants to be able to stay in the building while he does the work necessary
- some items can't be done in cold weather
- he needs more time

Mr. Michael Ewing, tenant:

- he has been cleaning the downstairs; and painting
- he is willing to clean the carpet; explained that the stains on the carpet are from his coffee cup breaking
- he has cat boxes and he does clean them except when they are gone for 2-3 days at a time

Mr. Neis:

- re: strong urine odor and the condition of the carpeting - many times, once there's been urine stains on a floor, the odors and toxins seep into the floor boards of the house making it impossible to be cleaned unless they are actually removed; at least, they must be disinfected
- if the carpeting and floors were determined to be urine soaked, it would create a "gross and unsanitary" condition, which would also affect the habitability of the unit

Ms. Moermond:

- asked which items will take longer and require more time

Mr. Viggiano:

- the tank in the basement
- replacing the whole stairwell in the basement; there's no reason that the tenants needs to use the basement - everything's been cleared out; he's the only one that has access to the basement
- the chimney (has never been cited before; have never had problems with the chimney or with heating)
- building built in 1880s - they haven't had problems with bricks falling or mortar - he would hate to go up there and disturb something, which could open up a whole new can of worms
- they may need to take the front deck down; that wasn't clear in the Orders (his contractor said that he couldn't get his questions answered when he talked to the inspector on the phone)
- weren't clear about the porch on the side of the house either; they built new stairs and had it reinforced about 4 years ago - replaced boards, etc.

Ms. Moermond:

- scrolling through photos looking for the "damaged structural member" (Mr. Viggiano said he didn't know where that was either); it says, "joist above the stairway and 2 x 4 post"

Mr. Neis:

- it's hard to see on the photo but the 2 x 4 may be bearing some of the load of the overhead beam
- with hoarding, you can't see everything that's wrong with the building because of all

the stuff; so, once you can see more, you may find more violations
 - item #9 on deficiency list is pretty clear - "repair the damaged gates, rails, joist and floor boards where needed on both decks"
 - item #11 - "repair the sagging beam
 - according the photos, some of the spindles are deteriorated, rotted, pulling away

Mr. Viggiano:

- those were not in the original letter that he received; the original letter he received asks for guardrails and set the spindles properly
 - his item #9 says "current license tabs on vehicles"
 - from the original letter (Aug 10) he received, it didn't appear that there was major work required; apparently, things were added to the list and he never received it (Sep 10); he's been working off the Aug 10 list; he saw the Sep 10 letter/list that his tenants had
 - he and his contractor are not clear on what needs to be done with the deck and the porch; he called the inspector to come out and explain specific things which he hasn't done
 - they did as much as they could: removed everything from basement; got the vehicle tabs; worked with tenant to get windshield for his car; put up visible address numbers; new exhaust box in upper and lower units; repaired and painted all windows; outside window frames; took care of the grass and weeds; added a deadbolt lock on front door; gave keys to tenants; worked with tenants to clear the escape windows; cleared materials from sleeping room; discontinued use of extension cords; the dogs have been licensed; attempted to clean everything in a clean and sanitary manner; used the Rug Doctors twice in the last couple of months
 - repaired doors, removed materials from egress windows, repaired latch on doors in upper unit
 - hard-wired smoke detectors are working; doesn't have copy of affidavit
 - contractor said the deck on the north side may need to be taken down (he hasn't ever taken down a deck)
 - first set of Orders issued late Jun 2012
 - they were in constant contact with the substitute inspector while they were going through and cleaning the house, personal items box by box; it's tedious; they wanted to respect the dignity of the person involved

Ms. Moermond:

- will go to Dec 15, 2012 on all of the items except for the oil tank in the basement and chimney tuckpointing, which must be in compliance by Jun 1, 2013
 - Appellant will receive a letter

Referred to the City Council due back on 11/7/2012

11:30 a.m. Hearings

10

[RLH VO
12-95](#)

Appeal of Richard Ostaba to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 1501 YORK AVENUE.

Sponsors: Bostrom

Deny the appeal on the roof and grant an extension to November 15, 2012 for compliance.

RE: 1501 York Ave (single family)

No one appeared.

Fire Inspector A. J. Neis:

- Sr. Building Inspector Steve Ubl went to the property yesterday and took photos of the roofing structure

- Mr. Ubl informed Mr. Neis today that the new existing roofing materials are not in compliance with today's code nor with the codes under which it was constructed to begin with and it wasn't being maintained under those codes; and therefore any maintenance definitely requires a permit; and the new materials were not proper
- in addition to the work that was done, it was done improperly (exposed nails, etc)
- even if a permit has been obtained, the way the work was done would never have been approved

Ms. Moermond:

- the deadline for this work to be completed is Nov 15, 2012

- City Council Public Hearing Oct 17, 2012

Referred to the City Council due back on 10/17/2012

11 [RLH SAO
12-31](#)

Appeal of Charles Drake to a Summary Abatement Order at 1205 BEECH STREET.

Sponsors: Lantry

Owner in compliance.

Withdrawn

12 [RLH VBR
12-68](#)

Appeal of Lien Kim Dang to a Vacant Building Registration Notice plus Notice of Condemnation as Unfit for Human Habitation and Order to Vacate at 572 VAN BUREN AVENUE.

Sponsors: Carter III

Deny the appeal on the condemnation and order to vacate and waive the vacant building fee for 6 months.

RE: 572 Van Buren Ave (single family)

Lien Kim Dang, tax owner and homesteader, appeared.

Diem T. Cao, Lien's Mental Health Case Worker, appeared and interpreted Vietnamese Interpreter, Hoa Young, Planning and Economic Development (PED) appeared.

Ms. Moermond:

- a very serious situation - 1) Condemnation-time certain that Appellant needs to be out of the building; and 2) requiring the building to become a Registered Vacant Building and enter into that program (needs an annual VB fee of \$1,100; it also needs a Certificate of Code Compliance before it can be re-occupied)

- most likely looking at between \$50,000 - \$75,000 rehabilitation cost in order to make it habitable again

- rehab may not be a practical route to go for the Appellant

- there's definite contamination, although Ms. Lien has done a marvelous job of cleaning; rat and fly infestations need to be addressed; the electrical system has been damaged; the plumbing system needs extensive work; etc.

- explained that her job is this to review all of the situation and develop a recommendation for the City Council to consider; they are ultimately the decision-maker on this

- in cases as severe as this, her decision will be "the decision" until the City Council

has its Public Hearing Oct 17, 2012

Ms. Lien:

- wonders why the building is labeled "vacant" when she has lived in it for 12 years?*
- needs background information*
- she doesn't know the cost of the house but she has paid over \$300 monthly for 12 years (Contract for Deed)*
- went to Greater Frogtown CDC; they did some work on the house (may have a loan with them)*

Inspector Joel Essling:

- house built 1899*
- listed tax owner is Lien Kim Dang*
- listed owner is Van Tranh Tran, also appeared at the time of inspection*
- it would be helpful to know how much Ms. Lien owes to determine if the house is worth repairing*
- Greater Frogtown CDC contacted him because of Ms. Lien's loans; they did some work on the house in 2009; she has another loan from Frogtown CDC*
- he provided the CDC with a copy of the Condemnation*
- is it worth putting more money into this house?*
- it would also be good to know how much of a down payment Ms. Lien made*

Ms. Cao:

- she called the owner, Van Tranh Tran, who said he would be here today*

Interpreter Hoa Young:

- Ms. Lien believes that Frogtown CDC will be fixing a lot of things in the house and she thinks that it's worth it*

Mr. Essling:

- the main issue that started this was that the soil stack has a hole in it; sewage was leaking into the basement*
- the water was shut-off because of the hole in the soil stack (where the toilet, bathtub and sinks drain - a large pipe that comes down the basement and takes all the waste out of the building)*
- has photos which Mai Vang is printing*

Ms. Cao:

- explained to Ms. Lien what Mr. Essling just explained*
- Ms. Lien always goes back to Frogtown CDC saying that the inspector came at a time when the things were not fixed*
- Ms. Lien is frustrated; the CDC is trying to help but now she is kicked out of her property*
- because the property is Condemned, her mail is not getting to her; medicine is not getting to her, either (Ms. Moermond: suggested that Ms. Cao help Ms. Lien to do a temporary change of address form and have her mail delivered somewhere else); she is staying with her goddaughter across the street; they will go to the post office today to change her address; her food stamp card could also not be delivered (Mr. Essling: suggested that Ms. Lien also put a note on her door to the post person that she is living across the street, temporarily)*
- a public health nurse comes to see her and puts out her medication; maybe is waiting for her to tell her of a change of address*
- Ms. Lien is the one who called to shut-off the water; it wasn't because she didn't pay her bill*
- wants to clarify that she is not living at this address; she lives across the street with her niece*

- expressed that the problem with the house is not her fault and Greater Frogtown CDC is supposed to fix it

Mr. Essling:

- more violations: the water supply was leaking, which caused damage to the electrical system (inoperable receptacles, switches, lights and exposed wiring)
- rat and fly infestations
- gas dryer lacks shut-off
- missing front landing; missing from railings on the front stair
- there is or was excessive storage and clutter in the house
- when a house is Condemned, it means that it cannot be occupied (no one can be living there until the items on the Condemnation list have been repaired)
- the list of problems are on page 2
- the only reason someone can be at the house is for cleaning and doing repairs; and in this case, she can't do the repairs herself
- the house is uninhabitable; it's not safe for human habitation

Ms. Cao:

- Ms. Lien understands the concerns
- Ms. Lien thought that by filing the appeal, she would be able to reverse the Condemnation
- Ms. Cao will contact Greater Frogtown CDC to find out the status of the project and loans
- she is trying to get Community Action involved also - to see if there's funding available to help
- Ms. Lien knows that she is not supposed to be in that house
- the VB fee is out of Ms. Lien's reach and would create more barriers for her
- Patty Lammers is the person Ms. Lien works with at the CDC

Mr. Essling:

- thinks there's some confusion here; he keeps hearing the term "project" and there is no "project"; it's his understanding that the "project" was finished years ago
- Frogtown CDC did not and had no intention of doing any work on the interior of the house; that's his understanding; they work only work on exterior
- thinks that Ms. Cao needs to talk to them about that if Ms. Lien has the understanding that they will help her fix some of the interior items

Ms. Moermond:

- by virtue of this building being Condemned and Ordered Vacated, Ms. Lien has entered another level of required repairs; because it's been Condemned, this place has to be "code compliant" before she can move back in again; so, it's not just the items on this list; it's much more: 4 trades inspectors will be sent through the house to make sure that the systems are minimally safe (electrical inspector; plumbing inspector; building inspector; and mechanical inspector); this inspection needs to be paid for up front, approx. \$450; then, the work will need to happen and maybe Frogtown CDC may be able to help
- in her view, conditions here are so bad that it has to have a Code Compliance Inspection Report
- she can recommend the city waive the VB fee for 6 months to give these other organizations time to respond and help her out; and if that work can get done within that time period, she won't have to pay the VB fee
- if she isn't able to get it done in 6 months and the fee comes up, she can appeal the fee and Ms. Moermond can recommend dividing payments over 5 years (a smaller amount on property taxes)
- the big concern is how will Ms. Lien finance the repairs that she will end up with coming from the Code Compliance Inspection Report (\$50,000 - \$75,000)

Ms. Cao:

- asked what Ms. Lien's other options would be because Ms. Lien does not have the money to fix the house up totally; it would just be another loan on top of what is already there (to walk away - hand it over to the owner?)

Ms. Young:

*- PED has money; she suggested that they talk to Michelle Vojacek, 651-266-6599; they will look into whether or not it's worth saving or putting in the money
- perhaps, Ms. Lien could look into public housing, etc.*

Mr. Essling:

*- first thing is to figure out if the CDC will actually help
- re walking away: it's certainly an option but they need to read the Contract for Deed very carefully; if Ms. Lien walks away from it, the contract holder might be able to come after her, legally; he may be able to sue her; he suggested getting legal advice*

Ms. Moermond:

*- since Ms. Lien gets Social Security, she wants Ms. Cao to contact Southern MN Regional Legal Services (SMRLS); they have a grant for working, especially, with populations who are non-native speakers (people who may have been taken advantage of - they would be able to help her get out from the Contract for Deed so that debt wouldn't follow her forward)
- at SMRLS, contact Larry Moloney
- Ms. Lien needs to know that almost all the money she's put into the house is not there anymore; the value of the building doesn't support all the payments that she's been making
- perhaps, Ms. Cao and Ms. Lien would be well served to sit down with Patty Lammers, CDC, and at the same time with Michelle Vojacek (Ms. Vojacek also serves on the Board of Directors for the Greater Frogtown CDC)
- will recommend the Council deny this appeal and waive the VB fee for 6 months (may ask for more time after that)
- City Council Public Hearing Oct 17, 2012
- Mai Vang will copy Ms. Cao on the letter she will be sending to Ms. Lien*

Referred to the City Council due back on 10/17/2012

1:30 p.m. Hearings

Fire Certificates of Occupancy

- 13** [RLH FCO 12-553](#) Appeal of Joy Albrecht to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 1529 GRANTHAM STREET.
- Sponsors:** Stark
- Grant until July 1, 2013 by adding more class 5 and make clean boundaries to the driveway/parking space. (owner need to move the boat)*
- 1529 Grantham Street (single family)*
- Joy Albrecht, owner appeared*
- Fire Supervisor Shaff:*
- fire certificate of occupancy inspection conducted by Inspector Migdal*

- LH held on 9/14/12 and laid over to obtain photos of driveway
- inspector said all parking surfaces shall be paved with asphalt, concrete, or durable asbestos surfacing
- Ms. Albrecht and inspector submitted photos

Ms. Moermond:

- would like to see an aerial photo or diagram to see how the driveway fits in overall
- seeing that the gravel has spread and she wants to see the lines cleaned up
- orders say to pave the driveway but she would be okay with Class 5 gravel

Ms. Albrecht:

- do not want to pave because the garage may be replaced in a few years
- asked about lining with pavers or something to make it look more defined
- the boat has not always been there & it can be moved

Ms. Moermond:

- viewed aerial photo in Amanda
- nice clean driveway
- move the boat
- put in edging/pavers
- appears she was given an extension on the furnace to October 15; asked about that situation

Ms. Albrecht:

- her son who's living there has been in touch with contractors
- maybe will use space heaters in part of the house

Ms. Moermond:

- must have heat issue addressed by October 15
- must maintain a minimum temperature
- space heaters can be used until November 15 as a temporary solution
- by 11/15 a permanent solution should be in place
- driveway edging to be done by July 1, 2013
- boat to be removed before winter

Referred to the City Council due back on 11/7/2012

14 [RLH FCO
12-575](#)

Appeal of Patrick Boemer to a Fire Certificate of Occupancy Correction Notice at 225 SEVENTH STREET WEST.

Sponsors: Thune

Grant a month to get sprinkler or fire alarm system bids and then grant four months to install the system.

RE: 225 Seventh St W (commercial / apartments)

Patrick Boemer, Certificate of Occupancy Responsible Party, appeared.

Fire Inspector Kris Skow-Fiske:

- Fire Certificate of Occupancy inspection
- found the occupant load is over 300, which requires a fire alarm system to be installed
- their occupant load is 399 when she recalculated it; previously, it was over 500

Mr. Boemer:

- doesn't understand why after 30 years, he is now required to put in a fire alarm

system, which will be very costly
- they expanded in 2000 putting in more seating but nothing has changed since 12 years ago
- does not have a bid

Fire Inspector Leanna Shaff:

- the addition that was made in 2000 doesn't have a finalized building permit (the permit was closed without approval); typically, plans need to be approved

Ms. Skow-Fiske:

- calculations of occupant are done by square footage, the type of seating (fixed / table and chairs); 2nd floor = 65; main floor = 160 and lower level = 74 (Mr. Boemer: the lower level is used only on St. Patrick's Day)
- all square footage goes into the occupant load calculation
- fixed seating allows more occupants than tables & chairs

Mr. Boemer:

- it's curious - "when the occupant load was 500, I wasn't required to have a fire alarm system installed; however, now at 399, I am required to do so"
- he needs time to get some bids and then a couple of months to do the project; maybe 2 phases: upstairs and downstairs

Ms. Moermond:

- at 500, they didn't make the call - it was an error on their part; now, the error is being corrected
- fire alarm system or sprinkler system - either would be acceptable
- she will allow 1 month to get bids and 4 months to finish
- need to get the bids and plans back to Kris
- price out both options; however, she doesn't think that retrofitting with sprinklers will not be as effective (Mr. Boemer: maybe it will be, insurance-wise)

Ms. Shaff:

- after going back through the files, she found a couple of permits that had been closed without being finalized
- patio; accessory structure
- it's incumbent upon the permit holder to call for inspection (contractor usually does that)

Ms. Moermond:

- advised Mr. Boemer to call the contractor and tell them to get the final inspection taken care of
- Mr. Tank will follow up on all the permits that haven't been finalized

Steve Ubl, Sr. Trades Inspector:

- believes that he was out on Mr. Boemer's property under a couple different addresses
- Mr. Bloom had some conversation about getting closure on some of the stuff
- suggested that Mr. Tank get a hold of Mr. Boemer's contractors
- also suggested that Mr. Boemer's contractors talk to Plan Review about what would be required regarding plans for putting up a suppression or sprinkler system (designs and requirements)

Mr. Boemer:

- after Mr. Ubl had been out there, Dave Tank came out to check all the finals

Referred to the City Council due back on 11/7/2012

- 15 [RLH FCO
12-578](#) Appeal of Debbie Kaehler, Kaehler Management, to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 719 EDMUND AVENUE.
- Sponsors:** Carter III
- Deny the appeal and grant until July 1, 2013 to put in more class 5 and make clean boundaries to the driveway/parking space.*
- 719 Edmund Avenue (duplex)
Debbie Kaehler, Kaehler Management*
- Fire Supervisor Shaff:*
- Fire Certificate of Occupancy re-inspection conducted on September 17, 2012 by Inspector Michael Efferson
 - deficiency list comprised of one item – the driveway
- Ms. Moermond:*
- looked at photo
 - add more Class 5 gravel and put in a landscaping solution to contain it
- Ms. Kaehler:*
- she could take Class 5 up to the garage which would take care of the small portion of grass and put a border, such as timbers, to the east
- Ms. Moermond:*
- suggested taking out the grass by the garage door before laying the Class 5
 - grant until July 1, 2013 for the driveway to come into compliance.
- Referred to the City Council due back on 11/7/2012**
- 16 [RLH FCO
12-581](#) Appeal of Winnie Crosbie to a Correction Notice-Complaint Inspection at 391 SHERBURNE AVENUE.
- Sponsors:** Carter III
- Grant a variance on the lower unit east bedroom room size but can only use as a juvenile bedroom with a twin size bed and no furniture blocking the window.*
- 391 Sherburne Avenue (duplex)
Winnie Crosbie, W & D Investments, Owner*
- Fire Supervisor Shaff:*
- correction notice complaint inspection conducted by Inspection Spiering
 - lower unit east bedroom – Legislative Code requires one occupant gets minimum of 70 sq. ft. for sleeping room
 - this room is 8'6" x 6'6" plus another 3' x 2' area
 - inspector calculated that it's 61.25 sq. ft. but it not large enough to be used as sleeping room
- Ms. Moermond:*
- falls 8.75 ft. too short.
- Ms. Crosbie*
- can fit a twin size bed.
 - egress window is in the middle of one wall

- pointed out where door, closet, and single bed are located
- Section 8 inspected and said room size is smaller than standard
- she asked fire inspection to come out so she could go through process to appeal

Ms. Moermond:

- will recommend that the City Council grant a variance if bed is no larger than a twin size and there is no other furniture in the room

Referred to the City Council due back on 11/7/2012

- 17 [RLH FCO
12-574](#) Appeal of Paul Ellringer to a Fire Inspection Correction Notice at 613 BAY STREET.

Sponsors: Thune

Rescheduled per owner's request.

Laid Over to the Legislative Hearings due back on 10/9/2012

- 18 [RLH OA
12-64](#) Appeal of Catherine King to a letter from the Department of Safety and Inspections at 386 AURORA AVENUE.

Sponsors: Carter III

Deny the appeal on the fence and grant an extension to May 15, 2013 for compliance.

RE: 386 Aurora Ave (single family)

Catherine King and her son, Bobby King, Jr. appeared.

Ms. Moermond:

- this is not a typical situation but we come across it now and then
- the staff report will be rather complicated

Steve Ubl, Sr. Building Official:

- a letter was sent Aug 15, 2012 indicating that there was some modifications done to a fence at 386 Aurora Ave and that a permit was required for the modifications that took place
- Aug 30, 2012, a second letter was sent referencing that same thing - that a permit was required for the fence modification; that the fence was in a location where there needed to be an identification of property pins (property markers) and that needed to be shown to the building inspector; the letter stated that they had 30 days to remove any part of the fence that was encroaching onto adjacent property
- both letters reflect a permit from 1999 (a fence permit that was closed because no inspections had taken place on it)
- in between the dates of Aug 15 and Aug 30, 2012, a letter was submitted to the building inspector from the neighbor at 392 Aurora Ave indicating that Margaret LeFleur was submitting a copy of a survey that had been performed on her property showing property pins, structures, driveways, slabs, landscape, existing fence; it also show encroachment of the fence, a slab and some landscaping - at different points: 4.8 ft; and 7.7 ft
- he showed the survey to Ms. Moermond

Ms. King:

- they bought the house in 1981; they have the original survey
- this neighbor moved in 3 weeks after the Kings (she's not a new neighbor)

- what changed the neighbor's property in 31 years?
- the surveys contradict each other

(Mr. Ubl and Ms. Moermond compared the surveys)

- her surveyor has changed her property and put markers so that she can line up with my house and my garage; her property in the back does not join up with mine as you see here on the survey; in the front, she has 58 feet - easy to measure; there's a drain that comes down through where the line is and she's trying to take more land; she should have 55 feet in the front; on the west side of her house (she tried to explain things using the survey)
- introduced her photos to help explain
- the surveyor moved the markers in the front to make the neighbor's line come through Ms. King's garage; he actually dug up where the marker had been and moved it to another spot
- the easement is 16 feet

Bobby King Jr:

- they moved it east 4 feet so the marker starts 4 feet inside of her house
- the surveyor dug up the original pin and put a new pin on the inside part of 4-foot slab; he shouldn't have touched that original pin - that's Ms. King's property; that pin was in there for 30 years

Mr. Ubl:

- if a registered surveyor moves a marker, they have that authority; and Ms. King has the right to find another surveyor who could contradict that
- Mr. Ubl said that he didn't have the right to challenge it; another registered surveyor does have that right

Ms. Moermond:

- asked Mr. Ubl if there are other things that a surveyor would look at outside of the 2 pins (Mr. Ubl: their performance is based on what they are paid to do; in this particular instance, the surveyor was paid to identify and locate property pins; if they are not located where it is thought they should be, they put one in; they also identified 3 other locations where other pins were marked)
- it looks as though the surveyor is saying that the original pin wasn't located in the right place
- here we have the Order to move the fence and we have a border dispute
- in terms of resolving where the property line is - the city can't decide that; only the courts can; in order to bring this to court, Ms. King will need to get her own survey done on her own to confirm her beliefs
- the fence itself: from what information the city has (the neighbor's survey), it is telling Ms. King to move the fence; another thing - when the fence was put up, they didn't do a follow-up inspection
- also, the city is saying the slab crosses the property line
- asked if Ms. King has hired an attorney to write a letter (Ms. King: "No; we are senior citizens and it's tax time; we thought the City of Saint Paul was trying to keep us in the house, not make us move now; we have no money to deal with that crazy lady; we have no money.")

Ms. King:

- the fence is rooted in concrete
- they can't release property to her like that; the bank won't let them
- there are 80 feet of plants, shrubs, trees all the way up the hill - 30 years of stuff

Ms. Moermond:

- advised Ms. King to find out what, specifically, her neighbor is looking for (write a letter about it asking her; it could be that the neighbor wants the fence moved and won't dispute other things; maybe there's something deeper going on; she thinks Ms. King should diagnose that for herself first before she decides to hire an attorney or go into the court system)
- all Ms. Moermond can deal with now is the fence; she can't touch the border dispute
- that's district court

Ms. King:

- the neighbor already told the police what she wants; she wants it all; she wants half of Ms. King's garage
- the neighbor is the one complaining; she can take it to civil court
- the police told the Kings to stay away from the neighbor and they told the neighbor to stay away from the Kings

Ms. Moermond:

- will lay this over to May 15, 2013 to move the fence; she wants to give the Kings time to formally dispute this
- if she gets a complaint from the neighbor, she will have to deal with that appeal, too, and she may call Ms. King back in because things may change based on what the neighbor says

Referred to the City Council due back on 11/7/2012

2:30 p.m. Hearings

Vacant Building Registrations (See 11:30 a.m. item)

Other

Staff Reports