



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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651-266-8585

Tuesday, June 18, 2013

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Special Tax Assessments

- 1 [RLH AR 13-24](#) Ratifying the assessments for Demolition services in December 2012 at 315 Larch St. (File No. J1307C, Assessment No. 132006) (To be referred back to June 4, 2013 Legislative Hearing and July 10, 2013 City Council public hearing)

Sponsors: Lantry and Carter III

RE: 315 Larch St (Misc. Structure)

John E. Norris, owner, and Terry Duggins, attorney, appeared.

Mr. Duggins:

- does not have all the information he needs
- after going through the materials, there were about 5 or 6 categories that were not addressed because he assumed that it was based on the fact that this was handled as a Data Practices Act request (apparently, some of the his requests didn't fall under that umbrella: any and all audio visual tapes; field notes.....
- mainly, what we got were 300+ pages relative to the hearings and things going back to 2010 or so...and we're concentrating on the assessment or the amount of the assessment

Ms. Moermond:

- you have what we have

Mr. Duggins:

- he had mentioned the possibility of subpoenaing some witnesses for the hearing today (Ms. Moermond: she talked with the city attorney about that and she is curious about how she would have the authority to do that because as far as she knows, she does not have the authority to do that)
- he will file whatever documents he needs to file in order to obtain the power of subpoena
- part of the problem: he did receive the work schedules from the firm that he was not even aware existed, J & J, (discovered just before the last meeting); there are 10 individuals listed by only their first name; they are investigating trying to figure out

who these people are so that they can talk to them; they are potential witnesses - members of the work crew who were there

- these workers are mainly Spanish speaking; J & J's website states that all of J & J contracting employees are 40-hour HASMET trained; he wants to verify that because they are billing at \$70/hour for these folks; if they don't speak English, he wants to know where they took the 40-hour HASMET training in Spanish or if they even did; if they are not trained and J & J's statement is not true, they should be looking at the "true" cost

- he also has over 400 photographs and Mr. Norris took - he rented the building across the street and took photos of the process that was going on during the clean-up; Mr. Norris used to be a HASMET-licensed person and he did not agree with what was going on during the clean-up but he was not in a position to say anything because he was not allowed on the property

- he also has 3 CDs with videos on them of things that were going on in the process (he will submit that for Council consideration)

- another factor: the contract said that they had 7 days to start and they had to be finished in 20 days; they started May 20 - didn't finish until Dec (he doesn't know if that contract was officially extended by the city or not; if it was, they would like to see verification of that); that goes back to the people making \$70/hour; and the bill was for sorting the materials (hazardous vs non-hazardous); \$70/hour is way above the market for that period of time

- wants to explore the accuracy of the amount charged

- wants to explore the training of the J & J's workers

Ms. Moermond:

- explained that the city has contracted and so the market does not affect the cost they pay at that exact moment

- there are limited number of companies who do hazardous material work

Mr. Duggins:

- he understands that the contract was not between the city and J & J but between Buberall and J & J, and he'd like to see that contract

Mr. Yannarely:

- part of Buberall's bid is to do an environmental survey (Mr. Duggins: would like to see that, too; especially, the location of where the mercury was located on the property)

Ms. Moermond:

- she did attach some documents from Ramsey County's Environmental document to the record; there were photographs included of the location of the mercury; it didn't show on the site but it did show a slab of concrete that had been opened up and you could see in where the mercury spill was that they were documenting

Mr. Duggins:

- there was a 5,600 sq ft slab of concrete, the floor of the building that was taken down; that concrete had been there for years and years; the mercury was sealed underneath the concrete, if that's where it was located; there was also very old pieces of foam underneath the dirt, etc, as part of the clean-up; he believes that there's a size requirement of 3 x 5 (you are not supposed to bury an pieces of foam bigger insize that 3 inches x 5 inches; that apparently, was ignored) - that would go to the quality of the clean-up, if you are burying things that should not be buried
- he wants to put together a survey of what other firms would have charged
- he is concerned about having been over-charged; about the market rate and about why Buberall hired J & J (all needs to be documented and verified)

Ms. Moermond:

- all this demolition and clean-up comes at a substantial cost; Mr. Norris was required to do this but he did not, so, it becomes the city's responsibility to execute that abatement Order; it seems as though control had been ceded to the city; now, you are arguing with the city about the cost; if Mr. Norris would have wanted to do it more affordably, he should have undertaken it on his own

Mr. Duggins:

- Mr. Norris was still trying to bring the building into compliance; they spent over 4,000 hours during the last 1 1/2 years; that takes us back to the Code Analysis, which they could not get a definition of- but that's all in the past
- he is requesting a 6-week continuance to give them time to find out about the main question: Is there a basis to go forward and challenge the amount of the assessment?

Ms. Moermond:

- the city already has given Mr. Norris a really long continuance on this and she is not interested in going out a lot further; she wants to close this down, knowing there's going to be future steps on it
- she wants to process this more expeditiously
- she wants to see whatever more they can provide for her (photos, videos, documentation about burying things on site, market rate information, etc.)
- at the Jul 10, 2013 public hearing, she will ask the City Council for a month layover to Aug 7, 2013 City Council Public Hearing
- we will wrap up everything at LH Jul 23, 2013
- get all the materials to her by Jul 19, 2013

Referred to the City Council due back on 7/10/2013 (To be laid over to August 7 City Council)

2 [RLH TA 13-216](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1307C, Assessment No.132006 at 315 LARCH STREET. (To be referred back to June 4, 2013 Legislative Hearing and July 10, 2013 City Council public hearing)

Sponsors: Carter III

Appellant to bring new materials for record by the close of business on July 19, 2013, if any.

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Mr. Duggins:

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- after going through the materials, there were about 5 or 6 categories that were not addressed because he assumed that it was based on the fact that this was handled as a Data Practices Act request (apparently, some of the his requests didn't fall under that umbrella: any and all audio visual tapes; field notes.....
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- he will file whatever documents he needs to file in order to obtain the power of subpoena
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- these workers are mainly Spanish speaking; J & J's website states that all of J & J contracting employees are 40-hour HASMET trained; he wants to verify that because they are billing at \$70/hour for these folks; if they don't speak English, he wants to know where they took the 40-hour HASMET training in Spanish or if they even did; if they are not trained and J & J's statement is not true, they should be looking at the "true" cost
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- she wants to process this more expeditiously
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3 [RLH TA 13-389](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1308, Assessment No. 138209 at 1547 ARKWRIGHT STREET.

Sponsors: Brendmoen

No show; approve the assessment.

Referred to the City Council due back on 6/19/2013

4 [RLH TA 13-332](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1305E, Assessment No. 138306 at 963 EARL STREET.

Sponsors: Bostrom

Approve the assessment and spread the payments over 2 years.

RE: 963 Earl St (Single Family)

Carolina Sanchez, owner, and Daniysa Lopez appeared.

Inspector Paula Seeley:

- *Excessive Consumption fee for failure to maintain exterior property*
- *cost: \$120 + \$35 service charge = \$155*
- *Orders sent Jan 3, 2013; compliance date Feb 7; re-checked Feb 7 and found noncompliant (tires and cans in the back)*
- *Excessive Consumption fee sent to owner at 963 Earl St*
- *no returned mail*
- *has history on 12-12-12 for rubbish; 1-20-13 for vehicles, garage, hauler (no closed)*
- *photos*
- *no one complained; she drove by and saw the car, overflowing garbage and materials in the yard*
- *there is also a forthcoming one for \$275*

Ms. Sanchez:

- *did get letters about not having trash hauler service but they do have it; their trash company sent the city a letter*
- *when she called about the appeal, the trash hauler bill had already been removed*
- *we removed car from the yard*
- *her parents live there*

Ms. Moermond:

- *explained that this assessment is because there were too many inspection trips to the property*
- *will recommend the Council approve this assessment payable over 2 years*
- *City Council Public Hearing Jul 10, 2013*

Referred to the City Council due back on 7/10/2013

5 [RLH TA 13-377](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1302V, Assessment No. 138001 at 598 LAFOND AVENUE.

Sponsors: Carter III

Forthcoming; LHO to find out from Impound on rates, signage and other information.

Inspector Paula Seeley provided that information.

Ms. Moermond said that she had attached it to the record.

Legislative Hearing Jul 9, 2013:

Ms. Moermond:

- *will decrease the assessment by \$210 for a total of \$749*
- *reasoning: Ms. Yancy wasn't clear that there were additional costs associated with the Police Dept continuing to hold the vehicle; she is knocking off 2 weeks of storage a the Impound Lot (14 days at \$15 per day)*

Referred to the City Council due back on 7/24/2013

6 [RLH TA 13-280](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1308A2, Assessment No. 138534 at 577 STATE STREET.

Sponsors: Thune

Delete the assessment.

RE: 577 State St (Single Family)

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

Inspector Joe Yannarely:

- snow and ice letter sent Feb 15, 2013; compliance date - 48 hours after postmark
- re-checked Feb 20, 2013 and found in noncompliance
- work done Feb 25, 2013 for a cost of \$40 plus service charge of \$160 = \$200
- history - 2 Work Orders
- Category 1 Vacant Building

Mr. Aguilar:

- their company address is 902 Arcade St
- purchased this property Feb 22, 2013

Ms. Moermond:

- the Order went to the previous owner
- the work was done under Mr. Aguilar's ownership
- will recommend deletion

Referred to the City Council due back on 7/10/2013

7 [RLH TA 13-387](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1308A1, Assessment No. 138533 at 722 CHARLES AVENUE.

Sponsors: Carter III

Approval.

RE: 722 Charles Ave (Single Family)

Rebecca Schiller, Wells Fargo, and Greg Finzell, Rondo Community Land Trust, appeared.

Ms. Schiller:

- this property is now in foreclosure

Mr. Finzell:

- Rondo Community Land Trust owns the land under this building

Inspector Paula Seeley:

- Summary Abatement Order issued Feb 4, 2013; compliance date Feb 25, 2013
- re-checked Feb 26, 2013; Work Order sent
- work done May 1, 2013 for a cost of \$160 + \$160 service charge = \$320
- no returned mail
- sent to Cullen Kimtree, 1157 Magnolia Ave E; Occupant; Randy E. Franklin, 722 Charles; Rondo Community Land Trust; and Wells Fargo
- there have been snow and ice clean-ups and several tall grass and weed complaints; and garbage complaints; exterior work

Ms. Schiller:

- her understanding is that all the work has been completed; the last piece is under review; everything else has been closed out
- they paid the Vacant Building Registration fee
- questioned why it slipped into a Category 2
- knows the last LH date was missed; they contacted Mr. Finzell, who contacted Ms.

Moermond

- all the outside work has been completed
- what can they do to get it back to a Cat 1

Mr. Yannarely:

- there are no permits and no code compliance inspection report
- Apr 20, 2012, it entered the VB Program because of a water shut-off
- the roof needs to be replaced; cracking stucco; chipped, peeling paint through out

Ms. Schiller:

- was not aware of those other issues
- she understands that the yard clean-up issues have been resolved
- in foreclosure; sale set for Jul 23, 2013
- she is trying to get someone assigned to this property, specifically
- Wells Fargo is just a little confused
- there's no objection to paying for this clean-up
- they would prefer to not have to do the code compliance inspection because they are nearly finished

Mr. Finzell:

- one of the reasons for the delay is that we tried to figure out a solution for them to stay; once that was exhausted, they proceeded with this action; the family is in full support; they understand that they can no longer keep this house
- they will be able to keep it in the trust
- with this action, they will be able to move quickly; we'll do the rehab and sell it again
- they would like consideration for the VB fee

Mr. Yannarely:

- the city hasn't been inside this property and that's why all issues are exterior; the building could be completely gutted inside, for all the city knows

Mr. Finzell:

- there are issues inside and they are trying to figure out how they will fix them
- they want to get in to do the work as quickly as they can
- Rondo lacks the funds
- they are fine with the code compliance

Ms. Schiller:

- Wells Fargo will be paying for the rehab
- can't sell it until Aug 2013

Ms. Moermond:

- it will take a couple weeks for the inspector's to get out there
- wants some time to think about this for a while
- at the very least, you should be able to pull permits for some of the self-evident repairs that are needed
- incentive: if this rehab can get done within 6 months of Apr 20, 2013, she will recommend the VB fee be deleted. If it isn't done, the VB fee should be processed at its full amount.

Referred to the City Council due back on 7/10/2013

8 [RLH TA 13-384](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1310B, Assessment No. 138111 at 1818 MINNEHAHA AVENUE WEST.

Sponsors: Stark

STAFF REPORT: need to see police report.

RE: 1818 Minnehaha Ave W (C-Grocery/Convenience)

Ghazwan Khalid, tenant, appeared.

Mohamad Anwor, interpreter, appeared.

Inspector Joe Yannarely:

- *St. Paul Police Dept. requested an emergency boarding on Tue Mar 26, 2013 at 6:15 a.m.; Respro came out and secured the opening with 1 board*
- *cost: \$271 + \$160 = \$431*

Mr. Khalid:

- *the police did not call him*
- *his son went to open the shop around 8:15 a.m. and noticed the broken window; he called the police and they came and took care of it*
- *the Fire Certificate of Occupancy is not posted in the shop*
- *when they signed the contract with the security company, they provided their contact information*
- *the police did not actually step into the building; the door was still locked*
- *someone small got into the building through the vandalized window and took some cigarettes, etc.*

Ms. Moermond:

- *wants a copy of the police report*
- *asked Inspector Yannarely to follow up with the police dept to see what the officer saw*

Mr. Khalid:

- *the property owner got the bill and sent it to him*
- *they did not negotiate this in their lease agreement*
- *small commercial store*
- *this is a very exaggerated price for a small piece of wood*

Ms. Moermond:

- *staff will check into this and get back to Mr. Khalid through the interpreter, Mr. Anwor*
- *if this assessment is approved as its written, she wants to make sure that Mr. Khalid has an opportunity to be heard at this level before it goes before the City Council*
- *the actual cost of doing the work was \$21.95 (cost of board and labor); \$250 is for calling in a boarding contractor during "off" hours (emergency call out); the third charge of \$160 is the administrative costs for processing*
- *she will look at the police information and review the record*
- *will put a staff report on the record at the Jul 9, 2013 LH; based on that staff report, she will call Mr. Khalid through Mr. Anwor*

Laid Over to the Legislative Hearings due back on 7/9/2013

Special Tax Assessments - New

- 9 RLH TA 13-393 Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1309, Assessment No. 138210 at 1555 BURNS AVENUE.**

Sponsors: Lantry

Delete the assessment; bill already paid. (No minutes)

Referred to the City Council due back on 8/7/2013

- 10 RLH TA 13-398** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1309, Assessment No. 138210 at 1437 FARRINGTON STREET.

Sponsors: Brendmoen

Reduce the assessment from \$368.00 to \$318.00.

RE: 1437 Farrington St (Apartments)

Steven Smith, owner, appeared.

Fire Inspector Leanna Shaff:

- Fire Certificate of Occupancy inspection*
- cost: \$318 + \$150 service charge = \$368*
- Orders dated 1-7-13; approved Feb 8, 2013*
- Billing dates: 2-12-13 and 3-14-13*
- no returned mail*
- sent to the responsible party/owners: Steve Smith, 1971 Adolphus St, Maplewood*

Mr. Smith:

- he sent in that check May 15; he never got the check back so, obviously, no one cashed it*
- he doesn't know where he sent the check*
- all he knows is that he paid it*

Ms. Shaff:

- when his check came in, this cost was on its way to being assessed*
- they don't have a record of a check coming*
- the deadline was Mar 29, 2013; you paid late*
- history: 1 snow letter; not a Work Order*

Ms. Moermond:

- the bill states:*
- payment must be received in this office no later than Mar 29, 2013 or the fee invoiced plus administrative cost will be submitted for assessment to your property tax*
- because the property is in relatively good shape and there's a good history, she will recommend decreasing the bill by \$50*
- probably did not read the bill carefully enough*
- City Council Public Hearing Aug 7, 2013*

Referred to the City Council due back on 8/7/2013

- 11 RLH TA 13-397** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1309, Assessment No. 138210 at 1294 GRAND AVENUE.

Sponsors: Tolbert

Reduce the assessment from \$380 to \$320.

RE: 1294 Grand Ave (Single Family)

Eugene Sitzmann, Grand Heritage Properties LLC, appeared.

Mr. Sitzmann:

- this is an older house adjacent to the apartment building; it needs painting*

Fire Inspector Leanna Shaff:

- *Fire Certificate of Occupancy Inspection for a cost of \$230 + service charge of \$150 = \$380*
- *Orders dated Dec 27, 2012; Jan 4, 2013 and Jan 28, 2013*
- *Billing dates: Jan 30, 2013 and Mar 1, 2013*
- *no returned mail*
- *sent to Responsible Party/Property Owner: Grand Heritage Properties LLC, PO Box 16548, St. Paul*
- *the Department of Safety and Inspection (DSI) is recommending the no-entry fee be deleted*

Mr. Sitzmann:

- *owned house for 43 years; was built in 1920*
- *economically, it doesn't pay for itself*
- *again and again he is getting pounded with fees, etc., and he can't increase the rent*
- *he would like to get an extension*
- *it's being painted now but we're getting rain, rain, rain; will be done in a month*

Ms. Moermond:

- *will recommend granting a 90-day extension to Sep 15, 2013*
- *will recommend the bill be reduced by \$60 to \$320 (should not have been charged the extra \$60)*

Referred to the City Council due back on 8/7/2013

12 RLH TA 13-399

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1310, Assessment No. 138814 at 1058 HAWTHORNE AVENUES EAST.

Sponsors: Bostrom

Reduce the assessment from \$1255 to \$627.50.

RE: 1058 Hawthorne Ave E (Single Family)

Eric Redlinger, owner, appeared.

Inspector Joe Yannarely:

- *Vacant Building Registration fee*
- *entered the VB Program on a Revocation of the Fire Certificate of Occupancy by Inspector Benjamin Ellis Jun 2012*
- *Inspector Friel said it looked to be in reasonable condition from the exterior but there were active permits so, he made it a Category 1 VB and gave 3 extensions totally 6 months to allow them to close the permits and avoid the VB fee; that didn't happen and the inspector stopped giving extensions*
- *just now, all the permits have been signed-off and the VB file is closed*
- *permits were for plumbing, building, electrical*

Mr. Redlinger:

- *purchased the property last Jun on a Contract for Deed; then, it was switched to a Cat 1 VB*
- *right after purchase, there was a break-in and someone stole all the copper*
- *they rehabbed the entire house and added a 3rd bathroom upstairs and finished off the basement, re-roofed it, re-did the electrical, etc.*
- *he got it all closed yesterday*
- *he believes that the C of O was Revoked because there were some mattresses sitting back in the alley leaning up against the property back in Feb and the Notice*

went to the fee owner of the property, which was still listed as Chris Kornberg; he didn't get it until later then, he took care of it immediately; the Revocation listed the mattresses as the reason: "Vacant Building Category 1 referred by Benjamin Ellis.....Revoked 3-4-2013 mattresses have been sitting behind the property at the end of the alley for a couple weeks."

Ms. Moermond:

- would like to know why there wasn't a referral on that issue to Code Enforcement
- taking into account the extensions, she will recommend the City Council reduce the fee by half

Referred to the City Council due back on 8/7/2013

13 RLH TA 13-406

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1310A, Assessment No.138522 at 550 HAZEL STREET NORTH.

Sponsors: Lantry

Approve the assessment and spread the payments over 2 years. (No minutes)

Referred to the City Council due back on 8/7/2013

14 [RLH TA 13-390](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1309, Assessment No. 138210 at 860 LAWSON AVENUE EAST.

Sponsors: Bostrom

Rescheduled per owner's request.

Laid Over to the Legislative Hearings due back on 7/9/2013

15 RLH TA 13-405

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1310A , Assessment No. 138522 at 1227 MAGNOLIA AVENUE EAST.

Sponsors: Bostrom

Approve the assessment and spread the payments over 2 years.

RE; 1227 Magnolia Ave E (Single Family)

Ta Sara, son of owner, appeared.

Inspector Paula Seeley:

- Summary Abatement Ordered issued Apr 19, 2013; compliance date Apr 23, 2013 - this was a pre-authorized Work Order
- work done Apr 24, 2013 for a cost of \$448
- sent to Xuan Nguyen and Thien Huynh, 10601 Russell Ave S, Bloomington MN
- SA indicated garbage near alley; container was tipped over and garbage flowed into the alley
- no returned mail
- history: May 21, 2013 - illegally parked car
- Apr 19 photo of snow-covered garbage and tipped over Aspen container
- she made a call to owner about garbage flowing into alley

Mr. Sara:

- appealing on behalf of his father
- Apr 19, 2013 - they received a call saying that there was garbage out in the alley;

they contacted the tenants about that and they contacted a different waste management company and ordered a larger container; also, to have them pick up the extra garbage bags

- he believes that from Apr 23 - May 5, they actually had 2 different waste management companies

- they told their tenants to put the extra bags out and the company would come to pick them up but the company said that when they came by, they didn't see any bags of garbage out there; so, he assumes that the city came just before them

- the car issue was resolved; parked in the garage

VIDEO Apr 24, 2013

Ms. Moermond:

- is glad that the landlord is taking care of business now that wasn't taken care of then

- will recommend approval of this assessment divided over 2 years

Referred to the City Council due back on 8/7/2013

16 RLH TA 13-401

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1310, Assessment No. 138814 at 1782 MARGARET STREET.

Sponsors: Lantry

Approve the assessment. (upcoming VB fee - will waive for 90 days)

RE: 1782 Margaret St (Single Family)

Paula Edholm, owner, appeared.

Inspector Joe Yannarely:

- Vacant Building Registration fee

- was made a Category 1, fire exempt, Vacant Building after a fire last Jun 2012

- there have been 2 additional waivers extended

- the waivers are done and the fee has been added

- Inspector Rich Singerhouse never made it a Cat 2; he kept it a Cat 1

Ms. Edholm:

- they bought the house, as is, in May 2012

- at that time, they checked records and it wasn't even considered a vacant house (the fire took place approximately Nov 2011)

- they had the building inspector come out to see what he wanted done and we told him what we wanted to do

- after he had been there, they put on the VB sign

- they've had all their rough-in inspections; got all the permits pulled and in the process of starting to sheet rock

- she's been talking to Rich, and he said that as long as progress is being made with this process, he would waive that fee

- they started to work on it as soon as they could

Mr. Yannarely:

- generally, when the Fire Dept goes in, they refer it to the VB Program with a 90-day waiver to allow people to get it fixed up; in this case, it must have slipped through the cracks at first; then, after Mr. Singerhouse went out, he kept extending it figuring you'd get it done more quickly

- he just did what he could; he couldn't extend it any further

Ms. Edholm:

*- they took all the fire damage out; they extended the kitchen out; they added on to the 2nd floor and re-roofed the house - some good improvements
- it's just taking time*

Ms. Moermond:

*- Mr. Singerhouse already gave a lot of extensions on the fee
- the fee covers the time period from Jun 2012 - Jun 2013; and normally, on a tax roll like this, she would be processing VB fees for someone who's paying Jun 2013 - Jun 2014; this is looking backward and the building has been in the VB Program for a whole year already, not just part of that year; if they can get it done quickly, now, she'd be happy to not process the VB fee for the coming year; this VB fee, however, she feels bound to approve because the whole year has passed
- you caught a break because you did not have a Code Compliance Inspection done
- will recommend approval of this assessment
- will recommend that DSI waive the next VB fee for 90 days*

Referred to the City Council due back on 8/7/2013

17 RLH TA 13-402

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1310, Assessment No. 138814 at 652 OAKDALE AVENUE.

Sponsors: Thune

No show; approve the assessment.

Referred to the City Council due back on 8/7/2013

18 RLH TA 13-407

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1309, Assessment No. 138210 at 801 PIERCE BUTLER ROUTE/791 AVON STREET NORTH.

Sponsors: Carter III

Rescheduled per owner's request

Laid Over to the Legislative Hearings due back on 7/9/2013

19 RLH TA 13-391

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1309, Assessment No. 138210 at 965 SELBY AVENUE.

Sponsors: Carter III

Approve the assessment and spread the payments over 2 years.

RE: 965 Selby Ave (Single Family)

Mary Collins, owner, appeared.

Fire Inspector Leanna Shaff:

*- Fire Certificate of Occupancy inspection fee
- cost: \$340 + service charge of \$150 = \$490
- dates of Orders: 10-30-12: 11 items; 1-30-12: 11 items; 12-31-12: 7 items; and 1-31-13
- billing dates: 2-4-13 and 3-6-13
- sent to responsible party/ property owner, Mary Lou Collins, 302 Como Ave*

Ms. Collins:

- 2 of those were re-inspections and she was sick for one and she told the inspector that she couldn't make it; the inspector said that she should have called him the day before; the other date, she had gotten in new renters, who had allowed her brother to move into the basement and took out some of the work that had already been done (which now, had to be re-done)
- there were a lot of things on the list: furnace and dryer vent, too
- when she got the bill, she told him that she couldn't pay for it because she is on Social Security Disability
- the renters were evicted because they were trashing her parents' house
- she thinks that she shouldn't have to pay for the re-inspections when she knows that it was the renters to caused the problems
- the tenant left the inspector in another time when she was sick
- the last time the inspector came, she was there
- this is her only rental

Ms. Moermond:

- Orders were issued on 4 different days but you are being charged for 1 C of O fee and 2 re-inspections (there's no bill for the day the Appellant was sick)

Ms. Shaff:

- the repairs weren't complete
- Inspector Efferson, on Jan 13 inspection - all the noted deficiencies were corrected but while he was in the basement, he noticed that the previous storage room was not being used as bedroom for a teenager

Ms. Moermond:

- will recommend the Council approve this assessment and divide the payments over 2 years
- there were problems throughout the inspection process
- the C of O was granted with deficiencies
- City Council Public Hearing Aug 7, 2013

Referred to the City Council due back on 8/7/2013

20 RLH TA 13-400

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1310A, Assessment No.138522 at 579 VAN BUREN AVENUE.

Sponsors: Carter III

No show; approve the assessment.

Referred to the City Council due back on 8/7/2013

21 RLH TA 13-396

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1309, Assessment No. 138210 at 1060 VIRGINIA STREET.

Sponsors: Brendmoen

Reduce the assessment from \$350 to \$275.

RE: 1060 Virginia St (Duplex)

Paul Bruggeman, husband of owner, appeared.

Fire Inspector Leanna Shaff:

- Fire Certificate of Occupancy Inspection

- cost: \$200 + \$150 service charge = \$350
- billing dates: 1-14-13 and 2-13-13
- sent to the responsible party/property owner, Piper Rentals LLC, 6873 Ideal Ave N, Mahtomedi

Mr. Bruggeman:

- appealing service charge; they moved and they never got the Notice
- moved to: 9260 Jeffrey Blvd N, Stillwater
- had their mail forwarded; also have a good relationship with the people who bought their house, so anytime they got our mail, if they didn't forward it to us, we went over to their house and got it

Ms. Shaff:

- she spoke with Mr. Bruggeman over the phone; they came to the conclusion that he had failed to notify them of his change of address

Ms. Moermond:

- Ramsey County does list the owner's address as 9260 Jeffrey Blvd N, Stillwater
- this is a tax assessment; not a Fire C of O inspection Notice; she would have given more attention to the owner of record at Ramsey County
- would like copies of the correspondence
- will recommend the Council divide the service charge in half (\$275)

Referred to the Legislative Hearings due back on 8/7/2013

22 [RLH TA 13-403](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1310A, Assessment No.138522 at 643 WELLS STREET.

Sponsors: Bostrom

STAFF REPORT: *If barrier and post are up and the litter is cleaned-up, will recommend deleting the assessment.*

RE: 643 Wells St (Duplex)-vacant lot

Jean Schuldt, owner, appeared.

Inspector Paula Seeley:

- Summary Abatement Order issued Apr 11, 2013; compliance date Apr 17
- re-checked Apr 22, 2013
- work done Apr 23, 2013
- cost: \$290 + \$160 service charge = \$450
- sent to Jean Schuldt, 685 Heinel Dr, Roseville
- no returned mail
- no history on the property
- she spoke with Ms. Schuldt asking her to remove the mattress on the vacant lot
- has photos - explained that she thinks it's illegal dumping

VIDEO - shows 2 mattresses, a tire and scattered debris

Ms. Schuldt:

- dumping is a constant problem she has in this area
- they go by as often as they can; when something is there, she takes care of it
- in this case, she never got the Notice or it would have been taken care of right away

Ms. Seeley:

- there are always people parking illegally on this lot

- obviously, these mattresses were dumped in the middle
- she suggested that Ms. Schuldt put up barriers / posts so that no one could park there or back up and dump there

Ms. Schuldt:

- the lots were being purchased under a Contract for Deed by Keith Pederson, who died 3 1/2 years ago; the property was given to his son and his son wouldn't pay on the Contract for Deed so she took back the Contract; he was letting his tenants park there; it's posted "No Parking" and she's been trying to figure out what more to do about it; she is hoping that the building owner will buy those lots
- she is willing to put up some type of barrier as Inspector Seeley suggested

Ms. Moermond:

- City Council Public Hearing Aug 7, 2013
- if the Appellant can get some sort of barrier up by Jul 19, she will recommend this assessment be deleted
- Inspector Seeley will check it out and let Ms. Moermond know
- this property has a good history
- we'll do a layover to Jul 23, 2013 LH

Laid Over to the Legislative Hearings due back on 7/23/2013

23 RLH TA 13-409

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1310A, Assessment No. 138522 at 272 CONGRESS STREET EAST.

Sponsors: Thune

Approve the assessment.

RE: 272 Congress St E (Single Family)

Antonio Dominguez, owner, appeared.

Inspector Paula Seeley:

- Summary Abatement Order issued Apr 4, 2013; compliance date Apr 10, 2013
- re-checked Apr 10; Work Order sent
- work done Apr 15, 2013
- cost: \$338 + \$160 service charge = \$498
- sent to Antonio Dominguez Vivar/Maria Dolores Vergara Sanchez, 58 King St E 78, St. Paul; Bernaldina Vergara Sanchez/Rubiel Lazaro Rodriguez, 272 Congress St E, St. Paul; and Maria D Vergara S, 58 King St E
- photo in system
- scrap wood, tires, at the corner of the garage
- inspector wrote: previous owner, Antonia, called, he lost the house 2 yrs ago; roof was put on 9-12; house has been winterized; do not have correct ownership; probably meant the house was vacant
- is in foreclosure

Mr. Dominguez:

- people continue to throw trash and garbage there
- his attorney told him not to touch the property in Mar 27, 2012; attorney said that I was not responsible for anything
- plan - he will walk away from the property

Ms. Moermond:

- this assessment is attached to the property, not to Mr. Dominguez
- the notification went to the Appellant during the bank's ownership

- whoever has the title owns the assessment
- Mr. Dominguez is not responsible for any of the assessments or any of the maintenance
- we'll put it into the Vacant Building Program
- Countrywide Home Loans Inc
SC-79 Document Processing
PO Box 10423
Nice, CA 91410-0423
- second lender:
Americas Whole Sale Lender
PO Box 660694
Dallas, TX 75266-0694

Referred to the City Council due back on 8/7/2013

24 [RLH TA 13-408](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1309G, Assessment No.138709 at 1738 UNIVESITY AVENUE WEST.

Sponsors: Stark

STAFF REPORT on July 9.

RE: 1738 University Ave W (duplex)

Ali Nadimi, Royal Management, appeared.

Ms. Moermond:

- looking over the material
- looks like it's a drop-off of a garbage container, a little hauler service and a pick-up of the garbage container

Mr. Naimi:

- last week they paid \$6___ and we have a garbage container from the company

Ms. Moermond:

- she does not have the tax assessment in front of her that was talked about last week at the City Council Public Hearing
- she will compare the bills with the receipts
- staff report Jul 9, 2013 LH
- will give you a call
- CCPH Jul 10, 2013

Referred to the City Council due back on 7/10/2013

25 [RLH TA 13-414](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1309G, Assessment No.138709 at 1744 UNIVESITY AVENUE WEST.

Sponsors: Stark

Recommendation is forthcoming. Legislative hearing on July 9.

Referred to the City Council due back on 7/10/2013

Special Tax Assessment Rolls

- 26 RLH AR 13-60** Ratifying Collection of Certificate of Occupancy fees billed January 8 to February 19, 2013. (File No. CRT1309, Asmt No. 138210)

 Sponsors: Lantry

 Referred to the City Council due back on 8/7/2013
- 27 RLH AR 13-61** Ratifying Collection of Vacant Building fees billed June 1, 2012 to February 12, 2013. (File No. VB1310, Asmt No. 13884)

 Sponsors: Lantry

 Referred to the City Council due back on 8/7/2013
- 28 RLH AR 13-62** Ratifying Property Clean Up services during April 2 to 29, 2013. (File No. J1310A, Asmt No. 138522)

 Sponsors: Lantry

 Referred to the City Council due back on 8/7/2013
- 29 RLH AR 13-63** Ratifying Trash Hauling services during April 3 to 24, 2013. (File No. J1310G, Asmt No. 138710)

 Sponsors: Lantry

 Referred to the City Council due back on 8/7/2013

11:00 a.m. Hearings

Summary Abatement Orders

- 30 [RLH SAO 13-24](#)** Appeal of Robert Witt to a Summary Abatement Order at 1733 STANFORD AVENUE.

 Sponsors: Tolbert

 DSI inspector gave extension until June 21, 2013 for compliance.

 Withdrawn

11:30 a.m. Hearings

Orders To Vacate, Condemnations and Revocations

- 31 [RLH VO 13-30](#)** Appeal of Peggy Chun to a Fire Certificate of Occupancy Condemnation and Revocation at 1660 CUMBERLAND STREET.

 Sponsors: Brendmoen

 Forthcoming.

 RE: 1660 Cumberland St (Multi-Family)

Peggy Chun and Rick Randall Chun, owners, appeared.

Fire Inspector Leanna Shaff:

Fire Inspector Shaff:

- Oct 5, 2012 - received a referral for the front door; Inspector Spiering went and found the front door damaged and noted several other deficiencies; he scheduled a Fire Certificate of Occupancy inspection*
- Oct 22, 2012 - Inspector Spiering did the initial inspection and found 114 deficiencies*
- Dec 4, 2012 - referral for no electric in Unit 206; Condemned the unit for basic utilities*
- Dec 10, 2012 - Mr. Spiering performed a re-inspection and found 62 deficiencies abated and 8 new deficiencies*
- Dec 17, 2012 - another re-inspection in which he Condemned Units 101 and 206; the excess tenants residing in Unit 101 have moved to Unit 206; 25 deficiencies abated and 18 new deficiencies (55 remain)*
- Jan 22, 2013 - received a phone call from Joseph with Guarding Property asking for an extension; Inspector Spiering left a message indicating that the property owner, Peggy Chun, has indicated that she wants to be the Responsible Party (back and forth goings on of who takes responsibility and who shows up for the inspections)*
- Jan 22, 2013 - Mr. Spiering's inspection: 24 deficiencies abated; 8 new deficiencies (39 remain)*
- goes through Jan, Feb, Mar.....*
- this building has been under Revocation since early May 2013, basically for long-term noncompliance and lots of issues*
- still, there are issues with the zone valves (no documentation or permit that those have been done)*
- Jun 5, 2013 - received a referral for the bathroom ceiling in Unit 204; given what was found there, Fire could not sign-off on a Fire C of O*
- we required access to all the units; inspection took place Jun 13, 2013 and 110 deficiencies were found*
- found multiple units with inoperable, missing or damaged smoke detectors*
- Unit 204 was still not done; there's a lot of deferred maintenance; broken things; life safety issues which have not been taken care of*
- in light of all that was found, they are enforcing Revocation with a Vacate date of midnight, Jun 30, 2013; re-inspection Jul 1, 2013*
- the first Revocation and Vacate date came and went without enforcement: Ms. Chun has asked for and received many extensions*
- 17 of 17 units are occupied, nine of which are subsidizes, which means that they have all passed Metro HRA's inspections and St. Paul Public Housing inspections and Miracle Health Resource inspections (6 of those just passes in Apr-May, new tenants with new subsidies)*
- (Ms. Chun entered that paperwork)*

Ms. Moermond:

- she sees that Dave Pugh's unit passed those inspections and at the LH she saw a contaminated ceiling fall in the bathroom (Ms. Chun: when he moved in, 1 year ago, his unit passed; he could not have moved in if all was not in order)*

Ms. Chun:

- Metro HRA came out Apr 15; the only issues they found were missing shelf brackets in the refrigerator; 1 rear burner does not work; 1 light bulb is out; 1 flush handle fell off; it needs a drain plug in the tub and 1 more light bulb (Dave Pugh's unit); at that time, there were no issues with the ceiling (entered the inspection report)*

- the waxring from the toilet above was slowly leaking; it's not visible in Unit 304; it's only visible below it in Dave Pugh's unit
- has a record of emails from Chong Lee, Mr. Pugh's mental health case manager through Metro HRA, asking why is Mr. Pugh's mail undeliverable? Is he still your tenant? Is he still in that unit? She doesn't think he was there; he also hadn't paid rent for a year (\$50); he didn't tell them about the leak; she had no knowledge of that leak; Unit 304 was vacant and she did not know that the toilet was leaking

Ms. Moermond:

- questioned that inspection report by Metro HRA; does not think it's a valid, complete inspection
- she has photos of Mr. Pugh's bathroom ceiling - Unit 204
- asked if the repairs to the toilet in Unit 304 were done under permit (Ms. Shaff said they were not; if they had been done under permit, this problem would have been identified; the ceiling permit is finalized)
- if the city is called in, the city's obligation is to investigate; due process is then to give Ms. Chun a chance to address that
- recapitulated: this C of O cycle started last year; the list keeps going with additions; Revocation for long-term noncompliance, not enforced; we have a complaint come in about problems with Unit 204; the tenant testifies that it's much worse than this - that the tenant was told that his toilet was problematic and he has been using a bucket of water to flush it ever since he moved in (this is what she heard at LH)

Ms. Shaff:

- seeing the conditions of Unit 204, together with the long-term noncompliance on everything else, she made a decision to inspect each of the 17 units; it's the same cycle, just another process within that cycle
- Jan 9, 2013 email from Mr. Spiering: received phone call from property owner, Peggy Chun, requesting a week extension to complete the repairs; re-scheduled for Jan 22, 2013 at 9:30 a.m.

Ms. Chun:

- Ms. Shaff said that I asked for and was given extensions but I can show you a trail of emails where I asked for written 24-hours extensions and that they were denied and that Inspector Spiering showed up anyway, without Notice and without anyone to meet him and without any Notice given to the tenants (she had wanted to bring in a licensed contractor from a company because she saw that she had issues with her previous licensed contractor; she was getting billed for time and materials and she doesn't see the numbers going down; in Jan, they got the list down to 55 items); Mr. Spiering had been on vacation and had not contacted the person she had in charge
- in Jan, Mr. Spiering again came without giving any Notice to the tenants; then, she started emailing things
- Tue, Feb 26, 2013 - only time she requested an extension; Mr. Spiering went through the building with Jose Verdaya, contractor, on Feb 27, 2013: there were 25 items and all those items were done by Mar 7, 2013 (except for exterior items)
- Mar 7 - 8 items left, all exterior; they added an air conditioner and a plug; Inspector Spiering said that he'd be back on May 1, 2013 when all the exterior items were to be completed; and all was done; they added a patio door, exterior roof done (not yet signed-off by Virgil)
- May 14, 2013 when all was done - just waiting for Virgil's sign-off, they Revoked the C of O because Mr. Thomas hadn't signed-off on the roof (the only item not done is the zone valves on the boiler; the boiler is turned off; there's no heat being provided; she had 3 boiler inspections - the first one last Dec 2012 was turned down because the licensed heating contractor was not licensed to work in St. Paul); on May 1, she had the test done by MK Mechanical and he said, "Your boiler is working but by the fall, he wanted her to take apart the boiler and check the zone valves. It's not

required to have the boiler operational in Jun."

- May 24, 2013, MK Mechanical came back and did all of the work - got it all done*
- Fire Inspections mailed out the Revocations to all the tenants saying, "You need to move because zone valves are missing"*
- all her tenants are wondering why they need to Vacate because the boiler doesn't work; it's Jun; why is the city doing this?*
- she sent a letter to all her tenants telling that that she was going to be appealing the Revocation and Order to Vacate*

Ms. Shaff:

- Tim's Quality Plumbing is not licensed to do residential heating reports in Saint Paul*

Ms. Moermond:

- there was a long list to begin with back in Oct 2012; as items were being addressed, there were more items cropping up along the way in spite of the Metro HRA inspections; add 3 Condemned units and a Revoked building*
- is wondering how we get from here to having everything done*

Ms. Chun:

- 1 unit was Condemned because the tenant failed to pay the electric bill (she had no knowledge of that)*
- 2 families arrived 2 weeks ago from Thailand, who speak Keran; moved into Units 101 and 301; they have a lot of family and when Inspector Spiering came, they had just arrived over night; he asked a little kid how many people lived here (unfair to ask a child who speaks only Keran) - those units are Condemned because Mr. Spiering said they were overcrowded; they were not Condemned because the units were not up to code*
- she called Catholic Charities, who called the sponsor, who clarified how many people were living there*
- then, Inspector Spiering told the caretaker that if they put a CO detector in the living room, it can also be used for sleeping (caretaker went out to buy more CO detectors and put them in the living room)*

Ms. Shaff:

- she is the one who asked the tenant, who actually spoke very good English, about how many people lived there; he said, "6"; she also asked about the relationship, and the tenant said, "Just friends" (unrelated adults - a zoning issue)*
- the code requires that all rooms used for sleeping require a CO alarm within 10 feet of that room*
- the contractor said that he was told by you just to open the doors for us*
- she had to ask him to accompany them during the inspection*

Ms. Chun:

- what tenants reported to her was that the inspectors took in the living room and made fun of her and made jokes and said, "Let's Revoke her"*
- you are not Revoking me, you are Revoking the people, who have 0 income; who are in subsidized units; who can't stay there and in this market, cannot immediately find another subsidized unit*
- they can't take their rent from me and give it to someone else to find another apartment because the ones on subsidies are paying me \$6/month; it's the subsidy that's paying the rent and the subsidy won't pay the rent if there's not a Certificate of Occupancy*
- has owned this building since 2003 and there have been 3 complaints during that time*

Ms. Moermond:

- needs a plan of attack for the new items on the list

Ms. Chun:

- she has no plan; all subsidies have stopped; she has no operating income; she can't fix any more
- her request is that she has a current C of O
- she had not appealed the Revocation earlier because she had done all the work and submitted the evidence so she thought she was done

Ms. Shaff:

- noticing 30+ referrals (complaints) on this building since 2005
- typically, they expect a C of O inspection to be done within 90 days but this has been going on since Oct 2012
- the zone valves haven't been working correctly since the 2nd residential heating report and they are required to be done under permit (we have a receipt that there were purchased at State Supply); no permit was pulled
- the pumps for the boiler had to be re-built; in order to get it working, the technician had to jumper across them because they weren't functioning correctly
- the C of O was Revoked earlier in May for long-term noncompliance
- Inspector Spiering's report talks about different temperatures between floors and units (code requires 68 degrees 5 feet above the floor)
- there have been no permits; no licensed contractors; and there still are none
- the system shows an active electrical permit that was issued Jun 17, 2013; building permit was issued Jun 11, 2013, for soffit area in 204; there is no plumbing permit (the code understands that there are issues that need emergency attention; it clearly states that you go in the next day and get the permit)

Ms. Chun:

- is not sure what the city expects her to do since the subsidies have stopped and there is no operating reserve
- everything was completed Mar 12 (since Oct 2012)
- inspectors were waiting for the outdoor things to be done by May 1, 2013 and they were
- her tenants are scared (mental issues and refugees); they don't understand; there are only 2 who pay regular rent
- Inspector Spiering went through every unit in Jan and Feb and signed-off in Mar; why didn't he see these 100 things in Mar?
- when she had everything done by May 1, it should have ended and she should have had here C or O
- there was a complaint in Jun and it's done

Ms. Moermond:

- it looks as though in they took an initial list and just kept items off; they didn't look around as they were going back through again
- I want to look over these materials in depth
- I would like to look at this, ideally, today
- the key question: Should we have had this full inspection and should it have resulted in the continued status of Revocation?

Referred to the City Council due back on 7/10/2013

1:30 p.m. Hearings

Fire Certificates of Occupancy

33 [RLH FCO](#)
[13-135](#)

Appeal of David and Rebecca Cheung to a Fire Certificate of Occupancy Correction Notice at 1126 CHARLES AVENUE.

Sponsors: Stark

Deny the appeal.

July 3, 2013 Ms. Moermond received an Email from Fire Inspector A. J. Neis indicating that the inspector was unable to access the bathroom to verify that the work was properly completed due to the storage.

This issue will be put on the conditions folder so that it will be flagged on the next inspection just in case the owner tries to complete it without permit.

+++++

Grant the appeal on the condition that the plumbing lines connected to the 2nd floor bathroom are all capped and not being used. (Inspector will confirm on July 2, 2013)

RE: 1126 Charles Ave (Single Family)

David and Rebecca Cheung, owners, appeared.

Fire Inspector A. J. Neis:

- *Fire Certificate of Occupancy Correction Notice*
- *inspection by Lisa Martin May 16, 2013*
- *appealed issues: 6, 7, 8, 9, 12, 13 all pertain to the 2nd floor bathroom, which has been gutted and rendered unusable; it remains in that state*
- *inspector wrote Orders to restore that bathroom to an operative condition under proper permits*
- *no photos in file and no good explanation for that*
- *without photos, he has no way to verify what work was done or how it was done*
- *this was approved by their division in 2010; the permit was finalized/closed/cancelled in 2008; approved after that*

Ms. Cheung:

- *there is another full bathroom on the main floor of the house*
- *she believes that the plumbing lines on the 2nd floor have been capped*
- *the bathroom actually never existed (they took off the top floor and were going to continue with the remodel but realized that they were in over their heads, so they stopped; then, she got sick; eventually, they hired someone else to finish the job but did not finish off the bathroom; they told the hired person to make sure that everything passed inspection; she assumes that was true*
- *currently, that bathroom is being used as a closet*
- *will double check and make sure that these plumbing lines are capped by the time of re-inspection Jul 2, 2013*

Mr. Cheung:

- *he is not a handyman but he went to take a look at it and found all the pipes are in place; it just was never finished as a bathroom*

Ms. Moermond:

- *if the 2nd floor bathroom plumbing lines are properly capped by Jul 2, 2013 re-inspection, she will recommend the City Council grant this appeal*

Referred to the City Council due back on 7/10/2013

34 [RLH FCO
13-136](#)

Appeal of Gonzo Guerra, Property Management Solutions, to a Fire Inspection Correction Notice at 2045 REANEY AVENUE.

Sponsors: Lantry

Grant a one-foot variance clearance in front of the electrical panels. (NOTE: If changes are made, the one-foot variance will no longer be granted).

RE: 2045 Reaney Ave (Single Family)

Gonzo Guerra, Property Management Solutions, appeared.

Ms. Moermond:

- appealed is #8: providing 36 inches clearance in front of the electrical panels

Mr. Guerra:

- there is 24 inches clearance*
- in this property, there is an old cement sink that would have to be removed to accommodate the 36 inch clearance because there is no room to move it*
- he would also have to move the water lines, the gas lines, the drain line and the vent (a big expense; old plumbing; an big job)*
- entered photos (were scanned) and bid from contractor*

Fire Inspector A. J. Neis:

- Fire Certificate of Occupancy Correction Notice dated May 24, 2013 by Inspector James Thomas*
- there are no photos in the file*
- the intent of the 36 inch clearance for the electrical panel: 1) ready access; 2) installation, maintenance and repair; and 3) fire fighter access to the panel*
- seeing how it's mounted from the photographs, he doesn't see an issue with this set-up; it appears that the dryer could be disconnected and moved if they really need to do repairs*

Ms. Moermond:

- this is called out under the NEC 11.110-26*
- in so far as this is written up as a part of a Fire C of O Correction and is not a new installation as envisioned in the electrical code itself, she will recommend that the Council grant a 1-foot variance for the existing installation*

Referred to the City Council due back on 7/10/2013

35 [RLH OA 13-56](#)

Appeal of Joe Landsberger to a Fence Permit Denial at 112 LEECH STREET.

Sponsors: Thune

Grant a 2-ft variance in height within 10 ft of the corner and open up the corner to increase visiblility; grant a 2-ft in height on the fence based on the spacing between the fence pickets.

RE: 112 Leech St (Single Family)

Joe Landsberger, Property Manager, appeared.

Ms. Moermond:

- Appeal of a Fence Permit Denial, which has to do with the height*
- the building official wrote a letter*

Mr. Landsberger:

- brought in a photo
- provided a diagram
- this fence is from the old brewer site, originally; it was discovered at Bauer Bros. Salvage in Mpls
- he had been considering a fence and when he saw it, he couldn't pass it up because he is very involved with the historic nature of the neighborhood; he is also the communications person for his district council, which is championing the redevelopment of the Schmidt Brewery; etc.
- he has lived in his house for almost 35 years and have developed and restored it
- the Griggs House, on the Historic Register, is right across the street (only a 3 foot setback from the sidewalk); all the homes there are 3-5 feet back
- justification: 1) terrain; and 2) site conditions

Ms. Moermond:

- looking at the site conditions and the terrain, there's no reason to grant the variance; there is no special condition having to do with the location that you couldn't have a lower fence or need a higher fence there
- looking at something different from what the code allows requires the appeals process
- Mr. Landsberger explained the diagram to Ms. Moermond
- 4 foot wood fence across the back plus the iron fence
- he elaborated on the gate with 2 side panels that are 4 feet at the center

Mr. Landsberger:

- he had the support of all the neighbors and also the Federation
- post height - 5'9"
- retaining wall - 5'

Ms. Moermond:

- is comfortable making the recommendation to grant this appeal
- the corner is to be open to increase visibility
- there is adequate spacing between the spickets; does not impede visibility
- is familiar with this location
- a 6' fence will need a 2' variance for the front setback and the corner section will need a 4 ft variance
- he will be using a building permit to install the fence
- she is comfortable with the 4 foot variance for the gate

Sec. 33.07. Fences—Requirements.

(a) Permit. No person shall construct, or cause to be constructed, any fence in the city without first obtaining a permit therefor from the building official.

(b) Height of fences. No fence shall be erected exceeding six (6) feet six (6) inches in height above the sidewalk or finished grade of any lot in a residence district or on any lot occupied for residential purposes. The applicant shall ensure that fences and all supporting structures shall be completely within the boundaries of such lot with no portion encroaching onto adjacent property. All fences erected between the front property line and the front setback line as defined in section 60.207 of the Saint Paul Legislative Code shall be no more than four (4) feet in height. On a corner lot at two intersecting streets in a residential zoning district, no fence, wall or other structure shall be allowed above a height of two (2) feet from sidewalk grade in the triangular area of the lot included within ten (10) feet of the corner along each lot line unless the structure is more than 80 % open. ...

Referred to the City Council due back on 7/10/2013

2:30 p.m. Hearings

Vacant Building Registrations

- 36 [RLH VBR 12-62](#) Appeal of Kristina Beedle to a Vacant Building Registration Renewal Notice at 23 ISABEL STREET WEST.

Sponsors: Thune

VB file has been closed since Feb 28, 2013.

Withdrawn

- 37 [RLH VBR 13-31](#) Appeal of Michael R. Davis to a Vacant Building Registration Notice and Correction Notice at 305 EDMUND AVENUE.

Sponsors: Carter III

Waive the Vacant Building fee for 90 days to get Fire Certificate of Occupancy reinstated.

RE: 305 Edmund Ave (Single Family)

Michael R. Davis appeared.

Inspector Matt Dornfeld, Vacant Buildings:

- *Revoked Fire Certificate of Occupancy, dated May 6, 2013 by Inspector Hall*
- *Inspector Dennis Senty opened a Category 2 Vacant Building May 24, 2013*
- *Senty's notes: house appears to be illegally occupied; issued SA to secure doors and windows; and to clean up yard storage and junk*
- *as of Jun 7, 2013, Senty notes: yard now maintained; unable to confirm if dwelling was vacant but doors and windows were secured at the time of inspection*

Fire Inspector A. J. Neis:

- *Revocation of Fire C of O process started Dec 21, 2012*
- *Fire Inspector Hall found numerous code violations; gave extended period of time to comply*
- *on May 6, 2013, he Ordered the building vacated by May 21, 2013 at 1:30 p.m*
- *there were still code violations*
- *May 22, 2013, Inspector Hall Revoked the C of O for noncompliance and enforced the Vacate*
- *sent the building to VB Program*

Mr. Davis:

- *Mr. Hall has been great to work with*
- *since Dec 2012, his mom, who lives a block away on Thomas, has had 2 eye surgeries, is going through pulmonary care, has quit smoking, as well -- so, he is caring for her*
- *to the best of his knowledge, he still had a railing to install on basement stairs, a furnace to be inspected and a bathroom floor to tile the last time Inspector Hall came through*
- *the furnace company came out last Tue*
- *has since had Xcel come out - they said they were good to go at the meter; there was something inside; he has contacted Inspections Plus - soonest he can come out is next week*

- the bathroom floor is done, now
- they have a buyer, who lives at the end of the block and has been interested in the property for 2 years
- he grew up in this house; the family still has some belongings there - is going through it and taking it to his mom's
- he has been able to purchase paints
- he lives across the street
- he'd be ready to go except for this company that he is waiting for to come back through
- he has building materials and equipment there so he can work there from 8 am to 8 pm
- Mr. Chang wants to purchase the house when everything is up to snuff
- he's really ready to go except for the painting

Ms. Moermond:

- asked what was on the Orders May 6, 2013

Mr. Neis:

- 12 deficiencies: - 2nd floor bathroom - repair/replace hand sink; replace floor
- exterior - remove storage accumulation
- repair/replace broken windows
- replace garage door
- provide handrail in basement
- provide GFCI outlet in the bathroom
- orderly storage of materials
- excessive accumulation of materials
- maintain walls: repair/paint
- provide heating safety test report
- repair hold in 2nd floor hallway
- repair/replace kitchen floor
- next inspection was to be done May 21, 2013 and at that time, the work had not been fully completed; so, he enforced the Vacate and sent it to VB
- there had been multiple inspections: Jan 17; Feb 27; Apr 5; Apr 19; May 3; May 6

Mr. Davis:

- he was living there at the time; he moved across the street
- his mom moved to his grandparents' place
- each time the inspector came, more items had been knocked off the list
- he shovels multiple places - there's been plenty of snow
- he is taking mom to all of her appointments
- he is plugging away the best he can
- he volunteers at church and food shelf

Ms. Moermond:

- will give Appellant one more bite at the apple
- if he gets the C of O re-instated within the next 90 days, she will recommend waiving the VB fee for that period of time; if he can't, he will need to pay the VB fee and need the Code Compliance Inspection
- when he gets the C of O re-instated, he can use the C of O in lieu of a Truth in Sale of Housing
- Mr. Neis will inform Inspector Hall of what's going on

Referred to the City Council due back on 7/10/2013

Sponsors: Stark

Deny the appeal to be out of the Registered Vacant Building Program.

RE: 1389 University Ave W (General Retail & Svc-B-Commercial)

Tom Krebsbach, Krebsbach Properties, owner, appeared.

Matt Dornfeld, Vacant Buildings:

- this was a Revoked Certificate of Occupancy in 2008 by Fire Inspector Bergmann, who held the file and monitored it until Sep 18, 2011 when he transferred it to Inspector Kalis in the Vacant Building Program*
- Inspector Kalis opened it as a Category 2 VB on Sep 20, 2011*
- VB fees went to assessment in 2012*
- the current VB fee has been waived for almost 300 days now*
- no Team Inspection on file; however, we have an open electrical permit and an open building permit at this time*
- the property has been maintained; has not been a nuisance to the city*
- the VB fee for 2012-2013 is currently due (this is the 2nd bill)*
- Reid Soley noted in the file that permits were issued and yet, no Team Inspection had been on file (May 20, 2013); so, no future permits will be issued until a Team Inspection has been completed*

Mr. Krebsbach

- he had no idea about the VB fees of 2010 and 2011*
- when he sold Midway Chevrolet and closed everything down, he emptied it all out*
- in 2011, he got a Notice saying that he had to pay an empty building fee, which he found to be "crazy"; he was under the impression that it got waived*
- they've been working on the building for a month*
- they have temporary electrical in the building*
- they just did all the asbestos remediation; it's not empty; they are trying to renovate it to get it back to a place for occupancy (they have 2 signed leases; hoping to get 2 more; people will be in there by Nov 1, 2013)*
- they have been trying to lease it for 4 years; no one wanted to touch it with the Light Rail construction (has caused undue suffering)*
- he pays over \$100,000 in taxes/year on that site*
- the empty building building fee is really salt in the wound*
- Inspector Kalis was kind enough to give him an extension; he thinks he ran about 2 weeks over the extension*
- asked the purpose of paying a fee to the city for an empty building*
- he was trying to rent the lot for parking but Inspector Kalis said he couldn't even do that because it was an empty building*

Ms. Moermond:

- in order for the Appellant to get the C of O re-instated, he will need to get a list of items from the trades people (Team) to address*
- the Appellant was able to pull permits in error (Mr. Neis: the permit may have been accurately given for demolition and hazardous material abatement only; and electrical permit makes sense for temporary power in order to handle the hazardous abatement)*
- Appellant will need to get the Team Inspection conducted; contact Mitchell Imbertson, 266-8986*
- this building should be in the VB Program; the city's definition of a vacant building is an unoccupied structure with no C of O (no commercial business)*
- the Appellant did not pay VB fees for 2008, 2009 or 2010 and he really should have; Inspector Bergmann saved him several thousand dollars*
- the VB fee pays for monitoring the building (grafitti, snow, break-ins, copper theft,*

drug dealing, prostitution, etc.)

- will recommend the City Council approve this assessment

Referred to the City Council due back on 7/10/2013

Staff Reports

39 [RLH FCO 13-116](#)

Appeal of Gene Peterman, on behalf of the State of Minnesota, to a Fire Inspection Correction Notice at 540 CEDAR STREET.

Sponsors: Thune

Decrease the time delay of the panic hardware from 15 seconds to 5 seconds in the south cafeteria area and change signage appropriately. For the other door(s), decrease from 15 to 10 seconds; keep the delay; and change signage appropriately (for the 10 second delay, it is for the duration of this use of that space)

RE: 540 Cedar St (State of MN Office Bldg)

Gene Peterman and Bill Lunz, Director of Security, appeared.

Ms. Moermond:

- concerned with the cafeteria area*
- will recommend decreasing the timing delay of the panic hardware from 15 seconds to 5 seconds (south)*
- change the signage appropriately*
- will recommend decreasing the timing of the other door's panic hardware from 15 seconds to 10 seconds; keep the delay (for the duration of this use of that space)*
- change the signage appropriately*

Referred to the City Council due back on 7/10/2013