



# City of Saint Paul

15 West Kellogg Blvd.  
Saint Paul, MN 55102

## Minutes - Final Legislative Hearings

*Marcia Moermond, Legislative Hearing Officer*  
*Mai Vang, Hearing Coordinator*  
*Jean Birkholz, Hearing Secretary*  
*legislativehearings@ci.stpaul.mn.us*  
*651-266-8585*

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Tuesday, July 15, 2014

9:00 AM

Room 330 City Hall & Court House

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### 9:00 a.m. Hearings

#### Remove/Repair Orders

- 1 [RLH RR 14-13](#) Ordering the rehabilitation or razing and removal of the structures at 1093 ARCADE STREET within one-hundred and eighty (180) days after the August 20, 2014, City Council Public Hearing.

**Sponsors:** Bostrom

*Laid over to August 12 for the following conditions to be met:*

1. *contact Ramsey County Property Tax Records and make sure address is current;*
2. *pay outstanding real estate taxes for 2012;*
3. *provide general and subcontractor bids;*
4. *provide a work plan, including timelines and must be done in accordance with the Code Compliance Report;*
5. *post the \$5,000 performance deposit;*
6. *provide financial documentation dedicating the funds (construction loan, a line of credit or a bank statement) for the project;*
7. *if using bank statement, provide an affidavit letter committing the funds for the project; and*
8. *maintain the property*

*RE: 1093 Arcade Street (Duplex)*

*Chi Nguyen and Tom Phung, White Oak Investment Group LLC, owner, appeared.*

*Mr. Phung:*

*Correct contact information:*

- *White Oak Investment Group LLC, 1098 Arcade St, St. Paul MN 55106-2602 (where his mom, Chi, lives)*
- *Thomas Phung, 1600 128th Lane NW, Coon Rapids, MN 55448*
- *he set up the LLC and wants mail sent to his address because his mom does not speak English very well (Tom and his mom are White Oak Investment Group LLC)*
- *purchased this property Nov 11, 2011*

*Inspector Steve Magner, Vacant Buildings:*

- The building is a one-story, wood frame, duplex, on a lot of 2,178 square feet.*
- According to our files, it has been a vacant building since June 30, 2010.*
- The current property owner is White Oak Investment Group LLC per AMANDA and*

Ramsey County Property records.

-On April 16, 2014, an inspection of the building was conducted, a list of deficiencies which constitute a nuisance condition was developed and photographs were taken. An ORDER TO ABATE A NUISANCE BUILDING was posted on April 30, 2014 with a compliance date of May 30, 2014. As of this date, the property remains in a condition which comprises a nuisance as defined by the legislative code.

-Taxation has placed an estimated market value of \$5,800 on the land and \$24,200 on the building.

-Real estate taxes for 2012 are delinquent in the amount of \$707.21, including penalty and interest. Taxes for the first half of 2014 have been paid. (Property is scheduled for tax forfeiture July 31, 2014.)

-The Vacant Building registration fees were paid by cash on June 16, 2014.

-A Code Compliance Inspection was done on May 17, 2011 and has since expired. A new Code Compliance Inspection was applied for on June 30, 2014 but has not yet been completed.

-As of July 14, 2014, the \$5,000 performance deposit has not been posted.

-There have been eighteen (18) SUMMARY ABATEMENT NOTICES since 2010.

-There have been nine (9) WORK ORDERS issued for:

- Garbage/rubbish
- Boarding/securing
- Tall grass/weeds
- Snow/ice

-Code Enforcement Officers estimate the cost to repair this structure exceeds \$40,000. The estimated cost to demolish exceeds \$12,000.

DSI, Division of Code Enforcement Resolution submitted for consideration orders the property owner to repair or remove this structure within fifteen (15) days; if not the resolution authorizes the Division of Code Enforcement to demolish and assess the costs to the property.

Amy Spong, Heritage Preservation Commission (HPC):

- built in 1889; 1 1/2 story vernacular workers cottage, by James W. Oye
- when it was built, this whole block face was one lot; there were 4 store fronts and this house at the corner; there was an auto garage at the back
- since that time, lots have been divided
- last surveyed for historic purposes in 2011; before in 1983; it was not identified in either survey as having any potential for historic significance
- new siding; window and door changes
- originally, it was built without a front porch; it had just a stoop; since then, the entry porch has been expanded
- it does not have any potential for historic designation
- demolition would not have an adverse effect on the historic character of the area
- original permit index card says it's a 1 story; built as a black smith shop (commercial use along Arcade)

Ms. Moermond:

- seeing that the 2012 taxes weren't paid; there's no statement about 2013 taxes; and the first half of 2014 has been paid
- Mr. Magner is checking for a receipt for 2013
- this is a duplex on a tiny lot; so, probably, it could not be rehabbed as a duplex, only as a single family
- it's scheduled to forfeit in a couple of weeks because of nonpayment of taxes

Ms. Nguyen:

- she paid off all the taxes; she owes nothing; she went to the Ramsey County Office

Mr. Magner:

- system shows: 2 different numbers; 2 payments for 2012
- could be outstanding assessments
- he thinks that Ms. Nguyen and Mr. Phung need to contact Ramsey County Tax Records to verify what's been paid

*Ms. Moermond:*

- Mai, have Katie call 266-2000 to find out exactly what the deal is on the tax situation
- noticed that the property has a lot of Orders on it since 2010 (they purchased in Nov 2011)

*Mr. Magner:*

- looking at their 2014 tax statement, the county still lists their address as 842 University Ave W
- you need to contact Ramsey County to change your address

*Ms. Nguyen:*

- she has put a lot of money into the house and she wants to finish it and sell it
- everything is done

*Mr. Magner:*

- a lot of the SA were back in 2010 and early 2011; have trailed off since then
- owners did rehab in 2011
- originally had a plumbing permit, warm air, mechanical, electrical and building in 2012; project was never finished
- that code compliance has expired; a new one has been applied for; Mr. Seeger needs to inspect
- they need to post \$5,000 performance deposit and get a grant of time

*Mr. Phung:*

- she had a lot of issues with contractors and needs more time

*Ms. Moermond:*

- in 2012, there's a tax balance of \$707; 2013 taxes are paid; the first half of 2014 is paid
- so, you need to pay the rest of 2012 taxes; change that address
- if you don't pay the \$707, the county will take the house
- county has the University address as the contact address; you need to change that so that they mail notices to the right address

*Mr. Phung:*

- this is the first that we are aware of the \$707 not having been paid; will take care of it right away
- they have a new contractor; old contractors didn't finish the work

*Ms. Moermond:*

- conditions on getting more time:
- change address at Ramsey County and paying rest of 2012 taxes
- check with the Attorney General's Office about those contractors who took your money without finishing the work
- she needs to see bids from contractors
- permits need to be signed-off
- needs to see a Work Plan that shows timelines and deadlines
- submit the \$5,000 Performance Deposit (refundable when project is completed on time)
- need to see that you have money to finish the project (bank accounts; line of credit, etc.)

- need to continue to maintain the property
- will LAY this OVER to Aug 12, 2014 Legislative Hearing
- City Council Public Hearing Aug 20, 2014
- she will put in a call to expedite the Code Compliance Inspection Report ASAP
- will send a letter to confirm

**Laid Over to the Legislative Hearings due back on 8/12/2014**

**2**      [RLH RR 14-14](#)

Ordering the razing and removal of the structures at 1438 EDMUND AVENUE within fifteen (15) days after the August 20, 2014, City Council Public Hearing.

**Sponsors:**      Stark

*Remove the building by September 5, 2014.*

*RE: 1438 Edmund Avenue (Duplex)*

*Jerry L. Walczak, owner, appeared.*

*Inspector Steve Magner, Vacant Buildings:*

- The building is a one-story, wood frame, single-family dwelling, with a detached two-stall garage, on a lot of 4,792 square feet. According to our files, it has been a vacant building since December 5, 2013.
- The current property owner is Jerry L. Walczak per AMANDA and Ramsey County Property records.
- On March 13, 2014, an inspection of the building was conducted, a list of deficiencies which constitute a nuisance condition was developed and photographs were taken. An ORDER TO ABATE A NUISANCE BUILDING was posted on May 14, 2014 with a compliance date of June 13, 2014. As of this date, the property remains in a condition which comprises a nuisance as defined by the legislative code.
- Taxation has placed an estimated market value of \$20,400 on the land and \$125,400 on the building.
- Real estate taxes for the first half of 2014 are current.
- The Vacant Building registration fees were paid by check on January 13, 2014
- As of July 14, 2014, a Code Compliance Inspection has not been done.
- As of July 14, 2014, the \$5,000 performance deposit has not been posted.
- There have been four (4) SUMMARY ABATEMENT NOTICES since 2013.
- There has been one (1) WORK ORDER issued for tall grass & weeds (work was done by owner).
- Code Enforcement Officers estimate the cost to repair this structure exceeds \$150,000. The estimated cost to demolish exceeds \$15,000.
- DSI, Division of Code Enforcement Resolution submitted for consideration orders the property owner to repair or remove this structure within fifteen (15) days; if not the resolution authorizes the Division of Code Enforcement to demolish and assess the costs to the property.
- Note: have included 2 Fire Reports from 2 separate dates (Dec 2013 and Mar 1, 2014)
- the 2nd fire began at the knee wall of stairs

*Mr. Walczak:*

- it was a duplex, not a single family home

*Amy Spong, Heritage Preservation Commission (HPC):*

- built in 1915 as a workers cottage with a bungalow look to it
- original owner was Jas Helm
- originally built with an open 1-story full front porch (has been enclosed)

- index card for original building permit says it's a 1-story structure; she assumes it was built as a 1 1/2 story
- some additions - front and others
- located in the middle of the block
- neighborhood was last surveyed in 1983; neither this property nor neighborhood was identified as having potential historic significance
- not eligible for the national register
- the fire damage was fairly substantial
- demolition would not have an adverse effect

Mr. Walczak:

- next week, they will remove the asbestos; wait 10 days and then, within a couple weeks, it'll be demoed
- they did an investigation on the 2nd fire; just got done with that and the checks were mailed out Jul 1, 2014
- the main general contractor is his buddy; he doesn't know who the actual demo contractor will be

Mr. Magner:

- Mr. Walczak needs to submit a copy of their signed demo contract to the city for the record; and as long as they complete it by the time outlined in their contract, the city won't do anything; if it goes past that time, the city would need to hire someone
- the city would prefer that his contractor do it

Mr. Magner:

- asked if he'd be making application for building at the same time as the demo or will there be time between the two
- explained that he will need to finish the demolition, which will include backfilling the site, add top soil and seed; the city can't allow an open hole to sit for any length of time; it would be a nuisance and need to go through a city process
- if you can submit a building application at the same time as you apply for a demo permit, then, the city can allow you to tear the house down, remove the foundation and leave the hole without backfilling for no more than 30 days; and you'll need to properly fence the site
- that and the contract for demolition could be sent to the hearing officer; she would pass that back to him (DSI) and they would make a note of it in the file (if they get complaints)
- the building permit first needs to go to plan review; they would send it over to zoning to make sure it meets the intent of the zoning (R-4), single family

Mr. Walczak:

- he will find out about all that

Ms. Spong:

- there will also be infill design standards for the property; they are basic but you have to have a certain percentage of windows on the front; the entrance way has to be clearly defined; etc.

Mr. Walczak:

- he plans to build an up-and-down duplex (Ms. Moermond: you may need a variance to build a duplex there)

Mr. Magner:

- you'll need to check with zoning on that; it's listed in our system as a duplex and there's a time period as to a nonconforming use existing, which is generally 365 days
- it's his understanding that if a nonconforming use is re-established within 365 days,

*it would be allowable; i.e. the use ceased to exist at the time DSI opened the Vacant Building file (Dec 15, 2013); so, from Dec 15, 2013 - Dec 15, 2014, if you pulled your building permits, you could probably re-establish that non-conforming use; you need to verify that with the Zoning Office)*

*- make sure the demo contractor has a wrecking license in the City of St. Paul; he also needs to contact Ramsey County Environmental to make sure they do a walk-thru (county requirement) and submit documentation about asbestos and hazardous waste*

*Ms. Moermond:*

*- will recommend the City Council order this building down within 15 days  
- deadline Sep 5, 2014  
- City Council Public Hearing: Aug 5, 2014*

*FYI: as of 8/8/14, no action on owner pulling demo permit on his own.*

**Referred to the City Council due back on 8/20/2014**

**3**      [RLH RR 14-15](#)

Ordering the razing and removal of the structures at 1164 MINNEHAHA AVENUE WEST within fifteen (15) days after the August 20, 2014, City Council Public Hearing. (To be referred back to Legislative Hearing on September 16, 2014 and City Council Public Hearing on September 17, 2014)

**Sponsors:**      Stark

*8/8/14: Duey Erlen called on behalf of Freddie Mac that they wished to have this matter heard. Rescheduled to 8/12/14 LH.*

*No one appeared. Remove the building within 15 days with no option for repair.*

*RE: 1164 Minnehaha Avenue West (Single Family)*

*Inspector Steve Magner, Vacant Buildings:*

*-The building is a one-story, wood frame, single-family dwelling, with a detached one-stall garage, on a lot of 4,792 square feet. According to our files, it has been a vacant building since October 22, 2012.*

*-The current property owner is Tammy Martinez per AMANDA and Ramsey County Property records.*

*-On May 2, 2014, an inspection of the building was conducted, a list of deficiencies which constitute a nuisance condition was developed and photographs were taken. An ORDER TO ABATE A NUISANCE BUILDING was posted on May 7, 2014 with a compliance date of June 6, 2014. As of this date, the property remains in a condition which comprises a nuisance as defined by the legislative code.*

*-Taxation has placed an estimated market value of \$20,400 on the land and \$115,600 on the building.*

*-Real estate taxes for the first half of 2014 are current.*

*-The Vacant Building registration fees were paid by assessment on December 3, 2013.*

*-As of July 14, 2014, a Code Compliance Inspection has not been done. (Note: a code compliance inspection fee was paid January 24, 2014; however, an inspection was never done.)*

*-As of July 14, 2014, the \$5,000 performance deposit has not been posted.*

*-There have been seven (7) SUMMARY ABATEMENT NOTICES since 2012.*

*-There have been seven (7) WORK ORDERS issued for:*

*- Garbage/rubbish*

- Boarding/securing
  - Tall grass/weeds
  - Snow/ice
- Code Enforcement Officers estimate the cost to repair this structure exceeds \$75,000. The estimated cost to demolish exceeds \$12,000.
- DSI, Division of Code Enforcement Resolution submitted for consideration orders the property owner to repair or remove this structure within fifteen (15) days; if not the resolution authorizes the Division of Code Enforcement to demolish and assess the costs to the property.
- could not gain access
  - per Inspector's Essling's file: 2012 notes - phone call from property owner's boyfriend; he said that owner had hired contractor to do exterior work; contractor never finished work; he walked away; he didn't pull permits either; boyfriend said he's working on the interior - walls and floors; he also stated that he has brought in a roll-off and..... I will delay Condemnation until I check for permits; if permits are pulled and exterior is in compliance, Condemnation will be lifted

Amy Spong, Heritage Preservation Commission (HPC):

- house built in 1947; no Sanborn Insurance Map
- Hamline Midway neighborhood
- last neighborhood surveyed 1983; house was not old enough to be considered for historic purposes
- some vinyl siding went up; newer windows and doors
- demolition would not have an adverse effect
- not eligible for individual or potential historic district
- has no interior photos
- looks like a newer escape window in the basement

Ms. Moermond:

- will recommend the City Council order the building removed within 15 days with no option for rehabilitation

**Laid Over to the Legislative Hearings due back on 8/12/2014**

### Repurchase Applications

- 4 [RLH OA 14-10](#) Recommending that Ramsey County deny the application of Linda P. Ji, Attorney for Rock of Ages Missionary Baptist Church, for repurchase of tax forfeited property at 507 DALE STREET NORTH.

**Sponsors:** Thao

*Deny the repurchase.*

*RE: 507 Dale Street North (Church/Synagogue/Temple)*

*No one appeared.*

Steve Magner, Vacant Buildings:

- we are well versed in this property's history
- DSI has no specific issues with this; it boils down to resources
- the church, at the time, did not have the resources to maintain or repair the nuisance/hazardous conditions at the site
- ultimately, DSI had to hire a contractor to remove the structure to provide safety to that neighborhood
- if they now have the resources to purchase and maintain the property... that's fine

- had tall grass and weeds in 2010; had snow walk in 2013; 2 more snow walks in 2014

*Ms. Moermond:*

- the basis of the application is that the city was in error by knocking down the structure; and that knocking it down was a problem in any number of ways for the church; and that the city didn't follow due process. This issue should/could have been handled in district court after the Council ratified the assessment.

- there is time attached to the appeal of the tax assessment; it's pretty tight (not the right venue)

- Rock of Ages allowed this building, during their ownership, to deteriorate through a lack of maintenance to a point where it constituted a dangerous structure and needed to be removed.

- because of that history of not maintaining the property, she will recommend the City Council recommend to Ramsey County against repurchase

**Referred to the City Council due back on 8/6/2014**

**5**      [RLH OA 14-12](#)

Recommending that Ramsey County deny the application of Coretta B. Walker-Rinehart for repurchase of a tax forfeited duplex located at 1057 DAYTON AVENUE and 1059 DAYTON AVENUE.

**Sponsors:**      Thao

*Deny the repurchase.*

*RE: 1059 Dayton Avenue (Duplex)*

*No one appeared.*

*Steve Magner, Vacant Buildings:*

- some complaints: Certificate of Occupancy complaint in 2013; C of O complaint in 2009; garbage, rubbish complaint in 2008; garbage-rubbish in 2007; mattress 2007; not a huge amount of history but some previous things

- Mr. Walker is familiar with most of the staff; he owned a number of properties and there have been conversations with him

*Ms. Moermond:*

- she's looking at an extensive history: shoveling, mowing, vehicle issues

- will recommend against the repurchase of this property

**Referred to the City Council due back on 8/6/2014**

**6**      [RLH OA 14-11](#)

Recommending that Ramsey County approve the application of Curtis W. Baker for repurchase of tax forfeited property at 660 JESSAMINE AVENUE EAST.

**Sponsors:**      Bostrom

*Approve the repurchase.*

*RE: 660 Jessamine Avenue East (Single Family)*

*No one appeared.*

*Steve Magner, Vacant Buildings:*

- not a lot of complaints on the record



- water shut-off in 2012; tree issue in 2006
- has prior permit activity

Ms. Moermond:

- she called for police calls and there were none
- the guy is out of work
- if he can come to a deal with the county ...
- he's been maintaining the property
- she will recommend approving the repurchase

**Referred to the City Council due back on 8/6/2014**

- 7      [RLH OA 14-9](#)      Recommending that Ramsey County deny the application of Kyle Erin Christensen for repurchase of tax forfeited property at 1219 ROSS AVENUE.

**Sponsors:**      Bostrom

*Deny the repurchase.*

*RE: 1219 Ross Avenue (Single Family)*

*Steve Magner, Vacant Buildings:*

- based on complaints received, there's been quite a bit of activity here: many tall grass and weeds; Summary Abatements; Shut-offs; snow walks; vehicles; etc. in recent history
- city was out there a lot since 2006-2007
- photo shows a lot
- in this situation, he would recommend denial of the repurchase

Ms. Moermond:

- will recommend denial of the repurchase

**Referred to the City Council due back on 8/6/2014**

## 11:00 a.m. Hearings

### Summary Abatement Orders

- 8      [RLH SAO 14-24](#)      Appeal of Clifton Boyd Jr. to a Summary Abatement Order at 649 SMITH AVENUE SOUTH.

**Sponsors:**      Thune

*Deny appeal and grant until August 8, 2014 for compliance.*

*RE: 649 Smith Avenue South (Miscellaneous-H-Utility & Other)*

*Clifton Boyd, Jr., owner, appeared.*

*Inspector John Peter Ross:*

- this property is directly south across the street from the Capital View Cafe
- received a complaint Jun 16, 2014 that read: parking lot turned into storage area, including large barrels of an unknown liquid
- Mr. Ross went out Jul 2, 2014 for re-inspection; has photos where you can see conduit being stored on some pallets; he talked with the owner and that material was

used for the light rail project; several large blue barrels holding commercial ice milk; owner talked about this storage being somewhat temporary in nature for the light rail project and offered some alternatives regarding screening the fencing, etc. Mr. Ross said that he needed to do a little research on the zoning of the property to find out what exactly what was allowed

- in consultation with both Licensing and Zoning, he found that this property is in a B2 zoning district and outdoor storage of materials is not allowed; B2 zoning district was established on a community business district generally to allow for vehicular and pedestrian traffic .... goes on to say.. "storage, servicing, or processing shall be conducted within completely enclosed buildings;" so, with that information, he sent a Summary Abatement Order, dated Jul 3, 2014 with a compliance date of Jul 14, 2014: Remove outside storage of metal conduit, plastic conduit, scrap wood and pallets, plastic tubs of unknown liquid - possibly deicer. He also quoted Code 66.441 - "All business, storage, servicing or processing shall be conducted within completely enclosed buildings."

- according to Zoning, relief might be sought by rezoning to Industrial (not sure how likely that is)

- in the appeal, the owner states: "Storing of normal supplies used in my daily electrical supply business. I must have the ability for outside storage to be competitive in my industry. I'm willing to fully enclose the outside yard, including privacy fencing, as well." (more permanent, rather than temporary)

- photos

- he could consider a storage shed

Mr. Boyd:

- the previous owner, Donnie's Drywall, used the entire lot to store trucks and everything else for a number of years; he acquired that building with the assumption that he would be able to do the same; he was unaware until the inspector told him it was in a B2 Zoning District

- they are an electrical supply company; currently, they are working on the 3 largest projects they have had in their history, one of the reasons that they need some type of outside storage (ballparks, light rail, etc.)

- if they are not allowed to have outdoor storage, it puts them in a position to be non-competitive because they wouldn't be allowed to order directly from manufacturing every day when they need them without absorbing a lot of overhead  
- he was hoping that the hearing officer would consider allowing them to put up a 6-foot fence with privacy screening, as well as a gate, so that it won't be "an eye sore" to the neighborhood because they are the only supply company on that whole block

- currently, they are working with the Saint Paul Port Authority to find a larger facility but have not yet been able to identify one within their price range; so, their plans are to move to a larger facility

- they are looking for some type of temporary solution (variance, exception) so that they can continue to operate on a daily basis

- took the liberty to look into the time it would take to enclose the property and a company said that they could have it done within 2 weeks

Ms. Moermond:

- for her, there's no question; this is not an appropriate use of the land; it's a B2 zone and outside storage is an industrial use, which is not allowable at this location

- the Summary Abatement Order is appropriate

- Mr. Boyd's economic concerns can't be a part of what she looks at; she is looking strictly at the land use issues

- will recommend denying this appeal and grant until Aug 8, 2014 for compliance

- City Council Public Hearing Jul 23, 2014

**Referred to the City Council due back on 7/23/2014**

**Orders To Vacate, Condemnations and Revocations**

- 9 [RLH VO 14-25](#) Appeal of Gerald Kaluzny, Southern Minnesota Regional Legal Services, on behalf of James Frye to a Notice of Condemnation-Unfit for Human Habitation-Order to Vacate at 1755 GRACE LANE.

**Sponsors:** Lantry

*Grant until August 12, 2014 for compliance.*

*RE: 1755 Grace Lane (Single Family)*

*Gerald Kaluzny, Attorney, Southern Minnesota Regional Legal Services (SMRLS) and James Frye, Occupant, appeared.*

*Mr. Kaluzny:*

- *we have a signed Cash for Keys agreement from Freddie Mac; they are paying \$3500 for these folks to vacate by Aug 12, 2014*
- *is asking the city to allow them to stay there until that time*

*Ms. Moermond:*

- *she heard back from the inspector who went out the day of their last LH and he said that there were still beds present; the beds were turned up against the walls; there were still personal belongings of those folks; so, it looked like it was continuing to be operating as a boarding house*

*Fire Inspector Leanna Shaff:*

- *speaking with Inspector Niemeyer this morning, he told her that he has been told that since that inspection, it has been noticed by others that there are only 2 people living at the house and it has quieted down tremendously*
- *there are no complaints*

*Mr. Kaluzny:*

- *they were aware that the inspector would find beds there because the people that left didn't take anything with them; they were basically, squatters*
- *we knew that was going to happen when we left here that day*

*Mr. Frye:*

- *the people who had been in the front bedroom left a mattress, box spring; misc articles but no clothes*
- *in each bedroom in the basement, just about everything was left by the people: various clothes, mattresses*
- *all of that is gone from the rooms*
- *he is storing the mattresses in the basement in one area; there's mold all over them; he's stacking them and is waiting to go out the back door to the garbage area for the city to come and pick them up*
- *he called the city to pick up that stuff*
- *he had to put the electric bill in his name or they would have shut the power off; he had to pay back to May when the owner took his name off the bill (\$700+)*
- *he has been doing his best to clean things up; he took a VIDEO this morning*
- *2 rooms are not empty-vacated: his room and Ron's room*
- *no one else is living at the house*

*Mr. Kaluzny:*

- *under this contract, they will be under the obligation to remove everything; they will*

*have to return the house completely clean; if they don't, they will lose \$3500 - it's quite an incentive to get it all done*

*Ms. Moermond:*

- is willing to look at the date Mr. Kaluzny put out there; she needs some conditions to ensure that we have a property that remains non-problematic for it's neighbors*
- no more than the 2 occupants; girlfriends may come over*
- wants the house broom clean*
- wants Mr. Frye to take out those mattresses, etc.as a condition of continuing to live there. the city should not have to be responsible for cleaning up his mess.*
- if the city ends up taking out those things, there will be a substantial charge*
- will recommend a vacate date of Aug 12, 2014*
- City Council Public Hearing Aug 6, 2014*

**Referred to the City Council due back on 8/6/2014**

**10**     [RLH VO 14-23](#)

Appeal of Trudie and Stephen Ellsworth to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 788 CHARLES AVENUE.

**Sponsors:**        Thao

*Owner in compliance.*

**Withdrawn**

**11**     [RLH VO 14-26](#)

Appeal of Andy Hybben to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 37 WYOMING STREET EAST.

**Sponsors:**        Thune

*Laid over for owner to provide a work plan with timelines.*

*RE: 37 Wyoming Street East (Duplex)*

*Andy Hybben, 37 Wyoming LLC, owner, appeared.*

*Fire Inspector Leanna Shaff:*

- Fire Certificate of Occupancy Revocation and Order to Vacate issued by Inspector Sean Westenhofer on Jun 16, 2014*
- issue: Mr. Hybben nor his representative show up for appointments and we're not getting compliance*
- has been going on since Feb 2014; no show for appointments and no messages left asking for re-schedules*
- we have curling shingles; need parking area paving; need a lot of exterior work done; still need access to much of the interior; basically, a lot of deferred maintenance*
- 2 units*

*Mr. Hybben:*

- apologizes for not making appointments*
- he proposes to put on a new roof and pave the parking area*
- he needs time to get that done*
- this house will be sold eventually*

*Ms. Shaff:*

- Mr. Hybben owns a lot of properties and this is an issue with all of them*

Mr. Hybben:

- yes, lately, it has been; he apologizes
- has 6 of his properties up for sale right now
- he plans to have all his properties sold within 2 years; he wants to retire
- his sons don't seem to follow through like he expects them to; he needs to push them more
- he can give Mr. Westenhofer more access; the lady who lives there is a very private person and she's tough but he knows that he has the authority to go in there and inspect

Ms. Shaff:

- explained that Mr. Westenhofer was going on vacation starting tomorrow and won't be back at work until next Thu, Jul 24

Mr. Hybben:

- you send me a letter and I will respond to confirm
- problem: someone tapped into his email in Jun and locked it up so that he could not get in; someone found his password and went in and changed his password; it has been fixed since then and he checks email everyday
- his son Brian showed up for an inspection in Mar
- he knows the things that need to be done; sometimes, in the past, he thought that Brian was taking care of things but he didn't so, he can see that he needs to follow up on Brian; he will take care of things
- you have my word; until I get these sold, it is my sole responsibility
- he can't rely on Brian

Ms. Shaff:

- call Mr. Westenhofer today; he's in the office: 266-8982

Ms. Moermond:

- will give you 2 weeks to get the inspection done
- will LAY this OVER to Jul 29, 2014 to give Mr. Hybben time to put together a Work Plan
- within the next 2 weeks: get the inspection; allow Mr. Westenhofer access; put together a Work Plan

**Laid Over to the Legislative Hearings due back on 7/29/2014**

- 12     [RLH FCO 14-92](#)     Appeal of Tiffany Olmo to a Correction Notice - Complaint Inspection (Condemnation) at 681 YORK AVENUE.

**Sponsors:**     Bostrom

Owner in compliance.

**Withdrawn**

## 1:30 p.m. Hearings

### Fire Certificates of Occupancy

- 13     [RLH FCO 14-96](#)     Appeal of Faye Sparks to a Fire Inspection Correction Notice at 374 CHEROKEE AVENUE.

**Sponsors:** Thune

*Property owner informed front desk that this be rescheduled to July 22.*

*No one appeared. Deny the appeal.*

*RE: 374 Cherokee Avenue (Single Family)*

*Fire Inspector Leanna Shaff:*

- Fire Certificate of Occupancy inspection process*
- chimney issue: any fire burning equipment needs to be properly vented; it needs to be safe to have a fire in there*
- Inspector Westenhofer wrote the appropriate Order because this house hadn't been inspected since 2008 and we don't have anything that tells us that the fireplace is safe*

*Ms. Moermond:*

- wondering if this is a case where welding the flue would be of any assistance*

*Ms. Shaff:*

- it depends upon the venting*
- the average person doesn't have any idea of how a fire place works or that they should even open a flue; they build their little fire and all of a sudden, there's a house full of smoke*
- she has seen where other owners have literally put a screen to it so you can't build a fire; also insulated the chimney so that there's not so much heat loss*
- chimney fires are just awful; all should be inspected*

*Ms. Moermond:*

- wants to put on the record that Ms. Sparks appears to be filing not only as a private individual but she also uses her contact address at the state capitol; there's no private contact information, which is troubling; she also uses her status as an employee at the State Senate as a part of her appeal, which isn't acceptable in her view*
- will recommend denial of the appeal on the chimney, lacking any additional argument*

**Laid Over to the Legislative Hearings due back on 7/22/2014**

**14**     [RLH FCO 14-95](#)     Appeal of Floyd Johnson to a Fire Inspection Correction Notice at 503 FOREST STREET.

**Sponsors:** Lantry

*Grant an extension until September 12, 2014 for the window in Unit 1, northeast room to come into compliance by 1) discontinuing use of the room as a sleeping room; 2) open up the entire porch windows; or, 3) put in a new window leading to the outside.*

*RE: 503 Forest Street (Duplex)*

*Floyd Johnson, owner, appeared.*

*Fire Inspector Leanna Shaff:*

- Fire Certificate of Occupancy inspection conducted Jun 19, 2014 by Fire Inspector George Niemeyer*
- Unit #1 - the NE bedroom egress exits into an enclosed porch; it must go directly to the outside*

- originally, it was not an enclosed porch
- this has not been written up in the past
- Inspector Spiering inspected in 2011

Mr. Johnson:

- he always has passed inspections and doesn't understand why not this time
- entered and explained his photos

Ms. Moermond:

- the problem is that you need to have 2 ways to get out of the room and one of those exits needs to go directly outside; in this case, you have to pass through the porch before you can get to the outside
- past inspectors should not have allowed this
- Mr. Johnson has 3 options: 1) stop using the room as a sleeping room; 2) remove all the windows and the door from the porch; or 3) cut a window into the bedroom wall
- easiest solution: open up the porch
- will recommend granting an extension to Sep 12, 2014 for compliance
- City Council Public Hearing Aug 6, 2014

**Referred to the City Council due back on 8/6/2014**

## 2:30 p.m. Hearings

### Vacant Building Registrations

- 15 [RLH VBR 14-53](#) Appeal of Nurul Amin to a Vacant Building Registration Renewal Notice at 290 HARRISON AVENUE.

**Sponsors:** Thune

*Waive the Vacant Building fee for 3 months (90 days).*

*RE: 290 Harrison Avenue (Single Family)*

*Nurul Amin, owner, appeared.*

*Inspector Matt Dornfeld, Vacant Buildings:*

- house was Condemned Jul 2, 2013 by Code Inspector Ed Smith
- we have a water shut-off and numerous exterior code violations: rotted siding; soffit, eaves and fascia damage; broken windows; torn screens; garage is in dilapidated condition; misc
- Mr. Smith transferred the file to the Vacant Building Program
- on Jul 11, 2013, Mr. Dornfeld opened up a Category 2 VB
- there was securing during that time frame; boarding the garage, porch, some doors
- Mr. Amin went through the city's Sale Review process and was approved to purchase the property Mar 18, 2014
- a Code Compliance Inspection Report is on file
- as of today, he has not seen any trade permits that have been issued
- property has been maintained since Mr. Amin has taken over
- we are here today to address the VB fee that is 3 days past due

Ms. Moermond:

- looks as though Mr. Amin has bids to get the rehab work done

Mr. Amin:

- first of all, they collected bids and got a contractor, who delayed the work for 3 months and then, he backed out
- he found another contractor and work is in progress
- he plans to complete the work in 2-3 months

Ms. Moermond:

- will recommend waiving the VB fee for 3 months so that Mr. Amin can pull permits; if he goes longer than 3 months, he will get another VB bill
- 3 months should give Mr. Amin enough time to get the permits pulled and finalized; then, he won't have any bill at all
- can begin to pull permits at 9 am tomorrow

**Referred to the City Council due back on 8/6/2014**

**16**     [RLH VBR 14-54](#)     Appeal of Daniel Diaz to a Vacant Building Registration and Correction Orders at 14 SYCAMORE STREET WEST.

**Sponsors:**     Thao

*Grant an extension until September 10, 2014 to finish the items on the list provided that all life safety issues are addressed and that the house is in compliance when Inspector Dornfeld makes a walk-thru inspection. The driveway issue is granted until August 1, 2015 for owner to put in more Class 5 and have defined boundaries between the grass and gravel.*

*RE: 14 Sycamore Street West (Single Family)*

*Daniel Diaz, son of owner, Angela G. Hernandez, appeared.*

*Fire Inspector Leanna Shaff:*

- it checked out that this house is owner-occupied and that it would not be in the Fire C of O Program anymore
- Mr. Dornfeld would be following up on the Orders

*Ms. Moermond:*

- one of her concerns was that Mr. Diaz understood the list of things that needed to be done

*Mr. Diaz:*

- they are working on the deficiency list right now and it won't take very long
- he is here to disagree on the driveway

*Ms. Shaff:*

- the driveway is in very bad shape; the asphalt is very deteriorated and is overgrown

*Mr. Diaz:*

- there has never been asphalt there since his mom moved in 21 years ago
- the house is approximately 90 years old, was built in 1925; if there ever was asphalt there, it was 50-60 years ago
- right now, the driveway is dirt

*Ms. Moermond:*

- the driveway needs to be fixed

*Mr. Diaz:*

- well, there's no way we can do it; we don't have money and if we can't get it fixed, then DeLisle is going to take the property back from his mother because he'll say that



*he'll fix it and then his mom loses the property because she can't afford to pave the driveway*

- he doesn't understand why this is happening now, almost 90 years later; he doesn't think that's fair to his mother or to his father because he's not here to stick up for her; if he were still here, he'd be doing all the talking but he's not here*
- his family doesn't have the money to do something like that*

*Ms. Moermond:*

- and, we don't want Mr. DeLisle to take back the house*
- Ms. Shaff, Mr. Dornfeld and Mr. Diaz gathered around Ms. Moermond to take a look at the photos*
- the driveway is just really compacted down and there's nothing holding it in place; and there's no clean line - just a spread out parking area*
- asked if his family could put down Class 5*

*Mr. Diaz:*

- he is not working right now; his brothers are working but they make only \$10/hour*
- is wondering if his mom can move back into the house*
- all the things Ms. Shaff had talked about - the life-safety issues have been taken care*
- if Mr. Dornfeld could come over and inspect today, he'd be surprised at the change*
- they took care of the cover plates, smoke detectors, CO alarm, back step, etc.*

*Ms. Moermond:*

- we can give you an extension on the driveway until we are over the hump on this*

*Mr. Dornfeld:*

- would be glad to follow-up on these Orders (deadline Sep 10)*

*Mr. Diaz:*

- he talked to an attorney about ownership/title and the attorney said that if Mr. DeLisle doesn't switch the contract over after the house is paid off, then Mr. Diaz should contact him; there's nothing that they can do right now*

*Ms. Moermond:*

- wants to see a cleanly defined line between the driveway and the yard areas; can use different kinds of things to define the line or can just make sure that grass is planted right up to the driveway*
- rake out the driveway*
- Class 5 is a particular size of gravel*
- Mr. Dornfeld will go to find out if all the life-safety issues have been addressed and then Mr. Diaz mother can move back in again*
- Sep 10, 2014 deadline for the rest of the Orders except for the driveway, which will have a deadline of Aug 1, 2015 for Class 5 gravel*

**Referred to the City Council due back on 8/6/2014**