



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final Legislative Hearings

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651-266-8585

Tuesday, January 20, 2015

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Special Tax Assessments

- 1 [RLH TA 15-50](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1505A, Assessment No. 158504 at 963 CASE AVENUE.
- Sponsors:** Bostrom
- Ron Mash, owner, and his wife appeared.*
- Inspector Paula Seeley:*
- clean-up
 - Summary Abatement Order issued Oct 24, 2014; compliance Oct 29; re-checked Oct 29
 - work done Oct 30 for a cost of \$420 + \$160 service charge = \$580
 - sent to Aree Properties LLC, 12012 Orchard Ave W, Minnetonka MN; and Occupant
 - no returned mail
 - her opinion is that this was illegal dumping (they are finding more and more shell TV's, scrapping and throwing)
 - photos - illegal by the alley ROW
 - they sent this to Public Works but they won't pick up anything unless it's directly in the ROW; unfortunately, there are a lot of victims
 - had Orders Dec 26 and was taken care of by owner; otherwise, it's a clean history
- Ms. Moermond:*
- here, if she lived a couple houses down the alley, she would move it out of the ROW so that she would not hit it with her car
- Mr. Mash:*
- he had a stroke and was in the hospital, in ICU; at that time; their lives were hectic
 - he hired a management company, CPM Management Co, (Daniel Oberpriller) to take care of things; they get all notifications
 - he is not sure if they received the notice or not
 - owned it for 4-5 years and have gotten a few notices; people do dump there but we've always handled it
- Ms. Moermond:*
- looks like there's a pretty significant change in grade where the alley is several feet above the back yard with a retaining wall; and the garage exits to the street, not the alley
- VIDEO - TV's in rear yard near alley

- noted that owners are responsible for up to mid-alley

Ms. Mash:

- doesn't recall getting any mail from the city for clean-up
- some mail was given to the hired help; others, she took care of and went over it with her husband
- the property is in her husband's name, she needed a Power of Attorney; some people wouldn't talk with her because she was not the owner
- they did not do anything purposely
- her husband was in ICU for a couple of weeks; life and death situation

Ms. Moermond:

- there was no mail returned and the Occupant was also notified
 - you are still responsible even though those items were dumped
 - still thinks there's some culpability on Mr. Mash's part
 - will recommend reducing the assessment to \$160
 - would like a commitment on the Mash's part that they are going to maintain the space behind the garage better; it's way overgrown and in bad shape
- Reduce the assessment from \$580.00 to \$160.00.

Referred to the City Council due back on 2/18/2015

2 [RLH TA 15-44](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1501A1, Assessment No. 158510 at 1010 EUCLID STREET.

Sponsors: Lantry

Komlan Ahossoude, owner, appeared.
clean-up

Inspector Paula Seeley:

- Summary Abatement Order issued Jul 17, 2014; compliance Jul 28; re-checked Jul 28
- overgrown trees/shrubs in the ROW of alley
- work done Jul 30 for a cost of \$160 + \$160 service charge = \$320
- sent to Komlan R Ahossoude/Karine Saint Louis, 1010 Euclid St, St. Paul
- no returned mail
- photo

Mr. Ahossoude:

- he was out of the country at this time but his friend was taking care of the back yard
- when he came back he had the Notice in the mail and he asked his neighbor what was done

VIDEO - not very good; photos show better; watched VIDEO a 2nd time

- Ms. Moermond:

- will recommend this assessment be approved and divide the payments over 5 years
 - you received Notice; the city did the work
- Approve and spread over 5 years.

Referred to the City Council due back on 2/4/2015

3 [RLH TA 15-51](#)

Deleting the Appealed Special Tax Assessment for Real Estate Project No. CRT1505, Assessment No. 158204 at 2055 FAIRMOUNT

AVENUE.

Sponsors: Stark

Delete the assessment. Billing was sent to previous owner and billing was for a duplex, not a single family dwelling. Property owner will pay DSI corrected amount. (No hearing necessary)

Referred to the City Council due back on 3/4/2015

4 [RLH TA 14-670](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1502, Assessment No. 158801 at 804 FOURTH STREET EAST.

Sponsors: Lantry

No one appeared.

Inspector Joe Yannarely:

- Vacant Building fee
- still vacant; still no sign-off
- just got a code compliance inspection report dated Nov 5, 2014

Ms. Mai Vang:

- you needed a progress report on this one

Ms. Moermond:

- this would go onto the 2016 property taxes; she is actively trying to sell it
 - guesses that Ms. Mitsch won't see the 2016 taxes
 - will need to be dealt with in closing
 - will recommend approval
- Approve the assessment.*

Follow-Up, on consideration, I am amending my recommendation to asking the Council to split the assessment over 5 years. In the event that the property can't be sold as quickly as intended, the owner would have a much smaller bill to manage on her very limited income. -MM

Referred to the City Council due back on 2/4/2015

5 [RLH TA 15-55](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1505, Assessment No. 158204 at 786 FRANK STREET.

Sponsors: Bostrom

John Mann, owner, appeared.

Fire Supervisor Leanna Shaff:

- Fire Certificate of Occupancy assessment
- cost: \$170 + \$155 service charge = \$325
- appointment ltr went out Jun 26, 2014 with inspection Jul 17; approved Aug 18
- billing dates: Aug 21 and Sep 22, 2014
- sent to John and Barbara Mann, 4525 White Bear Pkwy, White Bear Lake MN
- no returned mail

Mr. Mann:

- has owned this single family home for about 10 years
- doesn't recall receiving a bill
- 4525 Wh Br Pkwy is their previous office address
- he put a change of address in about 1 year ago on all of his properties to their new office location
- this tax letter went to their house at 893 Deer Oak Run, Mahtomedi, MN

Ms. Moermond:

- has the earmarks of Ms. Mann's tax records not being up-to-day

Mr. Mann:

- he didn't receive the bill when it was due; it went to his previous address
- he pays all of his bills on time; there's no reason why he would not have paid it if he had gotten it before the extra \$155 was added
- is asking for the admin fee (that was added on) to be waived because he truly did not receive the bill and he has an excellent track record for paying his bills on time
- he maintains his properties well

Ms. Shaff:

- all the correspondence went to the address that they were provided with

Mr. Mann:

- other properties he owns in St. Paul:
- 1251 Sixth St
- 1707 Cottage Ave
- 1704 Reaney Ave

Ms. Moermond:

- will give Ms. Shaff some time to look up those addresses
- asked Mr. Mann to fill out a fresh Fire Certificate of Occupancy form
- will recommend the admin fees (\$155) be deleted, finding persuasive that the other bills have been paid and that the list was minor

Ms. Shaff:

- 1251 Sixth St E - updated by Inspector Niemeyer on Jun 18, 2014
- 1707 Cottage Ave - Inspector James Thomas updated on Oct 13, 2014
- 1704 Reaney Ave - has responsible party as Barbara Mann and John R Mann at 4525 Wh Br Pkwy

Ms. Moermond:

- will delete half of the admin fee for 786 Frank
- believes that there's culpability on Mr. Mann's part for the address being incorrect

Mr. Mann:

- argued again that the admin fee should be waived because he did not receive a bill
- he feels confident that he informed the city of the change of address

Ms. Moermond:

- however, the appointment letters and the correction order went to the other address and were successfully received

Mr. Mann:

- but not receiving the bill bother's him
- he receives hundreds and thousands of bills that he pays every month and he is very good at paying all of those on time
- his issue is that he never received a bill

Ms. Moermond:

- she needs to weigh the probability of that with the other evidence she has in front of her
- she is willing to decrease it by half

Mr. Mann:

- he can show the document that he submitted to the city that shows he changed the addresses on all 4 properties
- it shows that this bill went to the wrong address, which proves that he never got the bill

Ms. Moermond:

- is willing to take a look at what Mr. Mann can bring in as proof
- Will delete admin fee provided that applicant submit documentation that he did fill out a Fire C of O ownership for change of address.

Follow-Up: after review of the supplemental information provided, recommendation is to delete 1/2 of the administrative fee associated with the assessment. MM

Referred to the City Council due back on 3/4/2015

6 [RLH TA 15-53](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1504B, Assessment No. 158103 at 856 GALTIER STREET.

Sponsors: Thao

No show; approve the assessment.

Referred to the City Council due back on 3/4/2015

7 [RLH TA 15-46](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1501A, Assessment No. 158806 at 781 IGLEHART AVENUE.

Sponsors: Thao

Walter Remine, owner, appeared.

Inspector Joe Yannarely, Vacant Buildings:

- Vacant Building fee \$1440 + \$155 service charge = \$1595
- anniversary date May 9, 2013
- received code compliance certificate Dec 15, 2014 (half a year in the program)
- he recommends prorating

Mr. Remine:

- he already paid a VB fee once, almost \$1600
- he got 2 Notices from the city concerning this assessment with overlapping periods of time: 1) Apr 3, 2013 - Feb 18, 2014; and 2) Nov 18, 2013 - Jun 25, 2014; he was very much confused by that
- he did not get an extension from his inspector

Ms. Moermond:

- today, we're talking about the time period from May 9, 2014 - May 9, 2015 (doesn't know what happened with the confusing letters)

- DSI is recommending that the bill be cut in half to \$797 because you were out of the VB Program half way thru the year

Mr. Remine:

- owned building for 30 years
- there was a fire: a tenant was deep frying chicken, walked into the other room and fell asleep; it totaled the kitchen and smoked the rest of the house
- he did a lot of the demolition work himself

Mr. Yannarely:

- there's a note in the file that Mr. Remine paid the VB fee for last year; then, it was refunded to him on Nov 13, 2014

Mr. Remine:

- clarify: I thought I had to pay it, so I did and I was informed that I didn't have to pay it; I was premature, so, I was refunded my first payment; then, there came a 2nd assessment, I came before LH and Ms. Moermond denied my appeal, so, I paid the entire fee; so, this is like the 3rd time thru the system on this

Mr. Yannarely:

- he got a fire exemption in May 2013; then, he got another 90-day fee waiver in Sep 2013; then, another 90-day waiver in Dec 2013; he thinks that's why the dates are different from the anniversary date

Ms. Moermond:

- OK, that makes perfect sense
 - sounds like for 3/4 of the year, you didn't have a VB fee
 - Ms. Vang is pulling up the records on this
 - so, 1 VB fee has been paid
 - this 2nd VB fee and DSI is recommending on half
- Reduce from \$1595 to \$797.00.

Referred to the City Council due back on 2/4/2015

8 [RLH TA 14-704](#)

Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1504A, Assessment No. 158503 at 605 LAFOND AVENUE.

Sponsors: Thao

Anna Ovsyannikova, owner, appeared.

Inspector Joe Yannarely:

- clean-up garbage/rubbish/furniture; household items
- Summary Abatement issued Sep 22, 2014; compliance Sep 25; re-checked Sep 25
- work done Sep 29 for a cost of \$348 + \$160 service charge = \$508
- sent to Fannie Mae

Ms. Ovsyannikova:

- closed on the property from Fannie Mae Jul 30, 2014
- when they got the property it was completely clean; no garbage left behind or anything
- the handyman started to paint and fixing things; he called and said that someone dumped an entire household of stuff by the garage sometime after they bought it; she told him to see if he could find something that could identify who dumped it; he found a bunch of mail all addressed to the same person; she called the police and they took the envelopes

- she assumed that they would be billed for this occurrence
- the police told her not to worry about it and said to call the number they gave her (she thinks it was DSI); she asked them to put a note on the address to explain the situation

Ms. Moermond:

- while you owned this property, this Notice went to the previous owner so, you did not receive proper legal notification that this needed to be addressed; therefore, she will recommend that this assessment be deleted
Delete the assessment.

Referred to the City Council due back on 2/4/2015

9 [RLH TA 14-705](#)

Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1503E1, Assessment No. 158304 at 605 LAFOND AVENUE.

Sponsors: Thao

Anna Ovsyannikova, owner, appeared.

Inspector Joe Yannarely:

- Excessive Consumption fee \$155
- tall grass and weeds letter went out the middle of Aug 2014
- sent to Fannie Mae

Ms. Ovsyannikova:

- closed on property from Fannie Mae Jul 30, 2014

Ms. Moermond:

- while you owned this property, this Notice went to the previous owner so, you did not receive proper legal notification that this needed to be addressed; therefore, she will recommend that this assessment be deleted
Delete the assessment.

Referred to the City Council due back on 2/4/2015

10 [RLH TA 15-45](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1501A2, Assessment No. 158511 at 878 MAGNOLIA AVENUE EAST.

Sponsors: Bostrom

Tenant, Angela James, called and stated she can't make the hearing on 1/20 and wishes to reschedule. Rescheduled to 2/3 Legislative Hearing. Public Hearing is Feb 4.

F/U: should have been laid over to 2/18.

Referred to the City Council due back on 2/4/2015 (Legislative Hearing February 3)

11 [RLH TA 15-52](#)

Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1503P, Assessment No. 158402 at 1657 MINNEHAHA AVENUE EAST.

Sponsors: Lantry

Owner appeared; however, a graffiti waiver was filled and signed; delete the assessment.

Referred to the City Council due back on 3/4/2015

- 12 [RLH TA 15-56](#) Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1503P, Assessment No. 158402 at 1040 MACKUBIN STREET.

Sponsors: Brendmoen

Delete the assessment; graffiti was on the building across the street. This was confirmed by field inspector on January 20, 2015. (No hearing necessary)

Referred to the City Council due back on 3/4/2015

Staff Reports

- 13 [RLH TA 14-655](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1502, Assessment No. 148801 at 897 JESSIE STREET.

Sponsors: Brendmoen

Status on Repairs

Inspector Joe Yannarely:

- no Certificate of Code Compliance has yet been issued
- a Work Order was sent last week to clean-up the yard
- still no sign-off

Ms. Moermond:

*-will recommend approval of the Vacant Building fee assessment
Approve the assessment.*

Referred to the City Council due back on 2/4/2015

Special Tax Assessments - ROLLS

- 14 [RLH AR 14-97](#) Ratifying the assessments for Collection of Certificate of Occupancy Fees from August 18 to September 12, 2014. (File No. CRT1505, Assessment No. 158204)

Sponsors: Lantry

Referred to the City Council due back on 3/4/2015

- 15 [RLH AR 14-98](#) Ratifying the assessments for Boarding and/or Securing services during October 2014. (File No. J1504B, Assessment No. 158103)

Sponsors: Lantry

Referred to the City Council due back on 3/4/2015

- 16 [RLH AR 14-99](#) Ratifying the assessments for Graffiti Removal services from

September 22 to October 30, 2014. (File No. J1503P, Assessment No. 158402)

Sponsors: Lantry

Referred to the City Council due back on 3/4/2015

- 17 [RLH AR 14-100](#) Ratifying the assessments for Emergency Abatement services from June through August 2014. (File No. J1503A, Assessment No. 158502)

Sponsors: Lantry

Referred to the City Council due back on 3/4/2015

11:00 a.m. Hearings

Summary Abatement Orders

- 18 [RLH SAO 15-4](#) Appeal of Robert Leslie to a Summary Abatement Order at 1092 MAGNOLIA AVENUE EAST.

Sponsors: Bostrom

Appellant called and withdrew his appeal. Inspector to take enforcement action if owner is not in compliance.

Withdrawn

11:30 a.m. Hearings

Orders To Vacate, Condemnations and Revocations

- 19 [RLH VO 15-2](#) Appeal of Kay M. Smith to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 1306 FOURTH STREET EAST.

Sponsors: Lantry

Kay M Smith, homesteader, appeared.

Fire Supervisor Leanna Shaff:

- *Fire Certificate of Occupancy Revocation / Order to Vacate*
- *Inspector George Niemeyer*
- *been going on since last Mar 2014*
- *inspector's notes: 3-7-14: in process of being sold and homesteaded; postponing for 14 days*
- *7-18-14: he spoke with Ramsey Co; they still show it's non-owner occupied*
- *7-28-14: spoke with Appellant; advised her to appeal*
- *8-6-14: received email requesting a re-schedule; also stated she was filing an appeal to not have to record the deed with Ramsey Co and not have the inspection*
- *9-5-14: another re-schedule request*
- *9-24-14: no show at the property*
- *10-15-14: another request for a date change*
- *11-21-14: no show at the property; one more time, he will Revoke the C of O*

- 12-30-14: was met by the tenant; stated that she would still not allow access to the building
- was appealed shortly thereafter
- Chap 40 of the Legislative Code clearly states that "owner" is the "owner of record" with Ramsey County tax records; according to Ramsey Co tax statement, the owner is listed as Val Cain, 1624 Payne Ave; is listed as a relative homestead

Ms. Smith:

- most of what Ms. Shaff said is accurate
- Mr. Neimeyer misunderstood her; there wasn't a sale; she told him that she had a Quit Claim Deed; she also told him that she was in the process of homesteading the property, so that it would be relative homestead in her name
- at the time that she bought the house, she had her mom (Val Cain) do it in her name because her credit wasn't good enough to qualify
- shortly after that, her mom Quit Claim Deeded it to her so that she would be the owner of the property; however, as she explained in the letter, the reason that she doesn't want to file the Quit Claim Deed is because she has a severely abusive husband, who will be released from prison, shortly; and as soon as that becomes public, he will have a good chance of finding her; she has the original deed and will file it when she absolutely has to
- letters from him say that when he finds her, he's going to burn her house down, etc.
- she also checked with a real estate attorney who told her that there's no legal statute that says that she has to file the Quit Claim Deed but if it were a Contract for Deed, she would be required to file it within 4 months
- has never made a payment to her mother; she has always paid the mortgage payment directly to Wells Fargo
- the reason that a lot of those appointments were missed is because she and her mother are no longer on speaking terms and Mr. Neimeyer continued to send the Notices to her; he did have an email address for me and in one of her emails she said that if he'd include her on some of the Notices, she'd have a better chance of showing up to the appointments; then, he said that he wasn't required to; and things got negative from there on
- she feels as though it's her house; she pays the payments; she has proof
- it's a single family home; there's no renters involved; there's no rent being paid to anyone
- her argument is that just having that executed Quit Claim Deed is proof of ownership; the same argument she made with the inspector
- is just so happens that both she and her mother live in St. Paul; if she lived in any other city, this wouldn't be an issue
- her house is completely renovated

Ms. Moermond:

- it would still be an issue, no matter where she lived; if the owner's address is different from the one on concern, then the system pops it up
- suggested that it would be worthwhile talking to Family Court about an Order for Protection; also to talk to SPPD about the right way to approach this because there many, many ways that people can find you

Ms. Smith:

- she does not because he's in prison in Montana but will be returning to MN
- she has not yet gotten one but at this point, he doesn't know where to find her

Ms. Shaff:

- asked who did the renovation

Ms. Smith:

- they had just renovated it when she bought it
- they added a bathroom and a half bath to the main level
- whole new kitchen
- bought it in Jan 2013
- a home inspection was done in her mom's name

Ms. Shaff:

- the work was done without permits except for an express permit from Willingbring Co for a roof
- record shows a TISH done by American Central Inspections

Ms. Moermond:

- for your own safety, you're going to want to make sure the work was done correctly
- would like to see a copy of the Quit Claim Deed to examine it; she won't file it with her record

Ms. Smith:

- I included it with my paperwork

Ms. Moermond:

- will recommend that this appeal be granted; you are out of the C of O Program Grant the appeal.

Referred to the City Council due back on 2/18/2015

1:30 p.m. Hearings

Correction Orders

20 [RLH CO 15-2](#) Appeal of Allison Klis to a Fire Inspection Correction Notice at 570 ASBURY STREET.

Sponsors: Stark

Allison Klis, property manager; and Todd Geller, HPP Partners, LLC, owner, appeared.

Fire Inspector A. J. Neis:

- Fire Inspection Correction Notice dated Nov 4, 2014 by Inspector Skow-Fiske
- parking ramp inspection
- security for the parking ramp is ordered: 1) approved escort service; 2) private security company; 3) install panic button or emergency phone on each floor

Mr. Geller:

- we own and operate Victory Parking Ramp and the Lawson Parking Ramp
- we acquired it in Jun 2014 (both the adjacent office building and this 327 stall parking ramp); larger ramp used to also service Samaritan Hospital
- this ramp has serviced the office bldg only for almost 25 years
- the ramp is more like a parking lot than a public paid for ramp; it's there to service the tenants in the building
- different from other ramps is that it also has secured auto storage (autos, small boats, etc.) for usually 6 months at a time for a monthly fee; no one from the public has access to those spaces
- the parking ramp itself services the office building and tenants and customers don't pay to park in there; no gate / secure access; no personnel on site

- that's why they are applying for a variance on this; it would be a large cost for them to have to provide escort service / install panic system, etc.
- the management staff is there off and on; not on a regular basis
- the ramp has never been asked to provide this in the past; they have not had any concerns or issues during the past 25 years
- they have upgraded lighting in the ramp; it's pretty secure
- would create a pretty significant financial hardship on the ownership of the property (\$25,000 - \$30,000 initially plus the on-going cost); they have no bid
- they would be happy to post signage
- they do have security cameras

Ms. Klis:

- it's in a neighborhood setting; not on a main thoroughfare

Mr. Neis:

- this ramp is very large and there are not too many vehicles using it; it's usually quite empty
- the code is very clear: it shall have an attendant or some type of security/monitoring system
- this ramp is different from Spruce Tree in a couple of ways: 1) they already had call boxes; they were just no longer being maintained; 2) this one is open to the public; he would be concerned from a crime standpoint

Ms. Klis:

- she has managed that property for a long time, since 1990, and there has been very, very little crime
- it's off the main drag; no one knows it's there
- no one has expressed concerns about safety; that's never been raised in past inspections
- are experiencing very few changes from light rail; they are 4 blocks north of it

Mr. Geller:

- from a leasing perspective, he's seen a little higher level since light rail
- noted that there are some apartment projects that are going up or proposed along University
- there is an adjacent little private park next to this ramp; there's discussion about other potential projects that might go up there but nothing is moving forward now
- the office building has a skyway connection to the ramp; people can get to their car quickly

Ms. Klis:

- there are 116 spaces available and less than half are being used; 2 levels are open but never full
- there's an elevator between the 1st-2nd floors; no cameras in or around elevator
- there's no security guard; never had the need

Ms. Moermond:

- this is a different kind of situation from Spruce Tree

Mr. Neis:

- concern with skyway ramp: someone could, theoretically, sneak into the ramp and hide behind a vehicle; in his opinion, the skyway poses more of a security to the patrons
- 417. 3 of the code: all enclosed parking lots or buildings in which tenants do not park all the vehicles or valet, during normal operating hours, shall have a phone, push button or sound activated on each floor... strategically located, visibly

accessible or escort service by an employee, readily identifiable as a representative of the parking lot for which required under subsection 7 where a security guard is employed and may provide escort service.

Ms. Klis:

- their maintenance person is there only a few hours a week
- frequently, there are police cars there; seems to be a deterrent

Mr. Geller:

- pointed out definitions under 417.02 Parking Lot or Parking Lot or Building, it says it means that it includes any premises where there are 10 or more vehicles are parked or stored or allowed to remain and where the park owner or person storing or parking such vehicle is charged a fee therefore. Parking lot excludes any parking area other than a parking garage that is exclusively used by or leased to occupants of a residence on the same or other premises for use only in connection with and as an accessory to the occupants of such residence.
- they do charge for the auto storage but that is fully secured situation with no access
- believes this ramp falls under the 2nd part of 417.02....excludes any parking area....
- rather ambiguous
- is the auto storage triggering this? If they didn't have auto storage and the ramp was used only by the occupants of the office building, would it fall under the definition of parking lot or building as is relates to this specific safety issue?

Mr. Neis:

- "all enclosed parking lots or buildings" is the catch all
- thinks that DSI has never had to make that call; can't really answer that
- this is a very unique situation; it's not something to which he can apply past practices to
- this building/ramp is very well maintained/managed building over the years; has a 3-year inspection cycle

Ms. Moermond:

- let's revisit this again in 3 years; there's a changing demographic which may mean a change in use
 - ramps needs deterrant signage at all ingress and egress locations (this ramp is under video surveillance)
- Grant the appeal and will revisit this in 3 years. Owner will need to put in signage for the ramp.

Referred to the City Council due back on 2/18/2015

Fire Certificates of Occupancy

- 21 [RLH FCO 15-9](#) Appeal of Charles Nosie to a Fire Inspection Correction Notice at 1126 FOURTH STREET EAST.

Sponsors: Lantry

Charles Nosie, owner, appeared.

Fire Supervisor A.J. Neis:

- Fire Certificate of Occupancy Correction Notice dated Jan 2, 2015 by Fire Inspector Joe Brown
- re-inspection Jan 13, 2015
- appealed is the 2nd floor ceiling height requirement: #1 Provide and maintain all habitable areas with a ceiling height of 7 ft over 1/2 the floor area. (Height variance

was appealed by Richard Miller and denied by LH Officer in 2009. Second floor not to be used for sleeping purposes.)

Mr. Nosie:

- ceiling height is 6'4"

Ms. Moermond:

- will deny again unless Mr. Nosie has a plan to do something different

Mr. Nosie:

- is a general contractor and has knowledge about renovating houses

- he has entertained the thought of raising the ceiling height to 7 ft; however, after doing some research, they still wouldn't meet the 50% of floor area; it's possible that 1 room would work

- when this house was built, it was clearly intended to have 2 bedrooms upstairs

Ms. Moermond:

- usually, they were built as 2nd floor attic space; not intended for sleeping; later on, they were used for sleeping

- would like to find out Mr. Nosie's proposal for this 2nd floor

- she is flexible on some things; the proportion of the room that would be over 7 ft or over a particular height, she would go lower than 7 ft; she would also look at the proportion of space over 7 ft; the square footage is calculated at what's above 5 ft

Mr. Nosie:

- he can do 1/3 - not 50%

- one room he can do at 50%; the other one 1/3

- he would need some time for this project; he'd like to wait, at least, until May

Ms. Moermond:

- that could work for her; write it up; that's definitely something that she's willing to look at

Mr. Nosie:

- they are fine with the square footage

- get some dimensions and she will know how to write the variance

Ms. Moermond:

- she could definitely go with 6'8" or 6'9"

- she is more flexible about 2nd floor bedrooms than she is about basements

Mr. Nosie:

- he knows that 6'8" is achievable

- he will email that

Ms. Moermond:

- after she gets something from you, she will respond by email and do a resolution Deny the appeal. Ms. Moermond would like to see some dimensions/plans to grant a variance if owner wants to raise the roof.

Referred to the City Council due back on 2/18/2015

2:30 p.m. Hearings

Vacant Building Registrations

20 [RLH VBR 15-6](#)

Appeal of Michael Peterson to a Vacant Building Registration Notice at 1236 VIRGINIA STREET.

Sponsors: Brendmoen

Michael Peterson, owner, appeared.

Ms. Moermond:

- we have several "no shows" inspections with Fire and a Vacant Building referral

Fire Supervisor A.J. Neis:

- Vacant Building Registration Notice issued by VB Program after it was forwarded to them by Fire Inspector Scott Perrier, who had made multiple attempts to gain access into the property to conduct a routine Fire Certificate of Occupancy Inspection
- Mr. Perrier went out and found the property to be vacant so he Revoked the C of O in Nov 2014 (process had started in Jun); he sent the file to the VB Program

Mr. Peterson:

- his ex-wife got a Protective Order against him; he hasn't been able to see his kids since last Jun 2014; nor has he been able to contact her; he has had his attorney try to contact her multiple times; he had to fire his attorney because he has failed to get her into court to deal with this house
- he didn't know the house was empty until about 2-3 months ago after the tenants moved out
- he knew that the fire inspection was due and he contacted his exwife, who said that she would handle the inspection but she did not
- in Sep, he found out that the house was empty so, he went in and found that the tenants had trashed it
- he fixed some of the steps without communicating with his exwife because he can't because of the Protective Order and is if she doesn't respond to his attorney, which she did not, then he can't get anything handled
- he didn't hear anything about the fire inspection until mid-Oct, that it hadn't been handled
- he wanted to get his exwife into court to figure out who owns this house; legally, he is the only one the hook; that's why she let it sit empty
- in Nov, he called to make this a vacant building, not knowing the repercussions of that; he figures that once he got to court, if he could buy her out and sell his house in West St. Paul and move over to this one.... he was not going to rent it out; either it would be sold or he would live in it
- it takes 2 1/2 months to get into Family Court
- in the meantime, the house went to being Vacant to a Cat 2; he didn't hear anything about the house after Nov; he thought things would be figured out in court; now, it's a Cat 2 VB (a bad state for selling, for him to move in, for anything to happen with it)
- court case is scheduled for Jan 26, 2015
- he has a realtor lined up to sell either this house or his house in West St. Paul and move into this one (if he and his exwife can come to an agreement)
- he is asking that the house remain a Cat 1 until he gets these things worked out next week in Family Court
- he just found out that the house is solely in his name and he is responsible; he's stressed out with all that's going on
- the house isn't going to be rented out and as far as he knows, it doesn't need to have a fire inspection if it's not going to be rented; it's homesteaded in his name
- he is willing to make the house right; they have owned it for 5 years
- his exwife has been cutting the grass all summer; after talking with the neighbors, she had been in the process of getting it ready for the inspection but then, just stopped

Ms. Moermond:

- noticed that the Orders don't have anything on the exterior and could that be because the inspector wasn't there

Mr. Neis:

- looking at the outside of the property and it looks pretty darn good

Ms. Moermond:

- so, why did he refer it as a Cat 2 VB

Mr. Neis:

- seems as though, we screwed up on our Orders; he doesn't know how it ends up as a Cat 2 VB because looking in Amanda, Inspector Perrier never actually made it a Cat 2 VB; he lists the status as "Revoked/Unoccupied", which is 2 levels below a Cat 2

- he doesn't know how it went from A to C without

- this had to have been done via email because there's not a process in Amanda... if you put it as a Revoked VB in Amanda, it automatically sends it to VB; in this case, Inspector Perrier put the status as "Revoked Unoccupied" so, in order for it to have gone to the VB Program, a VB inspector would to have gotten a complaint on the property from someone or it was for us (Fire); he looked at the VB file and is says, "Referred from Fire" but our process says, "Revoked Unoccupied"

Mr. Peterson:

- he didn't know it was a Cat 2 until his realtor looked it up

Mr. Neis:

- he is concerned about a couple of things: Inspector Perrier sent several Notices since Jul to Mr. Peterson, 621 Bidwell St and he hasn't allowed access; so, it wasn't that his exwife was keeping the mail or something; the letters were going to him; they have documentation of that (5 appointment letters went to the Bidwell address)

Ms. Moermond:

- she wants to get to the bottom of how this went from a Cat 1 to a Cat 2 and who made that determination; right now, it sounds like Fire made that determination; and she doesn't see any exterior Orders at all, which means he wasn't walking around outside or he just didn't go

Mr. Neis:

- Inspector Perrier did go out Nov 18, 2014; he documented that the building was vacant and secure

- if the property is in good shape, they will put it out for 90 days and Hold it; perhaps check it every 30 days and check the file to see if there are changes

- the status was never changed to "Revoked/Vacant"; the only way that it would have been referred to VB..... Inspector's Kalas' notes say, "Revoked from Fire".. is unless he emailed it

Ms. Moermond:

- she would like a report on how did this show up as a Cat 2

- how is this not even a "Preliminary" file ?

Mr. Neis:

- in 5 years, we've had only 2 complaints - tall grass and weeds and some furniture (2011 and 2012)

- property has had a very clean history for the last 10+ years

- we did send the letters to Bidwell
- this would not have gotten to this point, had Mr. Peterson allowed access

Mr. Peterson:

- his exwife was in contact with Perrier; he thought that she was handling this
- he will sell or move in

Ms. Moermond:

- will make this a Cat 1 Registered Vacant Building; it's turn key property
- will recommend waiving the VB fee for 90 days

Waive the VB fee for 90 days and change the VB status to Category 1.

Referred to the City Council due back on 2/18/2015