



# 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, June 16, 2015

9:00 AM

Room 330 City Hall & Court House

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### 9:00 a.m. Hearings

#### Special Tax Assessments

- 1     [RLH TA 15-323](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1509, Assessment No. 158816 at 400 BATES AVENUE.

**Sponsors:**     Finney

**Laid Over** to the Legislative Hearings due back on 7/7/2015

- 2     [RLH TA 15-301](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1509, Assessment No. 158816 at 278 POINT DOUGLAS ROAD NORTH.

**Sponsors:**     Finney

*Don Marx, owner, appeared.*

*Ms. Moermond:*

*-this is a Vacant Building fee*

*-asked about the TISH Report*

*Mr. Marx:*

*-intends to see the house*

*-the purchaser got an inspection on the house*

*-confusion happened because somehow the water got shut-off (they let it get shut-off because they were working on it); he didn't realize that the shut-off would put it into a Category 2 VB status; an oversight on his part*

*-when he saw the placard on the door, he called and the person he go a hold of said to call back when he was done with the house*

*Ms. Moermond:*

*-when she looked at the TISH Report, she noticed a couple of hazardous items on it:*

*1) open waste in the laundry room; 2) a radiator concern*

*Mr. Marx:*

*-the drain pipe has been capped; it was a dead drain*

*-he re-attached the radiator to the wall*

*-the TISH pretty much matched the purchaser's inspection - all just minor things*

-he put 2 screws in the toilet  
-they have a Purchase Agreement in place  
-closing is scheduled for Jul 16, 2015; like to get this cleared up by them  
-has been working 70 hours/week on his tiling job  
-he and his brother have been trying to step into this business; did one other property in North Branch; they have less strict rules than St. Paul; this is a learning process for him

Ms. Moermond:

-been in the VB Program since Jan 23, 2015  
-the way the violations are being described, she doesn't think that this will benefit from a code compliance inspection process (heavy duty repairs)  
-will decrease this VB fee by half  
-City Council Public Hearing is Jul 15, 2015

Reduce from \$1595 to \$800.

On June 25, 2015, Mr. Marx contacted LHO staff and stated that his understanding of Ms. Moermond's recommendation was to be changed to a Category 1 status. Ms. Vang affirmed with Ms. Moermond and she stated that she will recommend that this be changed to Category 1 status. Mr. Marx may sell the property using the TISH report as disclosure for sale of property. However, if the new buyer buys it and then rents it out, new owner will need to get a Fire C of O before re-occupancy.

**Referred to the City Council due back on 7/15/2015**

**3 RLH TA 15-329**

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1510A, Assessment No. 158521 at 752 JESSIE STREET.

Sponsors: Brendmoen

Darrell Lewis-Dey, AKP Investments LLC/Delewis Properties LLC, owner, appeared.

Inspector Paula Seeley:

-Summary Abatement issued Mar 19, 2015; compliance Mar 25; re-checked Mar 30  
-work done Mar 31, 2015 for a cost of \$288 + \$160 = \$448  
-no returned mail  
-sent to AKP Investments LLC, 2515 White Bear Ave #A8-121, Maplewood; De Lewis Properties, PO Box 17202, St. Paul; Delewis Properties LLC, 435 Maryland Ave E, St. Paul; and Occupant  
-in bold letters: Excessive Trash near rear fence and alley

Mr. Lewis-Dey:

-he received Order issued Mar 19 and he went out and cleaned up the area; he believes that was the time when he had an organization cleaning out both units; thinks there was a mix up with them leaving stuff as he cleaned it up or right after; or there was an illegal dumping situation, which he has had trouble with at that property  
-he wrote down that this was completed 3 times  
-Jan 20, he had another Order that he completed; he tried to call in and let you know that it was completed in order to avoid this type of situation  
-he knows that he picked up

VIDEO - so much excessive litter and trash from over the winter months; not dumping this time - Seeley -has asked him to get another container

Mr. Lewis-Dey:

-did get another container  
-will continue to keep that clean  
-is satisfied that the city did clean it up

Ms. Moermond:  
-sees the garbage container was full

Approve the assessment.

**Referred to the City Council due back on 7/15/2015**

- 4      [RLH TA 15-339](#)      Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1506E, Assessment No. 158308 at 77 BAKER STREET WEST.

**Sponsors:**      Thune

Delete the assessment; Work Order sent for the wrong address. Proper address is 651 Dodd Road.

**Referred to the City Council due back on 8/5/2015**

- 5      **RLH TA 15-320**      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1509, Assessment No. 158816 at 1020 CARROLL AVENUE. (To be laid over to September 16, 2015 Public Hearing)

**Sponsors:**      Thao

Bruce Johnson, owner, appeared.

Inspector Joe Yannarely:  
-annual Vacant Building fee: \$2,025 + \$155 = \$2,180  
-Category 2 VB was opened Mar 2008  
-expired code compliance inspection report from 2010  
-no permits

Mr. Johnson:  
-this was under his father's property and during his ownership, he developed poor health; during a family meeting, Mr. Johnson was able to take over all of his properties by contract; this is the only one that's a Cat 2 VB; before recording that, he paid to have a code compliance inspection done from DSI on May 8  
-the inspection occurred May 29 or 30; so, as of today he still hasn't gotten the report

Mr. Yannarely:  
-the report is usually about 4 weeks out

Mr. Johnson:  
-he bought another property at the same time; they came out the same day and he got that report Jun 5; it was very quick  
-because he has just taken this over, he is asking for 2 months to get the work done  
-he has a vested interest in that property because he owns 3 others in that complex

Ms. Moermond:  
-will Lay this Over to Sep 16, 2015 and if it's done, she will cut the fee in half

Layover to September 16, 2015 and if no violations, hearing officer will recommend deleting the assessment.

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Referred to the City Council due back on 7/15/2015

**6 RLH TA 15-328** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. 1506T, Assessment No. 159005 at 1138 CHARLES AVENUE.

Sponsors: Stark

Margaret Richardson, owner, appeared.

Inspector Rachel Coyle, Tree Service:

- removal of tree assessment
- notice of Emerald Ash Borer infested tree; 14 inch diameter
- Order dated Feb 3, 2015; compliance Mar 4; re-checked Mar 4
- sent to contractor to be removed on Mar 6
- work was completed sometime between Mar 7 - Mar 18, 2015
- cost: \$308 + \$178.02 service charge = \$486.02
- no returned mail

Ms. Richardson:

- she and her son were actually in the process of taking the tree down that upcoming weekend; they had taken branches to the Ramsey Co Compost Site
- when she got the Notice, she called the number on the Notice right away and left a detailed message with her name, number and address but she did not received a call back; she entered the letter; she was really upset that the tree had been taken
- she did not get a gold card; she talked with Mai about that

Ms. Coyle:

- she never got a message of any kind; the office staff is in a separate building but are usually good about forwarding messages
- there hadn't been any work done on the tree as of the re-check date
- did not get an exact date of the tree removal from the contractor

Ms. Richardson:

- she finally got a call back and said, "We never got a message from you."
- they had been removing branches from that tree for a long time
- it was really frustrating to not get a call back and then, to come home from work and find the tree gone
- she can't afford to have someone else take the tree down; is begging for mercy
- she called like she was asked to do; no call back; she was trying to take care of it
- she was also not notified that someone would be coming onto her property to take a tree down

Ms. Coyle:

- the contractor does leave a note on the door saying that they are going to be removing the tree
- the blue sheet is left on the door the day that they go out to mark the tree; it says that there's an issue with the tree and they will be sending an official letter; thinks it was dated Feb 2, 2015; the letter is sent the next day
- when she does get messages, she gives people more time to complete the task
- it seems strange that you called 2 or 3 times and she never heard about any of the calls

Ms. Richardson:

- even when she talked to Mai, she had gone through 5 offices to finally get Mai; it was the same number she called in the first place (Public Hearing Notice); she

*missed the LH on Jun 2; she had wanted to appeal right away*  
*-she called the number on the Notice and talked to a woman who had no idea where to send me but she put me through to another office, which she believes was DSI; they put me through to City Council, who transferred me to Ward 4, who switched me to Mai*  
*-she feels as though she was left out; maybe she hadn't gotten the right number to call in the first place*  
*-she tried to do what she thought she was supposed to do*

*Ms. Coyle:*

*-the 632-5129 is the right number*  
*-their office doesn't send out Notices for hearings*

*Ms. Moermond:*

*-sounds like it has been a frustrating venture for you; don't know what happened but your message didn't get through; but because the message didn't get thru, there wasn't any permission given to go beyond the deadline*  
*-Ms. Richardson brought up both letters and the number on both letters was the same*  
*-both Ms. Moermond and Ms. Coyle read the letters*  
*-there is a completely new and different paragraph in this form letter; none of us know why that would be there; that's a change that they have never seen*  
*-frustration aside, we are trying to sort this out*  
*-she hears that this is a financial matter; however, the cost of this tree removal is exceedingly low*  
*-she is satisfied that Ms. Richardson was given proper Notice*  
*-the city charter says this about appealing an assessment: The only defense to an assessment shall be that the assessment is fraudulent or that is made upon a demonstrable mistake of fact or law; or that it is an assessment in excess of the amount that benefits the property. The jurisdiction of the court shall not be affected by an error, act or conclusion not affecting the substantial rights of any person.*  
*-from that perspective, we're in a pickle; the original Notice and your call to re-negotiate a deadline is where she is stuck; she does believe that Ms. Richardson made the attempt; getting a response didn't happen (frustrating on both parts)*  
*-will recommend cutting the assessment in half and spread the assessment over 5 years*

*Reduce from \$486.02 to \$243 and spread over 5 years.*

**Referred to the City Council due back on 7/15/2015**

**7      RLH TA 15-333      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1506E, Assessment No. 158308 at 1400 CHARLES AVENUE. (To be laid over to October 7, 2015 Public Hearing)**

**Sponsors:**      Stark

*JoAnn Tsoumanis, owner, appeared.*

*Inspector Paula Seeley:*

*- Excessive Consumption*  
*- Summary Abatement issues Dec 30, 2014 for failure to maintain exterior property; compliance Jan 6, 2015; re-checked Jan 7; Work Order sent*  
*- done by owner which generated a PAEC: \$120 + \$35 = \$155*  
*- open file; still going on*  
*- sent to JoAnn Lorvig/Panagiotis Tsoumanis, 1400 Charles; and Occupant*  
*- notes: Especially, but not limited to scrap wood on blvd - Albert side. Scrap wood,*

door, refrigerator, plastic pails, other refuse - east side of house  
- another coming with stuff on blvd

Ms. Tsoumanis:

- looking to have the fee waived; her husband and her ran a small construction business for about 20 years; her husband died this past year and she has been struggling to finish work that is larger than her capabilities are as a single owner; after he died, it was pretty rough for her; a neighbor helps but getting him to do what she wants is a real challenge  
- as of this date, everything is clean with the exception of one piece of counter top that's leaning against her door; a homeowner is coming to get it

Ms. Seeley:

- history looks ongoing; Inspector Essling first started this; then, Mr. Ross took over  
- last notes were put in Jun 5, 2015: appears clean- still in progress; JoAnn says she's making progress and will be done by Jun 15, which was Mon  
- had another complaint about debris on blvd - an intern  
- Jan 8, 2015: garbage issues  
- Dec 26, 2014 - garbage  
- Jul 14, 2014 - garbage

Ms. Moermond:

- is more interested in solving this problem in its entirety than worrying about this fee

Ms. Tsoumanis:

- it is solved as of Sun evening and as she is struggling to figure out what she's doing and how she will proceed with her business, this will not be a problem; her year has been absolute hell! with caring for her husband 24 hours a day until his death and then going from a full partnership down to 1 person...

Ms. Moermond:

- will recommend laying this over for 4 month and in that time, if there have been no more problems, she will delete this assessment  
- expects that there may be additional assessments coming forward; we will look at those as they come, if they come

Ms. Seeley:

- she cancelled 2 of them already  
- one of the interns has a SA for the 17th - cabinets, plastics, storage containers, garbage on blvd (ALL TAKEN CARE OF)

Ms. Moermond:

- To be laid over to October 7 Public Hearing and if no further violations, will delete the assessment.

**Referred to the City Council due back on 8/5/2015**

**8**      [RLH TA 15-334](#)

Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1506E, Assessment No. 158308 at 494 CURFEW STREET.

**Sponsors:**      Stark

Delete the assessment; Inspector told the owner to correct the sump pump hose issue and he would recommend deleting the EC. Owner did correct the item. (No hearing necessary)

Referred to the City Council due back on 8/5/2015

- 9      [RLH TA 15-331](#)      Deleting the Appealed Special Tax Assessment for Real Estate Project No. CRT1510, Assessment No. 158210 at 1158 EDGERTON STREET.

Sponsors:      Bostrom

*Reduce from \$355 to \$200 (delete service charge). No hearing necessary.*

Referred to the City Council due back on 8/5/2015

- 10      [RLH TA 15-338](#)      Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1506E, Assessment No. 158308 at 790/794 FRANK STREET.

Sponsors:      Bostrom

*No show; approve the assessment.*

Referred to the City Council due back on 8/5/2015

- 11      [RLH TA 15-337](#)      Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1509B, Assessment No. 158109 at 1176 MAGNOLIA AVENUE EAST.

Sponsors:      Bostrom

*Debbie Hofmeister, owner, and her boy friend, Steve Novotny, appeared.*

*Inspector Joe Yannarely:*

*-emergency boarding requested by SPPD at 7 am on May 22, 2015*

*-didn't get the police report back yet*

*-cost: \$261.95 + \$160 = \$421.95*

*Ms. Hofmeister:*

*-a very unfortunate situation; her dad was found dead in his house; his friends kept stopping by; finally, one of them got up to the window with a ladder and could smell a dead body because he had been in there for 3-4 weeks; the friend called the police and they had to break the door down*

*-is frustrated that 7 screws and 1 piece of metal is \$421.95; if she could have been there quicker, she could have done that*

*Mr. Novotny:*

*-SPPD contacted her that night and Mr. Yannarely mentioned that it was requested at 7 am; they would have come down and boarded it up if they had known; no one contacted them about it*

*Ms. Hofmeister:*

*-she was notified at 8:30 pm on May 22 that he had passed away*

*-she called the next morning and was told by Officer Peng to go to SPPD and get screwdriver so that she could get into the house; but it was the wrong screwdriver; he dad had the right tools to get the door open; but had someone told her....*

*Ms. Moermond:*

-SPPD didn't contact you to give you an opportunity to do this; in other circumstances, they'd try to call you  
-you did not receive Notice to do this on your own  
-will recommend this be deleted

*Delete the assessment.*

**Referred to the City Council due back on 8/5/2015**

- 12     [RLH TA 15-340](#)     Deleting the Appealed Special Tax Assessment for Real Estate Project No. CRT1510, Assessment No. 158210 at 537 MOUNT CURVE BOULEVARD.

**Sponsors:**     Tolbert

*Delete the assessment; payment was received at DSI. (No hearing necessary)*

**Referred to the City Council due back on 8/5/2015**

- 13     [RLH TA 15-332](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1506E, Assessment No. 158308 at 1712 MINNEHAHA AVENUE EAST.

**Sponsors:**     Finney

*No show; approve the assessment.*

**Referred to the City Council due back on 8/5/2015**

- 14     [RLH TA 15-335](#)     Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1506E, Assessment No. 158308 at 343 WINIFRED STREET EAST.

**Sponsors:**     Thune

*Appellant arrived too late for hearing; rescheduled 2nd time to July 7th.*

**Laid Over to the Legislative Hearings due back on 7/7/2015**

### **Special Tax Assessment ROLLS**

- 15     **RLH AR 15-44**     Ratifying Collection of Certificate of Occupancy fees billed January 14 to 29, 2015. (File No. CRT1510, Assessment No. 158210)

**Sponsors:**     Stark

**Referred to the City Council due back on 8/5/2015**

- 16     **RLH AR 15-45**     Ratifying Excessive Use of Inspection or Abatement services during January 2 to February 19, 2015. (File No. J1506E, Assessment No. 158308)

**Sponsors:**     Stark



Referred to the City Council due back on 8/5/2015

- 17     **RLH AR 15-46**     Ratifying Boarding and/or Securing services during March 2015. (File No. J1509B, Assessment No. 158109)

Sponsors:     Stark

Referred to the City Council due back on 8/5/2015

- 18     **RLH AR 15-47**     Ratifying Graffiti Removal services during March 11 to 21, 2015. (File No. J1507P, Assessment No. 158406)

Sponsors:     Stark

Referred to the City Council due back on 8/5/2015

### 11:00 a.m. Hearings

#### Summary Abatement Orders

- 19     [RLH SAO 15-40](#)     Appeal of Gail Mulcahey to a Summary Abatement Order at 1299 JULIET AVENUE.

Sponsors:     Tolbert

*Owner has been in compliance.*

Withdrawn

- 20     [RLH SAO 15-41](#)     Appeal of Greg Verley for Union Gospel Mission to a Summary Abatement Order at 330 SAINT ANTHONY AVENUE.

Sponsors:     Thao

*Owner in compliance.*

Withdrawn

#### Correction Orders

- 21     [RLH CO 15-11](#)     Appeal of Sia Lo, Lo Law Firm, on behalf of Ying Vang and Chee Xiong, to a Correction Notice and Summary Abatement Order at 2153 BEECH STREET.

Sponsors:     Finney

*Rescheduled at the request of the owner's attorney.*

Laid Over to the Legislative Hearings due back on 6/23/2015

- 22     [RLH CO 15-12](#)     Appeal of William and Alicia Lockwood to a Correction Notice at 1098 WOODBRIDGE STREET.

**Sponsors:** Brendmoen

*William and Alicia Lockwood, owners, and Robin Chapin, Alicia's daughter, appeared.*

*Inspector John Peter Ross:*

*-complaint came in re: exterior of house; looked abandoned  
-inspected by Sean Westenhofer, who determined that the house was not abandoned (was getting mail and newspapers); however, he noted several deficiencies on the exterior  
-no photos  
-Correction Notice was sent May 21, 2015; it's rather inclusive: defective chimney; eaves and soffit; fascia boards; siding; remove torn awning on 2nd story west windows; damaged threshold along south entry door; damaged wood flooring-south entry door; replace porch door, screens/windows; compliance Jun 19, 2015  
-Mr. Westenhofer has been in communication with the homeowners  
-history - quite a bit: snow/ice; tall grass/weeds*

*Ms. Moermond:*

*-get some photos*

*Mr. Lockwood:*

*-we can't make the repairs; we don't have the money  
-hospital bills; they just have enough to get by  
-he recently filed bankruptcy so he can't get a loan  
-he works full time at Walgreens*

*Ms. Lockwood:*

*-she has a lot of bills and her credit isn't any good either  
-they live on her Social Security and pension but by the time she pays the house payment, the bills and the groceries, there's nothing left*

*Ms. Chapen:*

*-is not working at this time and has not other income; she is there to help take care of her mom with her health issues; her brother can't be there 24/7  
-there was a gentleman out at the house taking pictures right after the appeal was filed*

*Ms. Moermond:*

*-when she sees the exterior in disrepair, she guesses that the interior also has some significant issues*

*Mr. Lockwood:*

*-the inside is not very bad - some leakage near the toilet*

*Mr. Ross:*

*-Mr. Westenhofer will send an appointment letter to inspect the inside of the house*

*Ms. Moermond:*

*-you don't have to let him him  
-we should be looking for money to help with the repairs  
-volunteers: A Brush with Kindness  
-non profits - Community Development Corp, maybe could help out with money (grants; forgivable loans; regular loans)  
-would like this to get taken care of at this level because the options for code enforcement are: 1) if you are not able to finish this set of Orders, they can issue another set of Orders with a new deadline; or 2) do that and put an Excessive*

Consumption bill on it (which means that you aren't getting things done by the deadlines, so they are going to start charging for the inspection visits; or 3) they could choose to write a Criminal Citation and you'd be in Housing Court (progressive actions)

-some things may be able to be taken care of by you

Mr. Lockwood:

-he pulled the awning off and he could replace the screens and the door

Ms. Moermond:

-provided contact info for NeighborWorks: 651/292-8710; call them first

-doesn't think that these exterior items are that serious; could be done this construction season; they are handyman type of repairs

-after we find out whether or not there's an organization to help you, then, we will talk about putting together a timeline for when things need to be accomplished

-asked for a commitment from the Appellants to follow thru with phone calls to these organizations

-will Lay this Over for a few weeks to Jul 14, 2015 LH

-Ms. Chapin's husband's income is attached to this address and may be able to help on the applications

Layover to give owner time to explore options for assistance.

**Laid Over to the Legislative Hearings due back on 7/14/2015**

## 11:30 a.m. Hearings

### Orders To Vacate, Condemnations and Revocations

- 23      [RLH VO 15-33](#)      Appeal of Candise Lundy Dockery to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 2203 GLENRIDGE AVENUE.
- Sponsors:**      Finney
- Steven Henderson appeared on behalf of Candise Lundy Dockery, Appellant, on dialysis. He also lives at 2203 Glenridge Ave.
- Fire Inspector Leanna Shaff:
- Revocation of Fire Certificate of Occupancy and Order to Vacate; inspection conducted by George Niemeyer
  - in Mar 2014, we had a C of O inspection of this property; had a difficult time getting Mr. Shadrack to show up for inspections for any of his properties
  - the Fire C of O was approved last year with deficiencies (driveway wasn't done)
  - being there was not compliance on that (C rating), they scheduled another full C of O inspection on Feb 26, 2015
  - inspector noted that he has only been able to get the owner on site when he's posted short Orders for smoke detectors; so he called the owner to let him know that he was going to Condemn the property and send it to the Vacant Building Program is he did not comply
  - quite a history: 3-23-15 no show, 2203 tenant allowed access; 2205 appears to be unoccupied; 4-22-15 re-inspection in 2203 - tenant had no knowledge of inspection but allowed access; none of the work was done; found no smoke/CO detectors on the 2nd floor; posted written Orders on the front door; let tenant know that they needed to be done the next day or face Condemnation
  - contacted owner via phone to let him know that he would be going out tomorrow; he

*agreed to meet at the property at the scheduled time*

*-4-29-15 notes: met owner at property and conducted re-inspection for smoke/CO alarms; tenant was upset because owner is not making repairs or notifying them*

*-6-1-15 notes: no show; no work done; not notice to tenants of inspection*

*-can't gain access to 2205 and repairs aren't being made to 2203; consequently, Revoking for noncompliance*

*-Mr. Shadrack is well know to Fire Inspection Office; also owns 606 Robert St. S and 2251/2253 Glenridge Ave and we are having same difficulty*

*-photos*

*Mr. Henderson:*

*-the times that the inspector came, he was there*

*-inspector told him that the bed downstairs needed to be set up against the wall, so*

*Mr. Henderson did that*

*-his god son had taken the CO to put in new batteries; now, he has put in a new one, also a new smoke detector; and a light bulb above the door was replaced; he also complained about the bushes and the grass (lawn mower was broken); Mr.*

*Henderson cut down the bushes and fixed the lawn mower and he cut the grass; he'd find little things every time he came and we always let him in; there's nothing to hide*

*-at this property, things are being fixed; the owner has been out there fixing things; was there all day yesterday*

*-inspector said that we should file the appeal and he said that he was going to send us a letter but he didn't send us anything; he had to call in and ask them to send the letter out in the mail, so he came down to file the appeal*

*-to him, it seems like the inspector and the owner have a thing going and are taking it out on them; don't involve Mr. Henderson and Ms. Dockery in their situation!*

*-he knows that Mr. Shadrack is there doing the work because he's helping him*

*-doesn't understand what's so bad about the place that the C of O was Revoked*

*-the fans have been fixed*

*Ms. Moermond:*

*-she was hearing from Ms. Shaff that this inspection cycle began on Feb 26, 2015 and the owner has had the list of deficiencies for many months now and it's still not all done; so they have to send this to me to make sure things are done*

*-how do we get all of the things checked off so that you can stay there and there are no problems?*

*Mr. Henderson:*

*-the driveway: is shared with the people next door; Mr. Shadrack called the neighbors about it and they are working to get it done*

*Ms. Moermond:*

*-sounds like Mr. Shadrack and you have shared the responsibility of getting the repairs done; she can see that Mr. Henderson is here and is doing his part but she is not seeing that Mr. Shadrack is here or doing his part*

*Mr. Henderson:*

*-he called Mr. Shadrack and told him that the inspector was coming and that he needed to get over there; he said he was coming but something must have happened to prevent him from coming*

*-the piece that was missing from draining the gutter has been replaced*

*-the rotted wood on the ledge was fixed yesterday*

*-Mr. Henderson has gone to classes where they teach you about landlords and rental situations; what is expected from the landlord and from the tenants; so, he gets on Mr. Shadrack about what he's supposed to do*

*-door on bathroom: wood is not rotted; it's peeling - his grandson pulled on it and*

*pulled it off; Mr. Shadrack is coming today to take the door off and buy a new one because the one he had bought didn't fit*

*Ms. Moermond:*

*-is looking for a Work Plan that shows her how Mr. Shadrack is going to get things done in a certain amount of time*

*-Inspector Niemeyer will need to eyeball the work done just to confirm that it's been taken care of*

*-Ms. Dockery is on disability; on the 4th stage of kidney failure; has been on dialysis for 15 years; it's very important for her to live in a clean and sanitary environment to keep her as healthy as possible; it will be hard for her to move, if moving becomes necessary*

*-she should like to see everything on the list done by mid-July*

*-Deadline for vacating the building is Aug 1, 2015 unless all these things are done, except for the driveway (she can be flexible on that) but she does want to see a plan for the driveway and approve it*

*-she will remove some items from the list and send them to Code Enforcement*

*-dog feces in rear yard - DONE*

*-trees cut back - DONE*

*-lawn is - DONE*

*Ms. Moermond:*

*-will have a code enforcement inspector go out to take a look*

*-Mr. Shadrack will need to call to get Inspector Niemeyer back out there in mid-July; then, you'll have 2 weeks to Vacate if things aren't done*

*Grant until July 17, 2015 to address the issues in the Correction Notice dated May 21, 2015 and if not in compliance, tenants must vacate the property by August 1, 2015. Owner/tenants need to provide a work plan to get the repairs done. The deadline for the parking surface will be determined when the work plan is submitted. As to other exterior issues, she will have it referred to Code Enforcement inspector for follow up.*

**Referred to the City Council due back on 7/1/2015**

## **1:30 p.m. Hearings**

### **Fire Certificates of Occupancy**

- 24 RLH FCO 15-75** Appeal of Will Anderson, for MFCA, to a Fire Inspection Correction Notice at 374/376 MARIA AVENUE.

**Sponsors:** Finney

*Will Anderson, MFCA; JD Fratzke and Tim Niver appeared.*

*Ms. Moermond:*

*-since the last LH, she had a chance to go out and look at the building with Fire Supervisor Leanna Shaff, Building Official Steve Ubl, Inspector George Niemeyer and Councilmember Bill Finney*

*-Jun 9, 2015 LH, she laid this over for 1 week to give us a chance to look at it*

*-she also wanted to get some clarity on the outstanding permits*

*-we have the issues that are on your current set of Orders, those that relate to the restaurant area and those that relate to the entire building; we have past permits sort of written up in the current Orders; and the past permits, themselves; we have*

*historic preservation issues with the roof and windows*

*Ms. Christine Boulware, Heritage Preservation Commission (HPC):*

*-the window permit was later approved by HPC; have a final permit for the windows*

*-roof: received an email from the Inspector this morning; she had expressed her discomfort in signing off; she knew that he'd go up there and tell her that it was done and at least meet building code; one of her concerns, generally, is that when new roofs are put on and they attach it to the building, especially, in historic districts, the roof membrane's attached in the mortar joints; mortar joints are more easily reparable.*

*-usually, if a permit came to HPC before the work was done, she would make conditions that the roof only be attached into the mortar joints so that at a later date, when you needed a new roof 20 years from now, ..... instead, these were actually attached into the bricks, so for her to ask that they be removed at this point, would actually cause more damage than good; she will approve it as it was done*

*-Mr. Anderson also asked for information on masonry contractors to deal with the water issues that have happened with the roof and venting, she will supply that to him today; she will be signing off on this also because the work was performed without a permit of HPC approval; the building permit will be double feed*

*Mr. Anderson:*

*-there's 2 commercial units occupied by the restaurant; he is a partner in the LLC that owns those 2 commercial units; the other person is Mike Howes; there are 4 residential units; it's roughly 60% ownership of the overall building and approximately 10% of each individual condo unit; he, also as an individual owns one of those condos*

*-Lou Sudheimer does not own a unit anymore; he is currently squatting; the owner wants him out of there but apparently, they own another piece of property together and he's trying to get out of that first; Sudheimer was involved with all the repairs that were done without permits, etc.*

*-all 4 residential units are occupied; one is currently on a short sale*

*-the owner of Mr. Sudheimer's unit is talking about stopping making his payments to the bank*

*-he has gotten all the work done in all of the residential units; has photos to prove it*

*Ms. Moermond:*

*-we need an inspector's eyes on the work that has been done; he needs to confirm; photos can't substitute for an inspection*

*Mr. Anderson:*

*-he thought he had been given until Sep to finish the water proofing in the basement; his goal is to resolve that in Jul but he's like to have until Sep, along with HVAC, bricks & mortar*

*Ms. Shaff:*

*-the mechanical area that has a lot of ducting going through it has a ceiling that's too low (5'8" or 5'9"); doesn't think that it's designed to carry the load in there*

*-the fire place upstairs; the wall swings out - it's on hinges; there's a slide bolt that locks it into the floor; if it's used as an occupied space, you can't have it closed with a slide bolt*

*Ms. Moermond:*

*-old permits: she wants to make sure that if we go with a variance on this, the other parts of the building are in the best possible shape that they can be to balance the added risk (there's risk with not having had this work inspected); she doesn't know if things have been installed correctly/safely or not; it needs to be investigated and*

*concluded; she is trying to eliminate as many potential problems as she can*

*Mr. Anderson:*

*-that's why he put panic bars on all doors*

*Inspector Niemeyer:*

*-we talked about this with you during inspection that if occupancy load is over 50, one of the front doors would have to swing out (in the flow of travel), which would need to be discussed with HPC as far as approval of the front of the building; along with that, we would need to have secondary egress out the back with panic bars, which have been installed; however, currently, it's configured going through a work space*

*Ms. Moermond:*

*-is concerned about the front door: 1) the swing of it; and 2) the drape used to diminish the impact of the draft when you open it up in winter*

*-has been trying to figure out a way to keep customers warm while the door opens and closes and still maintain the aesthetic of that doorway; the only other way she could think of is to add a vestibule space*

*-she doesn't have closure on:*

*-permits pulled from 2000 forward are the problematic ones: 1) mechanical permit pulled in 2001 for \$20,000 - no final; 2) another mechanical for a new boiler; now, we have new boiler permits issued (Mr. Anderson: to his knowledge no boiler was ever put in back in 2001; they are using Jake the Plumber - more expensive but better); 3) 2006 -kitchen exhaust and make-up for \$15,000- no final; 4) permits for flashing, dishwasher, rear fire escape stairwell for \$15,000 - no activity on that permit; 5) \$5,000 on remodel in kitchen - no final*

*-she wants to be able to say that all this old stuff is signed off and is safe*

*Inspector Niemeyer:*

*-there's a note on the front of their file from Apr 30, 2007 from Sr. Mechanical*

*Inspector Gary Reinsberg: Restaurant vacant and not to be re-occupied until permit for proper dishwashing exhaust fan installed*

*Ms. Moermond:*

*-so, the restaurant license was issued without that having been addressed*

*-how did we have all these Fire C of O inspectors go through there and this was not identified?*

*-asked Ms. Shaff her thoughts on smoke, fire, electrical fire detection systems - what can be done for an alarm system - to improve the ability that someone is alerted that something is going on to have more time to respond / sprinklering (cost)*

*Ms. Shaff:*

*-underneath the mezzanine - the clearance is low so, people might be walking right into the sprinklers*

*Ms. Moermond:*

*-doesn't think sprinklering will be right for this space*

*-need some options that would enhance fire safety*

*-how do we exit safely; have an earlier alert system*

*-another thing; how are you going to fund the repairs that had been dependent upon getting the STAR grant, which you didn't get?*

*Mr. Anderson:*

*-he doesn't know yet but he will figure something out; he might need to take out a home equity loan, dip into his retirement account, ??*

*-they had always planned to get everything done even before they got the list; they*

*have been trying to do things the right way after Mr. Sudheimer had put on band aid  
ater band aid*

*-he doesn't have \$42,000 lying around*

*Mr. Niemeyer:*

*-re: STAR grant*

*-he has not found a permit for the installation of walk-in cooler*

*-didn't find a permit for the installation of 2 water heaters*

*-5-ton AC condenser - no activity*

*-later that year, another permit was pulled for a 5-ton AC installation - permit closed*

*Mr. Anderson:*

*-walk-in cooler and the air conditioner were contracted by Crosstown Mechanical*

*Ms. Moermond:*

*-asked Mr. Niemeyer to develop a list of the permits that need to be resolved*

*-the records need to be cleaned-up*

*Ms. Boulware:*

*-she will go through the HPC file to see what we have still outstanding and coordinate  
with Mr. Niemeyer*

*-she has plans for the back stairway; she reviewed and approved that application*

*-it's really messy*

*Ms. Moermond:*

*-it's really messy and she wants to close up all those loops so that she feels confident  
that we can start anew*

*-asked Ms. Boulware to forward information on the vestibule to Mr. Anderson, etc.  
(Sweenys, etc.)*

*-might there be commercial grant money available for the vestibule through North  
East Neighborhood Dev Corp (NENDC)*

*Mr. Anderson:*

*-spoke with Chuck recently and he said that he doesn't have access to any additional  
funds*

*Ms. Moermond:*

*-wants a Work Plan, larger and more detailed, with a project completion date of Sep  
1, 2015*

*Mr. Anderson:*

*-he plans to have it all completed by Sep 2015 qualified with the following: if we don't  
find a way to make the restaurant stay, he can't afford any of the repairs*

*Ms. Moermond:*

*-she wants to give the restaurant a variance and she needs the assurance that these  
things will be taken care of (her variance is conditioned on that stuff happening);*

*Mr. Anderson:*

*-he'll find a way to get it done*

*-proposed that they use the 374 side, where they office, to be an exit (practical); not  
an entrance to the restaurant but an emergency fire exit*

*Ms. Moermond:*

*-why not create a space from that other door as a place for people who are waiting  
for a table; use that space as an alternative entrance to handle the draft problem in*



*the winter*

*Mr. Anderson:*

*-he would like to get some rent out of that other side, eventually  
-now, he makes \$132/month right now on this building; the value has gone down twice; the area it's in doesn't command enough rent to support it; so, to build out another space is not financially feasible*

*Mr. Niemeyer:*

*-if we were above 50 occupants, one of those doors would have to swing outward, regardless*

*Ms. Anderson:*

*-his proposal would swing that door on 374 and swing it outward  
-Ms. Chris Skow-Fiske seemed to like that idea (Mr. Niemeyer: she had thought it would be an option to provide an exit sign above the passage way between the 2 spaces in the front and one above that door with that door swinging outward with panic hardware)*

*Ms. Moermond:*

*-she is trying to make this work; trying to be helpful with money but the bottom line is that these things get taken care of or the situation falls apart and it's not a negotiation; maybe the Council will come up with things but she is trying to forge something doable  
-hiring an architect might be great  
-Ms. Skow-Fiske's suggestion as an alternative exit is a great alternative exit but it doesn't make good the primary door an exit; there's a problem exit through the rear working space in the kitchen; you have an open into the restaurant door that also causes a draft (a business concern); then, you have the potential of putting an exit sign in the storage space (a space that the restaurant guys are renting right now)*

*Restaurant guys:*

*-they have done what they've needed to do to protect their business; it's a small 55-seat destination restaurant; they provide high quality products; it's been great; it's a steak house but it's not a cash cow; it's hard to keep it alive; we love the neighborhood and love the space  
-Mr. Anderson has been taking care of the place and he's a fighter  
-simply put, the way it is works; he doesn't know what happens if it doesn't work this way  
-they are open and willing  
-any option other than having that winter breeze blowing on people could work but he doesn't own the building*

*Ms. Moermond:*

*-needs to cut out the risks: 1) fabric and door swinging inward; and 2) chairs in the mezzanine level  
-the permits need to get closed out  
-come up with a proposal for ingress/egress*

*Mr. Anderson:*

*-thought he did come up with a proposal*

*Ms. Moermond:*

*-let's see your proposals in writing and drawings; what can you make happen that addresses these concerns because she can't continue to allow 16 seats in the mezzanine unless the safety issues can be ameliorated (fabric; door swing; back*

egress)

-let's see a Work Plan that gets you through Sep, 2015 and deals with the curtain issue and the exiting issue and closes out the existing permits on the list and what Ms. Boulware identifies that's open and what Mr. Niemeyer identifies that's open -deadline for the Work Plan by Jul 3, 2015; can do it by email; if it's resolved and everything is going nicely, Mr. Anderson doesn't need to be at the CC hearing; he can send someone on his behalf or talk with the Ward office and get a layover -she can lay it over at Council Jul 15 CCPH;

Provide a work plan, including timelines, to address the issues by July 3, 2015.

**Referred to the City Council due back on 7/15/2015**

**25**     [RLH FCO](#)  
[15-102](#)

Appeal of Pat Wolf, Commercial Real Estate Services, on behalf of HFS Properties, to a Fire Inspection Correction Notice at 81 SEVENTH STREET EAST.

Sponsors:            Thune

Pat Wolf and Robert Spratt, Commercial Real Estate Services, appeared on behalf of HFS Properties.

Fire Inspector A. J. Neis:

-Fire Certificate of Occupancy Correction Notice issued by Fire Inspector Sebastian Migdal

-similar situation in a similar but different building with the same ownership and similar tenants was heard a few months ago re: passage of entry through a tenant space which required a key fob with a fire alarm pull station so they could go for a 2nd exit in the building

-similar appeal, as well

-this building was modified similarly to the 85 building prior to Inspector Migdal's inspection in hopes that it would suffice the requirement for this building, as well (modified to be similar to the other bldg and hopefully pass inspection)

-appeal: items #2 and #4, passenger elevator lobbies; allowing fire station manual pull with signage: "Pull this and you will be able to get out" (basically, identical to the other building)

-questioned Appellant: "Does this building have the 24 hour security and cameras as the other building?" (Ms. Wolf: "Yes. Both buildings are managed by the same group and while not housed in the 81 building, our camera system and security officers patrol both of them; and monitor cameras in both.")

-that was Angie Wiese's concern

-asked Appellant: "Were you going to remove the key fobs in freight elevator lobbies?" (Ms. Wolf: "We will probably put in your blue button.")

-they are willing to comply

Ms. Wolf:

-we were here a month ago with a similar situation

-state tenants in this building, too, and security is very important to them; they have to comply with both state and federal regulations; so, the typical blue button option would not work for this tenant; felt that the fire pull station would comply with the NFPA ruling with the exception and would satisfy the requirement and people would know what to do

-asking for the same variance

-submitted a letter dated Jun 1, 2015 with the application for appeal; also photos and a floor plan showing exit and will be happy to supply anything else that Ms. Moermond may need

Ms. Moermond:

*-let's go with the same variance we went with on the previous property*

*Grant the appeal conditioned on the attached proposal dated June 1, 2015.*

**Referred to the City Council due back on 7/1/2015**

26 [RLH FCO](#)  
[15-110](#)

Appeal of Callan Crawford to a Correction Notice-Complaint  
Inspection at 1043 WAKEFIELD AVENUE.

**Sponsors:** Finney

*Callan Crawford, Hap Crawford Trustee, owner, appeared.*

*Fire Inspector Leanna Shaff:*

*-Fire Certificate of Occupancy complaint inspection conducted May 28, 2015 by  
Inspector Laura Huseby*

*-a timber retaining wall is between 1043 and 1039 Wakefield; the wall is coming  
apart; she called it out to be maintained*

*-there is a question as to who the wall really belongs to*

*-Mr. Crawford is appealing; he says that the wall is not is*

*Mr. Crawford:*

*-first of all, if the wall is on his property, he will fix the wall but he doesn't think that it is*

*-Ms. Shaff gave him some suggestions*

*-he found 1 survey stake at the back end of the property near the wall; he took  
pictures and a short Video clips of where the stake is and where the wall is; it's not  
even close; it's about 2-3 feet on 1039 Wakefield's side*

*-he also talked with the builder of the house; this old timber wall is in disrepair; the  
builder built 2 new houses on his lot; the builder said that they would not have left that  
wall there if it had been on his property because it's too old and would have left him at  
risk*

*-he also measured the setbacks; and according to the builder, the houses are set  
back 5 feet from the property line; this wall is 7-8 feet from the house, which is 2 feet  
past his property line*

*-he entered photos and documents (stake with orange cap; the wall; corner of garage  
that's 3 feet from the property line; corner of his house and tape measure; front  
corner of the house; front end of the retaining wall) the wall is on the neighbor's side  
of the fence, too and 3 feet on the neighbor's side of the property line*

*-he told the property owner of 1039 Wakefield that the wall was on that property; the  
neighbor told him, "It's holding up your dirt."*

*-it's a short wall and rotting; I'm on the higher ground*

*Ms. Moermond:*

*-email a photos that demonstrates your point for City Council*

*-asked if Ms. Shaff knew how Ms. Huseby determined that this Order was to be  
issued to this property instead of 1039 Wakefield*

*Ms. Shaff:*

*-Ms. Huseby also wrote Orders to 1039 Wakefield; she wrote: "Work with property  
owner to coordinate the ownership and repair of the retaining wall bordering your  
property with 1043 Wakefield."*

*-photos should be attached*

*Ms. Moermond:*

*-she, Mr. Crawford and Ms. Shaff are checking an aerial photo and a plat map (not  
necessarily where the property line is)*

-a survey is really the definitive way to figure this out  
-is not satisfied with where the plat lines are; they are not helping you out at all  
-doesn't know whether that area requires that height of a wall to hold back sufficient soil and how much his foundation relies on that  
-thinks that a survey is the way to go  
-doesn't look as though the wall is tied back into the soil  
-will Lay this Over to Jul 14, LH

Layover for owner to get a survey done.

**Laid Over to the Legislative Hearings due back on 7/14/2015**

## 2:30 p.m. Hearings

### Vacant Building Registrations

- 27     [RLH VBR 15-43](#)     Appeal of Robert Wilson for Beech Front Properties, LLC to a Vacant Building Registration Notice at 684 JESSAMINE AVENUE EAST.

**Sponsors:**     Bostrom

*Bob Wilson, Beech Front Properties LLC, owner, appeared.*

*Fire Inspector Leanna Shaff:*

*-Fire Certificate of Occupancy inspection conducted yesterday afternoon by Fire Inspector Brian Schmidt  
-last week we talked about Revocation; you asked that Inspector Schmidt go out to inspect so that we'd have a report for today  
-photos in file  
-Appellant took out quite a bit of garbage; there were a lot of dumpsters  
-however, work got started before there were permits pulled; so, we have plumbing fixtures that are no longer done and electrical work that needs to be done; etc*

*Ms. Moermond:*

*-viewing photos  
-not much here that's electrical  
-looking at the list, trying to determine whether or not this should continue to be a Category 2 Registered Vacant Building or if it's sufficient to address these in the Fire Report; there are enough problems with the interior and exterior; in particular, the foundation issue*

*Mr. Wilson:*

*-he doesn't have a picture of the foundation issue and didn't know about it; the guy who's doing all the work was very surprised that it was an issue at all; his maintenance man says that the only thing above it is the porch; he agrees with the rest  
-there was a lot of stuff to remove all over the house  
-previous tenants were evicted; we had to keep things for a while; the garage has also been cleaned out  
-Orsat Test was done; smoke/CO detectors are in; they are going to do all these things - most of it is cosmetic  
-viewed the photo of the foundation block issue (inside of basement)*

*Ms. Shaff:*

*-looks like someone has put in some new joist up on top of that wall*

-noted fracture and hole - there's been lots of water coming down there; it's been compromised

Mr. Wilson:

-that's on the side of the porch - we'll repair the foundation  
-they are very responsible; are out there every day  
-his goal is to get it rented out  
-have done a lot in a short amount of time

Ms. Shaff:

-still an open building permit for porch repair from 2010  
-2003 - the only permit - never got inspected

Ms. Moermond:

-Mr. Wilson can side step a code compliance inspection if he does all of the work under permit  
-pull a general building remodel permit for all the building related items for the entire project; a building inspector will go in and confirm that things have been done  
-have plumbing items - pull permits for those  
-pull all the appropriate permits

Ms. Moermond:

-Owner to apply for a building permit to address the Correction Order dated June 16, 2015 and get C of O re-instated. Change to Vacant Building 1.

**Referred to the City Council due back on 7/1/2015**

**28**      [RLH VBR 15-45](#)

Appeal of Alex Yang to a Vacant Building Registration Fee at 36 FRONT AVENUE.

**Sponsors:**      Thao

Alex Yang, owner, and friend, Sarah Touy, appeared.

Inspector Matt Dornfeld, Vacant Buildings:

-Category 2 Vacant Building file was opened Jun 3, 2013 by Inspector Mike Kalas  
-Mr. Yang went thru the city's Sale Review process and was approved Mar 17, 2014  
-all permits open; code compliance inspection report on file  
-property has been maintained and is currently acceptable  
-here today to discuss the VB fee now due

Mr. Yang:

-he is getting close to being finished  
-he paid that VB fee when he purchased the house on Jun 3, 2014  
-is requesting a 3 month extension to finish the work

Ms. Moermond:

-will ask DSI to waive the VB fee for 120 days; then, they will re-bill you  
-you have 4 months to finish

Waive the VB fee for 120 days.

**Referred to the City Council due back on 7/1/2015**

**29**      [RLH VBR 15-44](#)

Appeal of Kent Goetzke to a Vacant Building Registration Notice at 1216 HEWITT AVENUE.

**Sponsors:** Stark

*VB staff has changed to be a preliminary file.*

**Withdrawn**