



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
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651-266-8585

Tuesday, August 18, 2015

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Special Tax Assessments

- 1 [RLH TA 15-117](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1505, Assessment No. 158804 at 810 BUFFALO STREET. (Amended to Project No. VB1505B, Assessment No. 158818)

 Sponsors: Brendmoen

 Approve the assessment. This matter was laid over from February 17, 2015 to see if owner is code complaint and if so Legislative Hearing Officer will recommend reducing the VB fee in half. As of August 19, 2015, plumbing, electrical and building remain active.

 Referred to the City Council due back on 9/2/2015

- 2 [RLH TA 15-426](#) Ratifying the Appealed Special Tax Assessment for Property at 594 CASE AVENUE. (File No. J1511B. Assessment No. 158111)

 Sponsors: Bostrom

 Jeff Sutphen, owner, appeared.

 Inspector Joe Yannarelli:
 -emergency boarding was requested by SPPD of an unsecured building on May 8, 2015 at 1 am
 -work performed May 8, 2015 by RESPRO for a cost of \$273.90 + \$160 service charge = \$433.90
 -he requested a police report from SPPD a week ago; hasn't received it yet; he requested it again yesterday

 Mr. Sutphen:
 -so you still can't tell me what exactly happened?

 Ms. Moermond:
 -not without a police report

 Mr. Sutphen:
 -he was never called about a \$10 board; he could have been there within the house

and this is being assessed over \$400

-they could at least have taken the time to make a phone call instead of having to find out a month later that something has happened on his property by getting an assessment

Ms. Moermond:

-asked Mr. Yannarely to check the history on this property

Mr. Yannarely:

-tall grass - Jun & Jul of 2014

-garbage/rubbish - Apr 2014

-list of exterior complaints

-nothing in 2015

Mr. Sutphen:

-we have new tenants

Ms. Moermond:

-she doesn't know why Mr. Sutphen was not called and she doesn't know whether or not SPPD has his contact information

Mr. Sutphen:

-is sure they have his cell phone #

-he has no idea what went on at his property that night; he didn't get a call from the tenant or anyone else; he just got this Notice

Ms. Moermond:

-she wants to read the police report

-it is not incumbent on SPPD to contact the owner; it is incumbent on them to secure the scene and hopefully, they are able to contact the owner

-will Lay this Over for 2 weeks to get the police report

-layover to Sep 1 Legislative Hearing at 9 am; hopefully, we can handle this by email

Layover to get police report. Police report was received on 8/19/15 but needs to be reviewed.

Laid Over to the Legislative Hearings due back on 9/1/2015

3 RLH TA 15-404

Ratifying the Appealed Special Tax Assessment for Property at 407 CURTICE STREET EAST. (File No. J1512A, Assessment No. 158527)

Sponsors: Thune

Andre Lewis, tenant, appeared.

Inspector Paula Seeley:

-Summary Abatement Order to remove refuse sent Apr 29, 2015; compliance May 9; re-checked May 12

-work done May 13 for a cost of \$436 + \$40 service charge = \$476

-comments: furniture, scrap wood, refuse and debris in rear near alley

-sent to: Louell Enterprises LLC and Louis E. Kanavati, 1339 Sperl St, W. St. Paul; and Occupant

Mr. Lewis:

-appealing because it's the 2nd time this has happened; people come thru the alley and they dump trash; this time, instead of putting it at the end of the alley, they put it by his garage, so he moved it to the side and called the city to ask them to come and

remove it but they never did
-he talked with his landlord, who told him that he had to take care of it because he moved it; he didn't know; everybody parks their cars in the alley, so he just moved the stuff over so the cars could get thru; it was actually further down by his neighbor's house
-the material was there for a month or two; this time, the city didn't come and get it
-he has lived there for 2 years and had to clean stuff up 3 times
-the landlord said that he had to pay for it

Ms. Moermond:

-asked what was behind the guardrail in the back of the picture

Mr. Lewis:

-behind the guardrail is a steep cliff down to Hwy #52

Ms. Moermond:

-asked Inspector Shaff when the next Certificate of Occupancy inspection would take place at this address

Ms. Shaff:

-May 2016 C of O inspection

Ms. Moermond:

-it's plausible to her that it was dumping and the owner of the property should have taken care of it; not you
-will recommend that this assessment be deleted

Delete the assessment.

Referred to the City Council due back on 9/16/2015

4 RLH TA 15-407 Ratifying the Appealed Special Tax Assessment for Property at 1202 DALE STREET NORTH. (File No. J1512A, Assessment No. 158527)

Sponsors: Brendmoen

Ker Vang, tenant, appeared.

Inspector Paula Seeley:

-Summary Abatement Order sent May 26; compliance Jun 2; re-checked Jun 2
-work done Jun 5 for a cost of \$2,580.80 + \$40 service charge = \$2,620.80
-comments: this is an auto repair/auto specialty station
-bold letters: remove all improperly stored tires behind building (photos)
-sent to Timothy R. McGuigan, 3011 Country Dr, Little Canada, MN; and Occupant

Mr. Vang:

-he rents the space; it's his business
-he called the city and told them that he had someone coming to pick up the tires for recycling, by appointment; he told the city not to do anything until they come and pick them up; the next day, he came and the city already picked it up

Ms. Seeley:

-licensing has a specific requirement for storing tires and what he has weren't properly stored tires at all

Mr. Vang:

-he talked to a man (can't remember his name) and told him that he had an

appointment to pick them up so don't do anything until the next Wed but the city did it on Tue

-the cost is too much for these tires

Ms. Moermond:

-the Orders were mailed to you Tue, May 26 and you were supposed to be in compliance by Jun 2; the work wasn't actually done until Fri, Jun 5 and that's quite a long time to gain compliance; it was certainly enough time to get a crew out there to take care of it

Mr. Vang:

-when I called the recycling company they were very busy so, they scheduling me about a month out

Ms. Seeley:

-there's a long history with licensing and a lot of exterior stuff

Ms. Moermond:

-will recommend approval of this assessment; you were given enough time to deal with it and a couple of extra days

VIDEO - the crew approximately 220 tires from behind the building

Ms. Seeley:

-thinks it's \$20-\$30/tire

-Parks doesn't say the actual number of tires but she knows that they charge per tire

Ms. Moermond:

-will find out from the crew how many tires they really counted; she may decrease the assessment depending upon how they counted it

Inspector John Peter Ross:

-the tire fee was \$2200 and that's \$10/tire; plus the other fees

Ms. Moermond:

-she will get a verification on the number and cost per tire

-it's a very large assessment; asked if he'd like more time to pay it

Mr. Vang:

-the business is very slow; they don't make much money in a month

-the recycling company charges on \$1.50/tire; the big tires are \$2

Ms. Moermond:

-will check into the actual number of tires

-will recommend approval spread over 3 years

Approve the assessment and spread over 3 years. NOTE: LHO will check on the cost of each tire and the actual number of tires.

Referred to the City Council due back on 9/16/2015

5 RLH TA 15-423

Ratifying the Appealed Special Tax Assessment for Property at 511 EDMUND AVENUE, File No. CRT1512 Assessment No. 158212

Sponsors: Thao

Delete the assessment. Payment received and processed at DSI. (No hearing

necessary)

Referred to the City Council due back on 10/7/2015

- 6 RLH TA 15-425** Ratifying the Appealed Special Tax Assessment for Property at 955 EDMUND AVENUE. (File No. CRT1512, Assessment No. 158212)

Sponsors: Thao

Reduce the assessment from \$406 to \$251.

Bills sent to wrong address. Recommend deletion of admin and real estate fees. Customer to pay Fire C of O fee to Real Estate. (Owner did not attend hearing since he agrees to pay \$251)

Referred to the City Council due back on 10/7/2015

- 7 RLH TA 15-428** Ratifying the Appealed Special Tax Assessment for Property at 795 FULLER AVENUE. (File No. VB1511, Assessment No. 158824)

Sponsors: Thao

Delete the assessment.

Staff Report:

Inspector Joe Yannarely:

-anniversary date is Apr 24; it was closed out by Seeger Aug 12, 3 1/2 months after the anniversary date

-he's looking for a deletion

Ms. Moermond:

-will recommend deletion

Referred to the City Council due back on 9/16/2015

- 8 RLH TA 15-429** Ratifying the Appealed Special Tax Assessment for Property at 1640 GALTIER STREET. (File No. J1508E, Assessment No. 158310)

Sponsors: Brendmoen

Delete the assessment.

Referred to the City Council due back on 10/7/2015

- 9 RLH TA 15-418** Ratifying the Appealed Special Tax Assessment for Property at 1700 HILLCREST AVENUE. (File No. J1512A, Assessment No. 158527)

Sponsors: Tolbert

Delete the assessment. Inspector went out before compliance date and sent work order too soon. (No hearing necessary)

Referred to the City Council due back on 9/16/2015

- 10 RLH TA 15-422** Ratifying the Appealed Special Tax Assessment for Property at 717 HOPE STREET. (File No. J1508E, Assessment No. 158310)

Sponsors: Finney

Delete the assessment. Fire inspector had orders on the exterior which they are not supposed to do before Code Enforcement received the complaint. File No. J1512A will also be deleted. (No hearing necessary)

Referred to the City Council due back on 10/7/2015

- 11 RLH TA 15-421** Ratifying the Appealed Special Tax Assessment for Property at 685 JENKS AVENUE. (File No. J1506E2, Assessment No. 158312).
(Amended to delete the assessment)

Sponsors: Bostrom

Owner came to public hearing on August 5. Ms. Vang referred back to LH. He missed LH again; gave him a chance to September 1. If he misses it again, he will have to go to City Council.

Referred to the City Council due back on 9/2/2015 (Legislative Hearing due back September 1)

- 12 RLH TA 15-420** Ratifying the Appealed Special Tax Assessment for Property at 1015 JESSAMINE AVENUE EAST. (File No. J1512A, Assessment No. 158527)

Sponsors: Bostrom

Jessica Vasquez, tenant, appeared.

Inspector Paula Seeley:

-Summary Abatement Order sent May 15; compliance May 21; re-checked May 21

-work done May 26 for a cost of \$316 + \$160 = \$476

-no returned mail

-send to: Bohlen Properties LLC, 300 Bates Ave Unit 200, St. Paul; and Occupant

-bold letters: overgrown volunteer trees on west side of the house and along the alley that need cutting down; and rubbish in rear yard

Ms. Vasquez:

-she got the letter to cut the trees down, so, she contacted Bohlen Properties and the person she spoke with told her to leave the door open so they could get electricity from the house and they would do the cutting; so, it was her understanding that Bohlen had cut down the trees

-she contacted Bohlen yesterday and asked them about it because she had gotten the letter that said if it doesn't get resolved, she needed to pay for it; Bohlen said that they had done it

VIDEO - the bushes had already been cut back in alley and around the foundation; still have rubbish; they picked up loose and scattered debris, building materials, beer bottles near the porch

Ms. Moermond:

-will recommend this assessment be deleted

-the bushes/trees had already been done and she did not see the trash, etc. in the VIDEO

Delete the assessment.

Referred to the City Council due back on 9/16/2015

- 13 RLH TA 15-427** Ratifying the Appealed Special Tax Assessment for Property at 429 JOHNSON PARKWAY. (File No. J1512A Assessment No. 158527)

Sponsors: Finney

No show; approve the assessment.

Referred to the City Council due back on 10/7/2015

- 14 RLH TA 15-389** Ratifying the Appealed Special Tax Assessment for Property at 1455/1465 MINNEHAHA AVENUE EAST. (File No. J1512A, Assessment No. 158527)

Sponsors: Finney

Krystel Vandenheuvel, property manager, appeared.

Inspector Paula Seeley:

-Summary Abatement Order sent May 8; compliance May 12; re-checked May 13

-work done May 14 for a cost of \$330 + \$160 service charge = \$490

-no returned mail

-sent to: Phillip W. Kurkoski and Ken Hanson, 1873 Ivory Ave N, Lake Elmo, MN; and Occupant

-history: several orders sent to clean up at apartment bldg

-bold letters: Remove mattresses, box springs & TV from the garage area

Ms. Vandenheuvel:

-has Power of Attorney

-this is something that happens once or twice a month

-there's 3 buildings and a garage abuts the alleyway and that's where people dump

-typically, either she finds it, goes online and reports it or she'll get one of these

letters; she just calls Lisa Martin saying that it's not their junk and Ms. Martin will take care of it

-for some reason, this one is May, she was not notified; she also had a move-out that month between the 10th and 12th; she has photos of items that they put into their dumpster

-the stuff behind the garage was not placed there by them

-she always takes photos of the trash move-outs so the right party can pay for it

Ms. Moermond:

-notices seem to be getting thru to Mr. Kurkoski and Mr. Hanson

Ms. Vandenheuvel:

-they usually fax those notices to me and call me

Ms. Seeley:

-Public Works will not pick it any more; they are holding the owner accountable for surveillance, lights, signage, etc.

Ms. Vandenheuvel:

-there's an empty lot next door where people are constantly dropping stuff (trash bags, furniture)

Ms. Seeley:

-Inspector Martin did transfer something Jul 20, 2015 (Ms. Vandenheuvel: that's the

one I have here dated Jul 15 and then I talked to her on Jul 23 and she that they would take care of this)

Ms. Moermond:

-there's a change in process with Public Works

-here, I can see that there would be a miscommunication on this; at the same time, it's your responsibility when a Correction Order goes out

-will go down the middle and reduce this assessment to \$240

Reduce the assessment from \$490 to \$240.

Referred to the City Council due back on 9/16/2015

- 15** **RLH TA 15-430** Ratifying the Appealed Special Tax Assessment for Property at 728 OAKDALE AVENUE. (File No. J1508E, Assessment No. 158310)

Sponsors: Thune

No show; approve the assessment.

Referred to the City Council due back on 10/7/2015

- 16** [RLH TA 15-431](#) Ratifying the Appealed Special Tax Assessment for Property at 728 OAKDALE AVENUE. (File No. J1507E, Assessment No. 158309)

Sponsors: Thune

No show; approve the assessment.

Referred to the City Council due back on 9/2/2015

- 17** **RLH TA 15-424** Ratifying the Appealed Special Tax Assessment for Property at 1584 PACIFIC STREET. (File No. CRT1512, Assessment No. 158212)

Sponsors: Finney

Reduce from \$455 to \$300. Inspector error-failed to update file, recommends deletion of the admin and real estate fees.

Referred to the City Council due back on 10/7/2015

- 18** [RLH TA 15-419](#) Ratifying the Appealed Special Tax Assessment for Property at 1950 SEVENTH STREET WEST. (File No. J1512A, Assessment No. 158527)

Sponsors: Thune

No show; approve the assessment.

Laid Over to the Legislative Hearings due back on 9/1/2015

- 19** **RLH AR 15-66** Ratifying Demolition services from March to June 2015. (File No. J1507C, Assessment No. 152007)

Sponsors: Stark

Referred to the City Council due back on 10/7/2015

- 20 **RLH AR 15-61** Ratifying Collection of Fire Certificate of Occupancy fees billed during March 17 to April 14, 2015. (File No. CRT1512, Assessment No. 158212)

Sponsors: Stark

Referred to the City Council due back on 10/7/2015

- 21 **RLH AR 15-63** Ratifying Boarding and/or Securing services during May 2015. (File No. J1511B, Assessment No. 158111)

Sponsors: Stark

Referred to the City Council due back on 10/7/2015

- 22 **RLH AR 15-65** Ratifying Demolition services from June 2015. (File No. J1506C, Assessment No. 152006)

Sponsors: Stark

Referred to the City Council due back on 10/7/2015

- 23 **RLH AR 15-64** Ratifying Towing of Abandoned Vehicle services during January to March 2015. (File No. J1503V, Assessment No. 158003)

Sponsors: Stark

Referred to the City Council due back on 10/7/2015

- 24 **RLH AR 15-62** Ratifying Excessive Use of Inspection or Abatement services during February 18 to April 23, 2015. (File No. J1508E, Assessment No. 158310)

Sponsors: Stark

Referred to the City Council due back on 10/7/2015

11:00 a.m. Hearings

Summary Abatement Orders

- 25 [RLH SAO 15-58](#) Appeal of Jane Myers to a Summary Abatement Order at 1521 HAGUE AVENUE.

Sponsors: Thao

Jane Myers, owner, appeared.

Inspector John Peter Ross:

-anonymous complaint came in; intern Calvin Lu went to inspect Jul 27, 2015 and took photos

-Mr. Lu consulted with Mr. Ross, who gave him a copy of the ordinance re: blvd plantings, which referenced in the Summary Abatement Order he sent out the same day with a compliance date of Aug 3 (keep all plants on blvd below 36" and plants within 30 feet of the intersection must be kept below 18")

-this is a corner lot; cross street is Saratoga

-in viewing the photos, it wasn't readily apparent that this was a city permitted rain garden; he didn't see curb cuts in the pictures

-he spoke with Ms. Myers on the phone; he mentioned the opportunity for appeal

-he has photos and Ms. Myers brought in many photos of her own

-there's a fire hydrant on the corner

-mentioned that initially, the rain garden plants were provided by Public Works

Ms. Myers:

-Xfinity put up the caution tape

-noted that as pods grow larger on the milkweed the plant tips over some; sometimes onto the sidewalk and she takes care of that

-she took out some vegetation behind the fire hydrant (anise)

-you can keep the photo&document disk

-she entered her thesis and letters

-some plants are outside the code but the complaint said that there was a visibility issue but she doesn't believe that there is; she has asked neighbors all around there; the biggest visibility issue there is cars parking along the street; they park very close to the intersections, so you can't see beyond them; the same thing with their driveways

-she has wood chips in the front yard; hopes to have a veggie garden there in the future

Ms. Moermond:

-read the documents

-so we are talking about 3-4 months of the year when the plants have that height (?)

Ms. Myers:

-2 months out of the year, we have the highest height of the plants, before and after that, their height is lower; anise and cone flowers are fairly slow to get to their full height; she will get rid of the grasses, which tend to be quite high and very invasive; she is willing to cut the plants back once they're are done blooming

-is hoping also to get some help with where to go with the neighborhood's issues of traffic and parking

-both streets were re-done in 2008

-both sides of Saratoga (thru street) have stop signs on Hague Ave

-the tree on the blvd in the front has come down

Ms. Moermond:

-she will accept Ms. Myers' proposal of 24" within 10 feet of the intersection as defined by the property boundary and 36" elsewhere on the blvd

-you will remove those grasses and trim when appropriate

-will move the tall plants that are near the corner to somewhere else and plant lower ones in that space

-your appeal is granted

Ms. Myers:

-will do her best to keep plants down

-interested in traffic calming and parking enforcement; people are parking very near to the corner and with their butts her driveway; Saratoga is jammed with cars and people

Ms. Moermond:

*-suggested that she call Traffic Enforcement; tell them you have a chronic problem
-also suggested talking with Councilmember Dai Thao's office, councilmember; Mai Chai Xiong, in his office
-also called Public Works and ask that they install a "No Parking" sign*

Grant the appeal.

Referred to the City Council due back on 9/2/2015

- 26** [RLH SAO 15-57](#) Appeal of James Smith to a Summary Abatement Order at 2215 WILLIAM TELL ROAD.

Sponsors: Finney

Grant until November 18, 2015 to come into compliance with everything.

STAFF REPORT:

Leanna Shaff:

-this was laid over to get Fire inspector or Jim Seeger out there to see if a code compliance inspection is required. If only a Fire C of O is required, hearing officer will give until October 1, 2015 for compliance or it must be vacated. If a code compliance inspection is required, tenant(s) must be vacated by September 15.

-went to the property and determined that it should be a Fire C of O. Things were not that bad.

-things like pressure washing of the deck, roofing of the garage, shingles, couple small plumbing issues, ground coverings in the back

Marcia Moermond:

-so are we looking at 6 weeks or 3 months?

Leanna Shaff:

-3 months for exterior is fine

Marcia Moermond: grant 3 months for compliance on everything, mid November.

November 18, 2015 as the compliance date to get C of O reinstated.

Referred to the City Council due back on 9/2/2015

11:30 a.m. Hearings

Orders To Vacate, Condemnations and Revocations

- 27** **RLH VO 15-47** Appeal of Jim McEnroe to a Condemnation and Order to Vacate at 2121 REANEY AVENUE EAST

Sponsors: Finney

James McEnroe, owner, and Jane McEnroe, his ex-wife, also appeared.

Inspector John Peter Ross:

-complaint re: homeowner living in the basement; inadequate egress; illegal duplex

-Inspector Lisa Martin sent appointment letter for Jul 22, 2015; gained access and took photos

-result was that a Notice of Condemnation was sent Aug 3; house placarded Aug 3;

vacate date Aug 17

-believes that the Condemnation should have been for the illegal dwelling rather than the entire property

-primary violation: illegal duplex; illegal dwelling in the basement

-Orders: remove sink, cabinets, appliances, etc.

-particular concern: at that time, the property was for sale and there was a TISH; however, the listing for the property, "Lower level is separate apartment; great opportunity for added income"

-the TISH, dated Sep 20, 2009: evaluated as a single family home; carries a disclaimer that it does not convey zoning information

Mr. McEnroe:

-he bought the house the way it is; hasn't done any improvements in the basement since then

-his ex-wife was at the original inspection when he bought the house in 2010

-the reason he bought the house was because it had this extra living space

Ms. Moermond:

-you realtor should have disclosed this accurately; thinks it should be reported; they were operating outside their state license; she will take this appeal , photograph and the minutes and send them to this real estate group (Garth Thall)

Mr. McEnroe:

-is not asking that it be a duplex; will change it into a single family house; will take out the basement kitchen, etc.

-right now, he lives upstairs and is the only person living in the house

-the inspector told him to bring the bed upstairs, which he did that same day

-he'd rather have the duplex but doesn't think that it's possible

-he is prepared to take care of the safety items; just asking for a little time and asking for some direction

Mr. Ross:

-the current zoning there is R-4

Ms. Moermond:

-asked Mr. McEnroe to draft a Work Plan with timelines, putting safety items first

-there's nothing illegal about having a kitchen downstairs but there is something illegal about having a duplex; typically, they order the removal of the kitchen and documentation that the property has been de-converted to a single family home

-in this case, you can keep the kitchen down there as long as you don't have anyone living down there; if you start to rent a room to someone, it has to be part of the single family home; it can't be split off; the basement can't have it's own locks; everything has to be accessible

-all appliances need to be appropriately hooked-up; need permits and inspected

Mr. Ross:

-since the building was placarded Aug 3, does the Condemnation Notice need to be amended to the basement only or any recommendations ?

Ms. Moermond:

-there should be no sleeping downstairs without an egress window; so, that space is Condemned for sleeping purposes; so, if no one is sleeping there, the Condemnation can be lifted; there's no issue

Mr. McEnroe:

-the bathroom downstairs was becoming unsanitary, so a friend came over and we

started to remodel it; didn't get a permit

Ms. Moermond:

*-as a homeowner, you don't need a permit for a lot of things but you do need a permit for plumbing; for the electrical, you should pull a permit but you can do your own work
-this is not Condemned if you're not sleeping downstairs
-put together a Work Plan with timelines; if some items are cash dependent, stretch out the time
-an egress window for the basement will be about \$2000 right now
-you will need a permit for the dryer vent
-you can remove the placard when you get home
-you could petition this to the Board of Zoning Appeals to ask them if this could be a duplex; their past history says that they don't tend to grant those appeals
-when you send in that Work Plan, provide the dimensions of the upstairs bedroom; (Mr. McEnroe: it's 34 x 13; the pitch is half way up; she wants to know how many sq.ft. there are at 5 ft and above; wants to know how tall the ceiling is; it comes to a flat; the law says that 50% of the floor area needs to be 7 ft and above; only count what's 5 ft and above; if you can't get to 7 ft, she can look at granting a variance; take a photograph with someone holding the tape measure from floor to ceiling; if you have 50%, you can use it as a bedroom; if you don't, bring it back with the Work Plan and ask for a variance, so that you could use it as a legal bedroom provided you have egress*

Mr. Ross:

-the online Condemnation letter, Aug 3, 2015, doesn't mention ceiling ht; although, the one that looks like it was FAXED, does mention it; asked if he had received 2 separate Orders

Mr. McEnroe:

-one was in the mail and one was posted with the placard

Ms. Moermond:

*-suspects that the Orders had been amended
-we will go with the list of 19 to make sure all is covered
-provide the Work Plan in 2 weeks; can send it via email
-work with the entire list, doing the higher priorities first: gas line, dryer vent, range, water heater in basement,
-you will be working with a program to get the water heater replaced
-would be willing to go 6 months for those items with lower priority
-she will trust you to not rent this as a duplex; that downstairs kitchen can stay with that understanding
-City Council Public Hearing Sep 16, 2015
-will grant the appeal; enter the Work Plan*

Owner to provide a Work Plan and a diagram with dimensions of the upstairs bedroom in 2 weeks; grant the appeal on the condemnation.

Referred to the City Council due back on 9/16/2015

28 [RLH VO 15-42](#)

Appeal of Jacob W. Steen, Larkin Hoffman Attorneys, representing Nasseh Ghaffari, to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 877 WESTMINSTER STREET.

Sponsors: Brendmoen

Per owner's attorney, owner withdrew their appeal.

Withdrawn

1:30 p.m. Hearings

Fire Certificates of Occupancy

29

[RLH FCO](#)
[15-155](#)

Appeal of Pha Vang to a Fire Certificate of Occupancy Correction
Notice at 1105 ROSE AVENUE EAST

Sponsors: Bostrom

Pha Vang, Certificate of Occupancy Responsible Party, appeared.

Fire Inspector A. J. Neis:

-Inspector Brian Schmidt went out with the city's structural engineer Brian Karpen to assess the structural integrity of the garage; Mr. Karpen identified some structural issues with the garage but they are not imminent; the foundation has shifted a bit - the bottom plate and a couple of studs will need to be addressed; the structure will continue to degrade over time; should monitor it

Ms. Moermond:

-removing the tree or garage will need to be done at some time

Ms. Vang:

-if she removes the tree, the garage will still need to be repaired; either way, it will be expensive

Mr. Neis:

*-right now, the repair to the garage is not that severe or substantial, so, when the tree comes out, the repair to the garage should be a fairly minor repair
-the faster the tree is removed; the cheaper the repair to the garage*

Ms. Moermond:

*-will ask staff to monitor in a year, to give Ms. Vang time to manage the situation; ultimately, the tree will have to come down
-suggested she get some estimates for tree removal*

Ms. Vang:

*-another appeal on #20: maintain ceiling in approved manner; and #21: paint wall where repairs were
-there were huge cracks that they repaired; they fixed the ceiling but it's not popcorn; it's just a flat surface
-she doesn't know how that relates to a fire hazard*

Ms. Moermond:

-that being called out as a maintenance issue

Mr. Neis:

-there's no requirement that you have to have a popcorn surface; was the repair done in a professional manner?

Ms. Vang:

-it was done professionally a year ago

Ms. Moermond:

-I don't see anything in the photographs; I see a suspended ceiling in need of repair

Mr. Neis:

-it looks like it's just missing ceiling tile

-ceiling tiles look water damaged

Ms. Moermond:

-asked for some photos from the re-inspection by Inspector Schmidt

Ms. Vang:

-looked at the photos and said that she had replaced all of those tiles already

Ms. Moermond:

-we'll get pictures of the wall

-you will get a letter on this

Grant the appeal, noting that this issue will be monitored a year from now.

Referred to the City Council due back on 9/2/2015

30 [RLH FCO](#)
[15-183](#)

**Appeal of Marc Hudson to a Fire Certificate of Occupancy Correction
Notice at 975 BEECH STREET**

Sponsors: Finney

Marc Hudson, owner, appeared.

Fire Inspector A. J. Neis:

-Fire Certificate of Occupancy Correction Notice

-reinspection due to a complaint, dated Jul 23, 2015, which was that the lower level was over-occupied with 4 children and 9 adults

-in May 2015, there was a similar complaint (4 children and 6 adults not related); that complaint was not founded

-Inspector Brian Schmidt found that this Jul 23rd complaint was not founded; however, Mr. Schmidt identified that the front porch had rotted boards needing to be secured; the railing needed tightening; also, the faucet for the tub would not shut off and there was no hot water in Unit 1 bathroom; he issued subsequent Orders on those issues

-the owner says that he lives at this property; he would like to know who complained; due to privacy laws, the city cannot, legally, ever divulge complainant information about anonymous complaints (Data Privacy Laws)

Mr. Hudson:

-the previous tenants actually had been sabotaging things at this house; then, they'd call the city inspectors; (he brought in a piece of material to show Ms. Moermond; however, it didn't get thru security (a plumbing part that he needed to change out)

-Inspector Schmidt wanted him to have a professional do it, but he evicted those tenants - he was totally maxed out with their behavior; he's still seeing a lot of damage that they did

-he is looking for more time to repair more things in the bathroom; the railing is done

Ms. Moermond:

-will grant an extension to Nov 13, 2015 for the plumbing to be resolved; we will look for the finalized plumbing permit in the system

-the railing will be ready for inspection after Sep 1, 2015 - want to see a nice stable, sturdy railing

Grant an extension to November 13, 2015 for the bathroom in Unit 1 to be in compliance by having a plumbing permit finalized. The porch railing will be inspected after September 1, 2015.

Referred to the City Council due back on 9/2/2015

31 [RLH FCO](#)
[15-185](#)

Appeal of Dan Caron to a Fire Certificate of Occupancy Correction Notice at 1818 IVY AVENUE EAST.

Sponsors: Bostrom

Dan Caron, owner, appeared.

Mr. Caron:

*-just asking for time to fix the driveway; looking for 2 years
-no one parks there; the guy who lives there doesn't have a license
-if there's a vehicle there, he may have had someone over*

Ms. Moermond:

*-this is asphalt that's really degraded
-there's a black pick-up and a blue sedan parked there in the photos*

Mr. Caron:

*-the area is about 15 x 30 or 20 x 30
-has a garage
-the cost to replace it will be \$5000
-if the area is trimmed down in size, it will still cost \$2000 - \$2500*

Ms. Moermond:

-it looks degraded to her with some plant growth in it

Mr. Caron:

-the asphalt looked like that for 10 years and this is the first time it was mentioned

Ms. Moermond:

*-it's in bad shape
-will grant your appeal for now - until the next inspection cycle
-get rid of the plant growth*

Grant the appeal, noting that this will be written up again if the parking surface deteriorates.

Referred to the City Council due back on 9/2/2015

32 [RLH FCO](#)
[15-173](#)

Appeal of Chris Worthington to a Fire Certificate of Occupancy Correction Notice at 901 PORTLAND AVENUE.

Sponsors: Thao

Chris Worthington, Sr. Warden for St. Clement's Episcopal Church, and Joy Caires appeared.

Fire Inspector A. J. Neis:

*-Fire Certificate of Occupancy inspection conducted Jun 19, 2015 by Inspector Wayne Spiering
-re-inspection scheduled for Aug 21, 2015
-appealing due to the historic and aesthetic features of the church*

-Inspector Spiering noted the need for exit signs and emergency lighting in the sanctuary in addition to posting the occupant load in the church; there is an exception in the MN State Fire Code for churches that are under 300 occupancy not needing to have the emergency lighting, exit signage due to aesthetics but the occupant load here is over 300 by approximately by 44, which triggered the Order
-sounds as though they are looking for solutions to remedy this issue without necessarily putting in the exit signage but something more aesthetically pleasing to a sanctuary

Mr. Worthington:

-church is 120 years old; the sanctuary is a Cass Gilbert design- a very historically significant structure; it's an old English County style and the sanctuary has remained unchanged with the exception of adding sprinklers
-they feel very strongly that the emergency lighting is not compatible with the contemplative nature of the space and the historic nature of the space
-also, this is the first time that any requirement was mentioned on either exit lighting or occupancy level signage

Ms. Moermond:

-between the sprinklering and it being off 44 occupants..., knowing what church attendance is everywhere, not only here (Mr. Worthington: typically, about 115)
-go ahead and find a place for the occupancy sign
-no emergency lighting will be necessary
-will recommend this appeal be granted

Grant the appeal.

Referred to the City Council due back on 9/2/2015

33 [RLH FCO
15-181](#)

Appeal of Jeff DeLisle (Del Co Ltd.) to a Fire Certificate of Occupancy Correction Notice at 1140 WESTERN AVENUE

Sponsors: Brendmoen

Jeff DeLisle and his son, Tom DeLisle, Del Co Limited Partnership, owner, appeared.

Fire Inspector A. J. Neis:

-Fire Certificate of Occupancy Correction Notice re: a complaint received Jul 6, 2015
-complaint came in about the parking lot being gravel
-10 days later, a complaint came in about bed bugs in the building
-a Fire C of O inspection was scheduled by Inspector Scott Perrier, who went out Jul 7 and issued Orders on the parking lot compliance by Sep 11, 2015; however, there were no photographs in the file; Mr. Neis asked him to go back out yesterday and take photos to document the condition of the lot
-the Order is being appealed because this driveway/parking lot has not been a previous issue; and it will be quite expensive to repair
-the photos show that this driveway/pkg lot was not originally Class 5; you can see portions of asphalt that over time have deteriorated; looks as though Class 5 was used just as a filler where the asphalt was worn away
-this was a paved parking lot at some point
-Inspector Perrier is asking for the lot to be restored to an approved condition (asphalt/concrete)

Ms. Moermond:

-you didn't talk about the proportion of lot covered; any ideas

Mr. Neis:

-it's a large parking lot for a multi-unit building
-we did not take measurements; that is specifically done on a site plan for zoning to approve

Mr. Jeff DeLisle:

-estimated the parking lot size is about the size of a city lot (40 x 125)
-is appealing primarily because of the cost; they deal with a lot of low income residents
-bought the building about 10 years ago and have never put in Class 5; never had to maintain it at all
-the bids to paving it have come in high

Mr. Tom DeLisle:

-he goes to this building quite a bit; has never really seen asphalt
-cost: \$9,000 - \$12,000
-it's a big surface and it's always maintained - kept very clean; it's not a high traffic area
-12-unit building; usually there's 5-6 cars parked there at one time
-it's not an eye sore

Mr. Neis:

-was last inspected in 2009 by Fire Inspector Lisa Martin and before that in 2006 by Fire Inspector Thomas

Mr. Tom DeLisle:

-the neighbors haven't complained about the surface

Mr. Jeff DeLisle:

-the main part is the cost
-they also have several other projects going and they're running thin on man power

Ms. Moermond:

-something will need to be figured out; it's really deteriorated asphalt and class 5
-Chapter 34 requires a durable, dustless surface; asphalt; it can be appealed
-she can see clear for allowing class 5 but she's seeing more of a maintenance issue
- we have 2 different surfaces going on and a well (hole) and very rough, not well-defined boundaries on the lot; you get clean lines with asphalt; class 5 migrates
-if she goes with a variance on this - allowing it to be class 5, it may mean scraping up the old asphalt (will be cheaper by far)
-wants to get nice, clean lines on it all the way around; some sort of landscaping solution that would keep the gravel from migrating
-here we have an asphalt street and a cement sidewalk so she wants to know that the gravel is done in a way so that it would not migrate and create no erosion issues (no gravel on sidewalk, street or sewer system)
-show me something that will clear out all of the old asphalt that's deteriorating and it doesn't have the same properties as class 5 when it breaks down

Mr. Jeff DeLisle:

-think that would be fairly simple to do; the land is quite flat

Mr. Tom DeLisle:

-the asphalt is not too visible in most places; to him, he is walking on class 5

Ms. Moermond:

-well, she can see a lot of it in the photos
-bring her a proposed plan by 2 weeks - can email it and she will review it

-allowing the asphalt there will not help the surface in the long run
-doesn't have a problem with class 5 if it's maintained but maintenance is a big issue
-City Council Public Hearing Sep 16, 2015
-there are lots of weeds

Mr. Neis:

-googled an aerial and Western and Geranium is a high traffic area and one of the concerns with class 5 is that it has migrated onto the sidewalk and public street; this is an older photo; looks like it's been an on-going issue

Ms. Moermond:

Layover for owner to get a work plan/site plan proposal for the parking lot surfaces.

Laid Over to the Legislative Hearings due back on 9/1/2015

2:30 p.m. Hearings

Vacant Building Registrations

- 34** **RLH VO 15-46** Appeal of Rafael Fuentes to a Fire Certificate of Occupancy Revocation and Order to Vacate at 436-438 PAGE STREET EAST
- Sponsors: Thune
- Laid Over to the Legislative Hearings due back on 8/25/2015**
- 35** [RLH VBR 15-62](#) Appeal of Lori Gherardi to a Vacant Building Registration Requirement at 1792 LACROSSE AVENUE
- Sponsors: Bostrom
- Lori Gherardi, JNJ Brothers LLC, owner, appeared.
- Inspector Matt Dornfeld, Vacant Buildings:
- referred to the Vacant Building Program by Xcel Energy Jul 21, 2014 for a gas/electric shut off
 - the file was opened as a Category 1 VB by Inspector Rick Singerhouse on Aug 8, 2014
 - the house was vacant and open to entry but was able to secure it; he confirmed that the gas/electric was off
 - currently, a building permit is on file and an electrical permit is open
 - here to discuss VB fee due and would go away if these permits were to be finalized and the house become occupied
- Ms. Gherardi:
- she buys and renovates homes and has for the past 7 years but this is the first one in St. Paul
 - is not familiar with St. Paul's process
 - has talked with her contractor and the project will probably take another 4 weeks
 - she will put the house on the market
 - she goes there every other day; it's a gorgeous house
- Ms. Moermond:
- this VB fee covers time from Aug 8, 2015 - Aug 8, 2016

-she will grant a 90-day waiver
-if it's done in 90 days, there will be no bill; if it's not done in 90 days, it will be converted into an assessment; you will get a letter with a yellow post card asking if you want to appeal; send in that post card and a hearing will be scheduled to talk about it; she would have the option of prorating the fee
-we will know it's done when the building and other permits are signed-off and finalized

Waive the VB fee to November 20, 2015.

Referred to the City Council due back on 9/2/2015

36 [RLH VBR 15-60](#)

Appeal of Toumoua Lee to a Vacant Building Registration Notice at 879 THOMAS AVENUE.

Sponsors: Thao

Toumoua Lee, owner, appeared.

Inspector Matt Dornfeld, Vacant Buildings:

-Code Enforcement received complaints on May 8, 2015 and Jun 22, 2015 for tall grass/weeds and garbage behind garage
-Code Inspector Rick Gavin went out on both dates; property seemed vacant and he confirmed the violations
-Mr. Gavin issued a Work Order to clean-up the property and then, he transferred the file to the VB Program
-Mr. Dornfeld opened a Category 2 VB on Jul 22, 2015
-his notes at the time of inspection: house secured by abnormal means; pad lock and clasp on front door; the garage was open to entry; exterior of house had multiple code violations including torn screens, dilapidated siding, cracks, erosion in rear cement steps, broken window, compost bags in rear, discarded dog kennel, loose litter, tall grass/weeds; posted VB Placard; took photos; issued Orders to secure and clean-up
-currently, there's a Truth in Sale of Housing Inspection on file; it lists 14 hazards and 40 below code violations on it
-believes there was a recent sale of the property to Mr. Lee but there's no sale review

Mr. Lee:

-he's owned this property for a long time; he gave a Contract for Deed to his cousin but he didn't take care of it
-he went to SouthEast Asia
-late Jun 1, Mr. Lee went on vacation
-the inspector sent me a letter to pick up the trash and dog kennel, etc.
-right now, he has a contract pending; closing should be by the end of this month;

Ms. Moermond:

-told him that he wasn't ready to close until he got a Sale Review

Mr. Lee:

-wants to appeal the Vacant Building and get a waiver
-the city was just there in Jul and he has a TISH

Mr. Dornfeld:

-the complaints on the exterior came in May 8 and Jun 22, 2015

Fire Inspector A. J. Neis:

-they closed their Fire Certificate of Occupancy file in 2007 as being owner occupied
-this property has been challenging for DSI since 2005 when complaints came in for

tall grass/weeds; house needs painting
-2006 -2 more complaints about garbage, rubbish, no trash service
-2007 -6+ complaints, Xcel shut-off; dumping; tires in backyard; garbage
-2008-09 complaints of garbage
-2011- 6 complaints of garbage; another Xcel shut-off
-2012 -multiple; tires in alley; beer cans in yard; electrical shut-off; broken window;
couch sitting outside garage
-2014 -snow walk complaints; Parks started trash service; another electrical shut-off
-a lot of ongoing issues and staff time

Mr. Lee:

-I've been the fee owner; his cousin was the tax owner

Ms. Moermond:

-Mr. Lee wants to not have to do the Code Compliance Inspection nor pay the VB fee because he wants to sell it
-this is a classic case for a house that does need s Code Compliance inspection and it meets the definition of a Registered Vacant Building (Chap 45 is clear about buildings that have major code violations)

Mr. Lee:

-in that case, he asked if it could be changed to a Category 1 VB

Ms. Moermond:

-no; there's no doubt that is should be a Cat 2 VB; it's bad
-the law is clear on this; it needs to be in compliance before it can be re-occupied; it's meant to be taken care of by the owner or go thru Sale Review process by a future owner, so they could do the fixes
-City Council Public Hearing Sep 2, 2015; you are welcome to talk to them about it

Deny the appeal.

Referred to the City Council due back on 9/2/2015

Other

37 [RLH OA 15-9](#)

Appeal of Paripat Tabtimthai to a Permit Approval Inquiry at 1296 POINT DOUGLAS ROAD.

Sponsors: Finney

Paripat Tabtimthai, Sirjundho Meditation Center of Minnesota, owner, appeared. Piyanud (interpreter) and Tim Montgomery plus 2 others also appeared.

Staff: Sr. building inspector Steve Ubl; building inspector Isaac Stensland; DSI Zoning Corinne Tilley; and DSI Zoning intern Clark Palmer; Dept. of Safety and Inspections (DSI)

Ms. Moermond:

-we were here last on Aug 4; however, city staff was not present
-this is a peculiar appeal for her
-will start from scratch with staff reports

Ms. Tilley:

-this started in 2010 with a lot that had 3 structures on it that were demoed; then, 2 existing structures were moved onto the property and put onto new foundations; they

went thru Site Plan Review because this property is located in the River Corridor in the tree preservation area and is at the toe of the river bluff
-building permits were issued; all the other trade permits were issued and have been finalized
-site plan review is left
-Clark Palmer is the inspector who went out to the site and reviewed it to make sure that it met site plan review requirements; right now, they are not compliant

Ms. Moermond:

-the only thing left is site plan review; all else is done (Ms. Tilley: correct)
-has a letter dated Jul 17, 2015, signed by Dave Nelson indicating that the above listed permits were not finalized; therefore, cannot be occupied; later, she received information that a temporary Certificate of Occupancy was issued to allow continued occupancy, presumably, while site plan review gets squared away

Ms. Tilley:

-we would not issue a permanent C of O based on the lack of site plan approval (the last piece)
-we approved a site plan Aug 2, 2011 but that plan is different from what we actually see on the land

Mr. Palmer:

-the main difference with the Aug 2, 2011 approved site plan and the physical site is the front yard parking; the approved plan showed a driveway that wrapped around the principal structure and led to an approved parking pad in the rear yard; currently, the site has a driveway that terminates in the front yard, which is a violation of zoning code, and ends at 2 unapproved parking pads
-they continue to park on grass on the side yard and rear yard (continuing code violation not specific to site plan review)

Ms. Moermond:

-so there are zoning and property maintenance codes' issues going on

Mr. Paripat:

-questions why people who come cannot park in the front

Ms. Moermond:

-there was a proposal for parking put together in 2011 for where the parking would be and that was approved
-why is that not working for you?

Mr. Montgomery:

-everything has been done that has been talked about; they have been cooperative - trying to do everything the city has asked; the driveway has been changed; now, it goes back behind the house; he invited them to come out to take a look; he introduced photos; the reason he came here, previously, was because he was trying to comply with the letter from Dave Nelson

Ms. Moermond:

-Appellants, staff and Ms. Moermond looked at and discussed the plan

Mr. Ubl:

-could not immediately answer why the accessory structure was not in the location that was previously approved

Mr. Montgomery:

- entered the complete site plan with an addendum on the back and photos of work on the driveway
- the house in the right location and the garage was moved to another location and used as storage
- the driveway follows the original path and follows around to the back; they constructed a garden within the last month
- they want to make sure they are doing everything according to the letters they have received
- they are prepared to have another inspection

RECESS taken at 3:05 pm; Reconvened at 3:18

Ms. Moermond:

- staff viewed and discussed the photos with Ms. Moermond

Mr. Montgomery:

- parking is in the back unless there are visitors who would park in the driveway; no parking in the front

Ms. Moermond:

- on the photos indicated her division of the front/back yards and there will be no parking in the front yard; people can park in the driveway that's headed toward the garage
- asked why they chose class 5 over cement/asphalt

Mr. Paripat:

- they chose class 5 so that they could hear the noise if someone tried to steal a car

Ms. Moermond:

- OK; no parking in front yard and we are good to go on site plan conformance

Mr. Montgomery:

- gazebo - Dave Nelson told them that it was OK without a permit

Ms. Tilley:

- the gazebo is OK without a permit but it's not OK with Zoning because accessory structures are not permitted in the required front yard (81 feet); an accessory structure is not permitted in the required front yard (81 feet from Point Douglas Road); as long as it's not within that area, you could have it on the property; and you are permitted to have only 3 accessory structures totaling not more than 1000 sq.ft.
- she would need to see a plan for the gazebo - a Zoning requirement (can email)

Ms. Moermond:

- or if they wanted to have a gazebo, let's say between 70 and 80 feet from the street, they could go to the Board of Zoning Appeals and ask for a variance to put in an accessory structure within the required front yard; and if they wanted to put in more than 3 accessory structures, they could also go to the Bd of Zoning Appeals and ask for that variance
- one last thing: the gravel needs to be changed to cement; pavers are OK; because it's new construction, it requires a hard surface or permeable pavers; class 5 is not allowed for new construction

Mr. Paripat:

- the gravel already cost \$3000
- will grant extension to Oct 15, 2015 to come into compliance
- staff will check the site after Oct 15, 2015; then, the C of O will be issued

Grant an extension to October 15, 2015 for the two site plans to come into compliance. Also, sections where there are Class 5 needs to be paved.

Referred to the City Council due back on 9/2/2015