



# 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*

---

Tuesday, September 1, 2015

9:00 AM

Room 330 City Hall & Court House

---

### 9:00 a.m. Hearings

#### Special Tax Assessments

- 1      **RLH TA 15-456**      Ratifying the Appealed Special Tax Assessment for Property at 1677 ABELL STREET (File No. J1601A, Assessment No. 168500)

**Sponsors:**      Brendmoen

*Ophelia and Jose Avalos-Reyes, buying the house under Contract for Deed, appeared.*

*Inspector Paula Seeley:*

*-issued Summary Abatement Jun 17; compliance Jun 23; re-checked June 23  
-work done Jun 25 for a cost of \$288 + \$160 service charge = \$448  
-sent to: Donald Bartolerio & Julie Zemek, Kingman, AZ; and Occupant*

*Ms. Avalos-Reyes:*

*-went to county yesterday to fill out the forms for registration  
-doesn't remember getting a letter in the mail; she has the letter because Donald Bartolerio sent it to her from Arizona  
-she had just cleaned up the yard so she doesn't know what they cleaned up*

*VIDEO - west side of garage - bags of debris, loose & scattered, empty buckets; left roof rake and ladder*

*Ms. Avalos-Reyes:*

*-bought house 4 years ago; had trouble with the name change; they thought the realtor would do it but it never got done and the realtor wasn't helping any more; she has 8 children and has been really busy  
-the table she put out on the street with other things; she thought someone else could use it; that's why it was out there; had a sign "Free"*

*Ms. Moermond:*

*-is concerned about why this wasn't registered  
-is also concerned about why he didn't communicate that to you; the property was still in his name and the responsibility for this lies with him unless your Contract says otherwise, in which case, it's a private matter between the 2 of you  
-the Order went out and staff had no returned mail*

*Ms. Avalos-Reyes:*

*-Don is an older guy; don't know why it never got to her; he called her about 3 weeks*

ago

*-he was here in MN to do the Contract for Deed; then, he went back home and that's when he called her; he then mailed it out to her*

*Ms. Seeley:*

*-history: 7-17-15 - refuse on ground; done by owner*

*-complaint on cars parked in back yard; gone on arrival*

*-6-23-15 - vehicle*

*-10-22-14 - debris in yard*

*-8-5-13 - junk in backyard - all done by owner*

*-only Work Order is the one for today*

*Ms. Avalos-Reyes:*

*-had received letters from the past from the city and she cleaned it up; scrappers picked up refrigerator*

*Ms. Moermond:*

*-City Council Public Hearing Jan 6, 2016*

*-if you have no problems from now until Christmas, she will recommend this assessment be cut in half and spread the payments over 5 years; if there are problems, she will approve the whole assessment and spread the payments over 5 years*

*If owner doesn't have any more complaints from now until December 25, Legislative Hearing Officer will rec reducing the assessment by half (\$448 to \$224) and spread the payments over 5 years.*

**Referred to the City Council due back on 1/6/2016**

- 2      [RLH TA 15-457](#)      Ratifying the Appealed Special Tax Assessment for Property at 1173 BRADLEY STREET (File No. J1601A, Assessment No. 168500).

**Sponsors:**      Brendmoen

*Approve; no show.*

**Referred to the City Council due back on 1/6/2016**

- 3      [RLH TA 15-439](#)      Deleting the Appealed Special Tax Assessment for Property at 1474 BROMPTON STREET. (File No. VB1601, Assessment No. 168800)

**Sponsors:**      Stark

*Delete; new owner is razing (abestos abatement done, lines have been cut and permit pulled). No hearing necessary.*

**Referred to the City Council due back on 1/6/2016**

- 4      [RLH TA 15-442](#)      Ratifying the Appealed Special Tax Assessment for Property at 1737 BUSH AVENUE (File No. J1601E, Assessment No. 168300).

**Sponsors:**      Finney

*Approve; no show.*

**Referred to the City Council due back on 1/6/2016**

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

Sponsors:            Bostrom

Ms. Moermond:

-this was laid over to review the police report, which was not available at the first hearing

-although the police were on the scene from 12:30 - 4:30 pm, they did not call the owner to do the boarding; they, instead called RESPRO at 1 pm; they had sufficient time to call the owner to address this but failed to do so

-will recommend deletion

Delete assessment.

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

- 6      [RLH TA 15-432](#)      Ratifying the Appealed Special Tax Assessment for Property at 545 CENTRAL AVENUE WEST. (File No. J1512A, Assessment No. 158527)

Sponsors:            Thao

Hoa Tran appeared.

Ms. Seeley:

-summary abatement order sent May 20 with a compliance date of May 27, rechecked May 27, work order sent and done on June 1

-cost of \$468, no mail returned

-Orders sent to a Nancy Tran/Hoa Tran, 545 Central Avenue West and Occupant

-Summary Abatement says to remove chairs, mattresses and box spring along front of the house

-we have photos and DVD

Ms. Moermond:

-questioned if he wants to see the video

Mr. Tran:

-he responded no.

- he worked for the company many years and didn't have the time to do it.

-he made the mistake of putting the mattresses on the deck and didn't know it was dangerous for the public

-neighbor complaint and they made a mistake and accept it. can write a check here but want a discount

Ms. Moermond:

-she can't accept a check here. Going forward to City Council in January. He will get a bill from the City.

-Look for a bill in the middle of January

Mr. Tran:

-we are asking for a discount.

Ms. Moermond:

-asking why it should be lower.

Mr. Tran:

-as employee, we work for the people and sometimes we make mistake. This is our first time. We won't make the mistake again. We put it on the deck and not in the walkway.

Mr. Ross:

-there are the photos, too.

Video – 2 mattresses, appliances, boxes of garbage, refuse, garbage on grd beside containers

Ms. Moermond:

-the orders itself says remove the chairs, mattresses, box spring along the front of the house and you did removed them but you moved them to the deck

-that wasn't getting rid of them but simply moving them from one yard to the other side but can see where English as a second language might be confusing.

-will reduce by half but no sempathy moving forward in the future. Mail to Aurora address.

-Reduce from \$468 to \$234.

Mr. Tran:

-can it be mailed to the Aurora address. (email was sent to Real Estate per his request)

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

**7**      [RLH TA 15-435](#)

Ratifying the Appealed Special Tax Assessment for Property at 308 CLARENCE STREET. (File No. J1511B, Assessment No. 158111)

**Sponsors:**      Finney

Doug Remly, owner, appeared.

Inspector Joe Yannarely:

-fire report attached

-emergency boarding done May 7, 2015 for a cost of \$363.65 + \$160 service charge = \$523.65

-there's a \$250 cost for off-hours service charge (6 am)

Ms. Moermond:

-fire report estimates property damages of \$100,000 and content at \$40,000

-was an unintentional fire - electric arcing

-fabric, fiber, cotton; rayon blends; wool

Mr. Remly:

-he thinks that it was a candle in the basement (tenant)

-cost is excessive; only 3 windows broken; just 1 pane of plywood would have fixed them; all they did was put screws in the doors; he could have replaced all the windows for that kind of money

-there's nothing yet from insurance

-RESPRO charged me \$24,000 for the demolition; they gutted the whole property

-now, he just got the letter for the Vacant Building fee of \$2000

-still paying mortgage and nothing's coming in

-thinks the board up is excessive

Ms. Moermond:

-when the Fire Dept is there, they have to secure the building; it's not a safe place

-the boarding is legitimate  
-the charge is set by the contract with the city; if they have to go out in off-hours, they get a \$250 premium  
-your insurance should cover this fee without any problem at all  
-City Council Public Hearing Oct 7, 2015; they will ratify it; you'll get a bill in a week or two; in this case, if you choose not to pay the bill at that time, it will simply roll on to the taxes of 2016; so, you have the time to work it out with your fire insurance folks in the mean time  
-the work was done and it was legitimate  
-will recommend approval

Approve.

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

- 8      [RLH TA 15-443](#)      Ratifying the Appealed Special Tax Assessment for Property at 88 CLEVELAND AVENUE NORTH (File No. J1601A, Assessment No. 168500).

**Sponsors:**      Stark

Approve; no show.

**Referred to the City Council due back on 1/6/2016**

- 9      [RLH TA 15-438](#)      Deleting the Appealed Special Tax Assessment for Property at 910 COTTAGE AVENUE EAST. (File No. J1601E, Assessment No. 168300)

**Sponsors:**      Bostrom

Delete; 2 separate TGW's entered. There may have been confusion on the rechecks. TGW was abated by owner.

**Referred to the City Council due back on 1/6/2016**

- 10      **RLH TA 15-452**      Ratifying the Appealed Special Tax Assessment for Property at 655 ELFELT STREET (File No. J1601A, Assessment No. 168500).

**Sponsors:**      Thao

Daughters of owner, Tuyet Thi Phan, appeared: Hang Hong and Hau Hong

Inspector Paula Seeley:

-Summary Abatement tall grass & weeds Order issued Jun 11, 2015; 72 hours, re-checked Jun 17  
-work done Jun 18 for a cost of \$160 + \$160 service charge = \$320  
-it's now a vacant lot; the house was razed in 2009  
-sent to Occupant and Tuyet Thi Phan, 332 Sherburne Ave, St. Paul  
-no history

Ms. Hong:

-we received the mail late  
-we moved from 332 Sherburne; tried to call Ramsey County to change the address but they keep sending the mail to 332 Sherburne  
-the day we got the letter from the previous owner was 1 day after the due date; the

*work had already been done*

*Ms. Moermond:*

*-need to let Ramsey County know the change of address; you can go that easily as long as you're downtown already; go to 90 Plato BLvd  
-will recommend reducing the assessment to \$100*

*Reduce from \$320 to \$100.*

**Referred to the City Council due back on 1/6/2016**

- 11      [RLH TA 15-440](#)**      Ratifying the Appealed Special Tax Assessment for Property at 992 HATCH AVENUE. (File No. VB1601, Assessment No. 168800)

**Sponsors:**      Brendmoen

*Owner called to discuss VB fee and why it went to VB Program. Rescheduled to October 20 to discuss the fee.*

*Approve; no show.*

**Laid Over to the Legislative Hearings due back on 10/20/2015**

- 12      [RLH TA 15-434](#)**      Deleting the Appealed Special Tax Assessment for Property at 717 HOPE STREET. (File No. J1512A, Assessment No. 158527)

**Sponsors:**      Finney

*Delete. Fire inspector had orders on the exterior which they are not supposed to do before we received complaint.*

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

- 13      [RLH TA 15-459](#)**      Ratifying the Appealed Special Tax Assessment for Property at 948 IGLEHART AVENUE (File No. J1601A, Assessment No. 168500).

**Sponsors:**      Thao

*Approve; no show.*

**Referred to the City Council due back on 1/6/2016**

- 14      [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

*Quoc Tuan Nguyen, owner, appeared.*

*Inspector Paula Seeley:*

*-he was scheduled for the last hearing but he missed it  
-she recommends deleting this assessment because the inspector was new and he sent an Excessive Consumption multiple but it wasn't in the 12-month period  
-has extensive history*

*Mr. Nguyen:*

-he has 4 children and 2 of them are autistic; so, he does the best he can to keep things orderly  
-each time the city tells him to do something, he does it  
-he lives 2 houses down from someone who works at the city and they like to complain

Ms. Moermond:

-for today, will recommend this assessment is deleted

Delete the assessment.

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

**15**     [RLH TA 15-451](#)

Ratifying the Appealed Special Tax Assessment for Property at 678 JESSAMINE AVENUE EAST (File No. J1601A, Assessment No. 168500).

Sponsors:            Bostrom

Approve; no show.

**Referred to the City Council due back on 1/6/2016**

**16**     [RLH TA 15-455](#)

Ratifying the Appealed Special Tax Assessment for Property at 918 JORDAN AVENUE (Assessment Roll has as 912 JORDAN AVENUE) (File No. J1601A, Assessment No. 168500).

Sponsors:            Bostrom

Owner called and wants to reschedule. Rescheduled to September to go with File J1601B.

Approve; no show.

**Laid Over to the Legislative Hearings due back on 9/15/2015**

**17**     [RLH TA 15-444](#)

Ratifying the Appealed Special Tax Assessment for Property at 857 LAFOND AVENUE (File No. J1601A, Assessment No. 168500).

Sponsors:            Thao

Inspector Paula Seeley:

-Summary Abatement Order for failure to maintain exterior property  
-Orders sent Jun 11, 2015; compliance Jun 18; re-checked Jun 18  
-work done Jun 22 for a cost of \$316 + \$160 service charge = \$476  
-no returned mail  
-sent to Donjia Johnson, 857 Lafond Ave; and Occupant  
-cut back and remove all overgrown brush along alley and side of garage

Ms. Johnson:

-has lived there since 1995; it's a corner lot  
-the front entrance to garage faces Victoria, so very seldom can she even see the alley but she has the brush cut down when summer starts and ends but she's been in the hospital (couldn't walk Apr or May); lives there by herself  
-she parks on Lafond  
-was in the hospital Jun, Jul and Aug, 2015 - 3 times  
-the property wasn't taken care of properly; the family was staying with me in the

*hospital*

*-Coolidge takes care of the trash but she's not paying for things that others do  
-this year, she was not able to get things done; it wasn't a priority  
-in the past it's been done; she has a good history*

*Ms. Moermond:*

*-it really blocks part of the alley; photos*

*VIDEO*

*-you're a senior citizen; you may qualify for a deferment on this assessment, so that it wouldn't be due until you sell the house*

*-you have a good history; you are at a problem location*

*-the Orders were accurate and the clean-up was done*

*-will recommend reducing this by half payable over 4 years*

*-talk to the Real Estate Office; they have paperwork to defer it until you sell the house*

*Reduce from \$476 to \$225 and spread over 4 years.*

**Referred to the City Council due back on 1/6/2016**

**18**      [RLH TA 15-441](#)

Deleting the Appealed Special Tax Assessment for Property at 726 LIVINGSTON AVENUE. (File No. VB1601, Assessment No. 168800)

**Sponsors:**            Thune

*Delete; code compliance certificate issued 30 days after anniversary date.*

**Referred to the City Council due back on 1/6/2016**

**19**      [RLH TA 15-445](#)

Deleting the Appealed Special Tax Assessment for Property at 598 MAGNOLIA AVENUE EAST (File No. J1601E, Assessment No. 168300).

**Sponsors:**            Bostrom

*Alan Gear, owner, appeared.*

*Inspector Paula Seeley:*

*-2 Excessive Consumption fees; cost \$240 + \$35 service charge = \$275*

*-Excessive Consumption regarding trash - Inspector Gavin*

*-Summary Abatement Order sent May 1; compliance May 8; re-checked May 13*

*-work done Aug 10*

*-EC's were sent out Aug 10*

*-comments: DSI recommends deleting one of the EC fees as it was assessed in error; only one bill was issued and sent to the property owner; reduce the assessment from a total of \$275 to a total of \$155*

*Ms. Moermond:*

*-so, one of the EC fees is gone*

*-you are recommending that it be cut down to a total of \$155; OK*

*-the dept. found an error with one of the EC's*

*Inspector John Peter Ross:*

*-one of the EC's is for (done by owner)*

*-the other is for 3 trips in 1 year; however, the inspector miscounted; he sent 2 that should have counted as 1 because it was on the same item*

*Mr. Gear:*



-he is an epileptic and has had brain surgery, so his brain works a little slowly  
-he has only 1 EC order in his possession; you guys just told me I had 2; that's what's confusing to him  
-it was Ms. Moermond's words in the last meeting that these complaints are supposed to be coming in anonymously but then Badge 364 said that it was Mr. Magner, who was furious, and he sent her back out there to issue another Order  
-first of all, he was in the hospital Jun 16 when the first one came thru; his Dr. ordered him to not cut grass; then, the city had him take care of some vines that weren't even his; he did take care of them; the city wouldn't take the compost, so, he had to burn it at a different place; those issues will be addressed at a different time  
-he had one Order in front of him for \$120  
-he is not understanding why this over EC Order was even issued when things are supposed to be anonymously (in your words) and in her words, her boss demanded her to go back out there because he took care of the stuff, which he have had done in the past ever since he's been a landlord for 30 years

Ms. Moermond:

-directed to staff, you said that this assessment's for Excessive Consumption and in this case, it means more than 3 founded complaints in a year; what were the dates of those complaints and what kind of complaints are we talking about?

Ms. Seeley:

-we're talking about a PAEC (trip charge) on 5-19 because Inspector Gavin did a Summary Abatement Order on May 1, 2015 with a compliance date of May 8  
-Inspector Gavin issued 2 Work Orders to clean up the trash and to cut the vines down; so, the truck went out on 5-19-15; and Inspector Gavin must have made a mistake

Ms. Moermond:

-so, you sent a crew out and the work was done (trip charge); you sent the Orders, which were complied with but not until after the deadline  
-compliance date was May 8 (deadline) and you re-checked it May 13; the crew didn't go out until Aug 10, 2015 (a long time)  
-thinks the reason for such a large differential is because it was an appeal and more time was given  
-your Orders gave you an original compliance date of May 8; was checked May 13; you filed an appeal on all of that and you got an extension from the City Council with a deadline of Aug 10, 2013; when inspectors went out to check it, it wasn't done but when they sent the crew out, it was done; they want to charge you a fee for not having it done when the crew showed up

Mr. Gear:

-what was the crew sent out to do?

Ms. Seeley:

-to clean up some extensive litter that was stuck in the vines and to cut the vines down; Inspector Magner was made because the crew said that it was done by owner because they cleaned up the litter but didn't cut down the vines; so, he sent her back out there....

Ms. Moermond:

-so you were sent out.... thinks she remembers: Parks incorrectly said that the work was done

Mr. Gear:

-still confused

*Ms. Moermond:*  
*-this is confusing at best*  
*-will recommend that it get deleted*

*Delete assessment.*

**Referred to the City Council due back on 1/6/2016**

- 20     [RLH TA 15-446](#)     Ratifying the Appealed Special Tax Assessment for Property at 45 MANITOBA AVENUE (File No. J1601A, Assessment No. 168500).

**Sponsors:**     Thao

*Approve; no show.*

**Referred to the City Council due back on 1/6/2016**

- 21     [RLH TA 15-453](#)     Ratifying the Appealed Special Tax Assessment for Property at 1031 MINNEHAHA AVENUE EAST (File No. J1601A, Assessment No. 168500).

**Sponsors:**     Finney

*Approve; no show.*

**Referred to the City Council due back on 1/6/2016**

- 22     [RLH TA 15-447](#)     Ratifying the Appealed Special Tax Assessment for Property at 118 MORTON AVENUE WEST (File No. J1601E, Assessment No. 168300).

**Sponsors:**     Thune

*Approve; no show.*

**Referred to the City Council due back on 1/6/2016**

- 23     [RLH TA 15-437](#)     Deleting the Appealed Special Tax Assessment for Property at 1809 OLD HUDSON ROAD. (File No. J1601A, Assessment No. 168500)

**Sponsors:**     Bostrom

*Delete per hearing officer.*

*Minutes from another matter:*

*Ms. Moermond:*  
*-Orders went to previous owner during your ownership*  
*-will recommend deletion of this assessment*  
*-J1502A and J1601A are not on today's agenda; the Orders went to Olin; when those come forward; those will also be deleted*

**Referred to the City Council due back on 1/6/2016**

- 24     [RLH TA 15-448](#)     Ratifying the Appealed Special Tax Assessment for Property at 75

ORANGE AVENUE WEST (File No. J1601A, Assessment No. 168500).

Sponsors: Brendmoen

*Layover to get Somali interpreter per tenant's request.*

**Laid Over to the Legislative Hearings due back on 9/15/2015**

**25 RLH TA 15-449** Ratifying the Appealed Special Tax Assessment for Property at 603 SHERBURNE AVENUE (File No. J1601A, Assessment No. 168500).

Sponsors: Thao

*Dung Hinh, owner, appeared.*

*Inspector Paula Seeley:*

*-Summary Abatement Order issued Jun 19, 2015; compliance Jun 26; re-checked Jun 26*

*-work done Jun 29, 2015 for a cost of \$400 + \$160 service charge = \$560*

*-no returned mail*

*-sent to Dung C. Hing/Bich Phuong Thuy Trinh, 603 Sherburne Ave and Occupant*

*-bold letters: remove all cardboard, wood and other rubbish in backyard*

*-photos*

*Ms. Moermond:*

*-the photos shows a lot of stuff*

*Mr. Hinh:*

*-he works construction; he changed the roof and siding*

*-has a fence in backyard and they put that stuff there because they are going to re-use it for some smaller jobs*

*-the guy who picked it up didn't see the permit for new construction and for the new pipes for gas and water; he was a new worker*

*-they said, "We are sorry"*

*Ms. Moermond:*

*-it doesn't matter whether or not you have a building permit, you are not allowed to do this to your yard; these building materials can't just be thrown in the yard; that's why when you received the letter, you .... and the fence doesn't matter*

*Mr. Hinh:*

*-I didn't receive a letter at all; I asked why and they said that maybe the mailman didn't deliver it in front*

*Video-piles of wood, boards, siding next to garage*

*Mr. Hinh:*

*-I wanted to finish and then they cleaned up*

*Ms. Moermond:*

*-actually, 2 letters got sent: 1 to you and 1 to the occupant at this address; and neither one of those letters came back to the city; but you say that you didn't get the letters*

*Mr. Hinh:*

*-when they came over, I got to see the letter; Sean talked to me and said that it was*

*too late to send in the gold card*

*Ms. Moermond:*

*-the city sent the letter; the city did the clean-up  
-the total assessment is \$560; she is shocked that it's so low for cleaning up that volume of materials  
-will recommend approval*

*Approve the assessment.*

**Referred to the City Council due back on 1/6/2016**

**26      [RLH TA 15-476](#)**

**Ratifying the Appealed Special Tax Assessment for Property at 1746 SIMS AVENUE (File No. J1601A, Assessment No.168500).**

*Geleta Megerssa, owner, appeared.*

*Inspector Joe Yannarely:*

*-Summary Abatement Order for garbage in the yard issued Jun 12; compliance Jun 19; re-checked Jun 19  
-work done Jun 19 for a cost of \$286 + \$160 service charge = \$446  
-brief history*

*Mr. Megerssa:*

*-this was his first time buying a foreclosed house  
-when he bought it, he didn't know that people dumped many tires near the garage  
-there was no one living inside; he checked  
-when he got the letter, he called but it was too late; they say, "Go to hearing"*

*VIDEO - 23 tires dumped*

*Mr. Megerssa:*

*-bought house Nov 2014  
-said he called inspector before due date  
-he talked with inspector yesterday; said he was going to Withdraw*

*Mr. Yannarely:*

*-Inspector Nelmark didn't make any note about a phone call  
-another letter for tall grass/weeds went out Aug 11; Work Order went out Aug 20  
-Aug 25: sent Summary Abatement Order for debris*

*Mr. Megerssa:*

*-there was another pile of tire but I called another dept and they said that they'd take care of it tomorrow because they were not mine*

*Ms. Moermond:*

*-we have the tires that were dumped in Jun (which we are talking about today); and we have another Order later went out because you didn't mow the lawn and you took care of that; then, yesterday more tires but will take care of that*

*Mr. Megerssa:*

*-he called the inspector*

*Ms. Moermond:*

*-will talk with Public Works about this to see what's going on with their policy as it relates to tires and how they manage alleys; things have been changing over in PW  
-if this is approved by the City Council, it seems to be exceedingly low; she thinks*

*mistakes were made in developing this bill  
-hopefully, we can get this decreased for you  
-will manage this by email*

*STAFF REPORT ONLY: LHO to talk to Public Works about the tires.*

**Laid Over to the Legislative Hearings due back on 9/15/2015**

**27      [RLH TA 15-436](#)      Ratifying the Appealed Special Tax Assessment for Property at 1667 STILLWATER AVENUE. (File No. J1601A, Assessment No. 168500)**

**Sponsors:**      Bostrom

*Eric Guo appeared o/b/o of his son, Lang Lang Guo, owner, appeared.*

*Inspector Paula Seeley:*

*-Summary Abatement issued Jun 18, 2015 for tall grass & weeds and garbage; compliance Jun 22; re-checked Jun 22  
-work done Jun 24 and 26, 2015 for a cost of \$98 + \$160 service charge = \$658  
-hauler Order, too, sent to Lang Lang Guo, 733 Aurora Ave and Occupant  
-bold letters: cut tall grass & weeds; secure garage door; rubbish, TV in rear yard; garbage in garage and household container near garage*

*Mr. Guo:*

*-the tenants won't let me approach the property to do anything  
-city inspector calls him; this is his son's property; he is going to school in Chicago, IL  
-he's called SPPD three times to ask what he can do; they are waiting for his son to go through the eviction process*

*Ms. Moermond:*

*-doesn't understand why it didn't get cleaned up; you have every right to go to the property and clean-up*

*Mr. Guo:*

*-the people there tried to fight when I go there; the inspector said to call the police but the police said that they can't do anything about it until we go thru the eviction process*

*Ms. Moermond:*

*-she thinks that's incorrect; she thinks that SPPD was thinking that you wanted the tenants removed, not being there to clean up; however*

*Mr. Guo:*

*-initiated eviction Jun 25, 2015*

*Ms. Moermond:*

*-this is a difficult tenant; that's a private contract that you have with that tenant  
-the city holds you accountable for the cost of the clean-up  
-will recommend approval*

*Approve the assessment.*

**Referred to the City Council due back on 1/6/2016**

**28      [RLH TA 15-458](#)      Ratifying the Appealed Special Tax Assessment for Property at 560 STRYKER AVENUE (File No. J1601A, Assessment No. 168500).**

**Sponsors:** Thune

9/1/15: Approve; no show.

9/14/15: PO called again to reschedule; stated it's his 2nd request. I informed the PO that I will reschedule one last time to October 6. If he doesn't show up, he will need to go to City Council. -MV

**Laid Over to the Legislative Hearings due back on 10/6/2015**

- 29     [RLH TA 15-454](#)     Ratifying the Appealed Special Tax Assessment for Property at 1395 THOMAS AVENUE (File No. J1601A, Assessment No. 168500).

**Sponsors:** Stark

Layover per owner's attorney's request.

**Laid Over to the Legislative Hearings due back on 10/6/2015**

- 30     [RLH TA 15-450](#)     Ratifying the Appealed Special Tax Assessment for Property at 599 WELLS STREET (File No. J1601A, Assessment No. 168500).

**Sponsors:** Bostrom

Approve; no show.

**Referred to the City Council due back on 1/6/2016**

- 31     [RLH TA 15-419](#)     Ratifying the Appealed Special Tax Assessment for Property at 1950 SEVENTH STREET WEST (File No. J1512A, Assessment No. 158527). (Legislative Hearing September 15, 2015)

**Sponsors:** Thune

Layover to September 15 to see video. (Public Hearing is September 16)

Muhammed Moustafa, owner, appeared.

Inspector Paula Seeley:

-Summary Abatement Order issued Apr 23, 2015; compliance Apr 30; re-checked May 1

-work done May 7 for a cost of \$454 + \$160 = \$614

-no returned mail

-sent to: Muhammed W. E. Moustafa, 2411 McMenemy St, St. Paul; Mickey's Diner Inc, 1950 7th St. W, St. Paul; and Occupant

-Bold letters: Remove freezers, metal storage racks, cardboard boxes, TV, Broken Glass and all scattered rubbish. Clean grease bin exterior and remove grease from ground near grease bin

Mr. Moustafa:

-actually, he was out of town for some time and didn't see any Orders

-he only received the Notice of this hearing and he knows that he did not remove it

Ms. Moermond:

-asked if he had anyone taking care of the property while he was gone

Mr. Moustafa:

-the restaurant wasn't closed during that time

Inspector John Peter Ross:

-photos were taken

-there's no VIDEO because we did not know that he was coming today

Ms. Moermond:

-she needs to see the VIDEO

-we can't take care of this without the VIDEO

-will lay this over to Sep 15, 2015 LH to view the VIDEO

-you will be up first

-the City Council Public Hearing will be Jan 6, 2016

**Referred to the City Council due back on 9/16/2015 (Legislative Hearing is 9/15)**

**32**      [RLH TA 15-461](#)

Ratifying the Appealed Special Tax Assessment for Property at 668 FOURTH STREET EAST (File No. J1601E, Assessment No. 168300).

**Sponsors:**          Finney

Sherita Griffith, Director of Operations and Jason Durand, head of maintenance, Quality Residences LLC, appeared.

Inspector Paula Seeley:

- 2 Excessive Consumption fees

-cost: \$240 + \$35 service charge = \$275

-open file since Apr 1, 2015; still open

-9 Summary Abatement's and 5 EC's

-they got one EC on Apr 2

Ms. Griffith:

-she had called and talked with Inspector Ed Smith; on another occasion, she called and spoke to his supervisor

-this is a 13-unit building and we have shown a lot of diligence there

-there are 7 trash cans that their maintenance team checks twice a day and rotates cans

-the grounds are as clean as possible with 2 visits every day; there's never any trash laying around when she stops there

-they actually were cited for a container lid not being completely closed; that set her over the top and called Ed Smith's supervisor, who advised that her to contact Mr. Smith directly; she reached out to him 3 times and never heard back; so, she feels that there's a bit of harassment going on; there's a lady on the block who is constantly calling the inspector on this building; if you look back, even his supervisor said that 99% of these calls are unfounded; reach out to Ed

-another time, Inspector Smith said that the first 3 cans are too full and it should be our obligation to tell the tenants that they should use the remaining 4 cans, so that's when she implemented rotating the cans

-there's some frustration here

-photos from Aug 4 - there was a move-out that day; we go that done immediately; have documentation on it

-now, she has her maintenance team document each time they go over, and if there's any excessive garbage to be taken care of, she has them take pictures of it, date & time

-we started with 5 cans; now, they have 7....

-doesn't think they have ever been charged for noncompliance after they received a SA

*-now, we have 3 charges and she feels that they are unfounded*

*Ms. Seeley:*

*-let's look at all the photos; start with Mar 2, 2015; a Work Order was issued -PAEC - was done by owner*

*Ms. Moermond:*

*-wants to look more carefully at the history on this property  
-will Lay this over*

*Ms. Griffith:*

*-things could be there for an hour or so, but the maintenance team takes care of things "same day" - they go out twice a day  
-emails will be fine  
-she was looking for more answers  
-she actually did turned in her gold card the next day (and you didn't have our file)  
-now, she's dealing with court  
-she's done everything that she can do - frustration is compounding  
-there are move outs at the beginning of the month*

*Ms. Seeley:*

*-she knows the property and she knows the complainant  
-this is all because of multiple calls within 1 year*

*Ms. Moermond:*

*-you changed your procedures; now, your using 7 instead of 5 cans; going out twice a day...  
-I hear your frustration  
-I will need to look at the long record and to make sure that the minutes for the record reflect that history  
-all I see right now is a laundry list of these Orders  
-this is all new to her today  
-doesn't know what happened with the gold card*

*Ms. Griffith:*

*-we are always picking up; if you go back and look ,, we don't miss a deadline  
-feels as though they are not going to get anything accomplished here today*

*Ms. Moermond:*

*-don't feel like you came downtown and got nothing done; you've shared your concerns and maybe there won't be any assessments but she needs to have that be grounded in her analysis and record, which can be carried forward to future assessments; and it can be used as documentation to have discussion within the department to figure out what the deal is and how to move forward on enforcement  
-we can communicate by email*

*Ms. Mai Vang:*

*-there's an EC on for City Council Public Hearing tomorrow*

*Ms. Moermond:*

*-Ms. Vang pointed out that you have another EC that's on the CC Public Hearing tomorrow which you didn't appeal  
-she will assume that you wanted to appeal it and lay that one over  
-you have another EC, which would have had a legislative hearing here and scheduled to be on CCPH Oct 7 (the 2nd one) and also this one (3 total); we have an appeal on only this one*



-she needs to go through the record; we could have a serious problem  
-she needs to sort out where we are with these 3 EC; she will work backwards and add the 2 previous ones on as appeals, as well; she will look at the record on them; she needs to get this clear and based on that, she will have a record to share with CC

Inspector John Peter Ross:

-asked if there's room for a roll-off instead of all those cans?

Mr. Durand:

-roll-offs invite other people to come, dump their trash and keep coming

Ms. Moermond:

-the one that's on for CCPH tomorrow and the one on for Oct 7 CCPH - we are going to create an appeal sheet and lay them over too, so that all 3 of them are on CCPH for Jan 6, 2016

-will interact by email to get this organized and squared away

STAFF REPORT ONLY: Forthcoming recommendation.

**Laid Over to the Legislative Hearings due back on 10/6/2015**

#### **Special Tax Assessments - Rolls**

- 33 RLH AR 15-67** Ratifying Collection of Vacant Building Registration fees billed during October 30, 2014 to May 21, 2015. (File No. VB1601, Assessment No. 168800)

Sponsors: Stark

**Referred to the City Council due back on 1/6/2016**

- 34 RLH AR 15-69** Ratifying Property Clean Up services billed May 29 to July 1, 2015. (File No. J1601A, Assessment No. 168500)

Sponsors: Stark

**Referred to the City Council due back on 1/6/2016**

- 35 RLH AR 15-70** Ratifying Trash Hauling services billed June 10 to July 2, 2015. (File No. J1601G, Assessment No. 168700)

Sponsors: Stark

**Referred to the City Council due back on 1/6/2016**

- 36 RLH AR 15-68** Ratifying Excessive Use of Inspection or Abatement servies billed during April 24 to May 21, 2015. (File No. J1601E, Assessment No. 168300)

Sponsors: Stark

**Referred to the City Council due back on 1/6/2016**

**11:00 a.m. Hearings****Summary Abatement Orders**

- 37     [RLH SAO 15-63](#)     Appeal of Sharon Hopkins to an Order To Provide Garbage Service at 1584 EDGERTON STREET.

**Sponsors:**         Bostrom

*Sharon Hopkins, owner, appeared.*

*Inspector Paula Seeley:*

*-we received a complaint about the Appellant carrying bags of garbage to neighboring properties; (there are no photos)  
-no garbage containers and no hauler service for this address  
-Inspector Gavin sent a hauler Order on Aug 20; compliance Aug 26  
-Ms. Hopkins sent a letter saying that she takes her trash to her brother's house*

*Ms. Hopkins:*

*-she had complained about a neighbor so now, that neighbor is retaliating*

*Ms. Moermond:*

*-DSI is saying that they issued an Order for lack of garbage service because they didn't see any garbage containers; code requires that you have garbage service*

*Ms. Hopkins:*

*-she shares garbage service and recycling service with her brother, who lives in Lakeville; she has very little trash; her brother's kids live near her  
-she spoke with someone on the phone; she told him that she knows of about 10 households in the area who have no garbage cans*

*Ms. Moermond:*

*-we can re-visit this if there's a time when your property needs to be cleaned-up  
-will recommend granting the appeal*

*Grant the appeal.*

**Referred to the City Council due back on 10/07/15.**

- 38     [RLH SAO 15-62](#)     Appeal of Victor Malles to a Vehicle Abatement Order at 494 MISSISSIPPI RIVER BOULEVARD NORTH.

**Sponsors:**         Stark

*Per Joel Essling, the vehicle is now in compliance and the appeal is moot.*

**Withdrawn**

- 39     [RLH SAO 15-60](#)     Appeal of Ronald Adams to a Summary Abatement Order at 676 WELLS STREET

**Sponsors:**         Bostrom

*Ronald Adams, owner, appeared.*

*Inspector Joe Yannarely:*

- this was a vacant building; it is now a vacant lot with a tent on it*
- he issued a Summary Abatement Order to remove the tent*
- if he is actually residing there, then, it lacks basic facilities under 34.23*
- if it's a temporary structure, there's no permit and he hasn't submitted a site plan*
- any accessory structure without a primary structure is prohibited*
- under 34.08-6, it's stored materials - exterior storage issues*

*Mr. Adams:*

- he is trying to figure out what ordinances we're talking about*
- he is not living there; he can't live in a place that doesn't have basic facilities*
- there is a tent on the property; he is camping there; there isn't a lot of time left to camp*
- city has done everything from locking me up to taking my pets away from me; will never see them again; taking down my home; I'm not sure why but.....*

*Ms. Moermond:*

- we are only talking about the tent*

*Mr. Adams:*

- he mows the lawn and kept people from falling down the gullies in the back until you finally fixed the hill in the back as of yesterday*
- he could not find the definitions of the legislative code; that's why he asked for the numbers*
- there is a mailbox there; he put a pad lock on it because the neighbors said that someone in uniform was going into his mailbox; he receives mail there so that he's aware of all the tickets and abatement Orders*
- not exactly sure why you can't camp on your own property; not sure about the rules on camping*

*Ms. Moermond:*

- she will make this case sooner than mid-Oct because this is more critical - we're talking about a living place; not about a garbage order or ....*
- she doesn't see a distinction between "living" there and "camping" there*

*Mr. Adams:*

- he does sleep there occasionally*
- he's not sure where he'll be this month; he was going to come back into town to attend the City Council Public Hearing in mid-Oct*

*Ms. Moermond:*

- we have an Order saying, "Remove Tent"*
- will recommend that you are not able to live or camp there because it doesn't have basic facilities (Chap 34.23); a code violation*
- the tent is stored there and it's being used to live there and neither one of those things are acceptable (Chap 34.08)*

*Grant until September 18, 2015 to remove the tent.*

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

**40**      [RLH SAO 15-61](#)

Appeal of Erik Ritland to a Summary Abatement Order at 1747 YORK AVENUE.

**Sponsors:**            Bostrom

*Grant until September 9, 2015 to come into compliance.*

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

### **Correction Orders**

- 41**     [RLH CO 15-23](#)     Appeal of Patricia A. Denny to a Correction Order at 1067 EDGERTON STREET.

**Sponsors:**             Brendmoen

*Reschedule per owner's request.*

**Laid Over to the Legislative Hearings due back on 9/8/2015**

- 42**     [RLH CO 15-24](#)     Appeal of Be & Peter Vang Dean to a Correction Order at 1020 THOMAS AVENUE

**Sponsors:**             Thao

*Owner withdrew the appeal. Order has been lifted by Inspector Sean Westenhofer due to compliance.*

**Withdrawn**

- 43**     [RLH CO 15-26](#)     Appeal of Jennifer Patraw, representing Thomas DeLisle, to a Correction Notice at 1395 THOMAS AVENUE.

**Sponsors:**             Stark

*Per attorney's request, rescheduled.*

**Laid Over to the Legislative Hearings due back on 9/8/2015**

### **11:30 a.m. Hearings**

#### **Orders To Vacate, Condemnations and Revocations**

- 44**     [RLH VO 15-50](#)     Appeal of Charlotte Mahone and Casey Borrego to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 649-651 IVY AVENUE EAST. (To be referred back to November 10 Legislative Hearing and November 18, 2015 Public Hearing)

**Sponsors:**             Bostrom

*Tenant came to hearing on September 8. Rescheduled to September 15.*

**Laid Over to the Legislative Hearings due back on 9/15/2015**

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

#### **Fire Certificates of Occupancy**

45 [RLH FCO](#)  
[15-113](#)

Appeal of Barbara Otto, Program Manager at Lifetrack, to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 709 UNIVERSITY AVENUE WEST. (Public hearing continued from August 19)

**Sponsors:** Thao

*Trixi Goldberg, President, Lifetrack and Chuck Repke, working as a consultant with Lifetrack, appeared.*

*Angie Wiese, Fire Protection Engineer, St. Paul Fire Department, appeared.*  
*Fire Supervisor Leanna Shaff appeared*

*Ms. Moermond:*

*-we have the appeal; we had another hearing; we have bids in to do the gates; we have an OK from staff looking just at the diagram; then, we heard that you didn't want to do it; then, we had a request to re-scheduled the hearing; then, that wasn't what we were going to do; so.... let's start from scratch*

*-will asked staff to put a basic report onto the record about what the Order is from the Dept of Safety and Inspections (DSI)*

*Ms. Wiese:*

*-they are looking for 1 compliant way out of the play area because there are locks on the doors that go back into the building (so they can't exit back into the building); and there's a gate out of the play area but the gate is also locked*

*Ms. Moermond:*

*-where are you folks with that Order and why are you appealing*

*Mr. Repke:*

*-a pathway back through the building is new information*

*-the problem they had from what they had heard (filtered information) was that they were going to be required to have an exit on the outside that a 3-year old could go through without any assistance from an adult; and one of the suggestions was to have a double gate system but 3-5 year olds are quick enough to get out onto University Ave*

*-he bought some additional pictures; this area is very close to University Ave*

*-they are simply not going to have a gate situation in there that children are able to, on their own, escape; it's not practical*

*-currently, the gate is locked but the employee inside the play area has the code operate the lock on the gate; the children are only allowed in that space with adult supervision; there is never a time when a child is in there without an adult; it's a condition of license*

*-they are willing to look at some kind of an electronic release system (crash bar system) that you'd press from some distance away but a stranger outside could not reach in and hit the button*

*-a non-custodial parent trying to grab their child is much more terrifying to us than any other type of emergency*

*-the current locking system releases when the fire alarm goes off*

*-a crash bar system that would be close enough from the door that you could put up a sign saying, "Push Button to Release Door" and have it reasonably close but far enough so that a non-custodial parent or someone who is interested in the children wouldn't be able to reach it; those security concerns are as important to them as Fire's concerns are for someone to be released in some situation where an adult wouldn't be able to release them*

Ms. Moermond:

-in terms of exiting through the building, is there a way for someone to get out of the play area through the building unimpeded?

Ms. Goldberg:

-that's currently restricted; it's the first time that she's heard that would be an option

-similarly, they could come up with some kind of re-entry system

Ms. Wiese:

-they have had crash bars that are locked so that you can't access them from the outside (they've done a lot of courtyards); she thinks that it's possible to have an actual device on the gate and to block it from the outside so that someone can't reach in

-a crash bar is not required because of the occupant load, so, it could be any sort of manual device; but a delayed egress would be on a crash bar

Ms. Goldberg:

-wants to talk about the therapeutic pre-school; put the "daycare" image aside; it is a "treatment program"

-their little ones as young as 3 years, 9 months up to 5 years, has some kind of a therapeutic diagnosis, and many times, that is a mental health diagnosis; those little ones have been through some difficult trauma - a lot of abuse; a lot of neglect; they are escape artists; we know that and we live that everyday; "fight or flight" is hyper in their little ones and so, because we're in the Frogtown Area/University Ave, they have to deal with the reality of being right out on University Ave

-it's an unusual set of combination of things: highly vulnerable children, very close to the safety threat of University Ave and light rail

-she totally understands the reason why the code of the patient would make sense but having anything that allows a little one to let themselves out of a protected area is a huge safety risk to that little one; their licensing requirements really take precedence; that's why they can't not fight this because they could stand to lose on the other side

-another unusual thing about this space is that it has line of sight to the Fire Station; they are fortunate to be neighbors

Mr. Repke:

-it just isn't practical or realistic

-the current system has been there for years and it's gone through many inspections without it being a problem

-they are willing to do something to alleviate the current concerns but putting the children in jeopardy is not the answer and they will not do that

Ms. Goldberg:

-they have talked with similar programs that also do therapy care for young children and their protocols are exactly the same; so, we do know that we are following the best practice; the space is already a restricted area where only authorized personnel are with children; it's not a generic space that's open for children; it does release with any fire incident or if someone pulls the fire alarm, it automatically releases; all of their doors have that exit release button; and that would be a very appropriate accommodation; either on both doors or one door - they'd be very happy to do that but they just can't have a locked area where a little one can let themselves out; it would be just a matter of time before they'd be on the avenue

Ms. Moermond:

-asked Ms. Wiese what she thought of it being on the gate and unreachable by somebody on the outside?

Ms. Wiese:

-a steel plate could be attached so that you couldn't reach around to access the panic bar; a push button near the gate to allow free egress could work with the building code but she thinks there'd still be trouble with the height; the height is an EEA requirement; the height is for accessibility, not for Fire Code

Ms. Moermond:

-asked Mr. Repke how they are picturing the crash bar on the wall of the building

Mr. Repke:

-entered some photos  
-could do it above the key box height  
-the crash bar has a 30 second delay

Ms. Goldberg:

-have to think that this is not a "pre-school;" it's a "treatment facility" - just as you would not let a vulnerable adult have the ability to let themselves out, we can't have a child have the ability to let themselves out  
-whether the city takes on the liability of forcing us to change this lock, it's already established as an appropriate practice,.....  
-we can't anticipate every possible scenario  
-this is a highly restricted area; it's for therapeutic purposes only  
-doesn't know how you reconcile these 2 very different needs

Mr. Repke:

-remember, it's only with adult supervision; so, the scenario that you're afraid of doesn't exist  
-Fire Code 7511.102.80 - it says: Security devices affecting a means of egress shall be subject to the approval of the fire code official;" which suggests to him that there has to be some kind of security device that they can have; you can't just say, "You can't have a security device if the Fire Code has language that says, 'security devices affecting a means of egress shall be subject to the approval of the fire code official'  
-we can't have "just open the door"

Ms. Wiese:

-there are a bunch of different locking arrangements that are allowed by the code for a "treatment facility" and you're classified as an I-4 - a daycare but a "treatment facility" is classified as an I-1  
-there's a trade off between treatment facility and daycare; doesn't think that's ever been looked at before  
-a treatment center would be looked at differently

Ms. Moermond:

-what things come to mind when you think about the occupancy of this building as a mixed use vs. a treatment facility?

Ms. Wiese:

-mainly, that they'll be covered by the nature of the building  
-without going through the code and all the nuances between and I-4 and an I-1,.. she is not certain  
-there would be differences between an E occupancy and an I-1 occupancy; I-1 is the supervised facility

Ms. Moermond:

*-who determines the occupancy? Is that the building official?*

*Ms. Shaff:*

*-yes*

*Ms. Moermond:*

*-was this a new construction for this purpose?*

*Mr. Repke:*

*-St. Paul Rehab has been there since the 70's; the same purpose for all that time*

*Ms. Shaff:*

*-it says the primary occupancy is a B and the secondary occupancy is an E  
(educational-class room setting)*

*Ms. Goldberg:*

*-we are different from a daycare which is an I-4  
-they have 2 certified educators plus an assistant for every 12 children; so, we are  
already at the extreme and following those practices; we go above and beyond  
(monthly fire drills; regular certifications for every different dept; and safety is the #1  
concern); so, they are stuck*

*Ms. Wiese:*

*-looking at the options available to I-1's, there's 9 features that have to be present  
and it looks like they have all 9 features for I-1*

*Mr. Repke:*

*-if the fire alarm goes off and unlocks the door and it stays unlocked until we re-set it;  
we have to re-set it manually at the door  
-if the power goes off, it stays open*

*Ms. Moermond:*

*-it's a real hybrid situation; she likes the idea of looking at the use and going back to  
the I-1 as the defining occupancy*

*Ms. Wiese:*

*-you can have only 1 lock in the path of egress*

*Ms. Goldberg:*

*-each room has 2 exits; the door to the playground is locked but it has a trip*

*Mr. Repke:*

*-in 2012, the city recommended that we put the locks on the doors from the  
playground to the classroom (Fire)*

*Ms. Shaff:*

*-the classification it all depends on how the building was proposed to be used; that  
was decided by the designer when the plans were presented; so, if the use has  
changed.....*

*caretaker:*

*-there's a thumb lock on the doors on one side and on the other side there was a \_\_\_\_  
lock - on the outside; so, at that time, the city recommended that we put a crash bar  
.....*

*Mr. Repke:*



*-suggested that the city could review those 2 rooms based on I instead of E to see if there'd be any additional changes that they would need to make; they may have a solution there*

*Ms. Moermond:*

*-she likes that solution better because you are not getting a variance; you getting conformance just based on the building use alone  
-if that's possible, everyone is better off*

*Ms. Wiese:*

*-asked that Ms. Goldberg send their licensing materials from the state  
-she will review those materials, codes, etc.  
-probably will be ready to talk again on Sep 22, 2015 LH*

*Ms. Moermond:*

*-enforcement is stayed during the process of appeal  
-will lay this over to Sep 22 LH*

**Laid Over to the Legislative Hearings due back on 9/22/2015**

**46**     [RLH FCO  
15-195](#)

Appeal of Rick Huston, on behalf of Health Partners, to a Fire Certificate of Occupancy Correction Notice at 445 PHALEN BOULEVARD

**Sponsors:**        Brendmoen

*Rick Huston, Regions Hospital/Health Partners, appeared.*

*Ms. Moermond:*

*-we were going to do some follow-up on this one*

*Fire Inspector Leanna Shaff:*

*-445 Phalen Blvd Parking Ramp  
-we need a key fob to get into the stair tower, a required exit; Inspector Migdal called it a deficiency  
-you were going to have some conversations with various people before making any decision*

*Ms. Moermond:*

*-it wasn't all that long ago that this was approved  
-will grant your appeal on this*

*Grant the appeal.*

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

**47**     [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

*Attorney request to reschedule.*

**Laid Over to the Legislative Hearings due back on 9/8/2015**

**48**     [RLH FCO](#)  
[15-203](#)**Appeal of Bates Avenue Partners to a Fire Certificate of Occupancy  
Correction Notice at 283 BATES AVENUE.**

**Sponsors:**         Finney

*Clinton Blazer, Bates Avenue Partners LLC, owner, and Jessie Karpen, property manager, appeared.*

*Fire Inspector Leanna Shaff:*

- Fire Certificate of Occupancy complaint inspection conducted Aug 10, 2015 by Inspector George Niemeyer*
- 7 items on deficiency list*
- no reason was given for the appeal*

*Mr. Blazer:*

- the inspector said that some of the shingles looked bad and that we should replace the roof*
- the roof doesn't leak*
- the inspector said that we had to appeal it*

*Ms. Moermond:*

- I don't see roof on these Orders*

*Ms. Shaff:*

- there's a Correction Notice dated May 22, 2015, also by Inspector Niemeyer (regular C of O inspection)*
- that deficiency list calls out the roof: provide and maintain the roof weather tight and free from defects*
- #2 is the Heritage Preservation Application (HPC)*
- #3 is looking for the residential heating report*
- none of those have been done*
- the Orders on the roof were written on Apr 16, 2015*

*Ms. Moermond:*

- see photos of the roof - see sort of a bright line down the middle and something that looks like it might be a canvas type tarp (?)*
- sees some curling*

*Mr. Blazer:*

- there's flat roofs and shingled roofs; some of the flat roofs have been replaced*
- the inspector said that he saw bits of shingles on the ground; so, he assumed that we needed to replace the shingles*
- the roof is not pretty but it isn't leaking*

*Ms. Shaff:*

- there's some curling and tar paper or membrane (photos dated Aug 31, 2015)*
- the fire Orders on this are still open*
- the original re-inspection was Jun 30*
- guesses the Inspector Niemeyer kept it open to give them time to get together with the HPC*

*Mr. Blazer:*

- it's kind of a 5 or 6 building complex with about 6 or 7 different roofs*
- they have replaced a number of the flat roofs: the 5-plex has a new roof; there's a triplex, a 4-plex and a duplex - a couple of those have flat roofs that they've replaced; the shingles are pretty good on the other two*
- each of their buildings has it's own C of O*

*-in the past, they have always taken care of all the Work Orders  
-he said that we needed to file an appeal if we didn't want to replace the roof  
-the roof is not leaking  
-purchased the building 6-8 years ago; "C" rated building  
-they were looking at replacing the roof next year*

*Ms. Moermond:*

*-unless there's evidence of leaking in the house, she will grant an extension for the roof repair/replacement 1 year out*

*Grant one year to repair or replace the roof unless there is evidence of leaking.*

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

**49**     [RLH FCO  
15-205](#)

Appeal of Pakou Xiong to a Fire Certificate of Occupancy Correction Notice at 798 BLAIR AVENUE.

**Sponsors:**        Thao

*Pakou Xiong, owner, appeared.*

*Ms. Moermond:*

*-she looked into what happened with this fence  
-your appeal says that the police ran into the fence*

*Ms. Xiong:*

*-it was a police chase; the vehicle that was being chased ran into the fence  
-she tried to access the police report but at that time, they said that I couldn't  
-one estimate was very reasonable for \$450 to replace the fence  
-they can pay cash for it and send the bill to the city*

*Ms. Moermond:*

*-asked why the city would be responsible*

*Ms. Xiong:*

*-it's a residential street and the SPPD was chasing the vehicle....*

*Ms. Moermond:*

*-that's not what happened according to the police report  
-the police report says that a vehicle was driving down the street; evidently, the vehicle was known to some people; looks like it was a gang-related incident; those people fired into the car (there was gun-fire; the car crashed; then, the police were called)  
-the police were not pursuing the vehicle  
-when the police showed up, the woman, who was a passenger took off, then came back to the scene; the guy who was shot was taken to Regions Hospital with life-threatening injuries; she couldn't tell from the reports whether they were fatal injuries; at the time that this was going on, the guy barely identified the color of the vehicle that was going by  
-it was called a random shooting - gang related, causing this car to run into the fence and the police responded to that accident*

*Ms. Xiong:*

*-the police never returned any messages, so she didn't know what really had happened  
-that's fine; we'll get it fixed  
-can we get an extension until the end of this month?*

*Ms. Moermond:*

*-will grant extension to Sep 30, 2015*

*Grant until September 30, 2015 to repair the fence.*

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

**50**     [RLH FCO  
15-196](#)

Appeal of Bill & Jennifer Wall to a Fire Certificate of Occupancy  
Correction Notice at 794 CASE AVENUE

**Sponsors:**         Bostrom

*Rescheduled per owner's request.*

**Laid Over to the Legislative Hearings due back on 9/15/2015**

**51**     [RLH FCO  
15-207](#)

Appeal of Mark D Klinker (American Investment Properties) to a Fire  
Certificate of Occupancy Correction Notice at 603 IDAHO AVENUE  
EAST.

**Sponsors:**         Bostrom

*Mark Klinker, American Investment Properties LLC, owner, appeared.*

*Mr. Klinker:*

*-concerned about the ceiling ht*

*-very nice home in good condition; built in 1948*

*-have passed all previous inspections*

*Fire Inspector Leanna Shaff:*

*-Fire Certificate of Occupancy inspection conducted by Jonathan Gaulke*

*-appeal on ceiling height #3*

*-photos show it's 79 inches at the highest point, which is 5 inches short of the  
requirement*

*-code requires 7ft+ over half the floor area*

*Mr. Klinker:*

*-was built as a 1 1/2 story in 1948*

*-to raise it 5 inches, they'd have to raise the entire floor, which would be a financial  
hardship*

*Ms. Moermond:*

*-usually, that half story was not intended to be a habitable room; it was attic space for  
storage*

*Mr. Klinker:*

*-he's a realtor and has seen thousands of these 1 1/2 story houses; it was finished off  
at some time*

*-doesn't know how to solve the problem; the tenants would need to be displaced they  
rented it as a 3-bedroom, 2 bath house; one bathroom is upstairs*

*Ms. Shaff:*

*-the TISH Report talks about the low bedroom and stairway height*

*Ms. Moermond:*

*-another option would be to not have people sleep up there; there's low head room*

*and it taper*

*Mr. Klinker:*

*-tenants' lease is up Aug 1, 2016; he just rented it*

*Ms. Moermond:*

*-she can't take into consideration the financial hardship; it's investment property*

*-it's not a good situation for sleeping space*

*-City Council could look at this differently*

*-will recommend denying your appeal; grant extension to Jan 1, 2016*

*Grant until January 1, 2016 for tenant to not use the room (item 3) as a bedroom.*

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

**52**     [RLH FCO](#)  
[15-212](#)

Appeal of Fannie Pen to a Fire Certificate of Occupancy Correction Notice at 947 SIXTH STREET EAST.

**Sponsors:**     Finney

*Fannie Pen, owner, appeared.*

*Fire Inspector Leanna Shaff:*

*-Fire Certificate of Occupancy complaint inspection; the complaint came in on Aug 10, 2015: kitchen sink is clogged; tub drains to the downstairs apartment; holes in the wall*

*-Inspector George Niemeyer notes: 8/14/15 inspected complaint. Made entry into both units. Upstairs claims that the owner had already corrected the plumbing issue. Found a ceiling in the lower unit in need of repair. PO called and was asking about the repairs needed. I let her know that regardless of what happened we did not determine who did the damage, we were concerned with if the repair was needed. PO asked for RE after Oct 10 as she has not renewed the lease for the upper tenant, and did not want it damaged again. gn*

*-there was a plumbing issue in the upper unit that had ruined the ceiling in the lower unit but she wants to wait to fix it; but 2 months after the fact, we have occupancy separation issues to deal with, etc.*

*Ms. Pen:*

*-I gave the tenant upstairs Notice to move out in 60 days (Oct 10); in the meantime, she might flood the bathtub again and ruin the ceiling even more; so, she told the inspector that she needed time after she moved out to fix; she cannot fix the ceiling in 4 days because it takes several steps; it has to be dry enough; it has to be sanded; and sometimes, I can't get into the downstairs because the tenant is too tired or too busy; so, it will take her a full week, at least, of going in and out to fix the ceiling*  
*-a plumber had put a piece of plywood on the ceiling years ago because he had to change the faucet in the bathtub; the inspector said that I couldn't have that up there*  
*-she is putting the house on the market tomorrow*

*Ms. Shaff:*

*-you need to get a licensed contractor to do it correctly*

*-noted that this property is due for a full C of O on Oct 15 of this year*

*Ms. Moermond:*

*-as the property owner, you have the right to access both of these units for repairs and these repairs need to be done*

*-she will hold Ms. Pen accountable and recommend that the City Council denies this appeal with a deadline of Oct 14, 2015*

*-you need to provide Notice that you need to access those units to do these repairs*

*Grant until October 14, 2015 to come into compliance with the repairs.*

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

## **2:30 p.m. Hearings**

### **Vacant Building Registrations**

- 53**     [RLH VBR 15-68](#)     Appeal of Jennifer Patraw, representing Thomas DeLisle and DeLisle Company Limited Partnership, to a Vacant Building Registration Renewal Notice at 430 EDMUND AVENUE.

**Sponsors:**            Thao

*Rescheduled per attorney's request.*

**Laid Over to the Legislative Hearings due back on 9/8/2015**