



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, June 26, 2018

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Remove/Repair Orders

- 1 [RLH RR 17-19](#) Ordering the rehabilitation or razing and removal of the structures at 412 GOODRICH AVENUE within fifteen (15) days after the July 19, 2017 City Council public hearing.

Sponsors: Noecker

Carol Carey, Historic Saint Paul; Elyse Jensen; and John Yust, architect, appeared.

*Ms. Moermond: summary - we've been at this about a year; you've been planning to do some fundraising; at this point, I need to find out where you're at; you need to come up funds to do this rehab unless you intend to use your letter of credit of financing to do the rehab; if not, we need to take it off the record
-where are you at with the gap?*

Ms. Carey: it was about a year ago when we started talking to the previous owner about donating the property & we feel like we've accomplished quite a lot since last year given the challenges of this project; since last time, we received a limited appraisal which came in at \$90,000; we keyed in on that as the sort of after rehab sale price, which helps establish a gap with a little bit more certainty; we submitted a proposal to MN Finance Agency for smaller impact funds; the potential acceptance for that will be in Oct;

-we organized fundraisers; we had another fundraiser at which we raised a little over \$8600, & we received pretty good news coverage; we got a phone call from one licensed electrician who is very interested in donating his labor for the project that could, potentially, reduce the cost of the budget by \$7000-\$8000

-I wasn't here at the last hearing but I understand there was some discussion about moving the structure; we started looking into those costs; that's not optimum; the questions are: do we move it, store it & move it back? do we move it to a different site, in particular? we haven't worked out all of those details; the significance of the property is on its original site; that's why we're involved with the project so that would be our first choice; the other complications with moving it is we'd have to raise more funds to move the project, which could kick the project down the road; not sure if that option is viable

Ms. Jensen: at this point we've actually raised just shy of the original gap; we're sitting

at \$35K-\$40K; that was changed based on the foundation

Ms. Carey: we have been working with Youth Build & we had received a commitment from them to de-construct the rear addition (this summer); & we'd like to be able to do that regardless of which scenario goes forward; the plan is to re-construct it; if we can de-construct over the summer, it's a \$5500 saving for us; one of the things about this project is that there's a lot of community engagement; educational opportunities; we also have an archaeological day on site scheduled at the end of July-first part of Aug with Jeremy Neenow; she entered some updated documents: poster of the site; a revised schedule; the limited appraisal

Supervisor Steve Magner: if the bldg official acquiesced & allowed a limited demolition permit for this de-construction, do you have a plan or anything in writing as to how that would look when you're done?

Mr. Yust: how that would work if we would have our contractor, Don Peltier, separate the front from the back & then, we would do just a little bit of demolition inside to save some of the materials that could be re-used; otherwise, the whole back portion would just be pulled over; out of safety concerns, we don't want anybody on top of the bldg where their safety would be compromised; then, we would have the youth group that we've been working with to the demolition of the back on the ground; the front of the bldg would be secured with a temporary door & complete sheathing; underneath the floor, there's a root cellar that we would secure; otherwise, there's minimal foundation; we would pull the foundation just to the surface & the wall would be dug out when we re-construct the back

Mr. Magner: does that leave us with the foundation walls taken down to grade & still an excavation exposed or do you back-fill that root cellar at that point?

Mr. Yust: we're not going to back-fill that root cellar; we'll secure the root cellar; & we may just leave the floor structure just over that root cellar area; there's currently just a trap door that goes down right there; we'd probably tarp it against the elements

Mr. Magner: this is not a subject that I can speak to because these specific decisions will be made by the bldg official; I would suggest that if that's part of their proposal to the hearing officer today & that's something that you want to entertain, that they articulate it in writing with a time frame that we can show the bldg official their plan (quick drawing)

Ms. Moermond: isn't that part of the demolition review because it's a partial demolition?

Mr. Magner: this is beyond the scope of that other permit that was issued last time we had this discussion, which was for exposing the original siding; we need something clarified in writing

Ms. Carey: the intent was to pull a permit for that process

Mr. Magner: if we can get this identified within the next couple of days, it's going to lead into your ___ because if it gets too drawn out, your going to miss your window of opportunity for your youth workers

Mr. Yust: when the other demolition took place, it was cleaned up immediately

Mr. Magner: we just need to make sure that we understand what your vision is

Ms. Moermond: Ms. Carey, you provided a revised time table dated May 22; the last one was dated May 22 but it looks like there's a couple of changes (?)

Ms. Carey: I'm sorry; it should be dated Jun 26, 2018

Ms. Moermond: total project cost is: \$286,000 & we just learned that the limited appraisal was \$190,000

Ms. Carey: that \$286,000 assumes an additional year of holding costs; that continues to go up as the holding costs go up; we have roughly, a \$45,000 gap that we need to fill; we submitted a proposal for \$50,000 to the MHFA for impact funds
-I'd be more than happy to get a letter of commitment _____ construction financing; they will loan up to 95%

Ms. Moermond: that would be good

Mr. Yust: we do have interested buyers

Ms. Moermond: who are willing to pay at least \$190,000?

Ms. Jensen: I presume so

Ms. Moermond: would the \$50,000 MHFA impact fund apply to the gap?

Ms. Carey: yes; it would close the gap; the line of credit is with the Land Bank

Ms. Moermond: I'm not seeing that your Revised Time Line reflects any change in your start date

Ms. Carey: that's right; I think the revision/updates that I made is moving closing to that Oct date; I separated Phase 1 into deconstruction with reconstruction happening post-closing on the financing; financing sources other than MHFA would be through the MN Historical Society legacy funds (it has to be nationally registered, however) so, the first wave of funding would need to be to study & determine it's eligibility

Ms. Jensen: we do have a fundraiser scheduled

Ms. Moermond: when do you envision applying for the demolition of the rear?

Ms. Jensen: ASAP

Mr. Magner: I'll talk to Steve Ubl today or tomorrow; need something in writing

Ms. Moermond: LO to Aug 14, 2018 LH

Recommendation is forthcoming.

Laid Over to the Legislative Hearings due back on 8/14/2018

2 [RLH RR 18-3](#)

Ordering the rehabilitation or razing and removal of the structures at 735 MARGARET STREET within fifteen (15) days after the February 14, 2018, City Council public hearing. (Public hearing continued from

February 14) (Amend to remove or repair within 180 days)

Sponsors: Prince

Ms. Kris Kujala & Mr. Paul Scharf, Ramsey County Property Records & Revenue, appeared.

Ms. Moermond: we met on site after we talked here in mid-May; at that time, the matter still had to go to the panel that governed the 4R Program; how did that turn out?

Ms. Kujala: we met with the panel in regards to the rehabilitation of this property and it was approved as a project; we've put together a basic approach for a basic rehabilitation of the property; we are hoping that we can make that work with our other 2 projects

Ms. Moermond: so, you have an increased work load

Mr. Scharf: we put together a strategy - have entered a plan from Jun 2018 - May 2019; we want to get it onto public auction next year; we met with Christine Boulware, HPC, for a preliminary walk around; our next step is to apply for the exploratory demolition permit & also the permits with DSI for interior demolition

Ms. Kujala: what's the process for that & what steps do we need to take?

Ms. Moermnd: right now, I think the main thing is to get a grant of time from the City Council to proceed; you've got your performance deposit at DSI

Steve Magner, Code Enforcement Manager: we have the Perf Dep resolved; the bigger issue for us - to issue permits, we need to see a grant of time from the City Council; the other issue is the code compliance inspection, so, you need to get your plans in & send them to HPC; we'd like to get the building permit issued first before you draw the other permits; if Council is ready to grant the time, we can talk about the demo permits or anything else you need beyond that; we're always concerned about your timing; hopefully, you've worked that out; we should hear from HPC - what they think you need for approving those permits

Ms. Moermond: are you ready to apply for the building permit for the exterior work?

Christine Boulware, Heritage Preservation Commission (HPC): we suggested an exploratory permit just because of the siding & front porch to get a more accurate bid to find out if the exterior would require an administrative or a public hearing review; those features should be removed; that way a more accurate bid as to how much siding was replaced; how many features are repaired; what the new porch design is going to look like is kind of based.....; the 2-story front porch is not safe & the siding is covering the lap siding & details that are underneath it; so, before we know what the full scope would be & the condition of siding is certain areas, we need to remove it to get a more accurate bid as well as know what their full scope is -I've been in conversation with Jack ___ from ___ Windows, who's looking at doing the rehabilitation; so, there's been contractors who've talked to me as well being in communication back & forth with Paul about other options; once an exploratory demo on the exterior happens, final exterior permits will be fine-tuned & submitted; the interior demo permit will be pulled at the same time

Ms. Scharf: I'll have the exterior scope of work written after the exploratory work's been done

Mr. Magner: *in this case, I think the way we can move forward is if at today's hearing, you find that the Council's intent will most likely be to issue 180 days based on their ability to rehabilitate this property - to shorten up the time a little, maybe your hearing could recommend to DSI that we could go ahead & issue these permits (I can speak to the bldg official about these 2 issues); the bldg official is also going to convey back to HPC before he can issue the exploratory permit to make sure what they're saying is what they're actually going to do*

Ms. Moermond: *I did have a chance to brief the Councilmember on the development plans that your office had pulled together at the time we met in mid-May; at that point, she was quite happy with them & it sounds like they are almost exactly the same now as they were then except that you have the green light now from your panel; -I can have the resolution in front of the Council on Jul 11, 2018; I will recommend that they grant 180 days for the rehabilitation of the structure; we talked on site about conditions under which extensions are granted*

Mr. Scharf: *I do have instructions to go in & get things in place, is that OK?*

Mr. Magner: *I don't think there's a problem with that; I'll let Mr. Soley know that so he can put in a note*

Ms. Moermond:

Remove or repair within 180 days.

A making finding resolution to determine if the nuisance condition has been abated is scheduled for January 15, 2019 Legislative Hearing and February 6, 2019 City Council Public Hearing.

Referred to the City Council due back on 7/11/2018

3 [RLH RR 18-22](#)

Ordering the rehabilitation or razing and removal of the structures at 830 UNIVERSITY AVENUE WEST within fifteen (15) days after the June 20, 2018, City Council public hearing. (Amend to remove to repair within 180 days)

Sponsors: Thao

Steve Magner, Code Enforcement Manager:
-we received a signed copy of the contract this morning

Ms. Moermond: *I haven't seen the signed copy yet but I knew they were going to sign it once we said it was OK yesterday*

Ms. Mai Vang: *yes; we received it this morning*

Mr. Magner: *so, we good for 180 days*

Ms. Moermond: *yes;*

Remove or repair within 180 days.

Referred to the City Council due back on 6/27/2018

- 4 [RLH RR 18-25](#) Ordering the razing and removal of the structures at 302-304 COMO AVENUE within five (5) days after the July 25, 2018 City Council public hearing.
- Sponsors:** Thao
- Steve Magner, Code Enforcement Manager:*
- the building is a 2-story brick triplex with a detached 2-stall garage on a lot of 6,534 sq.ft. According to our files, it has been a vacant building since Feb 6, 2017
 - current property owner is Ocwen Loan Servicing LLC per Ramsey County Property records
 - on Apr 4, 2018, an inspection of the building was conducted, a list of deficiencies which constitute a nuisance condition was developed & photographs were taken. An Order to Abate a Nuisance building was posted on Apr 6, 2018 with a compliance date of May 6, 2018. As of this date, the property remains in a condition which comprises a nuisance as defined by the legislative code
 - taxation has placed an estimated market value of \$12,600 on the land & \$224,700 on the building
 - Real estate taxes are current
 - the VB registration fees were paid by assessment on Feb 6, 2018
 - as of Jun 25, 2018, a Team Inspection has not been done; Performance Deposit has not been posted
 - there have been 13 Summary Abatement Notices since 2017
 - there have been 10 Work Orders issued for:
 - garbage/rubbish
 - boarding/securing-grass/weeds
 - snow/ice
 - code enforcement officers estimate the cost to repair this structure exceeds \$100,000; estimated cost to demolish exceeds \$25,000
 - note: we're showing that it was being used as a triplex at the time that it went vacant; based on the fact that it's been vacant for more than one year, if one would want to re-establish that non conforming use, they would have to go to the Planning Commission; otherwise, they could apply for a duplex code compliance
 - DSI, Division of Code Enforcement Resolution submitted for consideration orders the property owner to repair or remove this structure within 15 days; if not, the resolution authorizes the Division of Code Enforcement to demolish & assess the costs to the property
- Ms. Moermond: can I get a copy of the Fire Report; photos indicate significant fire damage*
- Mai Vang: the Fire Report is attached*
- Ms. Moermond: Fire Report - upward from \$200,000 fire damage; staff report indicates fire started on 2nd floor on the couch; most likely an intentional human act*
- Note: 13 SA since 2017; looks like city is doing all of the maintenance on this property; complete property abandonment*
- Remove the building within 5 days with no option for repair. (No one appeared.)
- Referred to the City Council due back on 7/25/2018**

- 5 [RLH RR 18-26](#) Ordering the razing and removal of the structures at 929 CONWAY STREET within fifteen (15) days after the July 25, 2018 City Council

public hearing.

Sponsors: Prince

Steve Magner, Code Enforcement Manager:

-the building is a one-story wood frame single-family dwelling with 2 sheds on a lot of 3,920 sq.ft. According to our files, it has been a vacant building since Aug 4, 2016.

-the current property owner is Select Portfolio Servicing per Ramsey County Property records.

-on Mar 28, 2018, an inspection of the building was conducted, a list of deficiencies which constitute a nuisance condition was developed and photographs were taken. An Order to Abate a Nuisance Building was posted on Apr 6, 2018 with a compliance date of May 6, 2018. As of this date, the property remains in a condition which comprises a nuisance as defined by the legislative code.

-taxation has placed an estimated market value of \$10,500 on the land and \$61,700 on the building.

-real estate taxes are current.

-the Vacant Building registration fees were paid by assessment on Sep 1, 2017.

-a request for a Code Compliance Inspection was made on Sep 16, 2016; however, an inspection was never done.

-as of Jun 25, 2018, the \$5,000 performance deposit has not been posted.

-there have been twenty-four (24) Summary Abatement Notices since 2016.

-there have been fourteen (14) Work Orders issued for:

-garbage/rubbish

-boarding/securing

-grass/weeds

-snow/ice

-Code Enforcement officers estimate the cost to repair this structure exceeds \$50,000; estimated cost to demolish exceeds \$15,000.

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

Ms. Moermond: Note: looks like we're doing all the property maintenance (24 SA since 2016); complete property abandonment

Mr. Magner: VB file opened Aug 2016, which was after DSI had Condemned the property as unfit for human habitation in Jul 2016; there was interior endangerment (excessive clutter, unsanitary conditions, bathroom needed repair, had code enforcement activities)

-Insp. Hoffman referred the property to the VB Program as a Category 2 VB

Ms. Moermond: I recommend the bldg be removed within 15 days with no option for its rehabilitation

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

Referred to the City Council due back on 7/25/2018

6 [RLH RR 18-27](#)

Ordering the rehabilitation or razing and removal of the structures at 694 SNELLING AVENUE NORTH within fifteen (15) days after the July 25, 2018 City Council public hearing. (Amended to grant to December 6, 2018)

Sponsors: Henningson

Nam M. Ho, owner, and the new contractor, Jim Di Chen, Chen Consulting, appeared. Michael Jon Olson, Executive Director, Hamline Midway Coalition, District Council 11, also appeared.

Steve Magner, Code Enforcement Manager:

-the building is a one-story brick commercial building on a lot of 14, 375 sq.ft.

According to our files, it has been a vacant building since Aug 20, 2012.

-the current property owner is Nam M. Ho and Le M. Ho per Ramsey County Property records.

-on Apr 5, 2018, an inspection of the building was conducted, a list of deficiencies which constitute a nuisance condition was developed and photographs were taken. An Order to Abate a Nuisance Building was posted on Apr 12, 2018 with a compliance date of May 12, 2018. As of this date, the property remains in a condition which comprises a nuisance as defined by the legislative code.

-taxation has placed an estimated market value of \$254,800 on the land and \$317,900 on the building.

-real estate taxes are current.

-the Vacant Building registration fees were paid by check on Aug 1, 2017.

-a Team Inspection was done on Aug 29, 2017.

-the \$5,000 performance deposit was posted on May 14, 2018.

-there have been seventeen (17) Summary Abatement Notices since 2012.

-there have been six (6) Work Orders issued for:

-garbage/rubbish

-boarding/securing

-graffiti

-snow/ice

-Code Enforcement officers estimate the cost to repair this structure exceeds \$125,000. The estimated cost to demolish exceeds \$40,000.

-it's my understanding that the current owners are moving forward to rehabilitate the property; I believe that they are seeking a grant of 180 days to complete the project at this point

-bldg permit is under review (\$131,000); there's an active plumbing permit (\$20,000); & an active electrical permit (\$24,000)

Ms. Moermond: you are well on your way, which is unusual for when cases get to me

Mr. Ho: we had problems with our previous contractor; we paid him \$40,000 & he ran away without doing anything; my current contractor is Jen Chen, Chen Consulting; once we get permits approved by the city, we're ready to go

Ms. Moermond: You already have the code compliance insp report & have deposited \$5000

-I still need to see a Work Plan (Sworn Construction Statement) with details & a timeline

-I can give you a maximum of 6 months to do the work

Mr. Ho: I've already paid \$105,000 & I do have \$155,000 set aside in my bank account to pay the rest; we also have a contractor's statement (entered)

Ms. Moermond: I need to see validation of that money set aside (account statement or line of credit) & a receipt for the money already paid; and an affidavit saying that the set aside money is dedicated to the project

-once I get a timeline

Mr. Chen: I'll try to get it done in mid-Sep 2018; I'm waiting for the city permits right now; I'll put something in writing about the timeline

Ms. Moermond: I will ask the Council to give you until Dec 1, 2018 to complete the project

Mr. Olson: this building has been vacant for 6 years now; during that time, it has deteriorated into a worse & worse condition; so, it is a significant concern for the organization and for many folks in the neighborhood; any time you have a bldg falling into disrepair in a commercial corridor, it affects the entire commercial corridor; over the past few years, we've seen an increasing number of vacancies along North Snelling, which is alarming to the Coalition; we ask that the city not let this project linger because it has been vacant for so long; this bldg is our #1 concern in that corridor

Ms. Moermond: this will be at City Council on Jul 25, 2018; I will recommend that DSI continue it's permit review & issuance as soon as our office has received a timeline & evidence of financial capacity to complete the project

Mr. Magner: once we have that recommendation for 180 days, I will make a note in the computer; it's exciting that we're probably going to see that we'll have an active business here before the end of the year

Ms. Moermond:

Owner to provide the following conditions:

- 1) a revised work plan or sworn construction statement, with timelines, for the completion of the rehab;*
- 2) financial documentation indicating the funds to do the rehab (line of credit, construction loan or personal bank account);*
- 3) an affidavit indicating the dedication of at least \$156,000 to be used for the project.*

If those conditions are met, Ms. Moermond will recommend that the City Council grant until December 6, 2018 to remove or repair the building.

Referred to the City Council due back on 7/25/2018

- 7** [RLH RR 18-18](#) Making finding on the appealed nuisance abatement ordered for 96 MANITOBA AVENUE in Council File RLH RR 18-12.

Sponsors: Thao

A code compliance certificate was issued; therefore, the nuisance condition is abated and the matter is resolved.

Referred to the City Council due back on 7/11/2018

- 8** [RLH OA 18-4](#) Making recommendation to Ramsey County on the application of Julie Ann Thompson, Personal Representative for the Estate of Dennis W. Murray, for repurchase of tax forfeited property at 336 WYOMING STREET EAST.

Sponsors: Noecker

Ms. Moermond: Application for Repurchase of 336 Wyoming Street East

Steve Magner, Code Enforcement Manager: read the hand written part of the application from Julie Ann Thompson, Princeton, TX, personal representative for the Estate of Dennis W. Murray, owner at the time of forfeiture to the State of Minnesota on August 1, 2017 and is an unoccupied single-family house. The applicant has explained the circumstances that led to the forfeiture. The amount of delinquent taxes owed on the property at the time of forfeiture was \$6,892.85: "He was a victim of elder abuse. His bank account was being drained on a monthly basis. He also had physical & mental health conditions that contributed to his vulnerability."

*-Code Enforcement activity was heavy; this person was deceased & the city was monitoring it as a VB; I don't believe that there was any criminal activity; the Estate is trying to put things back together; our assumption is that they are trying to re-claim the asset, settle the Estate & liquidate the asset after that
-there is no municipal reason why DSI would not allow that; DSI's recommendation is to allow for Repurchase*

Ms. Moermond: I agree; I wish someone would have been representing this gentleman while he was still alive; there were a couple of welfare checks on this property during this 5 year time period; will recommend to allow for Repurchase

Allow for repurchase.

Referred to the City Council due back on 7/18/2018

Orders To Vacate, Condemnations and Revocations

11:00 a.m. Hearings

- 9** [RLH VO 18-28](#) Appeal of Gina Yanez & Louis Yanez to a Notice of Condemnation as Unfit for Human Habitation and Order to Vacate at 740 WASECA STREET.

Sponsors: Noecker

Gina Yanez & Louis Yanez, owners, appeared.

Ms. Moermond: the electricity has been shut off; excessive Xcel bill

Supervisor Lisa Martin: Jun 18, 2018, a Notice of Condemnation was issued with a Vacate date of Jun 21, 2018 for lack of electric power to the home plus other violations listed in the Notice: basement dryer vent not code compliant; basement bathroom has defective GFCI outlet & missing door latch on front door; I did not find out how long the power has been off; it is still off today; many times people use candles, extension cords, possible generator to keep power to the home

*Ms. Yanez: mother had special equipment; her bill was \$15,000
-mom's stock certificates were enough to cover the taxes but not enough to also cover the electric bill; we will talk to a lawyer & go from there; we weren't living there at the time*

Ms. Moermond: who is living there now?

*Ms. Yanez: now, we both live there with my daughter, son & granddaughter (5 of us); my granddaughter is 7; my daughter is in her 30's; my son is 17
-we've been using flashlights; putting food in friend's refrigerator; & going to eat with family/friends
-we will be talking to an attorney later today; don't know how bankruptcy will affect that bill
-I signed up for emergency energy assistance
-power's been off since the 15th*

Ms. Moermond: any stock money left?

Mr. Yanez: we have some money left but only to live on; the water bill is \$600; we may have a leak

*Ms. Moermond: if you have money left, you will need it for a security deposit to move elsewhere until this is squared away; I'm going to give you a time to have the power on or vacate; the power has to be on for the home to be livable
-will grant to Jul 26, 2018 to get relocated or have the power back on
-City Council Public Hearing will be Jul 11, 2018
-If you have info from the bankruptcy attorney, let us know. If the house is empty, it will become a registered VB*

Grant an extension to July 26, 2018 to restore the power or the property must be vacated.

Referred to the City Council due back on 7/11/2018

11:30 a.m. Hearings

Orders To Vacate, Condemnations and Revocations

- 10 [RLH VO 18-22](#) Appeal of Lori Ann Jacobson to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 995 REANEY AVENUE. (Legislative Hearing on June 26)

Sponsors: Prince

No one appeared.

Ms. Moermond: could I get an update

Fire Supervisor A.J. Neis: Revocation of Fire Certificate of Occupancy/Order to Vacate

-I spoke with Insp Thomas this morning

-reviewing Insp Thomas' notes: the man with the dog moved out (Order abated); dryer vent permit was pulled yesterday (confirmed); roof (bad) & exterior painting are left to do

Ms. Moermond: deadlines: Jul 20 to get permit finalized on the dryer vent; Nov 1, 2018 to come into compliance with the roof & exterior painting

Grant to July 20, 2018 to get permit finalized on the dryer vent; grant to November 1, 2018 on the roof and exterior painting.

Referred to the City Council due back on 6/27/2018

11 [RLH VO 18-26](#)

Appeal of Zenaida Reyes to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 1315 RICE STREET.

Sponsors: Brendmoen

Zenaida Reyes, Ivy Rice LLC, owner, & Carl Thomas, appeared.

Fire Supervisor A.J. Neis: Revocation of the Fire Certificate of Occupancy/Order to Vacate due to a previous LH conducted in Mar 2018; you granted an extension to Jun 1, 2018 for all the repairs to be completed; Insp Franquiz went back out on Jun 1 & the work was not completed, which led to the Revocation/Vacate -previously there were 68 violations; of those, 39 remain

Ms. Reyes: introduced a document

*-we have done a lot & continue to make repairs on a daily basis; we are still waiting on contractors' availability; my request is to get an extension beyond Jul 11; the electrician can't go anywhere until after the holiday; I have some estimates; we are waiting for the electrician, an HVAC contractor & a handyman; another handyman will help me find somebody else; they have looked at what needs to be done
-a lot of things on the list were there last time & I was told that the work had been done by the person who had done them; I guess either they were not done or were not done sufficiently; & there are also some new things on this list; & we will never get to completion if the inspector keeps adding things to the list
-we made sure that all tenants had smoke alarms/CO and now they're missing; the tenants take them down*

Mr. Neis: we had discussed that if tenants are violating their lease, why are you continuing to rent to them? It's a criminal violation to tamper with a smoke alarm; & you can call us if that's happening

Ms. Reyes: I don't think that you can evict someone because someone tampers with a smoke alarm

*Ms. Moermond: we can't agree to not add items to the list at re-inspections
-we have quite a few items that need to be done; you provided 2 contractors: Thor; Kohout LLC*

Mr. Thomas: when the inspector came in, he told us to remove the battery-operated smoke detectors that we had installed outside of the bedrooms & install the hardwired smoke detectors (the original ones that came with the bldg) inside of the bedrooms; when he came back the 2nd time, he said that those smoke detectors should be on the outside of the bedrooms; so that's confusing

*Mr. Neis: if there is a hardwired smoke detector, it has to be there; if you already had one outside of the bedroom, you have to maintain that one outside & the hardwired one inside the bedroom; once they're there, you have to maintain them both
-I can see where that could be a miscommunication*

Mr. Thomas: we installed the hardwired smoke detectors & he said that the alarm wasn't loud enough; I'm unaware of what the decibel should be

Mr. Neis: it's possible you got a damaged one

Ms. Moermond: how long do you think it's going to take you to get thru this list?

Ms. Reyes: I'm telling contractors/handyman that everything has to be done during the month of Jul

-Carl has been making sidewalk repairs & making other repairs every day

Mr. Neis: we discussed the sidewalks at the last hearing; viewed a photo of a sidewalk leveling repair & said that if that's the repair that Carl had a question about, he had no issue with it

Ms. Moermond: so, now you're dependent upon your contractors; you could have started to look for contractors during the month of Mar

Ms. Reyes: it's not that; it's that I depended upon Carl for doing most of the repairs but it was too much for one person to do; Carl does what he can; now, I'm getting others involved

Ms. Moermond: I don't think that there's a question about competency here

Mr. Neis: I've worked with Carl for the past few years; he makes a diligent effort to get things done

-further more, with this property, we've had a partial wall collapse & that was taken care of with great expense - paid for out of pocket (you don't carry insurance on this bldg); & they were also dealing with a very challenging business tenant on the main floor, who had been there for a very long time; now, they have some reputable businesses in there - they've made some vast improvements; & a large upgrade to the heating system, which was almost \$40,000 & in regards to that, they're getting some of their permits finalized; so, from the city's standpoint, they've really been trying to make improvements to the bldg; I would concur with Insp Franquiz' assessment that this is just way too much for one person

Ms. Reyes: there are 9 apartments; 8 of them are occupied

Ms. Moermond: I need a time certain when some of these things are done: electrical plate covers put on; appliances plugged directly into wall outlets instead of extension cords; I'm disappointed that these things haven't been taken care of

Ms. Reyes: we have 2 electricians now

Ms. Moermond: I want you to give me a date when you think that you can have these things completed; I'm thinking Aug 1, 2018;

Ms. Reyes: I'm telling my contractors that everything must be done during the month of Jul

*Ms. Moermond: If it's not done, you're going to have to vacate the bldg
-wondering if there could be a follow up inspection to get a report on their progress & perhaps your eyes on too, Mr. Neis?*

*Mr. Neis: on Jul 10? I can do an inspection Mon, Jul 9 at 11 am
-regarding the dismantling of the smoke/CO detectors by the tenants, if you don't enforce what you've stated in your letter to them, it doesn't mean anything; it's a good effort but you have to follow through
-the city is not in the business of wanting to vacate properties*

-understand the list is overwhelming but city can enforce only minimal compliance

Ms. Moermond: maybe you & I, Mr. Neis, can go thru these Orders; I see these comments & they are not very specific on when you'll commit on having things completed; I am willing to be reasonable if you put together a Work Plan according to some things--- you have made progress; still some life-safety issues that I'm concerned about

-after the inspection on Jul 9, we'll have more info & I'll hold off on the Aug 1 deadline

Mr. Neis: there are some language barriers with store owners; I am willing to work with that so find out what specific languages they speak

Ms. Moermond:

Recommendation is forthcoming pending result of July 9th Fire inspection.

Laid Over to the Legislative Hearings due back on 7/10/2018

1:30 p.m. Hearings

Fire Certificates of Occupancy

- 12 [RLH FCO 18-96](#) Appeal of Carlton Linton to a Fire Certificate of Occupancy Approval With Corrections at 991 GALTIER STREET.

Sponsors: Brendmoen

Carlton Linton, owner, appeared.

Fire Supervisor Leanna Shaff: Fire Certificate of Occupancy Approval with Corrections conducted Jun 12, 2018 by Fire Inspector Efrayn Franquiz; the list contains 1 item: insulation for a mini boiler; no permit on file

Ms. Moermond: your deadline was Jul 9, 2018; how much time do you need? Is Aug 1, 2018 too soon?

Mr. Linton: I think that should be plenty of time; my concern is finding someone to pull the permit because I don't know who did the work; part of the confusion was that there was an expansion tank & he had wanted a permit pulled for the expansion tank & I didn't know that he wanted a permit pulled for that small electric boiler; all our discussion was about that boiler on the expansion tank

Ms. Moermond: will grant extension to Sep 1, 2018

Ms. Shaff: it is difficult to find somebody who is willing to take on somebody else's work

Ms. Moermond: if you find that you need more time, let us know before Sep 1.

Grant an extension to September 1, 2018 to comply with the installation of the mini-boiler under permit.

Referred to the City Council due back on 7/25/2018

- 13 [RLH FCO 18-97](#) Appeal of Troy Verville to a Fire Safety Inspection Appointment at 859 IVY AVENUE EAST.

Sponsors: Brendmoen

Troy A. Verville, owner, appeared.

Fire Supervisor Leanna Shaff: Fire Certificate of Occupancy Inspection; the first time we were out there, Mr. Verville was a "no show;" however, his mother was there & was a little confused as to why we were there; Inspector Wheeler called Mr. Verville & I spoke to his mother; it seems like this has been the family home for 30+ years; due to his father's illness, Troy bought the home to take care of his mom so that she wouldn't have to move; I encouraged him to appeal to be taken out of the Fire C of O Program

Ms. Moermond:

Grant appeal to be released from the Fire C of O Program.

Referred to the City Council Ward 1 due back on 7/25/2018

- 14 [RLH FCO 18-93](#) Appeal of Ogbonna Iwu to a Correction Order Fire Certificate of Occupancy at 1024 JESSIE STREET.

Sponsors: Brendmoen

Ogbonna Iwu, owner, appeared.

Fire Supervisor Leanna Shaff: Orders dated May 15, 2018 from an approval of a Jan Fire C of O inspection; being appealed today is item #1 - asphalt driveway has deteriorated & needs replacement (photos)

Ms. Moermond: it looks like it was an asphalt driveway at one time & over many years, the asphalt crumbled, dirt was exposed & plants grew from the dirt; this is a rental property & it's not cheap to put down new asphalt

Mr. Iwu: corner house; houses faces Jessie; driveway comes off Lawson; the driveway is just alongside the back of the house & only part way; not all the way back; there's no garage there

Ms. Moermond: it needs to be dealt with because you have to have somewhere for your tenants to park; I want to help to make this a reasonable expense

Mr. Iwu: (I cannot understand him) I think he said that it's not possible for 2 cars to park there

Ms. Moermond: you have a wide apron; is that driveway apron meant for just your house?

Ms. Shaff: the apron is meant just for his house; there's a lot of deferred maintenance here

Ms. Moermond: normally, you'd say that parking cannot be that far forward in the yard - it needs to be further back in the yard

Ms. Shaff: but it's not a very deep; this is a corner lot; the driveway is not in front of

the house; there have been a lot of complaints at this property

Ms. Moermond: have you gotten estimates on blacktop? You could consider 2 strips of concrete with grass in the middle & you can draw your own plan

Mr. Iwu: we have always passed inspections; Section 8 inspection always passes; now, all of a sudden ...

*Ms. Moermond: you have a consistent income from this property to pay for it; this used to be a parking space/driveway & you need to have a parking space for your tenants; Section 8 doesn't care about a parking space; there have been lots of violations/complaints in the past
-the city has a program for Rental Rehabilitation for "C" rated properties; you've got to get this fixed
-will grant extension to Nov 1, 2018*

Grant an extension to November 1, 2018 to comply with order for the parking surface.

Referred to the City Council due back on 7/25/2018

- 15** [RLH VO 18-25](#) Appeal of Randall Wilke and Cameron Gilgenbahr to a Fire Certificate of Occupancy Correction Notice- Complaint Inspection & Order to Vacate at 1198-1200 LAUREL AVENUE. (Legislative Hearing on July 17)

Sponsors: Thao

Rescheduled to Legislative Hearing on July 17, 2018 with Public hearing on July 18, 2018.

Referred to the City Council due back on 7/18/2018

- 16** [RLH FCO 18-99](#) Appeal of Roxann & Cameron Christian to a Fire Certificate of Occupancy Approval With Corrections at 2318 STANDISH STREET.

Sponsors: Henningson

Cameron Christian and his mother Roxann Christian, Occupants, appeared.

Fire Supervisor Leanna Shaff: Fire Certificate of Occupancy Approval with Corrections issued by Fire Inspector Laura Huseby on Jun 11, 2018

1) repairs: to interior chimney & fireplace; Ms. Huseby wrote: take care of them under permit or close up the fireplace

2) home occupation/home business: Mr. Christian makes bows & arrows for the Renaissance Fair & Ms. Christian is teaching how to make costumes for festivals; both are in violation of the home occupation Ordinance; there are multiple temporary sheds in the backyard to store her fabric

Ms. Moermond: clearly, the owner, Mr. Tran, needs to deal with the chimney/fireplace repairs

Mr. Christian: he has already

Ms. Moermond: I can deal with extensions for compliance with the home occupations but I can't make a decision about them; Zoning has to make that decision

Mr. Christian: when Ms. Huseby came out the first time, my workshop had been there since 1954 since my grandfather had it; the only thing that's changed is that now, I occupy that shop; I'm confused by why now?; the inspector had seen it multiple times & has not said anything - no mention of it; there's less wood now than in 2015; I'm perplexed; I talked to other small business owners in St. Paul & they were completely flabbergasted - were not aware of that; I do have the affidavit of Home Occupancy signed - ready to go; my mother checked with Zoning today & they said, "It should be fine;" there are things that perplex me to which I'd like to get answers & haven't been able to get them from Ms. Huseby; when she came into the house in Mar 2018, she mentioned that when she inspected the upper level where my mother keeps some family heirlooms, she wanted to see the adjoining place where the wall & the floor meet; I was not able to find anything in the code about that; and I did not find anything in her report that references that; I'm wondering where that comes in because that was not a concern in 2015

-the other big thing was that we had to fix the toilet according to what she mentioned & I & several others, including Jane Prince; I showed them that the toilet was not moving so we all were perplexed; in the report it says that the toilet needs to be secured; we couldn't move the toilet so we wondered where she was getting that from & when my uncle & I went in to fix it, we needed a crow bar to actually get it up because it was so tight (?) what's up with this? Where is this code? What needs to be fixed?

Ms. Moermond: I'm hearing that you're walking into this hearing with frustration from previous inspections and now, you have home occupation issues; some of the most common things I hear is that there are different things this time & are there changes in the code; most aren't changes in the code; mostly, it's that something catches somebody's eye that didn't happen before

Ms. Shaff: the first letter -item #7 interior - see comments: immediately remove & discontinue excessive accumulation of combustible materials - kitchen area; it also says 2nd floor room - tenant admits to sleeping in 2nd floor though I cannot verify that there are heat vents to this space due to the accumulation; reduce combustibles by 50%; impossible to see where the floor-wall meets; cannot walk thru 2nd floor room; a lot of times we find storage in 2nd floor & expansion rooms

Mr. Christian: when Insp Huseby had come in, my mother had (my family has been in this house since 1954; we were at the very tip of the layer of the mortgage crisis & Mr. Tran & Mr. Johanns said they'd rent it to us until my mom got back up on her feet; then, she lost her job & we all decided to hold off until I had a job, out of school & had credit, etc; that's where we are currently at - in the process of talking to the bank to buy the house back) been talking about when she was a child sleeping upstairs when the house was an owner-occupied property; I'm not sure how Insp Huseby misinterpreted that information as to my mother sleeping up there currently, but she has not slept up there since we lost the house

Ms. Shaff: viewing pictures of that room, there are things that appear that someone may be sleeping up there

Mr. Christian: the basement has been the way it is since 2006 with a 30-inch space between the fuse box & the playmobile set

Ms. Shaff: there needs to be a 36 inch clear access to the electrical panel

Ms. Moermond: home occupation question: what strikes me is that you are in the Fire

C of O Program, where there's an inspection more frequently than there would be for an owner-occupied property; it could be because there's accessory structures involved; you said that you went to talk to Zoning & they said that they didn't foresee an issue with these home occupations; you've got the application; right now, you've gotten your C of O; they will be doing a follow-up inspection; it's an approval with Corrections; I want to give you some time in case you run into a problem

Grant until September 1, 2018 for approved application for home occupation use through Zoning or discontinue the use.

Referred to the City Council due back on 7/25/2018

2:30 p.m. Hearings

Vacant Building Registrations

- 17 [RLH VBR 18-36](#) Appeal of Taylor Swartwood to a Vacant Building Registration Renewal Notice at 1094 ALBEMARLE STREET.

Sponsors: Brendmoen

Grant the appeal.

Appellant was called to not attend the hearing.

Referred to the City Council due back on 8/1/2018

- 18 [RLH VBR 18-38](#) Appeal of Joe Osterbauer to a Vacant Building Registration Fee at 565 JEFFERSON AVENUE.

Sponsors: Noecker

Joe Osterbauer, Osterbauer LLC, owner, appeared.

Supervisor Matt Dornfeld, Vacant Buildings: there was a severe fire back on Nov 17, 2017; I believe that there was a death in the fire; since then, we gave the standard 90-day VB fee waiver; then, I added another 90-day waiver; the property owner has been struggling with the insurance company; he's making a good honest effort to rehabilitate the property; it's not been a nuisance; Mr. Osterbauer is here to request more time on the VB fee

Mr. Osterbauer: 5 days after the fire, I hired a restoration company to come in; the insurance company gets in there in the last couple of months & says that they see that there's evidence of a prior fire; we got an engineer from the city to come out & say that the insurance company has to replace these things; they sent it back to the insurance company, who says, "the city is making us do this" and they've been thinking about that for the last week; I'm doing everything I can & I don't think that I should pay another \$2100 while I wait for them & they won't go going any faster

Ms. Moermond: are you represented?

Mr. Osterbauer: I'm the attorney; I probably need a 4-month extension; within the next month, I'm either going to have to sue them or throw in my own money; it's gotta be done & I have no rental loss insurance; 6 months would be better but I'm not ignoring

it

Ms. Moermond: let's allow this to go to assessment; we'll allow you to pull permits & do all the work that you need to do & by the time I see this as an assessment, which will be 3-4 months from now, you'll have a much better idea about where you're at; this VB fee is also something that the insurance company should be covering; you'll get a letter in the mail with the assessment & a yellow/gold postcard; send the postcard back to appeal it; then, we can discuss it

Deny the appeal, but allow permits to be pulled.

Referred to the City Council due back on 7/25/2018

19 [RLH VBR 18-35](#) Appeal of Sam Riesgraf to a Vacant Building Registration Notice at 778 JENKS AVENUE.

Sponsors: Bostrom

Sam Riesgraf, Synergy R. E. Investment LLC, owner, appeared.

Supervisor Leanna Shaff: this started with a Fire Certificate of Occupancy conducted by Dan Klein on Dec 1, 2017 No Show; I spoke with responsible party who said that the property was not updated with correct contact information

-on Jan 23, 2018 - hadn't allowed access for inspection; ceiling in upstairs bedroom is only 78 inches at any point

-Mar 29, 2018 - property manager called this morning stating that he is not at home & the home is going to be sold; advised her that selling does not matter; bedroom is still being slept in; later in the day, went to property for inspection; tenant had an emotional issue, possibly; social services were involved

-Apr 11, 2018 - tenant allowed access for inspection; bedroom is no longer being used for sleeping; we Revoked the Fire C of O for long term noncompliance; extended Vacate to May 31, 2018;

-May 31, 2018 - spoke to property manager; she is certain that tenants will be out today; is unable to contact property owner; no repairs have been made

Ms. Moermond: what's the nature of work that the inspector wrote in the Orders?

Ms. Shaff: 9 Orders: guardrail on front steps; screens; ceiling in main floor bedroom; hole in 2nd floor bathroom door; permit for dryer vent; vents in main floor bathroom; water heater installed in 2015 without permit

Mr. Riesgraf: most of the items relate to work of the owner; some items related to the tenants: storage; not having clear access to water heater

Ms. Shaff: the last letter noted: provided clearance around all mechanical equipment

Ms. Moermond: guardrail on front steps; screens; ceiling in main floor bedroom; hole in 2nd floor bathroom door; permit for dryer vent; vents in main floor bathroom; water heater installed in 2015 without permit - is that what's left on the list now?

Ms. Shaff: right; items that have been going on for a very long time; once the property was vacated, we referred it to the VB Program

Supervisor Matt Dornfeld: on Jun 7, 2018, Insp Tom Friel opened a Category 2 VB file per Supervisor Shaff's testimony

Mr. Riesgraf: the plan is to sell the property; since Nov 2017, I've sold 9 properties in Saint Paul; this one, I've owned since 2004; I just put in a new kitchen; the tenants were my single largest issue; a Summary Abatement Order came thru on Jun 7, 2018 - the tenants dumped everything; the plumbing permit for the water heater was pulled today

-the condition of this property is not a "Cat 2" VB; I've fixed 20 Cat 2 houses in the City of St. Paul; I'm very familiar with them with Jim Seeger; this, is absolutely not a Cat 2; the Vacant Building status, as well, because we are renovating the property; there's a few things we need to do there but the appeal was for the VB classification

Ms. Moermond: I'd like to get you out from underneath that VB fee & see the money go into the property; if you're not a Cat, you're a Cat 1, which means you're turn key & somebody can just move right in; so, if you can get your Certificate of Occupancy re-instated in 60 days, I'll waive your VB fee for 90 days

Waive the vacant building fee for 90 days to get Fire C of O reinstated.

Referred to the City Council due back on 7/25/2018

20 [RLH VBR 18-37](#) Appeal of Farokh Mahdavi to a Vacant Building Registration Notice at 424 SNELLING AVENUE SOUTH.

Sponsors: Tolbert

Farokh Mahdavi, owner, appeared.

Supervisor Matt Dornfeld, Vacant Buildings: 424 Snelling Ave S was referred to DSI by SPPD & multiple neighbors in the area - saying that the house was vacant, not being maintained, there was some on-going loitering by vagrants, possible breaking & entering, possible camp fire in a makeshift fire pit in the yard

-I inspected & found the house to be vacant, emptied out, secure except for a 2nd story east side window that was open; the garage had a hasp/pad lock on it; the grass was over 1 foot high

-I opened a Category 1 Vacant Building; the exterior was in fair condition

-more complaints continued to come in; I had to issue a Work Order on the grass & some junk in the yard; then, it was changed to a Cat 2 VB; after the WO was issued, I put up some placards; the complaints died down

-I received a call from the property owner on Jun 18 just to discuss what happened; I advised him on the Cat 2 VB rules & regulations & advised him to file an appeal

-the structure of the house appears to be in fair condition; I like to take a peek at the interior to check out the life-safety things

-from what I can tell from the exterior, it would not benefit from a Code Compliance inspection

-there are 2 local taverns within 1 block of this property: Plums is one -some of the loitering could be from bar closing intoxication

Mr. Mahdavi: some people park their cars on Palace & walk to the saloons; sometimes they have specials on Wed nights; when I was living there myself, I always had problems with beer cans, bottles, trash thrown in the yard that I had to clean up the next day

-I'm not in the rental business; this is the only house I have; because of family problems, I had to constantly go back & forth in countries; unfortunately, it's difficult to make plans to come back right away; I knew that the tenants had skipped & the

house was not in the best shape; now, I have to change carpeting, paint, & I started to clean up so I could move in myself to get the job done; right now, I'm staying with a friend in Eden Prairie - going back & forth

-I've kept the house, specifically, so that I have a house to escape to
-if I have to pay this \$2000, it'll be a strain on my finances

Ms. Moermond: I'd rather see you do the few fixes that you need to do
-I'd like to get Mr. Dornfeld take a quick look to see if there are any life-safety issues; if he doesn't see any significant life-safety issues & you're moving back in again, we'll make it a Cat 1 VB

Mr. Dornfeld: take a week to get it to look the best it can look, then call me & we'll meet up

Ms. Moermond: I will recommend the Council waive the VB fee for 90 days
-we'll have a staff report on Jul 10 at LH; if Mr. Dornfeld says there are no significant life-safety issues, you can move back in again & you'll be out of the VB Program

Layover to get update staff report from inspector resulting from his July 3 inspection.

Laid Over to the Legislative Hearings due back on 7/10/2018

3:00 p.m. Hearings

Other

- 21 [RLH OA 18-3](#) Appeal of Thomas Youngren to a letter dated June 6, 2018 from the Department of Safety and Inspections regarding issuance of a fence permit with a variance at 60 ORME COURT. (Address corrected to 2355 EDGCUMBE ROAD)

Sponsors: Tolbert

Thomas R. Youngren, owner, appeared.

Staff Report by David Tank, Department of Safety & Inspections (DSI)

Fence Complaint

Photos & aerial maps were reviewed during the discussion

Ms. Moermond: a permit for the fence has already been issued; we're exercising a part of the code that we don't often do but it is appropriate that we do so; Chapter 18 gives me the authority to hear appeals of Orders, Decisions or Determinations of the Enforcement Officers or others & make recommendations to the City Council; I do not have the power to grant waivers to the MN State Building Code, our building official, Steve Ubl does; this is a part of the city's building code, which means that we can act & create building code that isn't in the MN State Building Code, as long as we don't exceed it; we can have fence permits; we can charge fees; we can require vacant buildings to have a code compliance inspection; etc.

Mr. Tank: a fence variance was granted by the city's building official Steve Ubl for terrain conditions; and the property owner at 2355 Edgcumbe submitted these photos (submitted for Ms. Moermond); the 6'6" fence (shown in the photo) was taken down and an 8' privacy fence was built in it's place

Mr. Youngren: they put their privacy fence parallel to my fence

Ms. Moermond: so, they got their variance from the bldg official; they built they 8' fence & we're looking at an appeal of that fence

Mr. Tank: it's not quite an 8' fence; it's between 6'11" and 7'5"

Mr. Youngren: the neighbor knows where the property line is; she had it surveyed last summer (indicated where her fence was compared to where his is) & the stakes were still there; this is not a stupid mistake; it's an attempt at deception; the line that she put on the map is not clear on where she would actually put it;

Ms. Moermond: so there are back to back fences that run parallel to each other; you have a chain link fence; she has a privacy fence; Steve Ubl approved her fence; you don't like the taller screening because it's taller than it needs to be

Mr. Youngren: she put on her application that I was removing the fence; that it was my fence; it was her fence

Mr. Tank: how long was her 6' fence there?

Mr. Youngren: it was there in 2010 when I bought the house

Mr. Tank: so, there was a 6' privacy fence up against Tom's chain link fence on his property line; so, she built a new fence on her property & since she was going to move it down hill, she wanted it taller, so to keep the approximate height; I don't know where the original fence was or how far it was on Tom's property line but I sited it when I was out there; there's some property pins out there & it looks to me like it's 6"-8" away from the property line; Tom thinks it's right on the property line

Mr. Youngren: there's about 2 feet between the chain link fence & the privacy fence now; there's a lot of foliage out there now; I can't see very far when I'm in between the fences

Mr. Tank: this variance was approved the end of Oct 2017; the fence permit was granted shortly after that

Mr. Youngren: I went out to see if they were on their side & I tied a rope from pin to pin & pulled it tight & they were right up against the fence

Ms. Moermond: I don't think that Steve Ubl erred in his decision; the City Council could look at this differently than I do; there is that difference of about a foot at the top & would I consider granting a height extension in that circumstance?

Mr. Youngren: as you can see, this fence is taller than the one that worked for them before

Ms. Moermond: I have an appeal about the issuance of a permit with a particular variance attached to it & what matters is that Mr. Ubl made a decision that a variance could be granted given the terrain conditions & that is one of several things that he can look at; he can grant a variance of the fence height, corner clearance regulations, site, terrain or nuisance animal conditions, also; "no fence shall be erected exceeding 7 feet in height above the sidewalk or finished grade of any lot in a residential district" so, that fence could already go to 7 feet without a variance at all (that's my reading

of this); so, I find the variance itself some place between 5" & 9" - & I don't find that to be sufficient to say that he erred in looking at the terrain in this

Mr. Youngren: when I look at the variance, all I see is deception in her description. (I was the one taking down the fence; & she had to build it down the hill); this is not down the hill; she had a 6 foot fence but it was on my property & she removed it but replaced it with one that is taller

Ms. Moermond: but the variance in question is a variance of 5"-9" which is a 4" matter of debate between that's really the only variance we're talking about; given the change in terrain.... it still comes out to me that he didn't err in his decision to grant a variance

Mr. Youngren: I don't think that Mr. Ubl would have granted a variance if he would have seen the terrain or where she was actually going to put the fence

Ms. Moermond: whether she followed the site plan that she filed is possibly an enforcement matter; placement of the fence is not my thing; I did not do the plan review; Mr. Ubl can look at 3 conditions; I can look at an appeal & in this particular situation, I would recommend that City Council not override Mr. Ubl's decision (he granted a 1 foot variance); given the same circumstances, I would probably make the same decision

Mr. Youngren: entered correspondence

Ms. Moermond:

Deny the appeal.

Referred to the City Council due back on 7/25/2018