



# 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*  
*Mary Erickson, Hearing Secretary*  
*legislativehearings@ci.stpaul.mn.us*  
*651-266-8560*

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Tuesday, December 11, 2012

9:00 AM

Room 330 City Hall & Court House

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### 9:00 a.m. Hearings

#### Remove/Repair Orders

- 1 [RLH RR  
12-31](#) Ordering the rehabilitation or razing and removal of the structures at 702  
THIRD STREET EAST within fifteen (15) days.

**Sponsors:** Lantry

*Public hearing continued to February 6, 2013 (Laid over from November 7, 2012 City Council)*

*RE: 702 Third St E (duplex)*

*Charles D. DeLisi, owner, and Brad Griffith, Edina Realty, appeared.*

*Mr. DeLisi:*

*- re: re-roof - he tried to contact Rick Halverson, Twin City Roofing; he never got back to Mr. DeLi after 3 messages left; Jeff Willutt, Twin City Roofing, called him back a few days ago and said that he had talked to Reid Soley, Department of Safety and Inspections (DSI), and was told that Mr. DeLisi needed to get a general building permit before any other permit could be issued for fixing the roof*

*Mr. Yannarely:*

*- confirmed what Reid Soley had said  
- Steve Magner is sick today*

*Ms. Moermond:*

*- Steve Magner and she had it worked out so that Mr. DeLisi could pull a permit for the roof, only (Mr. Yannarely: that was never entered into the record / staff at the counter was never made aware of that)  
- that's a problem*

*Mr. Yannarely:*

*- the contractor came in last Thu or Fri*

*Mr. DeLisi:*

*- now, the question is whether Twin City Roofing will start the job considering all the snow we got  
- he will call them and find out whether or not they will do the job*

*Ms. Moermond:*

- wants to see Jim Urchel involved in managing this more actively; he has the capacity to handle the current situation through his contractors
- at this point, she wants that roof taken care of and really doesn't care who does it
- the snow on the roof is a present danger for the historic value of the home; so, we need to handle it on an emergency basis, at this point
- then, the rest of the rehab can be figured out

*Mr. Griffith:*

- Mr. Urchel is aware of the situation but not the current problem
- he will contact Jim Urchel about the urgency
- he is quite sure that Twin City Roofing has the insurance funds

*Mr. DeLisi:*

- he signed over the first 2 insurance checks to Twin City Roofing
- he had signed a contract with them long ago because they said he needed to so that they could talk with the insurance adjuster

*Mr. Yannarely:*

- he will contact Jeff Willut (Amy Spong: she will contact Jeff Willut, too, regarding the paperwork for HPC and the building permit; she was not aware that there were conversations at DSI last week)

*Ms. Moermond:*

- both Mr. Yannarely and Ms. Spong will talk with Jeff Willut, Twin City Roofing and make sure this gets done

*Mr. DeLisi:*

- he and Mr. Griffith we meet later today, preferably, to work on documents that the mortgage company wants

*Mr. Griffith:*

- Bank of America wasn't responding; Jim Urchel found an intermediary who is willing to help with the documentation the bank is requiring
- he is available anytime

*Ms. Moermond:*

- we need all of this done yesterday
- she's been holding this file for a very long time, hoping and still confident that the house can be saved but this can't go on indefinitely
- the paperwork needs to get filled out by the end of this week
- the short sale needs to take place
- Mr. Griffith is making himself available
- Mr. DeLisi will call Ms. Moermond's office by close of business on Fri, Dec 14 to let her know these things are done or there better be a good reason why they are not done
- the roof presents a danger and we can't allow that dangerous condition to continue

**Laid Over to the Legislative Hearings due back on 1/8/2013**

**2 RLH RR  
12-82**

Ordering the rehabilitation or razing and removal of the structures at 1673 COTTAGE AVENUE EAST within fifteen (15) days after the January 2, 2013, City Council Public Hearing.

Sponsors: Bostrom

*Ms. Moermond requested a letter be obtained from Fannie Mae committing to the designation of \$51,000.00 for this project. Pending DSI review by Steve Magner, she will recommend the City Council grant an additional 180 days to complete the work.*

*RE: 1673 Cottage Ave E (single family)*

*Terry Daniels appeared.*

*Mr. Daniels:*

- entered Work Plan (bid document) from contractor for approximately \$51,000*
- Fannie Mae will be doing the work*
- mold abatement cost: \$7,000 - \$8,000*

*Inspector Joe Yannarely:*

- DSI's estimated amount of money needed to address this situation: exceeds \$50,000*
- performance deposit was made Oct 4, 2012*

*Ms. Moermond:*

- not seeing evidence of available funds*
- she needs to see a letter from Fannie Mae saying that they will be designating \$51,000 for this project*
- pending DSI review by Steve Magner, she will recommend the City Council grant 180 days from Jan 2, 2013 to finish the project*

**Referred to the City Council due back on 1/2/2013**

**3 RLH RR  
12-81**

Ordering the rehabilitation or razing and removal of the structures at 704-706 BLAIR AVENUE within fifteen (15) days after the January 2, 2013, City Council Public Hearing.

**Sponsors:** Carter III

*Ms. Moermond requested the bond be posted, taxes paid, and evidence be provided that the funds are available to do the project by the close of business on December 24, 2012;*

*A work plan is to be provided by January 11, 2013;*

*At the January 2, 2013 City Council public hearing, she will recommend Mr. Veblen be given a couple more weeks to get the code compliance inspection, etc.;*

*If there's a problem getting the code compliance inspection conducted, she will work with Mr. Veblen.*

*RE: 704 - 706 Blair Ave (two buildings on one parcel)*

*Eric Veblen, Vice President, Wyatt Ventures, LLC, owner; and property manager, Matt Mazanec appeared.*

*Neighbors Terry and Susan Day also appeared.*

*Inspector Joe Yannarely:*

- 2 buildings on this one parcel/PIN*
- 704 BLair is a 1-story wood frame single-family dwelling*
- 706 Blair is a 1-story wood frame single-family dwelling*
- both sit on a lot of 4,792 sq. ft.*
- the buildings have been vacant since Jul 8, 2008*

- current owner Wyatt Ventures LLC per Ramsey County records
- Aug 14, 2012 inspection of buildings conducted, a list of deficiencies which constitute a nuisance condition developed; photos taken
- Order to Abate Nuisance Building posted Oct 10, 2012; compliance date Nov 9, 2012
- as of this date, the property remains in a condition which comprises a nuisance as defined by the legislative code
- estimated market value on the land: \$13,700; on the buildings: \$25,100
- real estate taxes for 2012 are delinquent in the amount of \$2,663.36
- vacant building registration fees were paid by check Jul 5, 2012
- code compliance inspection done August 2010, which has since expired
- as of Dec 10, 2012 the \$5,000 performance deposit has not been posted
- 7 Summary Abatement Notices since 2008
- 4 Work Orders issued for: garbage/rubbish; boarding/securing (emergency); grass/weeds
- estimated cost to repair exceeds \$75,000
- estimated cost to demolish exceeds \$15,000
- DSI recommends repair/remove these structures within 15 days

Amy Spong, Heritage Preservation Commission (HPC):

- 2 houses - front and back; unique property type - alley houses, many in the Thomas-Dale Neighborhood
- front house: built 1884 - a brick veneer 1 1/2-story workers cottage or bungalow with a small addition on the back
- rear house: built 1886 - a 1-story wood clapboard with a small addition on the back
- not identified in the 1983 historic survey but was within the boundaries of the 2011 historic survey work, although she suspects it was not identified
- 11 alley houses within Thomas-Dale area were identified in the 2011 survey primarily concentrated between the MacKubin Street and Victoria from Minnehaha to Sherburne
- Sanborn Maps - many more alley houses in the area were removed or converted into a garage for the primary dwelling
- further research was recommended to determine if there are significant historic associations with the early settlement patterns of the Thomas-Dale Neighborhood
- front house has a nice bay window
- considers the integrity of both houses to be good; none of the cornices or soffits are wrapped in aluminum; the brick, although painted, is exposed
- the back house still has its wood siding
- no open front porches
- recommends strongly encouraging rehab; doesn't know if it has potential as an historic resource but more study is necessary
- for something to be designated as an historic building, either locally or nationally, you have to have both the significance and the integrity; the integrity is referred to as the building's ability to convey that significance (if it had a lot of alterations to it, those things give it poor integrity because there's been a lot of alterations over the years); these houses seem to have good integrity because many of the original features are still present - visible to convey that significance

Ms. Moermond:

- before any more time can be granted to work on this project, the delinquent taxes need to be paid and the \$5,000 performance deposit needs to be posted 10 days before the City Council public hearing Jan 2, 2013 at 5:30 p.m.
- permits had been pulled in 2011 (when the majority of the work was done)

Mr. Yannarely:

- \$3,500 worth of electrical work was signed-off Mar 14, 2011

- \$2,000 worth of plumbing work had preliminary approval but not signed-off
- \$18,000 building permit was approved with correction Nov 12, 2010 (notation by Jim Seeger)
- Jan 28, 2011 - Steve Ubl approved the framing and structural portion
- the notations say it was covering both houses
- 1 Work Order for tall grass May 2012
- others go back to 2009; only 1 in the past 3 years

Mr. Veblen:

- purchased property May 2010
- rear house was pretty tumbled down - they re-did both the interior (new plumbing, electrical, heating, kitchen, bathroom, appliances, etc.) and exterior (new roof, windows, paint, etc.); it's completed; it doesn't yet have a tenant
- front house got through structural, plumbing, heating, electrical rough-in - they are ready to sheet rock; insulation is mostly done; exterior is completed (new windows, roof, etc.)
- rear house is complete
- front house: sheet rock, electric, kitchen
- reason it came to halt is because a guy who had worked for him about 10 years fell off the roof and broke his back; his healing took longer than had been predicted and he is incapable of coming back and doing that kind of work; in the meantime, they ran into some other problems with properties in Duluth
- there is a broken sewer pipe between the rear house and the front house
- they are finally now re-organized and ready to go ahead to complete this; they are nearly done
- believes it will take until May 15, 2013 to finish; interior could be done mid-winter

Mrs. Day:

- the rehab and problems with the house have been going on for a very long time
- there were problems with the first people who bought it; things weren't done right
- these owners' construction started a very long time ago; when they left the job, they left their trailer, work equipment and piles of debris outside for a long time; it was finally cleaned up
- there aren't many abatements on the property because the neighbors are maintaining it; they keep the grass mowed; her husband takes care of the snow removal; otherwise, it doesn't get done
- things have gotten dumped there as with any vacant property
- they are tired of having a boarded-up house that they have to maintain on their block
- the property is not in good shape; there has been a lot of water damage
- would rather see the buildings demolished

Mr. Day:

- no one comes to cut the grass or shovel the walk so, he does it
- the building is very old
- the owner said the roof was done but the shingles have already blown off in several spots
- the brick has been tuckpointed several times but it falling apart
- there is no basement and no parking on the lot
- he's not sure this can get done
- he would rather see the buildings torn down and a single family dwelling put in there

Mr. Veblen:

- has no excuses that they have owned this property for a couple of years and haven't completed it; he takes full responsibility for that; however, the property sat empty for 6 years before they came along

- they have pulled mattresses off the property; they took care of a grass problem
- he hasn't heard about any neighbors doing anything and he hasn't heard from any neighbors
- Matt is in charge of property management

Mr. Mazanec:

- said he was planning to shovel the property after he leaves here today
- they have 12-13 buildings to manage; only 1 in Saint Paul but he lives in Saint Paul, as well
- he drives by the properties
- they first deal with the properties that are occupied when it comes to snow removal and mowing grass
- they did fall behind this past summer with mowing
- there crews are delegated to take care of the occupied properties first; then, the vacant properties

Ms. Moermond:

- is disappointed that the vacant properties are handled last because the neighbors of vacant properties do occupy theirs and they are left to deal with the unmowed lawns and unshoveled sidewalks, etc.

Mr. Veblen:

- there is parking on site and work orders on record of how that should be dealt with
- there are 2 spots for parking near the alley
- the construction trailers were there until the time it became clear that Mark wasn't going to be able to return to work
- has received a purchase offer
- he figured that it would cost \$40,000 to fix the rear structure and \$60,000 to complete the front building

Ms. Moermond:

- based on the age of the code compliance inspection and the unfinished permits, she will require that a new code compliance inspection be conducted
- the property should be maintained (she will make a point of driving by this property)
- the taxes need to be paid
- the \$5,000 performance deposit must be posted
- she will ask DSI to provide her with a new estimate after the code compliance inspection
- she wants to see adequate funds are available to complete the project (\$75,000), as well as an affidavit indicating these funds will be dedicated for this purpose
- appreciated the outline of work that had been done and is underway; she will pass it on to trades' inspectors
- needs fresh permits once the code compliance inspection is completed
- is heartened by how much work has been completed
- difficult time of year to take care of the parking area but will need to be addressed
- by close of business Dec 24, 2012, she would like to see the bond posted, taxes paid and evidence of the money available to do the project
- at the Jan 2, 2013 City Council public hearing, she will recommend they give Mr. Veblen a couple more weeks to develop a workplan if the code compliance inspection is ordered by December 14, 2012.
- order the code compliance inspection this week- work plan done Jan 11, 2013, if inspection ordered this week
- it will go back in front of City Council Jan 16, 2013, when she will recommend they grant more time to finish the project
- if there's a problem getting the code compliance inspection conducted, she will work with him on it

Referred to the City Council due back on 1/2/2013

4 RLH RR  
12-83

Ordering the rehabilitation or razing and removal of the structures at 1143 EDGERTON STREET within fifteen (15) days after the January 2, 2013, City Council Public Hearing.

Sponsors: Brendmoen

*Ms. Moermond requested the following by the end of the business day on December 24, 2012:*

- Post a \$5,000 performance bond
- Submit a Work Plan consistent with the code compliance inspection (value of Mr. Yang's labor; value of supplies - broken down; and time frames)
- Wants to see that \$50,000 is set aside to do the work on this project: construction loan; business account; an affidavit from indicating that the monies would be used for the sole purpose of fixing the property

RE: 1143 Edgerton St (duplex)

Ker Yang, owner and Kong Vang, contractor appeared.

Inspector Joel Yannarely:

- 2-story wood frame and stucco duplex on a lot of 3,920 sq. ft.
- been a vacant building since May 1, 2012
- current property owner is Ker Yang and Xao Xiong per Ramsey County records
- Sep 26, 2012 inspection was conducted, a list of deficiencies which constitute a nuisance condition was developed; photos taken
- Order to Abate a Nuisance Building posted Oct 20, 2012; compliance date Nov 9, 2012
- as of this date, the property remains in a condition which comprises a nuisance as defined by the legislative code
- estimated market value \$8,300 on the land; \$60,400 on the building
- real estate taxes are current
- the Vacant Building registration fees were paid by assessment Aug 30, 2012
- a code compliance inspection was done Jun 5, 2012
- as of Dec 10, 2012 the \$5,000 performance deposit has not been posted
- 7 Summary Abatement Notices since 2012
- 6 Work Orders issued for: garbage/rubbish; grass/weeds
- estimated cost to repair exceeds \$50,000
- estimated cost to demolish exceeds \$10,000
- DSI recommends repair / remove structure within 15 days

Amy Spong, Heritage Preservation Commission (HPC):

- 1888 Queen Anne property with a 2-story corner faceted bay
- Sanborn maps indicate there 7 properties that were all built nearly identical to this (this one is on the corner of Geranium and Edgerton; the second one in; and across the street were 5); all were turned into flats prior to 1925
- all had open front 1-story porches
- quite unique
- this area was last surveyed in 2011; an historic district was identified as a potential district but oddly enough, this block and the block across the street were knotted out of the potential district, perhaps because of integrity issues (Northwest Payne Phalen Residential Historic District)
- on the corner, it anchors this intersection
- unfortunately, this particular property seems to have had the most alteration to it

- stucco covers the clapboard and the brick wainscotting is not original
- the whole porch is gone
- the faceted bays had transoms with colored glass have not survived
- there is potential for rehab restoration because the form (massing) has survived
- given its proximity to a potential district, she would encourage rehab on this property; however, it's integrity is not really contributing to the historical character of the neighborhood

Mr. Yannarely:

- building permit was taken out Jul 26, 2012 with a valuation of \$25,000 (open)
- insulation approved Sep 12, 2012
- Aug 29, 2012 - Mr. Seeger noted, "framing; structural corrections required"
- Work Order for tall grass / weeds May 17, 2012
- Work Order for tall grass / weeds and garbage May 24, 2012
- Excessive Consumption May 25, 2012
- Work Orders for garbage Sep 7; Oct 18; Nov 15; and Nov 27, 2012
- all except one were done by Parks (photo and video evidence)
- no returned mail

Mr. Yang:

- he would like an extension
- regarding the Work Orders: he takes care of things right away when he receives the letter
- he goes to his property once a week on Sunday
- he always shovels when it snows
- the contractor will talk about the plan to finish the project; most of the repair work is done
- hopefully, by the end of this month, everything will be completed; the latest, by the end of next month

Ms. Vang:

- we were hired to fix the fire damage on second floor prior to going into the Vacant Building Program
- there was an insurance pay out on that fire damage
- just after they pulled the permit, the property became a VB; then they had to wait
- so far, they finished the roof, fascia, windows, stucco completed and needs paint
- they need to clean-up and then be finished by the end of 2nd floor
- regarding the new code compliance for the first floor and basement, Mr. Yang is securing a different contractor to finish that
- they were hired to replace windows on the second floor; the roofing; fascia (all exterior is complete except painting); on the inside, they re-did the whole bathroom, floor and framing; inspection for all rough-in is done
- there should be an electrical permit pending for the upstairs; when it was time to be inspected, it went vacant
- the first permit they pulled was in Apr 2012

Ms. Moermond:

- must post a \$5,000 performance deposit; should have been noted in the Orders (refundable upon completion of the work); it is a requirement for all Category 3 Registered Vacant Buildings
- is not seeing that any of the trades permits were pulled

Mr. Yang:

- his plumbing contractor is supposed to pull a permit; hasn't gotten back to him about when he will begin the job (Ms. Moermond: he won't be able to pull a permit until the \$5,000 performance deposit is posted)



- for the rest of the work, he is hiring Don's Heating, Rick for plumbing, don't have electrical yet
- no one for general building - Mr. Yang will be the general

Ms. Vang:

- they pulled the initial permit; then, electrical and plumbing for upstairs were pulled; then, they started the rough-in and when it was time to do the inspection, it went to VB so, they had to wait for VB staff to write up everything, then, Jim Seeger said they'd be getting a refund for those permits because they hadn't been able to do the inspection yet (so far, they haven't received that refund); then, they asked them to pull another permit Jul 26, 2012
- her company provided Mr. Yang with a bid for the entire project based on the code compliance and it ran about \$28,000; she will share that with Ms. Moermond

Mr. Yannarely:

- is confused about pulling permits in the VB status; they should be able to pull permits; it happens all the time
- Mr. Seeger says, "The following trade permits are required for this project: electrical, mechanical, plumbing"

Ms. Moermond:

- City Council Public Hearing Jan 2, 2013 at 5:30 p.m.
- by the end of business Dec 24, 2012 the following is needed:
- post \$5,000 performance deposit
- submit a Work Plan consistent with the code compliance inspection (value of Mr. Yang's labor; value of supplies - broken down; time frames)
- needs to see that \$50,000 is set aside to do the work on this project: construction loan; business account; an affidavit from you indicating that these monies would be used for the sole purpose of fixing the property
- she is very disappointed with the property management on this property; within 6 months, there were 6 Work Orders for clean-up work done by the city, which means that the city is managing Mr. Yang's property; consequently, she has very little faith that he will be able to manage the rehab of this structure is he can't manage getting the lawn mowed and the garbage picked-up
- a letter will be sent confirming today's actions

Mr. Yang:

- he received only 2 Work Orders: one for a couch that someone threw into the dumpster; the police officer came over because they know who dumped the couch and the police went to the property. The officers told the tenants to take the couch out of the dumpster and put it into the street and so they did that

**Referred to the City Council due back on 1/2/2013**

**5 RLH TA  
12-571**

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1302A, Assessment No. 138501 at 1413 GRAND AVENUE.

**Sponsors:** Tolbert

Video was brought for Ms. Moermond on December 18 LH.

Laid over to January 3, 2013 in order for Ms. Moermond to review the video.

RE: 1413 Grand Ave (single family)

Stephanie Reynolds, owner, appeared.

*Inspector Joel Essling:*

- *Summary Abatement issued Jul 27, 2012; compliance date Aug 3*
- *re-checked Aug 3 and found in noncompliance*
- *work done for a cost of \$499*
- *notes: plantings obstructing public sidewalk and alley*
- *notes: plantings/bushes/trees overgrowing and obstructing the public sidewalk on Grand and the alley*
- *photos taken Aug 3*
- *he viewed the Video and the complaint came from the garbage trucks not being able to get down this alley; (Ms. Reynolds: that can't be true; her garbage hauler (Cooledge) picks up her garbage every week)*
- *no returned mail*

*Ms. Reynolds:*

- *had her own photos*
- *the crew cut off just 4 little branches and they hacked her miniature Japanese Maple*
- *she did not receive the bill until fall*
- *she did not receive the Summary Abatement this year*
- *she did get a Notice about the prairie grass in the front that tend to fall over; so, she took all those down with her mulching lawn mower*

*Some discussion ensued regarding Ms. Reynolds property lines according to the photos taken*

*Ms. Moermond:*

- *there should be a Video of Parks doing the removal; although, the Video is not here today*
- *she sees a lot of vegetation that had to be cut back in the alley*
- *is willing to look at the Video (different angle); it will also show what the crew did*
- *is struggling with the idea that you didn't get the SA*
- *a big bush wasn't cut down by the city; she could understand if they had taken it down but they didn't*

*Ms. Reynolds:*

- *is struggling with the amount \$499 because she is not working and is 62 and limited in her ability to cut down branches with chain saws*
- *the amount of charge for what appears to have been done seems out of balance*

*Mr. Essling:*

- *break down of assessment: \$260 trip charge; \$150 admin fee; \$84 yardage charge*

*Ms. Moermond:*

- *will take a look at the Video at Legislative Hearing Jan 3, 2013 (Thu)*
- *City Council Public Hearing Jan 16, 2013*
- *let's put a note in the file that after the Jan 16 LH, Mai will email Ms. Reynolds to let her know.*

**Laid Over to the Legislative Hearings due back on 12/18/2012**

## **11:00 a.m. Hearings**

### **Summary Abatement Orders**

6 RLH CO  
12-26

Appeal of Zona Butler to a Correction Notice at 79 ISABEL STREET EAST  
(aka 81 Isabel Street East and 83 Isabel Street East).

Sponsors: Thune

*Deny the appeal and grant until June 1, 2013 to bring the parking surface into compliance.  
(Must contact the Zoning Office to obtain approval for the location of the driveway.)*

RE: 79 Isabel St (row house)

Zona Butler, owner, appeared.

Inspector Joel Essling:

- Correction Notice issued Oct 31, 2012; compliance date Nov 5, 2012
- re: a vehicle parked on an unapproved surface
- notes: a blue Ford truck, lic. #301762 parked in the rear yard
- photo
- he can't read what the appeal says; it's been copied and cut off
- there is not a site plan on file for any parking at this property
- there are 4 addresses at this property: 77, 79, 81 and 83 Isabel St E

Ms. Butler:

- said "Thank you" to Ms. Moermond's assistant, Mai, who did some research for her
- there was some confusion because she doesn't understand the difference between "Vehicle Abatement" and "Correction Notice" and when you have to pay \$25 for the appeal and when you don't
- specifically, the truck is licensed, insured and operable; has been for a long time
- to the best of her knowledge, she thought she had a good alternative improved surface for where the truck was parked
- this issue was raised about 2 years ago, too;
- where it's been parked is all gravel; some grass grows through
- 2 years ago, she said that she was putting down some commercial carpet squares (brought in a sample that has been under the truck: it's not deteriorated) so she could park the truck in the back yard behind the fence
- also, at that time, she drove down to Inspector Essling's Office and came up to try to talk with him - she wanted to get the parking issue clarified; Inspector Essling refused to talk with her; he said, "Take it to Legislative Hearings," which she did
- when she asked Inspector Gavin, who came out later to look at it, he told her that the City Council passed a resolution about parking surfaces (she didn't remember his exact words)
- so, she found out that "all parking spaces must be paved with asphalt (not affordable), concrete (not affordable) or other suitable, durable, dustless surface as determined by the Enforcement Officer." but if she can't talk to the inspector about it, she has no choice but to appeal
- she doesn't like to come down here and waste everyone's time when a reasonable conversation could have resolved it
- has photos
- needs some sort of clarification out of this
- where she lives is very busy; it's about 80 feet from a bar, a couple of all-night party houses, 100-150 school buses going by, commercial traffic that doesn't need to be on that street; they have litter galore, street parking (nightmare), teachers park there to get the school bus, bar patrons park there, a 5 bedroom house which has multiple roommates with no off-street parking and these four 3-bedroom units with no off-street parking

Ms. Moermond:

- the problem her is not with the vehicle; it's with the surface it's parked on
- a Correction Order is a lot lighter weight tool than a Summary Abatement Order
- a Summary Abatement Order means that the city goes in and takes care of it and they're going to charge you
- a Correction Order says, "Take care of this"

Mr. Essling:

- this issue has been raised every 2 years since she has been working for DSI; he spoke with Inspector Dennis Senty this morning and he has worked here a lot longer than Mr. Essling; he said he was going over the same thing with Ms. Bulter 25 years ago

Ms. Butler:

- she can drive into her yard via an easement off the property on the corner
- at one time, her whole yard was gravel; over the years, she's let it grass up and now, she mows it
- the place where she parks the truck is backed-in, off the other peoples' property behind a swinging gate
- ground-up asphalt was suggested to her as an alternative (more affordable)

Ms. Moermond:

- Ms. Butler needs to go to Zoning to get a site plan approved to have a parking space there
- the parking surface is not acceptable
- she can recommend that the parking space be Class 5 gravel but the parking space has to be approved by zoning
- draw up the site plan and talk with Karen Zacho, Zoning, 651-266-9084 about the parking location; get it approved
- will recommend that this issue be addressed by Jun 1, 2013
- have the code enforcement person look at it

**Referred to the City Council due back on 1/2/2013**

## 11:30 a.m. Hearings

- 7 [RLH SAO 12-38](#) Appeal of John Traxler, President/CEO of Captain Ken's Foods, to a Summary Abatement Order at 344 ROBERT STREET SOUTH.

**Sponsors:** Thune

*Laid over to Legislative Hearing on January 8, 2013 in order for Ms. Moermond to get further information from the City Attorney's Office on the land survey and plat lines.*

*RE: 344 Robert St S(light manufacturing -F- Industrial)*

*John Traxler, President, Captain Ken's Foods, appeared.*

*Inspector Joel Essling:*

- meticulously maintained commercial property
- this is regarding some illegal dumping down a hill that leads to the RR tracks behind this property and the property located at 123 Colorado St E
- when Clinton Ave was vacated (believes it was in 1976; petitioned by HRA), it was added onto the adjoining properties
- what they are unable to prove, is that the portion where this illegal dumping is was added onto the property of 344 Robert St S
- is hoping that Ms. Moermond might be able to use her influence to get some

*clarification, possibly from Real Estate*

*Ms. Moermond:*

- *has a survey provided by Mr. Traxler (Mr. Essling: we have a lot of documentation)*
- *Mr. Traxler, Mr. Essling and Ms. Moermond studied the survey together*

*Mr. Traxler:*

- *pointed out their eastern most property line*

*Mr. Essling:*

- *Public Works told him that the portion where the dumping is located was added onto 344 Robert St S; they say, this is just the way it works*
- *has photos*
- *the fence line splits Clinton in half*
- *believes HRA owned 123 Clinton Ave in 1976*
- *provided copies of the vacation documents*
- *when RR property is adjacent to vacated streets or alleys, for some reason, the RR property does not absorb any of the property (from PW)*
- *all along those RR tracks is vacated property; there used to be a bridge across the tracks about a block east*

*Mr. Traxler:*

- *if that's the case with the RR property, then why is Wood Ave shown on their property and land title survey but the Clinton is not (Mr. Essling: that's a good question)*
- *Captain Ken's acted with a sense of urgency on Nov 13, 2012 when they received the Summary Abatement Order because: 1) it's not their property; and 2) snow's going to fall; if it is their property, they want to go down and clean it up; but everything he looks at is telling him that's not Captain Ken's property*
- *so far, the dumping is not cleaned-up*
- *the debris came from the rental property next to Captain Kens (123-125: side-by-side), including that swing set that was in that backyard for the past 13-14 years that he's been there*
- *someone should be cleaning that up; not the city; not Captain Ken's because to him that's behavior re-enforcement for the owner of that property, who let his tenants/people do that; it's just wrong*

*Mr. Essling:*

- *Terry Vasquez handles all vacations; she is really good and she's been very helpful; however, she can't give him something in writing that says this is why and how and when it was done*
- *there is really no urgency now that all this snow has fallen and covered up the dumping*
- *we know where the dumping came from but we can't abate it and charge it to 123 Colorado unless somehow we can determine that's their property*
- *that steep hill is very difficult to access in the best of weather conditions*
- *after they sent Captain Ken's a SA, Mr. Traxler called him and told him it wasn't their property; so, he sent a SA to 123 Colorado; he got a letter back from them saying that they recently purchased that property (approx. 6 months ago) and that stuff was down the hill when they bought it*
- *possibly, in spring, we may be able to come up with some organization that does volunteer clean-up work*

*Ms. Moermond:*

- *apparently, the vacated property wasn't properly annexed to Captain Ken's property or Mr. Traxler's survey should show that*

- it was vacated, so, we have this "no man's land" going on
- we can't attribute the mess, geographically, to anyone --- thinking that Public Works should go clean it up until this thing gets sorted out (PW has the gear to do that)
- clean-up is not really pressing with the snow cover
- she will call PW and Lisa Veith, City Attorney's Offices this afternoon to get the ball rolling; also Real Estate
- will lay this over for 1 month (Jan 8, 2013 LH)
- will communicate with Mr. Traxler via email; he does not need to come back

**Laid over to the Legislative Hearings due back on 1/8/2013**

**8 RLH SAO  
12-41**

Appeal of Steven Feig to a Summary Abatement Order and Correction Notice at 1012 THIRD STREET EAST.

Sponsors: Lantry

*Deny the appeal and remove refuse by December 14, 2012 and remove vehicles by January 4, 2013.*

*RE: 1012 Third St E (single family)*

*Steven Feig, owner, appeared.*

*Inspector Ed Smith:*

- entered a spread sheet documenting the history of violations on this property dating from Jul 2002 to the present
- Council President Kathy Lantry contacted them directly because of a complaint she received
- Mr. Smith went to inspect Nov 26 and found items on the deck that should not have been stored there
- also, he found vehicles parked on the SE end of the property where there is not a paved surface and there's an issue as to whether or not it would qualify under the legal nonconforming use (you'd need to prove it was legal nonconforming going back to Oct 25, 1975)
- another vehicle was parked between the garage and the alley, inside the alley right-of-way
- at that time, he issued a pre-authorized Work Order to clean up the items on the deck (there had been multiple Summary Abatement Orders issued to the property; it is now the Department policy for repeat offending properties)
- he also issued a SA Order for a disabled vehicle (now gone)
- the majority of items on the deck have been removed but there is still a dining room table out there with a bunch of boxes on top of it
- there still are 4 vehicles parked on the SE end of the property, which would be considered illegal parking and the vehicle that is parked in the alley right-of-way
- he has issued "tags" on this property (parking on SE end of property; and garage deterioration)
- Mr. Feig did not show up for court; so, there's an active warrant out for his arrest according to City Attorney Theresa Skarda
- collector vehicle: according to MN State Statute 168.10 subdivision 1e: Outdoor Storage. Pioneer Classic Collector Plate, Collector Military Vehicles or Street Rods licensed or unlicensed, operable or inoperable may be stored in compliance with the local government zoning ordinances on the owner's property provided that the vehicles and any outdoor storage areas are maintained in such a manner that they do no constitute a health environmental hazard and are screened from ordinary public view by means of a fence, shrubbery or rapidly growing trees or other appropriate means.

*Ms. Moermond:*

*- orders for the vehicles and materials on deck and the one that's in court are related to the repair of the garage and parking issues on SE end of the property*

*Mr. Feig:*

*- according to the photographs, it's true there were some recyclable materials and other items you may call junk or debris stored on the deck; today, they are all gone; he is not here to define junk or debris*  
*- he takes issue with notion that a city official can tell him what kind of table he can have on his deck; the table is not a nuisance; it's not a health hazard; it's a very sturdy old table stored under the roof line (deck is half enclosed with roof; other half is not enclosed; on the unclosed part, he has a metal outdoor table and chairs; on the covered side, he has an old dining room table); he thinks that Mr. Smith has exceeded his authority by telling him that he can't have a dining room table or a fan on his deck (it's not rubbish; it's not refuse; it's not recyclable materials); he has a right to have a table on his deck*  
*- he removed the table and fan so that city crew would not seize them*  
*- the table is finished with exterior varnish*

*Ms. Moermond:*

*- the furniture that the city allows you to store outside would be ones that are built to be stored outside; that wouldn't degenerate in weather; both a fan and an interior table would, so it's not proper storage; City Council may look at that differently*

*Mr. Feig:*

*- re: vehicles: Joel Essling inspected my property a few years ago and the same issue came up and at that time, Mr. Feig referred him to Zoning because in 1997 City Council passed an Ordinance for approved residential parking*  
*- at that time, he filed a parking site plan (the approved parking options at that time were concrete, bituminous pavement or crushed rock); he put down crushed rock and his site plan was approved*  
*- he referred Mr. Essling to Zoning and apparently, the site plan was located because it never came up again until now with Mr. Smith*  
*- in the interim, the City Council passed an Ordinance that all driveways be paved*  
*- his site plan was approved with crushed rock*

*Mr. Essling:*

*- that's a paper file, not a computer file*

*Ms. Moermond:*

*- checking the photos, it looks as though it's been ill-maintained; it doesn't look like Class 5 (Mr. Feig: it's crushed rock with a little vegetation growing out of it)*  
*- asked for a copy of the citation*  
*- let's see if we can find the site plan (approved in 1997; may have passed in 1998); didn't find it*  
*- Mr. Feig looks at the same photos Ms. Moermond was looking at and said that it shows very clearly that it's crushed rock; Ms. Moermond thinks it's been crushed to dust*  
*- based on all the branches sticking out, she thinks there is overgrowth that needs to be taken care of (Mr. Feig: the neighbor's property has trees that hang over and drop their leaves)*

*Ms. Moermond:*

*- will recommend that City Council deny both of these appeals*  
*- for the Correction Order: Appellant will need to come into compliance with the vehicles by Fri Jan 4, 2013*

- will ask DSI to re-issue a revised Summary Abatement Order with a deadline of Dec 14, 2012

**Referred to the City Council due back on 1/2/2013**

### 1:30 p.m. Hearings

#### Correction Orders

- 9 RLH CO 12-25** Appeal of Andrew Hybben to a Correction Order at 1056 THIRD STREET EAST, #3.
- Sponsors:** Lantry
- Grant appeal - two inch variance on the ceiling height of the basement bedroom.*
- RE: 1056 Third St E #3 (three family dwelling)*
- Andrew Hybben, owner, appeared.*
- Fire Inspector Leanna Shaff:*
- Fire Certificate of Occupancy Complaint Inspection conducted Nov 16, 2012 by Inspector Bill Beumer
  - in Unit #3 (basement), he found the bedroom ceiling height to be 6'10" (code requires minimum of 7 feet over a minimum of half the floor area)
  - otherwise, things at this property are good
- Ms. Moermond:*
- will recommend granting a 2-inch variance on the basement bedroom ceiling height
- Ms. Shaff:*
- will call Kimberly at Section 8 to tell her that Mr. Hybben got the variance
- Referred to the City Council due back on 1/2/2013**

#### Fire Certificates of Occupancy

- 10 RLH FCO 12-645** Appeal of Iglesia Cedros Del Libano to a Fire Inspection Correction Notice at 1003 ARCADE STREET.
- Sponsors:** Bostrom
- Deny the appeal and grant an extension to April 1, 2013 to install panic hardware on the door that goes out from the vestibule and provide signage in both English and Spanish indicating it is not an exit. All other items are to be in compliance by January 4, 2013.*
- RE: 1003 Arcade St (club / association hall -D- recreational)*
- Ms. Moermond:*
- the appeal says, "We'd like to appeal the case of the last fire inspection we had last month, Nov 19, 2012; there are a few things we'd like to talk about."
- Fire Inspector Leanna Shaff:*
- spoke with the Appellant on Dec 5 at 2:35 p.m.



- there were 2 items he'd like to talk about: 1) #5 on main level near security gate: remove the unapproved locks from the exit doors; door must be operable from the inside without having special knowledge or effort; remove the lock from the door leading to the upper level; 2) main level - side exit door at the landing: remove the deadbolt lock (can have only 1 lock on the door)

Inspector Sebastian Megdahl:

- there's a swing security gate on the main level; it's an egress obstruction (Ms. Shaff: in this particular case, this building is being used as a church; so, it's required to have 2 exits, which it has with appropriate signage. The gate is near the side exist door at the landing; it's not a required exit from the sanctuary but it is a required exit from the fellowship hall downstairs)

- re-scheduled inspection Jan 4, 2013 (the deadline)

- Miguel, responsible party, met his at the inspection and he speaks perfect English

Ms. Shaff:

- they want to amend the Orders on that piece; we want signage on the locked gate that reads: NOT AN EXIT

- just outside the door at the bottom of the 2nd set of stairs is kind of a vestibule, which has 2 doors both of which have double cylinder deadbolt locks on them (only one of the locks needs to be there; they would prefer it's the one behind the door leaf when the door swings open)

- they are requesting that the outside landing door be unlocked so that no one is trapped in that area

- the door out of the vestibule and the door at the base of that stairway are glass

Ms. Moermond:

- will recommend that the appeal be granted on these 2 matters and the Orders be amended to reflect the staff report on this

Jim Mueller and Stan Wandersee, Polish American Club, contract holders with the church, Iglesia Cedros Del Libano, appeared.

Mr. Mueller:

- the new owners are having a difficult time understanding all of this

- Peter, the financial person, said this meeting was set for 3 p.m. but they had information that these proceedings start at 1:30 p.m.

- the locks and apparatus' on these doors have been there for many years

- when people are in the building, these locks are open; there are no extra moves that need to be made when you open the door

Ms. Shaff:

- explained that the front door can lock; it just needs signage which says it will be unlocked during business hours; so, you're good on that and good on the back door

- the 2 brackets on the back door have to come off

Mr. Mueller:

- explained that those brackets were put on that door by him because of burglaries; that bar comes off when people are in that building; without that bar, anyone can pop the door open very easily; panic hardware is not good enough to keep out the burglars

Ms. Shaff:

- the code is clear: we will not lock the door like that; there are security companies and locksmiths that can come up with alternative methods to secure that door; people have to have a way to get out, especially in an emergency

- the gate at the top of the stairs is no problem - it just needs signage: "Not an exit" from the sanctuary (English and Spanish)  
(they will amend the Orders)

Inspector Megdahl:

- re: the front doors - the code provides an exception so your front doors on Arcade can remain the way it is; is just needs a sign: "This door must remain unlocked whenever the building is occupied"

- the side door with the paddle - there's another locking mechanism above that paddle; since that is a required exit door from the fellowship hall in the lower level, it can have only one locking mechanism - just remove the top locking mechanisms

- the double cylinder lock needs to be completely removed with no locking mechanism or it can have panic hardware

**Referred to the City Council due back on 1/2/2013**

### Vacant Building Registrations

- 11 **RLH VBR** Appeal of Alex Jerome to a Vacant Building Registration Renewal Notice at  
**12-93** 601 WESTERN AVENUE NORTH.

Sponsors: Carter III

No Show. Deny the appeal and remain in the Vacant Building program.

RE: 601 Western Ave N (restaurant / bar -B- Commercial)

No one appeared.

Ms. Moermond:

- this is an appeal of the Registered Vacant Building annual fee  
- Mr. Jerome indicates in his appeal that they are in the process of fixing it up and that he'd like his \$25 fee refunded, too

- although he should be fixing it up, all evidence is to the contrary

- he will be in the VB Program for another year; so, it makes sense to charge the 2012-2013 VB fee

- will recommend he stay in the VB Program and his appeal be denied

**Referred to the City Council due back on 1/2/2013**

- 12 [RLH VBR](#) Appeal of Eleanore W. Scott to a Vacant Building Registration Requirement  
[12-95](#) at 427 WHITALL STREET.

Sponsors: Brendmoen

Withdrawn

An email from Racquel Naylor telling us that the Appellant, Eleanor Scott, had called a few minutes ago saying she wouldn't be appearing; she's canceling the appeal. Rich Singerhouse did not realize people were still in the property and he'll take care of it today.

2nd email from Racquel Naylor at 10:00 a.m. today:

Rich Singerhouse called to say that he and the owner of 427 Whitall have come to an agreement. The property was an occupied vacant building. They just found out it was occupied and they will take care of that issue shortly. Singerhouse talked to

*Scott (owner). She will not be at the Legislative Hearing today.*

**Withdrawn**

**Staff Reports**