



# 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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Friday, September 14, 2012

9:00 AM

Room 330 City Hall & Court House

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### 9:00 a.m. Hearings

#### Orders To Vacate, Condemnations and Revocations

- 1 [RLH VO  
12-92](#) Appeal of Ron Becker to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 121 COMO AVENUE.

**Sponsors:** Carter III

*Deny the appeal.*

*RE: 121 Como Ave (two family dwelling)*

*Ron Becker, Becker Properties of St. Paul, owner, appeared.*

*Fire Supervisor Leanna Shaff:*

- *Revocation of Fire Certificate of Occupancy and Order to Vacate*
- *was already heard by a representative at legislative hearing Aug 21, 2012*
- *City Council Public Hearing was Sep 19, 2012 for another appeal on this same set of orders*
- *Mr. Kummer was Mr. Becker's property representative*
- *this is the 2nd appeal on the same thing; it's redundant*
- *Ms. Moermond has already ruled on this: vacate date was Aug 31, 2012*
- *the front porch is separating from the building; has a bit of a tilt*
- *the post of the rear living space on the 2nd floor are literally walking off the foundation (that was the reason for the vacate; it's dangerous)*

*Mr. Becker:*

- *both units of the building are occupied*
- *he spoke with Inspector Bill Beumer, who said that the tenants had until Sep 19, 2012 to vacate the property*
- *since then, they have pulled 1 permit to address the porch issue on the back (a new post is in place now)*
- *Permit #12104499*
- *he spoke with Inspector Beumer again this morning to update him*
- *they have put on a new roof; now, it needs a couple vents (permit pulled)*

*Ms. Shaff:*

- *there has been an extended period of noncompliance on this property*
- *letters were sent to Mr. Becker, who had a representative from whom they weren't getting compliance and this was a very dangerous situation*

Mr. Becker:

- that danger was first noticed in August 2012 by Inspector Beumer and it's been repaired already; has not yet been signed off because there are other issues (Ms. Shaff: "In our world, until the building inspector signs off on it, it is not done.")
- he has managed that building very well for many years; he did lose track for a while; his wife was really sick for two years and died; he realized that he couldn't handle the property with 4 kids at home, so, he hired a management company with whom he has had some miscommunication about the inspections, etc.
- the occupant downstairs is a vulnerable adult who's been notified to move out and she's having issues; she is having some social agencies helping her move and should be out shortly; he is hesitant to push an unlawful detainer on her because she would then lose her Section 8; she is working hard to get her life in order; he will do it if he needs to
- the upstairs occupant is single; she is using the front entry because of the porch issue
- she is actively looking for another unit, although, she'd like to stay if that can be arranged through compliance

Ms. Shaff:

- Sep 20, 2011 - a referral came in that the roof was deteriorated with many shingles falling; dog outside all day jumping on the fence and barking
- inspections on Sep 28, Nov 17, Dec 19, 2011 and non compliance all through the winter, finally putting it over on the Fire C of O in Jun 2012 ; nearly a year of extended noncompliance
- we don't have a problem with more time; however, we have a building that shouldn't be occupied

Ms. Nhia Vang:

- recommends that Ms. Moermond's recommendation should stand
- City Council Public Hearing will be held Oct 3, 2012 at 5:30 p.m.

Ms. Shaff:

- does not believe that it's Mr. Becker's issue if this was supposed to go on the City Council agenda Sep 19, 2012 and due to scheduling, etc., it now will be there Oct 3, 2012; he shouldn't be punished; however, if the Council doesn't grant him more time, she suggests that he be ready to vacate in a very short period of time; she also suggests that the back entrance not be used until the inspector has checked it

**Referred to the City Council due back on 10/3/2012**

**2 RLH VO  
12-94**

Appeal of Joe Corbett to a Fire Certificate of Occupancy Revocation and Order to Vacate 168 FORBES AVENUE.

**Sponsors:** Thune

*Deny the appeal on the exterior tuckpointing foundation, deck and retaining wall and grant until October 12, 2012 as stated in the Fire order; grant until December 19, 2012 for the interior tuckpointing foundation.*

RE: 168 Forbes Ave (duplex)

Joseph J. Corbett, owner, appeared.

Fire Supervisor A. J. Neis:

- Revocation of a Fire Certificate of Occupancy and Order to Vacate for noncompliance after several inspections

- Inspector Bill Beumer
- interior and exterior deficiencies remain
- appeal is for additional time to get the deck done; probably a couple weeks and an additional 5 days to get the retaining wall done
- the deck was in very bad shape - actually, condemned by their office
- he drove by yesterday and substantial work has already been done on the deck
- there are active building permits
- his concern is the tuckpointing matter on the SW corner of the building; the structural integrity is a concern
- old limestone or flagstone foundation and that particular corner looks as though it has been repaired at some point with brick veneer and cement
- by looking at the photos, building failure is a concern at that corner; needs to be addressed well before the freeze/thaw season (you can see the open sill plate)
- he is not asking the Appellant to replace the foundation, only repair the SW corner and it must be closely monitored
- an additional permit should be obtained for that corner to make sure it's monitored by the building inspector
- is not opposed to an additional 30 days to come into compliance

Mr. Corbett;

- he can meet the Oct 12, 2012 deadline for repairing the deck and the retaining wall
- tuckpointing on SW corner
- tuckpointing also needs to be done on the interior basement walls; he would like to tuckpoint the entire basement
- if he does just that one spot, he is sure to have to do another spot at a future inspection
- two of the interior walls had been tuckpointed prior to his ownership; one wall has never been touched; so, he wants to do all of it so that it looks nice, is even and structurally sound
- in interior basement space is unoccupied; laundry and storage are down there
- looking for a Dec date to finish inside
- 30 days is fine for the exterior

Mr. Neis:

- the flagstone foundations were designed to breathe, not to be entirely sealed
- the main concern is sealing the exterior

Ms. Nhia Vang:

- will recommend the exterior tuckpointing to Oct 12, 2012 and extending the interior tuckpointing to Dec 19, 2012
- the deck and retaining wall needs to be done Oct 12 and permits finalized
- City Council Public Hearing Oct 17, 2012

**Referred to the City Council due back on 10/17/2012**

**3 RLH VO  
12-93**

Appeal of June E. Ferguson to a Fire Certificate of Occupancy Revocation and Order to Vacate 230 WINONA STREET EAST.

**Sponsors:** Thune

Deny the appeal.

RE: 230 Winona St E (single family)

June E. Ferguson, owner, appeared.

Fire Inspection A. J. Neis:

- Revocation of a Fire Certificate of Occupancy / Order to Vacate
- inspection conducted by Fire Inspector Sean Westenhofer on Aug 10, 2011
- several code violations on the property and the work had not been completed at that time
- the file sat in their office
- Aug 22, 2012 - Inspector Westenhofer conducted another inspection with the concern that it had been vacated
- he found it vacant and not secured so, he Revoked the C of O and sent it to the Vacant Building Program (Cat 2)
- none of the work had been completed; the bldg was not secured and it appeared to be vacant
- the water shut-off was posted Sep 10, 2012
- the building may be for sale and may be in foreclosure
- the building is currently secured
- not certain why the Appellant is appealing

Ms. Ferguson:

- she got the letter that it was a Registered VB on Aug 22, 2012
- the house was actually sold on a sheriff's sale on Aug 21, 2012
- has been working with Wells Fargo Bank for the past 2 years to try to get it sold
- doesn't want to pay another VB fee; has already lost a lot of money on it
- will let the bank take it over

Mr. Neis:

- if the bank is taking over and Ms. Ferguson fails to pay the VB fee, it would end up being assessed to the building's property taxes and the next owner would be responsible for that; it will not be Ms. Ferguson's responsibility

Ms. Nhia Vang:

- will recommend this appeal be denied

**Referred to the City Council due back on 10/17/2012**

### Correction Orders

**4 RLH CO** Appeal of Marcus A. Brown to a Correction Notice-Complaint Inspection at  
**12-15** 400 ERIE STREET.

**Sponsors:** Thune

*Laid over for photo layout of the bedroom.*

*RE: 400 Erie St (single family)*

*Marcus A. Brown, owner, appeared.*

*Fire Supervisor Neis:*

- Correction Notice Complaint Inspection - (not an actual complaint; they were called and requested to do an inspection)
- Section 8 had inspected the property and denied the use of the NW bedroom, and advised property owner to contact the Dept of Safety and Inspections (DSI) to take measurements to see if he could get a variance
- NW bedroom dimensions: 9 x 7 ft (63 sq. ft.)
- minimum requirement for a sleeping room is 70 sq. ft.
- this appeal is for a variance in order to use the bedroom
- their concerns with a bedroom that is small: actual size, window and door

*placement, the window itself, how the bed fits, is there a closet*

*Mr. Brown:*

- *this room has always been a Section 8 3-bedroom house*
- *this time, Section 8 wanted him to get a variance so that they won't need to deal with it again*
- *he called DSI to get an inspection so he could apply for a variance*
- *historically, Section 8 has let it go*
- *a 5-year old is using the bedroom and it is set up in the best way possible*
- *provided copies of contracts where it has been used as a 3 bedroom in the past*

*Fire Supervisor Leanna Shaff:*

- *Section 8's rules are bound by HUD, which are sometimes very different from the city's; they do need to comply with state and local ordinances and codes*
- *whether city inspectors passed it or not in previous inspections, is irrelevant*
- *what the conditions were at the last Fire Certificate of Occupancy Inspection would also be irrelevant*
- *this particular sleeping room is deficient by 7 sq. ft.*
- *photos of the room would help*

*Mr. Brown:*

- *house was built in 1885; an old brewery house; rectangular (shot gun house)*
- *he drew a diagram of the room showing placement of door, window, closet, bed, small table, chest of drawers*
- *he will take pictures of the room and email them to the Legislative Hearing Officer*

*Ms. Nhia Vang:*

- *will lay this over to Sep 25, 2012 legislative hearing in order to have time to review photos*
- *Mr. Brown does not need to attend that hearing*
- *he will get a letter*
- *the Legislative Hearing Officer will either call or email with her recommendation*
- *if the appellant disagrees with the recommendation, he can appeal it further at the City Council Public Hearing Oct 17, 2012*

**Laid Over to the Legislative Hearings due back on 9/25/2012**

### **Fire Certificates of Occupancy**

- 5 RLH FCO 12-554** Appeal of Bee Vue to a Fire Inspection Correction Notice at 1067 BRADLEY STREET.
- Sponsors:** Brendmoen
- Laid over for photos of the driveway.*
- RE: 1067 Bradley St (single family)*
- Bee Vue, owner, appeared.*
- Fire Inspector Neis:*
- *Fire Inspection Correction Notice from inspection conducted Aug 23, 2012 by Fire Inspector Ben Ellis*
  - *3 outstanding code violations on the property*
  - *Mr. Vue is appealing #1 - all parking spaces needing to be paved with asphalt or durable dustless surface*

- he spoke with the inspector on this
- code requires that any parking space be the same or similar to the alley or sidewalk or if it had been in existence for a long time prior, they be maintained
- no photos
- recommends a layover in order to get photos to see the condition of the Class 5

Mr. Vue:

- provided photos on his phone
- this space has always been a parking lot
- he bought it in 1999; sold it; and then bought it again in 2007
- the parking space has always been in existence; the neighbors can verify that
- the space is approximately 10-15 feet from the next door house; there's a steep slope from one property to the other
- the space used to be crushed rock; now, they put on recycled asphalt

Mr. Neis:

- based on the photos Mr. Vue provided, it does not appear to be an original parking space
- it may also be too close to the next door property line
- for this, they would request a site plan to make sure that the space would be a legal parking space
- needs more description of the property line - there's a slope; concerned about sediment erosion

Mr. Vue:

- had full compliance on the property a couple years back
- has had a discussion with Jim Seeger and because it had been an existing parking lot, he allowed it
- since he's owned it, there has been no erosion
- Cook St is the cross street
- he can meet the inspector at the property
- access is to the alley

Ms. Nhia Vang:

- email the photos to Legislative Hearings
- will lay this over to Sep 25, 2012 Legislative Hearing
- an inspector and someone from zoning will meet Mr. Vue at the property; an inspector will call to make an appointment

**Laid Over to the Legislative Hearings due back on 9/25/2012**

**6**      [RLH FCO  
12-553](#)

Appeal of Joy Albrecht to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 1529 GRANTHAM STREET.

**Sponsors:**      Stark

*Laid over for photos of the driveway; deny the appeal and grant an extension on the furnace until October 15, 2012.*

*RE: 1529 Grantham St (single family)*

*Joy Albrecht, owner, appeared.*

*Fire Inspector Neis:*

- appeal of a Fire Certificate of Occupancy Correction Orders conducted by Fire Inspector Sabastien Mc\_\_\_\_\_
- #1 - alley side Class 5 driveway being used for parking (indicated that it's been that

way for quite some time)

- no photos
- would like to get photos; suggested a layover
- address heating system - according to the appellant's notes, it's the original gravity air system and it is now damaged; they are looking to upgrade the entire heating system - did not pass the RH test
- code requires a minimum of 68 degrees in all occupied buildings

Ms. Albrecht:

- alley is old and has been tarred, and tarred and tarred
- her son, a contractor, is the occupant; he was going to be here but was taken to the emergency room this morning
- her son has been ill and that's why things haven't been done as quickly as they should have
- they have been working on the Orders as best as they can
- her son has spoken with 2 heating companies; hasn't yet finalized a contract
- the heating system had been a hybrid system with some old fashioned water radiators, which are difficult to replace
- they are looking at different options - something that works in this old house
- to complete the work may take about 3 months
- may need to heat with some alternative means until it's completed

Ms. Nhia Vang:

- in this state, a house must have heat by mid-October

Mr. Neis:

- supplemental heat can be used as a temporary source but as a primary source is very dangerous; typically, they try to set the boundaries for an approved heating source to coincide with the mid-Oct date

Ms. Nhia Vang:

- this item will be laid over to Sep 25, 2012 legislative hearing
- some type of an approved heating source be provided by mid-Oct, 2012
- Appellant needs to send photos of the alley driveway area and the alley, too, by Sep 25, 2012
- Appellant will be not need to be present Sep 25

**Laid Over to the Legislative Hearings due back on 9/25/2012**

**7**      [SR 12-71](#)

Appeal of Lucky Lee/Xia Lee to a Fire Certificate of Occupancy Revocation and Order to Vacate 685 MAGNOLIA AVENUE EAST.

**Sponsors:**      Bostrom

*Deny and grant until midnight on September 20, 2012 to vacate the property with a follow-up inspection on September 21.*

*RE: 685 Magnolia Ave E (duplex)*

*Xia Lee, lower unit tenant, appeared.  
Interpreter also appeared.*

*Fire Inspector A. J. Neis:*

- Revocation of a Fire Certificate of Occupancy and Order to Vacate
- already heard by Ms. Moermond with a vacate of Sep 7, 2012 (should have been vacated)

- came over because of complaints and police issues at the property
- discovered today that an electrical shut-off Notice was sent to this Unit Sep 10, 2012
- not only should the property have been vacated Sep 7, 2012, in addition there is no electricity in the building
- was passed at City Council

*Ms. Lee:*

- she stayed because she thought that she was allowed to stay
- they haven't found another place due to financial issues
- she needs about 1 month to find a place
- the upper tenant appeared at the last legislative hearing

*Fire Supervisor Leanna Shaff:*

- typically, on a Condemnation with lack of basic facilities (electricity), on top of a past due vacate date, could extend no longer than 10 days to vacate
- the house went through foreclosure and the owner wasn't going to redeem it so there would have been no one to negotiate it
- on Sep 7, 2012, Inspector Ellis noted that there was no indication that the Appellant was making any effort to vacate (nothing was packed-up, etc.)

*Ms. Lee:*

- she was waiting for the new owner to tell her whether she could stay or not
- not sure that she can find some where to live in 10 days, given her budget situation
- 5 adults live in the house

*Ms. Nhia Vang:*

- is concerned for the safety of the family
- recommended the Appellant must vacate by midnight, Sep 20, 2012
- an inspection will follow on Sep 21, 2012; if the house is not vacated, Fire will ask for an emergency boarding and an immediate vacate

**Received and Filed**