



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final Legislative Hearings

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Tuesday, October 16, 2012

9:00 AM

Room 330 City Hall & Court House

Special Tax Assessments

9:00 a.m. Hearings

- 1 [RLH TA
12-445](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1213A1, Assessment No. 128535 at 845 EDGERTON STREET.
- Sponsors:** Brendmoen
- No show; approve the assessment.*
- Referred to the City Council due back on 10/17/2012**
- 2 [RLH TA
12-507](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1212A, Assessment No. 128521 at 409 VAN BUREN AVENUE.
- Sponsors:** Carter III
- Approve the assessment and spread the payments over five years.*
- RE: 409 Van Buren (single family)*
- David Wiedeman, owner's son and occupant, appeared.*
- Inspector Joel Essling:*
- Summary Abatement issued May 7, 2012 with a compliance date of May 14, 2012
 - re-inspected May 16, 2012 and found noncompliant for a clean-up
 - work done May 21, 2012 for a cost of \$402 + \$155 service charge = \$557
 - inspector's language: discarded furniture and debris in yard area
 - sent to Gary Wiedeman, Spicer, MN; and to Occupant
 - photo
 - no returned mail
- Mr. Wiedeman:*
- his father purchased the property in Nov 2010
 - his father called the title company to get David's name on the title, also
- Mr. Essling:*
- as of right now, Gary Wiedeman is listed as the owner and responsible party according to Ramsey County records; no other owner is listed

Ms. Moermond:

- need to work with Ramsey County on that

Mr. Wiedeman:

*- on May 1, 2012 he was sentenced to 90 days in Dakota County Corrections
- on May 1, he had Lindsey Knutson and Chris Henning move in for 90 days
- when they moved out, they left a van, furniture and rubbish in the yard
- the neighbor piled the broken concrete from his old driveway onto Mr. Wiedeman's property, which has been there since his father bought the house
- he hadn't received a Notice because he wasn't there
- he had been calling the city since May trying to find things out*

Viewed VIDEO

Mr. Wiedeman:

*- when he got back in July, he found the Notice crumpled on the floor of his house; so, the tenants had received the notice but didn't do anything about it and his dad said he didn't receive any Notice; his dad finally received a letter on Sep 25, 2012; the tenants had left before Mr. Wiedeman came back
- he hasn't been employed since May 1, 2012 so, the bill is more than he can afford at the moment
- David pays the taxes and his dad pays the mortgage; David is working to fix it up*

Ms. Moermond:

*- this is a private matter between Mr. Wiedeman and his tenants and between Mr. Wiedeman and his neighbor
- the city gave Notice to both the owner of record and to the Occupant
- it was a full 2 weeks between when the Orders were issued and when the clean-up crew came
- she is sympathetic to Mr. Wiedeman's position
- will recommend approval of the assessment payable over 5 years
- if Mr. Wiedeman is not responsible, he can hold the tenants and his neighbor responsible; he should pursue them for the charges; the city can provide him with information of what was cleaned-up
- City Council Public Hearing tomorrow, Oct 17, 2012 at 5:30 p.m.*

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

10:30 a.m. Hearings

Orders To Vacate, Condemnations and Revocations

3

[RLH VO
12-80](#)

Appeal of John G. Westrick, attorney for Eric C. Sneeve and Charlene S. Moore-Sneve, to a Notice of Condemnation as Unfit for Human Habitation and Order to Vacate 1304 JUNO AVENUE. (To be referred back to 10/16/12 Legislative Hearing and City Council public hearing continued to 11/7/12)

Sponsors: Tolbert

To be withdrawn. Property owner in compliance.

Referred to the City Council due back on 11/7/2012

4 [RLH VO](#)
[12-104](#)

Appeal of Cyloria Hobbs to a Correction Notice-Complaint Inspection (includes condemnation) at 420 CLINTON AVENUE.

Sponsors: Thune

Deny the appeal and grant an extension until October 18, 2012 (48 hours) to vacate the property.

RE: 420 Clinton Ave (single family)

Cyloria Hobbs, tenant, appeared.

Fire Inspector A. J. Neis:

- complaint inspection Oct 1, 2012 by Inspector Sean Westenhofer for a utility shut-off*
- the utilities had been shut off on the 2nd floor for nonpayment*
- this was a former duplex so, it had 2 meters on the property*
- the Appellant is requesting more time because there was no power on the 2nd floor*
- Xcel said the power had been shut-off sometime back on Aug 29, 2012*
- then, power was illegally connected at the pole*
- Xcel Asset Protection went to the property Oct 11, 2012 to find out what was going on; they had to disconnect the power because when the service person was going to pull it at the meter, he found that, because of the illegal tampering, the meter was burned into the sockets; so, they ended up cutting power at the pole yesterday because of nonpayment and now, also, because of a hazardous condition*
- their Orders now have been modified to Condemn the house because of the shut-off and because of the hazardous condition*
- if the power is turned on again in this hazardous condition, it would be a potential problem*

Ms. Hobbs:

- the power has been on throughout the whole house; Xcel just shut off the electricity yesterday*
- no one has tampered with anything*
- she has been in the hospital for the last 3 weeks with premature labor; so, she hadn't had a chance to make arrangements for the bill*
- the electricity has been on continuously in the whole house; it was never shut off*
- the 2nd meter not running didn't make a difference; the main meter was providing all the electricity*
- single family home; she has the whole house; Xcel thinks it has 2 unit so, they shut off the one meter that they thought was to the 2nd floor*
- she called Xcel yesterday; they said they shut the electricity off not for the reason of nonpayment of the bill but because they said they got a letter from the city saying that it was a fire hazard and Xcel needed to come out and shut the electricity off on the pole*
- her older son is home schooled so, he needs his computer; the other son has pneumonia and asthma so, he needs his nebulizer (now, the electricity is shut-off; so, she called Xcel - they said an electrician needs to come out and an inspector); why can't Xcel fix it since it's their box*
- originally, when they Condemned the house, she knew the electricity was on but she didn't say anything because she didn't want them to cut off the electricity; so, she came down here to appeal; then, they shut it off yesterday morning*
- she is glad she file the appeal because now they really don't have electricity*

Ms. Moermond:

- the electricity probably won't be coming on soon because the meter was burnt out*
- asked is Ms. Hobbs owes Xcel money (Ms. Hobbs said she owes them \$700+ and*

she went down to Emergency Assistance and they said that they'd call Xcel; Xcel said that it is not the bill that caused the electricity to be shut-off)
- the problem is now there's a physical condition in the building that makes it unsafe; the house needs some serious re-wiring and a new meter put in, which will need the cooperation of the landlord, the bill payer and Xcel Energy

Mr. Neis:

- initially, the City got a report from Xcel of the nonpayment; that's how they normally get these referrals
- the inspector went out there because of Xcel's complaint of nonpayment
- the letter dated Oct 1, 2012 said to restore the electric or vacate the property and a re-inspection will be made Oct 10, 2012 at 9:30 a.m. and the appeal was filed Oct 11, 2012
- speaking with Xcel, it has been shut-off previously for nonpayment
- to the best of his knowledge, the city did not contact Xcel to pull a meter (it's not something they do)
- Mike from Xcel was at the property and noticed that the meter had been tampered with so, he called the city because they could not safely remove the meter out of the socket

Ms. Hobbs:

- every time she was on the phone with Xcel yesterday, they told her that the reason they were had been out there and cut the power from the pole was because the city inspector called them to say that it was unsafe
- there were 2 meters: hers was working but the one that was for the upstairs wasn't working
- she asked Xcel about "cold weather rule" saying that today was Oct 15, 2012 when she called yesterday

Mr. Neis:

- they shut off both meters at the pole because one was fried and therefore, the whole building needed to be cut; in addition, they were intending to completely disconnect the power on Oct 11, 2012 because of nonpayment

Ms. Moermond:

- she will need to do some homework on this
- she told the Appellant to plan on not having lights for a few days; she will need a short temporary emergency plan for the family; this won't be taken care of for a few days
- she needs to talk with Xcel Energy about this
- let's take a Recess to see if we can find out some information now

Ms. Hobbs:

- will probably go to her daughter's house for a couple days

RECESS Taken

Back at 11:31 a.m.

Ms. Moermond:

- asked if Ms. Hobbs was behind on her rent; Ms. Hobbs said, "No."
- it sounds like the landlord wants Ms. Hobbs out; (Ms. Hobbs: we made an agreement; will be out before Dec 1, 2012)
- she called the landlord because she wanted to know if the landlord was willing to pull an electric permit to get some of the work taken care of so that the power could be restored
- the landlord/owner can hire a contractor who can pull a permit; Ms. Hobbs as the

tenant can't

- when Xcel said they wanted a clearance from the city, they didn't mean for Fire Inspection; they need a clearance from the city's electrical inspector that the repairs have been done and it's safe to turn the power back on again and install a new meter
- she called the electrical inspector who said the normally, the owner would contact an electrical contractor who would do the necessary repairs; the city's electrical inspector would go and check it and say it looks good; and then, Xcel would turn the switch; now, no one is going to do that first set of repairs, so, no city inspector will follow-up until a contractor does
- the first phone number she called for the landlord answered with, "Sharon is out until next week."
- the second phone number didn't produce anyone either
- in terms of the bill, Xcel would like Ms. Hobbs to put down some money; they would also like some information for Ms. Hobbs son's need for a nebulizer (if she calls them, they can fax a form to her son's Dr., who can write up a certification that her son needs a nebulizer, which would help the power to stay on); 651-
- Ms. Moermond needs to look at the Orders to see if they were written for the right reasons
- in most circumstances, she is fine allowing people to stay for a while so they can find new housing while they don't have electric service but the problem is, will Ms. Hobbs feel comfortable staying there without electric; and her son needs some help
- she suggested that Ms. Hobbs talk with Southern Minnesota Regional Legal Services (SMRLS) - legal aid - they may be able to help short term; 222-5863
- SMRLS may be able to force the repair, she doesn't know because the landlord is supposed to supply a tenant with heat of 68 degrees; right now, that's not provided and we don't know when it will be

Mr. Neis:

- wants to make sure that generators and candles are not allowed to be used
- no running a power line between this house and the neighbors' house
- the smoke detector may not be functional

Ms. Moermond:

- Xcel can't turn the power back on until the repair is done and the landlord has to get those repairs taken care of
- she doesn't think that it will be safe for Ms. Hobbs to be at the house in this weather with her kids
- will recommend that Ms. Hobbs needs to be out of the house in 48 hours
- she can be there between 8 a.m. and 8 p.m.; she cannot live there: no TV; no cooking; no sleeping; she can clean and pack up
- Mr. Neis will provide Ms. Hobbs a letter she can give to her case worker that shows the building is Condemned
- Mr. Neis will advise the inspector of the 48 hour vacate

Referred to the City Council due back on 11/7/2012

1:30 p.m. Hearings

Fire Certificates of Occupancy

- 5 [RLH VO 12-102](#) Appeal of Jordan O'Connell to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 444 Beacon Avenue.

Sponsors: Stark

Deny the appeal and grant until November 16, 2012 to vacate the property.

RE: 444 Beacon Ave (single family)

Jordan O'Connell and Oday Battceh, tenants, appeared.

Fire Inspector Leanna Shaff:

- Revocation of a Fire Certificate of Occupancy dated Sep 13, 2012; Inspector Jay Bohan*
- the owner, Ryan McGovern lives out of state and he's letting the property go back to the bank; he won't be doing any repairs*

Mr. Battceh:

- the landlord hasn't told us about any of this; another tenant told them about the situation*
- when they contacted the landlord he only said that everything the others had said was true and he needed them out as soon as they could be out*
- the owner has their deposit of \$1,450 and they won't see it back*
- they are looking for an extension - a couple months to find another place to live and to save up another deposit*
- they can't move out "cold turkey"*
- his parents live in Wisconsin and everything he has to do is in Saint Paul so, he just can't move back home, it would just destroy all he has going on*

Ms. Moermond:

- the landlord has abandoned the property; there's no one taking responsibility here*
- she needs to look at these Appellants as tenants and try to get a sense of how they are going to manage on their own with repairs that may be over their head*
- is worried about getting the police involved at this house when there's no landlord to turn to get an eviction process going*
- the deficiency list has been going on for a very long time*
- there's a lot of minor electrical items on the list*

Mr. O'Connell:

- the gas/electric was shut-off for just 1 day*
- they have reviewed the list*
- his parents just sold their house to the bank; he has no where to go*

Mr. Battceh:

- the house is OK; it's not really that unsafe; the house is livable*
- they have not paid rent this month (who would they pay?)*

Ms. Moermond:

- will recommend granting an extension on the vacate date to Nov 15, 2012*
- Inspector Jay Bohan will want to have an inspection in the meantime; they should make themselves available; she wants to make sure than none of the things on the list turns into a more dangerous circumstance*
- the furnace needs to be tested and the smoke detectors need to work*
- the clothes dryer needs to be unplugged because it's not vented properly*
- Appellants will get a letter from Inspector Jay Bohan*
- she will monitor things between now and Nov 7, 2012*

Referred to the City Council due back on 11/7/2012

Sponsors: Stark

Forthcoming. Laid over to November 6 to get more information from staff. (CPH 11/7)

RE: 2554 Como Ave (general retail and Service)

Chris and Mike Mueller, owners appeared.

Mr. Mueller:

- they were to contact Ron Heider; their mechanical contractor got a hold of him and perhaps Mr. Heider hadn't been brought up to speed because Mr. Heider wasn't open to have that meeting where everyone is on the roof looking for alternative solutions*
- mixed use occupancy*

Ms. Moermond:

- Mike Urmann is the fire inspector on this*
- would like to see that meeting on the roof happen and she'd like to be a part of that; she needs to learn a little more about this*
- she will ask Mr. Mueller's mechanical contractor, Mike Carlson, and Mr. Heider, possibly, to meet with her and Mr. Mueller at 2554 Como sometime next week to discuss the situation; see what the options are*
- she will craft a resolution from that meeting*
- Mr. Mueller will submit some available times that he and his contractor can meet*

Referred to the City Council due back on 11/7/2012

7 [RLH FCO
12-589](#)

Appeal of Tim Mahon to a Fire Certificate of Occupancy Approval With Corrections at 46 WINNIPEG AVENUE.

Sponsors: Carter III

Deny the appeal and grant an extension to June 1, 2013 to bring the driveway into compliance.

RE: 46 Winnipeg Ave (single family)

Tim Mahon, Appellant, appeared.

Fire Inspector Leanna Shaff:

- pull up the photos in Amanda; probably taken Sep 26, 2012*
- was a referral which came in Sep 6, 2012: saying the house was in poor condition; should be Condemned*
- Inspector Neis went out there Sep 6 and transferred it to the Fire C of O Program*
- Fire Certificate of Occupancy Approval with Corrections dated Sep 26, 2012 by Inspector A. J. Neis*
- all work was completed except the driveway - the driveway is deteriorated and is mostly dirt*
- Inspector Neis is requiring the driveway be paved with asphalt, concrete or durable dustless surfacing*
- the alley is asphalt*

Mr. Mahon:

- also has photos of his driveway and others' driveways up and down the alley that look the same as his - some are gravel*
- there's about 1 1/2 feet of asphalt apron; otherwise, the driveway is dirt; he dug down and didn't reach any hard surface at 3 inches down*

- dimensions: 15 x 14
 - they would prefer to either leave it as is or put down Class 5 because it never was totally asphalt or concrete; Mr. Neis wants either concrete or asphalt (Ms. Shaff: "Well, it was asphalt before"); Mr. Mahon: only about 1 1/2 feet; not the whole length

Ms. Moermond:

- asked how this came to the attention of the Fire Inspectors (Ms. Shaff didn't know)
 - there's a whole list of Orders

Mr. Mahon:

- explained that the tenants have a 22-23 year old son with the mental capability of a 9-10 year old; he pushed his sister which was seen by someone who called the police; the mom was uncooperative; the son has mental disabilities
 - the tenants are messy and dirty, which has all been cleaned out (there's new carpeting on the floors, etc.); this is their 3rd year renting
 - he keeps pushing them to be more organized and clean
 - normally, he's there once every 2 weeks
 - Inspector Neis came after the police had been there to take a look at it

Ms. Moermond:

- this isn't a driveway
 - the alley is asphalt - when there's an asphalt alley, she is not as flexible about going with Class 5
 - she is flexible about timing on getting it done
 - right now, the area is dirt with weeds growing through it
 - she will not say asphalt, specifically, it can be permeable pavers, it can be concrete, etc.; it just can't be Class 5
 - will deny the appeal and grant an extension to Jun 1, 2013 to bring the driveway into compliance

Referred to the City Council due back on 11/7/2012

8 [RLH FCO
12-597](#)

Appeal of Margaret Uriah, Mendota Properties LLC, to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 602 MENDOTA STREET.

Sponsors: Lantry

Legislative Hearing Officer needs to talk to Zoning.

RE: 602 Mendota St (multi-family)

Margaret Uriah, Mendota Properties LLC, appeared, along with a new owner of Mendota Properties LLC.

Fire Inspector Leanna Shaff:

- Fire Certificate of Occupancy re-inspection Sep 28, 2012 by Inspector Bill Beumer
 - item being appealed is #6 - the driveway
 - she has seen it; it's dirt, etc.
 - Ms. Uriah has some paperwork attached: Zoning Committee Staff Report from 2008, page 2, Section I-2: provision of 8 off-street parking spaces in the rear of the property but that just can't happen because there is no room

Ms. Uriah:

- in 2009, when a California owner bought the property, she didn't know that this document existed until Bill Beumer showed it to her - just recently
 - since that time, it's been brought through the Vacant Buildings Program and approved

- this owner is not the original Mendota Properties LLC owner
- has photos
- it's impossible to provide 8 off-street parking spaces in the specified area
- Ms. Moermond reviewed Ms. Uriah's photos and explanation
- only 2 tenants out of 8 have cars; they don't park in the back
- this is the building's 2nd fire inspection
- have all efficiencies upstairs and two 3-bedrooms on the first floor
- the guy who snow plows the alley dumps all the snow in front of their area so that none of their cars can get out (one car had been parked there in 2011; it was plowed-in and the tenant couldn't get it out until the snow started to melt); she believes she knows who dumps the snow, although he won't admit it

Ms. Moermond:

- she is not considering the zoning right now, only the type of surface for parking, which in this case, is complicated by this zoning determination
- it is also complicated by the fact that no one is using the parking area, plus you have this alley issue going on (perhaps the district council / block club may be able to help with that but it's been a big problem for so many years that it was easier to tell their 2 tenants not to park in the back under any circumstances)
- for the moment, no asphalt will go down yet this year; Class 5, perhaps
- she would like to talk with zoning (Sarah Zorn) about this before making a decision on this
- she will lay this over for 1 month at 2:30 p.m. (11/13/2012)
- if this plow issue gets taken care of, the rest of it is fairly easy to get done

Laid Over to the Legislative Hearings due back on 11/13/2012

9 [RLH FCO](#)
[12-585](#)

Appeal of Floyd W. Anderson to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 804 HUBBARD AVENUE.

Sponsors: Carter III

Laid over to get additional information on Zoning issue.

RE: 804 Hubbard Ave (single family)

Floyd Anderson, owner, appeared.

Fire Inspector Leanna Shaff:

- re-inspection of Fire Certificate of Occupancy on Sep 25, 2012 by Inspector Sebastian Migdal
- called out was remove all 14 dumpsters illegally stored at the property and provide documentation of furnace test

Mr. Anderson:

- this is industrial property; he was in the rubbish business for 30+ years
- he went into the dumpster business in 1996
- he bought the property because it was zoned Industrial

Ms. Moermond:

- looks like we have a discontinue on the approved use or call DSI Zoning
- do we have commercial being used as industrial or what's going on here?

Ms. Shaff:

- there were 14 commercial dumpsters on the property and zoning doesn't allow that type of exterior storage on the property
- zoning is I-1

Mr. Anderson:

- he is surrounded by all commercial properties: 1) Marshall Concrete; 2) City's Plumbing & Heating; 3) Bob Lundquist - Scaffolding guy; 4) the Steel Workers' Union Hall; 5) Baby Back Yard; etc.

- he does not know why he's been asked to remove his dumpsters; he's been in business there since 1996 and before that he was in business with the garbage haulers

Ms. Moermond:

- is not sure what Inspector Migdal was looking at

Ms. Shaff:

- 804 Hubbard is a residential 1 use (I-1 zoning with a residential use)

- just because it's a residential use doesn't mean that you can mix them and store 18 or 14 dumpsters on the yard

Mr. Anderson:

- he's lived on Englewood Ave since 1962

- there is a single family home on the 804 Hubbard lot, which he homesteads; his son lives there since he lost his job at the Ford Plant; it's a very small house - the only house on that block

- his son runs that business; he could use the house as his office

Ms. Moermond:

- the Appellant needs to choose one; she believes that he can't have it both ways on that parcel; if there's no house, it can be Industrial and have all the dumpsters

- the use of the house could be changed to "office" space

- she will lay this over for 1 month; needs some additional information on this

- will contact Wendy Lane on this one

Laid Over to the Legislative Hearings due back on 11/13/2012

10

[RLH FCO
12-593](#)

Appeal of Roger and Dorothy Anderson to a Fire Inspection Correction Notice at 592 LINCOLN AVENUE.

Sponsors: Thune

Laid over to get photos of the garage.

RE: 592 Lincoln Ave (duplex)

Roger Anderson, owner, appeared.

Fire Inspector Leanna Shaff:

- Fire Certificate of Occupancy inspection Sep 28, 2012 by Inspector Mike Efferson

- only 1 item being appealed: the garage; it needs some substantial repairs or consider it's removal

- no photos

Mr. Anderson:

- the garage has started to lean a little; you can see it visibly on one end

- they are looking for an extension on it and will remove and replace it next year

Ms. Moermond:

- so that she has better information before she makes a recommendation, she'd like to have Mr. Efferson take some photos for the record; particularly, the degrees of the

lean; also wants the city's Sr. Trades' Inspector and another competent building inspector to go out and evaluate it's structural stability

- if there's a concern of collapse, we'll do a 2-stage plan where the garage is removed this fall and replaced next year at the Appellant's leisure
- will lay this over to Nov 6, 2012 LH
- will email Appellant with her recommendation
- Mr. Efferson will organize the inspection of the garage with the building personnel and Appellant, sometime before Nov 6, 2012

Laid Over to the Legislative Hearings due back on 11/6/2012

11 **RLH FCO
12-594**

Appeal of Robert and Glenda Olsen to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 613 SHERBURNE AVENUE.

Sponsors: Carter III

Owner request to be rescheduled due to illness.

Laid Over to the Legislative Hearings due back on 10/23/2012

12 [RLH FCO
12-590](#)

Appeal of Richard Franco to a Fire Inspection Correction Notice at 1417 MARION STREET.

Sponsors: Brendmoen

Laid over to November 13, 2012 LH for owner to provide a work plan with timelines.

RE: 1417 Marion St (duplex)

Richard Franco, owner, and daughter, Kelly Franco, appeared.

Fire Inspector Leanna Shaff:

- Fire Certificate of Occupancy inspection conducted May 30, 2012 by Inspector Lisa Martin
- 2 items are being appealed:
- #1 - repair or replace front porch where footings have failed and the decking is beyond repair; requires a permit
- #3 - repair and maintain the window frames
- photos attached to file and also have paper ones

Ms. Moermond:

- sees 3 mailboxes in the photos and asked who all lives there (Ms. Franco: one for downstairs, hers; one for upstairs; and one for her dad, who doesn't live there but has some bills, etc. mailed to him there)

Ms. Franco:

- final inspection is coming up at end of month
- they are concerned about some of the siding and windows
- they have demoed the porch and replaced it
- permit is in the window
- Virgil came out and inspected the porch last Fri; he signed off on everything except for 1 window upstairs
- has photos of what has been fixed
- have been told that it would help if Ms. Franco's name were on the deed
- Inspector Martin did go inside the house

Mr. Franco:

- need more time for windows and siding (windows are in pretty rough shape)
- cannot do all the things at once because of financial hardship
- he is doing all the work himself
- got a bid for replacing windows and siding: \$23,000
- his daughter has lived in the downstairs of the house for 10 years
- the upstairs unit is empty; he has let family live there from time to time
- he lived there himself 25 years ago
- they are just trying to do what they need to do
- everything else on the list is completed; waiting for the final inspection

Ms. Moermond:

- yes, they can get out of the C of O Program is Ms. Franco's name is on the deed but these problems are on the exterior and do need to be done
- she is happy to work with the Appellants on time
- repair does not mean replacement but repair does mean "repair"
- she is seeing a lot of very deteriorated and in some cases, rotting areas in the trim and fascia; lots of chips in the siding - there must be a way to repair those chips (Mr. Franco: the siding is very brittle; difficult to fix one thing without breaking another)
- for the moment, these aren't long-term life-safety issues
- is concerned about the repair of holes in the wood to help prevent further deterioration
- wants Appellants to put together a plan about how to repair - tighten things up for the winter; be specific as you can (Windows and siding repair plan)
- plan deadline: 1 month (Nov 13, 2012)

Mr. Franco:

- because of odd-shaped windows, screens have been ordered but won't be in for 3 weeks

Ms. Moermond:

- noted that the windows contain lead-based paint; suggested the Appellants look into the Lead Window Replacement Program, Ramsey County Public Health (Dan Schmidt 651-266-1143 and Jim Yannarely 651-266-1138) to see if they qualify for window replacement
- also, talk to SPARC - they may have some rehab assistance
- she will consult with relevant inspectors about whether the Appellants' plan addresses what they think needs to happen

Laid Over to the Legislative Hearings due back on 11/13/2012

13 [RLH FCO
12-588](#)

Appeal of Arlend Wilson to a Fire Inspection Correction Notice at 723 SIMS AVENUE.

Sponsors: Bostrom

Grant the appeal to get out of the Fire C of O Program but owner will need to bring the dryer vent issue into compliance under permit in 4 months.

RE: 723 Sims Ave (single family)

Arlend Wilson, owner, appeared.

Fire Inspector Leanna Shaff:

- Fire Certificate of Occupancy Inspection conducted Oct 1, 2012 by Inspector Sean Westenhofer
- 12 items in the report
- is not sure what's being appealed

Tim Frank, Appellant, and Robert Bodin, owner, appeared.

Fire Inspector Leanna Shaff:

- was here before
- it's the old NAPA auto parts store
- it was Revoked, unoccupied; then, sent to the Vacant Building Program
- it's change in occupancy wasn't reviewed or approved
- the file was sent to Ms. Weise and Ms. Moermond was going to contact her about it
- Ms. Moermond laid this over for 8 weeks at that time
- Ms. Weise asked Corinne Tilley in zoning if the owner was going to be able to operate or were they to vacate the property
- Sep 7, 2012, Ms. Tilley wrote back to Ms. Weise that when she last spoke to Mr. Frank in late Aug 2012, she had made it very clear to him that his proposed change use of storage is not permitted in a T-2 Traditional Neighborhood Zoning District; Mr. Frank said that he'd contact Ms. Moermond

Ms. Moermond:

- what were the bases for Corinne Tilley's determination that this couldn't be used for storage? (Ms. Shaff did not know)
- she doesn't have a documented reason for this building being referred to the Vacant Building Program
- being occupied with a Revoked Certificate of Occupancy is not an item in the definition of what a Registered VB should be
- if Fire wants to Order it vacated, then, let's do that (right now, we have neither fish nor foul)
- will recommend the City Council grant the appeal on the VB registration requirement and put it back into the Fire C of O Program for enforcement and suggest that the owners work out any change of use
- for zoning purposes, this has been a continuous use; we won't act as if it's been vacant
- Mai Vang will make sure that Ms. Weise gets a copy of this discussion
- there will be some enforcement but this building is not in the VB Program (no VB fee)

Mr. Bodin:

- he bought the building in 1989 and has had a problem with it ever since
- it had been a car dealership and things didn't work out with his partner so, he had to get rid of the car business; he took charge of control and got rid of his partner; he spent a lot of money and now, he has this building left over
- CLUES made him an offer on the building; it's a great well-built building and he made a deal with CLUES but he was told that there was a statute in Saint Paul concerning landlocked buildings and that is not allowable; CLUES split the property and provided him with parking spots; later, he made a deal with CLUES that he would pay them for the parking spots; later, they cancelled that lease so, he can't do anything with the building so, they are operating out of it; he could sell the building if he had parking
- the neighborhood has been tough; they still have vandalism
- he's been paying the taxes and added some items that were directed by Fire Prevention
- he has not received notification about any thing
- now, what do we do with our building?

Ms. Moermond:

- the building is being used for a particular purpose

Mr. Shaff:

- spoke with Ms. Weise this morning who said that this building can't be used for storage; she had talked with Ms. Tilley

Mr. Frank:

- contacted Ms. Weise and Ms. Tilley
- Ms. Tilley said that it was re-zoned back in 1975; they were given a variance
- he asked what they could do with this building and she directed him to the Saint Paul web site
- I guess, the city does allow small appliance repair in the building
- they do mostly storage with repair of _____

Ms. Moermond:

- advised Appellants to have a conversation with Council President Lantry, who is very familiar with dealing with complicated issues across departments, etc., about this; she would be a guide to getting this resolved
- Ms. Lantry's aide, Ellen Biales

Referred to the City Council due back on 11/7/2012

15 [RLH VBR 12-70](#)

Appeal of Bruce Johnson, on behalf of Benjamin Davis, to a Vacant Building Registration Requirement at 1270 BIRMINGHAM STREET.

Sponsors: Bostrom

Bruce Johnson, 1270 Birmingham, 612-812-7837, called a few minutes ago to say that there is no need for the appeal on October 16. Johnson said the water is back on, James Thomas lifted the condemnation, someone (he didn't catch the name) lifted the Category 1, and the vacant building fee has been waived.

Withdrawn

16 [RLH VBR 12-75](#)

Appeal of Shalaunda Holmes, Frogtown Development LLC, to a Vacant Building Registration Notice at 750 SHERBURNE AVENUE.

Sponsors: Carter III

DSI staff agreed to hold vb fee due to fire damage for 180 days.

Withdrawn

Other

Staff Reports