



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final Legislative Hearings

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Tuesday, July 30, 2013

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Remove/Repair Orders

- 1 [RLH RR 13-37](#) Ordering the rehabilitation or razing and removal of the structures at 1279 MACKUBIN STREET within fifteen (15) days after the August 21, 2013, City Council Public Hearing.

Sponsors: Brendmoen

Remove the building within 15 days with no option for repair.

RE: 1279 Mackubin St (Single family)

Paul Belmonte, owner, appeared.

Steve Magner, Vacant Buildings:

The building is a one-story, wood frame, single-family dwelling on a lot of 7,841 square feet. According to our files, it has been a vacant building since June 30, 2010.

The current property owner is Paul L. Belmonte per AMANDA and Ramsey County Property records.

On May 15, 2013, an inspection of the building was conducted, a list of deficiencies which constitute a nuisance condition was developed and photographs were taken. An ORDER TO ABATE A NUISANCE BUILDING was posted on May 21, 2013 with a compliance date of June 20, 2013. As of this date, the property remains in a condition which comprises a nuisance as defined by the legislative code.

Taxation has placed an estimated market value of \$43,100 on the land and \$4,300 on the building.

Real estate taxes are current through the first half of 2013.

The Vacant Building registration fees in the amount of \$1,440 are now due and owing. (Note: all vacant building fees for previous years have been paid by assessment.)

As of July 29, 2013, a Code Compliance Inspection has not been done.

As of July 29, 2013, the \$5,000 performance deposit has not been posted.

There have been five (5) SUMMARY ABATEMENT NOTICES since 2010 which resulted in no WORK ORDERS being issued.

Code Enforcement Officers estimate the cost to repair this structure exceeds \$25,000. The estimated cost to demolish is \$10,000 to \$12,000.

DSI, Division of Code Enforcement Resolution submitted for consideration orders the

property owner to repair or remove this structure within fifteen (15) days, if not the resolution authorizes the Division of Code Enforcement to demolish and assess the costs to the property.

Amy Spong, Heritage Preservation Commission (HPC):

- have no Sanborn Insurance maps or building permit
- built in 1939, maybe as an accessory building
- it's set back on the lot
- small workers cottage
- 1 story, gabled roof house on the North End
- has non-historic siding
- this area was not identified in any way; it's really not even part of the general character of the neighborhood; it's not consistent with the rest of the primary houses
- this has a very narrow lot; the others in the area are large
- demolition would not have an adverse affect

Mr. Belmonte:

- he is not here to contest
- he wants the city to tear it down so that it's done right
- has been working with Matt Dornfeld
- he bought the property for the land, not the building; will build on it sooner or later
- bought it in 1990
- he will keep maintaining the property

Ms. Moermond:

- will recommend the removal of this building within 15 days with no option for rehabilitation
- City Council Public Hearing Aug 21, 2013

Referred to the City Council due back on 8/21/2013

11:00 a.m. Hearings

Summary Abatement Orders

- 2 [RLH SAO 13-27](#) Appeal of Fern Ewasiuk to a Summary Abatement Order at 1087 ARUNDEL STREET.

Sponsors: Brendmoen

Grant the appeal.

RE: 1087 Arundel St (Single Family)

Ms. Moermond:

- will have the city do the clean-up of the unapproved part of the alley
- has every intention of deleting the assessment associated with that
- when the assessment letter comes through, return the yellow post card saying you're appealing it and she will grant the appeal
- because there are costs associated with this clean-up, she will make a trade with the homeowners: she would like them to file to vacate the alley so that it becomes part of their properties
- procedure for vacating the alley includes fees: 1) the City Clerk charges \$100 and she thinks that the Office of Real Estate charges somewhere around \$600, the total of which could be split up among the neighbors to pay for the vacation
- basically, you need the neighbors' signature in the surrounding area to do a

vacation; go around and ask people to sign the petition and pony-up for the money
- the Ward 5 City Council Office and the District Council will coordinate help with this vacation process
- Ms. Lynn Taliaferro agreed to send in her yellow card for the assessment appeal when it comes

Referred to the City Council due back on 8/21/2013

- 3 [RLH SAO 13-28](#) Appeal of Lynn Taliaferro to a Summary Abatement Order at 1095 ARUNDEL STREET.

Sponsors: Brendmoen

Grant the appeal.

RE: 1087 Arundel St (Single Family)

Ms. Moermond:

- will have the city do the clean-up of the unapproved part of the alley
- has every intention of deleting the assessment associated with that
- when the assessment letter comes through, return the yellow post card saying you're appealing it and she will grant the appeal
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- the Ward 5 City Council Office and the District Council will coordinate help with this vacation process
- Ms. Lynn Taliaferro agreed to send in her yellow card for the assessment appeal when it comes

Referred to the City Council due back on 8/21/2013

- 4 [RLH SAO 13-29](#) Appeal of Neil Dieterich to a Summary Abatement Order at 2171 KNAPP STREET.

Sponsors: Stark

Property owner in compliance.

Withdrawn

Orders To Vacate, Condemnations and Revocations

- 5 [RLH VO 13-38](#) Appeal of Tovah Flygare, Southern Minnesota Legal Services, on behalf of tenants to a Fire Certificate of Occupancy Revocation and Order to Vacate at 1660 CUMBERLAND STREET.

Sponsors: Brendmoen

Order withdrawn because issue has been resolved.

Withdrawn

1:30 p.m. Hearings**Correction Orders****Fire Certificates of Occupancy**

- 6 RLH FCO 13-173** Appeal of Bruce Johnson to a Correction Order-Reinspection Complaint at 159 GRANITE STREET.

Sponsors: Brendmoen

RE: 159 Granite St (Single Family)

Bruce Johnson, Responsible Party, appeared.

Fire Inspector Leanna Shaff:

- *re-inspection of a complaint which took place Jul 15, 2013 by Brian Tonnancour*
- *2 complaint items: 1) back porch, steps and railings are unsafe; repair in an approved manner*
- *inspector writes: rails, stairs and floor boards, under the floor boards need repair/replacement*
- *2) kitchen sink - repair/replace and maintain an approved kitchen sink; the sink is leaking below*
- *speaking with the inspector - likely the P trap leaking; easy fix*
- *back porch, etc. - have photos which show rot in many places; it's pretty shaky-inspector said*
- *it appears that there's some kind of blocks holding up the deck; it should have footings*
- *attached deck to house needs some investigating*
- *looks as though some extensive repairs need to be made to the deck under permit*
- *the previous complaint came in Jun 4, 2013; it was about a mold problem that is getting worse; the inspector wrote about basement dampness; water backed up from a drain in the laundry room (unsanitary interior); fence in the back yard; window frame and trim; duct tape on the dryer duct; extermination of mice*
- *last Certificate of Occupancy Inspection was completed in Apr 2013*

Mr. Johnson:

- *he owns one side of this side-by-side*
- *the complaint came in because the tenant is behind in rent; and she is on a first name basis with that inspector so, instead of calling Mr. Johnson to fix it, she calls the inspector*
- *he has no problem if there's a real issue*
- *in this case, he had Roto Rooter come out and he pulled out stuff that she had been stuffing into the drain; when Mr. Johnson asked her about it, she told him that she didn't use that and the exact same towels were sitting right on top of the toilet (he took photos); she is purposely destroying the property to not pay rent*
- *he started the eviction process; then, she called Southern Minnesota Regional Legal Services (SMRLS)*
- *her lease is up in 2 months*
- *she disconnects and loosens up the pipes under the sink so when the inspector comes, it'll drip; as soon as you tighten it again, it's fine*

- the place next door (157 Granite) was vacant for 2 years; he called DSI on it; there was no power, no water; the water pipes burst because there was no heat; the Fire Dept came out and shut it off so, there were mice there; now they remodeled it without permits; it was sold; he hired an exterminator

- it was a code compliance building 5-6 years ago and the porch has not changed in that time period; Jim Seeger came out and approved it as constructed

- Inspector Tonnancour came over and said that if fire men came up the stairs with all their gear, it could be a problem; however, both he and the inspector came up there and it didn't move

- his real issue is the lack of courtesy that he would expect from the inspector; for instance, they had an appointment on the 21st and he said, "Call me when it's done and I'll swing by and check out the drain." He had it taken care of on Jun 26th, called him and he never heard back; then, he gets his C of O in the mail and he assumed that it was done; then, he got a voice mail Jun 15 left at his work on Fri Jun 12; he has my cell phone number but he left it on the work number (Mr. Johnson does not work on Fri); the voice mail said that the appointment on the 12th was canceled at 2 pm and he'd re-schedule it for Jun 15th at 9 am; he got to work on Mon and got the message; however, he doesn't have that flexible of a schedule that he could leave that same day so, he sent the inspector an Email at 7:41 a.m. about it - he never heard anything back but the inspector went to the property that day without responding to me; is concerned about this inspector going to the property on his own

- the inspector has Mr. Johnson's cell phone number and has called him at that number (Ms. Shaff: asked Mr. Johnson to fill out the contact information on the form and sign it)

Ms. Moermond:

- the sink sounds as though the issue is already solved and probably won't happen again

- porch - I need another opinion on the deck/stairs, etc.

- asked Ms. Shaff to take a look at the deck situation - meet Mr. Johnson at the property

- it bothers her that the deck showed up on this list but not on the previous list

- will lay this over for 2 weeks (Aug 13, 2013 LH)

Laid Over to the Legislative Hearings due back on 8/13/2013

7 [RLH FCO
13-174](#)

Appeal of Howard Merrill to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 1080 MACKUBIN STREET.

Sponsors: Brendmoen

Grant until September 15, 2013 for the driveway to come into compliance by adding more Class 5 and cleaning up the boundaries.

RE: 1080 Mackubin St (Two-family dwelling)

Howard Merrill, owner, appeared.

Fire Inspector Leanna Shaff:

- photos in Legistar

- Fire Certificate of Occupancy re-inspection Jul 17, 2013 by Inspector Scott Perrier

- 2 exterior items left on the report

- garage - scrape and paint

- driveway - the Appellant and the inspector made an agreement on 3-22-13 that the Appellant needed 90 days to complete the work; but it wasn't completed; photos show a lot of vegetation; it should be durable, dustless surface

Mr. Merrill:

- the garage has been addressed
- he consulted with a rental expert, who is also a city council person in another municipality, who told him that it's grandfathered-in since it's a continued use since 1965 under the requirements of the time and that you can't come in with a new regulation and make it retroactive
- he did not make an agreement with the inspector back in Mar; the inspector asked him, "About how much time do you think it might take you to do all this?" That was not an agreement; it was an estimate of time

Ms. Moermond:

- with all due respect to Mr. Merrill's friend who is on another city council, we are not talking about whether or not a driveway can be present, we are talking about the maintenance thereof
- this driveway needs to be maintained as a durable, dustless surface
- when there are weeds growing throughout and the gravel is spreading all over, it's no longer a driveway, it's a yard full of gravel
- if you have to mow it, it's no longer durable and dustless
- straighten out the edges, clean it up and put in some fresh Class 5
- will grant until Sep 15, 20113 to come into compliance with the driveway: fresh Class 5 and clean, defined lines on the driveway

Referred to the City Council due back on 8/21/2013

**8 RLH FCO
13-172**

Appeal of Andrew Dick to a Fire Certificate of Occupancy Correction Notice at 739 SIMS AVENUE.

Sponsors: Bostrom

LHO recommends the following:

- Item 3 (address numbers) - Deny the appeal;
- Item 4 (flashing on dormer) - forthcoming;
- Item 7 (mattress and other materials in basement) - no longer appealing because in compliance;
- Item 11 (dryer vent) - deny the appeal;
- Item 13 (guardrail) - deny the appeal (owner needs to tighten up the guardrail);
- Item 16 (smoke detector) - no longer appealing because in compliance

CPH: 9/4/13

RE: 739 Sims Avenue (Three/Four Family Dwelling)

Fire Inspector Leanna Shaff:

- Fire Certificate of Occupancy inspection conducted by Inspector Brian Tonnancour on Jul 9, 2013
- 19 deficiencies were listed
- 6 are being appealed: 3, 4, 7, 11, 13, 16

Mr. Dick:

- can take off #16, tenant had just taken it off; it's been replaced
- had code compliance in 2010; all should be code compliant except for whatever the tenants have caused since then
- #4 flashing on dormer: he sent his roofer out there; roofer said it was fine; that's the way it's supposed to be
- Mr. Dick called the inspector about it and he was pretty short with him; the inspector wanted Mr. Dick to seal the flashing (?)
- there's no photo of flashing

Ms. Shaff:

- will go out and take a look at the flashing; and take photos

Mr. Dick:

- #7 the basement is a partial basement, not a crawl space

- the tenant threw that twin sized box spring away

- tenant has only about 1/20 of the basement filled-up

- the Order says, "Remove mattress and other materials from the basement."

- no photos of basement

- #11 dryer duct - it was all up to code and then maybe a maintenance man put in the flexible connector just so you could move the dryer a little and it would remain connected

Ms. Shaff:

- the code does let you use a flexible duct for transition areas; however, the material that is sold at "big box" stores isn't up to code; what you can use is very expensive and the UL label must be visible

Mr. Dick:

- he pulled out the washer to get a better photo of the dryer duct; he already took out the flexible connector

- he read on the city website that you can have flexible duct (Ms. Shaff: the Mechanical Code is clear on that); it's the stpaul.gov website that says you can have flexible duct; it doesn't say anything about a UL listing: "A section of flexible metal is permissible if it is less than 6 feet long."

- he doesn't want to pull a permit and hire a mechanical company to come out just to say, "Yes, it's fine; and charge me \$300."

Ms. Moermond:

- in the letter, this item is called out under the Mechanical Code 504.6

Ms. Shaff:

- the Mechanical Code is clear - unless you owner-occupy the place, you need a licensed contractor under permit to do the dryer duct work (so that the work is all done correctly); Ms. Moermond has no leeway on the Mechanical Code; a mechanical contractor needs to pull a permit and look at this, then have it signed-off

Mr. Dick:

- #3 too - provide Unit #1 and Unit #2 on each of the inside doors; he lists St Paul Legislative Code 71.01 - and it doesn't say anything about that

- he has Unit #1 and Unit #2 on the mailboxes in front of the house, should be good; seems nitpicky (Ms. Moermond: wants to review SPLC 71.01) - Ms. Moermond will amend #3 because Legislative Code 71.01 is incorrect; it should be 71.05 and the Fire Code is Section 505

- #13 third floor stairway (inspector says the guardrail is shaky); I'll make sure it's sturdy

Ms. Moermond:

- at City Council Public Hearing Sep 4, 2013

- will lay this over until Aug 13, 2013 LH; Inspector Shaff can put a staff report on that record

Laid Over to the Legislative Hearings due back on 8/13/2013

2:30 p.m. Hearings

Vacant Building Registrations

- 9 [RLH VBR 13-45](#) Appeal of Justin Waggoner, JUT Capital, LLC, to a Vacant Building Registration Requirement at 361 BATES AVENUE.

Sponsors: Lantry

Owner was not notified of date and time.

Laid Over to the Legislative Hearings due back on 8/6/2013

- 10 [RLH VBR 13-44](#) Appeal of Adam of Ilfrich, LLC to a Vacant Building Registration Requirement at 910 MAGNOLIA AVENUE EAST.

Sponsors: Bostrom

Owner was not notified of date and time.

Laid Over to the Legislative Hearings due back on 8/6/2013

Staff Reports