



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final Legislative Hearings

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Tuesday, May 26, 2015

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Remove/Repair Orders

- 1 [SR 15-34](#) Reviewing request of Jill Hendricksen, NeighborWorks Home Partners, to have Council reconsider its Order to Remove or Repair the Structures at 1022 MINNEHAHA AVENUE WEST.

Sponsors: Thao

Jill Hendricksen and Becky Ergo, NeighborWorks Home Partners, appeared.

Ms. Hendricksen:

- Greater Frogtown CDC merged with NeighborWorks Home Partners; we're keeping Greater Frogtown CDC as a real estate holding company, so Greater Frogtown CDC would be the entity that would take on this house

Inspector Steve Magner, Vacant Buildings:

- we go back to a year ago; the property has been vacant much longer - since 2003, it's been a Registered VB
- Norma A. Johnson had title to the property; they were working with her brother, Harvey to get the property rehabbed; they made numerous visits to this hearing process to establish getting a grant of time; the resolution passed last year giving them 180 days to complete the rehab; the time has come and gone; 30 days prior to the compliance date, nothing had been done; so, the city moved forward; prior to the city removing the structure, they got motivated and now, it's his understanding that they have turned the property to Frogtown CDC

Ms. Moermond:

- Katy Royce was involved back then
- the house was built in 1926 - a one story bungalow
- surveyed in 1983; wasn't included in 2009 survey; not eligible for the register
- block face is intact
- noted: wrapped exterior shingles, reminiscent of the storybook style

Ms. Fredricksen:

- the got board approval within their own organization
- the donation agreement they entered into with Ms. Norma Johnson was contingent upon cleaning out the property; when they first came to the property, it was full of garbage; clearly, it was a public nuisance; they were able to hire contractors to clean out the property; the board approved taking on the project; when they first saw the

property, they could not assess the structure because it was so full of debris and garbage

- the structure is sound, structurally*
- closing is scheduled for this Fri, May 29, 2015; they have a title company doing title work*
- they have a Scope of Work that addresses all of the code compliance issues*
- when they renovate a property, they have bank construction financing from Cooley Bank; they have evidence of the loan fund; they use their city subsidy that they were awarded from the CIB process when their costs exceed the value of the property; those funds have been allocated for the property, as well*
- timeline - construction 4-5 months*
- interior has been completely gutted - it needs everything*
- in the end, they are confident it will be a high quality 3-bedroom home with a two-car garage and a nice yard - an asset to the block*

Ms. Moermond:

- closing Fri; have work plan; financing in place*
- \$5,000 performance deposit application was provided for them (they have it in hand)*

Ms. Fredricksen:

- they have an NAC Audit scheduled for next week and a roof assessment requested; the Scope of Work does not include those items*
- usually give contractors 2 weeks to bid*

Ms. Moermond:

- will recommend granting 6 months to complete the project*
- scanned the plan*
- maintain the property*

Ms. Fredricksen:

- they have a crew to do cut the grass/weeds; the front yard is all dirt; backyard all weeds*

Ms. Moermond:

- give you a deadline of Fri for the weeds*

Legislative hearing officer will put a resolution of stay enforcement to grant 180 days for the rehabilitation of the building to go on June 17 Public Hearing.

Received and Filed

2 [RLH RR 15-14](#)

Ordering the rehabilitation or razing and removal of the structures at 1839 SAINT ANTHONY AVENUE within one hundred and twenty (120) days after the June 3, 2015, City Council Public Hearing.

Sponsors: Stark

Mark Kneer, TCM Properties LLC, owner, appeared.

Inspector Steve Magner, Vacant Buildings:

- read letter dated May 15, 2015 (attached)*
- by May 26, 2015, we need: 1) Work Plan with timelines; 2) financial letter indicating that you plan to dedicate at least \$65,000 for the rehabilitation of this project; a financial documentation such as a construction loan, line of credit or bank statement which demonstrated that you have the financial means to complete this project; 3) \$5,000 Performance Deposit/bond posted with DSI*

- Mr. Kneer has the Performance Deposit in his hand; he will take it to DSI, 2nd floor, 375 Jackson, right after this hearing
- Work Order goes back to 2010 under a previous owner; 2 tall grass/weeds and 2 snow walks since 2012 (done by owner)

Mr. Kneer:

- has owned the property for a couple years
- anticipate starting work Jun 15, 2015; 5- week construction plan
- has accepted bids with contractors that he has worked with in the past

Ms. Moermond:

- we have a Work Plan with a calendar
- the letter from the lender, Capital Lending Group, isn't clear that you have the money; only that you've applied for the money
- the city requires that you have the money in place "before" you can get a grant of time to rehab the property

Mr. Kneer:

- all the lender is requiring from him is to show that he has the "go ahead" from the city to do the rehab
- he has worked with Capital Lending before; has had 8 loans with them

Ms. Moermond:

- she's a little nervous about the letter; within a week of the Council vote, she needs to see that he's closed the deal on the loan; can email it

Grant 120 days for the rehabilitation of the building provided the owner posts the bond and comes into agreement with Capital Lending on financing the project.

Referred to the City Council due back on 6/3/2015

3 [RLH RR 14-12](#)

Ordering the razing and removal of the structures at 391 VIEW STREET within fifteen (15) days after the July 23, 2014, City Council Public Hearing. (Public hearing continued from May 20)

Sponsors: Thune

Forthcoming.

No one appeared.

Ms. Moermond:

- the plan is to have the City Attorney's Office pursue a shortened forfeiture time period with the courts
- as soon as the background work is done, we will be bring that to court
- court could order a 5-week time period after which the property would go into the possession of Ramsey County
- Ramsey County has a past history of working with community development corporations on this kind of situation; and we anticipate that they will be working with Fort Road Federation in assessing the building possibilities
- in the meantime, the city wanted to get a code compliance inspection done on the property; Mr. Magner was going to check on getting a crew inside the house to confirm that it's worth the rehab

Mr. Magner:

- asked Ms. Moermond to email Mr. Ubl and request that his staff does a code compliance inspection as one group/team; tell them that Joe will provide them access

to the property; cc me and Joe
 - we've secured the back door and we can unsecure it to allow the team access
 - the city has taken over the responsibility of securing the building; the building is abandoned

Ms. Moermond:
 - she will email Mr. Ubl, the building official

Referred to the City Council due back on 6/3/2015

4 [RLH RR 15-17](#)

Ordering the razing and removal of the structures at 930 FULLER AVENUE within fifteen (15) days after the June 17, 2015, City Council Public Hearing.

Sponsors: Thao

Nina Hicks, neighbor at 925 Fuller Ave, appeared.

Inspector Steve Magner, Vacant Buildings:

- The building is a one-story, wood frame, single-family dwelling with a detached two-stall garage on a lot of 4,792 square feet. According to our files, it has been a vacant building since April 28, 2011.
- The current property owner is Oscar P. Miller (deceased) per AMANDA and Ramsey County Property records.
- On March 18, 2015, 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 March 24, 2015 with a compliance date of April 23, 2015. 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 \$20,000 on the land and \$47,800 on the building.
- Real estate taxes for 2011 through 2014 are delinquent in the amount of \$10,055.95, which includes interest and penalty.
- The Vacant Building registration fees were paid by assessment on August 4, 2014.
- As of May 22, 2015, a Code Compliance Inspection has not been done.
- As of May 22, 2015, the \$5,000 performance deposit has not been posted.
- There have been eighteen (18) SUMMARY ABATEMENT NOTICES since 2011.
- There have been twenty-one (21) WORK ORDERS issued for:
 - Garbage/rubbish
 - Boarding/securing
 - Tall grass/weeds
 - Snow/ice
- Code Enforcement Officers estimate the cost to repair this structure exceeds \$50,000. The estimated cost to demolish is \$10,000 to \$12,000.
- noteHicks. Ms. Hicks has some valuable information for this hearing
- is scheduled to forfeit in 2016; had been owner-occupied
- dwelling is compromised

Amy Spong, Heritage Preservation Commission (HPC):

- has an early timeline; building predates 1884 - it's a much smaller footprint than other houses around it
- 1 1/2 story wood frame workers cottage
- area last surveyed in 2011; a context study was completed: "Neighborhoods at the Edge of a Walking City," which included all of the immediate neighborhoods, including this Thomas-Dale-Frogtown neighborhood; read from the Windshield Survey, 2011:
- ..."of the Thomas Dale area suggests that there are a good number of properties

remaining from the 1860's and 1870's and most are not yet included in the historic resource's data base." (We don't really know what there is of that early era of housing in that neighborhood because many have been covered up and added on to and become difficult to identify)

- the first entry for a permit for this site was listed in 1924 for an addition/alteration, which might have been that shed roof bump out at the back, often times, those are kitchens
- another note: the house might have been moved to the site in 1913; the entry doesn't describe what was done
- all of the houses on each side are 1911 and 1925
- there's no name associated with it because it's pre-permits
- was mentioned in the context study, generally, but not specifically identified
- there's potential for it being a pioneer house (pioneer era goes up to the 1870's)
- the railroad shops at Jackson St and Pennsylvania and related railroad industries provided employment for many generations of families; workers' modest houses were built south of the shops along Sherburne, Charles and Como, east of Rice; simple, vernacular, gable or hip roofed houses were cited on narrow lots, sometimes with 2 houses per lot; some of the oldest date from the 1860's
- at this point, we don't have good specific information

Ms. Hicks:

- lives across the street since 1994
- believes that 930 Fuller should be torn down; she says that with compassion and love for her former neighbors, Oscar and Marie Miller; Oscar passed away at 97 years in 2012; they both moved from that residence in 2010 but continued to stay in touch with them; they had physical and mental limitations at this residence for being safe; it was sort of a mixed blessing when Mr. Miller fell in his home in 2010; emergency services were called; after that, social services became involved, a blessing in disguise; they were able to find safe accommodations for both Marie and Oscar; he moved to a nursing home and she moved to 280 Ravoux; she thought at that time, that an assessment had been made for the house to be Condemned
- the Millers were really good neighbors; she and her husband saw opportunities to help them because of their limitations: mowed the grass, shoveled snow, make extra meals for them, provide transportation for Dr. appointments and grocery store, etc; she had opportunity to go into the house; they did not, however, allow her to help them clean their house; out of respect, she did not do it but she did offer
- the house had mice; the floors in the kitchen were rotting; the house had an undesirable stench to it; the front porch was slanted; there was a stray cat that found a home underneath the house
- she is concerned about her neighbor, Marie; she is mentally challenged; she is hoping that Marie can receive some kind of assistance from social services if she is involved with this because she isn't capable of handling this whole situation; Marie is about 58 years old, the daughter of Oscar Miller, she has the mental capacity of about a 17-year old; this would be way over her head; she was not able to live on her own, even as a younger woman; Mr. Miller's wife died a very long time ago; so, he was a single father; Marie used to take the bus places and used to have a part time job until she wasn't able to; physically, she has gained a lot of weight

Ms. Moermond:

- right now, the Remove/Repair Notice has gone out

Mr. Magner:

- is not the owner of the property; it's not been probated; maybe legal aid could help; but there's the issue of outstanding taxes that needs to be resolved and then the rehab; seem to be overwhelming odds when an individual is just trying to deal with day-to-day existence

- it's a 40 ft lot, so it's buildable

Ms. Moermond:

- if the building gets knocked down, the land value is \$20,000; back taxes, around \$10,000 and the cost to demo will be about \$10,000; so, really, there's no gain

Mr. Magner:

- Oscar did have a mailing address going to Apt #618, at Ravoux - she would still be getting the mail

- Marie has no legal responsibility unless she wants to assume that responsibility; she could do so if she were to seek legal counsel and probate it; probably would not be a good financial thing to do

- the assessment will go onto the taxes; and, ultimately, if it is forfeited, either the assessment goes away or whoever buys the property would pay the assessments; she won't be responsible for them

Ms. Moermond:

- will recommend removal within 15 days; no option for repair; if it's isn't removed, the city will begin the process (mid-late Aug 2015)

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

Referred to the City Council due back on 6/17/2015

11:00 a.m. Hearings

Summary Abatement Orders

5 [RLH SAO 15-28](#) Appeal of Eileen Ciuraru to a Vehicle Abatement Order at 1616 MINNEHAHA AVENUE EAST.

Sponsors: Finney

Eileen Ciuraru, owner, appeared.

Inspector James Hoffman:

- received complaint re vehicles and motor home parked on grass and dirt

- went out and took photos

- motor home and 3 vehicles were unlicensed or were inoperable or needed repair; another one parked on grass near alley with no registration; some wood leaning against the garage

- sent Summary Abatement Order to remove all electronics, wood, tires, metal and rubbish and improperly stored items

- sent Vehicle Abatement Order for 5 vehicles: Buick, Dodge, Mercury, Dodge Van and an RV - all were unlicensed and appeared inoperable

- received the appeal

Ms. Ciuraru:

- looking for an extension on fixing one of the vehicles until the end of Jun

- lives on Social Security so needs the extension

- they are in the process of fixing the truck; she is paying as she has the money to pay for it; she gets paid on the 3rd

- all the vehicles are parked on cement that runs from the street to the alley; the person who lived there before her was a truck driver, who had put down 2 rows of cement from the street to the alley

- the RV did have current tabs on it when he came out; it's jacked up a little to take pressure off the tires, when they aren't using it; it's operable
- the Mercury and Dodge Van will be scrapped
- Buick - did get the windows up; does have current tabs now
- Dodge Truck does not have current tabs but as soon as she gets paid on the 3rd, it will have current tabs
- rest of the yard has been cleaned up

Mr. Hoffman:

- there was a Vehicle Abatement, a Summary Abatement and Correction Notice, reiterating the vehicles being parked on an approved surface, sanitation, improper storage

Ms. Ciuraru:

- Buick - is parked across from the garage; what surface do I need to park it there

Mr. Hoffman:

- concrete, asphalt, pavers (Class 5 only if Ms. Moermond says that you can)

Ms. Moermond:

- so, you want to have 3 of the vehicles: RV, Dodge, Buick; you should have an approved surface for those if you're getting rid of 2 vehicles
- what about the repairs

Ms. Ciuraru:

- there are 4 people living there
- Buick- has plastic over the windows because the windows weren't staying up; they are up now; she shares that vehicle with her son
- truck -in process of fixing
- G6 - she parks out front
- Buick belongs to her and the other 2 cars are in her name
- truck is in her youngest son's name
- G6 - in her oldest son's name
- about scrapping other 2 cars: last year, she had a problem with needing to get the title but she hadn't had the money to do it; now, she does have the title but now the truck will need to be moved before she can get the other 2 cars out of the yard and scrapped
- her son was trying to fix the truck (what he's going to school for); he's not working while he's going to school; can't get a job

Ms. Moermond:

- will give you until Jun 30; after that, the city can go ahead and remove those vehicles

Grant until June 30, 2015 to bring the vehicles into compliance.

Referred to the City Council due back on 6/17/2015

6 [RLH SAO 15-31](#)

Appeal of Vlada Gazalabova to a Summary Abatement Order at 1019 GALTIER STREET.

Sponsors: Brendmoen

Deny the appeal; no one appeared.

Referred to the City Council due back on 6/17/2015

- 7 [RLH SAO 15-30](#) Appeal of Vlada Gazalabova to a Summary Abatement Order at 650 OAKDALE AVENUE.

Sponsors: Thune

Deny the appeal; no one appeared.

Referred to the City Council due back on 6/17/2015

11:30 a.m. Hearings

Orders To Vacate, Condemnations and Revocations

- 8 [RLH VO 15-29](#) Appeal of Kathy Gonzalez to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 782 SIXTH STREET EAST.

Sponsors: Finney

Kathy Gonzalez, owner, appeared.

Fire Inspector A. J. Neis:

- Fire C of O Revocation and Order to Vacate issued by Inspector Joe Brown on May 13, 2015
- identified 15 code violations and determined that the building was vacant; sent over to Vacant Building Program
- revocation based on long duration of noncompliance; started in Jan 2015, when Mr. Brown got a water shut-off Notice; sent Correction Orders and attempted to gain access
- Mr. Brown inspected property in Feb; went back in Mar - no show; charged no entry fee
- Apr - he received inspection orders back for the 2nd time; he changed the address to the Brooklyn Park address in hopes to contact the right party
- May 12, he finally gained access; unoccupied on multiple code violations
- photos in file
- Orders were initially sent to Jose Gonzalez, 7929 Zane Ave N, Brooklyn Park; eventually, we noticed there was an address change in Amanda and entered with Ramsey Co on May 2, 2015
- Inspector Brown finally got the correct address

Ms. Gonzalez:

- appealing - husband and I are separated and this is going to be my permanent residence; at first, it was going to be his primary residence but he said that since he's paying the mortgage in Brooklyn Park, he should live there; so, she and her 3 boys moved to St. Paul; her daughter will be coming at the end of the school year
- there is confusion with the PO Box; she gets mail there; however, it's in both their names; she has tried to explain to the Post Office but they haven't yet fixed the problem of separating the mail
- she just homesteaded the house and did a change of address

Ms. Moermond:

- the building is empty right now; should it be put into the VB Program; there is no Certificate of Occupancy on it and it's empty; there's also a lot of code violations

Ms. Gonzalez:

- the house is not empty; she moved into the house in March; she spoke with

Inspector Joe Brown; he told her to file for homestead, etc.

*Ms. Moermond:
- she is confused*

*Mr. Neis:
- he's very confused
- Mr. Brown determined that the building was vacant on May 13*

*Ms. Gonzalez:
- she had her things in the house but she was at work and she didn't receive a letter saying there would be an inspection in May
- she found the letter posted on the door; so, she gave Mr. Brown a call
- the building isn't and wasn't vacant at the time he came
- her dog was in the house*

*Mr. Neis:
- he did an inspection in Feb but was unable to get in until May; so, it's possible that she moved back in during that time; it doesn't look as though Inspector Brown was able to get into the house on May 12, so based on that, he saw no activity going on and sent it over to VB; he's not saying that she wasn't there
- typically, the inspectors will go out and look for lights on; is the electric meter running; they'll look into the windows to see if there's stuff/activity - does it look as though it's being lived in; the shades may have been pulled and was unable to gain entry, so, he assumed that it was vacant*

*Ms. Gonzalez:
- I was at work and I didn't get a Notice of the inspection because he mailed it to Brooklyn Park*

*Mr. Neis:
- all mail went to Jose; he's the registered owner/responsible party; Ms. Gonzalez would not be notified unless Jose notified her*

*Ms. Gonzalez:
- and, the inspector knew that Jose was going to be out of the country, as well*

*Ms. Moermond:
- the house has some code violations that need to be addressed
- you are not in the VB Program
- wants to give her time to get these things fixed
- her concern is that some things need to be addressed; will put them on a Correction Order type of list by the code enforcement people, not the Fire C of O people; however, the city can't "unseen" the violations; they need to be addressed
- sees some electrical items that will need an electrician and some wiring on the outside; upstairs bathroom and extension cord*

*Mr. Gonzalez:
- we did an inspection on the house a year ago and now, they are finding something (?)
- the inspection last year was supposed to last another 2 years
- they had the water shut-off while they were in Mexico; so, the inspector comes and said it was a vacant building
- it was inspected for everything a year ago because of the fire; they fixed whatever was asked; now, we need to fix again; it's a waste of money*

Ms. Moermond:

- doesn't see anything unusual

Mr. Gonzalez:

*- he's been in the neighborhood a long time; have seen houses in really bad shape
- I put everything into my houses; they are in good shape*

Mr. Neis:

*- the last time this house was inspected was 1 1/2 years ago inspected by Sean Westenhofer
- it's a Class C, which would make it due again for an inspection in 1 year
- right around the same amount of violations but different: repair cabinets, broken faucet handle, wall outlet, broken bottom staircase step, carpet a trip hazard on staircase, missing release pipe on water heater, repair threshold, similar maintenance issues as this time; house needs to be maintained better
- there's nothing major; smoke detector is major but an easy fix*

Ms. Moermond:

*- the electrical issues need to be addressed by Jul 1, include grounding jumper on water meter, item #1; exposed wiring on outside east side; exposed wiring upstairs bathroom; extension cords upstairs; get an electrician to do these; they are not expensive repairs
- painting issues - garage and house siding*

Ms. Gonzalez:

- house has asbestos siding; that would be so costly to change; it's an historic district

Ms. Moermond:

- it can be painted and it should be painted - won't make a difference on painting the siding

Mr. Neis:

- the garage needs painting for one ORder; the other Order is on the house - just asking to be maintained free from chipped/peeling paint; he's not asking for siding - just scrape and paint were needed

Ms. Moermond:

*- Jul 1, 2015 - electrical deadline
- Sep 1, 2015 - deadline for the rest of the items
- you are out of the C of O Program; Code Enforcement inspector will do a follow-up
- wants a copy of her homestead certificate (we can call the county and confirm)
- will send you a letter; put your contact info on the sign-in sheet; Mr. Gonzalez will also be copied*

Grant until July 1, 2015 to address the items relating to electrical issues (Items 1, 8, 10, 11); grant until September 1, 2015 for the remaining items; grant owner to be released from the Fire C of O Program.

Referred to the City Council due back on 6/17/2015

9 [RLH VO 15-30](#)

Appeal of Mathew Geopfert to a Correction Notice-Reinspection Complaint at 935-937 UNIVERSITY AVENUE WEST, UNIT 3 (Condemnation and order to vacate).

Sponsors: Thao

Mathew Geopfert, tenant, Unit #3, appeared.

Fire Inspector A. J. Neis:

- unique situation
- Condemnation of the residential portion of 935-937 University Ave W
- last Wed a complaint came in about a lot of maintenance issues - some exposed wiring concerns
- Inspector Scott Perrier had requested Mr. Neis' assistance with the inspection; wanted a 2nd set of eyes
- Mr. Neis and Mr. Perrier went to the property on Thu of last week, parked next door and found Mr. Geopfert inside the dumpster at the rear of the property looking for some of the belongings that he thought his brother had thrown away; he jumped out of the dumpster and escorted us to his unit and the conditions upstairs; they found the conditions deplorable
- 4 units upstairs; 2 of which are vacant; 1 is occupied-power shut-off and there's an extension cord running under the door to the hallway light
- Mr. Geopfert's unit - small efficiency type with 1 bedroom; someone was sleeping on the couch; walls, floors, ceilings were in major disrepair; no working smoke detector; urine on the floor; really, really bad shape; could not open up the door to the bedroom; another man was in there and when he opened the door, the door fell off; the dog was also in that room; he was a friend and said that he doesn't live there; however, when questioned later, he said that he had been living there
- they made entry into Unit 3 only
- Photos, not uploaded yet

Mr. Geopfert:

- his brother lives with him; another man and dog also live in Unit 3

Mr. Neis:

- pulled a man aside to see what was really going on; he said that he lived with his daughter but later said that he really wasn't living with his daughter
- explained to Mr. Geopfert what was going on with the Condemnation; he said that they were not concerned because they had another place to live, 606 Lafond, that they were paying money for; Mr. Neis asked why then were they at the unit; they could not provide a good answer; he advised him that since there were no smoke detectors, the unit was immediately Condemned and they had to be out by 8 pm that day
- spoke with the owner, who concurred that the conditions were deplorable, at best; he had just acquired the building less than 30 days before; he agreed that the conditions were not habitable
- Mr. Geopfert advised him that he'd be moving into the 606 Lafond address and didn't have a problem with the Condemnation
- Inspector Perrier had set up an appointment to meet with the property owner the next day to do a full Fire Certificate of Occupancy Inspection, which is why Orders were not issued (he was going to issue them under the full C of O inspection); however, that inspection had to be pushed back; he will actually be going out at 2 pm today to meet with the property owners to do the full inspection of the entire building

Mr. Geopfert:

- asbestos was flying around all over; they should have had a licensed person do that
- I have a nice apartment now; it's been all remodeled; me and my brother and his dog; it's a duplex
- this place was Condemned, shouldn't he and his brother be eligible to get some type of money from the landlord for relocation?
- he and his brother live on SSI and each get \$730 per month
- the landlord was screaming at him and calling him a drug addict, which I am not; he didn't give me any notice that he was coming over; he should have given me a 24

*hour notice before he came over - don't just come knocking at the door
- the previous owner never put any money into the building*

Ms. Moermond:

*- you seem to be looking for money from the landlord to compensate you for a security deposit and rent for a new place; however, we don't do that here
- encouraged him to contact Southern Regional Minnesota Legal Services (SMRLS); provided contact info for him*

Deny the appeal.

Referred to the City Council due back on 6/17/2015

1:30 p.m. Hearings

Fire Certificates of Occupancy

- 10 [RLH FCO 15-89](#) Appeal of Chue Feng Thao to a Fire Inspection Correction Notice at 1062 FOREST STREET.

Sponsors: Bostrom

*Appellant: Chue Feng Thao appeared
STAFF: Marcia Moermond-LHO, Leanna Shaff-DSI-Fire*

Leanna Shaff:

*-Fire C of O Inspection conducted on May 8 by Inspector James Thomas.
-10 items; 1, 2, 5, 6, 7, and 8 are being appealed*

Ms. Moermond:

-why appealing

Mr. Thao:

*-on the lease the tenants is to let me know about all the people
-emailed the inspector that he is kicking the tenants out, need more time
-no response from inspector to allow time
-#8 with regard to Orsat, is it done annually*

Ms. Shaff:

-encouraged him to do it annually but only required to be submitted to them

Mr. Thao:

-had it done on June 19, 2013

Ms. Shaff:

*-would required on every C of O inspection
-longest they would accept is if the report was within the last year
-depending on the grade of the building, 1, 2, 4 or 6 years*

Mr. Thao:

-has property in Brooklyn Park for 3 years and he has not had one done

Ms. Moermond:

*-it doesn't indicate here the number of people found in Unit B
-were there notes*

Ms. Shaff:

- inspector did not give any notes nor room sizes
- in Item 6, it states no more than 5

Moermond:

- some items appealing don't connect to how many people in the unit
- for Item 3 which, Mr. Thao is going to take care of
- Item 5, the toilet, what does that have to do with kicking people out

Mr. Thao:

- after inspector was done, he looked at the list and went to the property to make sure what inspector was talking about
- he doesn't know what inspector was referring to and wasn't sure which toilet/bathroom because he went through them

Ms. Moermond:

- how many toilets in Unit B

Mr. Thao:

- there are 2; actually 2 on 2nd floor and 1 one first floor
- this is referring to Unit B on 2nd floor
- tried to move it and nothing was wrong with it

Ms. Shaff:

- who was on the inspection with the inspector

Mr. Thao:

- it was the tenant
- he was out of town

Ms. Moermond:

- had you been at the inspection, you would have known first hand what the inspector was referring to

Mr. Thao:

- the tenants have like 8-9 people as well as friends over
- he agreed that with more people, more damage to property
- gave 30 days notice

Ms. Shaff:

- how many family members are there

Mr. Thao:

- on the lease, it has 6 but when he goes there, there are 2 mattresses in each bedroom
- don't go to the property regularly and if he goes he would look at the exterior
- there are 3 bedrooms

Ms. Moermond:

- shouldn't lease to 6 people to begin with
- orders issued on May 8
- has past file with our office
- when did he tell the tenant the 30 days notice

Mr. Thao:

-he asked them to leave on June 16

Ms. Shaff:

-what is the lease period

Mr. Thao:

-this is the 2nd year so it's month to month

Ms. Moermond:

-REC grant until June 18, 2015 for compliance by reducing the number of people or no people there

-Certificate will be revoked or criminal citation if not done

-have Mr. Thomas do some measurements

On May 28, 2015, James Thomas inspected the property to remeasure:

Unit B, 2nd floor: northside bedroom is 110 sq ft; (occupied 3 times over age of 1 yr old)

Unit B: total square footage of the unit is 675 sq ft; and (occupied by 9 ppl)

Unit B-3rd Floor southside is 108 sq ft (occupied by 3 ppl)

Referred to the City Council due back on 6/17/2015

11 [RLH FCO 15-95](#)

Appeal of Earl Ward and Paty Kaiser to a Fire Inspection Correction Notice at 2115 FOURTH STREET EAST.

Sponsors: Finney

Patty Kaiser appeared

STAFF: Leanna Shaff, DSI-Fire, Marcia Moermond-LHO

Ms. Shaff:

-Fire C of O inspection conducted on April 24 by Laura Huseby.

-there are 13 items, looks like he want out of the Fire C of O Program.

Ms. Kaiser:

-son was on the deed at one time, he is 28 yrs old.

-It was a HUD property

-We own two other homes. He has been there 3 ½ years. We did a quit claim deed last week to him (attached herein)

-We should have done a long time ago.

-We almost have everything done on the list.

Ms. Moermond:

-only thing that gives her pause is the electrical issues.

Ms. Kaiser:

-that's all taken care of.

-some were left that way and one was the security alarm wiring was hanging and just needed to tuck in.

-there was a old water softener sitting there and that was removed

-the dog got licensed

Ms. Moermond:

-REC be released from the Fire C of O Program.

Referred to the City Council due back on 6/17/2015

12 [RLH FCO 15-88](#) Appeal of Terrence Longville to a Correction Notice - Complaint Inspection at 719 PAYNE AVENUE.

Sponsors: Bostrom

Appellant: Terrence Longville
STAFF: Leanna Shaff, DSI-Fire

Ms. Shaff:

-Fire C of O complt inspection on May 5th by Dave Bergman, ordering the tanks that have been out of service for one year to be removed and all hazardous/wreck permits be in placed.

Mr. Longville:

-place has been for sale for 3 years
-last 3 weeks of getting this resolved is that the purchasing is still pending.
-he had at least two conversations with Dave Bergman and two others with Tom Friel.
-Dave has confirmed that the tanks' removal are not necessary if they are inspected according to Fire code.
-he pursued that alternative
-If they do not pass the tank test then the tanks must be removed.
-the sale of the building be enhanced by maintaining the tanks. If they in order then more cost effective.
-Asking for the extension on the correction notice.
-Getting estimates from tank testing and tank removal companies.
-tank testing itself can't be done for 2-3 weeks. Dave Bergman referred us to tank urgoly.
-Need 30 days to get tanks tested. Hoping it pass the test and if tanks fail, then we would have to have the tanks be removed and asking for another 90 days.
-Asking for more time to do the necessary things

Ms. Moermond:

-seems reasonable
-what kind of timelines did the tank inspectors gave
-the companies that he called

Mr. Longville:

-they gave until June 5 for reinspection
-companies says 2-3 weeks to do the test. We have not contracted. We had 2 companies done
-he wants to assure they have enough time to respond to.

Ms. Shaff:

-so, the sale is pending

Mr. Longville:

-yes, but we had an interested buyer but the letter from Dave Bergman occurred right in between this whole issue.
-They now want to keep the tanks and want us to do the inspection.
-there was supposed to be a purchase agreement with earnest money on Friday and they said they would share the cost of the inspection. This is the 3rd buyer.

Ms. Moermond:

-REC grant until September 1 to come into compliance with the underground tanks by certifying the tanks or it's removal

Referred to the City Council due back on 6/17/2015

- 13 [RLH FCO 15-81](#) Appeal of Gary Blair to a Fire Inspection Correction Notice at 1820 STILLWATER AVENUE.

Sponsors: Finney

Rescheduled per owner's request.

Laid Over to the Legislative Hearings due back on 6/2/2015

- 14 [RLH FCO 15-82](#) Appeal of Colin Brownlow for Anderson Student Center, University of St. Thomas to a Re-Inspection Fire Certificate of Occupancy with Deficiencies at 2115 SUMMIT AVENUE.

Sponsors: Stark

Colin Brownlow for Anderson Student Center, University of St. Thomas, appeared, along with Josh Gallus, Construction Project Mgr for the University.

Fire Inspector Leanna Shaff:

- Reinspection of a Fire C of O inspection by Inspector Kris Skow-Fiske on Jan 27, 2015

- a custodial room and an electrician room have holes in the walls for mechanical/electrical things; they are pretty good sized holes that need to be patched with plaster or whatever; it was fixed with insulation put in those holes; code requires that insulation can't be exposed

Mr. Brownlow:

- they are looking for vacation of the owner

- the 2 rooms in question are located in a back hallway: 1) an electrical communications room; and 2) a custodial closet

- the walls that are penetrated are not fire-rated walls; they are dividing walls only; they submitted plans showing that

- the holes in the walls are original construction, which was done in 2010; it is common practice that these penetrations are frequently done so that conduit and ducting is done through dividing walls; these are not huge holes; the building was completed and inspected by the city in 2010; plans were approved by the city; this is not something done subsequent to construction

- also pointed out that their understanding of the part of the code that was cited, SPLC 34.10 (7), SPLC 34.34 (6) - there is no repair to be made; it's not a maintenance issue; this is original construction; it was approved original construction; it is construction consistent with what they believe to be common practice and accepted practice; the construction was not done by some "fly by night;" it was done by Opus Construction - the project mgr; it was done by an established electrical contractor

- it's not a fire issue; in terms of the insulation: in an attempt to deal with this, our carpenters put rock wool insulation into the wall (their contention is that they didn't need to do anything) but in a good faith attempt to satisfy the inspector for re-inspection, they put rock wool insulation in there - a fire-rated material; this is not an open, accessible area; it's not an area that's accessible to the public - only people with mechanical keys can get into that room; only authorized personnel

- they don't think that it was creating a nuisance issue; they don't think it was a fire issue; it is not an appearance issue; it's not a cosmetic issue; it's not a structural issue

Mr. Gallus:

- there's no studs that are cut; it's the top of the wall condition
- in many other areas within a non-rated assembly, walls don't even go full height;
that's common practice

Mr. Brownlow:

- those dividing walls here are not sealed to the grid; so there are gaps at the top of
the wall that are not sealed to the grid

Ms. Moermond:

- the 2010 permit was signed-off/finaled
- trusts that this is not a modification of previous construction
- will recommend that this appeal be granted

Grant the appeal.

Referred to the City Council due back on 6/17/2015

15 [RLH FCO 15-93](#) Appeal of Nikolai Alenov to a Fire Inspection Correction Notice at 1756
UNIVERSITY AVENUE WEST.

Sponsors: Stark

Nikolai Alenov, owner, appeared.

Fire Inspector Leanna Shaff:

*-Fire C of O Inspection Correction -inspected May 6, 2015 by Wayne Spiering
-#2 - provide the 6-month service of the hood and duct fire suppression system and
the documentation thereof; it was last tested in 1990; they must be hydrostatically
tested every 12 years; contact a qualified contractor; if the system cannot be serviced
any longer then it must be replaced with a UL-300 compliant system; the work must
be done by a licensed contractor under permit*

Mr. Alenov:

*-need an extension to install a new kitchen hood system
-read his explanation for appeal (attached); he has no deep fat fryer and doesn't fry
anything greasy on the grill; about 10 yrs ago, inspector advised him to get a class K
fire extinguisher; new regulations phase out dry chemical systems; insurance
companies will not insure the fire extinguisher companies to service the dry chemical
systems
-has a forgivable \$20,000 loan if he remains in business for 5 years; they plan to
close down in 2 years; cannot afford to invest \$2000 - \$3000; they just want to retire
-asking for a 2-year extension to continue his business as he has until his loan is
forgiven so they can retire*

Ms. Shaff:

*-on May 6, Mr. Spiering noted: had met with Angie Wiese, who says that it needs to
be replaced*

Mr. Alenov:

*-the dry chemical system he has in there will put out a fire but not a deep fat frying
system; he had no deep fat fryer; the K fire extinguisher will put out any small fire
-he's open only 1 day a week and does no frying at that time; there's no fire danger to
the public
-during the other days, he sautes mushrooms, carrots, onions, a little ground beef
once a month; then he freezes them so they are ready on Fridays, when he uses only
boiling water to prepare the food; he sees no danger of fire*

-in 37 years, he has never even had a flare-up
-there will not be a restaurant at that location again

Ms. Shaff:

-wouldn't want to overstep Ms. Wiese
-suggested that Mr. Alenov consult with Ms. Wiese for more specifics, if he has questions

Ms. Moermond:

-if you are not doing any frying or sauteing there, you'll be OK, which means that you will have to rent a commercial cooking space to do whatever frying and sauteing you do need to do; will look for a commitment from Mr. Alenov to use a different cooking area for anything involving grease

-knows that he could rent a small commercial cooking space in small increments

Mr. Alenov:

-that just doesn't seem practical for him to do because he's been doing this for 37 years and has never had a problem; to rent another place will mean another major cost; and hauling things to another place would be very overwhelming
-in his opinion, there's no issue here about not being able to put out a fire; his K extinguisher and the hood system, itself, is operational

Ms. Moermond:

-suggested he look into the cost of renting a commercial kitchen space
-will talk again in a few weeks
-is hesitant to just let the whole thing go because there still is a risk to Mr. Alenov's safety and the building's safety; not just the customers
-according to Fire, there's no way to test your systems any more to find out if they are operational; no one is willing to do that testing any more
-wants to get Angie Wiese here to talk, specifically, about the kinds of things that she's concerned with

Layover to June 23 so that owner can have an opportunity to explore options to come into compliance with the kitchen hood suppression system.

Laid Over to the Legislative Hearings due back on 6/23/2015

- 16 [RLH FCO 15-97](#) Appeal of Nicholas John to a Correction Notice - Complaint Inspection at 1636 WOODBRIDGE STREET.

Sponsors: Brendmoen

Grant a 4-inch variance on the ceiling height issue. No hearing necessary.

Referred to the City Council due back on 6/17/2015

2:30 p.m. Hearings

Vacant Building Registrations

- 17 [RLH VBR 15-38](#) Appeal of Tony Nguyen to a Vacant Building Registration Renewal Notice at 27 MAGNOLIA AVENUE EAST.

Sponsors: Brendmoen

*Appellant: Tony Nguyen
STAFF: Matt Dornfeld, DSI-VB, Marcia Moermond-LHO*

Mr. Dornfeld:

*-made a category 2 vacant building by Mike Kalis on May 28, 2014, documented house was vacant/secured, gas was off, electrical off, chipped paint, eaves and soffits is in disrepair, foundation in a dilapidated state
-Mr. Nguyen went thru sale process and was approved on 1-21-15
- current permits on file
-Mr. Kalis's last inspection, workers were on site, rehab ongoing, discussed 2015-2016 vb fee due on May 29*

Ms. Moermond:

-why appealing and why is he asking for 6 months

Mr. Nguyen:

*-the house they just purchased in Jan and he is getting it rehab and up to code.
-His wife is out of a job and with just one income he is not able to hire more workers so it takes longer than expected. Asking for 6 months.*

Ms. Mermond:

*-it's going to be half of the year before he is done with the project.
-the fee is for May of 2015 thru May of 2016 and she would like to cut the fee in half is her goal
-he don't have to pay the bill right now. It can go to property taxes and it will come back to this process. He can come talk to her at that point and he can tell her how far he is and if done in 6 months, will reduce the fee.
-he can still pull permits.
-REC deny the appeal. (LHO recommends that the VB fee go through as a proposed tax assessment and owner may appeal it at that time)*

Referred to the City Council due back on 6/17/2015

- 18** **RLH SAO 15-22** Appeal of George Holdgrafer to a Summary Abatement Order at 841 MARION STREET.

Sponsors: Thao

Rescheduled per owner's request. This matter will be heard at 2:30 p.m.

Laid Over to the Legislative Hearings due back on 6/2/2015

- 19** [RLH VBR 15-39](#) Appeal of Vince Suerth to a Vacant Building Registration Notice at 1086 MINNEHAHA AVENUE EAST.

Sponsors: Finney

Legislative hearing officer withdrew appeal without a hearing and grant a 90-day waiver on the vacant building fee due to fire exempt. (NOTE: appeal fee was returned to appellant)

Withdrawn

- 20** [RLH VBR 15-40](#) Appeal of Scott McKay for Reino Properties to a Vacant Building Registration Notice at 972 WILSON AVENUE.

Sponsors: Finney

Scott McKay appeared

Staff: Matt Dornfeld, DSI-VB, Leanna Shaff, DSI-Fire, Marcia Moermond, LHO

Ms. ShaffL

- Fire c of o process started by sending out a letter in Dec of last year to listed responsibility party which is Renters Warehouse
- found out they weren't representing this property anymore.
- We sent out many letters, appointment letters, correction Orders.
- Made entry on 3/9 and here we are in May.
- 10 items from March are still not completed.
- House found in May was unoccupied, trashes all over, no show for appt. and the inspector writes that the property owner forgot to register or update his new address.
- No contacts with the owner
- We now have updated address

Mr. Dornfeld:

- Inspector Nelmark opened a VB Category 2 on May 19, 2015
- exterior code violations: roof shingles, cracks in foundation, front and rear exterior stair landings listing, railing on exteriors loose/unstable, peeling paint on doors, windows, frames, sill and garage
- issued sao on securing and tgw.
- recheck on SA for today

Mr. McKay:

- I got a call from my renters that there was a revocation.
- They didn't know what it was.
- My renters took pictures.
- I had not received any of the letters.
- he was going to send me this order to my new address, never rec'd it so I went down to get it.
- I was suprised it became a vacant building
- tenant has been staying at her sister's house.
- I have been there fixing things constantly.
- talked to Mr. Brown and noted there weren't life threatening issues.
- The CO2 doesn't work downstairs.
- I put batteries the first week of every year and they took the batteries out to put in the kids toy.
- I didn't know anything about this. I fired Renters Warehouse because I wasn't getting notices
- My tenant took off the placard and threw away.
- I gave them the lawn mower.
- The vb fee is huge.
- didn't know anything about it and it has always been occupied.
- I am not having renters in and I am selling it
- My daughter is going to live there until it sells.

Ms. Moermond:

- going to put a new deadline on the C of O orders and hold off on VB stuff.
- we need to get an inspector in there to see if there are things.
- grant 6 weeks to come into compliance to July 1 with the C of O, scheduling the inspection for the May list. You need a fresh new list.
- Waive the VB fee until July 15, 2015. VB status changed from Category 2 to 1.

Referred to the City Council due back on 6/17/2015