



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Meeting Agenda Legislative Hearings

Marcia Moermond, Legislative Hearing Officer
Mai Vang, Hearing Coordinator
Jean Birkholz, Hearing Secretary
legislativehearings@ci.stpaul.mn.us
651-266-8560

Tuesday, November 2, 2010

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Special Tax Assessments

[ALH 10-239](#) Appeal of Special Tax Assessment for 481 St. Anthony Avenue for Project #: J1103A, Assessment #: 118969 in Ward 1.

Attachments: [481 St Anthony Ave SA 8.17.10.DOC](#)

Legislative History

10/19/10 Legislative Hearings Referred to the Legislative Hearings
Ms. Moermond recommended laying this matter over to the November 2, 2010 Legislative Hearing to check on up-coming Orders and the next tax assessment.

Ms. Brenda Hall appeared.

Mr. Yannarelly stated that Orders were issued on August 17, 2010 to remove junk, toys, furniture and loose litter that were strewn throughout the yard with a compliance date of August 22, 2010. his property was rechecked on August 24, 2010 and found to be in noncompliance. A Work Order was sent to Parks; they performed the abatement on August 26, 2010 at a cost of \$372 plus \$140 service charge for a total of \$512. The Abatement Order was sent to Brenda Hall at 13609 Pleasant Lane, Burnsville, MN and they have not received any returned mail.

Ms. Hall stated that she is appealing this assessment because they did not put those articles in the yard and they don't know who did. When they clean-up a property, they get a dumpster. Her husband checks on the house on weekends. The house had been condemned. The tenant left in July with her seven (7) children without notice. Ms. Hall added that they changed the locks, which look as though they had been jimmed but she didn't think anyone got in. They changed the locks again.

Ms. Moermond asked to view the video which showed junk, toys, furniture, carpeting, etc, strewn on the ground around the yard which was removed by Parks. Ms. Moermond noted that it looks as though it's tenant dumping. There was a time period of nine (9) days between when the Orders were issued and when Parks cleaned up. The time did include a weekend. Ms. Hall responded

that her husband was out of town weekend. Ms. Moermond noted that the clean-up is the Hall's responsibility no matter who put it there. Ms. Hall replied that she understood.

Ms. Moermond asked about the history on this address and if there was a close file. Mr. Yannarely responded that it looks as though another assessment is coming for clean-ups between August 31 and September 16, 2010 in the amount of \$185. He added that this has been a vacant building since August 18, 2010. Ms. Hall said that they have taken out contracts for repair work on the house.

Ms. Hall said that they had also requested a Certificate of Occupancy Inspection. Ms. Moermond asked why the house was condemned. Ms. Hall responded that the tenant had her electricity shut-off in the summer, only Ms. Hall was not aware of it right away. The tenant later told Ms. Hall that she was unable to pay the bill. Ms. Hall noted that when the tenant moved in, they paid her utility bills for six (6) months to help her get on her feet. Obviously, she never did get on her feet.

11/2/10

Legislative Hearings

Referred Under Master Resolution

Ms. Moermond will recommend approval of the assessment for the clean-up.

STAFF PRESENT: Legislative Hearing Officer Marcia Moermond; Inspector Paula Seeley and Inspector Joel Essling, Department of Safety and Inspections (DSI); Legislative Hearing Coordinator, Mai Vang; Administrative Assistant Jean Birkholz

Ms. Brenda S. Hall appeared.

Inspector Essling reported that 481 St. Anthony has been a Registered Vacant Building since August 18, 2010; that is also the date the Summary Abatement was issued. The case is being heard again because Ms. Moermond wanted to see a copy of the Summary Abatement. At the last hearing, this address failed to come up by computer but the video was viewed. The Order says to remove, junk, toys, discarded furniture and loose litter strewn throughout the yard.

Ms. Hall stated that her husband has been trying to comply; he has been at the property every weekend cleaning-up. Mr. Embertson signed off on the house last week. They have spent between \$2,000-\$3,000 trying to get things done. Inspector Essling reported that the Vacant Building inspector had been out there twice since the Work Order was issued and found the property to be in compliance both times. Ms. Hall stated that she received a letter in July and then again on September 15, 2010. Inspector Essling stated that DSI had no returned mail. Ms. Hall said that she got a notice that an inspector would be coming back on November 16, 2010. Inspector Essling noted that Real Estate shows another assessment for property clean-up for \$185 for the period from August 31- October 9, 2010 (J1104A). Looking in the inspections for Summary Abatement, Inspector Essling found no other Summary Abatement issued and no other Work Order issued. Ms. Moermond stated that her notes indicate that when Ms. Hall appeared last time, Ms. Hall was appealing because items were put into the yard and she didn't know who did it. Orders were issued on August 17, 2010 and it was re-checked on August 24, 2010. A Work Order went out and the work was done on August 26, 2010. Inspector Essling reported that there were two (2) Work Orders issued on August 24, 2010. One was for garbage; the other for tall grass and weeds. Ms. Hall stated that they have been cutting the grass.

Ms. Moermond stated that she thinks the information provided was very clear.

Inspector Essling clarified that the assessment for removing tall grass and weeds was not on this notice. The next Work Order for tall grass and weeds will be cancelled.

Ms. Moermond will recommend approval of the assessment for the clean-up.

ALH 10-240 Appeal of Special Tax Assessment for 255 Point Douglas Road North for Project #: J1103A, Assessment #: 118969 in Ward 7

Attachments: [255 Point Douglas Road N.WO.8-18-10](#)

Legislative History

10/19/10 Legislative Hearings Referred Under Master Resolution
Ms. Moermond recommended approving the assessment.

No one appeared.

ALH 10-343 Appeal of Special Tax Assessment for 535 Lexington Ave N for Project #: J1101V, Assessment #: 118982 in Ward 4

Sponsors: Stark

Attachments: [535 lex veh abate.pdf](#)
[535 Lexing photo.DOC](#)
[535 Lexington. police wo.DOC](#)

Legislative History

11/2/10 Legislative Hearings Referred Under Master Resolution
Ms. Moermond stated that it would have been much better to store the vehicle in the garage. She is going to double check with the claim on this one; however, she is inclined to recommend approval of the assessment and say that this is a concern related to that litigation - that Mr. Smith should amend the claim or have the owner amend the claim to include the cost of the assessment. She thinks that it's better to handle the cost in a separate venue.

STAFF PRESENT: Legislative Hearing Officer Marcia Moermond; Inspector Paula Seeley and Inspector Joel Essling, Department of Safety and Inspections (DSI); Legislative Hearing Coordinator, Mai Vang; Administrative Assistant Jean Birkholz

Lowery B. Smith appeared.

Inspector Essling reported that this is an Abatement for an abandoned vehicle. Orders were issued July 9, 2010 with a compliance date of July 16, 2010; it was re-inspected July 16, 2010 and found to be in non-compliance. A Work Order was sent to the Saint Paul Police Department (SPPD) and the vehicle was towed on July 22, 2010 at a cost of \$402.98 plus a \$140 fee with a total of \$542.98. He entered a photo. The vehicle appears to have been in an auto accident. It lacks current tabs, is open to illegal entry, is missing vital parts and appears inoperable.

Ms. Moermond asked Mr. Smith why he is appealing the assessment. Mr. Smith explained that the story is complicated. This property is his home but the car is not his and it had not been abandoned. It had been in an accident near the

Saint Paul - Roseville border in a construction zone where the police ran a red light without a siren or lights flashing. Mr. Smith had a tarp over it and he talked with his neighbors about it. It is actually evidence in a lawsuit against the police department. Mr. Smith is not the owner. The owner of the car is his tenant who lives in Chisholm, MN. After the lawsuit was filed, DSI had not contacted the owner and Mr. Smith didn't have the legal right to seize the property. As far as he knew, his neighbors weren't complaining. Ms. Moermond informed Mr. Smith that under state law, he does have the power to move the car. He needs to call the police department and ask for a manager's tag and they will come out.

Ms. Moermond stated that the code says that a vehicle that appears to be inoperable and is outdoors on private property is a violation. Mr. Smith responded that it has been tarped and one can barely see it from the street. Ms. Moermond said that it didn't matter. Mr. Smith added that the tenant asked whether he could leave it on the property until the lawsuit was resolved to a certain point. Ms. Essling added that the complaint said that the vehicle had been there for over a year. Mr. Smith replied that lawsuits take time. He wasn't sure how long it had been there but the woman who had been driving during the accident was in the hospital for a long period of time. When the car was released from the evidence lot, she was still in the hospital and had asked Mr. Smith if he could store the car and he agreed because they are friends.

Ms. Moermond asked the appellant if he had received the Orders when they went out. Mr. Smith said that he got them after the fact; he was not there when they arrived because he usually comes down for about a week at the beginning of the month. He does have someone deliver his mail once a week in Nebraska. He thinks that he probably didn't receive the Orders until around July 29, 2010.

Ms. Moermond stated that it would have been much better to store the vehicle in the garage. She is going to double check with the claim on this one; however, she is inclined to recommend approval of the assessment and say that this is a concern related to that litigation; that Mr. Smith should amend the claim or have the owner amend the claim to include the cost of the assessment. She thinks that it's better to handle the cost in a separate venue.

ALH 10-401 Appeal of Special Tax Assessment for 1631McAfee St for Project #: J1103A
Assessment #: 118969 in Ward 6

Sponsors: Bostrom

Attachments: [1631 McAfee St.summary abatement order.8-13-10](#)

Legislative History

11/2/10 Legislative Hearings Referred Under Master Resolution
Ms. Moermond recommended reducing the assessment by half, from \$514 to \$257 payable over two (2) years.

STAFF PRESENT: Legislative Hearing Officer Marcia Moermond; Inspector Paula Seeley and Inspector Joel Essling, Department of Safety and Inspections (DSI); Legislative Hearing Coordinator, Mai Vang; Administrative Assistant Jean Birkholz

Daniel Ruza appeared.

Inspector Essling reported that the Summary Abatement Order was mailed August 13, 2010 with a compliance date of August 17, 2010. It was re-checked

August 17, 2010 and found to be non-compliant. A Work Order was sent to Parks on August 19, 2010 with a cost of \$374 plus a service charge of \$140 for a total of \$514. The Summary Abatement was mailed to Daniel and Suzanne Ruza, 20th Street Court, Stillwater. The nuisance was listed as trash container overflowing, rubbish in the drive-way.

Mr. Ruza stated that he is appealing because he is unemployed and doesn't have \$514. He went on to say that he picked the Notice out of his mail box on the day after the trash was supposed to be removed. He had been out of town from Friday - Tuesday and came back on Wednesday (August 18). He went to the house the next morning; the tenants were being evicted. The tenant told him not to worry - that he had a trash service and they were coming to pick it up. Mr. Ruza told him that if it wasn't picked up, he would charge him \$40 plus \$25 per hour for his time. Mr. Ruza went back on August 19, 2010 to pick up the stuff. He picked up the stuff in the yard and hauled it down on the street, and then was going to get his son to help load it onto the truck so they could bring it back to his place to separate things. Some things were personal belongings. While he went to get his son he saw a City truck sitting there on the corner, so he knows that they saw him picking things up. After he left the premises, the City truck came and a bunch of guys got up and picked up all of the stuff sitting at the end of the driveway. (He knows this because his cousin lives on that street and told him what had happened.) The City guys were there for three (3) minutes and they left. Mr. Ruza's is objecting because he got the notice late and because the City workers watched him clean up and then proceeded to fill their truck while he was picking up his son, so they were there for only three (3) minutes of work. He figures that work should have cost him only \$12, not \$514.

Ms. Moermond viewed the video. Mr. Ruza commented that the video showed all the stuff at the end of the driveway. If Inspector Essling had been there earlier, he would have seen all the stuff strewn all over the yard. He did all of the work picking up; the City guys worked for three (3) minutes for \$514! Ms. Moermond responded that the City has a minimum charge of one (1) hour. The deadline for the work was August 17, 2010. Mr. Ruza stated that he has owned this property for 25 years and has taken care of it all by himself; he doesn't need the City to tell him that the stuff needs to be taken away.

Ms. Moermond recommended reducing the assessment by half, from \$514 to \$257 payable over two (2) years.

ALH 10-238 Appeal of Special Tax Assessment for 103 Magnolia Avenue West for Project #: J1103A, Assessment #: 118969 in Ward 5.

Sponsors: Helgen

Attachments: [103 Magnolia Ave W.WO.8/19/10](#)

Legislative History

11/2/10 Legislative Hearings Referred Under Master Resolution
Ms. Moermond recommended approving the assessment.

STAFF PRESENT: Legislative Hearing Officer Marcia Moermond; Karl S. Mueller, Arborist, Division of Parks and Recreation; Legislative Hearing Coordinator, Mai Vang; Administrative Assistant Jean Birkholz

No one appeared.

Karl Mueller reported that on July 4, 2010, an Order was sent to John Ronning

regarding a dangerous tree at 103 Magnolia Avenue West. At the time, it was a Vacant Building. The tree was taken down on July 23, 2010 but the contractor had trouble removing the tree because there was a car underneath the tree. On September 3, 2010, the car was moved and Mr. Mueller contacted the contractor to remove the tree. Tree removal cost: \$558; service charge: \$140; Total: \$698.

Ms. Moermond recommended approving the assessment.

- ALH 10-323** Appeal of Brian D. Alton to a Fire Certificate of Occupancy Condemnation at 929 Summit Avenue.
- Sponsors:** Carter III
- Attachments:** [929 Summit Ave.Appeal.10-29-10.pdf](#)
[929 Summit Ave.Alton Email.11-8-10.pdf](#)
[929 Summit Ave.Letter to Bob Kessler.11-8-10](#)
[929 Summit Ave.Letter to Halverson & Blaiser 10-26-10.pdf](#)
[929 Summit Ave.PC ltr.10-19-10.pdf](#)
[929 Summit Ave.St Paul Fire Inspection Condemned sign.10-25-10](#)

- ALH 10-342** Appeal of Special Tax Assessment for 1152 Burr St for Project #: J1101V, Assessment #: 118982 in Ward 5
- Sponsors:** Helgen
- Attachments:** [Vehicle Abatement 5.26.10.DOC](#)
[Vehicle photo.DOC](#)

Legislative History

11/2/10 Legislative Hearings Referred Under Master Resolution
Ms. Moermond recommends approving the assessment.

No one appeared.

11:30 a.m. Hearings

Summary Abatement Orders

- ALH 10-312** Appeal of Fernando Muro Aguirre to a Summary Abatement Order at 1598 McAfee Street.
- Sponsors:** Bostrom
- Attachments:** [1598 McAfee St.Appeal.10-26-10.pdf](#)
[1598 McAfee St.Summary Abatement Order.10-21-10](#)

Legislative History

11/2/10 Legislative Hearings Withdrawn
Withdrawn by DSI

- ALH 10-319** Appeal of Thomas Rogee to a Summary Abatement Order at 842 CLEAR AVENUE.
- Sponsors:** Bostrom

Attachments: [842 Clear Ave.Appeal.10-25-10](#)
[842 Clear Ave.Summary Abatement Order.10-21-10.DOC](#)
[842 Clear Ave.Correction Notice.9-14-10.DOC](#)
[842 Clear Ave.Summary Abatement Order.9-14-10.DOC](#)
[842 Clear Ave.Photos.10-21-10.pdf](#)

Legislative History

11/2/10 Legislative Hearings Referred to the City Council
Ms. Moermond will recommend denying the appeal except for the roofing materials which need to be removed by November 21, 2010.

STAFF PRESENT: Paul Seeley, Inspector, and Joel Essling, Inspector, Department of Safety and Inspections (DSI).

Thomas Rogge appeared.

Inspector Seeley reported that on October 21, 2010, Orders were issued to clean-up the yard. The yard was filled with improper storage. A Summary Abatement was issued with a compliance date of October 29, 2010. Photos were introduced and Ms. Moermond reviewed them with Mr. Rogge. There was a trailer full of stuff that was going to the dump; the tarp was partially blown off because of heavy wind. Mr. Rogge hauls for someone else part time. He is a union carpenter but hasn't worked for two (2) years. The stuff was gone the next day. His dog kennel has a metal roof on it and he uses it for storage, not refuse. Previously, when the yard was inspected, it passed each time. The ladders are on the ground because he's doing a roofing project; they usually are locked up inside. The pool is still in the yard because he was siphoning it out; it takes a couple of days to do it. He stores it in the dog kennel over the winter. Roofing materials were stacked along the house covered by tarp. Junk, etc. was removed the following day. Pictured also was a grill that he recently received from his parents. It was too heavy for him to move himself. It was moved the following day. Inspector Seeley explained that the only thing that can be stored in the dog kennel are the bicycles. The rest needs to be stored in the garage or a secured storage shed. The appellant responded that the kennel has a metal roof on it and it's sided and he locks it up. Inspector Essling has passed it every year; now, all of a sudden, it's not OK.

Mr. Rogge, stated that another inspector had just been at this place. He has had no complaints from the previous inspectors; they have worked with him. He has a complaining neighbor who is working with and a friend of the president of the City Council. This neighbor is the only one who complains. Ms. Moermond noted that complaints are how this process works. Mr. Rogge responded that the complaints are continuous. He gets a complaint when he's changing a tire on his car in the yard; he gets a complaint when he has a contained bonfire with a hose nearby; etc. All from the same person. He admitted that the photos were not flattering; however, he was doing fall clean-up work. He said that if he can no longer use his dog kennel for storage of lawn furniture, etc., he will need time to find another place to store them. He wants to work this out.

Ms. Moermond asked Mr. Rogge to explain his appeal. Mr. Rogge stated that because his dog kennel has passed for storing his items for the past three (3) years, he thinks it should be allowed to pass now. He wants a clear answer about hauling junk with his trailer to earn some money, especially since the junk is gone within 72 hours. He has a deadline to finish the roof projects:

November 15, 2010, which he worked out with Inspector Frill (in writing). Inspector Seeley stated that Mr. Rogge has until November 15, 2010 to finish the roof but there are still Orders out. Some of the other Orders are errors - the work has already been done. Mr. Rogge went on to say that the people who are complaining about him have paint peeling on their buildings and their retaining wall is falling down. Since he has caught that neighbor walking around in his yard, he is getting more complaints but inspectors came out and said that there was nothing wrong with Mr. Rogge having the things that the neighbor complained about until Inspector Seeley, who also wrote out a ticket. Maybe the complainant has the problem. Ms. Moermond responded that anyone can call in anything but when the inspector shows up, he must determine whether the complaint is founded or not.

Ms. Seeley stated that Inspector Essling has issued several Orders on Mr. Rogge regarding scrapping. Scrapping is not allowed in a residential area. Mr. Rogge responded that he is not scrapping; he's hauling refuse for a guy who pays him by the trailer load, so he can make a little money. If he needs to stop doing it, he will.

Ms. Moermond stated that many of these things have already been addressed. However, there is a lot of exterior storage here that's not allowable as exterior storage. Bikes are OK but all of the building materials need to be stored inside. Mr. Rogge said that the roof will be done by November 15, 2010 and he'll move all of the shingles and the wood. Ms. Moermond recommended giving Mr. Rogge time to finish the roofing project or until November 21, 2010, which ever comes first. The ladders, scrap material, the fans, the tarpped area - none of that's OK. There can not be all that material in the trailer, essentially, that's a business run out of the home, a home occupation for which Mr. Rogge does not have a permit. Therefore, Ms. Moermond must call it improper exterior storage. Mr. Rogge stated this is the first time that has been brought to his attention.

Ms. Moermond will recommend denying the appeal except for the roofing materials which need to be removed by November 21, 2010.

Orders to Vacate, Condemnations and Revocations

[ALH 10-205](#) Appeal of Daniel Burton to an Order to Vacate at 251 King Street West. (Ward 2)

Sponsors: Thune

Attachments: [251 King St W.Appeal.10-12-10.pdf](#)
[251 King St W.Order to Vacate.10-11-10.DOC](#)

Legislative History

10/19/10	Legislative Hearings	Referred to the City Council
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Ms. Moermond recommended denying the appeal and granting an extension to November 19, 2010 to come into compliance. She reminded Mr. Burton that the building cannot be occupied until the Certificate of Occupancy has been re-instated.

STAFF PRESENT: Joel Essling, Department of Safety and Inspection (DSI) – Code Enforcement; Paula Seeley, DSI – Code Enforcement; Leanna Shaff and Sean Westenhofer, DSI – Fire; Mai Vang, City Council Offices; and Joe Yannarely, DSI – Vacant Buildings

Daniel Burton appeared.

Fire Inspector Westenhofer sent Order to Vacate on September 28, 2010; and the water was shut-off. The Order was sent to a Woodbury address; however, Mr. Burton lives on Cherokee in West Saint Paul. Inspector Westenhofer scheduled an inspection for October 11, 2010. He called Water the morning of October 11th and found the service to be disconnected, still. At inspection, he found that the property appeared to be vacant; he took photographs and wrote up more Orders. He transferred the referral to Certificate of Occupancy and sent the owner letters to both addresses. Today, Inspector Westenhofer received back the letter that had been addressed to Woodbury. Mr. Burton emailed Inspector Westenhofer October 13, 14 & 18 confirming that he received the letter. He also informed Inspector Westenhofer about what he is doing with the property. Water service has been restored (verified yesterday and today). Inspector Westenhofer has not yet been back to the property to confirm. Currently, the Condemnation Placard is still affixed to the property. Ms. Moermond reviewed the photos and asked when they were taken. Inspector Westenhofer responded that they were taken October 11, 2010.

Ms. Moermond asked Mr. Burton why he is appealing the Condemnation and Order to Vacate. Mr. Burton replied that he is trying to expedite the process more than appealing. He stated that he had intended to demolish the garage in spring of 2011. He had a tenant in the property until September 30, 2010. They hadn't paid the \$300 water bill but he hadn't been notified that it wasn't paid. Now, it is paid. He is working on the Deficiency List on the Order; trying to get the property un-condemned.

Mr. Burton informed the Legislative Hearing Officer that he hadn't lived at the Woodbury address since May, 2008. Ms. Moermond commented that Ramsey County lists his Woodbury address, and legally, the City is responsible for contacting the owner listed on the tax records. Mr. Burton responded that he had changed his address with the water service, not the county. Ms. Moermond said that he needs to talk with Ramsey County Records and Revenue on Plato Blvd. It's interesting that the Fire Inspection staff have Mr. Burton's current address.

Ms. Moermond stated that Mr. Burton should try to get his Certificate of Occupancy re-instated before November 10, 2010; then, the property will not need to be vacated and referred into the Vacant Building Program. Mr. Burton must address the list of deficiencies that Inspector Westenhofer has identified before the deadline and, perhaps most importantly, having him sign-off on the finished project. Mr. Burton asked if he could have more time because he has windows ordered and they may not be installed by November 10, 2010. Inspector Westenhofer pointed out that Mr. Burton has pulled a building permit and a demolition permit. Mr. Burton explained that he got the demo permit for the garage and a building permit for the windows. Inspector Westenhofer said that he will need to go through the building, because he hadn't yet done that, in order to compile a more accurate deficiency list for him to work on. They will schedule a time, soon.

Ms. Moermond asked the name of the contractor on the house. Mr. Burton replied that he doesn't have one yet. Inspector Shaff stated that unless a rental unit is owner-occupied, a licensed contractor is necessary. He would need to be a licensed residential remodeling contractor. Ms. Moermond noted that the building permit would have been issued in error. She asked Fire to look into that. She stated that it looks as though it was assigned to Dave Kenyon.

Ms. Moermond recommended denying the appeal and granting an extension to November 19, 2010 to come into compliance. She reminded Mr. Burton that the building cannot be occupied until the Certificate of Occupancy has been re-instated.

ALH 10-247 Appeal of Jean O'Brien to an Order to Vacate and Condemnation for Unsafe Conditions at 842 RICE SREET.

Sponsors: Helgen

Attachments: [842 Rice St.Appeal.10-18-10.pdf](#)
[842 Rice Street.Order to Vacate.10-8-10.dot](#)

Legislative History

10/26/10 Legislative Hearings Referred to the City Council
Ms. Moermond recommends denying the appeal

STAFF PRESENT: Adrian Neis, Fire Inspector, and Steve Magner, Code Enforcement - Vacant Buildings - Department of Safety and Inspections (DSI)

Ms. O'Brien appeared.

Inspector Neis reported the on October 8, 2010, he conducted an inspection at the property and found that the building was in the process of being vacated. He found what he thought to be a hole in the floor. At re-inspection he found that the roof leaked. Ms. O'Brien stated that she was not going to be doing repairs; the building was for sale.

Ms. O'Brien that she has already spoken with a contractor and the repairs can easily be made. What the inspector thinks is a hole in the floor is really just a soft spot that can be cut out and a new section put in. She thought that the leak had been taken care of but it was still leaking today. The building is 120 years old and there was an addition built out from the old building which she believes is where the leak is coming from. Ms. O'Brien can not afford to heat the building anymore and so, the water needed to be shut-off. The building costs her \$40,000 a year. Some of the things on the list have been there forever. She has been in the building since 1996 and these things have never been an issue before. Inspector Neis stated that the second and third floors have falling plaster; he has photographs. Ms. O'Brien responded that she hasn't seen any falling plaster and it was never called before. Inspector Neis said that since Ms. O'Brien has cleaned out the building, deficiencies are much more identifiable; some of them are fire issues. Ms. O'Brien commented that there is not going to be anyone in there; it's been empty and she has been trying to sell it for four (4) years. However, with a condemnation sign on it, who's going to buy it and the sign will only encourage break-ins. She just can't see the building being condemned; it has stood for 120 years and there has never been a fire in there.

Ms. Moermond stated that she thinks Ms. O'Brien's main concern is the label "condemned." In the terms of the code, she stated that there's not a question in her mind that this building should be condemned. Orders have been issued and there are photographs; it could also be categorized as a dangerous structure. This isn't a safe environment for a firefighter to walk through. Ms. O'Brien responded that was not the impression she got from the District Fire Chief, who accompanied Inspector Nies along with other firefighters. They did not make a determination on the structure of the building but looked at it from the event of a

fire occurring; obviously, they would need to be very careful of the floor.

Ms. O'Brien stated that nothing about the building has changed outside of the small area where the floor is bad and there were outlets on the third floor that were not up to code, so she blocked them. Ms. Moermond responded that they need to be brought up to code. Ms. Moermond believes that the conditions merit the condemnation. She sees conditions here that do constitute dangerous circumstances. She added that Ms. O'Brien is more than welcome to bring her appeal to the City Council. In the meantime, she instructed Ms. O'Brien that she can be in the building only during the hours of 8:00 a.m. - 8:00 p.m. Ms. Moermond asked how long it has been since she has operated a store from that building. Ms. O'Brien replied, "Four (4) years."

Ms. Moermond asked Mr. Wagner at what point does this building become a registered Vacant Building. Mr. Wagner responded that if the City Council upholds the condemnation, then, Inspector Neis would report to DSI and then DSI would open a Category 2 Vacant Building file based on the fact that it has multiple code violations.

Ms. Moermond asked Inspector Neis if he has already placarded the building. Inspector Neis replied that he has not. Ms. Moermond asked that it not be placarded until some of this is resolved.

Ms. Moermond will recommend denial; it will be scheduled at the City Council Public Hearing at 5:30 p.m., Wednesday, November 17, 2010. Ms. O'Brien will receive a letter. She added that if City Council upholds her decision, it will be approximately one (1) week before the building is referred to the Vacant Building Program. At that time, it will need to be a registered Vacant Building and the building will require a Code Inspection from which is developed a Deficiency List - a list of things that need to be done in order to bring the building up to code before the building can be re-occupied.

Mr. Moermond asked if there are any restrictions on the sale of this building. Mr. Wagner informed Ms. O'Brien that since this is commercial property, there are no restrictions on the sale of the building. Ordinance requires a placard on a condemned building.

ALH 10-313 Appeal of Mark Williams to an Order to Vacate and Correction Notice at 621 White Bear Avenue North.

Sponsors: Bostrom

Attachments: [621 White Bear Ave N.Appeal.10-25-10.pdf](#)
[621 White Bear Ave N.Correction Notice.10-21-10](#)
[621 White Bear Ave N.Order to Vacate.10-28-10](#)

Legislative History

11/2/10 Legislative Hearings Withdrawn

ALH 10-277 Appeal of Jeffrey DeLisle to a Notice of Condemnation Unfit for Human Habitation and Order to Vacate at 520 Rice Street.

Sponsors: Carter III

Attachments: [520 Rice St.Appeal.10-26-10.pdf](#)
[520 Rice.Appeal.11-9-10.pdf](#)
[520 Rice St.Vacate Order.10-22-10.pdf](#)
[520 Rice St.Vacate Order.11-2-10.dot](#)
[520 Rice St.Photos #1.11-2-10.pdf](#)
[520 Rice St.Photos #2.10-20-10.pdf](#)
[520 Rice St.Photos #3.10-21-10.pdf](#)
[520 Rice St.Photos #4.10-29-10.pdf](#)
[520 Rice St.Photos #5.10-29-10.pdf](#)
[520 Rice St.Photos #6.11-2-10.pdf](#)
[520 Rice St.Photos #7.11-2-10.pdf](#)
[520 Rice St.Engineering Rept.11-1-10.pdf](#)
[520 Rice St.Frank Berg Email.10-21-10.pdf](#)
[520 Rice St.Frank Berg Email.10-29-10.pdf](#)
[520 Rice St. structural engineer email 11-4-10.pdf](#)
[520 Rice St.Attorney letter11-17-10.pdf](#)

Legislative History

10/28/10 Legislative Hearings Laid Over to the Legislative Hearings

Ms. Moermond wants the following information in her office by close of business on Monday, November 1, 2010: 1) Fire Certificate of Occupancy Inspection; and 2) the structural engineer's report. She will review Monday evening and give her recommendation on Tuesday, November 2, 2010 at the Legislative Hearing.

STAFF PRESENT: Leanna Shaff, DSI – Fire Inspector; and Frank Berg, DSI – Structural Engineer (arrived 10:34 a.m.)

Jeffrey DeLisle, appellant and property owner; Anton Wazwaz, manager, MW1; Robert Foster, Law Firm of Foster & Brever; Warnetta Blair, tenant; Doctor Steven, tenant; Jeff Sullivan, Sullivan Construction; Ralph Tohm, tenant and caretaker, Ron Michaelson, SMERLS, appeared.

520 Rice Street (Vacate Order/Condemnation/Revocation of Fire Certificate of Occupancy)

Ms. Moermond needs: 1) a structural engineer's report; and 2) a C of O inspection (scheduled for Fri, Oct 29 at 10 am) for the whole building due in her office by close of business, Monday, Nov 1, 2010. Her recommendation will be made on Tuesday, Nov 2, 2010.

Ms. Moermond noted that in addition to Mr. DeLisle's appeal, the office has had a number of calls from interested parties. Whatever recommendation she makes today will stand until the City Council considers it at a public hearing.

Ms. Moermond requested a staff report. Inspector Shaff reported that Fire received a complaint for multiple code violations on October 19, 2010. Inspector Thomas responded to the complaint on October 21, 2010. The complaint cited health and sanitation issues of the commercial space on the first floor. During his inspection, Mr. Thomas also entered the basement and found problems that required more than his expertise regarding structural

components. Frank Berg, the City's structural engineer and Fire Inspector Shaff joined Inspector Thomas to take a look at the structural issues with the building in the basement. They found many structural members (girders, joists, beams, flooring, etc.) that had extensive water damage in multiple places. There was a lot of deflection as you walked across the floor in the store. The structural members themselves were decayed to the extent that some parts were actually powdering; and some of the columns were punching up into the supporting members. Inspector Shaff asked Mr. Berg to make an analysis as to the safety and integrity of the building, which he did in an email to the Fire Marshal, the Deputy Director of DSI, the Assistant Fire Marshal, Inspector Shaff, etc. (The email was copied and provided at the hearing.) The following paragraph is a summary of his analysis:

The condition of the wood, however, that comprises this floor framing has deteriorated well beyond that which would allow it to react to fire in that manner.

The normal time period, whatever that is, that fire fighters are accustomed to for framing of wood construction cannot be relied upon until this hazard has been eliminated. Or stated even more strongly, this floor framing in its current condition cannot be relied upon to absorb any additional distress, long term or short term.

Ms. Moermond added that Mr. Berg had shared this and more with her in a phone conversation that morning. She added that Orders were issued on October 21, 2010 with a Vacate date of October 29, 2010 at 12 Noon.

Mr. DeLisle, appellant, stated that he received Work Orders postmarked October 25, 2010; he didn't receive them in the mail until October 26, 2010. He went to DSI to pick them up himself because people were calling him about it. He said that he has the portion of Orders done that are his responsibility. He is appealing so that the twelve (12) families who live in the complex will be able to stay. Also, so that Tony Wazwaz will be able to continue his business. Currently, the three (3) commercial space entrances are placarded. The apartments are not included on the Work Orders. He added that he has had professional workers (heating system, electrical, etc.) go through the building to make sure that there are no hazards and that everything was in sound condition.

At this time, Ms. Moermond referred back to Inspector Shaff's inspection and asked whether the Fire Inspection crew investigated the complaint as well as other things en route; or whether they did a full C of O inspection for the whole building. Inspector Shaff responded that their first response was to the referral. Inspector Thomas noted that the floor had a lot of deflections which caused him to also check out the basement underneath the floor, etc. He did not inspect the dwelling units. Basically, DSI's policy is that it will not condemn a structure out of a referral; it needs to be done out of a Fire Certificate of Occupancy inspection. The Fire inspectors would also like to inspect the balance of the building, including the dwelling units. Based on what was seen, DSI issued the Condemnation. Ms. Moermond reiterated that the building itself is Condemned; not an individual unit or a specific use within the building, but the entire building (commercial and residential). Inspector Shaff stated that it is considered as one (1) Certificate of Occupancy.

Ms. Moermond asked Ms. Vang to distribute copies of the photos.

Mr. DeLisle continued to say that he did what he could in the residential part of the building: electrical, heating and plumbing, contractors. They don't see a

need to condemn the residential part of the building. He has a commercial lease with the first floor tenant and the lease clearly says that he is responsible for any Orders that might be issued for the City of Saint Paul/ Department of Health. He can understand why the first floor should be vacated; he asks for 110 days to fix those issues before the building would be condemned. Mr. DeLisle asked whether Mr. Berg's opinion was put into the deficiency list.

Ms. Moermond asked Inspector Shaff if Mr. Berg's findings were incorporated into the deficiency list. Inspector Shaff noted #21. Ms. Moermond asked if Mr. DeLisle had any structural engineers come out to look at the structural members that compromise the floor framing. Mr. DeLisle responded, "No."

Mr. DeLisle added that he doesn't believe the building is in jeopardy of collapsing; he thinks that it's perfectly sound. He doesn't think the residents should move because one person didn't comply with his lease.

Robert Foster, attorney from the Law Firm of Foster and Brever, representing commercial tenant, Anton Wazwaz, MW1 Inc., stated that he and Mr. Wazwaz had an opportunity to review the building with the list that was prepared by the Fire Inspector. Mr. Wazwaz' business began in April 2009. There are conditions in the building that are in the report that, obviously, pre-date Mr. Wazwaz' tenancy. Approximately 70 percent of the issues associated with the store are acknowledged by Mr. Wazwaz as his responsibility under the lease; he will repair them. Mr. Foster indicated to Mr. DeLisle that he and Mr. Wazwaz would like to meet with him to determine who has responsibility for the issues on the list. The main issue is the flooring which is a structural issue that pre-dates Mr. Wazwaz and MW1's tenancy. Because that's a structural issue, it's the landlord's responsibility. They intend to meet after the hearing to discuss. Before the hearing, Mr. Foster reviewed Saint Paul Ordinance 640.01 Condemnation and Enforcement. He and Mr. Wazwaz agree with Mr. DeLisle in that it will take approximately three (3) months to complete the deficiency list, as authorized in the code. They agree that there is structural deterioration that has developed since the structure was built in 1889 that will need to be remedied, perhaps by adding additional beams and post; and then repairing the flooring that has been affected by the deterioration of the structural members. As he reads the Ordinance, a life safety issue is the only thing that would stop the hearing officer from giving them the extension of time needed in order to make all of the repairs. He does not think that a life safety issue currently exists; he doesn't think the floor will collapse in the very near future. There definitely are things that need to be fixed and that will be done. They request an 120-day extension to complete the work. Mr. Wazwaz business has six (6) employees and has worked for 1 ½ years to be successful; it's a valuable business for the community. Many of the local people buy their groceries from this store.

Tony (Anton) Wazwaz, commercial tenant, stated that if the store closes, it would devastate his whole family. He said that Mr. DeLisle blames him, saying that he's responsible according to the lease. Mr. Wazwaz brought the structural inadequacy of the building to Mr. DeLisle's attention at least three (3) times (May, June, July). Mr. DeLisle responded by saying he'd contact his attorneys. Mr. Wazwaz told Mr. DeLisle that the day would come that the building would be condemned because there was definitely something wrong with the floor. One doesn't need to be an engineer to know that there's something wrong with the floor. Mr. DeLisle has a habit of always blaming the tenants. Since Mr. Wazwaz has been there, Mr. DeLisle hasn't done anything for the building. Mr. Wazwaz added that he is kind of happy that the City is stepping in because Mr.

DeLisle needs to do something for the building except accepting rent. As a landlord, one is supposed to put back into the building so that tenants feel as though they are actually living in a good place. Mr. Wazwaz is paying \$4,000 per month in rent; he expects something back from his landlord instead of him having to do everything. He thinks that if you own a building, you should also own up to the responsibility of owning a building. He signed a lease 16-18 months ago for the unit but this problem has been there long before he showed up.

Mr. Foster reiterated that they will make a determination as to who has responsibility for the structural damage; however, they clearly believe that structural issues are the landlord's responsibility.

Mr. Wazwaz added that if Mr. DeLisle decides that he isn't going to repair the structural damage, Mr. Wazwaz is pursuing purchasing the furniture store across the street as a back-up plan. In order for him to do that, it will take up to three (3) months for him to renovate it.

Ms. Moermond asked who MWI, Inc. was. Mr. Wazwaz replied that MWI is he and his brother.

Mr. Michaelson, Southern Minnesota Legal Services (SMERLS), addressed the hearing. At this time, he is representing a couple of the tenants, perhaps more. Warnetta Blair lives in Unit #10 of the residential area. She lives on a limited income and has a disability; she has lived here since 2005 and has a good relationship with the management. This is not the Taj Mahal of rental units in the city but the city needs places for people of her income level to live. He is here as an attorney representing residents and he is willing to do whatever the City feels in necessary, at this point; and he doesn't want to jeopardize the safety of any of these tenants or any of the public. He was at the building yesterday but he didn't get a chance to look at the structural elements. He did, however, visit with Mr. DeLisle, who told him that he has had professionals check the place out. He didn't think that there were any structural problems. On the other hand, when he heard this morning that Mr. DeLisle hasn't had a professional structural engineer look at the place, he was concerned. Mr. Michaelson would like to hear what Mr. Frank Berg, the City's structural engineer, has to say about the residential areas. It seems clear to him that there is something wrong with the commercial parts of the building but he isn't sure that means that the center section (residential area) is in jeopardy of imminent demise – that it would be dangerous for the tenants. He would like to hear what Mr. Berg has to say about the center section before he suggests anything to his clients. Ms. Moermond explained that what he understood from her conversation with Mr. Berg earlier this morning was not that the individual residential units (don't think he inspected them) had soft floors or soft supporting members in and of themselves – not that he would think of immediate collapse of the building but if there were a fire, that the supporting members would not last very long. It would not support the upper floors for evacuation. Mr. Michaelson commented so then, people would not have as long a period to evacuate, especially, people with disabilities.

(At this time, Ms. Vang phoned Mr. Berg; left a message to see if he'd be available, now, to come to the hearing.)

Ms. Blair stated that she has lived in the building for five (5) years. Anytime there was a problem in the rental units, Mr. DeLisle would have it fixed.

Mr. Foster added that he has spoken with Mr. DeLisle about finding alternative housing for the residents if this doesn't work out. Moving out would be very disruptive for the residents but it's a better time than in the depth of winter. He thinks that if it isn't necessary for safety concerns at this point, giving Mr. DeLisle some time to remedy the situation would be a good alternative, but make sure that he hires someone who is a professional engineer, not just a guy off the street.

Mr. Ralph Tohm, resident and caretaker of the complex, addressed the hearing. He said that most of the repairs have been done. He has been supervising to make sure that all the repairs do get taken care of; they have been working to make it a better building for the tenants. Mr. Tohm has lived in the building for seven (7) years, off and on, but has been caretaker for about a year. Everyone who lives there loves the building; they all know each other and get along very well. The location of the building helps to make it easier for residents to get around because it's close to downtown. Mr. Tohm doesn't want everyone to lose their place.

Mr. Doctor Steven, resident, stated that he likes the building and he likes that he's close to the store. He has a good relationship with everyone there. If the place is condemned, he has nowhere to go. Mr. Tohm took Mr. Steven out of the homeless shelter and gave him a place to live and he's very grateful; people just don't do that anymore. The building is in a very convenient location for all of the residents.

Mr. Jeff Sullivan, Sullivan Construction, addressed the hearing. He stated that he is a contractor for Mr. DeLisle. He has done a lot of the fire inspection repair lists on many of his properties and has done repair work on 520 Rice numerous times. Mr. Sullivan doesn't think that Mr. DeLisle is neglecting this building. He said that he did go into the basement to look at the structural problems being addressed today. He is not a structural engineer; however, he does a lot of repairs and he likes to think he knows what he's looking at. There's definitely damage to the floor which needs to be corrected. It's his contention that the damage to the floor isn't throughout the whole store but specific to right underneath the butcher shop portion of the store. The butcher shop is a room approximately 10 x 25 feet with a tile floor and drain. The floor is cleaned with a garden hose. There is no base tile that comes up the side of the wall to keep the water in, so, water can seep into the basement through the joists and supports. It is his contention that this is the reason why the floor is damaged. He feels that the damage is limited to this portion of the store; not throughout the whole store floor.

At this time (10:18 a.m.), Ms. Moermond took a 15 minute recess. She announced that Mr. Berg is on his way.

The hearing resumed at 10:34 a.m.

Ms. Moermond asked for Mr. Berg's report on his findings.

Frank Berg, structural engineer, DSI, stated that he has been with the City for 22-23 years in the position of structural engineer. Throughout the years, his role has been to review plans to build and remodel, approve the plans, hopefully, and inspect them when the work is finished. He has always worked closely with Fire; however, he has worked more closely with Fire over the past few years because Fire Inspection is now part of the Department of Safety and Inspections. Most of the time, his role comes from a planned review approach;

however, while looking at an existing building with Fire, he must be looking at a building which, that very night, could be on fire. If there is any possibility at all of someone being in that building, firefighters need to enter that building; and they need to do it in the most safe manner as they can.

He explained that he inspected only the main floor and basement of this building. He cannot say that the building is safe today and will not be safe tomorrow but it has a lot of deterioration. In this case, the question is, "Is the building stable enough for firefighters to enter when there's a fire without the floor collapsing?" In the bolded paragraph of his email, he is not saying that the building needs to be condemned. What he is saying is that you can't add more distress to what is there now, like a fire, underneath it. There is the possibility that if you added the fire distress and a firefighter enters the building, he could fall right through the floor. There's enough deterioration to the wood, that if a fire were added, it would be very dangerous.

Ms. Moermond asked for clarification. She said that she understood Mr. Berg's words: that he is not saying the building needs to be condemned to mean that he is not in a position to make that recommendation; that Fire must make that recommendation. Mr. Berg clarified that he is not in a position to be the one who recommends condemnation but he is in a position to give Fire expertise from his own background as a structural engineer. If he were looking at the building from a plan/review function, without considering the possibility of fire, he could see a time frame where this could be addressed; but it cannot be ignored. There is widespread deterioration; there's a lot there to take care of. But, if you look at it from a firefighter's standpoint, the building cannot absorb any more distress.

Ms. Moermond stated that when Mr. Berg talks about reviewing things from a plan/review perspective, her understanding is that happens when someone comes in to pull a building permit; and in this case, it would be a building permit to repair the building. She asked if his concern at that point would be inclusive of Fire concerns or would it be strictly concerns about collapse. Mr. Berg responded that in that case, he would be addressing an entirely different thing. He would be addressing what someone is saying they want to do with this building; and is there a structural engineer on board, which there would need to be in this case. He would be reviewing what they are proposing to do, which obviously, takes some time. Today, however, he is addressing the question of what if there's a fire in that building tonight? Ms. Moermond asked for further clarification: If someone wanted to come and pull a permit to do the repairs on this building, what kinds of things would he be looking for? What considerations are taken in account? Mr. Berg replied that this is a project that would require a structural engineer being involved because there is so much judgment involved. When you're replacing some floor boards, some joists, and possibly, a beam and haunch, as well, a judgment call needs to be made as to where you leave off. You need qualified people to do this work. If Mr. Berg has any questions, he would be calling the structural engineer and asking about the job. In this case, it might be a good idea for the engineer to be on site to see how things are progressing. Knowing that a structural engineer was involved in the beginning and having his input, and his commitment to being involved while some of the site work is going on would be much more important to Mr. Berg than what the paper plan states. There are a lot of unknowns, and having an engineer on site, in this case, is more valuable than time spent with some very nice looking documents/plans that will probably not be correct later on anyway. Mr. Berg considers communication with the structural engineer up front to be very critical.

Ms. Moermond asked how extensive the damage was to the floor supports. Mr. Berg stated that first of all, the floor had soft spots on the main level right as you entered the store from the street. There were a number of locations in the store that had soft spots. They went down into the basement to look at the specific areas where they located soft spots. They found more widespread damage than just under the soft spot areas. They found moisture related areas of deterioration – decay significantly enough in scattered areas – areas where firefighters could fall right through in case of a fire. It's not an easy or cost-effective project to repair. Inspector Shaff stated that most of the damage seems to be down the middle of the store from the entrance, but the more they looked, they found more areas of damage: 1) pieces that are cut; 2) joists that are not resting on anything; 3) sister pieces that don't make sense to carry the load; 4) more moisture damage, etc. Ms. Moermond asked Inspector Shaff to state her qualifications. Inspector Shaff responded that she is a Minnesota State certified building official and a Minnesota State certified fire inspector.

Ms. Moermond's research found that the building was constructed in 1889 as a commercial building.

Mr. Foster stated that he is not here today to dispute the issues of condemnation but to determine whether it is appropriate on a life-safety issue to give both the tenant and the owner an opportunity to fix the problems that have been identified by the City. Mr. Berg said that if there's a fire, the structural components may not have the integrity needed to support the water and the firefighters who would be coming into the building. Mr. Foster asked if he was most concerned with the structural integrity of the first floor. Mr. Berg responded that's what he saw. At one location in the basement, there is a wood post with kind of a wood haunch with a beam over the haunch that is extremely deteriorated. That particular location is very critical to be looked at and addressed. The others are smaller, localized areas. Mr. Foster asked if in his opinion in a plan/review, would there be enough time left to give the tenant and landlord time to fix the structural members. From that perspective, Mr. Berg replied, "Yes, if addressed within the next couple of weeks," but added that from a fire-safety perspective, there would be an immediate concern.

Mr. Foster asked Inspector Shaff if there were a way to indicate to firefighters, that while this building is being fixed, the concern about the structural integrity of the first floor in case of a fire. Could the Chief make a notification to firefighters that there is this problem. Inspector Shaff asked, "What about the occupants?" Mr. Foster responded that he heard that it is only the first floor that's a concern, not the structural integrity of the second floor or any of the stairs leading in and out. Mr. Berg repeated that all he saw was the basement and the first floor and was not asked to look any further, so he couldn't comment on the other floors. Mr. Foster stated again that his goal is to give his client the opportunity to work with the landlord to acknowledge and correct deficiencies in the building. It appears to him that the only objection to giving them time is the possibility that the structural integrity of the first floor would be compromised in the event that there is a fire during that repair period; and is that enough to kick out the tenants on the second floor and the first floor tenant – making the tenants homeless and forcing his client out of business. Inspector Shaff stated that she has been posing some of these same questions to her supervisor, the Assistant Fire Marshal, who said, "That's not going to happen; our firefighters are going to go in."

Mr. Michaelson, SMERLS, stated that the tenants would like to stay, obviously,

because this fairly low rental housing is hard to find in the City of Saint Paul but he doesn't want his people to be unsafe. On the other hand, Mr. Berg has not checked out the other floors to see whether or not they're sagging. From what Mr. Berg has said so far, he feels that there is a possibility that this place can be fixed and that it can be done within a reasonable period of time that wouldn't subject people for any long period of time. It seems that Mr. DeLisle hasn't had a chance to hire a structural engineer and although Mr. DeLisle is a good landlord who does a good job, he must understand that this can't be the guy down the street; it has to be someone who specializes in something like building restoration, not new buildings – this is a whole different thing. This building has to be renovated – restored. He knows that the cost factor will be important to Mr. DeLisle, too. Mr. DeLisle will need to hire a qualified person to come in and give an opinion in a very short period of time. Everyone ought to know from this structural engineer whether or not the building can be remedied, and whether it can be temporarily shored-up so that it isn't going to collapse if/when a firefighter walks in. Mr. Michaelson asked Mr. Berg if it makes any sense for Mr. DeLisle to hire a qualified structural engineer to come in very quickly and take a look at this building and make a determination as to whether or not it can be remedied, how long it's going to take and whether or not sufficient measures can be taken in the interim to make the building safe, such as putting in a temporary beam or something of that nature. Mr. Berg replied that yes, this problem can be addressed but it may or may not be cost effective. It's a very old building and it will take a lot of judgment calls. That's why a qualified structural engineer is required; it's a very complex engineering problem.

Inspector Shaff added that when Mr. Berg, Inspector Thomas and she were in the basement, the main gird down the center of the basement was probably the worst area of decay of the members. That decay is compromising the second and third floor; Mr. Berg agreed. Inspector Shaff continued to say that if there is a situation on the first floor and it becomes compromised by the addition of fire and water to structural members of the building that can't support it any more, firefighters' safety as well as the occupants' safety would be jeopardized.

Mr. Michaelson asked if they were talking about a wood beam. Both Inspector Shaff and Mr. Berg answered, "Yes." Mr. Michaelson noted that he has done a lot of construction work before he became a legal aid attorney, and he knows that there are ways to jack up the floor with a steel beam and put a new beam and some girders in there which may not take very long. That probably should have done long ago but certainly it can be done now. Of course, it will depend upon whether Mr. DeLisle is able to get good, professional advice on it and how much it will cost. He thinks that it can be done in a couple of weeks. Mr. Berg responded that what Mr. Michaelson is saying is correct. He reiterated that most of what they saw really pertains to the first floor: floor boards, joists, etc. The wood haunch on which sets the main beam is very deteriorated and needs immediate attention; it would be top priority.

Inspector Shaff added that people are the most vulnerable when they are sleeping. This building is not sprinklered and obviously has some structural issues. The City does not want twelve (12) occupied apartments endangered.

Ms. Moermond asked Mr. DeLisle for his comments. Mr. DeLisle asked if they were saying that if the post were removed, the building would collapse. Mr. Berg responded that there is the potential of that happening. The post and beam framing and their members are supporting the floors up above. Mr. DeLisle added that the walls in the basement go all the way up to the top floor;

he asked if that would not offer some strength. Mr. Berg replied that he did not know enough about the over all framing to answer that question, but the wood post is not part of the wall. Mr. DeLisle said that he thinks the job can be done while the residents are still living there, and in a reasonable time period. He feels that asking all of the residents to move is unreasonable. If he felt that the tenants were in danger, he'd have them moved. The building has been there over 100 years and it probably will still be there in another 100 years. Mr. Michaelson asked Mr. DeLisle whether he'd be willing to hire a structural engineer. Mr. DeLisle answered that he would. Mr. Michaelson added that he wants to make sure that this gets done quickly and that Mr. DeLisle takes responsibility for it instead of passing the buck to someone else. Mr. DeLisle asked Mr. Wazwaz if he were willing to cooperate. Mr. Wazwaz stated that he is not willing to pay for the landlord's obligation. Mr. DeLisle needs to own up to the problem. Mr. Foster added that he and Mr. DeLisle will go over the list and make a determination as to who has responsibility for what.

Mr. Michaelson asked Ms. Moermond if there would be a possibility to reconvene after Mr. DeLisle gets his report from the structural engineer. Mr. Berg clarified that there are two (2) different types of reports: 1) a condition survey (here's what we've got); and the next phase, 2) construction documents from which to pull a permit.

Ms. Moermond stated that it is clear that this is about the safety of the business and the business's interest in survival and the safety for the residents in living there; and also, the safety of people who are coming to visit the residents or to buy from the store. She realizes that it takes about three (3) times longer to work with an old building. This building needs a structural engineer on site. Speaking directly to Mr. DeLisle, she added that if the floor is failing, he is responsible for figuring out that he needs a structural engineer to take care of that. It is not the City's responsibility.

Ms. Moermond said that the first thing which needs to be done is to have the Fire Certificate of Occupancy Inspection staff go through the entire building (scheduled for 10 a.m. tomorrow, Friday, October 29, 2010). Second, is to get a structural engineer's report on the floor – one that Mr. DeLisle hires. Ms. Moermond wants more information on the egress windows, stairways, doors, etc., the areas that could further complicate getting out of the building in case of a fire.

Ms. Moermond wants the following information in her office by close of business on Monday, November 1, 2010: 1) Fire Certificate of Occupancy Inspection; and 2) the structural engineer's report. She will review Monday evening and give her recommendation on Tuesday, November 2, 2010 at the Legislative Hearing. If her recommendation is that the building must be vacated, it will probably be a 48 hour vacation. She needs to see a structural engineer's report that shows that getting a beam will stabilize the building while a more complete repair is done and Mr. DeLisle is willing to do that right away, then she will continue a conversation about keeping the building occupied. If Mr. DeLisle is not willing to go with a structural engineer's report and getting all of the units inspected, Ms. Moermond needs to know now in order to take other action. Mr. DeLisle responded that he is willing.

Inspector Shaff asked Mr. Berg how long it would take him to review and evaluate a report. Mr. Berg replied that he can read the report and give his opinion given almost no notice at all. He added that he will not be in the office beginning Friday, November 5 until the middle of the following week.

11/2/10

Legislative Hearings

Referred to the City Council

In two (2) weeks at the City Council meeting (November 17, 2010), her recommendation will read "forthcoming." This item will also appear on the Tuesday, November 16, 2010 Legislative Hearing Agenda. At that time, follow-up reports will be presented regarding: 1) the exiting from the building, including windows, doors, hallways and stairways -- both in and outside of the building; 2) review of the building permit and the extent to which the shoring of the first floor has stabilized the structure; 3) plans for the permanent correction of first floor failure. Notably, an additional/amended appeal was filed by Mr DeLisle on Friday November 5. This additional appeal information will also be considered on November 16th.

Jeffrey DeLisle, appellant and property owner; Anton Wazwaz, manager, MW1; Robert Foster, Law Firm of Foster & Brever; Waretta Blair, tenant; Doctor Steven, tenant; Jeff Sullivan, Sullivan Construction; Ralph Tohm, tenant and caretaker; Ron Marcel, tenant; and Heather Goers, tenant, appeared.

Ms. Moermond will recommend a layover to December 1, 2010 if the following conditions are met by Tuesday, November 16, 2010:

- *compliance with all exiting issues*
- *the permit for shoring reviewed and inspected*

Ms. Moermond stated that she will make a decision on 520 Rice Street today. There is a new inspection Order and some additional information from an engineer. She received both of those documents late yesterday afternoon. She asked Mr. Frank Berg, Saint Paul's structural engineer, and Fire Inspector Leanna Shaff to review the situation.

Inspector Shaff reported that she finished the Certificate of Occupancy inspection. She found multiple additional code violations. Some of them were the exiting components: 1) windows that don't lock; 2) windows that don't fit in their frames or open well; 3) blocked egress windows; 4) three (3) apartments without functioning smoke detectors; 5) one (1) apartment they didn't gain access to (Inspector Thomas went back later that afternoon); 6) the back exterior staircase has a lot of rotted wood -- one place has a growing mushroom. Under a load, she fears it would not hold, and the posts appear unsafe. Frank Berg accompanied Inspector Shaff this morning as they went to inspect the shoring. Mr. Berg has not had the opportunity to speak with the engineer. She doesn't know whether or not the engineer has looked at the shoring since the work has been done. No paper work, etc., has been submitted to Mr. Berg for the shoring nor has there been a permit applied for the shoring. Ms. Moermond checked out the deficiency list and photos on line. Mr. DeLisle has a copy of Friday's Orders. Ms. Moermond asked Inspector Shaff if she would condemn the building based on the exiting issues. Inspector Shaff replied, "Yes."

Mr. DeLisle stated that he hired a structural engineer, who came up with the idea of shoring up the ceiling and floor from the basement. So, the work was done and the engineer has approved it. He has also looked at the rear stairway and said that it needed to be repaired. Mr. DeLisle will begin work on that today. He has had a certified licensed electrician, certified, licensed plumber and a certified, licensed heating specialist to the building to make sure that everything is safe and sound. The alarm man has been out to certify the alarm. They found that the contractors can't get permits. Inspector Shaff responded

that there's a building warning in the system that says, "Do not issue any permits with other structural engineers; sign-off from Frank Berg." Ms. Moermond explained that permits will be issued but Frank Berg needs to look at them.

Mr. DeLisle said that Mr. Berg has spoken with Mr. Lindau and Mr. Berg was at the building this morning. Much of the work has been done. In his opinion, the building is safe and sound.

Ms. Moermond asked if he had pulled the permits for the shoring-up. Mr. DeLisle responded that the contractors who did the shoring said that permits are not needed to do that sort of thing. He asked them to get a permit anyway – a repair permit, but they weren't allowed to. Ms. Moermond stated that it is explicit that a permit be pulled on the existing Orders. Mr. DeLisle said that Mr. Berg was at the building this morning and spoke with Mr. Lindau and he is satisfied with the shoring. Inspector Shaff said that Mr. Berg hadn't talked with the engineer after the shoring had been done. He expressed some concern that there weren't any plans, nor any permits pulled for the work. Until he has spoken with Mr. Lindau, Mr. Berg said that it would be hard to make an assessment as to what was done and why. Mr. DeLisle said that he spoke with Mr. Lindau at 9:30 p.m. last night who said that he had communicated with Mr. Berg. Ms. Moermond noted that there was a conversation last week; at that point, from the email that she read said, it said that Mr. Berg and Mr. Lindau agreed that something needed to happen right away on Friday – no time to waste; and that Mr. Lindau was to proceed and pull a permit. Mr. DeLisle repeated that he has told his contractors to get a permit but they told him that they could not get one. They were not told that Mr. Berg had to review it. They were just told they couldn't get a permit.

Ms. Moermond stated that she read the material Mr. DeLisle has faxed to the office and noted that Mr. Lindau had requested no more than sixty (60) days to do the repairs. Mr. DeLisle said that Mr. Lindau checked out the back stairs and he will give advice as to how to go about that; we can start that work today.

Mr. Robert Foster, attorney representing Anton Wazwaz, commercial client on the first floor, stated that from his understanding from the last hearing, the primary concern was the subflooring underneath the first floor and that created a potential life-safety issue if there were ever a fire in the building. Mr. DeLisle was to hire a structural engineer and to follow his recommendations to do the shoring ASAP. At that time, there was no discussion of the exterior stairway. Until the new C of O inspection done last Friday, October 29, 2010, a life-safety issue was not raised regarding the exterior stairway. From his and Mr. Wazwaz perspective, they need to be supportive of the landlord because he has done the hearing officer's instructions: to quickly get a structural engineer out there and to take these remedial actions so that this isn't a potential life-safety danger while the other issues get addressed over a period of time. From what Mr. Wazwaz told him, Mr. DeLisle has had workers out there almost non-stop trying to correct issues and has in fact, hired a structural engineer who was out there numerous occasions to review pre and post work on the basement. It seems as though there's a catch 22 on the permitting issue. Mr. Wazwaz has reviewed the Orders and will take care of his responsibility. He has had an electrician come out and review the interior of the store. He introduced an affidavit from his client saying what work he has done since the last hearing to address the electrical issues within the store. Mr. Foster thinks that there has been a yeoman effort to address these problems in very short order. Mr. Foster believes that Mr. DeLisle has shown that he will quickly address an issue when

it is brought to his attention, as with the staircase issue. He asks that Mr. DeLisle be given the opportunity to work through the bureaucracy of getting a permit and address all of the remaining issues.

Mr. Wazwaz, commercial tenant, stated that he was at the store all weekend and he has to say that Mr. DeLisle really stepped up to the plate. He was out there several times and work was being done constantly. Mr. DeLisle did an amazing job and he was impressed;. Workers were doing things all over the building. Mr. Wazwaz stated that the only thing he needs yet to do is install the glass, which will take four (4) days to order.

Jeffry Sullivan, Sullivan Construction, contractor for Mr. DeLisle, addressed the hearing. He stated that he personally finished the shoring last night and met with Mr. Lindau at approximately 5:30 p.m. Mr. Lindau was completely satisfied with the work that had been done. He faxed a letter to that extent. It came to his attention this morning that Inspector Shaff and Mr. Berg needed to speak with Mr. Lindau again. Mr. Sullivan phoned Mr. Lindau, who assured him that he was going to call Mr. Berg immediately. Mr. Lindau also said that he had been communicating with Mr. Berg all along and that Mr. Berg seemed satisfied with his plans. Mr. Sullivan added that there has been work going on at the building all weekend long. Ms. Moermond asked Mr. Sullivan if he had tried to pull any permits. Mr. Sullivan responded that the electrician said there was a block on all of their permits. Ms. Moermond said that she now realizes that it isn't exactly a block but that the permits require structural review. She added that they must follow-up on pulling the permits. The electrician's name is Ken from Advantage Electric. Inspector Shaff stated that if someone is trying to pull an express permit or one through the Internet, that probably would be blocked; however, if they would come into the office to pull a permit and submit plans, they should be able to do it. Mr. DeLisle responded that the contractors went to obtain permits in person.

Mr. Ralph Tohm, caretaker of the building, addressed the hearing. He reiterated that a lot of work had been done over the weekend; and that the tenants love the place and they want to stay. They are very happy that so much work is being done.

Ms. Warnetta Blair, tenant, addressed the hearing to say that she has had all kinds of different people at her place, in and out all weekend long looking things over and doing work. Mr. DeLisle and Tony are doing their part.

Mr. Doctor Stevens, tenant, stated that so many people have been working very hard all weekend.

Mr. Ron Marcel, tenant, stated that he has lived in the building over four (4) years and his apartment is one that has been kept up better than some of the others. He said that Mr. DeLisle does repair things when they are brought to his attention. It's an old building but he hasn't had many problems. He and his roommate are both on disability and will need sufficient time to get ready to move, if they have to.

Heather Goers, tenant, state that she helps Mr. Tohm with the caretaking job. She noted that whenever they are informed of something that needs to be done in the building, they try to get it fixed immediately. She is very concerned about the possibility of everyone needing to move.

Ms. Moermond stated that the building permit needs to get pulled and the

shoring needs to get checked by a crew. Also, Mr. Lindau, structural engineer, suggests that sixty (60) days are needed to finish the work. So, there needs to be a permanent solution in the works and keep on a hard-core schedule to deal with everything involved, especially now, with the exiting issues that were discovered last Friday by Inspector Shaff. Once the shoring has been inspected and it works, and all the permits have been pulled, a longer term plan can be developed. The exiting work needs to be addressed quickly and the shoring needs to be permanently addressed so that there is more than the maximum of sixty (60) days in the long run. She asked Mr. DeLisle if he has sought the advice of others on how to permanently address the situation.

Mr. DeLisle responded that Mr. Lindau stated that the ceramic floor should be taken out and plywood put down, then a rubber membrane followed by cement and tile again. Any rotted joists will need to be replaced. He and Mr. Wazwaz will work together to get things done within sixty (60) days.

Mr. Foster stated that his client, Mr. Wazwaz, obviously, wants to stay in business. Mr. Wazwaz spoke with the structural engineer, who proposed that the work in the store be done in sections. Given that, sixty (60) days might be an aggressive goal. He would suggest ninety (90) days but if that is not possible, maybe another hearing could be scheduled after the sixty (60) days, if needed. The ideal solution seems to be taking care of the life-safety issues without causing his client to lose his business or the tenants needing to move.

Mr. DeLisle noted that the City has been through his property about a month ago to check out an electrical situation with a cable issue. Every two (2) years, the City inspects for the Certificate of Occupancy, and he does whatever needs to be done.

Ms. Moermond stated that this case is due at a City Council Public Hearing at 5:30 p.m. on November 17, 2010. The permit on the shoring needs to be pulled and an inspection done and have the temporary shoring reviewed more carefully. Mr. Lindau or the contractor needs to have the permit pulled and things reviewed. By Monday, November 15, Ms. Moermond is requiring: 1) compliance, at least, with the exiting issues on the Fire Certificate of Occupancy (all windows, doors, smoke alarms, back staircase); and 2) the permit reviewed by Mr. Berg. If the temporary shoring checks out and the permit is cleared, Ms. Moermond expects a permanent solution and the work done by December 31, 2010. This hearing will be laid over to Tuesday, November 16, 2010.

Mr. Sullivan asked for clarification regarding the permits. Ms. Moermond responded that first a permit for the temporary shoring needs to be obtained; then, a permit for the permanent solution plan and review. Let's get the temporary shoring taken care of and then allow Mr. Lindau to draw up some plans for the permanent solution. In two (2) weeks at the City Council meeting (November 17, 2010), her recommendation will read "forthcoming," and on Tuesday, November 16, 2010, this will be scheduled on the Legislative Hearing agenda (probably mid-day) to discuss what progress has been made and what needs to be done.

1:30 p.m. Hearings

Correction Orders

[ALH 10-287](#) Appeal of Sandra J. Butter to a Fire Certificate of Occupancy Correction Order at 448 Burlington Road.

Sponsors: Lantry

Attachments: [448 Burlington Rd.Appeal.10-26-10.pdf](#)
[448 Burlington Rd.Fire Inspection Ltr.10-15-10](#)

Legislative History

11/2/10 Legislative Hearings Referred Under Master Resolution
Grant a 7-inch variance on the openable height of the egress windows in the upper floor southeast and southwest bedrooms.

Fire Corrections Notice

[ALH 10-179](#) Appeal of Nancy Rowe to a Fire Certificate of Occupancy Correction Notice at 1522 Hague Avenue. (Ward 1)

Sponsors: Carter III

Attachments: [1522 Hague Ave.Appeal.10-4-10.pdf](#)
[1522 Hague Ave.Fire C of O Ltr.9-24-10](#)
[1522 Hague Ave.Photos.10-7-10](#)
[1522 Hague Ave.Fire C of O Ltr.9-3-10](#)
[1522 Hague Ave.Fire C of O Ltr.7-21-10](#)

Legislative History

10/12/10 Legislative Hearings Referred to the Legislative Hearings
Nancy Rowe appeared.

Inspector Shaff reported that this is a 3 unit property with one (1) of the units over the garage. The Fire Code is quite specific about the separation between the garage and a dwelling unit. Part of the problem is that the garage and the dwelling unit over it were sharing the same furnace with common venting. The Code requires that not only the ceiling but the walls and all supporting structures be fire protected to give people time to get out of the dwelling unit in case of a fire in the garage. The owner has pulled a permit for sheetrocking the ceiling. The building inspector inspected the sheetrocking. What was actually needed was an occupancy separation.

Ms. Rowe stated that she thought Inspector Shaff's statements were misleading. She had met with the inspector on May 18, 2010 which produced a deficiency list. He knew that the furnace was in the garage and that it was shared with the dwelling above. He asked her to install a sheetrocked ceiling with a fire rated separation and a shut-off valve for the furnace. She complied with the original Order. What happened is that now the inspector said he made a mistake. Now, he said need two (2) separate furnaces, after the whole garage had been sheetrocked. She has complied and spent thousands of dollars to do what needed to be done. Why was this not caught in the first place? We did exactly what we were asked to do and now we need to do it differently. On October 7, 2010, we met with the building inspector, the fire inspector and the mechanical inspector to figure out exactly what needed to be done; and at that time, they still weren't sure what needed to be done. When she got the letter on September 27, 2010, she was very concerned because she worked very hard to comply with the safety issues; the letter was very disturbing. She emailed both Inspector Urmann and Inspector Beumer and was very upset. She expected them to get

back to her quickly but they didn't. She called other people who very nice but told her they were not the people with whom she should talk.

Inspector Shaff said that she is looking at the file from 1994 and it appears that the residential heating units were replaced but they were done without any finalization of permits; and it also appears that another unit has been added, not necessarily done under permit. Unfortunately, when things are not done under permit, inspectors don't know what's been done.

Ms. Moermond stated that she has been researching the file and the summary has been quite accurate; however, it appears that the building inspector did not catch that the sheet rocking was to be done with a fire rated separation. The appellant responded that her understanding from the contractor was that she passed the inspection.

ALH 10-243 Appeal of Kendall Crosby of Kendall's Ace Hardware to a Fire Certificate of Occupancy Correction Notice at 1200 Payne Avenue.

Sponsors: Bostrom

Attachments: [1200 Payne Ave.Appeal.10-26-10.pdf](#)
[1200 Payne Ave.Fire Inspection Ltr.10-5-10](#)

ALH 10-250 Appeal of David R. Broenen to a Fire Certificate of Occupancy Correction Order at 83 Cook Avenue West.

Sponsors: Helgen

Attachments: [83 Cook Ave W.Appeal.10-18-10.pdf](#)
[83 Cook Ave W.Fire Inspection Ltr.10-6-10](#)
[83 Cook Ave W.PC ltr.11-12-10.doc](#)

Legislative History

10/26/10 Legislative Hearings Referred Under Master Resolution
11/10: Deny the appeal on the bathroom fans - need to confirm both are working properly. Deadline for all extended to December 3.

10/26: Grant a 3-inch variance on the openable height of the egress window in the loft.

ALH 10-267 Appeal of Reza Alizadeh to a Fire Certificate of Occupancy Correction Order at 1504 Grand Avenue.

Sponsors: Harris

Attachments: [1504 Grand Ave.Appeal.10-13-10.pdf](#)
[1504 Grand Ave.Fire Inspection Ltr.10-5-10](#)
[1504 Grand Ave.Fire Inspection Ltr.9-10-10](#)
[1504 Grand Ave.Photos.8-18-10](#)
[1504 Grand Ave.Fire Inspection Ltr.8-17-10](#)

Legislative History

11/2/10 Legislative Hearings Laid Over to the Legislative Hearings
Laid over to January 4, 2011. The property owner will apply to zoning to convert the property to a duplex.

Appellant Reza Alizadeh (33 South Hamline, St. Paul, MN 55105) appeared.

Inspector Urmann gave a staff report. He said all corrections had been made except Item 33 which was a zoning issue addressing occupancy.

Mr. Alizadeh said he'd owned the property for 12-14 years and had had a Certificate of Occupancy for many years. He said there was one bedroom in the basement and four bedrooms upstairs, and the basement had a separate entrance, kitchen and bathroom. He said the inspector had suggested conversion to a duplex; he asked for an extension to the end of the lease if a conversion wasn't possible.

Ms. Moermond asked whether there were separate leases. Mr. Alizadeh said there was one for upstairs and one for downstairs.

Ms. Moermond asked what the requirements were for conversion. Ms. Alizadeh described what needed to be done.

Mr. Urmann said it was the property's first Certificate of Occupancy cycle. Mr. Alizadeh provided a copy of the provisional Certificate of Occupancy document that had been in place prior to the first full inspection.

Ms. Moermond said she would lay the matter over for 60 days (January 4, 2011) to allow Mr. Alizadeh time to apply to zoning for conversion to a duplex.

ALH 10-284

Appeal of Pete Lehner to a Fire Certificate of Occupancy Correction Order at 2040 Ashland Avenue.

Sponsors: Stark

Attachments: [2040 Ashland Ave.Appeal.10-25-10](#)
[2040 Ashland Ave.Fire Inspection Ltr.10-14-10](#)
[2040 Ashland Avenue.PC ltr.11-2-10](#)

Legislative History

11/2/10 Legislative Hearings Referred Under Master Resolution
Grant up to a 4-inch variance on the openable width of the egress window in the southeast room on the main floor. The property owner will repair the windows so they can be opened fully and will make sure the tenants are able to open the windows. The window dimensions will be remeasured at the reinspection.

Appellant Pete Lehner (3450 County Road 101 South, Minnetonka, MN 55345) appeared.

Inspector Urmann gave a staff report. He said the property had been inspected due to a referral for over-occupied student housing, and the inspector had found over-occupancy and egress window issues. One egress window could not be opened by the occupant and the other opened to 39 inches high by 13 inches wide. Mr. Urmann said a variance had been granted previously for an egress window with openable dimensions of 40 inches high by 19 inches wide.

Mr. Lehner said he wasn't aware that the egress window was un-openable by the occupant; he said he would address that. He said the appeal was based on the variance granted in 2008.

Ms. Moermond asked whether the unopenable window was larger. Mr. Urmann

said it was. He said there were two sets of windows in the room but only one was accessible at the time of the inspection. He said there were two windows in the 2008 appeal.

Ms. Moermond said it sounded like once the window was openable it would be covered by the existing variance. She asked that Mr. Lehner repair the window and/or instruct the tenants in opening the windows. She said she'd be comfortable going as low as 16 inches in width given the compensating height, and she asked that the window measurements be verified at the reinspection.

ALH 10-294 Appeal of Rebuild Resources to a Fire Certificate of Occupancy Correction Order at 602 Prior Avenue North

Sponsors: Stark

Attachments: [602 Prior Ave N.Appeal.10-20-10.pdf](#)
[602 Prior Ave N.Fire Inspection Ltr.9-29-10](#)
[602 Prior Ave N.PC ltr.11-2-10.doc](#)

Legislative History

11/2/10 Legislative Hearings Referred Under Master Resolution
 Grant an extension to December 1, 2010 for repairing the holes in the siding on the storage building. Grant an extension to May 31, 2011 for bringing the sprinkler system and siding into compliance.

Appellant Peter Panzer appeared.

Inspector Urmann gave a staff report. He the biggest issue in the appeal involved sprinkler heads. A false ceiling had been removed resulting in stacked sprinkler heads which were noncompliant, and areas had also been altered or added without sprinkler coverage. Mr. Urmann said additional maintenance issues were also being appealed.

Ms. Moermond noted that a letter submitted differed from the original appeal; she asked for clarification.

Mr. Pantzer said they supported the City's objective of safety, but issues were brought up in the inspection that hadn't been raised in years of inspections. He said they agreed in principle to most of the issues including the sprinklers, but were a non-profit and needed more time. He requested 120 days. He said the only deficiency that didn't seem to fall under fire safety addressed the siding on a rarely used accessory building; he asked that the City reconsider or grant three to six months on that item.

Ms. Moermond asked for clarification of how the orders were divided. Mr. Urmann said there were six buildings with the same address.

Ms. Moermond asked Mr. Pantzer how much time was needed. Mr. Pantzer asked for 120 days.

Ms. Moermond said she would recommend that the Council deny the appeal and grant an extension to May 31, 2011 for the sprinkler system and the siding. She asked that any open holes in the siding be repaired within 30 days (December 1, 2010).

ALH 10-310 Appeal of David Gilbertstadt to a Fire Certificate of Occupancy Correction Order at

1754 Colvin Avenue.

Sponsors: Harris

Attachments: [1754 Colvin Ave.Appeal.10-22-10.pdf](#)

[1754 Colvin Ave.Fire Inspection Ltr.9-1-10](#)

[1754 Colvin Avve.PC ltr.11-2-10.doc](#)

Legislative History

11/2/10 Legislative Hearings Referred Under Master Resolution
Grant the appeal of the Certificate of Occupancy requirement. The orders will be closed.

Appellant David Gilbertstadt (1760 Colvin Avenue, St. Paul, MN 55116) appeared.

Ms. Moermond confirmed with Mr. Gilbertstadt that the Certificate of Occupancy status was being appealed.

Mr. Gilbertstadt provided photographs and documentation that the orders were being addressed. He said he lived next door and had purchased the property at 1754 Colvin to extend their yard. He said they had made improvements and the property was in good shape. He said family members used the house when they visited and it was similar to a "mother-in-law's quarters" and was not rented.

Mr. Urmann said the inspector had conveyed to him that the property was unoccupied when he was there but appeared to be occupied on an occasional basis by family members. The property was in generally good shape, had 13 deficiencies and was not a rental but not owner-occupied.

Ms. Moermond said she would recommend that the Council grant the appeal. She asked what work had been done. Mr. Gilbertstadt reviewed the items that were being done.

Mr. Urmann clarified the orders related to the guardrail, handrail and circuit breakers. He asked whether the orders would be transferred to Code Enforcement. Ms. Moermond confirmed with Mr. Gilbertstadt that the kitchen gas shut-off valve was being addressed; she said she would take Mr. Gilbertstadt's word that the work would be done, and she would close the orders.

ALH 10-311 Appeal of Richard Dreher to a Fire Certificate of Occupancy Correction Order at 1390 Sherburne Avenue.

Sponsors: Stark

Attachments: [1390 Sherburne Ave.Appeal.10-22-10.pdf](#)

[1390 Sherburne Ave.Fire Inspection Ltr.10-13-10](#)

[1390 Sherburne Ave.Fire Inspection Ltr.10-22-10](#)

[1390 Sherburne Ave.Photos.pdf](#)

[1390 Sherburne Ave.PC ltr.11-2-10.doc](#)

Legislative History

11/2/10 Legislative Hearings Referred Under Master Resolution
Grant an extension to May 31, 2011 for bringing the wood floors into compliance. The inspector granted an extension for the exterior items.

Appellant Richard Dreher (1727 Hubbard Avenue, St. Paul MN 55104) appeared.

Inspector Urmann gave a staff report. He said the appellant had raised a couple of issues, including an inspection issue which was being investigated. He said he had granted extensions for exterior items, but could not grant an additional extension for the wood floor because it was not weather-dependent.

Mr. Dreher provided photographs. He said there was wear on the floor but the need was not immediate. He said the entire first floor including the porch were a continuous wood floor, and redoing it would be a major project. Mr. Urmann said the dining room was the only problem area. Mr. Dreher said doing just the dining room would require that he match the stain. He asked whether he could have the tenants put down a rug in the short term; he said they were scheduled to move out at the end of the summer.

Ms. Moermond said she was uncomfortable recommending a short timeline because refinishing the floor was weather-dependent in that it required adequate ventilation. She asked when the tenants would be out. Mr. Dreher said the lease was up in August but the tenants might renew the lease.

Ms. Moermond said she would recommend that the Council deny the appeal and grant an extension to May 31, 2011 for bringing the wood floors into compliance.

ALH 10-314 Appeal of Mark Cemensky to a Fire Certificate of Occupancy Correction Order at 2418 University Avenue West.

Sponsors: Stark

Attachments: [2418 University Ave W.Appeal.10-25-10.pdf](#)

[2418 University Ave W.Fire Inspection Ltr.9-23-10](#)

[2418 Univeristy Ave W.Fire Inspection Ltr.8-20-10](#)

[2418 University Ave W.PC ltr.11-2-10.doc](#)

Legislative History

11/2/10 Legislative Hearings Referred Under Master Resolution
Deny the appeal and grant 90 days for bringing the exit doors into compliance. If the building is unoccupied in 90 days, grant an extension until the building is reoccupied.

Appellant Mark Cemensky (2343 Swan Drive, Mendota Heights, MN 55120) appeared.

Inspector Urmann gave a staff report. He said the property was a mercantile space which required two exits with a door swing in the direction of exit traffic. He described the constraints that existed for the exits in the building.

Mr. Urmann, Ms. Moermond and Mr. Cemensky reviewed a floor plan provided by Mr. Cemensky. Mr. Cemensky said he'd consulted with a door company and been told that one door swing could be corrected but the other couldn't be easily. He asked whether it would be adequate to post a sign saying the door was to remain unlocked during business hours. Mr. Urmann said that wouldn't be adequate. Mr. Cemensky said the door was generally kept locked for security reasons; he said it had a thumb latch but the direction of swing was inward.

Mr. Urmann said based on the description and drawing, all three doors swung inward; he said two of the three should swing out. Mr. Cemensky said the front door had been installed in the last five years and his request was to be allowed to post a sign saying the door should be kept unlocked during business hours. Ms. Moermond said the door swing and keeping the door unlocked were separate issues.

Mr. Urmann asked what type of occupancy it was. Mr. Cemensky said it was a hookah lounge and might not be in business much longer. Mr. Urmann said the business was regulated as a mercantile but being used as an assembly.

Mr. Cemensky asked whether enforcement could be held off for 60 days; he said he would redo the doors if the business was still operating after that time. Ms. Moermond said the business would probably be replaced by another assembly use. Mr. Cemensky said the space had been used for an insurance agency and a temp agency; he said the area was in transition.

Ms. Moermond said she would recommend that the Council deny the appeal and grant 90 days for bringing the exit doors into compliance. She said that if the space was unoccupied after 90 days, she would grant an additional extension until it was reoccupied.

ALH 10-315 Appeal of Amy Wegscheider, representing the Miles group, Inc. to a Fire Certificate of Occupancy Correction Order at 1661 Lafond Avenue.

Sponsors: Stark

Attachments: [1661 Lafond Ave.Appeal.10-24-10.pdf](#)
[1661 Lafond Ave.Fire Inspection Ltr.10-26-10](#)
[1661 Lafond Ave.Fire Inspection Ltr.10-14-10](#)
[1661 Lafond Ave.PC ltr.11-2-10.doc](#)

Legislative History

11/2/10 Legislative Hearings Referred Under Master Resolution
 Grant an extension to November 18 for bringing the windows into compliance.
 The furnace has been serviced and rechecked.

Appellant Amy Wegscheider/Miles Group (1730 New Brighton Boulevard, #224, Minneapolis, MN 55413) appeared.

Inspector Urmann gave a staff report. He said he'd met with the field inspector the day before and wasn't sure what was being appealed. He said the heating report had come back with a major deficiency.

Ms. Moermond asked what was being appealed. Ms. Wegscheider said they were asking for more time. She said they'd ordered windows the day after they'd received the orders, but hadn't received the windows yet. She said the heater had been serviced and retested.

Ms. Moermond said she would recommend that the Council grant an extension to November 18 for bringing the windows into compliance.

ALH 10-316 Appeal of Larry Gist a Fire Certificate of Occupancy Correction Order at 2497-2499 Edgumbe Road.

Sponsors: Harris

Attachments: [2497-2499 Edgcumbe Rd.Appeal.10-21-10.pdf](#)
[2497-2499 Edgcumbe Rd.Fire Inspection Ltr.10-6-10](#)
[2497 Edgcumbe Rd.PC ltr.11-2-10.doc](#)

Legislative History

11/2/10 Legislative Hearings Referred Under Master Resolution
Grant a 2-inch variance on the openable height of the egress window in the west bedroom at 2497 Edgcumbe. The air conditioner has been removed from the egress window in the north bedroom. Grant a 3-inch variance on the openable height of the egress windows in the east and west bedrooms at 2499 Edgcumbe.

Appellant Larry Gist (8082 Upper 129th, Apple Valley, MN 55124) appeared.

Inspector Urmann gave a staff report. He said the issue was egress windows; he referred to the dimensions listed in the orders.

Ms. Moermond asked whether the air conditioner had been removed from the egress window in the north bedroom. Mr. Gist said it had.

Ms. Moermond said she would recommend that the Council grant a 2-inch variance on the openable height of the egress window in the west bedroom at 2497 Edgcumbe, and a 3-inch variance on the openable height of the egress windows in the east and west bedrooms at 2499 Edgcumbe.

ALH 10-317 Appeal of Tracy Zinter to a Fire Certificate of Occupancy Correction Order at 1645 McAfee Street.

Sponsors: Bostrom

Attachments: [1645 McAfee St.Appeal.10-21-10.pdf](#)
[1645 McAfee St.Fire Inspection Ltr.10-13-10](#)
[1645 McAfee St.Photos.10-13-10](#)
[1645 McAfee St.Fire Inspection Ltr.9-28-10](#)
[1645 McAfee St.Fire Inspection Ltr.8-24-10](#)
[1645 McAfee St.PC ltr.11-2-10.doc](#)

Legislative History

11/2/10 Legislative Hearings Referred Under Master Resolution
Grant the appeal of the Certificate of Occupancy requirement for the remainder of the current occupancy. Grant a 9-inch variance on the openable height of the egress windows in both downstairs north side bedrooms, with the condition that step units be installed to address sill height. The step units must each have two steps, be permanently affixed, and cover the full width of the window. Grant a 4-inch variance on the openable height of the egress windows in both upstairs bedrooms. Step units must be installed to address sill height if the upstairs rooms begin to be used for sleeping. Grant an extension to November 30 for bringing the deck steps into compliance. A backflow preventer (RPZ valve) must be installed on the furnace, under permit by a licensed contractor. The remaining orders will be referred to Code Enforcement.

Appellant Tracy Zinter and Zachary J. Zinter appeared.

Mr. Zinter said the house was in his parents' name but he and his family were the only occupants. He said he was working towards ownership of the house

but had been unemployed.

Ms. Moermond asked what the occupancy history was. Ms. Zinter said she and her husband had lived there and the property had been rented for a time. Mr. Zinter said the property used to be an up-down duplex. He said they'd been moving their children into different bedrooms the day the inspector came, and the house was "disheveled."

Inspector Urmann said the issues included that the property was non-owner-occupied, work had been done without a permit, and there was a severe heating issue.

Mr. Zinter said a tree had fallen on the house in 2006 and a "mass permit" had been opened for the repairs. He said the permit was closed improperly and he was told a new one had to be pulled for the furnace. He said the work he'd done to the furnace was a minor valve adjustment. He provided a copy of a furnace inspection report and said all that was needed was a backflow preventer. He provided a photograph of the dryer vent and said he appealing the permit requirement for applying the foil tape and insulation.

Mr. Urmann referred Ms. Moermond to notes in the heating inspection report. Mr. Zinter said the report had been sent directly to the City and the inspector hadn't shared the information. He asked whether the backflow preventer could be installed under the 2006 permit.

Ms. Moermond said she would grant the appeal on the Certificate of Occupancy requirement and the property would be the equivalent of owner-occupied for the remainder of the current occupancy.

Ms. Moermond reviewed the permit history and said the 2006 permit was a \$15,000 building permit but there was nothing for plumbing, HVAC or electrical. She suggested that Mr. Zinter contact Jim Bloom regarding the permit requirement for the furnace work. Mr. Urmann said installation of the RPZ valve (backflow preventer) required a permit.

Ms. Moermond referred to the orders addressing egress windows; she asked whether it would be possible to get an additional inch in openable width. Mr. Zinter said it would not be possible without removing the window.

Mr. Urmann said sill height was also an issue.

Ms. Moermond said she would recommend that the Council grant a 9-inch variance on the openable height of the egress windows in both downstairs north side bedrooms, with the condition that step units be installed to address sill height. The step units must each have two steps, be permanently affixed, and cover the full width of the window. She said she would recommend a 4-inch variance on the openable height of the egress windows in both upstairs bedrooms. Mr. Zinter said those rooms were not being used for sleeping. Ms. Moermond said step units should be installed to address sill height in the upstairs rooms if they were used for sleeping.

Mr. Zinter asked about the exterior items. He said the steps to the rear deck needed to be replaced.

Ms. Moermond reviewed the photographs. She said she could grant more time on the deck but the repairs had to be done. She said she would recommend an

extension to November 30 for the steps; she said the orders didn't address the footings. Mr. Urmann said the condition of the footings couldn't be determined until the deck was pulled apart.

Ms. Moermond said a work plan should be submitted for redoing the deck footings and could be discussed with the plan staff. She asked whether that could be done by November 30. Mr. Zinter asked whether he could have until spring. Ms. Moermond said the permit should be pulled and plan submitted right away so the work would begin within six months.

Ms. Moermond asked the status of the heating system. Mr. Zinter said nothing had been done. Ms. Moermond said she would recommend an extension to November 30 for having the RPZ valve installed and signed off. Mr. Urmann clarified that the work should be done under permit by a licensed plumbing or heating contractor.

Ms. Moermond said the orders would be referred to Code Enforcement.

ALH 10-318 Appeal of Susan Rosas to a Fire Certificate of Occupancy Correction Order at 1618-1620 STILLWATER AVENUE.

Sponsors: Bostrom

Attachments: [1618-1620 Stillwater Ave.Appeal.10-22-10.pdf](#)
[1618 Stillwater Ave.Fire Inspection Ltr.10-14-10](#)
[1618-1620 Stillwater Ave.PC ltr.11-2-10.doc](#)
[1618-1620 Stillwater Ave.PC ltr.11-12-10.doc](#)

Legislative History

11/2/10 Legislative Hearings Referred Under Master Resolution
 11/12: Grant a 5-inch variance on the openable height of the egress windows in the northeast side bedroom of 1618 and the north side bedroom of 1620. Grant an 8-inch variance on the openable height of the egress windows in the southeast side bedroom of 1618 and south side bedroom of 1620. 11/16 hearing cancelled.

No one appeared. Rescheduled to November 16 at 1:30 at the property owner's request.

2:30 p.m. Hearings

Vacant Building Registrations

ALH 10-201 Appeal of Lou Sudheimer to a Vacant Building Registration Notice at 688 Sixth Street East. (Ward 7)

Sponsors: Lantry

Attachments: [688 6th St E.Appeal & VB Order.10-6-10.pdf](#)
[688 Sixth St E.PC ltr.11-2-10.doc](#)

Legislative History

10/19/10 Legislative Hearings Referred to the Legislative Hearings
No one appeared. Owner called; missed hearing. Rescheduled to November 2.

11/2/10 Legislative Hearings Referred Under Master Resolution

Grant a 90 day extension to obtain the Certificate of Code Compliance.

Appellant Lou Sudheimer appeared.

Mr. Sudheimer provided photographs of the property. He said the property owner, Joseph Palen, had received an invoice for the \$1100 annual vacant building fee but had not been the owner when the property had deteriorated. He said Mr. Palen had purchased the property with the knowledge that it was a Category 2 vacant building and intention to rehab it, and was doing a quality rehab which took time. He said they'd paid one fee and would like to have the second waived.

Ms. Moermond asked when the anniversary date was. Mr. Singerhouse said it was October 27. He asked Mr. Sudheimer how much more time was needed. Mr. Sudheimer said three to four months was needed. Mr. Singerhouse said he could allow an additional 90 days.

Ms. Moermond said she would waive the vacant building fee until 1/31/11. If the property does not have a Certificate of Code Compliance by that time, the fee will be assessed.

3:00 p.m. Hearings

Laid Over Items

ALH 10-150

Appeal of PRO Real Estate Services, represented by Leah Frenning to a Fire Certificate of Occupancy Order at 784 Agate Street. (Ward 5)

Sponsors: Helgen

Attachments: [784 Agate Street.Appeal.9-23-10.pdf](#)

[784 Agate St.Fire C of O Ltr.8-20-10](#)

[784 Agate St.Fire C of O Ltr.7-20-10](#)

[784 Agate St.Bedroom door.JPG](#)

[784 Agate.Main door.JPG](#)

Legislative History

10/5/10 Legislative Hearings Referred Under Master Resolution

No one appeared.

No one appeared.

10/19/10 Legislative Hearings Referred Under Master Resolution

Grant a 5-inch variance on the openable height of the egress window in the Unit 1, third floor south bedroom. The issue of egress from the north bedroom is laid over for one week; the appellant will provide photos of the door or documentation of inspector sign-off.

Inspector Shaff gave a staff report. She said the appeal involved egress window orders from a Fire Certificate of Occupancy inspection conducted by Inspector Cassidy on August 20. The inspector reported that the openable dimensions of the egress window in the Unit 1 third floor south bedroom were 19 inches high by 27 inches wide and in the north bedroom were 13 inches high by 25 inches wide. Ms. Shaff read from the appeal that there was an exterior door in the north bedroom.

Ms. Frenning said the inspector had okayed the north bedroom and would amend the orders.

Ms Moermond said she would recommend that the Council grant a 5-inch variance on the openable height of the egress window in the Unit 1, third floor south bedroom. She asked Ms. Frenning to provide photographs of the north bedroom exterior door, or documentation of the inspector's sign-off; she laid the matter over for one week.

[Decision issued 11/8/10: I have looked over this situation, and it appears to me that access to the unit's main door is through the bedroom door, then the entrance area. It may be that I am not able to properly assess how the rooms, doors and windows relate to one another, but it looks like access to the exit is through another room, not directly to the outside. Unless a floor plan presents different information, my recommendation is to deny the appeal.]

Ms. Frenning asked whether there was a decision on the basement door height at 1648 East Fourth Street (September 28 hearing). Ms. Moermond reviewed the property information and said she would grant an extension to November 30 for bringing the door into compliance. She said Ms. Frenning could have a public hearing on the matter before the City Council on November 3 if she chose to.

ALH 10-202

Appeal of Steve Fisher to a Fire Certificate of Occupancy Correction Order at 965 Hague Avenue. (Ward 1)

Sponsors: Carter III

Attachments: [965 Hague Avenue.Appeal.10-5-10.pdf](#)
[965 Hague Ave.Fire C of O Ltr.9-20-10](#)
[965 Hague Ave.Photos.9-20-10](#)

Legislative History

10/19/10 Legislative Hearings Laid Over to the Legislative Hearings
Grant a 2.5-inch variance on the openable height of the egress window in the third floor bedroom. The appellant will provide photographs and a floor plan of the basement addressing the issue of egress; the basement is not currently being used for sleeping. Decision forthcoming on the basement bathroom ventilation (Item 14); the appellant will provide a diagram and photographs of the room. Grant an extension to May, 30 2011 on the exterior items as long as the window frames are repaired and the fascia sealed, and the inspector confirms that the siding deterioration is superficial. Grant an extension to November 12 for the door trim (Item 10).

Appellant Steve Fisher (11825 118th Avenue N., Plymouth, MN 55441)

Inspector Shaff gave a staff report. She said the orders being appealed were from a Fire Certificate of Occupancy inspection conducted by Inspector Beumer on September 17. The orders stated that the openable dimensions of the egress windows on the third floor were 22.5 inches high by 22.5 inches wide. Ms. Shaff read from the appeal form that the appellant thought the windows had been installed under permit. She said the basement didn't have an egress window in the bedroom, but had a door leading to an unconditioned space which contained a stairway exiting directly outside.

Mr. Fisher said the house was renovated before they'd purchased it and they'd been told it had been done under permit. He said if there wasn't a permit he would like to request a variance for the third floor window. Ms. Shaff said the last building permit was from 2002 and was for a re-roof.

Ms. Moermond said she would recommend that the Council grant a 1.5-inch variance on the openable height of the egress window in the third floor bedroom.

Mr. Fisher said he was also appealing the order addressing the basement egress. He said there was a doorway leading to a small "corridor room" that had a doorway to the outside. Ms. Shaff noted that it was an unconditioned space, meaning there was no insulation. She said the fire code did give some exceptions for existing buildings, for exiting through one unlockable room to a door or exit that goes directly outside. She said she and Inspector Beumer had discussed it and weren't sure the space in question would qualify as a room. Mr. Fisher said the main room was enclosed, insulated and heated. Ms. Moermond asked for photographs and a floor plan of the basement. Mr. Fisher said the basement was not currently being used for sleeping but he would like a decision anyway and would submit the photos and floor plan.

Ms. Shaff asked whether the occupancy had been decreased (Item 1). Mr. Fisher said it had; he said the lease was for four people and he hadn't been aware a fifth had moved in.

Mr. Fisher said the basement bathroom had no window or vent (Item 14) but was adjacent to a laundry room which did have a window. He asked whether removing the door between the two rooms would suffice. Ms. Moermond asked for photographs and a floor plan.

Mr. Fisher confirmed with Ms. Moermond that the handrail requirement applied to a stairway of four steps and a landing regardless of when the house was built.

Mr. Fisher asked whether he could have an extension until spring for the exterior items. Ms. Moermond reviewed the photographs and asked that the damaged window frames and fascia be repaired; she said she would recommend that the Council grant an extension to May 30, 2011 for replacing the siding and fascia. She asked whether there were holes in the siding. Mr. Fisher said the deterioration was superficial. Ms. Moermond asked that the inspector confirm that. She asked whether everything else was ready for the following day's reinspection. Mr. Fisher said everything was done except the furnace inspection which was scheduled for the following Monday, and the door trim (Item 10). Ms. Moermond said she would recommend an extension to November 12 for the door trim.

ALH 10-204

Appeal of Allison Klis to a Fire Certificate of Occupancy Correction Order at 1638 Marshall Avenue. (Ward 4)

Sponsors: Stark

Attachments: [1638 Marshall Ave.Appeal.10-12-10.pdf](#)
[1638 Marshall Ave.Fire C of O Ltr.10-5-10](#)
[1638 Marshall Ave.PC ltr.11-12-10.doc](#)

Legislative History

- 10/19/10 Legislative Hearings Referred Under Master Resolution
On November 10, 2010, Marcia Moermond, Legislative Hearing Officer reviewed your appeal and recommended denying the appeal for the egress window in the basement apartment.
- Appellant Allison Klis (570 Asbury Street, #103A, St. Paul, MN 55104) appeared.*
- Inspector Shaff gave a staff report. She said the orders being appealed were from a referral inspection conducted by Inspector Imbertson on October 4. She read from the orders that the openable dimensions of the egress window were 15.5 inches high by 35.5 inches wide.*
- Ms. Klis said she had requested the inspection after a Section 8 inspection had brought up the egress window issue. She said it was a studio apartment with a front door to the outside and a rear exit from the laundry room. She said she had pictures of both exits. Ms. Shaff said egress through an area of higher hazard was not allowable, and a laundry room was an area of higher hazard. Ms. Klis confirmed with Ms. Moermond that a step could be installed to address sill height*
- Ms. Moermond asked whether it was possible to get 16 inches in openable height. Ms. Klis said it was a basement apartment, and the windows were double-hung and at ground level.*
- Ms. Moermond said her decision was forthcoming.*

ALH 10-246 Appeal of Jim and Lisa Campbell to a Fire Certificate of Occupancy Correction Order at 1596 McLean Avenue.

Sponsors: Lantry

Attachments: [1596 McClean Ave.Appeal.10-18-10.pdf](#)
 [1596 McLean Ave.Fire Inspection Ltr.9-22-10](#)
 [1596 McLean Ave.PC ltr.10-26-10.doc](#)
 [1596 McLean Ave.PC ltr.11-12-10.doc](#)

Legislative History

- 10/26/10 Legislative Hearings Laid Over to the Legislative Hearings
Deny the appeal. The appellant may submit a floor plan within a week and Ms. Moermond and the Fire supervisor will review it at the November 2 hearing. A variance will be considered if there is at least a 30 inch clearance.
- Appellant Jim Campbell (2024 Oakridge Street, St. Paul, MN 55119) appeared.*
- Inspector Shaff gave a staff report. She said the order being appealed addressed clearance in front of the electrical panels and was from a Fire Certificate of Occupancy inspection conducted by Inspector Thomas on September 22. She said the required clearance was 36 inches.*
- Ms. Moermond read from the appeal that the appellants were able to get 30 inches in clearance. Mr. Campbell said they could get 30 inches if they removed a dryer. He said building was an up-and-down duplex and each unit used and was metered for its own dryer. He said if they had to remove one dryer, they would probably just remove both because there would not be a good*

way to split the charges. He said the room was tight and had been arranged that way for 20 years. He said Inspector Thomas had encouraged him to appeal. Ms. Moermond asked whether there were any notes as to why the inspector would have suggested an appeal. Ms. Shaff said there were not.

Ms. Moermond asked Mr. Campbell whether they had considered a stackable washer and dryer. Mr. Campbell said they didn't have the money for that. He said if they removed the dryer, the tenants would store things in the empty space and it would be difficult to maintain the required clearance.

Ms. Moermond said she could work with 30 inches in clearance but not with the zero clearance that was provided now.

Mr. Campbell said he'd spent over \$200 bringing the dryer vents to code to comply with Item 9 on the deficiency list. He said he didn't feel Inspector Thomas would have written that order if he hadn't been confident the appeal would be successful.

Ms. Shaff and Mr. Campbell reviewed the photograph provided by Mr. Campbell and discussed options for changing the arrangement of the appliances in the laundry room and/or removing the sink. Ms. Moermond suggested that Mr. Campbell draw a floor plan. Mr. Campbell asked what the minimum acceptable clearance was. Ms. Moermond said she would accept a minimum of 30 inches.

Ms. Moermond said she would recommend that the Council deny the appeal. She said Mr. Campbell could submit a floor plan within a week, and she and the Fire supervisor would review it at the November 2 hearing.

11/2/10 Legislative Hearings Referred Under Master Resolution
No hearing was scheduled for this matter. This was a housekeeping.

Marcia Moermond, Legislative Hearing Officer, reviewed the proposed floor plan alteration for the laundry room submitted by the property owner and based on the documentation, she recommended granting a 12-inch clearance in front of the electrical panel.

ALH 10-249

Appeal of Brad Cartier to a Fire Certificate of Occupancy Correction Order at 1746 Sims Avenue.

Sponsors: Bostrom

Attachments: [1746 Sims Ave.Appeal.10-18-10.pdf](#)

[1746 Sims Ave.Fire Inspection Ltr.10-4-10](#)

Legislative History

10/26/10 Legislative Hearings Laid Over to the Legislative Hearings
Decision forthcoming. The appellant will provide measurements and a diagram showing the portion of the room that has a ceiling height of at least six feet.

Appellant Brad Cartier (21441 Iverson Avenue N., Forest Lake, MN 55025) appeared.

Inspector Shaff gave a staff report. She said the orders being appealed were from a Fire Certificate of Occupancy inspection conducted by Inspector Fish on October 4. In the upper floor west bedroom, the dimensions of the area with a ceiling height of at least 7 feet were 2 feet by 14 feet, and the room dimensions

were 13 feet by 14 feet. In the upper floor east bedroom, the dimensions of the area with a ceiling height of at least 7 feet were 2 feet by 16 feet, and the room dimensions were 14 feet by 16 feet.

Ms. Moermond asked for a description of the ceiling. Mr. Cartier said the ceiling went down at an angle to a height of about three feet then went straight down. He said the rooms were listed and used as bedrooms before he bought the property, had been used as bedrooms in the five years he'd owned it, and he'd replaced egress windows twice to comply with code.

Ms. Moermond asked Mr. Cartier to provide better measurements and a diagram showing the amount of floor space under a ceiling at least 6 feet in height. Her decision is forthcoming.

ALH 10-268 Appeal of Gregg Johnson to a Fire Certificate of Occupancy Correction Order at 1439 Ashland Avenue.

Sponsors: Carter III

Attachments: [1439 Ashland Ave.Appeal.10-15-10.pdf](#)
[1439 Ashland Ave.Fire Inspection Ltr.10-6-10](#)
[1439 Ashland Ave.Fire Inspection Ltr.8-26-10](#)
[1439 Ashland Ave.Photos.8-26-10](#)
[1439 Ashland Ave.PC ltr.10-26-10.doc](#)
[1439 Ashland Ave.PC ltr.11-12-10.doc](#)
[1439 Ashland Ave.photos1.pdf](#)
[1439 Ashland Ave.photos 2.pdf](#)

Legislative History

10/26/10 Legislative Hearings Referred Under Master Resolution
 Grant a 2.5-inch variance on the openable height of the egress window in Unit 9. Deny the appeal on the remaining items. Grant an extension to May 31, 2011 for Item 9 (chipped and peeling paint on windows). Decision forthcoming on an extension for Item 8 (damaged window frames); the inspector will assess and prioritize the window frames at the reinspection. On November 10, 2010, Ms. Moermond reviewed the photographs submitted by Mr. Johnson of the window frames and stated that Mr. Johnson would need to work with the inspector to assess and prioritize the window frames accordingly.

Appellant Gregg Johnson, Johnander LLC (3128 Lyndale Avenue S., Suite A, Minneapolis, MN 55408), appeared.

Inspector Shaff gave a staff report. She said the orders being appealed addressed window sashes that didn't stay up (Item 13) and egress window size (Item 20), and were from a Fire Certificate of Occupancy reinspection conducted on October 5 by Inspector Beumer. The openable dimensions of the egress window in Unit 9 were 21.5 inches high by 28 inches wide. Ms. Shaff noted that the inspector had received and approved the heating facility report that day. She said the inspector had also noted that some hard wired smoke detectors and carbon monoxide alarms weren't working, and battery powered detectors were being used temporarily.

Ms. Moermond asked how many units were in the building and how many smoke detectors weren't functioning. Mr. Johnson said those had been taken care of

and he was only appealing the window orders.

Ms. Moermond said she would recommend that the Council grant a 2.5-inch variance on the openable height of the egress window in Unit 9. She asked about the sash cords. Mr. Johnson said none were intact; he asked what his options were for compliance. Ms. Shaff said sash clips were acceptable.

Mr. Johnson asked whether he could have until next spring to do the upper windows (Items 8, 9 and 10); he said the lower level was done. Ms. Moermond said she would like to keep repair of the cracked windows on the same deadline as the other items. She asked Mr. Johnson to provide photographs of the windows frames so she could assess the damage, and said she would recommend an extension to May 31, 2011 for the chipped and peeling paint. She said Mr. Johnson and the inspector could work together at the reinspection to assess and prioritize the window frames.

Window Variances

ALH 10-286 Appeal of Geneva Turner to a Fire Certificate of Occupancy Correction Order at 988 Central Avenue West

Sponsors: Carter III

Attachments: [988 Central Ave W.Appeal.10-26-10.pdf](#)
[988 Central Ave W.Fire Inspection Ltr.10-21-10](#)
[988 Central Ave W.Turner.PC ltr.11-2-10.doc](#)

Legislative History

11/2/10 Legislative Hearings Referred Under Master Resolution
 Grant a 3-inch variance on the openable height of the egress windows in both bedrooms.

ALH 10-288 Appeal of Renewal By Anderson on behalf of Diane Mancini to a Egress Window Non-Compliance Determination at 1280 Eleanor Avenue

Sponsors: Harris

Attachments: [1280 Eleanor Ave.Appeal.10-26-10.pdf](#)
[1280 Eleanor Ave.Renewal.PC ltr.11-2-10.doc](#)

Legislative History

11/2/10 Legislative Hearings Referred Under Master Resolution
 Grant a 6 1/8-inch variance on the openable height of one double-hung replacement bedroom egress window measuring 17 5/8 inches high by 24 inches wide.

ALH 10-289 Appeal of Renewal by Anderson on behalf of Ted Benson to a Egress window non-compliance determination at 1248 Como Blvd. East

Sponsors: Helgen

Attachments: [1248 Como Blvd E.Appeal.10-25-10.pdf](#)
[1248 Como Blvd E.Renewal.PC ltr.11-2-10.doc](#)

Legislative History

11/2/10 Legislative Hearings Referred Under Master Resolution
 Grant a 1 1/8-inch variance on the openable height of three double-hung

replacement bedroom egress windows measuring 22 7/8 inches high by 24 inches wide.

ALH 10-290 Appeal of Renewal By Anderson on behalf of Gail Hesselbeck to a Egress Window Non-Compliance Determination at 1386 Eleanor Avenue

Sponsors: Harris

Attachments: [1386 Eleanor Ave.Appeal.10-25-10.pdf](#)
[1386 Eleanor Ave.Renewal.PC ltr.11-2-10.doc](#)

Legislative History

11/2/10 Legislative Hearings Referred Under Master Resolution
Grant a 2-inch variance on the openable height of four double-hung replacement bedroom egress windows measuring 22 inches high by 30 inches wide.

ALH 10-291 Appeal of Renewal by Anderson on behalf of John and Denise Kniprath to an Egress window non-compliance determination at 1580 McLean Avenue

Sponsors: Lantry

Attachments: [1580 McLean Ave.Appeal.10-25-10.pdf](#)
[1580 McLean Ave.Renewal.PC ltr.11-2-10.doc](#)

Legislative History

11/2/10 Legislative Hearings Referred Under Master Resolution
Grant a 6-inch variance on the openable height of three double-hung replacement bedroom egress windows measuring 18 inches high by 40 inches wide.

ALH 10-292 Appeal of Renewal by Andersen on behalf of Mary Jo Katras to an Egress window non-compliance determination at 2005 Stanford Avenue

Sponsors: Stark

Attachments: [2005 Stanford Ave.Appeal.10-25-10.pdf](#)
[2005 Stanford Ave.Renewal.PC ltr.11-2-10.doc](#)

Legislative History

11/2/10 Legislative Hearings Referred Under Master Resolution
Grant a 1 1/8-inch variance on the openable height of five double-hung replacement bedroom egress windows measuring 22 7/8 inches high by 24 inches wide. Grant a 1 1/8-inch variance on the openable height of four double-hung replacement bedroom egress windows measuring 22 7/8 inches high by 20 inches wide.

ALH 10-298 Appeal of Ambasager Abraham to a Fire Certificate of Occupancy Correction Order at 756 Hoyt Avenue East.

Sponsors: Bostrom

Attachments: [756 Hoyt Ave.Appeal.10-28-10.pdf](#)
[756 Hoyt Ave E.Fire Inspection Ltr.10-25-10](#)
[756 Hoyt Ave.Abraham.PC ltr.11-2-10.doc](#)

Legislative History

11/2/10 Legislative Hearings Referred Under Master Resolution

Grant a 1-inch variance on the openable width of the egress windows in the basement bedroom and the main level bedroom facing the back yard.

ALH 10-299 Appeal of Ramsey County Public Health on behalf of Justin Bowser to an Egress Window Non-Compliance Determination at 312 BURGESS STREET.

Sponsors: Helgen

Attachments: [312 Burgess.Appeal.10-25-10.pdf](#)
[312 Burgess #1.Public Health.PC ltr.11-2-10.doc](#)

Legislative History

11/2/10 Legislative Hearings Referred Under Master Resolution
Grant a 1-inch variance on the openable width of one double-hung replacement bedroom egress windows measuring 28 inches high by 19 inches wide.

ALH 10-295 Appeal of Como Park Lutheran Church, represented by R.P. Management to a Fire Certificate of Occupancy Correction Order at 1545 Hamline Avenue North.

Sponsors: Stark

Attachments: [1545 Hamline Ave N.Appeal.10-22-10.pdf](#)
[1545 Hamline Ave N.Fire Inspection Ltr.10-14-10](#)
[1545 Hamline Ave N.Fire Inspection Ltr.10-25-10](#)
[1545 Hamline Ave N.RPMgmt.PC ltr.11-2-10.doc](#)

Legislative History

11/2/10 Legislative Hearings Referred Under Master Resolution
Grant a 4-inch variance on the openable height of the bedroom egress windows.

ALH 10-296 Appeal of Beissel Window and Siding Co. on behalf of Don and Bev Glaser to an Egress Window Non-Compliance Determination at 1807 Stillwater Avenue East.

Sponsors: Bostrom

Attachments: [1807 Stillwater Ave E.Appeal.10-22-10.pdf](#)
[1807 Stillwater Ave.PC ltr.11-2-10.doc](#)

Legislative History

11/2/10 Legislative Hearings Referred Under Master Resolution
Grant a 5.125-inch variance on the openable height of 23 double-hung replacement bedroom egress windows measuring 18.875 inches high by 31 inches wide. Grant a 5.125-inch variance on the openable height of 22 double-hung replacement bedroom egress windows measuring 18.875 inches high by 36.75 inches wide.

ALH 10-302 Appeal of Beissel Window and Siding Co. on behalf of Tom and Julie Sparrow to an Egress Window Non-Compliance Determination at 433 Wheelock Parkway West.

Sponsors: Helgen

Attachments: [433 Wheelock Pkwy.Appeal.10-22-10.pdf](#)
[433 Wheelock Pkwy W.PC ltr.11-2-10.doc](#)

Legislative History

11/2/10 Legislative Hearings Referred Under Master Resolution
Grant a 2.75-inch variance on the openable height of one double-hung replacement bedroom egress window measuring 21.25 inches high by 28.65 inches wide.

ALH 10-303 Appeal of Josh Cook and Jennifer Klein to an Egress Window Non-Compliance Determination at 558 Ottawa Avenue.

Sponsors: Thune

Attachments: [558 Ottawa Ave.Appeal.10-22-10.pdf](#)
[558 Ottawa Ave.PC ltr.11-2-10.doc](#)

Legislative History

11/2/10 Legislative Hearings Referred Under Master Resolution
Grant a 2-inch variance on the openable height of two double-hung replacement bedroom egress windows measuring 22 inches high by 25.4 inches wide.

ALH 10-304 Appeal of Gregory Lentz to a Fire Certificate of Occupancy Correction Order at 2027 Arlington Avenue East.

Sponsors: Bostrom

Attachments: [2027 Arlington Ave E.Appeal.10-22-10.pdf](#)
[2027 Arlington Ave E.Fire Inspection Ltr.10-18-10](#)
[2027 Arlington Ave E.PC ltr.11-2-10.doc](#)

Legislative History

11/2/10 Legislative Hearings Referred Under Master Resolution
Grant a 5-inch variance on the openable height of the egress windows in all bedrooms.

ALH 10-305 Appeal of Ramsey County Public Health on behalf of Ruby Fair to an Egress Window Non-Compliance Determination at 726 Cook Avenue East.

Sponsors: Bostrom

Attachments: [726 Cook Ave.Appeal.10-22-10.pdf](#)

Legislative History

11/2/10 Legislative Hearings Referred Under Master Resolution
Grant a 4.8-inch variance on the openable height of one double-hung replacement bedroom egress windows measuring 19.2 inches high by 22 inches wide. Grant a 4.7-inch variance on the openable height of the replacement bedroom egress window measuring 19.3 inches high by 20 inches wide.

ALH 10-306 Appeal of Jason Chu to a Fire Certificate of Occupancy Correction Order at 481 Warwick Street.

Sponsors: Harris

Attachments: [481 Warwick St.Appeal.10-21-10.pdf](#)
[481 Warwick St.Fire Inspection Ltr.7-20-10](#)
[481 Warwick St.PC ltr.11-2-10.doc](#)

Legislative History

11/2/10 Legislative Hearings Referred Under Master Resolution

Grant a 3-inch variance on the openable height of the bedroom egress window in Unit 1. Grant a 2.5-inch variance on the openable height of the egress window in the south bedroom of Unit 2, and a 5.5-inch variance on the openable height of the egress window in the north bedroom of Unit 2. Grant a 2.5-inch variance on the openable height of the bedroom egress window in Unit 3. Grant a 3-inch variance on the openable height of the bedroom egress window in Unit 4.

ALH 10-307 Appeal of Ramsey County Public Health on behalf of Natasha Jefferson to an Egress Window Non-Compliance Determination at 1258 Marion Street.

Sponsors: Helgen

Attachments: [1258 Marion St.Appeal.10-25-10.pdf](#)

Legislative History

11/2/10 Legislative Hearings Referred Under Master Resolution
Grant a 4.1-inch variance on the openable height of two double-hung replacement bedroom egress windows measuring 19.9 inches high by 23 inches wide.

ALH 10-308 Appeal of Pella Windows & Doors on behalf of Pat and Sue Connolly to an Egress Window Non-Compliance Determination at 1153 Hawthorne Avenue East.

Sponsors: Bostrom

Attachments: [1153 Hawthorne Ave E.Appeal.10-25-10.pdf](#)

[1153 Hawthorne Ave E.PC ltr.11-2-10.doc](#)

Legislative History

11/2/10 Legislative Hearings Referred Under Master Resolution
Grant a 2.75-inch variance on the openable height of three double-hung replacement bedroom egress windows measuring 21.25 inches high by 20 inches wide.

ALH 10-309 Appeal of 33rd Company, Inc. to a Fire Certificate of Occupancy Correction Order at 65 Battle Creek Road.

Sponsors: Lantry

Attachments: [65 Battle Creek Rd.Appeal.10-25-10](#)

[65 Battle Creek Rd.Fire Inspection Ltr.10-15-10](#)

[65 Battle Creek Rd.PC ltr.11-2-10](#)

Legislative History

11/2/10 Legislative Hearings Referred Under Master Resolution
Grant a 2.5-inch variance on the openable width of the casement egress window in the basement northeast bedroom. Grant a 7.5-inch variance on the openable height of the double-hung second window. Grant a 2.5-inch variance on the openable height of the casement egress window in the master bedroom. Deny the appeal of the order to install a handrail on the retaining wall stairway.

Appellant Marie Plourde/33rd Company (1800 Wooddale, Woodbury, MN 55125) appeared.

Inspector Urmann gave a staff report. He said the issue was egress windows; he referred Ms. Moermond to the dimensions listed in the orders. Ms. Moermond said she would recommend that the Council grant a 2.5-inch

variance on the openable width of the casement egress window in the basement northeast bedroom, a 7.5-inch variance on the openable height of the double-hung second window, and a 2.5-inch variance on the openable height of the casement egress window in the master bedroom.

Ms. Plourde said she would also like to appeal item 6 (handrail for retaining wall staircase). She said the stairway was built before the property was a rental; she asked whether the handrail was still required. Ms. Moermond said it was.