



# City of Saint Paul

15 West Kellogg Blvd.  
Saint Paul, MN 55102

## Minutes - Final Legislative Hearings

*Marcia Moermond, Legislative Hearing Officer*  
*Mai Vang, Hearing Coordinator*  
*Jean Birkholz, Hearing Secretary*  
*legislativehearings@ci.stpaul.mn.us*  
*651-266-8585*

---

Tuesday, January 28, 2014

9:00 AM

Room 330 City Hall & Court House

---

### 9:00 a.m. Hearings

#### Remove/Repair Orders

- 1 [RLH RR 13-56](#) Ordering the rehabilitation or razing and removal of the structures at 438-442 BEACON AVENUE within fifteen (15) days after the January 2, 2014 City Council Public Hearing. (Public hearing held January 2; laid over from January 15)

**Sponsors:** Stark

*Remove or repair the building within 15 days.*

*RE: 438-442 Beacon Avenue (Single Family)*

*Christian Brandt, Attorney, representing Bayview Loan Servicing, LLC, appeared.*

*Mr. Brandt:*

- no Performance Deposit/bond has yet been posted
- at this point, none of the conditions are met but his client still wants to do the work
- there has been movement to get the bond money posted
- really, there has been no movement since last time

*Ms. Moermond:*

- noticed that a Code Compliance Inspection hasn't been ordered
- noticed that there's a complaint in the system: the snow hasn't been shoveled
- at the last City Council Public Hearing, Russ Stark laid this over to see if any information could be developed on saving it
- neither condition has been completed at this time
- due back at City Council Public Hearing Feb 5, 2014
- at it stands right now, she will recommend that the Council order the building Removed in 15 days
- if the Performance Deposit/bond has been posted and the Code Compliance Inspection ordered, the City Council may refer it back into Legislative Hearing
- those 2 things need to be done by Feb 5 if this is to progress
- the Repair option hangs on those 2 things

**Referred to the City Council due back on 2/5/2014**

- 2 [RLH RR 14-2](#) Ordering the rehabilitation or razing and removal of the structures at 349 CURTICE STREET EAST within fifteen (15) days after the February 19,

2014, City Council Public Hearing.

Sponsors: Thune

*RE: 349 Curtice Street East (Single Family)*

*Stephanie Nelson, Shapiro & Zielke, appeared, representing the Bank of America, the servicer.*

*Steve Magner, Vacant Buildings:*

- The building is a two-story wood frame single-family dwelling on a lot of 4,792 square feet. According to our files, it has been a vacant building since July 16, 2013.*
- The current property owner is listed as Jeffrey Vandenbosch per AMANDA and Ramsey County Property records.*
- On November 6, 2013, an inspection of the building was conducted, a list of deficiencies which constitute a nuisance condition was developed and photographs were taken. An ORDER TO ABATE A NUISANCE BUILDING was posted on November 14, 2013 with a compliance date of December 14, 2013. As of this date, the property remains in a condition which comprises a nuisance as defined by the legislative code.*
- Taxation has placed an estimated market value of \$17,600 on the land and \$170,100 on the building.*
- Real estate taxes are current.*
- The Vacant Building registration fees were paid by assessment on August 29, 2013.*
- A Code Compliance Inspection was done on January 17, 2014.*
- As of January 27, 2014, the \$5,000 performance deposit has not been posted.*
- There have been nine (9) SUMMARY ABATEMENT NOTICES since 2013.*
- There have been ten (10) WORK ORDERS issued for:*
  - Garbage/rubbish*
  - Boarding/securing*
  - Tall grass/weeds*
  - Accessory structure - dilapidated wood staircase on west side of house*
- Code Enforcement Officers estimate the cost to repair this structure exceeds \$50,000. The estimated cost to demolish exceeds \$15,000.*

*Amy Spong, Heritage Preservation Commission (HPC):*

- current structure here was built in 2000*
- the previous structure here was built in 1929, a bungalow structure, which was demolished sometime between 1946 and 2000 (no record of the demo; it could be part of the record for the new house that was built)*
- the current house had a fire*
- the current house has not yet reached an age appropriate to be able to understand and determine and historical significance*
- there's a significant grade drop at the back of the house*
- demolition would have no adverse affect from an historical perspective*

*Mr. Magner:*

- the fire is dated Jul 12, 2013*
- permits for the building started in 2000*

*Ms. Moermond:*

- reading from the Fire Report:*
- it was an unintentional fire, which ignited in the air conditioner on the second floor*
- 2 people had been living there - a man and a woman*

- the male homeowner was injured in the fire and transported by medics to Regions Hospital

Ms. Nelson:

- the mortgage is from 2004, recorded 2005
- the loan is not in foreclosure at this time; the property owner is still the record title owner at this point
- she is here for informational purposes
- she is curious as to who ordered the Code Compliance inspection

Ms. Moermond:

- Bank of America, c/o Jeffrey Vandebosch, ordered the inspection

Mr. Magner:

- they have returned mail from Stonecreek Funding Corp (unable to forward)
- they sent to Jeffrey Vandebosch at an address for US Bank Central Parking Ramp
- also, to Household Industrial Finance Co; MERS; and Shapiro & Zielke
- they posted the property, too

Ms. Nelson:

- Stonecreek was the lender; since been assigned to the Bank of New York Mellon

Mr. Magner:

- most recent Work Order was issued for Boarding the front door this month
- doesn't see any snow removal Orders

Ms. Moermond:

- a company should be hired to do property maintenance

Ms. Nelson:

- will check into that
- needs to go back to her client to see if they are going to pay the Performance Deposit, etc.
- looked at Ms. Spong's photos

Ms. Moermond:

- photos are also on line
- City Council Public Hearing Feb 19, 2014
- will Lay this over for 2 weeks to Feb 11, 2014 LH

**Laid Over to the Legislative Hearings due back on 2/11/2014**

**3**      [RLH RR 13-63](#)

Ordering the razing and removal of the structures at 872 DULUTH STREET within fifteen (15) days after the February 5, 2014, City Council Public Hearing.

**Sponsors:**      Bostrom

*Remove within 15 days with no option for repair.*

*RE: 872 Duluth Street (Single Family)*

*No one appeared.*

*Steve Magner, Vacant Buildings:*

- read the letter from Mai Vang (attached) after LH Jan 14, 2014

Ms. Moermond:

- this was continued because we had no information from SHPO

Amy Spong, Heritage Preservation Commission (HPC):

- letter sent to SHPO Jan 9, 2014

- got a response from SHPO Jan 13, 2014 (attached)

- demolition will have no adverse affect

Ms. Moermond:

- scanned that letter

- will recommend Removal of the building within 15 days with no option for repair

**Referred to the City Council due back on 2/5/2014**

**4**      [RLH RR 14-3](#)

Granting an extension for the rehabilitation or razing and removal of 1649 ROSS AVENUE.

**Sponsors:**      Lantry

Owners to provide a revised affidavit relating to the funds available for the project, a work plan and a signed nuisance abatement agreement between the owners by February 4, 2014.

RE: 1649 Ross Avenue (Single Family)

Jim Gasperini, representing Eleanor Hammes, individually; Eleanor Hammes as Personal Representative of the Estate of William Hammes; Attorney-in-fact for Leo Hammes; and Edward Kuhlman as Personal Representative of the Estate of Earl Hammes (recently deceased), each representing a one-fifth ownership interest in 1649 Ross Avenue, appeared.

Edward Kuhlman appeared.

Eleanor Hammes appeared.

(Mr. Chmielewski, representing Dorothy Lyons, heir, is not in attendance today.)

- these heirs are named in a will; actually, there's 2 wills

- in the Probate of Wm Hammes, the property has been transferred to Eleanor

- in the Probate of Earl Hammes, (just started last month)

- Mr. Kuhlman has not yet been appointed as the Personal Representative; he will be appointed Feb 4, 2014

- Ed and Eleanor have been doing all the work to get this done

Ms. Moermond:

- asked whose names were on the title

Mr. Gasperini:

- Leo, Earl, Eleanor, and Eleanor & Dorothy (deceased William Hammes' fifth)

- so, Eleanor has 2 fifths; Leo 1 fifth; Dorothy 1 fifth; and Earl 1 fifth

Ms. Moermond:

- the city is reconsidering this

- the City Council already voted to have this building Removed but the Council President thought they should refer it back to see if the heirs could bring this together (there were extenuating circumstances)

- all this would be put onto the record so that the heirs can hear what the city is considering

Ms. Eleanor Hammes:

- the house was Condemned to her own Order
- the Fire Marshal was trying to access the house but they had a squatter; he didn't pay rent and they could not get rid of him; he had also accumulated a lot of junk in the yard; he would not open the door for the Fire Marshal
- she decided to Condemn the house in order to get the squatter out
- the house was not Condemned because of its condition; it was Condemned to get the squatter out and gain access by the Fire inspectors

*Steve Magner, Vacant Buildings:*

- The building is a one-story, wood frame, single-family dwelling, with a detached storage shed, on a lot of 5,227 square feet. According to our files, it has been a vacant building since May 21, 2012.
- The current property owner is Earl R. Hammes, Dorothy H. Lyons, and Eleanor D. Hammes per AMANDA and Ramsey County Property records.
- On September 18, 2013, an inspection of the building was conducted, a list of deficiencies which constitute a nuisance condition was developed and photographs were taken. An ORDER TO ABATE A NUISANCE BUILDING was posted on September 24, 2013 with a compliance date of October 24, 2013. As of this date, the property remains in a condition which comprises a nuisance as defined by the legislative code.
- Taxation has placed an estimated market value of \$12,800 on the land and \$29,100 on the building.
- Real estate taxes are current.
- The Vacant Building registration fees were paid by assessment on June 28, 2013.
- As of December 3, 2013, a Code Compliance Inspection has been applied for; report is forthcoming.
- As of January 14, 2014, the \$5,000 performance deposit has been posted (by Eleanor Hammes).
- There have been fourteen (14) SUMMARY ABATEMENT NOTICES since 2012.
- There have been seven (7) WORK ORDERS issued for:
  - Garbage/rubbish
  - Boarding/securing
  - Tall grass/weeds
- Code Enforcement Officers estimate the cost to repair this structure exceeds \$35,000. The estimated cost to demolish is \$12,000 to \$15,000.

*Ms. Moermond:*

- the Performance Deposit has been posted
- the Code Compliance Inspection Report will be out shortly

*Mr. Gasperini:*

- licensed contractors are ready to start work (waiting for the Report)

*Ms. Moermond:*

- if this rehab is estimated to cost less than \$35,000, she needs to see documentation that it can be done for less (bids that have been signed by licensed contractors who are will demonstrate that they can do all of those things at a cost less than the projected \$35,000); she does not want to see "popsicles sticks and duct tape"

*Mr. Kuhlman:*

- the house is strong; it has a poured basement; all new Andersen Windows; new furnace and duct work; new kitchen cabinets, etc; the off-street parking are in the back is all blacktopped; new doors; a new roof was put on in the last couple of years; etc.
- the property is being maintained

*Mr. Gasperini:*

- they have been out there nonstop because the person who was in there accumulated 3 30-yard dumpsters worth of stuff in that small house
- now, it's all cleaned out and ready to be worked on
- they have an interested buyer, Michael Province, who is waiting for the Code Compliance Report
- Eleanor and Ed both have the financial where-with-all to do the rehab; they will take control until it's all done
- how soon does the city want this rehab done?

*Ms. Moermond:*

- at this time, they can't sell the property
- because this is a residential property, the nuisance condition must be abated before the property can be sold; (remove or fix)
- needs to see a statement developed by Mr. Gasperini noting that Eleanor and Ed will be taking control of the rehab

*Amy Spong, Heritage Preservation Commission (HPC):*

- constructed in 1917; vernacular house with some craftsman detailing, like open beams with exposed rafters; hip roof
- original clapboard is still present along with a couple original windows
- some alterations
- don't have a Sanborn Insurance Map or index card indicating the original building permit number
- both of the block faces have properties from a similar era in contact; very few vacant lots
- SHPO determined that the property would not be eligible for the national register
- last surveyed in 1983; this property was not identified; nor were there any potential historic districts (caution: we should not be using survey work that's over 15-20 years old)
- individually, property does not have potential for an historic resource for national register or local designation
- this property does contribute to the neighborhood character; there are many houses on this block from a similar period of time
- not a lot of vacant lots or holes in street scape
- wood siding is still exposed - some details showing the early character of the building; ideally, she'd encourage that be maintained
- has no interior photos so it's hard to assess the overall condition
- strongly encourages rehab

*Ms. Moermond:*

- wants to see the rehab get done
- city has the perf deposit and code compliance
- the registered Vacant Building fees have been paid
- the taxes are paid
- property is being maintained
- she needs a revised financial affidavit showing that they have the rehab amount and that it would be spent for the purpose of this rehab; she needs validation that \$35,000 would be set aside for this rehab until it's done
- she needs to see a Work Plan and the licensed contractors' bids by Feb 4, 2014 (ready for CCPH Feb 5)
- work must be done under permit
- Ms. Mai Vang gave them a sample Work Plan
- she can allow up to 180 days for finishing the project
- some things won't be able to be completed until spring/summer
- needs a statement from the other owners

Mr. Gasperini:

- he is putting together a Nuisance Abatement Agreement by the owners, the Work Plan, and the Revised Affidavit; will have them by early-mid next week

Mr. Magner:

- noted that he doesn't see any evidence of permits having been pulled for windows, doors, roof, etc.

**Referred to the City Council due back on 2/5/2014**

**5**      [RLH RR 13-62](#)

Ordering the rehabilitation or razing and removal of the structures at 929 SEVENTH STREET WEST within fifteen (15) days after the January 2, 2014, City Council Public Hearing.

**Sponsors:**      Thune

*To be laid over to Legislative Hearing February 25, 2014 and City Council Public Hearing on March 5, 2014. Buyer needs to remove the ceiling plaster under permit as soon as possible.*

*RE: 929 Seventh Street West (Commercial/Apartment-B-Commercial)*

*Andre Stouvenel, contractor and prospective buyer and Hank Hanten, his partner, appeared.*

Mr. Stouvenel:

- was contacted by Ms. Moermond last Fri, who requested that he attend this hearing
- has a Purchase Agreement dated Jan 10, 2014 on this building (PA is not contingent upon received time for the rehab from the city)
- did a walk-thru the last week of Dec 2013
- had contact with the Fire inspectors to learn the process
- went to zoning to find out where things were at and did the due diligence prior to signing the PA
- entered his resume that describes the historic projects that he has worked on
- has done \$1M+ in the last 20 years
- entered Remediation Plan - 2 pieces
- after the permits are closed, he will apply for a Certificate of Occupancy
- thinks that the building has historic significant to the West 7th Neighborhood
- thinks that a building front restoration would be appealing
- planned use: commercial architectural/design office building for bidding purposes; carpet storage; architectural materials, files, etc.; they are a small company (4 people who office); they occupy 6,000 sq ft, currently across the river; since 2007 - Commercial Systems; they have been in total compliance with their current building
- biggest issues he sees with the building right now are several items on the exterior and the roof
- his trades' inspection is scheduled for Thu at 1 pm
- closing is tentatively scheduled for Mar 31, 2014; they would immediately pull permits to start work
- the building is deceiving; it's unique in design and construction (clear span trusses, etc.)
- has worked with the historical society on several buildings and he is more than willing to work together with them again on this building
- thinking about putting the marquee back, reminiscent of the last 1800s (an ornate feel)

*Ms. Amy Spong, Heritage Preservation Commission (HPC):*  
*- she would rather not have a marquee if it would be stucco*

*Steve Magner, Vacant Buildings:*  
*- once the building receives its Certificate of Occupancy, all of this process would disappear (the Vacant Building file would close; the Notice to Abate would go away, etc.)*  
*- questions whether the building would run into a problem with Zoning if a marquee would be added, since the Zoning Code has changed*

*Ms. Spong:*  
*- they have put back signs that project into the right-of-way (need to provide proof of insurance; obtain a variance; etc.)*  
*- because this building is not designated as an historical resource, Mr. Stouvenel will not need to have any additional design review from an historic perspective; however, they'd be more than happy to review his plans and work with him - provide feedback (voluntary design review)*

*Mr. Stouvenel:*  
*- is aware that these things are part of the process and there's no guarantee*  
*- the neighborhood would be involved*

*Ms. Moermond:*  
*- the Remediation Plan looks great*  
*- concerns: 1) ownership piece, Purchase Agreement and timing; and 2) there's a dangerous building placard hung on the building (how do we coordinate working on the building in it's dangerous building status?)*

*Mr. Stouvenel:*  
*- Fire stated that they were unsure about the condition of the roof and the condition of the plaster ceilings; also concerned about exiting and emergency lighting (life safety issues); also, it was packed full of stuff*

*Ms. Moermond:*  
*- now, the building is empty*  
*- there's also a Structural Engineering Report that says it won't collapse*

*Mr. Stouvenel:*  
*- it's still unsafe*  
*- immediately after closing, they would have 70% progress within the first 30 days of ownership and remove any hazards to the neighborhood*

*Mr. Hanten:*  
*- he thinks that dangerous part of the building might be only the plaster on the ceiling, which is 2/3 removed*  
*- you have to have someone in there working on it in order to remove the hazard and to bring it up to code*

*Ms. Moermond:*  
*- asked if the plaster could be taken down (Mr. Stouvenel: immediately - probably next week; they want to satisfy the Fire Department)*

*Ms. Moermond:*  
*- would like to see the plaster taken down within the next week; she would like to see the placard taken down (it's scary for the neighbors to see that)*  
*- Fire will take the placard down once the plaster is taken down*

- can pull an interior demo permit without having the Code Compliance Certificate
- it makes sense to pull the interior demo permit and do it right away so that it's done before the Fire Inspection staff gets there
- between having that done and the Engineering Report, they can pull the placard off the building (her goal)

Mr. Magner:

- will make sure that there's a note in the system that you can pull a demo permit today; the ceiling plaster will be removed to eliminate any fear of danger but that doesn't remove the nuisance building status, which will not happen until occupancy can be granted

Ms. Moermond:

- when the Code Compliance Inspection Report is done, put together a more specific sworn construction statement with some detail and timing
- if the dangerous situation is abated, there will be more time to deal with all of this
- the neighborhood would love to see this building fixed but they would also love to not be scared
- a letter will be sent confirming what has been said today
- typically, she will also look for the following: taxes and Vacant Building fees should be paid; need the \$5,000 Performance Deposit; need the site maintained; need the Code Compliance Inspection Report; Work Plan; evidence of financial capability
- will Lay this Over to Feb 26, 2014 Legislative Hearing
- if the interior demo is not settled, you will be back in 2 weeks
- a grant of time will not be given if you don't have your act together
- is satisfied that the taxes will be paid in the sales transaction

**Referred to the City Council due back on 2/5/2014**

## 11:30 a.m. Hearings

### Summary Abatement Orders (NONE)

### Orders To Vacate, Condemnations and Revocations

- 6 [RLH VO 14-4](#) Appeal of Tommie Moore, Jr. to a Notice of Condemnation-Unfit for Human Habitation-Order to Vacate at 946 WESTERN AVENUE NORTH.

**Sponsors:** Thao

*Grant an extension until February 5, 2013 to vacate the property.*

*RE: 946 Western Avenue North (Single Family)*

*Tommie Moore, Jr. appeared.*

*Fire Inspector A. J. Neis:*

- Notice of Condemnation-Unfit for Human Habitation-Order to Vacate dated Jan 16, 2014 in a response to a complaint: the basement is cluttered; people were living in the basement; there are no working smoke detectors; no working egress; make shift bedrooms sectioned off throughout the home
- he investigated with Fire Inspector Scott Perrier to validate the concerns of the complaint
- Jan 16, 2014 - went to property and identified over 45 code violations; met with the occupants; one indicated that they had multiple people living in the 3-4 bedroom

house; found over 14 people living in the house, which did not include infants under 1 year of age

- house is in substantial need of repair, inside and outside
- based on the conditions, it was determined that the house be Condemned with a 10-day Vacate date
- advised the occupants that an inspector could return to the home at any time within those 10 days and no one was to be found sleeping in the basement
- occupants agreed to not allow anyone to sleep in the basement
- returned to inspect yesterday; met Mr. Moore
- currently, there are at most, 3 people living in the house
- a substantial clean out of the house has taken place
- there are still several repair issues
- no one is living in the basement any longer
- Mr. Moore doesn't want anyone living in the house any longer; he wants to fix the house for his father, who owns it
- Mr. Moore is asking for an extension to Feb 5, 2014 to Vacate the property to get some final things in Order

Mr. Moore:

- it's gotten this bad over time with no one paying attention
- the family has been staying at the house plus girlfriends and boyfriends
- he has just moved in and his girlfriend has been visiting there
- his brother and girlfriend and baby just moved in because they didn't have a place to stay
- this has been going on for a while
- his sister has been the primary person taking care of things but she has not been able to keep it up because of the siblings and family always being there; it was hard for her so, she just kind of washed her hands of it
- a social worker was brought in by his niece and her girlfriend, who wanted to get back one of the daughters of his niece's girlfriend; the social worker saw what was going on - eventually, it came down to being here today
- they tried to make it seem as though they were renting out the basement, which wasn't the case; doesn't know why they did that
- the house is in his dad's name, Tommie Lee Moore
- wants to get the house back up to code so that there's no violations

Ms. Moermond:

- Fire found 45 violations
- a lot has been addressed but not all of it
- Mr. Moore wants a little more time to Vacate
- she is trying to figure out how to make sure the house is code compliant by the time that someone moves back in again
- some of the violations will require permits to repair

Mr. Moore:

- he wants to redo the plumbing and change a lot of things in the house
- he has been running into problems trying to fix things that someone else seemed to have messed up
- agrees that permits will need to be pulled
- thinks that it will take 6 months to repair

Mr. Neis:

- there's been a lot of makeshift repairs throughout the years at this house
- one of the plumbing issues was replaced with a garden hose
- some electrical sockets were found in weird places

*Ms. Moermond:*

- first, she will recommend that an extension be granted to Feb 5, 2014 to Vacate
- secondly, she wants to provide a road map of what is to follow; there's a list of violations; the building will become empty soon; under city code, the house will be referred to the Vacant Building Program; a Code Compliance Inspection will be required and everything will need to be fixed up to code before anyone can move back in again
- when Mr. Moore gets that Vacant Building Registration letter, there will be specific information about paying the annual VB fee; she is willing to talk to him about that and at that hearing - about goals: has the Code Compliance Inspection been applied for; have contractors looked at and given estimates; licensed contractors will need to pull permits and do the work; how to get out of the whole VB situation; she will encourage him to move quickly to get these things done
- wants Mr. Moore to make sure this doesn't happen again
- in the VB Program, you can't pull the permits until the Code Compliance Inspection has been done
- first and foremost, the place needs to be cleaned out
- many items are simple carpentry work and painting that don't require permit
- when the car is moved away in a couple of days, he will have the dumpster brought in

*Mr. Neis:*

- the back yard is completely full of trash and refuse; a dumpster is coming from House Calls free of charge
- code enforcement will do a sweep and Summary Abate the back yard; so, get the dumpster and clean up the back yard ASAP
- will be able to go into the house to work from 8 am to 8 pm
- the date on the placard can be changed to Feb 5 and write per Inspector Neis on it in case the police drive by

*Ms. Moermond:*

- at City Council Public Hearing Feb 5, 2014
- when you get the letter for the Vacant Building Registration, file for an appeal (the last paragraph of the letter)

**Referred to the City Council due back on 2/5/2014**

## 1:30 p.m. Hearings

### Fire Certificates of Occupancy

- 7 [RLH FCO 14-12](#) Appeal of Ray Moore to a Correction Notice-Complaint Inspection at 1258 ALBEMARLE STREET.

**Sponsors:** Brendmoen

*Grant an extension until June 15, 2014 for the brick and roof to come into compliance; grant the appeal on the retaining wall; and the property must be maintained.*

*RE: 1258 Albemarle Street (Duplex)*

*Raymond Moore, owner, appeared.*

*Fire Inspector A. J. Neis:*

- Fire Inspection Correction Notice regarding a complaint inspection conducted Jan 3,

2014 by Mr. Neis, along with Animal Control

- complaint indicated that there were multiple code violations and a ferret that may have been biting one of the occupants
- upon investigation, they did not find any ferrets or exotic animals
- there were 22 code violations
- photos
- has been speaking with Mr. Moore; the building was inspected and approved by their office early last year; however, he doesn't know how it passed inspection; those issues had been addressed
- some are long term issues and the retaining wall, which is leaning into the public right-of-way; looks as though it's been doing that for quite some time and it doesn't look as though it's posing as a threat or hazard; however, it is beginning to sag
- the appeal is for the retaining wall; it's solid and the cost to replace it would be expensive
- Mr. Moore has been very cooperative in every step of the way and is working diligently to complete everything else
- Mr. Moore also wants to wait until spring/summer to do the exterior work (brick, porch roof)

Mr. Moore:

- all things are completed inside; Mr. Neis has allowed him until warm weather to get the exterior repairs done (porch roof, brick veneer)
- the items in the yard will all be addressed on or before Feb 28, 2014 when the tenants leave the property
- brought photos of retaining walls (his and neighbors)

Ms. Moermond:

- will grant an extension to Jun 15, 2014 to complete the porch roof and brick veneer repairs
- sees some deflection of the retaining wall

Mr. Moore:

- there's some deflection but not a lot of deflection
- in his eyes, the wall appears fairly straight
- he looked down the straight and saw his neighbor's retaining wall two doors down, which is a newer wall, probably only 20 years old; also looked on, some are very straight; some not so straight
- his wall is about 80 years old and it's cement block
- for safety purposes, he drilled weep holes several years ago so that water doesn't build up behind the wall; has 3-4 weep holes on that side, the lowest part of the property

Mr. Neis:

- doesn't necessarily believe that the wall is failing, structurally; but the mortar is chipped some places and there's need of some tuckpointing, skim coating

Ms. Moermond:

- she tends to agree that it's not in that bad of condition that it would need to be fixed right away but it is starting to move; with the spring thaw, it could move more
- will recommend granting this appeal; no full blown repair is needed; just do tuckpointing by mid-Jun 2014; and pick up the toys in the back yard
- however, if conditions change, the Order can be rewritten
- City Council Public Hearing Feb 19, 2014
- if there's more items that Mr. Moore would like to discuss after he receives his inspection letter for the rest of the building, she will keep the appeal open

**Referred to the City Council due back on 2/19/2014**

**8 RLH FCO 14-17** Appeal of Maria Weichman to a Reinspection Fire Certificate of Occupancy With Deficiencies at 93 COOK AVENUE WEST.

**Sponsors:** Brendmoen

*Laid over to get feedback from appellant on what she wants to do with the building.*

*RE: 93 Cook Avenue West (Single Family)*

*Maria Weichman, owner, appeared.*

*Ms. Moermond:*

- looks like this came up as part of a Fire Certificate of Occupancy regular process; maybe it had already been identified as being in the program*
- so, Fire sent an appointment letter*
- Ms. Weichman is saying that this is not a rental property and she is in the process of fixing it up*

*Ms. Weichman:*

- her brother-in-law kind of lives there*
- when she bought the house, they told her the house was livable; but there was considerable damage to the windows; problems with the basement; walls were deteriorating, etc.*
- her brother-in-law was living there but when she got the letters, she told him that he would need to find an apartment because he would not be able to live there any more; a fire inspection was about to happen*
- the purpose of the house was not to rent it out to anyone; it was to fix it up and to sell it*
- her brother-in-law did a lot of cleaning up of the exterior and repairing some things*
- he replaced a number of the interior windows and fixed up the basement*
- she is looking for the most money that she can get out of it; probably will be able to sell in summer 2014 or early next year 2015*

*Fire Inspector Leanna Shaff:*

- Inspector Brian Tonnancour attempted to inspect; he sent an appointment letter but has not been allowed access to the building*
- it appears that the owner lives in Oakdale*
- his comments: 11-15-13: property owner was a no-show; tenant stated that the owner told him that she was going to put his name on the lease so they did not have to have the inspection; he was not allowed entry*
- 12-9-13: property owner called and stated that a family member lives at the property; she is appealing the inspection*
- 12-31-13: hadn't heard anything*
- 1-16-14: no documentation of the appeal*
- haven't been able to get in to write any Orders*
- knows that the house is not owner-occupied*

*Mr. Weichman:*

- her brother-in-law is not out yet*
- she explained that her husband died a couple of years ago; she has 2 small boys; she realized that she could no longer afford to live in Oakdale; they bought their house in 2005 when the market was at it highest point; now, the house is up-side-down and consequently, she can't sell it*
- when her husband died, she got \$20,000 insurance money; at that point, she couldn't afford to live in that house but didn't know how she was going to be able to move out; so, her brother-in-law suggested that they buy a very inexpensive house*

and would make it as presentable as possible with the dollars that she had; he has always worked in construction and he and his buddies would do what they could to fix it up; then, the house would be sold and she would have enough money for a considerable down payment on a smaller house that she could afford

- at the time, she didn't realize that there were all these hoops to jump through; (she even asked her realtor if there were going to be a bunch of laws - will she need to do anything with the city of St. Paul, etc.....; he said, "No, y u're fine if you're not going to rent it." She said, "No, I'm not going to rent it; he's going to stay here to fix it up."
- the basement had deteriorated - cement was falling off onto the floor; it had to be totally bricked up
- she didn't want to "fail" the inspection and have to pay all these fines, etc. - that's what she was scared of because she doesn't have any money to pay fines; that's how this all came about

Ms. Moermond:

- there won't be any fines; right now, we're just taking basic stuff

Ms. Shaff:

- looking at Ramsey County records; it says this house is homesteaded; (Ms. Weichman: "You can't homestead 2 houses.")
- it says the sale date was 4-5-12
- there's a permit from 2010 for the roof but there are no other permits for the property

Ms. Weichman:

- her brother-in-law's name is not on the title; he put is some of the money- they bought it for around \$25,000; he was there at the closing but they didn't put his name on anything; the house is all paid for
- if she gets a whole list of things to be fixed, she is worried that she won't have the money to fix it and then, they will take it away from her and it will all be for naught
- her brother-in-law does have somewhere else that he can stay

Ms. Moermond:

- the problem is that he might be relative and not renting from Ms. Weichman but he's not a dependent, so she can't count him as being a part of her family household; so, even though rent is not exchanging hands, this is a non-owner occupied property
- if there is a Fire Certificate of Occupancy Inspection, there will be a list of things to do, which would need to be addressed; Ms. Weichman would get her C of O when all those things are done
- she is not hearing that that the house is in bad shape; she doesn't see any Orders on the exterior of the property
- she thinks that it needs to be a Registered Vacant Building: it will be sold eventually; there's an annual fee of \$1500 to be in the VB Program; balancing that against the cost of repairs for the Fire C of O
- if Ms. Weichman can get out of the VB Program more quickly, she can have the fee be prorated (if it takes a half of year, the VB fee will be cut in half); all this needs to be done thru appeals but it can be narrowed down considerably; that prorated fee will go onto her property taxes; once it's on the taxes, it can be divided over a number of years
- she would like to see these repairs done under permit ASAP; it looks the repairs done so far, haven't been done under permit - she needs to get permits pulled for the work that's happening; he can go in retroactively and pull permits for those things that need it (talk to the desk at the Department of Safety and Inspections (DSI) about what's been going on); she is sure that DSI will be happy to come out and look at it
- a lot of things in the building area don't require a licensed contractor to do the repairs; still need permits

- work on plumbing, electrical, mechanical, etc..., requires a licensed contractor
- will recommend this be a Category 1 Registered Vacant Building, which means that it's turnkey - you can sell it to someone and they can move in; she doesn't have any information that there's more code violations, here; she just sees that it's been selected to be inspected by the Fire C of O
- make sure that there are no exterior repair/maintenance issues

Ms. Shaff:

- check with Ramsey County records because both 2013 and proposed 2014 records say that this is homesteaded; if the brother-in-law's name is also on there, it might make life simpler; you need to get it fixed; if you are listed as a homeowner, you can do plumbing, electrical, all of that as the homeowner but you still have to pull permits and have the work inspected
- if a home is not an owner-occupied property, you have to hire someone who is licensed to do that work in the City of St. Paul and then they have to pull permits, etc.

Ms. Moermond:

- asked Ms. Shaff to provide Ms. Weichman with a pre-inspection check list; (Ms. Shaff: it's on the Internet: [www.stpaul.gov/cofo](http://www.stpaul.gov/cofo))

Ms. Weichman:

- she would like to not have this as a VB
- she can tell her brother-in-law that he needs to have things done by a time certain

Ms. Moermond:

- in terms of starting a C of O, from time to time, they re-schedule these out a couple of months to get you rolling on it and we can do that
- Ms. Weichman has a decision to make (C of O or Cat 1 VB)
- look over the pre-inspection list
- would like an answer soon
- will lay this over to Feb 11, 2014 LH

**Laid Over to the Legislative Hearings due back on 2/11/2014**

### Orders To Vacate, Condemnations and Revocations

- 9 [RLH VO 14-3](#) Appeal of Robert Rani to a Notice of Condemnation-Unfit for Human Habitation-Order to Vacate at 96 MANITOBA AVENUE.

**Sponsors:** Thao

*Deny the appeal and refer to the Vacant Building Program.*

*RE: 96 Manitoba Avenue (Two-Family)*

*Robert Rani, owner, appeared; upstairs tenant, Mang Xiong, appeared. (Mai Vang interpreted.)*

*Fire Inspector Leanna Shaff:*

- went out to inspect last Fri, Jan 24, 2014
- inspected Unit #2 Upper and also in the basement
- photos
- added more Orders to Unit #2; it has heat but she has concerns with the amount of material in the apartment; also, there's general deferred maintenance - that's throughout the building (walls, doors, floors, unsafe stairway, oil fuel tank in basement)

- Mr. Rani has owned it for 15 years
- this is no way even near to a minimally code compliant building
- some of the clutter issues may be tenant issues but there are others that are the property owner's like the bathroom hand sink, which is propped up onto the wall with gray foam
- Inspector Tonnancour said that on his previous inspection, there was so much clutter upstairs that he could barely get into the living room; there were exit obstructions; a huge accumulation of combustible materials; no smoke detectors; no CO alarm;
- now the smoke detectors and CO alarms work; some of the clutter has been removed
- they uncovered a lot of things that hadn't been taken care of
- the basement was somewhat cleaned-up and uncovered more items

Ms. Moermond:

- asked for a copy of the new set of Orders (36)

Ms. Xiong:

- it's a really small house and there's no garage
- she realizes that she did not make enough room

Ms. Shaff:

- the entrances are very tight; there's a sewing machine at the back entrance; perhaps there 18" - 24" walk way
- the place is very small; you can't even back up enough to take a good picture
- there's just too many items in there

Ms. Moermond:

- Mr. Rani is requesting a partial occupancy of Unit 2 for Ms. Xiong
- he notes that a new furnace was put in; the clutter has all been removed; and water service has been restored
- noted that in the new Orders it says that the water lines are broken and that the furnace is still red tagged

Ms. Shaff:

- the furnace wasn't finaled at the time; now, it is finaled
- doesn't know what happened with the water; she saw the photos and talked with Inspector Tonnancour; it's pretty dry in the basement; property owner says that his brother fixed it - it was a grommet from the kitchen sink but she is not sure if she is buying that; it wasn't fixed under permit

Mr. Rani:

- regarding the water: the faucet under the sink had been leaking; they shut the water down because of that; a grommet was the source of the problem for the kitchen faucet and now, it works fine; there is no water issue; it wasn't frozen pipes - he could not have fixed that under any circumstances without a professional
- Unit #2 has electric heat; there was no water problem upstairs
- the temperature started to drop in the lower unit but it was nowhere near freezing and they had space heaters; unfortunately, his brother chose to put a propane heater in there
- basically, there were no frozen pipes; only a grommet that needed replacing; it solved the leaking problem; and no plumbing work was necessary
- realizes that a lot of things are in need of repair; Unit 2 has some issues
- his main concern for the appeal is to allow Ms. Xiong to remain in the unit where she feels more comfortable and which she can afford
- it's not for the money; he is willing to have her remain upstairs even without paying

rent; it's because of her situation; he is trying to help her as much as he can to continue living there

- they repaired some items in Unit #2 and asked the tenant to remove some clutter; especially, near the entry ways and they did clear away quite a bit of stuff
- he thought that he did what he could in order to help the tenant stay there
- he took care of replacing the furnace
- he contacted a contractor for the exterior and interior to deal with; those things will get done; the weather gets in the way of the exterior items; they will work on the interior
- he plans to get out of the rental business
- his brother originally lived there and he thought that he could make a little money by renting it out so, he went to live with another brother, hoping to get some money out of renting this house but it has been nothing but a headache for him
- now, he has been brought into it because his brother isn't capable to take care of these things
- eventually, the house will be sold

Ms. Xiong:

- she is asking to be able to stay there; the price is right
- she has applied for public housing but she may have to wait 4-5 years to get a place
- if the city is ordering her to move, then, they city will have to find housing for her because her income is so low

Mr. Rani:

- Ms. Moermond asked him last time to put together a plan; he brought it up to be reviewed
- they have no other rental properties and are very naive about all of this
- he is pulling out all the stops; this is for the tenant but he can't dictate to her about the clutter
- he is concerned that she has the necessary housing and he is offering that she can stay there without paying rent
- it is their intention to re-occupy the house and eventually sell it because they have done a bad job of dealing with this rental property and he does not want to continue in that mode; this doesn't pay for them and they want to get out of the rental business

Ms. Moermond:

- she needs to look at whether the Condemnation was justified (entire bldg or particular spaces within the bldg)
- it is also the city's policy when a bldg gets to this place that the whole bldg needs to be brought up to the necessary safety codes before it can be re-occupied
- currently, the bldg is empty and Mr. Rani is working toward bringing it up to code
- she thinks that the units and the basement are sufficiently compromised; there continues to be an unsafe circumstance; there's problems with basic facilities, basic bldg maintenance, storage, periodic problems with smoke/CO detectors
- it hasn't gotten discernibly better between the first inspection and the second inspection
- she feels that the tenant is in a tough position but it isn't the city's responsibility to provide housing; actually, it's Mr. Rani's responsibility, up to a point, depending on the lease arrangement or the common law lease would be under the State of MN
- will recommend that the City Council deny this appeal; the bldg must be brought up to the necessary codes before it can be re-occupied, which means that a Code Compliance Inspection will be required and the list of repairs must be signed off before people can be put back into the bldg
- the Code Compliance Inspection Report can also be used for the sale of the bldg; either the Fire Certificate of Occupancy must be granted or the Code Compliance Inspection Report (disclosures which can be used in sale as opposed to a Truth in

*Sale of Housing (TISH) Report)*

*Ms. Xiong:*

- since Ms. Moermond is denying the appeal, where will she be able to find housing?
- is the landlord requesting that she should go and find her own housing?

*Ms. Shaff:*

- Larry Mahoney is representing those tenants
- Emergency Assistance may be able to help

*Ms. Moermond:*

- apologized to Ms. Xiong but it has to do with the condition of the property
- she is completely sympathetic to being in this position but the city can't allow her to continue to live there in these conditions; and she is not confident that these conditions will be taken care of

*Ms. Xiong:*

- what is so off in Unit #2 that needs to be fixed or is everything related to Unit #1  
(Ms. Moermond: it's the whole bldg - basement and both units)

*Ms. Moermond:*

- asked staff what the tenants could do in terms of access if the building were to end up in the Vacant Building Program

*Matt Dornfeld, Vacant Buildings:*

- according to the system, both units are already in the VB Program (an obvious error)

*Mr. Rani:*

- it is his intention to re-occupy the place so how does that factor into all of this; he wants to make the repairs but is not sure what being in the Vacant Building Program means; and owner access; they are talking to contractors and will start doing the work

*Ms. Moermond:*

- it's just a different framework in which the work will be done
- a Set of Orders will be written by a bldg inspector along with the other trades' inspectors (electric, plumbing, bldg, mechanical, warm air)

*Ms. Xiong:*

- she did have communication with Larry Mahoney but she does not qualify with her income

*Ms. Moermond:*

- asked whether the "Halo Program" was clear on the fact that her son is sending her money periodically - maybe that should be part of her income? (Ms. Xiong: in Apr, he will come back home and just go back to school; if there's any money leftover, he will give it to her but if he doesn't have any money, he can't help her out; where will she find housing? She's crying)

*Ms. Rani:*

- wondering if Ms. Moermond could hone in on specifics that he is willing to address right away so that Ms. Xiong could stay in Unit #2? "Help me out so that I can help her the best way I can"

*Ms. Moermond:*

- she sees whole bldg items on this list
- it all has to be fixed before anyone can move back in again; she doesn't want it to continue to limp along
- she doesn't think it's safe
- Ms. Xiong's son can help with interpreting

Mr. Dornfeld:

- can make a copy of his list of contacts (emergency housing; social workers; resources; etc.)
- Mr. Rani will need to order a Code Compliance Inspection; but that inspection cannot be performed with all of Ms. Xiong's belongings inside of it
- the first thing it to get the bldg emptied out and time needs to be coordinated with Ms. Xiong to do the clean out; she can't have access all of the time

Ms. Xiong:

- she needs a letter or a document that says she can't live there anymore; (Ms. Moermond: we will get her a letter right away)

**Referred to the City Council due back on 2/5/2014**

## 2:30 p.m. Hearings

### Vacant Building Registrations

- 10 [RLH VBR 14-6](#) Appeal of Cheryl Hilyar, on behalf of John Barrett, to a Vacant Building Registration Notice at 1104 RICE STREET.

**Sponsors:** Brendmoen

*Waive the Vacant Building Fee for 30 days; revert the Vacant Building to a Category 1 so that the appellant has an opportunity to get the Fire Certificate of Occupancy re-instated.*

*RE: 1104 Rice Street (General Retail & Svc-B-Commercial) - Laundromat*

*John Barrett, owner, appeared.*

*Ms. Moermond:*

- *Fire Certificate of Occupancy issues and a Vacant Building Registration*

*Fire Inspector Leanna Shaff:*

- *photos attached*
- *Fire C of O inspection series started with an appointment letter being sent in May 2013*
- *through a series of noncompliance with sanitation issues; no-shows; and general lack of maintenance issues (although not very well documented in the inspector's notes)*
- *the Fire C of O was pulled on Dec 5, 2013 for noncompliance*
- *the Vacate Order issued Oct 25, 2013*

*Matt Dornfeld, Vacant Buildings:*

- *Inspector Mike Kalas opened a Category 2 Vacant Building on Jan 3, 2014*
- *at that time, Mr. Kalas issued a Summary Abatement Order for some abandoned, inoperable trucks in the rear; also, some junk and refuse behind the building (no update on that status); he will check with Mr. Kalas*

Mr. Barrett:

- he has spoken with Mr. Kalas, too
- Ms. Hilyar has been a long term tenant here
- he was first made aware of this on Jan 10, 2013, when he received a letter; he called Mr. Kalas right away, who called him back a couple days later and gave him Inspector Mitch Imbertson's name and number; he explained to Mr. Kalas that this was the first he has ever heard about anything going on there; no one ever sent him, the owner, a letter of any kind

Ms. Shaff:

- with a commercial property, the responsible party gets the notification/mail sent to them; if the Notices should be sent elsewhere, they should be notified of that from the owner of the building

Mr. Barrett:

- Inspector Kalas said that, typically, Mr. Barrett, the owner, would be notified; Mr. Imbertson agreed
- he was told to come and appeal
- since his renter was continuing to pay him rent; he thought everything was OK and he wasn't aware of any of these circumstances
- he would, personally, like all mail directed to him; he needs to know about all the issues
- Mr. Imbertson said that this is just, basically, about cleanliness and getting stuff picked up; getting things in working order, again; there's nothing major
- now that he knows about it, he can make sure that it gets done in a timely fashion
- Ms. Hilyar never showed up and didn't comply with anything
- he lives in Prior Lake; this is his only rental property and he doesn't get over to St. Paul very much

Ms. Shaff:

- finds it strange that the owner doesn't know what's going on with his property

Mr. Barrett:

- Ms. Hilyar was the original owner but he did a loan for her on it, which she defaulted on; so, she deeded it over to him so that he could take care of it (he put on a new roof for \$20,000 two yrs ago; she had gotten it cleaned up at that point; since she had continued to pay rent - he hadn't heard anything, he thought that it had remained clean)
- now, she needs to clean it up or get out; he wants to give her the opportunity to clean it up
- he will be stopping by the laundromat right after this meeting and will do follow-ups monthly
- Ms. Hilyar says that she's been taking on additional work (60 hr/wk job)
- he will definitely get her out if she is not going to comply
- Inspector Imbertson was very optimistic; he said there wasn't much to do; it was just that she hadn't done what she was supposed to do when she said she would do it

Ms. Moermond:

- asked Mr. Barrett if he knew that there is poop all over the inside; (Mr. Barrett: he did not)
- there's an infestation; and also dog poop everywhere
- viewed photos with the owner and Ms. Shaff (sanitation and extermination things; medium level repairs)
- follow-ups should be done more often than monthly
- Ms. Schweinler, Licensing, should be made aware of this situation
- the building has been Condemned and she has been not able to be in there for a

*couple months now and still there's no change*  
*- if Mr. Barrett can get the Fire Certificate of Occupancy re-instated in 1 month; then, he won't need to go through a team inspection; if he can't get it re-instated in 1 month, he will need to have a team inspection*  
*- talk with Inspector Imbertson, 651-266-8986*

*Ms. Shaff:*

*- suggested he fill out the Registered VB form so that all Notices go to him; give it to Mr. Imbertson*

**Referred to the City Council due back on 2/19/2014**