



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, November 18, 2014

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Special Tax Assessments

- 1 **RLH TA 14-642** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1502, Assessment No. 158201 at 2035 FOURTH STREET EAST.

Sponsors: Lantry

Approve but LHO will look at the history.

Chase Suchomel, owner, appeared.

Fire Inspector Leanna Shaff:

- *Fire Certificate of Occupancy inspection*
- *cost: \$170 + \$155 service charge = \$325*
- *appointment letters sent: Oct 2, 2013, Apr 10, 2014, May 12, 2014*
- *compliance date May 21, 2014*
- *billing dates: Jun 3 and Jul 3, 2014*
- *sent to: Shase Suchomel, 2084 Sherwood Ave, St. Paul*
- *no returned mail*

Mr. Suchomel:

- *never received any mail on this*
- *that house was a Cat 2 VB 2 years ago; had to do all that work; then you don't have a C of O for 5 years; inspector told him that he was good for 5 years*
- *he was not at the property when the inspector came; he told the tenants to cut the grass*
- *he has a full time job*
- *if he'd gotten the Notices/bills, he would have paid it*
- *Mr. Thomas did show up there one day without an appointment; knocks on the door and just walks in; he has done that several times on his properties*
- *he did get the letters for cutting the grass*

Ms. Shaff:

- *it's only 1 year*

Ms. Moermond:

- *it shows in the system that he sent 3 appointment letters*

Ms. Shaff:

Referred to the City Council due back on 1/21/2015

- 2 [RLH TA 14-647](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1501V, Assessment No. 158000 at 597 GERANIUM AVENUE EAST.
- Sponsors:** Bostrom
- No show; approve.*
- Referred to the City Council due back on 1/21/2015**
- 3 [RLH TA 14-650](#) Deleting the Appealed Special Tax Assessment for Real Estate Project No. CRT1502, Assessment No. 158201 at 96 MARYLAND AVENUE EAST.
- Sponsors:** Brendmoen
- Delete; VB fee paid by check at DSI. (No hearing necessary)*
- Referred to the City Council due back on 1/21/2015**
- 4 **RLH TA 14-648** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1501V, Assessment No.158000 at 1081 MCLEAN AVENUE.
- Sponsors:** Lantry
- Reduce from \$525 to \$263.*
- Referred to the City Council due back on 1/21/2015**
- 5 [RLH TA 14-644](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1502, Assessment No. 158201 at 382 PIERCE STREET.
- Sponsors:** Stark
- No show; approve.*
- Referred to the City Council due back on 1/21/2015**
- 6 **RLH TA 14-651** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1501V, Assessment No. 158000 at 676 YORK AVENUE.
- Sponsors:** Bostrom
- Reduce from \$425 to \$213.*
- Referred to the City Council due back on 1/21/2015**
- 7 **RLH TA 14-649** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1503, Assessment No. 158202 at 2407 YOUNGMAN

AVENUE.

Sponsors: Tolbert

Approve.

Referred to the City Council due back on 1/21/2015

- 8 RLH TA 14-652** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1501V, Assessment No. 158000 at 691 BEDFORD STREET.

Sponsors: Brendmoen

Approve but may decrease if necessary.

Referred to the City Council due back on 1/21/2015

Special Tax Assessments - Rolls

- 9 RLH AR 14-81** Ratifying Collection of Certificate of Occupancy fees billed April 22 to June 13, 2014. (File No. CRT1502, Assessment No. 158201)

Sponsors: Lantry

Referred to the City Council due back on 1/21/2015

- 10 RLH AR 14-82** Ratifying Collection of Certificate of Occupancy fees billed June 16 to July 11, 2014. (File No. CRT1503, Assessment No. 158202)

Sponsors: Lantry

Referred to the City Council due back on 1/21/2015

- 11 RLH AR 14-83** Ratifying Towing of Abandoned Vehicle services billed December 2013 to May 2014. (File No. J1501V, Assessment No. 158000)

Sponsors: Lantry

Referred to the City Council due back on 1/21/2015

- 12 RLH AR 14-84** Ratifying Demolition services from May to June 2014. (File No. J1501C, Assessment No. 152000)

Sponsors: Lantry

Referred to the City Council due back on 1/21/2015

11:00 a.m. Hearings

Summary Abatement Orders

- 13 [RLH SAO 14-42](#)** Appeal of Timothy McCormick to a Summary Abatement Order at

1191 REANEY AVENUE.

Sponsors: Lantry

Owner in compliance.

Withdrawn

- 14 [RLH SAO 14-43](#) Appeal of Susan Bushard of Bushard LLC to a Summary Abatement Order at 1871 SEVENTH STREET EAST.

Sponsors: Lantry

Owner in compliance.

Withdrawn

Correction Orders

- 15 [RLH CO 14-17](#) Appeal of Thomas Lieberman to a Correction Notice at 1605 SELBY AVENUE.

Sponsors: Stark

Thomas Lieberman, owner, appeared.

Inspector Mark Kaisersatt:

- Oct 15, 2014: received complaint about the vehicles and some trash around the property
- issued a Summary Abatement for auto parts, some concrete, plywood, rubble in yard
- Work Order was sent and the city removed it
- also a couple of vehicles were parked on an unapproved surface; sent Orders on that
- photos in file

Mr. Lieberman:

- owned property for 34+ years
- he was gone for a family matter; some things were thrown in the yard
- is OK with the clean-up
- appealing the unapproved surface
- he has a couple of trucks parked in the driveway on Class 5
- the driveway is over 40 feet long; garage in the back (had some vandalism-graffiti on garage)
- has photos of other driveways right down the street with Class 5 driveways
- he can't afford to put down asphalt or concrete
- he has a big problem with people parking across his driveway and in his driveway
- he is a senior citizen and tired of people telling him where to go and saying nasty things to him when he asks them, nicely, to move their car
- is exploring the possibility of finding another place to live
- doesn't think it's right that the law changed to asphalt or concrete rather than Class 5
- used to be a graffiti squad, who would investigate the crime; they did a bang-up job
- diagrammed the parcel for Ms. Moermond
- he lives in a little commercial building; worked for O'Gara's for about 25 yrs but things have gotten worse up there (mixed use)

- his vehicles have special license plates (\$140)

Ms. Moermond:

- has no problem with Class 5
- does have a problem with Class 5 that is not maintained (it should never need mowing)
- looks compacted; not dustless anymore
- it needs fresh Class 5 with definite boundaries

Mr. Lieberman:

- there never was grass on that property; no yard; some asphalt
- he will spread Class 5 over the driveway and even it out with a bobcat

Ms. Moermond:

- will grant until June 1, 2015 for compliance by adding more Class 5 to driveway.

Referred to the City Council due back on 12/17/2014

11:30 a.m. Hearings

Orders To Vacate, Condemnations and Revocations

- 16 [RLH VO 14-61](#) Appeal of Gloria Fuchs to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 1652 BLAIR AVENUE.

Sponsors: Stark

Jay Fuchs, owner's great nephew appeared.

Fire Inspector A. J. Neis:

- Revocation of Fire Certificate of Occupancy by Fire Inspector Jeremy Hall
- revoked for long-term refusal to allow access to the house
- process started Aug 18, 2014 when inspector was trying to conduct the inspections for the Provisional Fire C of O
- we don't know if the house is occupied
- Aug 28: no one was present to allow inspector access for the inspection
- Aug 29: inspector issued Order to allow access on Sep 10
- Sep 10: no one met inspector for the inspection
- Sep 12: inspector issued Order to allow access on Oct 6
- Oct 6: another "no show"; Inspector Revoked the Fire C of O due to no entry on Oct 7
- sent letter to re-inspect Nov 6 at 1:30 pm; allow access or property will be vacated
- inspector wrote 1 final Order to allow access on Nov 7; gave until Nov 13
- all access still denied
- Orders were appealed
- very clean history
- permit pulled in 1997; fence permit in 1999; permit pulled in 2003
- never been a complaint on the property
- never been a Summary Abatement Order

Mr. Fuchs:

- everything Mr. Neis said is accurate except that he met Mr. Hall at the property on Nov 7, 2014
- the owner does not live in the house anymore; she is 96 years old; she had fallen in Jan 2014 and hasn't been home since

- she lives in an Assisted Living Facility in Highland Park
- he was given Power of Attorney and tries his best to look after her property
- no one living there but 1 neighbor goes over and into the house almost every day
- Nov 7: Inspector Hall and he went through the house; Mr. Hall said that it didn't need to be an official inspection
- they plan to sell the house in the next couple of months; Mr. Hall told him to file an appeal
- they will put it on the market as soon as the estate sale is completed; perhaps, within the next month
- a realtor has already been set up

Ms. Moermond:

- will recommend granting this appeal; you are out of the C of O Program
- no one can live there
- normally, without a C of O, you would be referred into the Vacant Building Program
- everything is in order here; she will recommend that the referral be waived and it will be out of the VB Program for 1 year
- Grant the appeal for owner to be out of the Fire Certificate of Occupancy Program.

Referred to the City Council due back on 12/17/2014

17 [RLH VO 14-60](#)

Appeal of Paul Ziezulewicz, Southern Minnesota Regional Legal Services, on behalf of Robert Lankford, to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 992 HATCH AVENUE.

Sponsors: Brendmoen

*Paul Ziezulewicz, Southern Minnesota Regional Legal Services (SMRLS)
Robert Lankford, tenant, appeared.*

Fire Inspector A. J. Neis:

- Revocation of Fire Certificate of Occupancy/Order to Vacate for long-term noncompliance and code violations involving an egress window
- issued to Renters Warehouse
- Mar 27, 2014: Inspector Lisa Martin issued an appointment letter for Apr 11, 2014
- Apr 11, 2014: Inspector Martin attempted to inspect with Renters Warehouse; there were no keys to allow access, so, the inspection was re-scheduled
- Apr 14: generated another appointment letter for inspection May 20
- May 20: inspected with a re-inspection scheduled for Jun 26, the deadline
- Jun 27: Order issued in error
- Aug 12: letter sent from Jun 27 inspection for a re-inspection Sep 5
- Sep 5: still not in compliance; Ms. Martin Stayed the Orders to see if progress would be made; delayed sending out Orders until Oct 17
- Oct 17: inspection; Orders sent out after consulting with Mr. Neis - still no progress (very long delay), at which time Mr. Neis instructed her to send the Revocation Notice on Oct 17; the place should be in compliance or the place vacated
- re-inspection Nov 3

Ms. Moermond:

- asked if Orders had been sent out after her Sep 5 visit ?
- in the Oct 16 letter that she has in front of her, it indicates that the inspection occurred on Oct 16; but it sounds like that wasn't true

Mr. Neis:

- the inspector occurred Oct 17

Ms. Moermond:

- not in the letter that she is looking at

Mr. Neis:

- the letter he has, memorialized in AMANDA, says Oct 17

Ms. Moermond:

- so, there was no inspection in Oct at all; it indicates in the letter that there was one (an error)

Mr. Ziezulewicz:

- there was no inspection in Oct

Ms. Moermond:

- the letter says that there was no compliance with the Oct 16 Orders; they will re-inspect on Nov 3, at which point, there should be compliance or the place vacated

Mr. Neis:

- that's what the inspector's notes say

- inspector also has documentation where time and mileage was taken on Oct 17 so, he would assume that the inspection had been conducted

- typically, if it were just a blind Order sent from the office to follow-up, we would not have time/mileage documented; so,..

- there is no documentation of a letter being sent out after Sep 5 inspection; Orders were stayed

Ms. Moermond:

- so, there was no way for them to really know that there was an appointment on Oct 16 because it wasn't referenced after the Sep 5 inspection

Mr. Neis:

- said that would be accurate

(continued with what Ms. Martin found)

- there are a couple of bedrooms on the side of the house with egress windows; however the owner put up a fence in 2012 that was finaled and approved under permit; however, the cedar privacy fence leaves only between 18 - 20 inches from the escape window; the fence blocks someone from being able to safely escape from the house

- he talked with building inspector Virgil Thomas, who finaled and approved it; he indicated that when they are looking at a fence permit, they aren't going inside the house to see where the bedrooms are in relation to the windows, fence, etc. Mr. Thomas did recommend that one of the options would be to remove a portion of the fence or to cut out an area of the fence directly in front of those windows; none of which has been done

- Ms. Martin consulted with Mr. Neis on this and he instructed her to Revoke the Fire C of O and gave an Order to Vacate as Nov 3, 2014, which was appealed; Orders are on Stay

- he received an email from the Appellant's attorney, noting that Mr. Lankford has secured housing and would like a vacate extension to Dec 1, 2014

Mr. Ziezulewicz:

- Mr. Lankford is looking for an additional 2 weeks time to prepare to vacate; he will be moving into his new place Dec 1, 2014

- Mr. Lankford feels that the place is safe enough for him to be there for a couple more weeks

- a few of the items on the deficiency list from Oct 16, 2014 have been addressed,

including the discontinued use of all multi-plugged adaptors #3
- Jul-Aug: a CO test was conducted #5
- dryer exhaust #6 was replaced
- smoke detector affidavit was signed
- Mr. Lankford has heard nothing from the owner; he has been dealing only with Renters Warehouse

Ms. Moermond:

- will recommend the Council grant an extension to Dec 5, 2014 to get all of your things out
Grant until December 5, 2014 for tenant(s) to vacate the property.

Referred to the City Council due back on 12/17/2014

1:30 p.m. Hearings

Fire Certificates of Occupancy

- 18 [RLH FCO 14-162](#) Appeal of Nicholas Davis to a Fire Inspection Correction Notice at 1393 BRED A AVENUE. (To be referred back to Legislative Hearing on January 6, 2015 and City Council Public Hearing on January 21, 2015)

Sponsors: Stark

Nicholas Davis, owner, appeared.

Fire Inspector A. J. Neis:

- was laid over from 2 weeks ago
- he went out to inspect the property with the Appellant
- inspector was correct in writing the Orders; furthermore, he found that an extensive amount of work had been conducted recently, on the property without permits, as early as 2007
- based on his experience and on what he has seen, the house appears to be a single family dwelling with a "mother-in-law's" apartment or an "accessory dwelling" on the 2nd floor for someone within the family to live within the family but have some form of independence from the rest of the household
- when the house is sold later to someone else, the buy thinks that it's legal to be used as a duplex
- reviewed the records emailed from Ms. Zacho
- original permit from when the house was built says it's a single family dwelling
- 2006 - an error; thinks he found the reason for that - back then, zoning had indicated that this record was 2 single family dwellings on 1 parcel but they just classified it as a duplex even though there were 2 separate houses
- Appellant also went in to DSI to try to pull permits to make things correct for the extent of work that he did on the property and when he pulled the permit, he pulled it as a "duplex"; Mr. Ubl retracted those permits because 1) the clerk who has issued the permit thought that he actually lived at 1393 Breda; and 2) the fact that the permit said it was a 2 unit building, when in fact, it should have been issued as a single family dwelling

Mr. Davis:

- he doesn't know this mother-in-law history but this house has always been a duplex as far as he knows and his neighbors know
- pre 60's, he doesn' know the history
- the upstairs had led piping since it was put in; he remodeled it with new piping

- Century Link also refers to this property as 2nd Floor or 1st Floor as St. Paul's records

Ms. Moermond:

- doesn't interpret that this house was once a legal duplex

Mr. Davis:

- submitted floor plans; this was designed and put together as a duplex
- it has stairs in the back and stairs in the front
- he pulled permits to clean things up
- Jim Kaufer was out last week; he checked on all of his plumbing
- he had scheduled inspections with each inspector and got a call yesterday saying that all of his permits were cancelled; later got an email saying they had to "pause" on them
- he is willing to pay double fees; he didn't put anyone in danger
- financially, this house won't float without the income
- house is not set up as a single family house; he'd need to do major renovations to make it a single family house
- all utilities are in public areas
- there has never been a complaint on the property; there has been no bad renters; it's in a nice area of Como Park; this has never been a problem

Ms. Moermond:

- what she sees is something that wasn't constructed to be a duplex, originally
- the concern she has with duplex vs single family house has to do with the fire separation between the two units; another part is the zoning concern (can be handled with zoning officials)
- the separation requirement is implied in the Order to De-Convert

Mr. Neis:

- when you walk into the house, you enter a front porch first, then a little foyer which has the entryway to go upstairs or into the main part of the house, which is separated by 2 French Doors that swing inward (not a fire-rated door but a decorative interior style door; someone did put locks on them to provide security but there's never been a fire separation, as would have been required in a duplex); at the top of the stairs, it's an interior rated door and someone put a lock on it for security but does not address the fire concerns
- newly constructed as a duplex, this building would have door closers with 20 minute fire rated doors, self-closing and latching; interior stairwells would have a 1-hour fire separation, etc.
- rear staircase would also need a fire separation, etc.
- this house was clearly designed to be a single family dwelling
- at some point, they most likely put in those appliances for convenience
- there is 1 electrical service; 1 gas meter
- typically, when a legal conversion happens, the utilities are separated

Mr. Davis:

- the addition on the back done in the 70's is a staircase to accommodate the 2nd floor duplex; there's no reason that they would have put on that staircase for fire concerns for access to the 2nd floor, if it wasn't a duplex; typically, single family homes don't have an uninsulated, covered staircase for the 2nd floor to get outside and also the basement
- he agrees that it was built as a single family house but was converted at some time after that

Ms. Moermond:

- right; but there isn't a proper separation between the 2 units; that would need to be addressed if the BZA says that you can use this building as a duplex
- will Lay this Over and let the Board of Zoning Appeals can be used to function as a duplex; if they do allow it, you will have a set of Orders telling you how to separate it
- will with either do it and do it right or we will di-convert it; it can't continue as it is
- you will need to keep 1 of these units vacant until this is resolved
- she can keep this case open until the BZA decides; then we will tailor it
- all of these materials will be put together for the BZA

Mr. Davis:

- asked if he could rent it as a single lease with a kitchen upstairs?
- putting a door in takes away the charm of the house
- this is a waking nightmare for him! We've done nothing wrong! That's what hurts most
- he just wants to work together, practically, common sense thinking; it's been this way a long time; no one's complained; it's not hurting anyone; is there away that I can have a single lease and have people living upstairs and downstairs? Which way do I go? I can't afford a lawyer! He's already lost months of rent and it's very difficult for his family, right now; he just wants help

Ms. Moermond:

- you'd need to have the same family- maybe, multigenerational or 4 unrelated adults; she doesn't want to see locks in between the 2 units- both upper and lower open
- we keep it for one occupancy
- we put conditions on that there that no hasps or pad locks be used

Fire Inspector Leanna Shaff:

- if living as roommates or as a familial unit, you would think that we all have access; if it's looking more like a single family home and functioning like one, then, she doesn't see the problem in that

Ms. Moermond:

- if you do it as student housing, the Student Housing Zoning Overlay would apply (Mr. Neis: that area is not in the overlay district; so, the rule of 2 students in that area does not apply; he can go with 4 unrelated adults, which could be 4 students)
- provided him the phone number for Yaya Diatta, who staffs the BZA, 651-266-9080

Mr. Davis:

- so, if zoning falls thru, at least there's something he can do (?)

Ms. Moermond:

- it will probably take 1 month to go through the BZA
- To be referred back to Legislative Hearing on January 6, 2015 and City Council Public Hearing on January 21, 2015. (NOTE: LHO stated January 1 in the hearing in error)

Referred to the City Council due back on 12/17/2014

19 [RLH FCO
14-175](#)

Appeal of Isaac Erickson to a Re-Inspection Fire Certificate of Occupancy with Deficiencies at 703 CASE AVENUE.

Sponsors: Bostrom

Rescheduled because owner missed hearing.

Laid Over to the Legislative Hearings due back on 11/25/2014

20 [RLH FCO 14-178](#) Appeal of John Mann to a Fire Inspection Correction Notice at 1707 COTTAGE AVENUE EAST.

Sponsors: Bostrom

John Mann, owner, appeared.

Fire Inspector Leanna Shaff:

- emailed photos earlier today
- Fire Certificate of Occupancy Inspection conducted Nov 5, 2014 by Inspector James Thomas
- awning windows are being appealed #1: 40"wide x 20"high; openable height 14"
- window sill is 56 inches and already has an egress step

Mr. Mann:

- this was prompted by Section's Oct 1, 2014 inspection
- a tenant moved in Oct 1
- owned for about 10 years and has had Section 8 in there before
- in past years, they have asked him to put permanent stepping blocks into each room
- ask that he be grandfathered in
- a window bid came in at \$4500 to do these windows

Ms. Moermond:

- is not a big fan of awning windows nor of having windows that high
- but-- we don't write Orders like that anymore
- she will recommend granting this appeal; information you will need for Section 8
- actually, you haven't been out of compliance; you're OK; a letter will be sent Grant the appeal.

Referred to the City Council due back on 12/17/2014

2:30 p.m. Hearings

Vacant Building Registrations

22 [RLH VBR 14-81](#) Appeal of Mark Saliterman to a Vacant Building Registration Notice at 295 SUMMIT AVENUE.

Sponsors: Thao

Mark Saliterman, owner, appeared.

Fire Inspector A. J. Neis:

- has no update
- they have not scheduled a Certificate of Occupancy inspection
- the mason was out there around Nov 1
- permits by Ms. Spong were issued; the wall was being attended to
- no one from their office has been out to check the status

Mr. Saliterman:

- the wall has been completed for over a week
- the mason said that he called for an inspection
- has photos on his camera

Mr. Neis:

- the file says that the permit is active
- Inspector Sutter needs to go out to get the final along with the Heritage Preservation Commission (HPC); he is more than willing to lift the Revocation and allow occupancy

Ms. Moermond:

- will recommend that the Revocation be lifted; will not be required to register as a Vacant Building
- Close the vacant building file and revocation lifted on condition that the building permit is finalized by December 3, 2014.

On November 25, 2014, Ms. Vi LaBell on behalf of Mark Saliterman contacted Ms. Vang and requested an extension on the permit. Ms. Vang consulted with Ms. Moermond and she recommended to amend the deadline from Dec 3 to December 17, 2014 to get the permit finalized.

Referred to the City Council due back on 12/17/2014

23 [RLH VBR 14-90](#) Appeal of John Schoenherr to a Vacant Building Registration Notice at 297 AURORA AVENUE.

Sponsors: Thao

John Schoenherr, owner, appeared.

Fire Inspector A. J. Neis:

- Condemnation and Vacant Building Notice issued after a search warrant had been executed by SPPD in Oct 2014
- their office was forwarded the complaint; subsequently, SPPD ordered the board up of the building; utilities had been shut off
- he Condemned the building for multiple code violations, including: gross unsanitary conditions, emergency boarding by SPPD, lack of electricity
- he met with owner and Officer Chuck Graupman a couple of weeks ago
- owner is in the process of getting the house back in shape
- tenant is gone; owner is withholding tenants' belongings for 30 days
- owner is working with Xcel to get utilities restored
- it's a side-by-side duplex; 295 is currently occupied with long term tenants; 297 is vacant
- owner is working through the Certificate of Occupancy process
- will issue Fire C of O Orders on the whole building on violations found
- will rehab and rent with better tenants

Mr. Schoenherr:

- utilities were turned back on; tenants' belongings have been removed
- everything is clean
- he has estimates; and the insurance went thru - settlement has been paid
- last Thu and Fri, they had 4 dumpsters there to clean-up
- he is replacing all the windows; front and back steps will be replaced in spring; painting; replacing appliances, etc.

Mr. Neis:

- Officer Graupman indicated that the owner has shown great effort and made great strides in order to make things right; there has been extreme cooperation from the owner with SPPD and DSI
- let's not hold up on the permits
- he has been in the building with the owner; there are a lot of cosmetic repairs only

Ms. Moermond:

- wants to make sure that all things that need to be addressed are addressed - a good laundry list
- option #1: get your Fire C of O re-instated
- option #2: get a complete Code Compliance Inspection
- she does not have a complete Fire list; Mr. Neis is willing to go back to get a complete list

Mr. Neis:

- that full Fire C of O inspection was done but he has not entered that into the system yet (waiting to hear appeal today)
- also had access into the other side

Mr. Schoenherr:

- tenant moved in Labor Day 2013 and paid rent thru Jul 2014 - lump sum
- she paid no rent in Aug 2014; he gave her Notice; she paid \$1,000 in Sep after he told her that he was going to file eviction papers
- she did not pay early Oct 2014; he filed eviction Oct 13, 2014
- Oct 14, 2014, SPPD showed up and had the property boarded up; arrested tenant
- he had been in the house early Aug 2014; the condition deteriorated after that

Mr. Neis:

- the full Fire C of O inspection was done on the date the appeal was filed, Oct 30, 2014; he told the owner he would hold off writing the full Orders until after the appeal was heard
- Mr. Schoenherr came in to file the appeal immediately following the inspection

Ms. Moermond:

- asked Mr. Neis , "If you had the reinspection dated listed in your Oct 22, 2014 letter as Oct 30, 2014, why did you refer it to the Vacant Building Program?"

Mr. Neis:

- the building was already in the VB Program and it was a referral by SPPD

Ms. Moermond:

- sees that the VB file was opened on Oct 24, 2014

Mr. Neis:

- he will re-look but he believes that the VB file was opened prior to their inspection

Inspector Matt Dornfeld:

- Oct 23, 2014, Inspector Kalas opened a Category 2 VB file per a referral from SPPD for multiple securings, one on Oct 14, 2014 and another on Oct 3, 2014
- after the 2nd securing by SPPD, Inspector Kalas opened a Cat 2 VB
- added, there has been another securing on Nov 2, 2014 ordered by SPPD
- no serious code violations were documented on the interior

Mr. Neis:

- the Orders are on his desk waiting to be issued

Ms. Moermond:

- Fire Inspection went out following SPPD; building was Condemned; a lot of things going on; their are saying that they will be back in a week - have these things taken care of; the same day, SPPD is out there and they're saying that this place has so many problems and it's been Condemned, Vacant Buildings, you take it over now; it's been boarded; we've got these other problems; go there; Fire Inspections, in spite of

the fact that it's been sent to VB, went forward and did, what appears to be an additional inspection following that (fresh laundry list); at the same time as VB would be preparing you to do a full Code Compliance Inspection with a VB fee

- you have a very serious situation here; she's glad you are working with officials on this

Mr. Schoenherr:

- the 2nd boarding - someone came back to go into the property and the other tenants had called him about that so he called SPPD
- when they boarded everything up, there wasn't anything sent to me saying, "Complete this by this date"
- they set up the inspection with Mr. Neis at that time; he wasn't given anything to complete by a certain date
- the tenant was gone; they boarded it up; then, someone tried to re-enter the building; it was boarded again

Ms. Moermond:

- the VB is a heavier set of rules
- if she goes with what Mr. Neis is saying, it's lighter set of rules; Mr. Neis thinks that the lighter set of rules should be applied because of your cooperation and how things are moving forward; she takes a dimmer view....
- wants to see the full list of deficiencies
- will Lay this Over for 1 week to get that list
- put together a Work Plan with costs and bids
- need to see financial ability to complete the project
- if that all checks out, she will recommend that Mr. Dornfeld turn this into a Preliminary VB file (keep you free of the hefty VB fee for a few months)
- Change to a preliminary Vacant Building file and waive the Vacant Building fee.
- Owner to provide a work plan to address the items in the Fire Certificate of Occupancy inspection list and financial documentation for the work to be done.

Referred to the City Council due back on 12/17/2014

24 [RLH VBR 14-91](#) Appeal of Kenneth Cobb to a Vacant Building Registration Notice at 512 CENTRAL AVENUE WEST.

Sponsors: Thao

Kenneth Cobb appeared.

Fire Inspector A. J. Neis:

- previously heard appeal for both
- house was owned by his mother, who went into a nursing home; it was referred from St. Paul Fire Dept
- roof was in very bad shape
- it was granted to be out of the Fire Certificate of Occupancy Program to allow additional time to complete the work
- one of the conditions that had been set was that no one could be living at this property
- they received a complaint that there had been a dog barking all night long at this property
- Inspector Urmann went out and found that dog, which appeared to be in distress; it looked as though it was in need of food and water
- there was no power at the building
- he advised Mr. Urmann that the dog gave indication that someone was living at the property; he also advised Mr. Urmann to Condemn the house and send the property to the Vacant Buildings Program

- believed that this had both a VB and Fire C of O component at the last LH
- Mr. Cobb came into the office last week and wanted to have more information about this; Mr. Neis advised him about the dog being at the property and since there's a dog there, there's a good chance there were also people living there; Mr. Cobb could not confirm nor deny that
- Inspector Urmann suspected that perhaps Mr. Cobb was allowing the dog to continue living at the house because "no pets" were allowed where he was currently living; Oct 23, Mr. Urmann noted that the building was re-placarded; looked to be vacant; he called Animal Control because the dog as though he was abandoned in the backyard; Animal Control took the dog due to the condition; SPPD was called to make that report; Mr. Cobb arrived at the building and said that no one was staying at the house; he lived at 461 Maryland Ave and didn't have keys; it was his mom's house; he showed me his I.D. to confirm the address
- that's how it ended up back in the VB Program
- also, the work on the roof is still not done
- Mr. Cobb had indicated that there was rotted and molded sheet rock in the interior of the house due to the roof damage
- have never done an interior inspection
- photos in his file

Mr. Cobb:

- appealing to finish the project
- utilities are on
- to finish the roof will take about 1 day's work for about 3 people

Mr. Neis:

- every time that he's spoken with Mr. Cobb in regards to getting the roof done; it's the same story: it's a day's work; or a couple day's work; or a week's work; I just need a little bit more time; the week turns into 2, then, into 3....; and it's never completed; it's the same story over and over again
- he advised Mr. Cobb that the city couldn't cut him any more slack on this

Mr. Cobb:

- according to the last time he was here, they had until Dec 1m 2014 to get the work done

Ms. Moermond:

- from last LH:
- if Mr. Cobb finishes the work by Dec 1, 2014, you won't get that Excessive Consumption Assessment

Mr. Cobb:

- thinking about having mom move back into the house

Ms. Moermond:

- this is a good candidate to be in the VB Program; it's been empty for a long time and has had a serious code violation for a long time

Mr. Cobb:

- actually, it hasn't been that long and there haven't been a lot of problems
- part of the problem was that there were a lot of young people hanging around the house
- now, it's actually cleared up some; now, things can get done
- he's on a month-to-month lease; they are planning to move back in there, too (he's already had his address changed)

Ms. Moermond:

- asked Ms. Vang when the roof was first reported (Ms. Vang: Correction Notice to repair roof, Nov 14, 2013)
- this has been going on for a whole year; is comfortable recommending this go into the VB Program

Mr. Cobb:

- he already has people ready to go to repair this; what does he do
- no one has been staying at the house
- the dog was his mother's and his brother's; his brother was supposed to find a place for the dog and to keep an eye on the house to make sure that no one vandalized the house

Inspector Matt Dornfeld, Vacant Buildings:

- will need to apply for a Code Compliance Inspection (\$447) - 4 tradesmen that will put together a deficiency list
- must hire licensed contractors, who will need to pull permits, get the work done
- get those same inspectors to come back and sign off on the work and the permits

Ms. Moermond:

Deny the appeal; owner needs to obtain a code compliance inspection but will waive the Vacant Building fee for 90 days.

Referred to the City Council due back on 12/17/2014

25 [RLH VBR 14-95](#)

Appeal of Jeff Sullivan for DeLisle Co. to a Vacant Building Registration Notice at 1084 EUCLID STREET.

Sponsors: Lantry

Jeff Sullivan, DeLisle Co, appeared, representing Thomas J. DeLisle, owner.

Fire Inspector A. J. Neis:

- Revocation of the Fire Certificate of Occupancy and a Vacant Building Registration
- was transferred to the VB Program by Condemnation by both Code Enforcement and Fire inspectors
- water shut-off Notice Oct 8, 2014 sent to owners by Code Inspector Paula Seeley
- another complaint came in about the property being vacant and having a rat infestation; Fire Inspector Jeremy Hall went to validate the complaint; he confirmed that it was vacant; there were people working inside and they refused Mr. Hall entry; Mr. Hall called Mr. Neis, who advised him to transfer it to Vacant Buildings due to multiple code violations and having been refused entry
- cross over came on Oct 21, due to water shut-off (the appeal said that the water was never shut-off)
- 8 exterior code violations and one smoke detector chirping; inspector called Mr. DeLisle and told him that it was going to VB due to multiple violations

Inspector Matt Dornfeld, Vacant Buildings:

- cross over among Code Enf, Fire and VB
- Inspector Seeley assumed the dwelling was owner-occupied; they received a complaint from St. Paul Regional Water Services about a shut-off; she issued a Correction Notice; rechecked Oct 13; water still off; issued a Condemnation and transferred it to Vacant Buildings; all the while not knowing that there was a C of O in place
- Inspector Tom Friel, VB, opened a Cat 1 VB not knowing about the water shut-off; monitored for 1 week, then Fire Revoked the C of O; once that happened, the depts spoke and changed it to a Cat 2 VB

- neither dept spoke to Water

Mr. Neis:

- the reason for confusion was because of the Contract for Deed; Del Co owned the contract and the occupant was the tax owner; when Code Enf received the complaint, the occupant was still in the house; Fire found a rat infestation
- had the inspector been allowed into the house, it would have been resolved
- Orders were sent Oct 29, 2014; the Revocation was merited strictly on code violations and vacancy

Mr. Sullivan:

- he went to SPRWS to check; the water contract was in the tax owner's name, Gonzalez, not for Del Co; that's why they didn't know it was shut off for 2 weeks; they paid the water bill on Oct 21, 2014
- there was some argument; a new guy was painting and he had instructions from DeLisle not to let anyone in
- this building went thru a Code Compliance Inspection in 2012
- the guy next door probably responsible for complaint
- he can understand it being a Cat 1 but not a Cat 2 VB
- property is spotless now; not rat infested; had an exterminator come in

Mr. Dornfeld:

- house was fire exempt due to a fire; the Cat 1 was closed out; it didn't go through a Code Compliance Inspection

Mr. Neis:

- occupancy may have been allowed because some of the work had been done
- they show that a permit was never finalized and general correction required; they may have allowed occupancy but the fire building permit was never finalized

Mr. Dornfeld:

- that was a recent inspection on Nov 10, 2014
- on Oct 13, Inspector Seeley Condemned the house and noted principle violations: interior house constitutes material endangerment; water has been turned off and now it lacks a basic facility

Mr. Neis:

- apparently, the owner must have called for an inspector to come out to get the permit finalized from 2012; and they indicated multiple code violations inside the building: chimney in the basement had a broken clean-out; moldy wet sheetrock; basement stairs missing handrail; missing smoke alarm; back door missing weather stripping; upper bedroom over 10 ft from CO detector; require new bldg permit because of change in ownership
- multiple exterior and interior code violations identified in building inspector's report

Ms. Moermond:

- re Condemnation itself: the situation was rectified when the water was turned back on; that was followed by a Fire C of O complaint-based inspection; the Orders said that they needed access to all parts of the building but they were refused access; she thinks that the owner/person there does get to say, "No," the city then can send an appointment letter, get an administrative search warrant, etc. to get in
- thinks that there was 1 bite at the apple for the Fire C of O Orders and that the Revocation isn't justified, in this case; it should have been an appointment letter and another round of inspections and access should have been allowed at that point; the Revocation, in this case, so quick on the heels of a walk by; then VB of Oct 22 that preceded the set of Fire Orders (a little confusing); you'd expect a letter getting them

out of the C of O Program first

- will recommend that this be out of the VB Program

- you will get a letter scheduling an appointment with the Fire C of O inspector, who will be provided access to the entire building; all the Orders will be written up

- this house met the definition of VB but it wasn't Condemned at the time, it was empty and there was a lot in flux but that wasn't what was named here; doesn't feel that it should be Revoked for this

Grant the appeal to be out of the Vacant Building Program. An appointment letter will be sent by Fire inspector to the owner to provide access to the interior of property.

Referred to the City Council due back on 12/17/2014

- 26 [RLH VBR 14-94](#) Appeal of Sandra Shirek for ESJ Partners to a Vacant Building Registration Notice at 1340 FAIRMOUNT AVENUE.

Sponsors: Tolbert

11-20-14: It was brought to my attention that the appeal is scheduled for November 25, 2014 and not November 18. -mxv

11-18-14: No show; deny the appeal.

Laid Over to the Legislative Hearings due back on 11/25/2014

- 27 [RLH VBR 14-92](#) Appeal of Cassandra Apostolou to a Vacant Building Registration Fee at 748 GRAND AVENUE.

Sponsors: Thune

Cassandra Apostolou's daughter, Vicki Chronakos, her representative, and her son appeared.

Matt Dornfeld, Vacant Buildings:

- Fire Certificate of Occupancy Revoked/Unoccupied Jan 2013 by Fire Inspector Skol Fiske

- she followed up on that until Oct 11, 2013 when she Revoked it as Vacant and transferred the file to the Vacant Building Program without declaring any code violations on the Revocation other than being vacant

- Mr. Dornfeld opened a Preliminary VB file and monitored it for about 1 year; had no problems; everything was maintained until recently when they began to get an influx of complaints: rear of property not maintained; dumpster on property line; rat infestation

- he followed up on those complaints with Mr. Niesi, who cleaned up those small problems in the rear; dumpster was removed (may have been an inch on the neighboring property line)

- he did a thorough interior inspection and found the rat infestation to be unfounded; no signs of rats

- a lot of restaurants around there - the middle of Grand Ave

- during this time, because of the complaints and the length of the vacancy, the building was changed to a Category 1 VB

- Mr. Magner was involved on the re-check; he'd like to see it as a Cat 2 VB

- he changed it to a Cat 2

- the appeal is for changing that status and the VB fee

- there was also a complaint that there was rehab work going on but that was unfounded, as well

Mr. Apostolou:

- their father, the owner, passed away 9 months ago; they closed the business
- are in the process of trying to lease/sell

Mr. Dornfeld:

- the business has promise; it's in a great area
- he is all for changing it back to a Preliminary VB
- the key is for them to develop relationships with the neighbors to let them know what's going on

Ms. Apostolou:

- they are hoping to sell/lease it.

Mr. Apostolou:

- they have a Purchase Agreement and a lease; weighing both options
- a real estate company is working on it
- offers just started to come in
- a lease could go forward in 60-90 days

Ms. Moermond:

- will recommend this be a Preliminary VB; will be assessed again Mar 1, 2015
- Change to preliminary file. Vacant Building 2 file closed

Referred to the City Council due back on 12/17/2014

- 28 [RLH VBR 14-93](#) Appeal of Delbert Moore to a Vacant Building Registration Notice at 134 MARIA AVENUE.

Sponsors: Lantry

Per Legislative Hearing Officer, ok'd to reschedule since Appellant missed his hearing.

No show; deny the appeal.

Laid Over to the Legislative Hearings due back on 11/25/2014

- 29 [RLH VBR 14-88](#) Appeal of Kurt Evans for Cross Family Real Estate Holdings to a Vacant Building Registration Fee at 426 VANCE STREET. (To be continued to January 7, 2015)

Sponsors: Thune

Kurt Evans, Cross Family Real Estate Holdings LLC, appeared.

Inspector Matt Dornfeld, Vacant Buildings:

- Category 2 Vacant Building
- 2011: Cross Family went thru Sale Review and was approved by Reid Soley Dec 12, 2012
- Code Compliance Inspection is on file
- electrical permit finalized; open mechanical permit
- collected 3 yrs of VB fees
- 2014-2015 VB fee went to assessment Oct 31, 2014
- assuming we're here to talk about that fee

Mr. Evans:

- everything is completed
- electrical is done; they've called to get plumbing inspection finalized but he didn't

show; is now scheduled to come Dec 7

- doesn't have control of when inspectors come; the work has been completed*
- trying to eliminate at least a portion of the VB fee*
- doesn't know what else he can do to move the process along*

Mr. Dornfeld:

- there's been a crack down on the holding and waiting on the VB fees in his dept*
- this one fell into that category*
- believes that will have a code compliant property within another window of 30 days*

Ms. Moermond:

- get the Certificate of Code Compliance by Jan 1, 2015 and this VB fee will go away*
- the paperwork has started for the assessment; we'll try to catch it along the way*
- if you get the bill, we will delete it at that time*

VB1504 - file went into assessment already. Will delete VB fee if compliant by January 1, 2015.

Referred to the City Council due back on 12/17/2014