



## CITY OF SAINT PAUL

OFFICE OF THE CITY COUNCIL

310 CITY HALL

15 WEST KELLOGG BOULEVARD

SAINT PAUL, MN 55102-1615

EMAIL: [legislativehearings@ci.stpaul.mn.us](mailto:legislativehearings@ci.stpaul.mn.us)

PHONE: (651) 266-8560 FAX: (651) 266-8574

January 27, 2011

Brian Alton, Esq.  
McClay & Alton, PLLP  
951 Grand Avenue  
St. Paul, MN 55105

VIA EMAIL: [brian@mcclay-alton.com](mailto:brian@mcclay-alton.com)

Re: Appeal for property at 929 Summit Avenue.  
File ID: 10-323

Dear Mr. Alton:

This is to confirm that on December 21, 2010, Marcia Moermond, Legislative Hearing Officer, recommended denying the appeal in the above-referenced matter. She indicated that she reviewed notes from the previous hearing which was held on October 19, 2010 and by and large, these issues were all in the previous set of Orders which were appealed and she has already made her recommendation to the City Council on them. The main difference between the September 29, 2010 and October 26, 2010 Orders is the Condemnation Order to Vacate that is associated with it. The main question right now is whether the department acted appropriately to take that action at this time, based on non-compliance with the Orders. Ms. Moermond noted that some of your arguments speak to that. She will review them more fully. Your client, Greg Ertz, talked pointedly about the financing of the repairs being his primary consideration, not any of the arguments that you presented, which casts a very different light onto the situation. She, however, is not reading the Fire Code in the same way that you are reading it. There is a reason that the Fire Code is different from the Building Code, and she believes that some of your reasoning relates better to the Building Code than to the Fire Code. The most important issue is that getting the people out of the unit takes precedence.

As an aside, Ms. Moermond understands that her concern with the timing of Inspector Mitch Imbertson's follow-up inspection has been addressed separately from the Department of Safety and Inspections. She is satisfied that the re-inspection in question was relative to items not under appeal.

If you have further questions, you may contact me at 651-266-8563.



929 Summit Avenue  
Page 2 of 2

Sincerely,

/s/

Mai Vang  
Legislative Hearing Coordinator

cc: Fire Supervisors (email)  
Pat Fish (email)  
File  
Greg Ertz, LHB Properties, LLC, c/o Halverson & Blaiser, 7800 Metro Parkway #300  
Bloomington, MN 55425