



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final Legislative Hearings

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Tuesday, November 26, 2013

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.

Sponsors: Stark

12/20/13: Representative of Bank of America 213-345-5320 called and stated they are no longer the servicer of this loan. Bayview Loan Services at 4425 Ponce de Leon Blvd, 5th Floor mailroom, Coral Gables, FL 33146, Phone No. 800-457-5105 is now the servicer.

PH item was missed on Agenda. Laid over to January 2, 2014 CPH.

Remove or repair within 15 days.

RE: 438-442 Beacon Avenue (Single Family)

No one appeared.

Steve Magner, Vacant Buildings:

- 1 1/2 story single family dwelling with a detached one-stall garage on a lot of 6,970 sq.ft.*
- been a vacant building since Dec 13, 2012*
- current property owner is Stovokor Properties LLC per Ramsey County Property Records*
- Sep 11, 2013, inspection conducted; list of deficiencies which constitute a nuisance condition was developed; photos taken*
- Order to Abate a Nuisance Building was posted Sep 18, 2013; compliance date Oct 18, 2013*
- as of this date, the property remains in a condition which comprises a nuisance as defined by the legislative code*
- estimated market value is \$56,600 on the land and \$104,400 on the building*
- real estate taxes are current*
- VB registration fees went to assessment Feb 1, 2013 and were subsequently paid by a third party, Safeguard Properties, on Apr 1, 2013*
- as of Nov 25, 2013, a Code Compliance Inspection has not been done; a \$5,000 Performance Deposit has not been posted*

- 7 Summary Abatement Notices since 2012
- 8 Work Orders issued for: garbage/rubbish; boarding/securing; snow/ice
- estimate cost to repair this structure exceeds \$50,000; estimated cost to demolish exceeds \$12,000
- DSI recommends this structure be removed within 15 days

Amy Spong, Heritage Preservation Commission (HPC):

- 1904 bungalow style
- in Merriam Park but not in the original plat of Merriam Park
- the original plat of Union Park is just to the west
- last surveyed in 1983; this property or area was not recommended for further survey
- doesn't believe that there's any potential for national register
- no Sanborn Insurance Maps for this area
- 1928 Atlas shows the block across the street with traditional houses of the same period; now, there's a telephone building
- the character of the area has been altered
- this particular block face still has all of its buildings except for 1, right next door, which was a 30-foot lot
- this property is built on a 40-foot lot
- the porch was enclosed early on
- some windows were altered; siding has been covered
- don't know what's left on the interior
- doesn't think there's potential for an historic resource but she encourages rehab; is concerned that if this came down, there'd be a fairly large hole
- this was platted as Howard Park

Ms. Moermond:

- will recommend this building be repaired or removed within 15 days

Referred to the City Council due back on 1/2/2014

2 [RLH RR 13-57](#)

Ordering the rehabilitation or razing and removal of the structures at 444 BEACON AVENUE within fifteen (15) days after the December 18, 2013 City Council Public Hearing. (Public hearing continued from December 18)

Sponsors: Stark

Owner needs to meet the following conditions no later than December 10, 2013:

- 1) a letter from a Freddie Mac Bank official indicating funds will be dedicated for the rehabilitation of the property;
- 2) post the \$5,000 performance deposit;
- 3) pay the vacant building fee;
- 4) provide financial documentation for the rehab of the project; and
- 5) maintain the property

RE: 444 Beacon Avenue (Single Family)

Brian Stites, representing Talbot Realty, retained by Freddie Mac, appeared.

Steve Magner, Vacant Buildings:

- 2-story wood frame single family dwelling with detached 3-stall garage on a lot of 5,227 sq.ft.
- been a vacant building since Nov 26, 2012
- property owner is listed as JP Morgan Chase Bank per Ramsey County Property

Records

- Sep 11, 2013, inspection conducted; list of deficiencies which constitute a nuisance condition was developed; photographs were taken
- Order to Abate a Nuisance Building was posted Sep 13, 2013; compliance date Oct 13, 2013
- as of this date, the property remains in a condition which comprises a nuisance as defined by the legislative code
- estimated market value: \$43,500 on the land; \$142,500 on the building
- real estate taxes are current
- VB registration fees were paid by assessment Feb 1, 2013; new fee is due Nov 26, 2013
- Code Compliance Inspection was done Nov 19, 2013
- as of Nov 25, 2013, the \$5,000 Performance Deposit has not been posted
- 7 Summary Abatement Notices since 2012
- 7 Work Orders issued for:
 - garbage/rubbish
 - boarding/securing
 - snow/ice
- estimated cost to repair exceeds \$50,000
- estimated cost to demolish exceeds \$12,000

Amy Spong, Heritage Preservation Commission (HPC):

- building permit index card notes 1906 as the construction date; the historic review form for SHPPO says 1902
- built for \$3500
- vernacular early Queen Anne 2 1/2 stories
- doesn't have original siding, shingles or windows
- front porch has been enclosed
- there's no Sanborn Insurance Map for this area; only a 1928 Plat Map that doesn't show a rear garage
- surveyed in 1983 and not recommended at that time
- city did a context study since then, a history of the residential real estate development in St. Paul, out of which came a couple district recommendations; two of them are near this property; to the west is the original plat of Union Park, which had a little more investigation; also to the west is the original plat of Merriam Park, which was not part of St. Paul at the time it was platted
- there were houses across the street early on; now, there's the telephone building, which has been quite altered
- doesn't think that the house has any potential for individual designation potential or district
- notes that this block has all similar 2 1/2 stories character and style (integrity from that perspective)
- the neighboring property is heard today, as well (438-442 Beacon)

Mr. Magner:

- last Work Order Sep 18 to remove hot tub and branches from yard; some work was done by Parks (\$390 fee)

Mr. Stites:

- he believes that they actually removed the hot tub; the redemption period ended around that same time
- with their new policy, they can't begin to maintain the property until after the redemption period is concluded
- Freddie Mac would like to rehab the house
- he has a bid for the repairs on the Code Compliance list; they may repair just those items and sell it; or

- they may repair it fully with more aesthetic updates to make it comparable to the other home behind it which recently sold for approximately \$190,000
- the building is being maintained as though someone lived there, except for the stickers on the front
- entered the estimate for the code compliance items
- the bank uses 7 contractors in the metro area; the contractors put bids in, the bank chooses 1, the work is completed and Freddie Mac pays the contractor
- brought 2 checks: 1) clean-up assessments; and 2) VB fee
- contact at Freddie Mac: Tracy Greenbush, Atlas Capital (servicer for Freddie Mac), which manages the process

Ms. Moermond:

- scanned the estimates
- needs a letter from someone in authority from the bank saying they designate the money to do the rehab, at least to minimum code compliance specs
- asked Steve Magner to talk to Jim Seeger about Mr. Stites saying that he may not have to pay the \$5,000 performance deposit
- she won't make her decision until she has a commitment that the bank is moving forward
- one of those checks goes to the Real Estate Office; the other to DSI; just mail them in
- City Council Public Hearing Dec 18, 2013
- have the package put together by Dec 10, 2013 (letter with intentions; money; perf deposit posted; maintained)
- she would like to see this house fixed above code compliance standards; it would be financially prudent
- if the package is in by Dec 10, 2013, she will recommend a grant of 6 months

Laid Over to the Legislative Hearings due back on 12/10/2013

Staff Reports

- 3 [SR 13-92](#) Reconsidering enforcement of Council File No. RLH RR 13-25, an Order to Raze or Remove the structures at 1281 THIRD STREET EAST.

Sponsors: Lantry

Laid Over to the Legislative Hearings due back on 12/10/2013

11:00 a.m. Hearings

Summary Abatement Orders

- 4 [RLH SAO 13-50](#) Appeal of James Meehan to a Vehicle Abatement Order at 853 MARYLAND AVENUE EAST.

Sponsors: Bostrom

Appeal withdrawn by Dept - issue resolved.

Withdrawn

11:30 a.m. Hearings**Orders To Vacate, Condemnations and Revocations**

- 5 [RLH VO 13-61](#) Appeal of Philip Tobey to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 220 WINIFRED STREET WEST.

Sponsors: Thune

Grant until December 6, 2013 for tenants to vacate the property. Inspection will be made on December 9, 2013.

RE: 220 Winifred Street West (Duplex)

Philip Tobey, owner, appeared.

Fire Inspector Leanna Shaff:

- *there are lots of pictures*
- *Revocation of Fire Certificate of Occupancy and Order to Vacate*
- *Inspector Westenhofer sent an appointment letter Jun 19, 2013 and there was also a utility shut-off for the upstairs tenants*
- *Mr. Tobey spoke with the Assistant Fire Marshal, who told her that the owner was trying to sell the property so, "let's hold off for a little while"*
- *unfortunately, in late Sep, they got quite a few complaints regarding behavior and criminal activity at the property*
- *Mr. Westenhofer spoke with the owner, who was going to get it taken care of*
- *after the complaints came in, she went out to inspect Oct 2, 2013 with Inspector Westenhofer*
- *found quite a bit of deferred maintenance*
- *owner expressed a lot of concern about his tenants and that he wanted to sell the house*
- *she told him to make his decision quickly; he might let it go back to the bank; he needed to let his tenants know*
- *basically, the house has huge structural issues*
- *the basement is kind of in 3 parts and probably 1 or 2 posts have never been cut but there are a number of post jacks and other type of jacks holding up the house; even the person that Mr. Tobey had come in to check said it needed a new large beam - about \$25,000-\$26,000 to take care of the structural issues*
- *there is no drainage in the back part of the basement - there's like a hole; by the water marks, you can tell that it gets pretty deep and you can see the structural cracking on the foundation and where it's bowed some; the water is coming up and also through the walls*
- *Mr. Tobey puts a sump pump in there periodically*
- *posts are starting to rot; can see from the photos; the pictures have been reviewed with both the structural engineer, Brian Harpen and the building official, Steve Ubl - they have some great concerns about this*
- *the tenants upstairs were, primarily, trouble causers; she believes that they are still there; they did get their electrical back on*
- *Mr. Tobey told her that he didn't have the money to fix the house; it would probably go back to the bank; he wished to sell it*
- *the series of Orders began Oct 2, 2013; another set of Orders were written Oct 5, 2013 noting the Revocation and Order to Vacate*
- *she informed Mr. Tobey of the city's expectations and what was needed*

Mr. Tobey:

- needs more time to sell the building and needs more time for the tenants to find new housing
- re the dates: he was not aware of any complaints on the tenants upstairs, who have actually have become squatters; regardless of what happens today, he is going to file an eviction Notice today
- he was trying to be a nice guy - the husband is kind of a jerk but the wife seems to be trying to help
- he had an actual closing date on the property through a short sale program, unfortunately, the buyers backed out (that was during the period that he asked Mr. Westenhofer to allow more time on the first inspection, so that the new owner could take care of the deficiencies)
- after that, a bid on the house was turned down by the Bank of America
- Inspector Shaff had indicated that she was concerned about the integrity of the foundation
- he wanted to get at least 2 bids from certified people to find out what was actually wrong in the basement; he didn't know who to go to so, he got names from the Internet - he made appointments
- 1 bid came in one day after Mr. Westenhofer was there: \$25,000
- 2nd bid came in came in 2 weeks ago: \$14,000
- both bids indicated that there was no sinkage in the foundation; the water, in their opinion, was strictly coming in through the walls; to correct it, he was advised to put in sump pumps and the beams that Inspector Shaff referred to; he doesn't have it in writing but both indicated that there was no immediate danger to tenants with the building collapsing
- the contractors can't get to the repair until Feb 2014 but he doesn't have the \$14,000 to do it anyway
- he felt that giving the tenants 10 days to vacate on Nov 4, 2013 was just a little bit strict
- he doesn't want the house to go vacant; if he also has to get rid of the downstairs tenants, who are timely with the rent (money he was anticipating to use to make some of the minor repairs), he will just board up the house and maintain the outside
- the investor pulled the foreclosure date; he went to an attorney and figure that because of the value of the property, the investor is just letting me take care of it
- he is hoping for an extension on the Vacate date so the tenants downstairs can find a new place; they said that they may be able to vacate Dec 5, 2013 but I had requested in an email that they be given until the end of Dec 2013
- ultimately, he'd like to keep chipping away at the deficiency list and continue to try to get a short sale

Ms. Moermond:

- legally, the downstairs tenants don't owe rent if the C of O has been Revoked; it's been Revoked since Nov 5, 2013 (Nov rent hasn't been paid yet)
- what items on the list have been done?

Mr. Tobey:

- everything on the outside has been corrected except for an electrical outlet under the porch
- took care of trees and refuse and debris on the porch
- inside, he caulked the bathtub, installed smoke detector and new thermostat, fixed a basement drain, repaired a railing on the front, screen door and an entry way door

Ms. Shaff:

- has some real concerns
- in Oct, Mr. Tobey told her that he was going to evict the upstairs tenants
- there's a history of deferred maintenance and the tenants are compromised

- basement repairs are substantial: double 2 x 10 header under the floor joist in the front and middle basement rooms; 3 new 6 x 6 support posts, etc; the water in the basement covered the top of her boot (toe part); the supports are rotting
- downstairs unit - she watched 2 mice on sticky paper, one still kicking
- this building has just not been maintained
- the tree outside has done roof damage, soffit and fascia, too
- and nothing was going to be done until we brought all this to Mr. Tobey's attention but he still doesn't want to do it because he wants to sell the building

Mr. Tobey:

- they did not do the sheriff's sale and the foreclosure date was pulled
- he received a letter earlier this year with a date for the sheriff's sale and then, there would be a date for the foreclosure, which would be in Feb; it did not have a date for the sheriff's sale; the investor, not the lender, took away the foreclosure date
- he has not been making payments during 2013; the building was vacant for a while; he hasn't had consistent tenants, which put him into arrears in the first place
- he didn't realize that there were any complaints about his upstairs tenants
- the downstairs tenants are hispanic and he has had a bit of a communication problem with them; a friend's daughter is fluent in Spanish and has been translating for him (they are roofers so it's hard to get to speak with them during the day)

Ms. Moermond:

- asked Ms. Shaff if DSI had these Notices in Spanish (Ms. Shaff said she didn't think so)

Mr. Tobey:

- sent both his tenants a Certified letter saying that they needed to be out 10 days from the inspection date; they came back unsigned
- he does have contact phone numbers for his tenants

Ms. Moermond:

- she will recommend granting until Dec 6, 2013 for the tenants to Vacate; the inspector will check on Dec 9, 2013
- this Vacate date will come before the eviction date process
- she suggested that he give that \$350 to his downstairs tenants to help them re-locate
- there is a lot of deferred maintenance
- the building will become a Registered Vacant Building
- no one can live there if the C of O has been Revoked with these Orders; the conditions make it not habitable, whether owner or tenant
- Appellant is still expected to maintain the building and fill out a Registered VB Form and there is an annual fee (\$1440)
- in order to get the building re-occupied, it would need to go through a Code Compliance Inspection (team of inspectors), from which a report is developed listing all the items that need to be repaired/replaced, etc.
- if the tenants are still there on Dec 9 when an inspector comes by, the city will write a Citation to the Appellant and the building will be Vacated and boarded

Referred to the City Council due back on 12/18/2013

6 [RLH VO 13-62](#)

Appeal of Diamonte Hickerson to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 35 WINNIPEG AVENUE.

Sponsors: Khaliq

RE: 35 Winnipeg Avenue (Single Family)

Jacques Wilson and Andrea Williams, tenants, and Renita Wilson, their aunt, appeared. Jacques mother also lives there but she was unable to attend today.

Fire Inspector Leanna Shaff:

- Revocation of Fire Certificate of Occupancy and Order to Vacate*
- attempted inspection by Inspector Brian Tonnancour*
- Oct 30, 2013 - property owner didn't show; appointment was re-scheduled and a letter was sent*
- Nov 8, 2013 - per Ramsey County, the property has been foreclosed; now, it's owned by Wells Fargo*
- Oct 14, 2013 - a complaint came in about drug activity at the property; Inspector Tonnancour accompanied the St. Paul Police*
- no active lease*
- Nov 14, 2014 - tenants were given 24 hours to vacate; the bank has been unresponsive*
- inspector was unable to gain access*
- no one is responsible for the unit, as far as she is aware*
- no one is talking; don't know if there's been a sheriff's sale*

Ms. Renita Wilson:

- I'm the aunt; my sister is not available to come*
- there was an inspection scheduled and then, it was re-scheduled to a date in Dec*
- inspector came Nov 8, 2013 with the Vacate Notice; no one told the inspector that he could not come in*

Jacques Wilson:

- it was the inspector's choice not to come in*
- his mom takes care of the housing and what's included in that*
- Andrea is his girlfriend*

Ms. Wilson:

- her sister let her know that the bank had taken over but she hasn't communicated with Wells Fargo and they have not notified her about anything; she believes it's some bank in Florida*
- the household is more than willing and open to have an inspection and do what it takes so they don't need to Vacate*
- all the utilities are under her sister's name (not connected to the owner)*

Jacques Wilson:

- the inspector said that the heat didn't work but the heat is on and it does work*

Ms. Wilson:

- they have documentation showing that the utilities are working and there is heat*
- they have receipts*
- entered a copy of the lease with the previous owner, dated Aug 2013*

Ms. Shaff:

- complaint came in Nov 7 and is still open - no trash pick-up for weeks; there is a Parks Order to remove the garbage and discarded TV from the rear of the property (done on Nov 19, 2013)*

Ms. Williams:

- we got a whole new garbage company*
- they are paying all the utility bills*

Ms. Wilson:

- there is a private trash hauler; they come in a big truck; it's just a matter of contacting that service
- in Aug, there was a carry over from the previous trash hauler service but she had her own service started
- they are sending the rent to the same mailing address as they always did
- the house was just foreclosed in the middle of this month

Ms. Moermond:

- so, you want to stay there as long as you can
- she can't have them there without an owner taking some responsibility; there's no relationship with you and the owner; she needs to establish that they are working with the new owner, Wells Fargo Bank
- the previous owner was responsible for notifying you that there was going to be a sheriff's sale; it should have been posted on the door (there are state and local laws that tenants need to be notified that a sheriff's sale is going on and a criminal tag can be written for that)
- she is glad that they are paying for the utilities
- it's not as simple as just getting an inspector in there, though

Ms. Wilson:

- since the foreclosure just happened, she is asking for a little more time to make the connections with the bank, Wells Fargo, to see what they can arrange and in the meantime, they can do what absolutely needs to be done; at least until Dec 18, 2013

Ms. Moermond:

- is not thrilled with it

Ms. Shaff:

- unfortunately, because of laws, the bank can't be a landlord; that's why they often have a property management company that manages and there's no one in this case
- this office of Wells Fargo is in Palm Beach, Florida
- there is no one who can responsible for safety issues
- typically, it's only after the redemption period of 6 months that Wells Fargo's name goes on the record as the owner, not immediately at the time of foreclosure

Ms. Moermond:

- we don't know any more than the bank's address
- banks don't manage and so far, it doesn't look like they have hired a property manager
- the city doesn't have any good direction to give the Appellants
- hopefully, they can contact someone at the bank and find out more
- asked Ms. Shaff if someone could get into the house to inspect; she is thinking about laying this over for a week

Ms. Shaff:

- either way, unfortunately, we know that Wells Fargo isn't going to step up and hire a property manager or they would have done so by now
- either way, the tenants are going to need to re-locate
- even Southern Minnesota Regional Legal Services (SMRLS) doesn't have money to pay for smoke detectors or batteries, right now; it's the end of the year and their budget is gone
- there's no one to hold accountable for anything that the inspector might find, regarding life safety issues
- currently, we are very short staffed: one inspector had surgery yesterday; one had

a baby this weekend; one is due any day; etc.

Ms. Wilson:

- one this end, we also have the human aspect - a baby*
- we can do our due diligence and try to contact Wells Fargo and the same time, we can continue to look for somewhere to re-locate, which is more difficult in Dec, with a baby*

Ms. Moermond:

- it looks as though the previous owner and current owner have left the city holding the bag*
- they should have handled their business with the Appellants on their own but they didn't do it, so, here we are*
- you cannot stay there with no landlord; she is worried about safety concerns*
- there's no furnace test saying that the furnace is working properly - that's required annually*
- the house must have operating smoke detectors and CO detectors*
- and, no one knows at this time, what other things need to be addressed*
- thinks that it's wise for the Appellants to find a new place to live - start shopping for a place now*
- Appellants have no assistance for paying the rent*

Ms. Williams:

- asked Ms. Shaff what the police report was about; she had no knowledge of any police activity*

Ms. Shaff:

- need to call the police dept to get a police report*

Ms. Moermond:

- will Lay this Over for 2 weeks to Dec 10, 2013 LH; within that 2-week time period, the house will be inspected; an appointment letter will be sent*
- the results of that inspection will be discussed on Dec 10; at that time, she will make a decision about when they need to re-locate; it probably will be Jan 1, 2014*

Ms. Wilson:

- they are familiar with SMRLS; Project Hope may be able to help with referrals*

Laid Over to the Legislative Hearings due back on 12/10/2013

1:30 p.m. Hearings

Fire Certificates of Occupancy

- 7 [RLH FCO 13-239](#) Appeal of Brian D. Alton, attorney, on behalf of Jason Twombly, to a Reinspection Fire Certificate of Occupancy With Deficiencies at 1747 SELBY AVENUE.

Sponsors: Stark

Grant until December 31, 2013 to convert the building back to single family use or owners may apply for student housing variance through Zoning. If the owners have completed the application process for a variance, they will need to forward a copy of this application to Ms. Moermond. Ms. Moermond will attach this to the Council resolution and may modify her recommendation based on the materials.

RE: 1747 Selby Avenue (Single Family)

Brian Alton appeared, representing Jason Twombly and Eric Walasack, co-owners.

Fire Inspector A. J. Neis:

*- he talked with Inspector Urmann and the basis for his determination that this was student house was a comment made by Mr. Walasack, who said that they have owned and lived in the building for 6-8 years and now, it's student housing
- when Mr. Urmann went out to the property, the people there appeared to be students (he did not question them)*

Mr. Alton:

- when Mr. Urmann went out there, he didn't see any tenants, he saw the owner

Mr. Neis:

*- has dealt with 3 student houses today and may have his houses mixed-up
- this one was based on Mr. Walasack saying that they had moved out and now, it was student housing*

Mr. Alton:

- the owners applied for their provisional in Dec 2012 and called in Aug 2013 to follow up on that saying that they were not living there anymore and they wanted to get their Certificate of Occupancy

Ms. Moermond:

- the code reference was modified so that it now says 67.706, which talks about "DSI developing a process for reviewing proposed new student dwellings" she doesn't know whether Mr. Alton's clients came forward with a proposal to use this house as student housing

Mr. Alton:

- his clients said "student housing" because they think that there's students living there but there's a specific definition of "student housing" - 3 or 4 students who are individuals enrolled with..... (we don't have any evidence of that); there's nothing upon which the Fire inspector can base his conclusion that there's illegal student housing except for one conversation when one of the owners called DSI and asked, "What do we need to do?"

Ms. Moermond:

- she understands that it was a phone conversation: Urmann: "got a call from the owner, Eric; Eric stated they have owned and rented the building for 6-8 years; it is now student housing"

Mr. Neis:

- last time we were here, Eric indicated that he didn't know that the phone conversation was going to be used against him or brought forward in a formal hearing; so, basically, he acknowledged twice...

Mr. Alton:

- if an inspector showed up at my house and said it was student housing...well, a student lives there; it seems to him that there has to be some finding that there's a conclusion that there are students living there

Ms. Moermond:

- if the owner said to staff that it's student housing, that works for her but the Council

could look at this differently

Mr. Alton:

- an owner who calls up doesn't know what the definition of student housing is; they are young people; they testified here before that when they were living there they were renting to friends who were also students
- is requesting that those 2 items (#7 and #10) be deleted from the deficiency list because the inspector doesn't have enough information to conclude; we can: 1) provide proof to the city (DSI) that it's not student housing; 2) we can apply to establish it as student housing under Chap 67; or 3) we can apply for a variance
- in this case, we'd like until May 31, 2014 to get one of those done

Ms. Moermond:

- she will leave that to the City Council
- she will recommend an effective date of Dec 31, 2013 at the City Council
- she thinks that it's the Board of Zoning Appeals; you can make an application to them
- she would be OK with changing her recommendation
- is encouraging them to move on
- right now, we have until Dec 18, 2013 to get some sort of a sense of the timing of it; he has until Dec 18 to give her a better idea of when a BZA hearing would be, which means applying for the variance
- thinks that this is a zoning issue

Mr. Alton:

- the Appellants are not sure if they are going to apply for a variance of not

Referred to the City Council due back on 1/2/2014

8 [RLH FCO
13-255](#)

Appeal of Kathleen Bausch to a Fire Inspection Correction Notice at 868 MARGARET STREET.

Sponsors: Lantry

Grant the appeal to approve the Certificate of Occupancy with corrections in Units 1 and 2 until repairs are done.

RE: 868 Margaret Street (Three Family)

Kathleen Bausch, owner, and Mr. Bausch appeared.

Fire Inspector A. N. Neis:

- Fire Certificate of Occupancy Correction Notice, dated Nov 14, 2013 by Fire Inspector Brian Tonnancour
- property given a Class A grade
- appealed is only 1 code violation
- inspector's notes: upon inspection of property, the bottom 2 units were under construction; property owner told me at the time of inspection, that he had all the permits for the work that was being done; I advised him that they needed to be on site and he stated that he had them; there is major electrical work being completed with light fixtures hanging off the ceilings in both unoccupied units; the bathrooms are completely torn down with no fixtures; there's also construction happening in the entire units; the kitchens are stripped down, as well; property owner has filed an appeal on the property; inspector did not take pictures because the property owner told him that he had the permits required for the refurbishment of the property; went back to the office, looked in the file and noted that there were no permits that had been pulled

- the last permit that was pulled in 2007 had been finalized

Ms. Moermond:

- looks like this was the first inspection; no one was living there and it was under construction
- she is not seeing the life safety concerns being noted in these Orders (smoke detectors, CO detectors, furnace testing, etc.); not sure how this is being handled

Mr. Neis:

- fairly typical - if they have a vacant unit under a full rehab, they would just give one blanket Order re the rehab; they will come in after the trades permits are closed

Mr. Bausch:

- he didn't realize - he had permits for the major thing when he put new electric in the building (2007)
- it's been Vacant for 6-7 years; no one has been living in Units 1 or 2
- he usually does the maintenance and he gets permits when he needs them
- he is questioning the "stop work Order" - he thought that he could do the painting and lay the carpet
- when the fixtures are ready for the electric guy and the plumbing is ready

Ms. Bausch:

- there is someone living on the 3rd floor, who has been there for 25 years
- they only work on the 1st and 2nd floor when they have extra money
- all the previous permits have been finalized
- didn't realize that a permit expired in 1 year

Mr. Neis:

- the bathroom on 3rd floor leaked to 2nd floor unit (vacant unit)
- especially during construction, there's a fire concern because the ceiling provides a fire separation between floors; if the ceiling has been taken down and compromised, it puts the 3rd floor occupant in jeopardy, as well

Mr. Bausch:

- the 1st floor is almost ready to go; he has to paint and put down carpeting; the bathroom fixture is not in but it will be after the plumbing has been there
- if they don't get certification, the 3rd floor tenant will have to move

Ms. Moermond:

- she thinks that the separation between the units is more of a concern if the bottom units are occupied
- you probably will need to pull another electrical permit before you seal the walls and ceilings
- the "Stop Work Order" would not apply to cosmetics: painting, laying new carpet, patching of walls, putting in new sheet rock
- the work that is stopped is the electrical, mechanical, plumbing
- there are no Orders specific to the 3rd floor

Mr. Neis:

- based on the good history of compliance on the property, the 3rd floor is fine

Ms. Moermond:

- there's no reason that their C of O couldn't be issued forthwith after payment for the 3rd floor unit
- will recommend approval with corrections and don't occupy Units 1 and 2 until inspected and approved

Referred to the City Council due back on 12/18/2013

9 [RLH FCO](#)
[13-251](#)

Appeal of Sean Dunn, on behalf of Reverend Duane Hanson, to a Re-Inspection Fire Certificate of Occupancy with Deficiencies at 562 SNELLING AVENUE SOUTH.

Sponsors: Tolbert

Grant a variance for the length of its current use of occupancy, ownership and tenancy. If there is a change of ownership or use in the future, will need variance.

RE: 562 Snelling Avenue South (N-Church/Synagogue/Temple)

Sean Dunn appeared on behalf of Reverend Duane Hanson.

Fire Inspector A. J. Neis:

- *Fire Certificate of Occupancy Correction Notice dated Nov 6, 2013 by Fire Inspector Jim Perruca*
- *a church - assembly occupancy*
- *rear door, the 2nd required exit - requires panic hardware (one motion to get out of the bldg); it has a term latch*
- *inspector called for the removal of the term latch and installation of panic hardware*
- *the appeal was filed to keep the term latch*

Mr. Dunn:

- *or some way to secure the door besides a push bar*
- *in 2010, we installed the push bar as a result of an inspection; at that time, there were 2 deadbolts and the inspector said to move one dead bolt up and have a push bar installed (over \$500 cost)*
- *three years ago, they had a fire inspection and that was fine*
- *they are very concerned about the security of the facility*
- *there has to be way to balance egress and security (bldg is unoccupied 90% of the time)*
- *to break in a push bar is not that hard*
- *they feel strongly that while it may follow current code, it has passed inspection for many years*
- *Diane McCabb was the inspector 3 years ago*
- *primary events at the bldg take place before and after Sunday service; also have a Wed night service*
- *any time the building is occupied, the dead bolt is disengaged by the person who opens up the building*
- *they have signs at all doors*
- *the front doors have slide bolts*
- *the push bar will secure the building when it's occupied; it's never locked during services*
- *there has to be a way to secure the bldg when no one is there better than just a push bar*

Mr. Neis:

- *you have installed a fin on the outside of the door so that someone can't shove a tool in to pry the lock open but it there's no protection for where the push bar is; if the fin was extended down, it would provide that protection that you are looking for (no one could pry on that push door from the outside)*

Mr. Dunn:

- *that would slow down someone who is trying to gain access; a fin is a deterrent but*

it, too, can become compromised
- a dead bolt is harder to get into; a push bar latch is only about 1/2 inch
- asked if there's another way to secure the bldg that small businesses would use

Mr. Neis:

- it depends on the size and occupancy of the building
- a small business may be able to put those locks on the door, especially on back doors
- they run into these same types of challenges at big box retailers and they are not allowed any more at night than a push bar lock
- the code also takes into consideration fire fighter safety

Ms. Moermond:

- asked about the key-lock situation

Mr. Neis:

- there is no fire alarm system and no key box (fire fighter access to the building)
- for safety reasons, there are other types of panic hardware available, which are code compliant (there are pins that come on the top, bottom, which make it nearly impossible for anyone to come through that door); the question is cost

Ms. Moermond:

- will recommend granting a variance for the length of the building's current occupancy, tenancy and use

Referred to the City Council due back on 12/18/2013

10 [RLH FCO](#)
[13-256](#)

Appeal of Gary T Walker to a Re-Inspection Fire Certificate of Occupancy with Deficiencies at 1011 VICTORIA STREET NORTH.

Sponsors: Brendmoen

Laid over to get permit(s) closed and determine whether the property should be in the Fire Certificate of Occupancy Program.

RE: 1011 Victoria Street North (Single Family)

Gary Walker, appeared. He lives there but his son owns the property.

Fire Inspector A. J. Neis:

- Fire Certificate of Occupancy Correction Notice dated Nov 13, 2013 by Fire Inspector Lisa Martin
- re-inspection dated Dec 2, 2013 at 10 am or she advised to file an appeal
- items #1-#3 are completed
- items #4-#8 are not completed
- it's a complete remodel; pull a permit for stairs; head room issues into the 2nd floor
- there's a remodel going on the 2nd floor
- no photos in the file
- they had a smoke fire

Mr. Walker:

- they completely stripped the house down to the 2 x 4s and insulated to code
- they put in new code spans
- they completely re-wired
- completely re-plumbed
- new water system; new heating system; new ducts, all brought up to code
- double stringer put into the floors

- 1 1/2 story

Mr. Neis:

- questioned why gave Mr. Walker permission to occupy the building after the fire

Mr. Walker:

- no one gave him permission to occupy the building

Mr. Neis:

- there was a Vacant Building file opened

- the fire was back in 2009 and he was the inspector who went out at that time

- he wrote Orders to the property representative, Timothy Walker, that said, "Your building was inspected and was found to be unsafe and unfit for human habitation; placards were posted on the building; and #1 The occupancy is Condemned; unsafe or dangerous; this occupancy must not be used until re-inspected and approved by this office; all repairs must be completed by a licensed contractor under permit; inspected and approved by this office."

- Mar 10, 2010, Mr. Neis drove by the property; a permit was pulled; work was in progress; he checked records - it was still a VB in Oct 2010; repairs in progress under a permit

- then, Inspector Imbertson suspended it for 90 days, meaning that he'd do a 90 compliance check on the building

- Jan 2011, no change; permits still active; Inspector Imbertson put it out for another 90 days

- building permit is still out there

- in Jul, 2013, Virgil Thomas noted that final corrections were required: final wall covering at closet stairs; install guard/hand rails; correct head height at 2nd floor stairs at 6 ft - should be 6'8" or get variance

Mr. Walker:

- there were other inspectors out there, too; and they couldn't figure out why it wasn't a Cat 1

Mr. Neis:

- it looks like Inspector Martin found that the building was occupied and because it was occupied, closed the VB file and scheduled the C of O inspection to find out, basically, what was going on at the property

- Aug 2013 notes: owner is staying in the home while he remodels; all permits finalized; no one should have been living in this property until all of this work had been completed

Ms. Moermond:

- but, because it was a Cat 1 and Ms. Martin re-opened it as an occupied property, there's definitely mixed messaging going on

Mr. Walker:

- his son has owned the building for 20 years and he lived there for a short time when he first bought it; then, he got a job at the Art Institute in Chicago and was there for until just before the fire happened; then, he moved to Tucson, AZ

- I live on the Canadian border so, I'm back and forth

- everything is done by certified contractors and inspected by the city

- some pretty minor stuff had not been completed; it's very livable - there were just minor things that needed to be done

- he lives in the structure when he's down here; he is here quite a bit; he can't afford to be paying rent when there's a house that he can live in

- it's not rented to anyone

Matt Dornfeld, Vacant Buildings:

- this is a very interesting situation; he can understand the confusion
- it had a fire and work was delayed because of insurance
- it probably should have been changed to a Cat 2 VB but it wasn't
- they received some complaints from the neighborhood council
- Inspector Kalas then changed it then, to a Cat 2 but realized there was occupancy so, it was kept as a Cat 1 VB and tried to work with Mr. Walker (he and I had many conversations)
- there were some dangling open permits
- the occupancy was in question; complainants stated that it was being rented; Mr. Walker said that wasn't the case and they couldn't prove it either way
- he had asked Mr. Walker to clean up a few things and he did; and he asked him to get his permits taken care of
- there were a few things that remained on the bldg permit but Mr. Magner decided that they were not life-safety issues; therefore, the Cat 1 VB file was closed; Mr. Walker said that it was not rental; that either he or his son had occupied the home
- they referred it to Inspector Martin to investigate

Mr. Walker:

- it hasn't been turned into rental property because there were still some things that needed to be done; then Ms. Martin needed to come back to re-inspect
- he is not sure whether his son plans to sell it or rent it; he will be going down to Tuscon over Christmas; it will be discussed then; he'll be gone until Jan 20, 2014; someone will be taking care of the property while he is gone

Ms. Moermond:

- questioned whether this should be in the Fire C of O of not
- he has paid the VB fees in the past for 4 years; 3 with a check; anniversary date would have been Feb 14
- will lay this over to Tue, Feb 4, 2014
- she needs someone who will take care of business if something comes up with the property (garbage, shoveling, broken window, etc)

Laid Over to the Legislative Hearings due back on 2/4/2014

2:30 p.m. Hearings

Vacant Building Registrations

- 11 [RLH VBR 13-65](#) Appeal of Justin Appelgren to a Vacant Building Registration Renewal Notice at 921 ARMSTRONG AVENUE.
- Sponsors: Thune
- Closed VB 1 File per DSI staff.
- Withdrawn
- 12 [RLH VBR 13-63](#) Appeal of Craig Cooper to a Vacant Building Registration Notice at 888 CONCORDIA AVENUE.
- Sponsors: Khaliq
- 12-11-13: Confirmation letter sent by Ms. Vang to Craig Cooper, 3747 West

Broadway Ave, Robbinsdale MN 55422 was returned, attempted, not know unable to forward.

Grant appeal to be out of the Vacant Building Program. Inspector will write a correction order to reflect the exterior items which were granted until July 1, 2013 for compliance; grant until February 1, 2014 for repair of the roof under permit.

RE: 888 Concordia Avenue (Single Family)

Craig Cooper, new owner, appeared.

Fire Inspector A. J. Neis:

- this building was Condemned by Fire due to a shut-off notice that came from Water Services on Oct 4, 2013*
- Inspector Scott Perrier went out and found the house vacant and the water shut-off, so, he Condemned the building*
- inspector's notes: Oct 21, 2013: Clifton Jones called and said he was the co-owner; Minnie Cooper was his great grandmother and she had passed away; he said the building was vacant and it had been for 6 months; he had plans to fix it up; Mr. Perrier explained the process of pulling permits and have licensed contractors to do the work*
- he placarded the building as Condemned and transferred the file to the Vacant Building Program, which is standard procedure*

Matt Dornfeld, Vacant Buildings:

- he opened a Category 2 Vacant Building Oct 21, 2013 per the Condemnation by Fire Inspector Perrier*
- at the time of inspection, there was tall grass and weeds, tree branches, yard waste, exterior violations (peeling paint, little shingle damage; garage has also some peeling paint and siding damage)*
- since then, the grass has been cut and the yard has been abated*
- Mr. Cooper and Mr. Dornfeld discussed this over the phone; Mr. Dornfeld explained the process and suggested he file an appeal*

Mr. Neis:

- also noted the Inspector Perrier never sent Mr. Cooper a formal Condemnation letter*

Mr. Cooper:

- no one is living there*
- the water is back on again*
- he is fixing it up right away; everything will be taken care of and then he will be moving in*
- he is purchasing this property from Denise Jones, Minnie's granddaughter*
- doesn't know why there is a blue tarp on the roof near the chimney but it will be taken care of*

Ms. Moermond:

- she will take this property out of the VB Program and get a schedule going to repair the things that need to be repaired; the exterior things can wait until next spring; this will be transferred to Code Enforcement*
- is not thrilled about having tarp around the chimney*

Mr. Neis:

- from the photos, it looks as though the roof is in pretty bad shape; needs a shingle job, he thinks*

- asked Mr. Cooper if he saw any water stains

Mr. Cooper:

- nothing jumped out at him regarding water stains
- we're just getting ready to clean out the house and move stuff around

Ms. Moermond:

- will recommend this get out of the VB Program
- will convert the exterior Orders to be Code Enforcement Orders; can go until Jul 1, 2014
- is more concerned about the chimney situation; is assuming that roof repair is needed; her main concern is that it's sound and doesn't leak (the tarp on the roof indicates that there may be a leaking problem)
- the roof needs to be repaired/replaced under permit by Feb 1, 2014; a snow load will make this situation worse
- Code Enforcement, DSI, will check in 6 months to see if the house is owner-occupied

Mr. Dornfeld:

- will send Mr. Cooper a Correction Notice to 888 Concordia; also to 3747 West Broadway, Robbinsdale, 55422
- will send one to Denise Jones, too

Referred to the City Council due back on 12/18/2013

13 [RLH VBR 13-68](#) Appeal of Mike O'Rourke to a Vacant Building Registration Fee at 1585 CONWAY STREET.

Sponsors: Lantry

Grant the appeal on the Vacant Building registration fee; the Vacant Building fee should be refunded to owner because it was paid in error.

RE: 1585 Conway Street (Single Family)

Mike O'Rourke appeared.

Matt Dornfeld, Vacant Buildings:

- Category 1 Vacant Building file opened by Rich Singerhouse and David Nelmark on Aug 13, 2013 due to a Condemnation by Fire Inspector Beumer on Jul 22, 2013
- there was some VB payment confusion; it went into the billing portion of assessments so, the property owner paid the VB fee by check on Oct 4, 2013
- it was ruled here that this was not a VB; therefore, Inspector Singerhouse closed this file on Nov 20, 2013
- now, the property owner is in search of his \$1440 VB registration fee

Mr. O'Rourke:

- that is correct

Ms. Moermond:

- will recommend that the City Council grant this appeal on the Vacant Building Registration fee and that Mr. O'Rourke's money be refunded
- City Council Public Hearing Dec 18, 2013
- believes that Connie Sandberg, DSI, will process the refund check; her authority to do that will be in the resolution
- we will put that into the appeal - that the VB fee should be refunded; it was paid in error (this hasn't yet been turned into a tax assessment)

Referred to the City Council due back on 12/18/2013

- 14 [RLH VBR 13-69](#) Appeal of Ira Kipp to a Vacant Building Registration Notice at 1083 RANDOLPH AVENUE.

Sponsors: Tolbert

Per DSI staff, Matt Dornfeld, appeal withdrawn because Fire Inspector Mike Cassidy changed file to VB Category 1. No further information was given. Ms. Moermond laid over for staff report only to get more information.

Laid Over to the Legislative Hearings due back on 12/3/2013

- 15 [RLH VBR 13-64](#) Appeal of Ruzhao Cheng and Jun Xiao to a Fire Inspection Code Compliance Notice Registered Vacant Building - Category 2 at 568 - 570 SNELLING AVENUE / 1566 - 1574 EDMUND AVENUE. (Public hearing continued from December 18)

Sponsors: Stark

Forthcoming.

RE: 568-570 Snelling Avenue / 1566-1574 Edmund Avenue (General Retail & Svc -B-Commercial)

Jun Xiao and Ru Zhao Cheng (Jenny and David), owners, appeared along with Mr. Breen

Mr. Breen:

- entered a Work Plan on spread sheets #1 and #2 - (117 items total of which 17 items are duplicates)*
- #1 spreadsheet: items that have been completed to date*
- it shows: 1) completed; 2) by whom they were completed; 3) was there a permit, yes or no; 4) some a being resolved; and 5) date of completion*
- a few items are color-coded*
- it's a living document*
- still dealing with the tuckpointing #30 at the back of the building, behind the wires from Xcel; Xcel needs to do their maintenance first (that's the only area that is not yet tuckpointed)*
- #45 - the handrails have been replaced*
- windows are complete; it was just glass replacement*
- #2 spreadsheet: several green items are to be addressed; most are concerning the residential units upstairs; he has proposed the repair for each one of them*
- door replacement to a 1-hour solid door*
- #15 - interconnected hard wired smoke detectors (required for residential); the battery operated smoke detectors have been replaced*
- #20 - a window on 2nd floor that's been walled off on one side only; he proposes sheet rock over the windows with insulation - should comply with the 1-hour rating between 2 structures; done under permit*
- a fire-rated door needs to be replaced with a steel door - has been addressed*
- #23 - the laundry shoot is not a laundry shoot; it's a ventilation shaft that at one time, went to the exterior of the building; it also has a gas line running through it that's been abandoned; it does not go to the 2nd floor; it goes to the garage on the first floor; the gas line will be taken out and capped; in addition, he thinks it would be a good idea to pack insulation in the unused ventilation shaft*
- #49 this item should be removed; it's addressed earlier and taken care of*

- an electrical permit has been pulled and is active (inspection date 11-27 got moved to Mon Dec 2)
- all items have been addressed on this list including a traser being done to map all the circuits in the bldg
- #53 - Main 400 Circuit, basement electrical: a licensed electrician opened it up and cleaned off the surface rust and re-assembled the entire panel; is assuming that should close this issue; is expected to be inspected Mon Dec 2
- mechanical: there is a forced air converter system going on in the building where one of the apts on the 2nd floor has a hung radiator (not a gas system; just a mechanical fan which blows through the radiator which forces air to the 2nd floor); he doesn't see an effective way of sealing off that mechanical unit; it's located in the 1st floor unit and blows into the 2nd floor unit - (Ms. Moermond: that's a fire separation issue that you need to deal with; it will have to be separated)
- has a question about how is going to bring in a fresh air duct into the 566 Snelling Equipment Room; it's a center-locked room and does have passage air from the building; there's no direct link (maybe it can be addressed with a 2-way vent in the chimney at the time of re-lining the chimney); he is questioning whether he can put this one out into the future?
- #78 - he talked with his architect about this one; most of the bathrooms in the building are interior have center wet walls, with the exception of 2 bathrooms; he needs to put in mechanical ventilation (but he can't without ripping open every wall or putting in horizontal soffits) Ms. Moermond: bathrooms need to be ventilated or not used as a bathroom)
- several sinks in the basement will be removed
- will have a licensed mechanical contractor check the boiler
- last spread sheet: items that need to be completed in 2014
- there are 2 main groups: 1) basement venting of the chimney for the boilers (replacement); mechanical contractor said they were in OK shape but do need maintenance; however, replacement is the better more; it's an issue of the liner itself (Ms. Moermond: if it passes the fuel burning equipment test, it's OK with her); and 2) one bathroom is not vented; looks like an added - newer looking; it owner-occupied space; will be costly fix
- the last page shows which contractor is working on the items

Mr. Neis:

- also, S-traps are not legal; only P-traps are legal

Mr. Breen:

- the major safety issues are being addressed (have been or will be ASAP)
- he requests that, at least the main level be able to be occupied soon (at least let them start to look for occupants)
- he can have the boiler checked, back valve installed and gas valve installed within a couple days along with the removal of those sinks in the basement

Ms. Moermond:

- will need to think about that; talk with Steve Ubl
- it's a good plan; you've got your act together
- hopefully, she can get back to them tomorrow; if not, next week

Referred to the City Council due back on 12/18/2013