



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final Legislative Hearings

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Tuesday, November 27, 2012

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Remove/Repair Orders

- 1 [RLH RR
12-31](#) Ordering the rehabilitation or razing and removal of the structures at 702 THIRD STREET EAST within fifteen (15) days.

Sponsors: Lantry

Update on roof repair.

RE: 702 3rd St E (duplex)

Charles D. Delisi, owner, appeared.

Mr. DeLisi:

- *Twin City Roofing is ready to start; they need to get permits and contact HPC*
- *he understands that the main thing that needs to be replaced is the rubber roof; nothing more*

Amy Spong, Heritage Preservation Commission (HPC):

- *no permit has yet been applied for which also means they don't have an application in their office for this project*
- *is not aware of anyone from Twin City Roofing contacting her*
- *the HPC will need to know if the flashing will be replaced and changed (where the flat roof meets the sloped portion of the roof); they need to know about the material they will use and whether or not insulation will be added*
- *Mr. DeLisi can attach the contract or scope of work to the HPC application form*
- *she could also talk with Twin City Roofing, directly*

Ms. Moermond:

- *thinks that Mr. DeLisi had to ride Twin City Roofing to get them to apply for the permit*
- *the HPC won't trip up the replacement of the rubber roof*
- *suggested that Ms. Spong write up a simple paragraph for Mr. DeLisi to share with Twin City Roofing and perhaps, his insurer*

Mr. DeLisi:

- *entered a copy of the contract*
- *he signed over the first 2 insurance checks and he has 180 days from Jul 17, 2012*

for the work to get done and submit the final billing to the insurance company (all needs to get done by Jan 10, 2013 or there about)
- is concerned that this roofing work won't be done if the short sale goes through too early
- Mr Urchel is still involved

Ms. Moermond:

- asked Mai Vang to make a copy of the contract for Ms. Spong; an electronic version of the insurance information will be forwarded to Ms. Spong and to Steve Magner

Ms. Spong:

- she will contact the roofer directly and she will send them the HPC application forms and let them know what specific things they need to include in there for staff's review to move forward
- she will send a follow-up paper letter/ Certificate of Approval
- when the permit has been issued, Twin City Roofing can go ahead and do the work

Ms. Moermond:

- the City Council has continued the hearing to Feb 6, 2013
- she needs an update in 2 weeks and hopefully, the staff report will say that the roof is underway
- will be back at LH Dec 11, 2012
- is not foreseeing a problem with the work not being done by the time of the short sale

Laid Over to the Legislative Hearings due back on 12/11/2012

2 [RLH RR
12-85](#)

Ordering the rehabilitation or razing and removal of the structures at 1278 POINT DOUGLAS ROAD S within fifteen (15) days after the December 5, 2012, City Council Public Hearing.

Sponsors: Lantry

Property owner must post the \$5,000 performance bond by Wednesday, December 5, 2012 and shorten the redemption period in order for Ms. Moermond to recommend a one month layover.

RE: 1278 Point Douglas Road S (single family)

Stephanie Nelson appeared on behalf of The Bank of New York Mellon and their servicer, Specialized Loan Services (SLS)

Ms. Moermond:

- as she understands it, Ms. Nelson's client doesn't know what they want to do with this property

Ms. Nelson:

- after she went back with Mr. Magner's comments about how the building was missing a lot of the plumbing and electrical components, they are concerned that if they do foreclose, they will have this huge liability of repairs that they are not sure they want to take on; so, they are talking with their investor and they haven't come up with an answer yet
- they are weighing their options
- perhaps, it should be moved along to City Council and if they do come up with something, she can contact Ms. Moermond

Ms. Moermond:

- concluded then, that Ms. Nelson's client would not also pay for the demolition of this asset since they have decided not to foreclose (Ms. Nelson: agreed)
- so, the public sector gets to eat the cost and it's not their problem
- she had asked that the bank seek a shortened redemption period to demonstrate good faith that they would be moving forward with this; it would appear that there is no good faith and they're not moving forward with anything
- will tell the City Council what the situation is and specifically that The Bank of New York Mellon is walking away on the property unless Ms. Nelson comes forward with paperwork indicating that they will seek a shortened redemption time period and post a \$5,000 Performance Deposit as a demonstration of good faith
- if Ms. Moermond sees those 2 things by noon Wed, Dec 5, 2012, she will ask the Council to lay the matter over for 1 month to give the bank a chance to put together some plans

Referred to the City Council due back on 12/5/2012

3 [RLH RR
12-68](#)

Ordering the rehabilitation or razing and removal of the structures at 601 WESTERN AVENUE NORTH within fifteen (15) days after the September 5, 2012 City Council Public Hearing. (Public hearing held September 5; laid over from September 19. To be referred back to Legislative Hearing on November 13 and 27, and City Council public hearing on December 5, 2012)

Sponsors: Carter III

Remove or repair the building within 30 days.

RE: 601 Western Ave N (restaurant / bar - B - Commercial)

Ameena Samatar, owner, appeared.

Ms. Moermond:

- is troubled with the way this case has been going
- there's a lot of work that needs to be done
- Ms. Samatar's husband did communicate with Councilmember Carter saying that he wanted this case to be dismissed; the Council refused and made it 100% clear that this was subject to demolition and scheduled 2 Legislative Hearings to review plans
- her office received communication from Ms. Samatar's husband indicating that he couldn't make the meetings because there were other things he would be doing - this is your investment and if it isn't worth his time to show up to hearings and to bring the relevant documents, then, it's not worth her time to help them through this
- she has been hoping that something would come together and didn't want to see the building knocked down
- so, there's a high bar, now, for reviewing materials brought today
- understands that a structural engineer went out to look at things; Ms. Moermond had asked for that report to be submitted but nothing was forthcoming; so, she doesn't know what's going on there
- she had asked for subcontractor bids, additional financing, a scope of work, etc., which she assumes are going on but she hasn't seen anything to that effect
- this case goes in front of City Council next Wed, Dec 5, 2012 at 5:30 which leaves very little time to get things together

Ms. Samatar:

- entered the paperwork she brought with her today, which was put into the record

Ms. Moermond:

- summarized the paperwork:
- saw a statement with a balance of \$32,800 cash in the bank

- saw a line of credit of \$50,000
- saw a balance in a separate bank account of approximately \$75,000; not confident that the amount is a stable amount because it has rapidly diminished from \$100,000 since last month
- doesn't have a affidavit saying these funds would be segregated towards this project's purpose
- looked at an unsigned electrical bid; looked at a verbal bid of \$160,000 with not much detail
- looked at an unsigned bid from Rylan Construction for the work being approximately \$224,000 with some work to be done by the owner
- none of the bids indicate a timeline
- saw that Belay did do an initial inspection and summarized their findings which were consistent with the city's findings
- Herzog Engineering also did some work on the design
- have some architectural plans
- this doesn't necessarily mean much in the context of the lack of zoning and licensing proposals and any sort of merging of the parcels that would need to occur to move it on to another use
- there had been a long conversation with Larry Zangs as far as his expectations in terms of reviewing the building permit; i.e., if it were to be a restaurant use, there would be a required license with parking requirements and different type of separations and bathroom build outs, so, he would look toward the use and then review the permit, accordingly

Matt Dornfeld, Vacant Buildings:

- Mr. Zangs' notes in the system: Sep 11, 2012 - had a preliminary discussion regarding possible re-use of the building - converting it from it's former use as a bar / night club to possibly, a retail use on the first floor with a second floor rental hall and caterer

Ms. Amy Spong, Heritage Preservation Commission (HPC):

- has not visited the site; looked at photos in the date base
- thinks the estimate of \$2,500 for exterior brick wall repair is quite low, judging from the photographs; it's hard to say what an appropriate bid would look like
- recommends that a mason take a look to see what is really necessary
- all the upper floor arches are in good shape
- the reports seem to say that the building is structurally sound and the exterior walls need minor repair
- #5, page 2 from the architect talked about the historic fabric and how much is still there
- suggested that the building use more windows both along Western and Thomas to make it more pedestrian friendly
- the building does not have any historic designation; it's integrity has suffered because the windows have all been boarded up, etc., it was surveyed in 2011 but did not warrant national historic designation
- unboarding and repairing the windows would change it's integrity
- the 1983 historic survey said that it was a site of major historic significance; it warranted further review

Ms. Samatar:

- the small room on the west side has an unsafe floor but the ballroom on the east side has a safe, intact floor (there are 2 buildings)
- she explained that she hasn't yet met with Larry Zangs and done some of the other things because she was trying to secure the finances first
- she received some of these plans today by mail
- she has spoken with Craig O'Brien - there's no money

Ms. Moermond:

- the plan from Belay Architects has been in existence since Sep 28, 2012; however, she has not seen it - Why?
- similarly, the engineering report; as well as the bids
- no information about a follow-up conversation with Mr. Zangs
- the parking is beside the point unless we know what the use is; the zoning is incorrect - residential
- on Sep 27, 2012, we told you that before the Nov 13 LH, you'd need to work with Larry Zangs on re-zoning and getting the necessary license application; work with the architects and get those forms to our office; explore with Historic Saint Paul - those things did not happen until now
- this process was started Aug 14, 2012 (CCPH Sep 5, 2012) and she was in Ms. Samatar's corner but it's been 4 months since then
- finds the verbal (unacceptable) bid for re-roofing of \$18,000 and removing soffit and fascia \$3,000; the previous bid for this was \$41,000 - much more believable; another roof bid is \$37,500, which is more in the ballpark of the previous bid; total bid is \$224,000 and she does not see proof of \$224,000
- staff has said this is a very expensive job and these bids aren't adequate to do a quality fix

Ms. Samatar:

- she is wasting her time asking the neighborhood for money; needs to look for another source; that's where most of her time has gone
- the bid for \$224,000 is too expensive
- Thursday, her sister transferred \$40,000 but it is not yet in her account
- she will have \$60,000 by Dec 15, 2012

Ms. Moermond:

- the deadlines have failed, so far
- is questioning why the city should trust her further

Ms. Samatar:

- she's paid the taxes, the \$5,000 Performance Deposit, the Code Compliance Inspection
- she would not have invested so much already unless she intended to go forward
- instead of losing, it is better to gain

Ms. Moermond:

- since this started 4 months ago, she is not seeing much headway
- hasn't seen the same on her and her husband's part to bring forward information in a timely fashion to have it reviewed
- she doesn't trust that they, as developers, are going to be able to execute this and may need a third party to take over to make sure these things happen as they should
- she doesn't have an affidavit designating money specifically for this project
- she also doesn't have a timeline; there's no work plan
- these are basic expectations
- an important meeting was blown off
- City Council meeting next Wed
- her concern is about the nuisance condition that this dangerous structure presents, and she needs to make sure that it gets taken care of; she needs an assurance that it will be taken care of; there's two ways to do that: 1) knock it down; or 2) rehab it

Ms. Samatar:

- how can you say that nothing has happened; she has provided information
- now, she entered more information

Ms. Moermond:

- *thinks that Ms. Samatar needs to make the case to the City Council directly and convince them that she should get more time to pull this together*
- *at this time, she is not willing to recommend to the Council that they grant that time*
- *will recommend to remove or repair in 30 days*
- *City Council Public Hearing Dec 5, 2012 at 5:30 pm*
- *Ms. Samatar should present her case to the CC at that time, if she wants something different from the Council*

Referred to the City Council due back on 12/5/2012

Summary Abatement Orders & Orders to Vacate, Condemnations and Revocations

11:00 a.m. Hearings

- 4 [RLH SAO
12-36](#) Appeal of Steven K. Peck to a Vehicle Abatement Order at 363 HAWTHORNE AVENUE EAST.
- Sponsors:** Brendmoen
- Owner in compliance. DSI staff withdrew the order.*
- Withdrawn**
- 5 **RLH SAO
12-37** Appeal of Parke M. Schilling and Lynn Warnecke to a Summary Abatement Order at 824 FREMONT AVENUE.
- Sponsors:** Lantry
- Need Inspector Seeley to provide an aerial photo and map of the property.*
- RE: 824 Fremont Ave (single family)*
- Parke Schilling, owner, and Lynn Warnecke appeared.*
- Inspector Paula Seeley:*
- *Summary Abatement Order*
 - *Inspector Hoffman went out there Oct 26, 2012 and found excessive storage throughout the yard: lawn mowers, snow blowers, inoperable RV, misc rubbish scattered throughout the yard*
 - *Inspector Hoffman gave them until Nov 15, 2012 to take care of it*
 - *an appeal was filed*
 - *has colored photos that were taken yesterday, Nov 27: tires, grocery carts, 4-5 walk behind snow blowers, plows, metal barrels, port-a-potty, a tent structure, saws, etc., etc.*
 - *the RV is also parked on an unapproved parking surface*
 - *there's no garage on the property*
 - *the owner told Inspector Hoffman that some judge heard this before and said that it was OK to have this RV (?)*
- Ms. Moermond:*
- *the City Council Public Hearing on this will be Dec 19, 2012; you will get a letter confirming that with her recommendation*
 - *added that the Appellants were mistakenly charged for this appeal; it's a SA Order,*

so there is no charge and Ms. Mai Vang just handed you a check for that amount back.

Ms. Schilling:

- explained that the tent that had been put up in the front yard was to assist Ms. Warnecke, who lost her home in White Bear Lake due to taxes; the tent is currently down and 80% of the material has been removed
- the saw talked about is posted on Craig's List "for sale"; all the stuff in that one corner is "for sale" and is posted
- this has been heard twice before by Ms. Moermond; the car and RV were approved by you; she entered a letter that the area has been approved; there's 30 cubic yards of class 5 that was put down; she did all the necessary paperwork for it and it was approved by Ms. Moermond
- the motor home is locked down and it's up on blocks; all the vehicles are on blocks; they all run and they are all locked
- even the plow blade was addressed because it belongs to the truck
- there is a motor trailer that is used to haul vehicles
- the other material is part of the business that she runs; she tries to supplement her income by doing small motor repairs
- many of the items are "for sale" and if she had a garage on the property, they would be in there
- she rents a garage at 728 Maryland and the owner called her up 2 days after she got the SA and told her that the garage is no longer available to rent; she will need to move everything out of it
- she's been doing everything she can but she can do only so much
- she lost a week because she was in the VA Hospital with a heart condition; she was going to bring those records but she couldn't get them
- she just turned 69 and is going through a lot of emotional things right now; it's not easy; she is on suicide watch - she can't deal with this pressure all the time
- she tries to keep things clean and she tries to help people - the tent in back is where she works on snow blowers for people
- her brother's motorized electric vehicle is also in the tent; her brother is in a nursing home; she also puts her sister's motorized electric vehicle in the tent over winter
- right now, she can't even repair the 2 lawn tractors she has; needs to wait until tomorrow when she gets paid to buy parts
- currently, she is being harassed continuously; someone is siphoning gas out of her car and flattening her tires and complaining to code enforcement all the time
- she's at the point where Ms. Moermond can do what she wants to do; she's done; "You beat me into the ground"
- she has asked Ms. Warnecke to do what she can to take care of her things; she had to rent another storage unit

Ms. Warnecke:

- her items were under the white canopy and they made sure it was all enclosed; the gates are always locked
- she has been getting her things out; she's down to 5-6 bags of winter clothing, which she will be taking to the laundramat
- she has been trying to help Ms. Schilling because Ms. Schilling can't do some of these things anymore
- is not mechanically inclined to be able to fix the small motor items
- they help their neighbors who physically can't do some things anymore
- they don't have the money to build a garage on that property
- she works and by the time she gets back to the house, it's dark outside

Ms. Moermond:

- reviewed the photos taken yesterday

- she has just been reminded that there have been changes in the way codes have been enforced
- we need to take into account that Class 5 deteriorates
- we need to develop a plan for getting this under control

Ms. Schilling:

- the approved parking site plan is from 1995; both the Dept of Safety and Inspections (DSI) and the Heritage Preservation Commission (HPC) approved it
- the last time she dealt with code enforcement, the inspector said it would be fine to put the tractors, etc., back there, it would be fine because it's out of sight
- she also put up a privacy fence

Ms. Moermond:

- sees in the record that there's an approved site plan from 1995 on this that would have allowed parking; so, Ms. Moermond had been acting based on that existing site plan that was approved by DSI; (does not have a copy of that site plan)

Ms. Seeley:

- most of this is improper storage; it doesn't matter if there's a fence or not
- it doesn't matter if it's out of sight

Ms. Moermond:

- 2 records: 1) tax assessment for a clean-up; and 2) an appeal of an Order issued Dec 14, 2006
- at that time, she recommended denial of 2 aspects of the appeal of the 2006 Order and granted the vehicle, boat and trailer on the parking surface as approved in 1995; need to pull those records
- looking at 2008 records, it looks as though, we were looking at the same kind of thing
- 2 1/2 weeks were granted for removal of the items we're talking about today and some of the things were addressed

Ms. Schilling:

- the things in the rented Maryland garage are moving to another one of the owner's garages on Rice St; only it's smaller; that needs to be moved by Dec 15, 2012
- she has had to deal with relatives' possessions; can't afford to take it to the dump because they charge an outrageous price and dumpsters are \$600

Ms. Moermond:

- the vehicles need to be operable and licensed
- wants half of the materials removed by Jan 1, 2013, which includes taking care of the inoperable vehicles
- wants the rest of the materials removed by Feb 1, 2013 (no matter what the weather is)
- she will pull the records on the parking issue
- Ms. Schilling will need to find another way to do the small engine repair because of 2 concerns: 1) there is no structure there to enclose that activity; and 2) she is not sure whether that's considered a home occupation and thus, would need to be licensed (Zoning would have that information: 266-9008)
- in the next month, Ms. Schilling will need to look into getting a home occupancy zoning designation
- a shed is advised
- looking at the aerial photo of the property, it looks pretty much the same
- this isn't conducive for city living; we'll need to get to the other side of this issue
- asked Ms. Seeley to get an aerial photo and map printed out and attached to this record

Ms. Shilling:

- she began liquidating last year; she's down to 4-5 lawn mowers that are "for sale"
- she threw out 2 tractors that had been used for parts; she has 2 more in the back that can go
- she wants to get down to only "collectables"
- the vehicles are licensed and up on blocks; she took out the batteries for winter
- she's tried to abide by the rules that had been discussed; however, one person tells her one thing; another person tells her another thing

Ms. Seeley:

- will talk with Karen Zachow and bring the information to the Dec 4 LH

Ms. Moermond:

- will lay this over to LH Dec 4, 2012 to take a look at the site plan, maps, etc.

Laid Over to the Legislative Hearings due back on 12/4/2012

6 [RLH SAO
12-38](#)

Appeal of John Traxler, President/CEO of Captain Ken's Foods, to a Summary Abatement Order at 344 ROBERT STREET SOUTH.

Sponsors: Thune

Inspector met with property owner on November 27, 2012, request to have the matter lay over to December 11, 2012 at 11:30 a.m.

Laid Over to the Legislative Hearings due back on 12/11/2012

11:30 Hearings

7 **RLH VO
12-119**

Appeal of Marjorie (Sally) Higgins, Executive Director of American Indian Family and Children Services (A.I.F.C.S.), to a Notice of Condemnation-Unfit for Human Habitation-Order to Vacate at 25 EMPIRE DRIVE.

Sponsors: Carter III

Deny the appeal and refer to vacant buildings immediately. VB staff needs to placard the building with 'Keep Out' signs and keep out tapes all the way around the building.

RE: 25 Empire Dr (General 1 story walk-up OFC - B - Commercial)

Marjorie (Sally) Higgins, Executive Director, American Indian Family and Children Services (A.I.F.C.S.); Judy Baker, business manager; and Nicholas Lopez-Santa Maria, appeared.

Fire Inspector Leanna Shaff:

- Condemnation / Order to Vacate
- Fire Certificate of Occupancy inspection conducted Nov 6, 2012 by Inspector Sebastian Megdahl
- he condemned the building because of some structural issues
- Orders read: the interior and exterior throughout - to repair and maintain the damaged structural members; conduct an engineer's report to provide documentation; both the north and south exterior stone bearing walls are bowed and are up to an estimated 9 inches out of plumb; the building is structurally unsound; immediately, stop using the building
- also, the roof trusses seat of the south bearing wall has rotted and the trusses are

resting on the main trunk heating duct along that wall

- there's an email to the city's building official, Steve Ubl that talks about their conversation and observations (attached)
- the building official reviewed all these things and signed-off on them before the Orders were issued
- some photos in Amanda
- listed owner and responsible party is American Indian Family and Children Services

Ms. Moermond:

- does not think the photos substantiate the problems that are described

Mr. Ubl:

- not sure of the elevation of that exterior masonry wall; however, there is substantial movement on the interior, as well

- there are wood truss systems that are compressing into the ductwork on the south side of the building, which is what is supporting the rafters at this time (just duct work); an extreme hazard

Amy Spong, Heritage Preservation Commission (HPC):

- has a map

- this is part of a larger historic district, referred to as The Jackson Street Shops

- this collection on the west side of Jackson is part of 3 Platville Limestone buildings

- on the east side of Jackson is a Roundhouse as an electric station

- this building is historically known as the Pattern Shop, the smaller of the 3 Limestone railroad buildings that were preserved; they were all constructed in 1882; they are the oldest surviving Railroad complex in the State of MN and are also connected to James J. Hill

- the buildings were listed on the National Register: locally, all 5 buildings are an historic district; but only these 3 buildings were listed on the National register in 1986 because of their early age and significance

- there were several other railroad buildings that were here; the City of St. Paul tore most of them down and then in 1984, this became a fairly big preservation battle with the Port Authority; the Port Authority wanted to tear all of them down; then, the city negotiated and 3 buildings were to remain and be rehabilitated

- the first major rehabilitation of these buildings took place in 1985; since then, there were several applications for window replacement and roofing repairs - nothing very substantial; also, repaired a leak in 2006

- when these were built in 1882, a Pioneer Press article said: a stone of massive proportion used as the walls, heavy iron wherever possible, taking the place of timber; talked about James J. Hill developing these; these shops were instrumental in the development of the nearby residential neighborhood, the Frogtown Town Railroad Islands

- the architect is unknown, significant because it was built to manufacture and store patterns for the entire shop's complex, later replaced by a much larger facility; then, became a tin shop; later, a recreation center for the shop's employees

Ms. Moermond:

- this case will be at the City Council Public Hearing on Dec 19, 2012 at 5:30 p.m.

- according the appeal, the Appellant is waiting for the insurance company to make a determination on the claim. Due to the extent of the structural damage, there will be a longer time frame necessary.

Ms. Higgins:

- is actually appealing the fact that she got the letter and they were told to vacate Nov 6, 2012; on Nov 14, 2012, she got a letter saying that she was supposed to have all this work done by Dec 6, 2012, which is not humanly possible; the whole integrity of

the building is at stake; there's no way she can possibly repair everything by Dec 6, 2012

- she got a verbal answer from the insurance company 2 weeks ago that said they would not pay; that it's not a payable claim*
- she has a plan for shoring up the building, which needs to be submitted to the city; she has been waiting for it for 3 weeks; just received it this morning; copies were submitted*
- they are a nonprofit agency which provides foster care for Native American children from the State of MN and they don't have a lot of money*
- the building contains the administrative offices of the A.I.F.C.S.*
- the agency incurred the cost of the engineer's estimate for shoring up*
- estimates that it will be between 6 - 12 months to get the building completely finished*
- there may be some help available with grants, etc.; A.I.F.C.S. just doesn't have the money to do all of that*
- we will have to come up with the money to shore up the building; once it's shored up, it should be safe for the community*
- secondly, she received a letter saying that they need to pay a fine of \$1,100 to register the building as vacant; she is asking that it be waived because they are a non-profit*
- thirdly, if they cannot occupy the building, they will need to get the office's materials (state files) and equipment out of it and find another place for it (the copiers cost many thousands of dollars to lease); she is requesting that on Dec 11, 2012, she be able to go in, retrieve their things and move them to Building 23*

Ms. Moermond:

- would like an additional report from staff; seems to be a dramatic inconsistency between the Fire Orders, which indicate the re-inspection on Dec 6, 2012 and the Immediate Vacate that's been characterized here today*
- one month was granted but she's hearing there is imminent danger*

Ms. Shaff:

- one of the recommendations from the structural design and engineering company is "shoring be accomplished immediately and before a significant snowfall"*
- the Condemned placard gives an immediate vacate and it would be just giving them a month to figure out what to do*
- the engineer's report reads: "There is no discernible strength in the trusses at this location; it is our professional opinion that these trusses pose an unsafe condition."*

Mr. Ubl:

- he is trying to retrieve some information from the structural engineer (he reads the information provided)*
- their field assessment was quite concerning; when you see the loads that are being transferred, not on the foundation walls on the exterior - but on the peak support on the mechanical systems (deep concern); there's sheet rock cracking in locations that identify where the loads are being transferred to*
- he cannot answer whether or not it would be safe to remove the materials and equipment from the building; he can comfortably say that being around that building is unsafe, right now*
- he can't say when it would collapse; he can say that there's been movement that can be identified that makes that building a distinct hazard and an immediate concern*
- the mechanical system appears to be supplementing the support of the entire roof system; no one should enter that building*

Ms. Moermond:

- usually, when she sees an immediate vacate on a building, it still means that the*

building can be accessed from 8 a.m. to 8 p.m.; she doesn't read that in these Orders; we could have these Orders re-written to say, "Shall not be used."
- asked, "What, exactly, are you ordering here?"
- the Orders say in bold, "Immediately vacate the building"; she sees the same words when the Order is a gross unsanitary and yet, we would allow people to go in to clean it; so, what distinguishes this from that

Ms. Shaff:

- it clearly states that the building is structurally unsound (acknowledged)

Ms. Moermond:

- In the Orders, I'm looking for "SHALL NOT BE OCCUPIED; SHALL NOT BE USED;" I'm looking for yellow tape over the door
- "Immediately vacate the building" could mean that there's no heat and it's January

Mr. Ubl:

- re: shoring - north and south walls both hav a concave and a convex movement occurring (bowing); the main entrance to the building is on the west wall and he can't comprehend how one could shore up the interior of that building without taking a considerable amount of square footage to get the proper shoring in there to put in some temporary supports; additionally, there would have to be additional supports put on the exterior to prevent it from collapsing, latterly
- his deep concern right now is what happens when it snows
- he has a concern about anyone going into that property at this time until things are shored up from the exterior and worked into the interior
- the company doing the shoring would be under the guidance of the structural engineer's design

Ms. Moermond:

- surmised that the only circumstance by which the interior of building may be accessed is by a licensed and certified company operating under permit to do the shoring; no casual user of the building will be allowed to access the building under any circumstances
- for the record, this type of circumstance doesn't happen very often with historic buildings
- asked Ms. Spong what effect does the national registration have on this (if the building collapses or is in danger of collapse, what obligation does the city have?)

Ms. Spong:

- doesn't know but it's a little bit like Fort Snelling where some of those historic buildings have, unfortunately, collapsed
- she called the Dayton's Bluff Historic Society to see if they had any emergency funds for these types of situations; and they do have a small pot but it's for tornadoes, floods, falling trees onto a structure, etc.; not for deterioration of a structure
- later in winter, there are grants, potentially available for maybe, a more permanent fix (they require a match and work plans to apply)
- has been in conversation with Ms. Higgins and urged her to move forward with the structural plan for shoring-up and also for a more permanent fix
- asked if the current shoring up plan is the one Mr. Ubl is looking for or is there more that he'd require?

Mr. Ubl:

- this report is reflective of an overall consensus of the building; thinks that more needs to be supplied to get a permit; this report just suggests that items need to be addressed immediately; he's giving direction as to the approach but no engineering for that approach (this isn't a plan of how they'd shore up the building); it is not

addressing the exterior wall for shoring; he will contact Chris Shield to get more answers

Mr. Lopez:

- discovered that the trusses were falling on top of the ductwork, which is supported by an I-beam system
- he is concerned about the first heavy snowfall, too
- they were asked to get a structural engineer to give them an idea of how to support the trusses so that it would not collapse; a more comprehensive plan needs to be made; will work with the city to get that comprehensive plan

Mr. Ubl:

- this report and I-beam is part of the shoring process
- they need something for the exterior walls
- the reason for the trusses compressing down onto the mechanical system is because of the failing of the tails of the trusses (assumption based on deterioration probably because of a leaking roof which warranted the permit for the roof to be re-done 5-6 years ago)
- that is only one part of the whole scope of the structure - for shoring and repairs
- additionally, when we get past the process of shoring up the building, now, we need immediate repairs (the shoring is going to be very temporary based on the design presented by the engineer)

Ms. Higgins:

- doesn't have the language and knowledge of knowing what to ask; she doesn't know what to do

Mr. Lopez:

- when he discovered the trusses falling onto the ductwork, the support system was suggested immediately but they had to figure out through the insurance company what was going on; and it also has to be a safe support system that's supported by the approval of city inspectors (what they are basically trying to follow)

Ms. Higgins:

- Mr. Ubl agreed to contact Moses Waswas, Nick's associate, about the shoring up and what the city expected, she assumed that Moses knew what was to be done for shoring-up; they came to a decision that she would pay them an X amount of dollars for them to come up with a plan that was satisfactory to the City of St. Paul; we'll move on from there
- questioned why there is no yellow tape around the building and the area; there is parking all around

Ms. Baker

- their 5 employees were out of the building before Nov 6, 2012
- it should take hours, not days
- they will not be taking out the cubes
- they will take 2 rooms of office furniture, copier, stamp machine and their files

Ms. Shaff:

- we need to make sure that fire fighters and emergency responders immediately know that this building poses an imminent danger; even worse, should we have a fire, etc.

Ms. Moermond:

- this does not abut a right-of-way (we don't need a right-of-way permit)
- will recommend to the City Council that this appeal be denied

- this building should be placarded with "Keep Out" placards and tape should be strung around the building and any potential crawl out area (Vacant Building staff)
- should be referred to the Vacant Building Program immediately
- the VB annual fee should be waived for a period of 6 months, during which time, they can pull whatever permit is needed to do the work; after 6 months, if the work isn't taken care of, the VB fee will kick-in but you can appeal the VB fee and she can recommend that it be payable over 5 years
- the City Council can also decrease it
- at the assessment point, we can figure it again

Ms. Higgins:

- asked: once she gets the plan and the plan is approved by the City of Saint Paul; and she gets contractors to shore up the building; then, can they go into the building to get their office supplies and equipment? (Ms. Moermond: right; and Mr. Ubl will be working with the structural engineer at the city to be able to review the permit from the contractors who would be doing the shoring, and they would be the ones who could help you get things out)

Mr. Ubl:

- suggested to get a engineer on board, get it shored up and gain entrance to the building
- once it's shored up and the inspectors have reviewed and approved it to gain access, you can go in and get your materials out

Ms. Moermond:

- all 4 sides of the building must be placarded
- tape all the way around the building and any area where bricks might fall

Ms. Higgins:

- their foster homes are licensed by the State of MN and every year they have an audit by the State of MN; she has postponed the audit as long as she could to the end of Jan 2013
- asked how long the shoring up would take (Mr. Lopez: it just takes time to communicate with the city, get the plan and approval; maybe a week or 2 to get it all approved; then, the shoring should take less than a week; after that, it needs to be inspected)

Mr. Ubl:

- he offered to help out if they needed him to discuss this with state licensing, etc.

Ms. Moermond:

- is asking that Mr. Ubl be the main contact for Ms. Higgins on this
- City Council Public Hearing Dec 19, 2012 at 5:30 p.m.

Referred to the City Council due back on 12/19/2012

**8 RLH VO
12-120**

Appeal of Narin Vong to a Notice of Condemnation-Unfit for Human Habitation-Order to Vacate at 315 UNIVERSITY AVENUE WEST.

Sponsors: Carter III

Deny the appeal and grant extension until January 1, 2013 to bring the basement into compliance or the tenant(s) must vacate the property.

RE: 315 University Ave W (C-Grocery / Convenience)

Narin Vong, responsible party, and Marina Vong, appeared.

Steve Ubl, City's Building Official:

- has photos for Ms. Moermond to review while he's reading his report (attached)
- re: shoring up the basement underneath an area between the front of the building and the sidewalk near the street (public-right-of-way)
- this process for repairs started Mar 5, 2002 when Orders were written to repair structural members in the basement
- additional Orders sent Apr 8, 2002 for the same thing
- Jun 2002 - Condemnation of the building; structural members were no longer supporting the area in front of the building
- Jun 27, 2002 - temporary shoring was installed and inspected
- Aug 2002 - an engineer's report was submitted reflecting the temporary shoring that had been installed according to a design that was offered to the City of Saint Paul for the temporary shoring
- Jun 26, 2008 - Orders written again for the removal of the temporary shoring and repairing the structure that is supporting the area in front of the building
- during the gap between Aug 2002 and Jun 26, 2008 - the temporary shoring was doing it's purpose; there were several conversations about getting it fixed or infilling the cavity in the basement (old boiler room);

Ms. Moermond:

- the result of that gap was continued occupancy, which added to the benefit of the owner and occupants in that it was still an income generating property while the discussion between owner and the city went on
- the repair went well beyond standard deadlines but the city was not pushing it

Mr. Ubl:

- Aug 2008 - Orders were re-submitted for repair or infill
- May 2009 - they met with the owner and the contractor to discuss the schedule and requirements for the work
- May 2012 - Mr. Ubl re-opened the file
- May 21, 2012 - the Corrections were required to be completed; then met with the owner, a group of people from the Central Corridor for LRT, and upper management from Met Council
- the owner is aware that the LRT project is to move to the north side of University around Jul 1, 2012; he will be contacting Walsh, contractor to perform street repairs for the LRT system
- owner was to work with Walsh to discuss the option of using their services to demo his front of the parking lot and infill the basement at that time
- the list of Corrections was to be completed prior to Jul 1, 2012; he was to submit a site plan, scope of work, to DSI showing work to be completed; he was to demo the plumbing and electrical in the basement and re-locate the water meter, which was in that basement cavity; infill the doorway at the bottom of the basement stairs leading into that cavity; and damp-proof the foundation wall where necessary
- Aug 2012 - there was a general inspection; he spoke with John, the contractor, who was going to obtain an architect and engineer to build a wall in the basement that will be directly underneath the front wall of the building
- Nov 5, 2012 - final inspection; the owner had not completed the project; no work had been started so they expired the permit
- Nov 6, 2012 - Condemnation and Orders were issued
- this would be something that a Fire Certificate of Occupancy inspector would consult with the building inspector and they did; the dialogue has been quite open for an extended period of time
- The Met Council commissioned Walsh Construction to build a 9'-10' wall in the area where it now separates the owner's private property from the public right-of-ways area underneath that sidewalk

Fire Inspector Leanna Shaff:

- the Fire Certificate of Occupancy inspectors for this location have been: Inspectors Wayne Spiering; in 2001, it was Scott St. Martin; 2009, Peggy Schlichty

Mr. Vong:

- indicated that the inspection was not based on facts; the basement is structurally sound (see attached drawings); it is not being used; heat is running adequately and the Notice of Condemnation is unlawful and without due process

Ms. Moermond:

- explained that Mr. Vong was experiencing due process right now (the right to appeal; the right to be heard; the fact that this goes in front of City Council)

Mr. Vong:

- when the fire inspector walked in this year, he asked me where the basement was; then, he went into the basement and took some pictures; he came up and said, "This building is Condemned;" he put up the sign and told Mr. Vong he had 30 days to make the Corrections; then, he left the building

- a couple hours later, the fire inspector called him and said that the building had no heat, so he would Condemn the whole building; Mr. Vong told the inspector they, indeed, had heat in the building; it had just been repaired a couple days ago; the inspector did not want to listen and he did not come to inspect the heat; that's the reason Mr. Vong said that this Condemnation is not based on fact.

- someone may have called and complained, like his previous tenant, who still owes rent and clean up cost (tenant left the end of Oct)

- he knows the basement needs to be repaired and that it's been a long time but the building has been temporarily shored up

- he had 3 structural engineers inspect; the latest one came in Sep 2012 to inspect the basement and he certified that the basement is structurally sound and that it's not going to collapse any time soon

- he would like to get that structural engineer to certify again that the basement is still sound so that they can continue for the next 6 months or until summer 2013 when they will have enough money to repair

Mr. Ubl:

- he has reviewed Mr. Vong's structural engineer's report in previous years; nothing currently

- he quickly reviewed the diagrams that Mr. Vong attached

- he will contact this structural engineer; but this situation has been temporary for 10 years and now, it needs to be addressed; it needs a permanent repair for the public; he can't support something that has been temporary for 10 years; this needs to be stabilized; we can't allow people to be near that until it's permanently addressed

Ms. Vong:

- there are a lot of different grants being offered with the LRT going through to help them renovate their building;

- the key factor in the basement not being addresses is that they have not had the time necessary; they are waiting for a grant to come through; applied 4 1/2 weeks ago

- they were waiting on an architect for the facade and hoping to tap into some of those funds to help them with the basement

- just received blue print from architect

- there are 7 separate spaces in the building; previously, 2 tenants took up most of that space

Mr. Vong:

- before the LRT project, he contacted the city and someone came down with an engineer, who took measurements; eventually, they told him that he was not eligible for the loan because the measurement was a couple feet short
- recently, they contacted the Neighborhood Development Center to try to get a loan, hoping that the LRT project would have some type of misc funds available; they told us that there are no such funds available
- now, it will cost about \$30,000 - \$40,000; some of those contractors have already contacted Inspector Ubl
- since LRT construction started, they got \$20,000 from the city to compensate but is not enough because they have had no customers since then - there's no place to park - no one came to rent the vacant rooms; so, there are no funds available
- he has 6 grandchildren, who all come to the building and he wants it to be safe; that is why he hired the structural engineer to make sure
- the structural engineer is willing to contact the city and certify that the basement is still structurally sound
- he does not believe the danger is imminent
- he is looking for an extension to next summer to make the permanent repairs; he needs to occupy the building - the customers do not walk over the area where the collapse is a concern; they have another entrance; only a small portion of the basement used to be the boiler

Mr. Ubl:

- re: exiting issues
- in 2002, we had a conversation that they would do temporary fix and come up with a plan for a permanent repair; so far, we don't have that
- additionally, they had a conversation recently, about how to address the exiting system of the entire building during the time that those repairs would be completed and they came to an agreement of how they could, on a temporary basis, allow exiting through a rear door on the west wall
- if you take the exiting away from the front of the building on University, there will be only one legal exit out of the entire building
- additionally, that entrance is a bit unsafe, in his mind, on the inside because of the ramp that is there, which is not completely compliant
- repairs need to be done ASAP so that door can be a primary exit (near the hair salon)
- in addition to that, he thinks they had good conversation with the contractor and it all should have been done at that time (Mr. Vong: he didn't want to do it; he doesn't know what the reason is but the contractor told him that he did not want to touch the private property)

Ms. Moermond:

- a minuscule scope of work was provided by the Appellant today of what the engineer provided with that narrative on the diagrams not even legible; traditionally, a memo is also provided describing the engineer's findings; so, she can't take it at face value that some thing like that exists without having it all her for her and Mr. Ubl to review (Mr. Vong: he spoke with the engineer yesterday, who said that he could provide the city with whatever the city requests)
- the city is not requesting anything of the engineer right now
- Mr. Vong needs to have the structural engineer put evidence into the record on his behalf

Mr. Ubl:

- again, a structural engineer's report that you are talking about is addressing the condition on a "temporary basis;" we need a permanent solution and a permanent repair

Mr. Vong:

- lack of funds
- this property has been sold and the IRS has a lien against it and put it on an auction last week; however, the building is expensive; no one came to bid; the IRS did not sell the building at the auction
- they have tried to maintain it and we tried to get a loan
- they have not had the funds to withstand LRT construction but that doesn't mean he ignored the public safety issue - he hired an engineer to make sure the building was structurally sound

Ms. Moermond:

- first of all, the origin of a complaint does not matter; what matters is what the inspection findings are; she can deal only with the conditions
- re: the cost of repairs, she needs to separate the cost of the repairs vs. the effect of having the repairs done; she wants to be reasonable but she needs to focus on the safety component rather than the cost
- long term shoring is a contradiction in terms
- the fact that this has been limping along for 10 years without completion has come to a halt
- the situation is bad enough to justify Condemnation
- a structural engineer's analysis that says the temporary shoring will hold up for a while longer is currently, not in the record
- implicit in these Orders but not explicit is that long-term noncompliance of city Orders can result in the Revocation of your Certificate of Occupancy
- Orders were written Nov 6 with a deadline of Dec 6, 2012 for a permanent fix
- now, she needs to determine whether the entire building or part of the building should be vacated; and are the Revocation and Condemnation necessary
- at City Council Public Hearing Dec 19, 2012 at 5:30, she will recommend denying this appeal (doesn't have the information that she needs right now to say that the temporary shoring will last a little bit longer; and even with that information, there is more than adequate grounds for the Certificate of Occupancy to be Revoked on the entire building because of noncompliance
- effective date for repair or vacate is Jan 1, 2013
- she understands that money is an issue but it's time to conclude this conversation and move on to the next step
- Mr. Vong can talk to the CC on Dec 19, at 5:30 p.m.; if at that time, he wants to provide structural engineering information at that time, he needs to provide it first to staff by Dec 12, 2012 (so, she can make sure it's on the CC record and that staff has it)
- a letter will be sent to confirm
- repairs can be made during this time
- the property must be repaired under permit on a permanent basis; and if it's completed by Jan 1, 2013, the building will not need to be vacated

Referred to the City Council due back on 12/19/2012

**9 RLH SAO
12-33**

Appeal of William G. Wilson to a Vehicle Abatement and Correction Order at 1610 UPPER AFTON ROAD.

Sponsors: Lantry

Grant the appeals for the Correction Notice and the Vehicle Abatement Orders dated September 12, 2012 as owner is in compliance.

Referred to the City Council due back on 12/19/2012

1:30 p.m. Hearings**Window Variances: Hearing Required**

- 10 **RLH FOW** Appeal of Andrea Atkinson to a Correction Notice-Foster Care Inspection at
12-306 521 BRIMHALL STREET.

Sponsors: Tolbert

Grant a 2-inch variance on the openable height of egress window in the northwest bedroom. (No hearing was necessary)

Referred to the City Council due back on 12/19/2012

Fire Certificates of Occupancy

- 11 **RLH FCO** Appeal of David Vang to a Correction Notice-Reinspection Complaint at 1667
12-635 AMES AVENUE.

Sponsors: Bostrom

Owner to provide photos of the parking spaces. (Owner's contractor needs to contact DSI to final the dryer vent permit.)

RE: 1667 Ames Ave (three-four family)

David Ku Vang, owner, appeared.

Fire Inspector Leanna Shaff:

- *Fire Certificate of Occupancy re-inspection of a complaint*
- *the complaint comes from an Approval with Corrections of a C of O that was approved Apr 10, 2012 by Inspector James Thomas*
- *2 remaining items: 1) dryer vent installed under permit; and 2) pave the parking spaces*
- *attached to the appeal is a receipt from Abbott _____ in Roseville; however, the permit was not pulled until Nov 13, 2012 and has not been finalized*
- *no photos*

Mr. Vang:

- *also has no photos of the existing parking situation*
- *he will take some photos and email them*

Ms. Moermond:

- *wants to see photos before she makes a decision on the appeal on the parking spaces*
- *Mr. Vang needs to call the inspector to get the dryer vent inspected and signed off (Gary Reinsberg, 651-266-9064; call between 7:30-9 a.m.)*
- *will get back to Mr. Vang by email re: parking space; if Mr. Vang needs to do the work, she will ask him to come back to LH; if the photos look good to her and she would recommend granting the appeal, she will not require him to come back to LH*

Referred to the City Council due back on 12/19/2012

12 **RLH FCO**
 12-627

Appeal of Nao Ying Vang to a Fire Certificate of Occupancy Correction Notice at 670 CHARLES AVENUE.

Sponsors: Carter III

Deny the appeal and grant extension until May 1, 2013 to bring the driveway into compliance by adding more class 5 and put timbers as boundaries to the area as described in the photo attached to file.

RE: 670 Charles Ave (duplex)

Nao Ying Vang, owner, appeared; Mai Vang interpreted.

Fire Inspector Leanna Shaff:

- *Fire inspection Correction Notice*
- *inspection Aug 20, 2012 by Inspector Michael Efferson*
- *left are 2 items: 1) residential heating report; and 2) pave the driveway*
- *pictures in Amanda*

Mr. Vang:

- *appealing paving the driveway with concrete*
- *he told inspector that back in 2010, he filled in with 5 yards of Class 5 gravel*

Ms. Moermond:

- *the photos show grass growing through the Class 5; looks like it needs to be mowed*

Mr. Vang:

- *the inspector took those photos right before he mowed it*
- *the tenant is no longer there; so, there are no cars driving on it currently*

Ms. Moermond:

- *Appellant needs to add more Class 5 and add timbers*
- *grow grass on one side and add more gravel on the other side with clean lines*
- *deadline: May 1, 2013*

Mr. Vang:

- *has an appointment with Ryan Plumbing for furnace testing; will sent in report in about 3 weeks*

Referred to the City Council due back on 12/19/2012

13 **RLH FCO**
 12-585

Appeal of Floyd W. Anderson to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 804 HUBBARD AVENUE.

Sponsors: Carter III

Deny the appeal and grant until August 1, 2013 to bring the dumpsters into compliance.

RE: 804 Hubbard Ave (single family)

Floyd Anderson, owner, appeared.

Ms. Moermond:

- *asked Mr. Anderson if he has decided what he is going to do with this situation (Mr. Anderson: I want to know what you decided)*

Fire Inspector Leanna Shaff:

- *Fire Certificate of Occupancy inspection conducted in September 2012 by Inspector Sebastian Megdahl*
- *there were 14 commercial dumpsters on a residential property*
- *Ms. Moermond's office was going to discuss this with the Zoning Mgr, Wendy Lane*

Ms. Moermond:

- *the property is zoned I-1; the problem is that there is a residential use on the property; if you are using the property for dumpsters, you can't use it for residential, too*

Mr. Anderson:

- *introduced a diagram of the property; the Steel Workers' Training Center, next door to the parking lot, is willing to rent to him but then he'd be parking his dumpsters right next to the house instead of away from the house*

Ms. Shaff:

- *it would be a good idea to talk with Paul DuBruiel, 266-6583, Planning and Economic Development (PED), 25 W 4th St*

Ms. Moermond:

- *will grant an extension to Aug 1, 2013 to have this issue resolved*

Referred to the City Council due back on 12/19/2012

**14 RLH FCO
12-619**

Appeal of Anton Nguyen to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 458 THOMAS AVENUE.

Sponsors: Carter III

Deny the appeal and grant extension until June 1, 2013 to put in asphalt from garage door (full length) to alley.

RE: 458 Thomas Ave (duplex)

Les Lucht appeared on behalf of owner, Anton Nguyen.

Fire Inspector Leanna Shaff:

- *Fire Certificate of Occupancy re-inspection conducted Oct 15, 2012 by Inspector Wayne Spiering*
- *#6 - pave driveway - is being appealed*
- *photos in Amanda*

Ms. Moermond:

- *looking at the photos and sees an apron that connects the garage to a paved alley and what appears to be sort of a dirt space*

Mr. Lucht:

- *that's been taken care of - they put up a fence barricade so they can't be driving where they were causing a rut in the yard; they will seed grass there in the spring*
- *they will put down Class 5 on the driveway because all the surrounding driveways have Class 5*

Ms. Moermond:

- *in this case, the driveway needs to be asphalt because it's abutting an asphalt alley*
- *will grant an extension to Jun 1, 2013 to put down asphalt from the apron to the alley - the full width of the garage*

Referred to the City Council due back on 12/19/2012

15 RLH FCO
12-628

Appeal of Brian Porter to a Fire Certificate of Occupancy Correction Notice at 342 WEBSTER STREET.

Sponsors: Thune

Deny the appeal and grant until December 31, 2012 to bring the ORSAT testing and smoke detector affidavit into compliance. (Note: re-inspection fee of \$85 and \$50 provisional fee should not be charged to owner).

RE: 342 Webster St (single family)

Brian Porter, owner, appeared.

Fire Inspector Leanna Shaff:

- Fire Certificate of Occupancy inspection conducted Oct 30, 2012 by Inspector Mike Cassidy*
- 4 items on the list*
- no photo of the shed*

Mr. Porter:

- this whole thing has been a nightmare for him with the inspector*
- the list started with about 10 items*
- the reason he is here - the inspector delivered his message in a very inappropriate way and he was not clear in his directions about what needed to be done (especially for someone who is just trying to keep a house that he bought above water)*
- so far, he's spent about \$1,200 in repairs, which includes some silly things, in his estimation like fixing a wobbly toilet; replace shingles and fascia on a secondary structure, at best; replace 3 feet of dryer venting and he wasn't even supposed to do it himself; it had to be done by a licensed contractor - ended up costing \$300 when it could have cost only \$15 to go to Home Depot and buy the right material*
- he just wishes that a little bit of discretion had been used by the inspector who came out*
- a furnace tune-up was ordered so he called Center Point Energy, who handles all of his appliances - they came to do the dryer vent, the furnace tune-up, the carbon monoxide test - they did everything that he and they thought needed to be done; but they failed because the vent wasn't done by a licensed contractor - a permit wasn't pulled; they ended up making amends by pulling the permit*
- the only issue left is the furnace; Center Point Energy inspected it and it passed*
- the inspector said it failed; then, he gave me this form that I wish he had given me in the first place but he didn't - consequently, he paid Center Point \$250 to inspect it and now he tells me they are not O.K., here's the form and you need to have a different contractor do it*
- today, he is asking for a variance*

Ms. Shaff:

- the appointment letter tells where to visit their website if you have questions*
- about the Fuel Burning Equipment test - the letter says, "Submit a completed copy to St. Paul Fire Marshal's existing Fuel Burning Equipment Safety Test Report to this office." (It's been given to you in writing)*
- the dryer vent requirements are a state law*
- Xcel Energy does not do the Fuel Burning Equipment test - they refuse to fill those out for the city*
- this is a Class C building*

Mr. Porter:

- the problem is that he is finding these things out now first instead of the inspector letting me know about these things
- on both occasions when Inspector Cassidy came by to the scheduled appointment, he was 15 minutes early and did the walk through instead of waiting for Mr. Porter, when he knew that Mr. Porter was going to be there at the appointed time
- since he was going to be footing the bill, he would have at least expected that the inspector would have waited for him before doing the inspection; it would have been different if Mr. Porter had been late for the appointment
- just asking for a variance
- he assemed that Center Point was licensed and could do the work; they came out and fixed the vent and did a furnace test - no corrections were needed
- getting the ORSAT Test done by another contractor will cost him another \$250-\$300 to do and he's maxed out
- to him it's ridiculous to replace old shingles on an accessory shed but he did do it; the shed is done

Ms. Moermond:

- is impressed with the complete check that Center Point did
- 2 inspections were done on this property; the re-inspection fee was \$85
- for just this year, she will recommend waiving the re-inspection fee of \$85
- Appellant will need to get the fuel burning equipment test done and provide the smoke detector affidavit this year yet but he won't get another re-inspection fee
- City Council Public Hearing is Dec 19, 2012

Referred to the City Council due back on 12/19/2012

2:30 p.m. Hearings

Vacant Building Registrations

- 16 [RLH VBR
12-89](#) Appeal of Ray Hitchcock, Edina Realty; on behalf of Emma Carbone, Carbone Brothers; to a Vacant Building Registration Notice at 335 UNIVERSITY AVENUE EAST.

Sponsors: Thune

DSI staff held VB fee for 180 days. Order withdrawn by DSI.

Withdrawn