



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final

Legislative Hearings

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Tuesday, February 9, 2016

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Remove/Repair Orders

- 1 [SR 15-113](#) Reviewing request for Council to reconsider its Order to Remove or Repair the Structures at 929 SEVENTH STREET WEST.

Sponsors: Thune

Ryan and Tina North, North Garden Theater, owners, appeared.

Ms. North:

-they got complete financial approval of the construction loan as well as a loan through Sunrise Bank

Ms. Moermond:

-you named it the North Garden Theater

-normally, she puts these things in front of the City Council once the money is in place but you can't pull permits to work on this until the Council has given you a grant of time; so she is in an awkward position

-she has a lot of confidence that they will be able to finish this project

Inspector Steve Magner, Vacant Buildings:

-we are moving forward at a steady pace; now, they need to finish the plans and have their contractor put the final amounts on their bids

-in his opinion, we should lay this over until he and Ms. Moermond can review the plans/bids (deadline for final plans: the 19th)

-once you have your final plans and the final revision from your contractor, we should have a hearing and approve it and set the time clock from there

Mr. North:

-they have a solid contract in place with their contractor with a final estimate:

\$464,000; he doesn't think that the architects plan will influence that price tag; the architect and contractor have a history together

-roofing guy was there assessing the situation yesterday

-the total amount is \$676,000, which includes the building purchase; renovation and fees; actual loan amount is up to \$570,000

-the contractor submits monthly requests and there's monthly draws taken against the loan to pay subcontractors, etc.

Ms. North:

-her expectation is a 90-day turn around; 2/3 of the work will happen in the first 30 days; detail work will happen in the last 60 days

Ms. Moermond:

-future grant dollars would ratchet that downward
-asked if they were going to do a cut back in for the entrance

Ms. North:

-yes; they're going to install a double door; the whole front will be flush; no angle

Mr. Magner:

-he is fine with all of this but thinks we should start the clock when permits can be issued; we will need those final plans submitted

Mr. North:

-there is a need for some expediency in getting some of this initial work done to protect their investment against the elements (hole in the roof and the whole of the building needs buttoning up sooner than later to prevent further deterioration); he knows that his contractors are ready to go

Mr. Magner:

-if that's the issue, they can make a preliminary request to the building official for the issuance of a permit to start the wall and roof repairs prior to the issuance of a final permit for the project; that could actually happen immediately since they have the performance deposit posted; obviously, it would go a long way if you, Ms. Moermond, were to forward that information in an email to expedite that action
-the city has a practice, in certain situations, to limit further degradation to vacant buildings that are Cat 2 and Cat 3, so they issue permits for things like roofs, exterior walls, etc.

Ms. Moermond:

-so, if she puts a resolution in front of the City Council on Mar 2, 2016 and started a 180 clock at that time, it would take us out to approximately Sep 1, 2016, which gives you 1 or 2 months beyond what you have estimated currently; and we can look at an extension at that point, if necessary
-her preference is to get the clock going sooner now, based on what you're saying and with the dollars in place, we can do that - deal with the building official; at the 180-day mark, she might ask for another \$5000 performance deposit and then, have both deposits refunded if you can complete the work by whatever the new deadline is (her preference is the deposit rather than a bond)
-normal conditions: 1) all your taxes have to be paid; 2) viable plans need to be submitted to the city's building official, Steve Ubl, DSI by Feb 29, 2016; and 3) the property must be maintained
-City Council Public Hearing Mar 2, 2016
-the demolition will be suspended; she will recommend a grant of 180 days for the rehab (starts Mar 2, 2016)
-she will contact the building official

Hearing officer will draft new Resolution for stay of enforcement and grant 90 days from March 2 Public Hearing. She will make a request to DSI to allow permit(s) for the roof repair and part of the wall. In the meantime, owner will need to post a \$5,000 performance bond (owner posted), pay any outstanding taxes, provide viable plans by February 29; & maintain the property.

Received and Filed

STREET WEST within fifteen (60) days after the March 2, 2016, City Council Public Hearing with a report in 30 days with the bids.

Sponsors: Noecker

Steven Pavolny appeared on behalf of Michael Maiefski, owner; James Whalen, public adjuster also appeared.

Inspector Steve Magner, Vacant Buildings:

The building is a one and one-half story, wood frame, single-family dwelling, with a detached shed, on a lot of 7,405 square feet. The Saint Paul Fire Department referred this property to Vacant Buildings after a fire occurred on April 6, 2015 which made the property uninhabitable. Ramsey County lists this property as a single-family dwelling; however, the property had a Certificate of Occupancy to operate as a residential sober house.

The current property owner is Michael H. Maiefski per AMANDA and Ramsey County Property records.

On December 23, 2015 an inspection of the building was conducted, a list of deficiencies which constitute a nuisance condition was developed and photographs were taken. An ORDER TO ABATE A NUISANCE BUILDING was posted on December 31, 2015 with a compliance date of January 15, 2016. As of this date, the property remains in a condition which comprises a nuisance as defined by the legislative code.

Taxation has placed an estimated market value of \$21,800 on the land and \$181,000 on the building.

Real estate taxes are current.

The Vacant Building registration fees have been waived due to the fire.

As of February 8, 2016, a Code Compliance Inspection has not been done.

As of February 8, 2016, the \$5,000 performance deposit has not been posted.

There have been three (3) SUMMARY ABATEMENT NOTICES since 2015; no WORK ORDERS have been issued.

Code Enforcement Officers estimate the cost to repair this structure exceeds \$100,000. The estimated cost to demolish exceeds \$15,000.

DSI, Division of Code Enforcement Resolution submitted for consideration orders the property owner to repair or remove this structure within fifteen (15) days; if not the resolution authorizes the Division of Code Enforcement to demolish and assess the costs to the property.

Amy Spong, Heritage Preservation Commission (HPC):

-built in 1906 as a 1 1/2 story; have early Sanborn Insurance map

-front, 1-story open porch; prior to the fire, it was still an open front porch with some remnants of what might have been there originally

-there's still some decorative brackets present

-building was covered in vinyl; wood siding underneath

-a lot of windows had been replaced; photos show that there were casement windows for egress, which would make sense in a sober house, where each bedroom needs an egress window

-the back portion was probably an early addition

-there was an early auto garage in the back of the lot; there is still a structure there but can't tell if it's the same one

-it's a corner lot

-do not have a current survey for the West Side; last survey was in 1983; this property was not identified as a potential historic resource nor was it identified as being within a potential historic district

-before the fire, it was not eligible as a potential historic resource; now, with the fire, the porch is gone and lost

-roof appeared original but it's all gone now

Ms. Moermond:

*-read Fire Report; damage estimated at \$166,000 to the building; so, the old building value that shows up here as \$181,000 is clearly an over estimate; she would argue also that the moderate difference there of \$15,000 in value would be more than eaten up by the cost of the demolition; so, it has a negative value right now
-fire was due to smoking on the front porch; people were putting their cigarettes out in a flammable container*

Mr. Pavolny:

*-in principle, he agrees with everything that has been discussed here
-the house was a sober house at the time of the fire; Mr. Maiefski has worked very diligently with the public adjuster, consultants and engineers in determining whether or not the property can be rehabilitated
-their estimate to rehabilitate the property exceeds \$400,000
-important to point out that the roof is breached; water's been coming in
-there are conditions present in the way the building was constructed at the time that won't necessarily allow an easy repair of the building
-they have worked very hard with the consulting engineers, the public adjuster and the Allstate Insurance Co to get the property removed, even as early as last summer; they are playing "hardball" with Mr. Maiefski - making offers, retracting offers and at this point, they are not convinced that the property can't be repaired; they unable to find anyone who thinks that it can be repaired, including the folks from the city, who've been very helpful all along in this entire process and Mr. Maiefski is very grateful for that
-they are attempting to use this hearing and your opinions about the property to help influence the Allstate Ins Co to assist Mr. Maiefski under the terms of the policy so that he is fully compensated and that we can get the property taken care of and the building removed as quickly as possible
-Mr. Maiefski to potentially use your opinion that the building has a negative value and should be torn down to obtain bids for the demolition and get that demolition done ASAP; if he can do that himself, he can save some money and potentially, have the land available to develop - put another house on; right now, he's renting a house
-the bottom line is that we would ask to potentially take this record to the Allstate Ins Co and have an additional 30 days to schedule some folks to give use bids for a private removal and then, an additional 30 days on top of that, to have that work completed and return the land to a condition that could potentially build a new house on it (60 days for completion)
-Mr. Maiefski has been a good neighbor during this time; has had several break-ins into the shed out back*

Mr. Magner:

*-the demo process
-he hasn't been in this property; however, based on its condition, he suspects that we are still able to do a survey of the building, which would include looking for asbestos containing materials; and if found, those items could be abated from the non-charred areas, which would lower the cost of the demolition; once that's accomplished, the demo could occur; if you are unable to do that survey, the whole site would need to be "contained" which means "contaminated with asbestos;" based on the date of construction, there's an immediate assumption that the site is contaminated with asbestos; if it's a containing demolition, the costs are significantly higher; estimated cost not including asbestos abatement: approximately \$15,000; estimated cost of contained demolition: approximately \$25,000*

Mr. Pavolny:

-they are working with a public adjuster, who's supposed to be here; and that may

have already been looked at; not quite sure

Mr. Magner:

-as long as you are using a licensed wrecking company that has experience, he doesn't think it will be an issue; just make sure that they are familiar with Ramsey County's regulations and the state health dept and PCA regulations; in the city a contractor has a wrecking license and obtain a wrecking permit (approx \$50) from DSI; there's a zoning review (cost approx \$85); there will also need to be a permit for removing the accessory structure; the city does not allow a demolition permit to move forward without a secondary permit for the accessory structure; the whole site needs to be clean and returned to an approved surface (top soil and grass/seed); you cannot make a parking lot there without a site plan or permit or zoning review, etc; any infrastructure needs to be removed; the public sidewalks need to be maintained

Mr. Whalen:

-he has to know for the insurance company if the house is repairable or not; they had the building inspector out there and he told us to get an architect and take it to the Planning Commission; they went to see the PC and they said to take it back to the building inspector on what he wants done

Ms. Moermond:

-everything can be fixed; the question is whether or not you are willing to spend the money; in this case, it seems as though you are not, which seems like a wise decision

Mr. Whalen:

*-the entire roof has to come off; the entire front wall has to come off; 1/3 or more of both side walls have to come off; floor joists aren't legal; we're down to 50% of the studs and those 50% of the studs left are not legal; they meet the requirements for the insulation and there's no header on any of the windows; there was also fire in the basement
-the architect said that we had nothing left; he entered the report (scanned)*

Ms. Moermond:

*-the asbestos survey will be necessary much sooner than later; it will give you a good indication of how much this will cost
-when you have an asbestos contractor assess this building, they could say that the entire building should be categorized as being hazardous materials because there's no way to distinguish what's contaminated and what isn't, which bump up the demolition price by at least, \$10,000*

Mr. Whalen:

-they have already had the building cleared of rubble; it's swept

Ms. Moermond:

*-will recommend that the Council order the building removed and is happy to give you 60 days but she wants a report in 30 days with the bids; then, you will get the next 30 days
-City Council Public Hearing Mar 2, 2016; come to the CPH if you run into any bumps
-you'll get a letter confirming the recommendation at time of CPH*

Grant 30 days to obtain demo bids and additional 30 days for the removal of the structure.

Referred to the City Council due back on 3/2/2016

3 RLH OA 16-1 Making no recommendation to Ramsey County on the application of Maurice Nins for repurchase of tax forfeited property at 1040 SELBY AVENUE.

Sponsors: Thao

Ms. Moermond:

-need to gather some information

Inspector Steve Magner, Vacant Buildings:

-talked with his inspectors and they took a look at the property

-concerned about some deterioration to the exterior; it hasn't been well-maintained over the years

-also, their use hasn't been there for a long period of time

-the city has had the property listed as vacant since Aug-Sep 2015 but actually, it goes back further

-sounds like the Fire inspector was unable to gain access to the interior when they were out there for a Certificate of Occupancy inspection; there are some existing violations that have not been rectified

-based on that, he also noted that the property was a commercial structure, which required him to change the status to a Category 2 Vacant Building because they need a current C of O inspection

-his concern here is the dollar amount; an exorbitant amount of money is owed on this property; if they will be paying that, will they also be rehabilitating the structure?

-at this time, there doesn't seem to be the ability to move forward with the rehabilitation and getting those taxes (\$76,000+) paid

-Debbie's Hot Temales was in there and the last was a C of O for storage in the garage (using it as a warehouse)

-it's a 1-story building; 1 basement level (group B occupancy); listed as "factory-ordinary hazard," which is an F-1

-there is 5200 feet of commercial space; doesn't know if there was a residential component

-1040 Selby can only be used for commercial cooking, no assembly or restaurant use per Larry Zangs; A Side can be used for B Side uses; garage can only be used for storage accessory use for commercial cooking

-A Side has been unoccupied since 2014

-B Side wasn't occupied; they were trying to get a permit and a license in 2014

-since the primary building has been vacant all this time, the only thing they had was a storage C of O in the garage

Ms. Moermond:

-written statement: after my father's death, my mother assumed responsibility for the property; she was not able to pay the taxes and the property was not able to be rented out because my father never applied for building permits for work that was done. I'm ready to bring the property up to code so that it can be rented out

-the question facing us is looking at the history of code enforcement/police concerns for the last 5 years to determine whether or not it's been a nuisance

-without rehab, this property will continue to deteriorate and it will be a worse municipal problem in the coming years

Mr. Magner:

-the C of O was Revoked in May 2013 - unoccupied building

-the garage did have a C of O for storage

-from a municipal standard, this will not be a simple repurchase and move back in; it will need a team inspection; and the use will need to be defined applicable to the existing zoning because the use has been abandoned for more than 365 days

-their letter does not articulate that have the ability to do the repurchase and rehab

-this is a municipal problem; don't know what the county will choose to do with it
-doesn't think that the Repurchase application rises to the level of satisfying what needs to be done nor the wherewithal to do it (doesn't think that the applicant knows what they need to do)

Ms. Moermond:

- thinks that it's actually worse than what the applicant thinks needs to be done because he indicates in his statement that father did work without permits and so all that work that was done will need to be permitted and approved

Mr. Magner:

-more reason for why we need a team inspection; and why he wanted to change it to a Cat 2 VB, so that there's no confusion: "This is our expectations"

Ms. Moermond:

-thinks that we need to have no opinion on this

Mr. Magner:

- fine with that; thinks the city needs to send the message to the county that the city doesn't believe that the applicant has supplied enough information to make a qualified Repurchase, in our opinion; and that they need either to define that or pass that message on

Ms. Moermond:

-so, if Repurchase were to be allowed, the city would need to see some guarantee that they will be able to step in and mitigate the problems that made it a Cat 2 Registered VB
-after paying \$72,000 in back taxes, he can't see that they will have any more money to do the rehab; certainly, they could but it isn't going to be a cheap job
-based on our experience, this building is likely to deteriorate without rehabilitation being undertaken in the near future
-will forward to the county without a recommendation

Mr. Magner;

-zoned B-2 but currently is listed as a food preparation use; it can be used as a B-2
-they need to come to the city telling us what they want to do
-will require either a full team inspection or a full set of plans for a change of use

Ms. Moermond:

Legislative Hearing Officer has no recommendation.

Referred to the City Council due back on 3/2/2016

11:00 a.m. Hearings

Summary Abatement Orders/Vehicle Abatement Orders

- 4 RLH SAO 16-4** Appeal of Leonard Biagini to a Vehicle Abatement Order at 1103 PAYNE AVENUE.

Sponsors: Bostrom

Leonard Biagini, Biagini Bros Inc, Occupant, appeared.

Inspector Paula Seeley:

- complaint came in Jan 22: commercial truck & bobcat parked in the back yard
- also had a complaint about a food truck parked next door (has spoken with the owner and thinks it's resolved)
- talked with Zoning Administrator, she said that if vehicles are parked and left standing for 5 days, they are considered exterior storage
- doesn't know how often Mr. Biagini would be moving those vehicles
- the food truck owner is starting a business beginning Mar or Apr

Mr. Biagini:

- his observation is that she's moved the food truck onto the adjacent property, that's owned by Magnolia's, who uses it for auxiliary parking; he keeps it plowed
- he rents for the guy who owns those 2 buildings; he has rented there since 1981, doing business
- he plows for 20 businesses along Payne/Arcade; he keeps things open along his stretch so people can come and go
- he uses his yard every day
- the concrete truck moved about 2-3 times a week; in the summer it's never there; bobcat just goes from job to job in the summer, usually staying on site; zoned B-2
- his building used to be an old garage; it goes straight back and is about 30-ft wide; it's fenced in all the way to the alley
- he has never had a violation issue while his business has been there (1981)
- he keeps his place up and insures his vehicles

Ms. Moermond:

- Mai Vang brought up an aerial view of the buildings, which they viewed; Mr. Biagini and Ms. Seeley explained
- it sounds like you do use those vehicles; they aren't sitting there for 5 consecutive days
- she will recommend granting the appeal

Grant the appeal.

Referred to the City Council due back on 3/2/2016

Correction Orders

11:30 a.m. Hearings

Orders To Vacate, Condemnations and Revocations

- 5 RLH VO 16-7** Appeal of Ken Schivone, Attorney for Bill Bernier, to a Revocation of Fire Certificate of Occupancy and Order to Vacate 287 PAGE STREET EAST.

Sponsors: Noecker

Ken Schivone, Attorney; Bill Bernier, owner; and Mr. Ziezulewicz, SMRLS, appeared.

Ms. Moermond:

- she has received 3 appeals on this property: 1) Southern MN Regional Legal Services (SMRLS), representing occupants; 2) Mr. Bernier; and 3) Mr. Schivone
- we are returning Mr. Bernier's check and his appeal, assuming that Mr. Schivone, as his representative, are doing that work; we attached it as part of the record but he's getting his check back

-we alerted SMRLS because they already have a case going on

Fire Inspector A.J. Neis:

-Revocation of Fire Certificate of Occupancy / Order to Vacate Jan 20, 2016;
re-inspection scheduled by Feb 1, 2016 at noon by Fire Inspector George Niemeyer
-was heard here Jan 26 when tenants appealed for additional time
-appealed today: all violations are being contested
-#17: the property was deemed in use of an illegal duplex without prior zoning
approval (primary appeal)
-also cited back in 2010 by Fire Inspector Sean Westenhofer but then, was deemed
in compliance
-the violations indicate that this is being used as a duplex
-at the last LH, we heard from 2 different sets of tenants, who identified that they
were living there; they were unrelated to each other; there were separate lease
agreements
-the tenant, who had lived there many years prior to Mr. Bernier's ownership, said
that the house was not actually converted into a duplex until Mr. Bernier took
ownership

Ms. Moermond:

-her recommendation after the SMRLS hearing was that she was granting until Apr
4, 2016 for the property to be vacated; she indicated that the fuel burning equipment
test needed to be in compliance by Feb 17, 2016; and the tenants could take down
the Revocation placard
-what is Mr. Bernier looking for today?

Mr. Schivone:

-he presented the fuel burning equipment test to Mr. Neis, who noted that the furnace
is running correctly; scanned into record
-the question arises as to why the property was inspected at this time; it's been
inspected and re-inspected and approved many time over since Mr. Bernier acquired
it over 10 years ago; the use and occupancy has been the same; property has 4
doors; 2 for each unit; and it's functioning as a duplex, even though it hasn't been so
designated; it's been approved over and over again by the city; they are somewhat
perplexed as to why that inspection was done; he had asked Mr. Ziezulewicz at one
time, if his clients had requested it and he had said that they had not; so, we don't
know what prompted this matter to come up; it's not scheduled for re-inspection until
Jun 2016
-there has been an issue with the tenants that has been on-going for several months
that began with an eviction for nonpayment of rent; that escalated into challenges by
the tenants as to certain repairs that needed to be made - they were minor in
character; they were resolved for the most part; Mr. Ziezulewicz would recall that
when we spoke recently, he said that a number of the issues that were on that list
had been resolved as far as he knew; and the only problem that remained was to get
in there and finish up; Mr. Bernier, unfortunately, was unable to attend to that for a
period of time and has been able to attend to it now for a few days and has done
everything in his power to get it all accomplished that needs to be accomplished
-according to Mr. Medland, the previous owner, everything is fine and acceptable to
him (entered a letter from Mr. Medland); scanned

Ms. Moermond:

-read letter Mr. Medland: Can say that Bill Bernier has treated me alright. He also
has fixed the ceiling holes and the sink. I, myself, have taken care of the extension
cords by removing them and I've taken the snow blower outside (scanned)

Inspector A.J. Neis:

-this inspection cycle was precipitated by a complaint that was sent over to our office on Dec 11, 2015; the complaint indicated that the basement bathroom-mud room had old carpet padding and a ton of junk piling up; that anonymous complaint requesting his office to inspect the property triggered their inspection

-when Inspector Niemeyer did the inspection, he identified several code violations and he also identified that the property was back in use as a duplex, which triggered the early C of O inspection

Ms. Moermond:

-so, there's a set of Orders from mid-Dec 2015 and a set of Orders from Jan 20, 2016; was there anything in between?

Mr. Neis:

-the Orders from Dec 11, 2015 were transferred to the C of O; typically, when they find numerous code violations in addition to the illegal occupancy, they just transfer the Orders over to the C of O inspection; the Orders took a while to get out to the owner due to some legal issues and consultation with the City Attorney on how to proceed with action based on some restraining Orders, etc.

-after reviewing the file, looking at the fact that it was in use again as an illegal duplex, the C of O was immediately Revoked and ordered to Vacate

-from what he can see was this one dated Jan 20, 2016

Mr. Schivone:

-asked for a copy of the record of complaint having been made to the city

-the property use has not changed over time; it's been the same over the past 10 years that Mr. Bernier has owned it

-assumes that the complaint was from the tenants in the upper level; there's a record that the city went into the lower level where Mr. Medland is located and examined his bathroom; he questions that; are there photos?

Mr. Neis:

-there are a lot of photos

-there are also some things in the file from Jun 4, 2007: read the Board of Zoning Appeals (BZA) resolution #07-079165 : Whereas Bill Bernier has applied for a variance from the strict application of the provision of Section 66.231 of the St. Paul Legislative Code pertaining to a minimum rear setback of 25 ft required per parcel and for a new twin home on parcels B & C. The applicant recently purchased this property with his intent to split the parcel and build a new twin home. He states the existing house on the site is a single-family home. So, according to this resolution back in 2007, Mr. Bernier indicated that this was a single family home

-this was never approved by his office as a duplex

-in 2010, it was cited when it was found in use as a duplex

-the reason that it was given a C of O was because it was legally converted back to use as a single family home; and then, quickly, back in use as a duplex

-this is not the first time the city has run into this type of situation with Mr. Bernier's properties

-to DSI, this is a single family home

Mr. Ziezulewicz:

-noted that he was here strictly to get more time for his clients; and that his clients will be vacating by Apr 4, 2016

Ms. Moermond:

-there was a previous appeal on the same type of issue heard by the City Council from Mr. Bernier; they decided that it was, actually, a single family home being used illegally as a duplex; that doesn't say that the conditions here are the same and that

we should look at them anew but there is a pattern

Mr. Neis:

*-if a complaint coming in is relatively minor or we find a couple basic code violations, we won't pull an early C of O; we will issue Orders to correction them and subsequently, close the complaint when the violations are corrected; if the violations are not corrected in a timely manner, however, or if the violations are so egregious or blatant, at that point it is DSI policy to pull an early C of O inspection
-we did not generate this inspection; had we not been called to the property, the next inspection would not have taken place until Jun 2016*

Mr. Schivone:

-asked for a copy of the complaint and the photos

Mr. Neis:

-is can be pulled up on the City's website

Mr. Schivone:

*-there has been a problem with getting access to the upper level by Mr. Bernier; on multiple occasions, he has made 24 hour requests for access and has been denied
-it's his understanding that Mr. Bernier has the right to ask for a re-inspection at this point
-to the best of their knowledge, all of the issues here were caused by the tenant and have been resolved with the exception of the duplex issue
-Mr. Bernier strongly denies that he ever re-converted the property back and he strongly denies that he ever asked that it be divided into 2 units*

Ms. Moermond:

-so, the Board of Zoning Appeals' record is incorrect?

Mr. Schivone:

-apparently so

Mr. Neis:

-pulling up records in the file, survey made by Mr. Bill Bernier - a survey submitted to PED and DSI for what he is currently denying; this was done by Mr. Bernier's own survey engineering firm, Development Engineering, 1296 Hudson Rd, St. Paul, MN; there's a picture of the proposed twin home and the existing house; this was done by Jonathan L. Burasi, registered land surveyor, requested by Mr. Bernier on May 15, 2007

Mr. Schivone:

*-believes that Mr. Bernier has a right to request a re-inspection; believes that these issues have been resolved
-the tenant had over populated the property, which is a big problem and caused a lot of stress
-bottom line, either now or when they vacate on Apr 4, they ask for a re-inspection*

Mr. Ziezulewicz:

*-he would support a re-inspection after Apr 4, 2016, giving the family time to move
-Housing Court has advised that Mr. Bernier can't accept Ms. Garcia's rent because the C of O is Revoked*

Mr. Schivone:

-they, respectfully request that the re-inspection be expedited

Mr. Neis:

-even if they did do an inspection today to verify that all the violations were corrected, if the home were still found in use as an illegal duplex, we would check off all of the corrected items but the Certificate of Occupancy would remain in a Revoked status due to the fact that it's an illegal occupancy

-the occupants admitted to this hearing that the home was in use as a duplex

-the C of O will remain Revoked until the house is no longer an illegal duplex

Ms. Moermond:

-Mr. Medland clearly stated that the house was officially turned into a duplex when Mr. Bernier bought it; before that, it was a single family dwelling; his parents lived upstairs and his grandparents lived downstairs; things were open between the levels -now, it's being used as a duplex and you stated that the city hadn't called it out in the past but she is hearing contradictory information based on the Board of Zoning Appeals (BZA) review and denial

-this is a single family home in the eyes of the city and has been inspected as such; and until the BZA says that it can be used as a duplex, it remains a single family home

Mr. Schivone:

-Mr. Bernier will apply to have it to be used as a duplex

Ms. Moermond:

-the BZA denied it's use as a duplex, so, even if you're arguing that it can be used as a duplex, she doesn't know that it has a ventilation system that properly separates the units or if there's proper fire separation between the units, and other department considerations; so, even if the structure is a duplex, zoning says, "No, it isn't."

-she is happy to give Mr. Bernier the time to go seek this again from BZA but she is not going to let that affect this process and delay things here

Mr. Schivone:

-they will seek duplex status; we were told by the zoning people that it is eligible; that it meets the criteria and asked us to submit plans; so, that's what Mr. Bernier will do

Ms. Moermond:

-she will act on what the previous determination was on this

-she will recommend denying the appeal; the Certificate of Occupancy remains Revoked with the same Vacate date previously established

-if Mr. Bernier can get his C of O re-instated.....

Mr. Neis:

-they can go through to make sure the violations are done if Mr. Bernier wants them too; but until, at least, 1 set of tenants is gone, the C of O will remain Revoked

-this would be in Supervisor Shaff's district, she would be the one to do the inspection

Mr. Schivone:

-there are things that can be done before people move out; they would, respectfully request that the re-inspection be done

Ms. Moermond:

-and, about the duplex status between now and re-rental and the inspection?

Mr. Schivone:

-he believes that both entities are moving out so that would be a moot issue at this point

Ms. Moermond:

-so, it will be re-inspected as a single family home?

Mr. Schivone:

-yes

Ms. Moermond:

-in the previous case, there was a determination made that the property in question owned by Mr. Bernier was a duplex and the city ordered it vacated; Mr. Bernier re-occupied the property as a duplex and the city had to Order another vacation of the property for the same reason; he was reprimanded at the City Council for doing that

-she has little confidence that the property will be used as a single family home and she would need to see that it has been completely deconverted to a single family home before it could be re-used and it doesn't sound as though that's going to happen until Apr 4 because it's occupied until that point

-the property has been Ordered Vacated

-the next question is does it go into the Vacant Building Program or can it get it's C of O re-instated; will it be a Category 1 or Category 2 VB; she thinks that time will tell with the re-inspection

-will be at City Council Public Hearing Feb 17, 2016

Deny appeal and grant until April 4, 2016 for the property to be vacated.

Referred to the City Council due back on 3/2/2016

1:30 p.m. Hearings

Fire Certificates of Occupancy

- 6 RLH FCO 15-347** Appeal of Nadya Poulson to a Fire Inspeccion Correction Notice at 1035 ARKWRIGHT STREET.
- Sponsors:** Brendmoen
- Charles Stuurop, owner, appeared.*
- Fire Inspector Leanna Shaff:*
- Fire Inspection Correction Notice*
- we were here Dec 22, 2015 talking about the requirement to repair / replace the parking surface, which is worn*
- the Appellant was to provide Ms. Moermond with a plan for review to see where we'd go next*
- Ms. Moermond:*
- she does not see a plan in the file*
- Mr. Stuurop:*
- Ms. Poulson said that she emailed it; and he brought it down to Jerome, DSI Zoning*
- he brought up a diagram with boundaries; got an estimate to asphalt it*
- from the back of the building to where the concrete was starting to disintegrate; he was out there with a contractor and it's just not repairable; he will tear out the concrete and put in asphalt by Jun 1, 2016; of course, it depends upon the weather (scanned)*

Ms. Moermond:

-in the last hearing, we talked about using a Jul 1, 2016 deadline; she will stick with Jul 1 to allow wiggle room

Grant until July 1, 2016 for compliance on the parking surface.

Referred to the City Council due back on 3/2/2016

7 RLH FCO 16-25 Appeal of Doris L. Miller-Johnson to a Re-Inspection Fire Certificate of Occupancy with Deficiencies at 1219 BUSH AVENUE #1.

Sponsors: Bostrom

Doris L. Miller-Johnson, owner, appeared.

Fire Inspector Leanna Shaff:

-Final Notice of Fire Certificate of Occupancy inspection conducted on Jan 22, 2016, with Inspector Efrayn Franquis

-21 deficiency items on the list; biggest item is #12 - Unit 3 bedroom does not have an approved egress window (photo)

-code requires an emergency/escape & rescue opening in that bedroom; the current opening was never approved for that use

Ms. Miller-Johnson:

-she just purchased this house in May; there's an egress window right in the kitchen of this unit; so, if she doesn't close her bedroom door, she has direct access to it

-someone must have approved it because that apartment had been rented out for many years by Applegate Rental

-the first time that the inspector came out, he didn't say anything about that

-she doesn't plan to put another egress window down there; it's just a bedroom door.....

Ms. Moermond:

-although someone has been sleeping in that room for years doesn't mean that it's legal

Ms. Miller-Johnson:

-she has never owned a house before; doing the best that she can

-some of the things on the list are because the painter was there and had removed globes/outlet covers - little things

-when she bought the house, it had been approved and no one told her about the water heater behind a curtain

-she's been hit hard since she bought the house: \$5300 for a water heater and \$7100 for a boiler, for which she is still paying; the egress window wasn't even in the program

-she is appealing because all of this is overwhelming; she can't afford it; and there's an egress window down there; that apartment isn't very big

Ms. Moermond:

-she is looking at the photos and is not getting a good inside perspective; has questions of the inspector, too

-Ms. Shaff brought up more photos that were added today; the code requires that the emergency escape and rescue opening be inside the sleeping room

Ms. Miller-Johnson:

-that bedroom has 2 doors: 1 to the kitchen; the other into the hallway, up the stairs and out the door

Ms. Moermond:

- explained that the law says that you can consider it a single room for egress purposes if there's less than half the wall dividing those spaces (kit & bed); here, you have a full wall and a door, so it can't be considered
- she doesn't know why this hasn't been called out in the past (last inspected in 2010); the window in that room isn't big enough for someone to fit through
- is not thrilled with the photos
- this is a Condemnable situation; why isn't a Revocation on the table

Ms. Miller-Johnson:

- that basement consists of a bathroom, tool room bedroom, kitchen, hallway with closets; no living room; if we take the door down, it'll be the same room as the kitchen

Ms. Moermond:

- to consider it the same room, the wall has to be only half of the wall
- the basic part of the fire code is about getting out of the sleeping room in case of a fire; the window in that room is too small and too high up

Ms. Shaff:

- reading inspector's notes: looks like there have been some entry issues
- 12/15/15: I went to the re-inspection yesterday; the tenant told me they were not informed of the re-inspection; the owner who lives in one of the apartments was not home; the tenant asked if I could come back another time; sending another re-inspection letter
- 1/7/16: Received call from owner this morning informing me that she's out of town and not available for the re-inspection; the owner also informed me that not all the deficiencies have been corrected; the owner stated that due to finances, she is having a hard time fixing the deficiencies; I offered an extension until Jan 22 at 11:45 am to get the interior deficiencies done; the owner was also advised to provide a representative to allow me access; owner accepted that
- 1/25/16: I went to the property to perform the re-inspection; observed that many of the deficiencies had not been corrected; I informed the responsible party that if the deficiencies are not corrected, we will take enforcement action; I also informed the responsible party and the owner that they have the right to appeal; sending my final notice

Ms. Miller-Johnson:

- the inspector was in the house 3 times; no one locked him out; I was at work and my daughters let him in
- the first notice did not say anything about an egress window
- she did not know that the tenant did not allow access

Ms. Shaff:

- the first Orders are dated Oct 19, 2015 and item #14 on those Orders says: Unit 3 bedroom - provide and maintain an approved escape window for each sleeping room or area or discontinue use as a sleeping room; this work may require a permit

Ms. Moermond:

- so this has been on the table since Oct 19, 2015
- she can't do anything but deny this appeal
- wants to know what the kitchen window looks like
- you can turn the apartment into a studio; take down 50% of the wall between the bedroom and kitchen; you would need to have a contractor look at it and tell you if there were supports in the wall; could be a 1 day job
- will recommend denying your appeal and grant until Mar 1, 2016 to come into

compliance

-will be in front of the City Council Mar 2, 2016

-you will get a letter

-Inspector Shaff will come to check it out tomorrow; Ms. Miller-Johnson's daughter, Markeeta, will be home at noon (651/797-3485)

Deny the appeal and grant until March 1, 2016 to discontinue the use of Unit 3 room as a bedroom.

FU: On February 10, 2016, Ms. Shaff sent an email stating that the window in the kitchen is about 4 feet to the left of the bedroom door. With this new information, Ms. Moermond amended her extension to grant until May 1, 2016 for Ms. Miller-Johnson to either take down half of the wall between the kitchen and room or put an egress window and remove bedroom door to become a legal bedroom.

Referred to the City Council due back on 3/2/2016

8 RLH FCO 16-21 Appeal of Ying Vang to a Fire Inspection Correction Notice at 842 JENKS AVENUE.

Sponsors: Bostrom

Ying Vang and Chee Xiong, owners, appeared.

Mr. Xiong:

-the inspector walked with him during the inspection but he never mentioned anything about the listed items

Inspector Leanna Shaff:

-Fire Certificate of Occupancy inspection conducted by James Thomas on Dec 21, 2015

-sounds like the owner is appealing items #4 and #7

-#7-pictures in the file of the retaining wall that's falling down and in need of repair/replacement

-#4-there's a hasp/pad lock on the inside of the bedroom door that needs to be removed

-the other issue is over occupation; she asked Inspector Thomas about that; there's 4 people over the age of 1 sleeping in one bedroom (110 sq.ft.)

Mr. Xiong:

-the inspector never mentioned anything about the interior stuff

-they don't have some of these issues; why is it written in the Order

Ms. Moermond:

-the city code sees a problem with it

-first, let's talk about the unapproved hasp type lock on the bedroom door

-the pad lock is not allowed

-fence

Mr. Xiong:

-looks like the tenant put the hasp lock on (Ms. Shaff: it's a dangerous thing; it needs to be taken off)

-there's nothing wrong with the fence

Ms. Moermond:

-the fence is falling over

Ms. Vang:

-can she take the fence down? (Ms. Moermond: yes, she can take it down)
-there's no garage; no shed; need to have off-street parking

Mai Vang:

-had explained to Ms. Xiong that the retaining wall was on the first Order (pictures were shown to Appellants); inspector didn't say anything about it; he had told him about 3 items and then walked out

Ms. Moermond:

-it's frustrating and unfortunate that the inspector didn't mention some of these things but it doesn't change the fact that it needs to be corrected

Ms. Shaff:

-explained that Inspector Thomas was called out on a referral; someone had complained about mice and cockroaches; there were 4 items on that first Order; then, he opened up the Certificate of Occupancy inspection, which was due; he noted that he did talk with the owner, who was going on vacation & said that when the tenant moved in, everything was fine

Ms. Moermond:

-#4-the unapproved hasp lock will be removed
-#5 & #6-painting and guardrail will have a May 1 deadline
-rear retaining wall needs repair - Jul 1 deadline; (Appellant will find out how expensive it is and if there's a concern, she should talk to us about it)
-they can come to the City Council Public Hearing Mar 2, 2016 to ask for more time
-re-inspection Feb 22, 2016 for items #1-#4; -if they are done; there should not be another fee and they will get their C of O at that time, with deficiencies
-if they're done May 1, they won't get charged for that inspection; if there are inspections after that, they will be charged

Grant until May 1, 2016 for painting and guardrail issues; grant until July 1, 2016 for the retaining wall.

Referred to the City Council due back on 3/2/2016

9 RLH FCO 16-29 Appeal of Roxann Christian to a Fire Inspection Correction Notice at 2318 STANDISH STREET.

Sponsors: Stark

Roxann and Cameron (son) Christian, tenants, appeared.

Fire Inspector Leanna Shaff:

-Fire Certificate of Occupancy re-inspection conducted by Inspector Laura Huseby on Dec 7, 2015

-#1 - discontinue exterior temporary structures to house personal combustible accumulation (fwd an email to you this morning in re to that); we Withdraw that Order; Zoning has OK'd it as long as it meets the parameters that were voiced by Karen Zacho

-#2 - paint on dwelling doors and garage (DONE - were done before Dec)

Ms. Christian:

-we got brand new storm doors; we painted them before Halloween
-they are in the process of buying back the house; she bought it in 1980 and lost it in 2007; Larry & Dan had bought it and we've been renting from them since then
-all that stuff that was in there when Laura first came in Oct went into storage; will

have a garage sale

Ms. Shaff:

-initial appointment letter was dated Sep 10, 2015 for the inspection on Oct 2

Mr. Christian:

-owners did not let us know until the 3rd week in Sep

-he is a professional bow maker; and was preparing for a show

Ms. Moermond:

-in the event that the inspector didn't think the painting was good enough and kept it on the Order, she will grant until Jun 1, 2016 to comply because of the weather

-#1 was Withdrawn

-amount of materials in the house will be taken care of; doors and windows have clear access

-inspector will come back on Thu

Item #1 has been withdrawn by the dept; grant until June 1, 2016 for the exterior painting.

Referred to the City Council due back on 3/2/2016

2:30 p.m. Hearings

Vacant Building Registrations

- 10 RLH VBR
15-106** Appeal of Ian Houmas, Adonis Eco Housing, to a Vacant Building Registration Fee Warning Fee Requirement at 1036 MINNEHAHA AVENUE EAST.

Sponsors: Bostrom

Ian Houmas, Adonis Eco Housing, owner, appeared.

Inspector Matt Dornfeld, Vacant Buildings:

-this is a Layover from Dec 22, 2015 per Ms. Moermond, this file was to be changed to a Category 1 Vacant Building from a Cat 2 VB; they were allowed 30 days to get their Fire Certificate of Occupancy re-instated

-we were to reconvene here on Jan 26, 2016, which was Laid Over to today

Fire Inspector Leanna Shaff:

-the Fire C of O is still Revoked; photos from Jan 25 inspection in file

-the building is not done; there are still open permits

-electrical permit is still red-tagged

-there are 17 Orders still open

Ms. Moermond:

-so, you're not done on deadline

Mr. Houmas:

-the power is still not turned on; Xcel blamed it on the city inspector last week; just got an email this morning saying that they're prepared to go and connect it

Ms. Moermond:

-wondering what's been going on since we last talked in Dec

Mr. Houmas:

-right; there's nothing we can do without the heat and power
-initially, the conversation began in Dec with Xcel; they came, then, to put the meter in but never connected it; that's one of the reasons they called James Thomas and told him the power wasn't on; we postponed the inspection and after the postponement, they hadn't gotten back

Ms. Moermond:

-normally, there's a permit in the system for that; normally, when she sees these, they get processed very quickly; doesn't know what the issue is with this particular case
-do you have a contractor?

Mr. Houmas:

-I have a contractor

Ms. Shaff:

-checking for permits: it was approved to be issued on Jan 8, 2016; there's been no movement; it's still open

Mr. Houmas:

-he entered a document from Xcel, dated today - came thru this morning from Xcel; it's all I've gotten from Xcel (attached)

Ms. Moermond:

-reviewing the Xcel document dated Feb 9, 2016 (today)
-what does the Order Confirmation say? Do you have that? It references Order Confirmation, a PDF attached to this file; is curious about the date the Order went into Xcel

Mr. Houmas:

-No; I don't have that
-don't know; initially, when he was asking what was going on with this, Xcel told him that the inspector hadn't called; after getting this email; I asked them what was going on and they said that they got the call on Jan 21, 2016 - OK'd the connection and it's taken this long for them to move this forward
-we can't bring contractors in there without heat/power

Ms. Moermond:

-you committed in Dec to have this done in 1 month; and all that was going on was mechanical

Mr. Houmas:

-then, James Thomas pointed out several new things since the last time he was there
-entered the Order Confirmation letter, dated Feb 9, 2016

Ms. Moermond:

-she will call her contact at Xcel to try to get more information on the hold-up; this sounds very unusual to her; she hasn't heard of this at all
-and, your contractor has been the one who's in communication with Xcel; is there a chance that your contractor fell down on that?

Mr. Houmas:

-No; because when he was leaving, he said that the inspector was calling that same day, and.....he gave Xcel a call after the initial inspection and they told him that they

had not received a call from the inspector

Ms. Moermond:

-will make a decision (Cat 1 or Cat 2) after talking with Xcel and will get back to you with my recommendation

-City Council Public Hearing Mar 2, 2016

Grant until March 11, 2016 to get Fire C of O reinstated based on what Xcel has to say about the power.

Referred to the City Council due back on 3/2/2016

11 RLH VBR 16-9

Appeal of Tomer Shmida, Osaka Properties Llc, to a Vacant Building Registration Fee at 1235 ALBEMARLE STREET.

Sponsors: Brendmoen

Phil Beaumia, property manager for Tomer Shmida, Osaka Properties LLC, owner, appeared.

Fire Inspector Leanna Shaff:

-Dec 14, 2015, we Condemned this Fire Certificate of Occupancy; it had no water service

-we referred it to the Vacant Building Program

Mr. Beaumia:

-we purchased this property Dec 1; closing happened Dec 2, 2015 and when we did that, the tenant had moved out the day before and we weren't aware of the past due water bill that the seller didn't tell them about; although, they had a general estimate; even after they closed, they found out that there was a past due water bill and they tried to get the seller to pay; it was paid on Dec 22 or so

-is asking for a little bit of leniency because they were in the process of getting it ready for the new tenant

Mr. Dornfeld:

-is not seeing a plumbing permit

Mr. Beaumia:

-that was the case: past due water bill, which was supposed to be paid at closing; a portion had been paid but \$162.++ had not been paid; we called later and paid it; he assumed that their contractor had it turned back on at that time

Mr. Dornfeld:

-we have this as a Category 1, not requiring a code compliance inspection

Mr. Beaumia:

-he believes that the water is on but is not positive

-the work is almost done; they haven't rented it because of this water situation

Ms. Shaff:

-a short recess was taken for Ms. Shaff to verify the water shut on

-the water was turned back on Jan 12, 2016

Ms. Moermond:

-OK; you can put people in

-your VB registration appeal is granted; you are out of the VB Program

-the Condemnation can be lifted because the water has been restored

-you will need to have a complete Fire C of O inspection; you'll get Orders and you will need to complete them

-because you're Condemnation has been lifted, you can go ahead and rent without the Fire C of O

-call Inspector Scott Perrier, 651/266-8995 to schedule an inspection

Grant the appeal; owner is released from the Vacant Building Program; condemnation has been lifted since water has been restored.

Referred to the City Council due back on 3/2/2016

12 RLH VBR 16-10 Appeal of Rex Hale to a Vacant Building Registration Fee at 693 DESOTO STREET.

Sponsors: Brendmoen

Rex Hale, owner, appeared.

Inspector Matt Dornfeld, Vacant Buildings:

-was a Category 2 Vacant Building and due to a mechanical permit being left unclosed, the file remained open; and unfortunately, the VB fee went to assessment; it was all fixed this morning

-we now have a closed VB file and we've deleted the VB assessment

Ms. Moermond:

-your appeal is granted

Grant the appeal.

Referred to the City Council due back on 3/2/2016

13 RLH VBR 16-6 Appeal of David Johnson, Lake Jane LLC, to a Vacant Building Registration Notice at 609 JESSAMINE AVENUE EAST.

Sponsors: Bostrom

David A. Johnson, Lake Jane LLC, owner, appeared.

Fire Inspector Leanna Shaff:

-Fire Certificate of Occupancy inspection; process started Dec 7, 2015 by Inspector Dan Kline

-have had a bit of continued noncompliance

-23 deficiencies on the list

-it was Revoked and sent to the Vacant Building Program on Jan 4, 2016

-owner has not been showing for the inspections

-not much has come off the list; property suffers from deferred maintenance

Mr. Johnson:

-he wants to sell this place

-has very bad tenants; according to Dan Kline, they were a well known family to them; they moved in, wreck homes and move on; he made that statement on Jan 4, 2016

-had all the basic stuff done but wasn't going to do any more until they were gone

-he gave them Notice in October to vacate at the end of Nov, 2015; Mr. Kline said that he'd work with me and come back to inspect after they were out

-at the end of Nov, the tenants weren't moving on; by Dec 2, they still weren't out

-he did not file an Unlawful Detainer; it was under Section 8; he got a call from Legal

Aide, Paul Z____; he made an agreement with him that Section 8 would give them until the end of Dec; they finally got out on Jan 4, 2016, the day he Inspector Kline there

-he wants the building reduced to a Cat 1, VB because he wants to sell it; he's been working on it 5 days a week

-he doesn't understand how it went from occupied to unoccupied to Cat 2 Vacant house; to him, that seemed pretty harsh

Ms. Moermond:

-the conditions of the building drives the Category

Ms. Shaff:

-Dec 8, 2015: Inspector Kline discussed this with her extensively; we gave a vacate date of Jan 4 as to not kick somebody out over the holidays

Mr. Johnson:

-he had talked with Mr. Kline and emailed him; it was impossible to do any kind of work on the inside with the way the people lived; they lived in such a manner that they brought cockroaches into the house - had an exterminator out in Nov

-he thought that he and Mr. Kline were working together to get these people out of the house but he was mistaken

Ms. Moermond:

-the inspector is all about getting the house fixed up

-she viewed photos - the house is in very, very rough condition; it's not just due to normal wear & tear; quite a bit of it is deferred maintenance

Ms. Shaff:

-the inspector took a lot of photos

Mr. Johnson:

-there was a hole in the corner of foundation; it's been taken care of

-house has a new roof, new siding, soffit & fascia (Ms. Shaff: roof permit was never finalized; you didn't call for an inspection)

-replace all interior doors

Ms. Moermond:

-the list looks like a classic Cat 2 VB; there's a lot going on; the photographs show a very dilapidated house

-the deadlines that you were given to fix these problems were all blown and the city will hold you accountable

-you didn't go through the trouble of evicting

-if it's been repaired, when the code compliance inspectors go out, you'll have a much lighter list if many things are already done

Mr. Johnson:

-some of the items on the list are not even true; he said that the living room was missing baseboard but it's not; the baseboard was in the living room; after that, I took it off because I put new underlayment in the living & dining rooms

-there's no broken windows, the guardrail is OK

-I was happy to do these things

Ms. Moermond:

-you didn't exercise eviction

-based on what those conditions were at that time, they made the right decision

-thinks that it should be a Cat 2 VB

-the City Council may not look at it in the same way; talk to them
-City Council Public Hearing Mar 2, 2016
-you will get a letter

Deny the appeal.

Referred to the City Council due back on 3/2/2016