



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final Legislative Hearings

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Tuesday, October 15, 2013

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Remove/Repair Orders

- 1 [RLH RR 13-45](#) Ordering the razing and removal of the structures at 461 BEAUMONT STREET within fifteen (15) days after the October 16, 2013, City Council Public Hearing. (Public hearing continued from October 16)

Sponsors: Brendmoen

Continue the public hearing to November 6, 2013.

RE: 461 Beaumont Street (Single Family)

No one appeared.

Steve Magner, Vacant Buildings:

- Sep 30, 2013, letter was sent out by Mai Vang:

Dear Ms. Yarusso:

This is to confirm that on September 24, 2013 at the Legislative Hearing, Marcia Moermond, Legislative Hearing Officer recommended that the City Council order the building be removed within 15 days with no option for repair. The matter will be laid over to Tuesday, October 15, 2013 (not October 8) at 9:00 a.m. in Room 330 City Hall for SHPO information from Heritage Preservation Commission.

The City Council Public Hearing is scheduled for Wednesday, October 16, 2013 at 5:30 p.m. in Room 300 Council Chambers, Third Floor if you wish to appeal further.

- it is his understanding that his office contacted Ramsey County and a Confession of Judgment was put into place May 1, 2012 and there have been no payments; notice says if there are no payments by Mar 3, the property will revert back to the County

Ms. Moermond:

- last summer there was a fire

- looks as though it was arson and started in the exterior stairway; it burned the back of the house and put a hole in the roof, etc.

- the house has been in the family for a very long time but the family is on hard times

- Theresa Yarusso, has lived there for a very long time

- the house has been Condemned with an Order to Vacate

- the City is moving forward with an Order to Remove
- the county is on the cusp for getting it back in Mar; asked how the county would like to proceed on it
- it's a fire damaged structure and the city does need to take it down
- the house is not located in an historic district
- Ms. Spong, HPC, responded in an email this week that she thought it was in an historic district; she forwarded information
- this would not affect permits; it would not need to go through the HPC
- she doesn't know how the Confession of Judgment affects this; perhaps, she could just sign it over to Ramsey County; she has no choice but to walk
- all the family possessions have been cleaned out and they did get some dumpsters through the House Calls Program
- showed photos to Mr. Scharf

Mr. Scharf:

- the county would like to take a look at it
- question: what can the county do to have her legally sign it over to them; he will need to talk with their attorneys

Mr. Magner:

- currently, Ms. Yarrusso is staying at 683 Cook Ave East; phone number: 612/743-8753
- besides, the fire damage, there are years of deferred maintenance

Mr. Scharf:

- will provide an update on this after discussing it with the County Attorney
- he should have some answers in a few days
- will be in touch through email

Mr. Moermond:

- will lay this over to Nov 6, 2013 to give the county time to make a decision

Referred to the City Council due back on 10/16/2013

2 [RLH RR 13-38](#)

Ordering the rehabilitation or razing and removal of the structures at 989 BURR STREET within fifteen (15) days after the August 21, 2013, City Council Public Hearing. (Public hearing continued from August 21, September 18, and October 16) (To be laid over to the January 2, 2014 Public Hearing)

Sponsors: Brendmoen

Public Hearing to be continued to January 8, 2014. (Appellant will need to provide a work plan.)

RE: 989 BUrr Street (Three Family Dwelling)

Paul Scharf, Ramsey County Property Records and Revenue, appeared.

Steve Magner, Vacant Buildings:

- Sep 11, 2013, a letter was sent out by Mai Vang:

Dear Ms. Kujala and Mr. Scharf:

This is to confirm that on September 10, 2013 at the Legislative Hearing, Marcia Moermond, Legislative Hearing Officer stated that on September 18, 2013 at the City

Council Public Hearing at 5:30 p.m., she will ask the City Council to layover the matter to Legislative Hearing on Tuesday, October 8, 2013 at 9:00 a.m. in Room 330 City Hall and continue the Public Hearing to Wednesday, October 16, 2013 at 5:30 p.m. in Room 300 Council Chambers. She asks that an assessment of the property be done by then.

Mr. Scharf:

- they ordered the Code Compliance Inspection Report
- he spoke with the Fire Marshal last week regarding the report; it's just about done and will be mailed out within the next day or two
- they ordered the report as a triplex so they could get the report the quickest way possible (under advisement from the Zoning Office)
- they will not rehab it as a triplex; they will rehab it as a single family and leave the door open for a duplex
- Inspector Mitch Imbertson is in charge of the fire report; inspection was done Sep 15, 2013 (it's a large house)
- will start writing specs on this house in Dec 2013 for a release to their pool of contractors in Feb 2014
- estimate a minimum of 120-day project timeline
- the lot is very small (34 x 85); the lot next door is "for sale" and they are looking at purchasing it for the house

Ms. Moermond:

- Ramsey County will need to compare their evaluation with the Code Compliance Report
- City Council Public Hearing is tomorrow, Oct 16, 2013 at 5:30 p.m., which will not give enough time to do a comparison
- rehabilitation will commence in Mar 2014
- will ask the City Council to lay this over to Jan 8, 2014 to allow the scope of work can be included; and if that scope of work is included, she will recommend that Ramsey County be granted 180 days to do the project

Referred to the City Council due back on 10/16/2013

3 RLH RR 13-47

Ordering the rehabilitation or razing and removal of the structures at 838-840 GOODRICH AVENUE within fifteen (15) days after the November 6, 2013, City Council Public Hearing. (To be referred to Legislative Hearing November 12, 2013 and City Council Public Hearing December 4, 2013)

Sponsors: Thune

To be referred back to Legislative Hearing on November 12, 2013 and City Council Public Hearing on November 20, 2013.

RE: 838-840 Goodrich Ave (Duplex); owner, Robert Casselman, did not appear.

Ann Nerland, owner of neighboring property, 833 Goodrich, appeared.

Steve Magner, Vacant Buildings:

- The building is a two-story, wood frame, duplex with a two-stall garage on a lot of 6,098 square feet. According to our files, it has been a vacant building since May 1, 2006.
- The current property owner is Robert Casselman per AMANDA and Ramsey County Property records.
- On July 29, 2013, 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 July 31, 2013 with a compliance date of August 30, 2013. 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 \$135,900 on the land and \$35,900 on the building.
- Real estate taxes are current.
- The Vacant Building registration fees were paid by assessment on May 31, 2013.
- A Code Compliance Inspection was done on December 1, 2010 and has since expired.
- As of October 14, 2013, the \$5,000 performance deposit has not been posted.
- There have been fourteen (14) SUMMARY ABATEMENT NOTICES since 2006.
- There have been ten (10) WORK ORDERS issued for:
 - Garbage/rubbish
 - Boarding/securing
 - Grass/weeds
- Code Enforcement Officers estimate the cost to repair this structure exceeds \$50,000. 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.
- it's been gutted for quite a few years

Ms. Moermond:

- Amy Spong, Heritage Preservation Commission (HPC) staff won't be here to give a staff report today
- we will lay this over for 2 weeks so that she can put a report on the record
- notes the number of Summary Abatements and Work Orders
- there has been no action on this for 2 years
- there is no Performance Deposit
- the taxes are current, however; (mortgage company is paying the taxes)
- headed for foreclosure because it's neglected

Ms. Nerland:

- lives across the street
- the house has been vacant for some time and everyone in the neighborhood knows that it's vacant
- this is unusual in this neighborhood to have a house sit empty for 6 years
- knows about an incident of where people were in the garage; it's an attractive nuisance
- the property has been unkempt in a very nice neighborhood
- people have been tempted to purchase the property to take it out of that state of unkemptness
- she would hate to see it torn down but she would like to see it be taken off the vacant property list and not have to worry about it
- it's a very saleable property
- she viewed the photos
- she doesn't know the owner but he came around with a petition a few years ago (Nov 2010) to convert it to a duplex; she signed the petition because she wanted the house to be occupied
- the owner put in new windows, new air conditioner,,,
- she knew the previous tenant, who was 90 years old and had lived in the neighborhood forever

Mr. Magner:

- he estimates that it would take a minimum of \$200,000 to put this house into a saleable status for this neighborhood but we don't have an owner here saying that he is going to put that into the house; he could also just make it livable for about \$50,000
- in Apr 2011, the Planning Commission approved the re-establishment of the duplex as long as permits were obtained for rehabilitation; he obtained a building permit, 2 mechanical permits, warm air permit, plumbing permit and an electrical permit - all expired because they weren't signed off

Ms. Moermond:

- the house was built in 1924 and according to the Minnesota State Historic Preservation Office (SHPO), it's located within the Historic Hill District, which is listed in the National Register of Historic Places; and demolition would have an adverse affect on the property itself and the Historic Hill District

Mr. Magner:

- our records show that it's beyond the boundaries of the Historic Hill District
- it's strictly zoned R4 and there's no overlay; so, the HPC district does not cover this address

Ms. Moermond:

- she would very much like to see an owner step forward or to get this owner to take responsibility - someone to do a rehab
- maybe give it to someone who can do the rehab, like a nonprofit
- the Bostrom Ordinance allows this house to be transferred to a nonprofit so that they can do the rehab or contract with someone who can do the rehab
- perhaps, someone in the neighborhood has the means and would be interested in doing that; they could contract with the nonprofit
- the Bostrom Ordinance does not allow a private individual benefit directly; it has to be in agreement/partnership with a nonprofit; a CDC, specifically
- the city cannot force a sale
- she would like to give the neighborhood a chance to do something - maybe shake the owner into some action

Ms. Nerland:

- remembers coming to a LH in Jan 2011 - an appeal for a code compliance inspection report; the appeal was partially granted pending the outcome of the Planning Commission
- summarized the minutes (which I could not understand from the dictation); this document was attached to the file

Ms. Moermond:

- so, Mr. Casselman lost his legal nonconforming status because it had been vacant for so long
- he will be transferring the title to his daughter

Mr. Magner:

- Mr. Casselman lists his address: 670 Pelham Blvd, #201, St. Paul MN 55114-1719; 651/882-8824; cell: 612/432-2060 (part of the old appeal)
- he used to live 838 Goodrich; in 2011, it was 794 Lincoln Ave (might be his actual residence)
- in 2006, he had a 670 Pelham address, Ste 201 might be his office

Ms. Moermond:

- this property is a chunk of equity (nearly \$172,000, as is)
- she will call Jeff Roy, Summit Hill Association; the board may be able to provide a resolution

- will lay this over to Nov 12, 2013 to get the HPC recommendation
- at the Nov 6, 2013 City Council Public Hearing, she will ask that they lay it over to Nov 20, CCPH

Referred to the City Council due back on 11/6/2013

Other

- 4 [RLH OA 13-65](#) Making recommendation to the Ramsey County Commissioners on the application of Terry Scot Glass, for repurchasing the tax-forfeited property at 646 AURORA AVENUE.
- Sponsors:** Khaliq
- STAFF REPORT: Forthcoming. Public hearing is November 6.*
- RE: 646 Aurora Avenue (Single Family)*
- Steve Magner, Vacant Buildings:*
- utility shut off from this year
 - last sent Work Order in 2011; done by owner
 - complaint in 2011 about garbage/rubbish; complaint in 2009 about garbage/rubbish
 - not a lot of history
- Ms. Moermond:*
- provided photos for Mr. Magner
 - there had been some police involvement with the occupant (one of the siblings who was inheriting the property)
 - asked Mai Vang to email Tina Barabeau and ask for a 5-year police history on this address
 - City Council Public Hearing Nov 6, 2013
 - she will lay this over to next week's LH as a Staff Report
- Note 11/4/13: Councilmember Khalik met with the neighborhood council, several neighbors to the property and the Glass family. In consideration of his findings, the resolution has been amended to recommend approval of the repurchase application.*
- Laid Over to the Legislative Hearings due back on 10/22/2013**
- 5 [RLH OA 13-66](#) Recommending that the Ramsey County Commissioners deny the application of Thomas Raymond Lindquist for repurchasing the tax-forfeited property at 1740 BEECHWOOD AVENUE.
- Sponsors:** Tolbert
- Deny the repurchase of the property.*
- RE: 1740 Beechwood Avenue (Single Family)*
- Steve Magner, Vacant Buildings:*
- the history is spread evenly going back
 - 2001: car and motorcycle complaints
 - 2003: abandoned vehicle complaint; sailboat
 - 2004: numerous cars and sailboats; house needs paint; backyard junk; trailers; boats
 - keeps going through 2006, 2007, etc.

- looking at the photos, the yard has been a disaster for a long time
- has a history of not being a good neighbor
- this location does not have a high traffic from code enforcement

Ms. Moermond:

- will recommend denying the request for re-purchase

Referred to the City Council due back on 11/6/2013

11:00 a.m. Hearings

Summary Abatement Orders

6 [RLH SAO 13-47](#) Appeal of Wally Nelson and Sass, Inc. to a Summary Abatement Order at 449 BANFIL STREET.

Sponsors: Thune

Owner to provide a site plan addressing the use of recycled asphalt vs. Class 5 for the driveway. Photos may be submitted as well.

RE: 449 Banfil Street (Single Family)

Wally Nelson, Sass Inc., owner, appeared.

Inspector Scott St. Martin:

- Summary Abatement Order
- complaint about exterior debris throughout the yard
- inspector went out and found debris and a trailer on an unapproved surface
- Order was sent to remove improperly stored refuse, including garbage, rubbish, discarded furniture, appliances, vehicle parts, scrap wood, metal, recycling materials, household items, building materials, rubble, tires, brush, etc. in the yard areas, including but not limited to tree brush, loose items in the trailer, tires, tarps, gas cans, car grill, used oil and oil filter, etc. Remove trailer and file a site plan with Zoning for parking space in the yard.
- flyers were attached for Zoning
- sent to Sass, Inc., PO Box 836, Lake Elmo, MN and Occupant
- no returned mail

Ms. Moermond:

- asked for the driveway photos that she asked for (Mr. St. Martin was unaware of asked-for photos)
- read an email came in from Lam and Meredith Nguyen, neighbors (attached)

Mr. Nelson:

- appealing only the parking surface
- trash has been cleaned up and he asked the occupants to not park in the driveway
- has owned the property for 15-17 years
- when they bought it, they tore down 2 garages that were built in the 40's out of block so the driveway has been there for a very long time
- he drove around in that neighborhood for 2 blocks and there are 14 driveways that don't have asphalt and an alley on Goodrich that doesn't have asphalt
- he'd like to put down recycled asphalt instead of regular asphalt; he has had success with it in other instances
- the driveway is a shared driveway between 2 buildings; he owns both homes (447

and 449); it ends at the back of the houses
 - he tore down the garages to create green space for yard
 - he knows that the driveway needs repair

Ms. Moermond:

- the driveway looks like dirt
 - she would like to get a diagram of his proposal; she will run it by staff to find which is preferable
 - she would like a specific drawing; can send an email
 - would also like photos
 - will put this on the agenda for next week, Oct 22, 2013 LH, as a staff report
 - Mr. Nelson may attend if he desires

Neighbors, Mark Fangmeier and his wife:

- live at 445 Banfil St
 - they support the city's Summary Abatement Order, as written; it would be beneficial for them, the tenants and the neighborhood if the parking surface were improved; the current driveway can best be described as unusable, rutted and muddy, with almost constant standing water; the tenants need to use the limited street parking because there's no usable space available on the property; frequent visitor cars park on the street creating greater amounts of traffic and congestion, often parking in front of others' driveways in the neighborhood; in addition, Banfil Street is very narrow street
 - provided a copy of their statement for the record

Mr. Nelson:

- no matter what surface the driveway is, he cannot control what his residents do with their car - where they park; or what cars come and go

Laid Over to the Legislative Hearings due back on 10/22/2013

- 7 [RLH SAO 13-43](#) Appeal of LaShauna Franklin to a Summary Abatement Order at 787 BLAIR AVENUE.

Sponsors: Khaliq

Issue relating to the Summary Abatement Order has been resolved; therefore, the appeal has been withdrawn. Appeal for EC bill is denied (NOTE: the EC bill is not included in the Summary Abatement appeal).

Withdrawn

- 8 [RLH SAO 13-45](#) Appeal of Ken Hamblin to a Summary Abatement Order at 889 EUCLID STREET.

Sponsors: Lantry

10-17-13: owner called stating he received my letter denying his appeal. He indicated that he called in to our office and indicated that the issue has been resolved and was withdrawing his appeal. An email from Katie Foss, receptionist, was received of same dated October 11. I will be canceling out appeal. mxv

10-15-13: No show; deny the appeal.

Withdrawn

- 9 [RLH SAO 13-46](#) Appeal of Katrina Smith to a Order to Provide Garbage Service at 1558 POINT DOUGLAS ROAD SOUTH.

Sponsors: Lantry

Deny the appeal.

RE: 1558 Point Douglas Road South (Single Family)

Katrina Smith, owner, appeared.

Inspector Scott St. Martin:

- they received a complaint about no trash service; they are piling garbage in a red truck; the neighborhood stinks*
- inspector went out and no trash service was found*
- a letter was sent to Katrina Smith, PO Box 18764, St. Paul MN and Occupant*
- no returned mail*
- letter said to obtain weekly trash service with a licensed hauler by Oct 10, 2013 or file an appeal*

Ms. Smith:

- has owned the property since 2009*
- she has taken her trash away herself*
- since she has moved into that property, she has been harassed by the neighbors, one in particular, who works for the city*
- first it was her trash, then her trees - so she hired a service for the lawn and trees*
- she is the only person of color who lives on that street and the day she moved in, she was told that she should have bought a house somewhere else (the city inspector who works for the city)*
- she had been going through a rehab inside the house and the people who were doing the work were doing a very bad job of disposing of materials*
- she can't sit outside on her property because of this man 2 houses down, who works for the city; she got a pick-up truck to dispose of her trash every week; this one particularly hot summer day, the neighbor boy, 14, packed all her things into the truck that were going to Goodwill (she had 6 stitches in one finger and a broken thumb, so she could not do it); the inspector came out 2 days later and she explained to him that didn't want to put the children into the pick-up truck to take it to the dumpster but it would be gone in the next couple of days, which it was*
- she usually disposes of her things immediately*
- she hauls her garbage to Twin City Refuse on Water Street*
- she doesn't know how you could stink up that neighborhood; she lives near where Hwy #61 and #494 meet and there's a factory across the street that smells all the time*

Ms. Moermond:

- the city says you have to have a weekly trash service*

Ms. Smith:

- there is only one person on her street that has garbage service, not even the inspector who complains has garbage service*
- she can't even get mail at her house; the mail man doesn't deliver there*
- entered some photos*
- when she first purchased the house, she tried to secure garbage service*

Ms. Moermond:

- pulled up a Google photo; looks like there is a mailbox there*
- Ms. Smith car is parked on an unapproved surface; the trash container could go there*

Ms. Smith:

- then she would have no where to park her car (she doesn't use that spot anymore)
- she explained where her property line was on the google map
- has lived there since 2009 and never had an issue with her trash
- and she has a receipt from Goodwill from when she took some materials there

Ms. Moermond:

- asked Mr. St. Martin to look at the map/photo
- she wants to talk the Ward 7 City Council Office and Council President Lantry

Ms. Smith:

- if she is going to be forced to have garbage service, she thinks that everyone else on that street should have it, too (Ms. Moermond agreed and DSI will check into that)
- unfortunately, she can't afford the garbage service; she is unemployed and she has her grandchildren; they live off practically nothing
- the inspector who came out was very nice

Ms. Moermond:

- there are ways to get the trash service down; one is to have the minimum amount of service

Ms. Smith:

- she called 2 different companies that work in the area and they want you to pay 6 months ahead of time, around \$350, which she doesn't have
- not all trash haulers will come to this neighborhood

Ms. Moermond:

- will recommend denial of this appeal
- City Council Public Hearing: Nov 6, 2013
- Ms. Smith should come early to discuss with Ms. Moermond
- in the meantime, Ms. Smith should make more calls and document the information; bring it to the CCPH
- there are approximately 15-20 licensed trash haulers in Saint Paul; Mr. St. Martin will mail you a list
- the curb cut and parking pad haven't been dealt with
- she also wants to find out more from the inspector and what Ms. Smith's options might be considering the hill, etc.
- she also wants to limit the number of times Ms. Smith needs to come downtown

Ms. Smith:

- she feels a though she has no rights in her own house
- thinks that she has a right to get rid of her trash the way she wants to

Ms. Moermond:

- city code says that you need to have a licensed trash who comes by once a week; she is trying to work with Ms. Smith on conditions whereby a variance might be utilized around that; she needs to see what could help Ms. Smith do that; however, the code is clear; she will look to see if there are special circumstances or things that we can do to make that work better
- the city will have the same inspector take a look at the other properties on her block
- to check whether or not they have weekly trash service
- Ms. Smith will receive a letter from Ms. Vang

Referred to the City Council due back on 11/6/2013

Orders To Vacate, Condemnations and Revocations

10 [RLH VO 13-48](#) Appeal of Bill Bernier to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 1940 REANEY AVENUE.

Sponsors: Lantry

Deny the appeal and grant an extension until December 1, 2013 for one of the tenants to vacate the building.

RE: 1940 Reaney Avenue (Single Family)

Bill Bernier, owner, and the upper level tenant, Chris Dewberry, appeared.

Fire Inspector Leanna Shaff:

- *Fire Certificate of Occupancy inspection conducted by Inspector James Thomas*
- *started as a complaint in Feb 2013*
- *referral came into the office about work being done on the garage without a permit*
- *Mar 4, 2013, Stop Work Orders were issued because of work being done without a permit, and possibly, that the property might be owner-occupied*
- *at the previous C of O inspection, Mr. Bernier showed a copy of his driver's license, etc. to Inspector Thomas, saying he lived there and the C of O was closed*
- *Apr 9, 2013, Inspector Thomas stopped at the property; owner was not available and the building was vacant*
- *inspector talked with Ramsey County Tax Records and found that a homestead application was made*
- *Apr 24, 2013, homestead for 1940 Reaney was taken away and a C of O was re-opened; a phone call came into the office about open burning*
- *May 21, 2013, a building permit was obtained*
- *summer, office started to get calls about this being rental property again*
- *Inspector Thomas did some research and found that Mr. Bernier's home address is in Crystal, for which there is a homestead*
- *we know that there's a tenant downstairs and a tenant upstairs*
- *Inspector Thomas has talked with a tenant*
- *there is no interior staircase (it has been removed)*
- *there are 2 kitchens*
- *in order to access the lower unit, you need to go around back*
- *Zoning says you can't have 2 units here*
- *we know that Mr. Bernier does not live there*
- *more photos in the file, received recently*
- *some items are pretty heavy-duty*

Ms. Moermond:

- *determination was made based on the Revoked homestead status for this address in Ramsey County and an existing homestead status in Crystal*
- *please attach those additional photos to the record*

Mr. Bernier:

- *the property exists as a single family home with a mother-in-law apartment*
- *as a real estate broker, he has seen a number of homes with this additional living space*
- *don't think there's a law against these*
- *he got all the required permits*
- *since this Notice went on the door, Sep 27, 2013, it has scared the tenants*
- *he did get a permit for the removal of the old garage door*
- *he did live at the property from Feb 7, 2013; he moved from 93 Magnolia and changed his driver's license, mailing address but he didn't change his mailing address with DSI (didn't know he had to do that)*

- he did fill out a change of address for the Fire Dept (they disregarded that change and mailed it to Quail in Crystal)
- he spent about 7 days at the Crystal address this past year
- he entered copies of permits
- when he bought the house, the owner had a sheet of tarp on the roof and piece of plywood on the ceiling inside his bedroom protecting him from getting wet
- there are a lot of houses in Saint Paul that need a lot of work; the people don't have the ambition; he, on the other hand has a lot of ambition and he enjoys fixing up properties; gives a certain sense of satisfaction to change something for the better
- this home has a huge lot, a deck, dog kennel (both tenants have dogs), etc.
- the property was in extreme disrepair; he replaced the deck, etc.

Tenant, Chris Dewberry:

- provided a copy of his lease
- he has a wife, 1 child and a dog
- he is here to find out if he has to move

Ms. Shaff:

- this building does not have separate furnaces, water heaters or electrical panels; it's all shared; however, we have 2 separate tenants and the units don't inter-connect inside
- the remodel permit, pulled in May 2013, is still in the inspection process
- notes say: there is a separate kitchen downstairs

Mr. Bernier:

- the house is a walk-out rambler; the basement is about 70% exposed in the back; 30% of the front is covered
- the house next door is identical

Ms. Moermond:

- she doesn't view this house as a combined unit; she views it as 2 distinct apartments with separate entrances
- there's a lease for the upper level but no lease for the lower level (a mom with 2 or 3 boys and a dog)
- she will recommend denying this appeal
- a re-inspection will occur Oct 14, 2013
- City Council Public Hearing Nov 6, 2013
- we will treat this as a real single family home; she doesn't care who lives in which part of the house but only 1 family can live there
- vacate date will be Dec 1, 2013

Referred to the City Council due back on 11/6/2013

11:30 a.m. Hearings

- 11 [RLH VO 13-50](#) Appeal of Albertia Vaughn to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 413 SINNEN STREET.

Sponsors: Lantry

Grant until November 1, 2013 for tenant to vacate the property. *REVISED: per appellants request, vacate date is being modified to November 16, 2013. -MM*

RE: 413 Sinnen Street (Single Family)

Albertia Vaughn, tenant, appeared. (Owner is Rick Pantera)

Fire Inspector Leanna Shaff:

- *Fire Certificate of Occupancy Revocation and Order to Vacate*
- *started in Sep 2012*
- *through a series of noncompliance*
- *at this point, the owner won't be repairing it; he said that it will go back to the bank*
- *Sep 6, 2013, inspector advised the occupant of the Revocation and Vacate date*
- *Oct 7, 2013, she left a message with the owner canceling the appointment because the inspector was out of the office*
- *owner called her supervisor to get a different inspector out there in order to vacate the property*
- *Inspector Sean Westenhofer went out*
- *there have been a lot of inspections and a lot of noncompliance*
- *14 items are left on the list*

Ms. Vaughn:

- *she never even got the letter that they said they sent to her*
- *she called her landlord when the water was shut-off Sep 16, 2013*
- *inspector came to the door and said she needed to leave immediately*
- *the water is running now; she paid \$385*
- *the house is a mess*
- *she has a criminal history from years and years ago, which stops her from a lot of things*
- *she also has a dog*

Ms. Moermond:

- *Project Hope, Southern Minnesota Regional Legal Services (SMRLS), 651/222-5863; they can help people with criminal backgrounds, who are now on the straight and narrow, find new housing*
- *Oct 7, 2013 was the vacate date*
- *she will recommend a vacate date of Nov 1, 2013 but she'd like the Council to vote on it Nov 6, 2013*
- *also, there could be an emergency and the house would need to be emptied immediately (furnace goes out, etc.)*
- *Wilder may also have some resources for the Appellant*

Ms. Smith:

- *asked how she could keep the landlord from harassing her; he keeps calling her and telling her to "Move"*

Ms. Moermond:

- *she will call SMRLS about this*
- *a letter will go out to the Appellant and the landlord will be copied*

Referred to the City Council due back on 11/6/2013

1:30 p.m. Hearings

Fire Certificates of Occupancy

- 12 [RLH FCO 13-229](#) Appeal of Keren Orr to a Correction Notice - Complaint Inspection at 362 SHERBURNE AVENUE.

Sponsors: Khaliq

Grant until July 1, 2014 for the driveway to come into compliance in both properties. (NOTE: Neighboring property at 364 will be issued Order relating to the driveway as well).

RE: 362 Sherburne Avenue (Single Family)

Keren Orr and Janice Orr, owners, appeared.

Fire Inspector A.J. Neis:

- Fire Certificate of Occupancy Correction Notice, dated Oct 2, 2013 by Inspector Jeremy Hall
- re-inspection Dec 2, 2013
- started as a routine Fire C of O inspection done in May 2013
- there were 14 violations identified all of which have been corrected except for two: 1) driveway; and 2) furnace inspection
- the driveway is shared; Ms. Orr wants to take care of it; however, they need more time to work things out with the other shared driveway owner
- has the photos pulled up on his screen
- the concrete is breaking up
- the west 4 feet of the driveway is the Orr's
- the total width of the driveway is 8 1/2 feet

Ms. Keren Orr:

- need the other owner involved to get it done
- the other owner is also responsible
- have never met the owner of the other property

Mr. Neis:

- Inspector Hall also scheduled an inspection of the other property
- is not sure but thinks there was a recent new owner of the next door property

Ms. Keren Orr:

- that owner wants to sell the property, as well, she heard
- does not have contact information about the current owner

Ms. Janice Orr:

- their house is the white house
- it's an easement

Ms. Moermond:

- what was Mr. Hall's deadline for the work to be done

Mr. Neis:

- Inspector Hall was scheduled to be out there today at 10:00 a.m.
- the maximum deadline is usually 90 days; however, now he would recommend authorize an extension to next spring-summer
- the owner of the next door property is Steven Marrone, 651/228-9300
- looking at the photos, it would have to be a joint effort; realistically, the Orrs couldn't do just their side and leave the other side open because of grading and drainage (the driveway butts right up to both houses); it has to be properly sloped

Ms. Moermond:

- will recommend granting until Jul 1, 2014 to get this driveway re-surfaced, appropriately
- Orders to Mr. Marrone will be made to coincide with the Orr's
- the Orders for Mr. Marrone will carry over to the new owners when he sells the property

Referred to the City Council due back on 11/6/2013

13 [RLH FCO
13-227](#)

Appeal of Bret Dryden to a Fire Inspection Correction Notice at 103 WILKIN STREET.

Sponsors: Thune

Grant until December 1, 2013 for compliance.

RE: 103 Wilkin Street (Apartments) 1887 property

Bret Dryden, Wilkin Street LLC, appeared.

Fire Inspector A. J. Neis:

- *Fire Certificate of Occupancy Correction Notice dated Sep 20, 2013 by Inspector Jeremy Hall*
- *issue - a complaint came into the office May-Jun, 2013 re: things that needed to be corrected - patching, etc*
- *inspector noted that the east entry has been taped-off and is in need of repair; there's a hole in the sidewalk and no work has been done for quite some time*
- *inspector discussed the situation with Mr. Neis; Mr. Neis advised Inspector Hall to give Mr. Dryden 10 more days or Revoke the C of O*
- *Mr. Neis received a phone call from Mr. Dryden, who explained the situation*
- *Mr. Neis explained to him the liability involved (1 1/2 - 2 feet drop in the sidewalk) and advised him to appeal the Orders since he is looking for more time because Mr. Neis could not give him any more time*
- *when Mr. Hall re-inspects, he will do the full C of O inspection (due for renewal)*
- *photos in the file*

Ms. Moermond:

- *viewed the photos*
- *looks as though it could collapse into a void space*
- *Mr. Dryden explained some of the photos*

Mr. Dryden:

- *this hole has been fixed a number of times; it drops about 1-2 feet and then, there's a pile of rocks and rubble underneath the hole*
- *this is below the entry to the building*
- *they plan to tear the whole thing out; the other side has been compromised*
- *there's a big retaining wall that's fully intact holding up the stairs*
- *he has been held up by some contractors that he has sought out*
- *has taken care of the rest of the items on the list*
- *the whole left side is pretty solid for the moment*
- *he is trying to get a contractor to show up and get it done right, soon*
- *historical people are giving him advice*
- *is asking for another 30 days to complete this project; he hired an architect and he has an approved plan; it's just a matter of getting someone to show up to do bids; he has some photos and he's pulled a permit (he will be the general contractor); he needs a demo guy, a cement guy and a carpenter before the ground is frozen*

Ms. Moermond:

- *Oct 3, 2013 has come and gone*
- *will recommend an extension to Dec 1, 2013 to finish the project*
- *the new C of O cycle will start*

Referred to the City Council due back on 11/6/2013

2:30 p.m. Hearings

Vacant Building Registrations (NONE)

Staff Reports