



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final Legislative Hearings

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Tuesday, August 27, 2013

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Remove/Repair Orders

- 1 [RLH RR 13-39](#) Ordering the rehabilitation or razing and removal of the structures at 777 LAWSON AVENUE EAST within fifteen (15) days after the September 4, 2013, City Council Public Hearing.

Sponsors: Bostrom

Remove or rehab within 30 days.

RE: 777 Lawson Avenue East (Single Family)

Erick Flyckt, Attorney for U. S. Bank, current owner, appeared. Five Brothers is their agent in this matter.

Ms. Moermond:

- this is a layover*
- this is a proposed Order to Remove or Repair*

Mr. Flyckt:

- he posted the \$5,000 Performance Deposit last week*
- in the meantime, his client had a contractor analyze the cost of the rehab*
- instead of going with the rehab, they got a bid for demolition: \$28,500*
- they would like to proceed with demolition*
- he is waiting for a document from Five Brothers to provide timelines for that process*

Steve Magner, Vacant Buildings:

- the city previously had bids on this property; does not have a current bid (previous bid in 2012 from Rayco: \$10,100, not including asbestos abatement)*

Ms. Moermond:

- potentially, the bid could be lower*
- Mr. Flyckt may want to contact Joe Yannarely, 266-1920, to email over the bid tab*

Mr. Magner:

- Mr. Flyckt's client may contact any of the vendors on the city's original bids and ask them if they would either honor that price or amend it for 2013 costs*
- the city needs to have a signed contract with a licensed demolition vendor from Mr.*

Flyckt's client

- need to have a demolition license from the city
- City Council Public Hearing Sep 4, 2013
- his client may also make application to have the \$5,000 Performance Deposit returned (bring a letter to the Dept of Safety and Inspections counter); it take approximately 2 weeks to process the return of that deposit

Ms. Moermond:

- will recommend the U. S. Bank have 30 days to Rehabilitate or Remove the property
- at the end of 30 days if you have the demo contract in place, Mr. Magner will grant an additional 30 days for the execution of the demo

Referred to the City Council due back on 9/4/2013

2 [RLH RR 13-40](#)

Ordering the rehabilitation or razing and removal of the structures at 676 WELLS STREET within fifteen (15) days after the September 18, 2013, City Council Public Hearing.

Sponsors: Bostrom

Need performance deposit or bond posted in order to grant time for the rest of the conditions.

RE: 676 Wells Street (Single Family)

Ronald J. Adams, owner, appeared.

Romy Slowiak and Mike Grealish, ad hoc committee of Payne Phalen District Council, appeared; Mr. Grealish is also Vice President of Friends of Swede Hollow

Steve Magner, Vacant Buildings:

- 1 1/2 story wood frame single family dwelling with detached wood sheds and a screen house on a lot of 3,049 sq.ft.
- vacant building since August 7, 2012
- current property owner: Ronald J. Adams per Ramsey County Property records (Note: Beth Agnes Woolsey is now listed as the tax owner, homesteader and certificate of occupancy responsible party.)
- Jun 6, 2013, inspection conducted; list of deficiencies which constitute a nuisance condition developed; photos taken
- Order to Abate a Nuisance Building was posted Jun 19, 2013; compliance date Jul 19, 2013
- as of this date, the property remains in a condition which comprises a nuisance as defined by the legislative code
- estimated market value: \$5,000 on the land; \$35,000 on the building
- real estate taxes are current through the first half of 2013
- Vacant Building registration fees were paid by assessment on Feb 1, 2013
- code compliance inspection done Oct 29, 2012
- as of Aug 26, 2013, the \$5,000 performance deposit has not been posted
- 5 Summary Abatement Notices since 2012
- 1 Work Order issued for installing fence around the property
- estimated cost to repair this structure exceeds \$50,000
- estimated cost to demolish exceeds \$12,000
- the Department of Safety and Inspections (DSI) is seeking a resolution to remove the building within 15 days

Christine Boulware, Heritage Preservation Commission (HPC):

- 1983 Historical Survey of Saint Paul and Ramsey County identified 676 Wells Street as an early Victorian era workers cottage constructed circa 1875
- survey form completed in 1981 described the frame structure with clapboard siding wrapped in vinyl; windows were being replaced at time
- the property was considered in tact and unaltered; physical condition was listed as poor
- identified as part of the local potential Payne Avenue Historic District
- the several square block area contains a collection of basically, intact turn-of-the-century commercial buildings along Payne Ave and a 2-block stretch of smaller workers cottages along Wells and a large concentration of middle class Victorian wood frame and brick houses
- 2011 neighborhood survey: the potential historic district earlier identified no longer had historic integrity
- 676 Wells had been considerably altered
- based on the information and lack of context, demolition will have no adverse affect
- the neighborhood now has lost its historic integrity

Ms. Slowiak:

- the ad hoc committee of the District 5 Council is concerned about this parcel and the People's Park and the other Wells property (all related to the wall that connects them)
- the home at 676 Wells is worth saving; she is will aware of all the testimony and the repairs that need to be made; she assumed that it was a fairly shabby house, not worth inhabiting but she had the opportunity to go inside last Sunday with some interesting people, some with a very high historic background; all were surprised
- submitted photos
- their concern is about preserving homes and it is her understanding that there is some legacy of federal money that came through; and was given money by the CDBG and CIB process
- she was shocked to see some of the lovely charm and condition of the inside of the house (built-in buffets; interesting features); there are at least 3 people living there, as far as she could tell, in a fairly orderly way; this is not a garbage house; the kitchen is clean - there's a sense of Order

Ms. Moermond:

- do you understand that this is a Condemned structure and no one is supposed to be living there; and you weren't supposed to be in there; also, it's supposed to be boarded (Mr. Magner: the structure was not boarded as of yesterday; it will be boarded today)

Ms. Slowiak:

- her general testimony is that the house seems livable, salable; the owner has put in a lot of time and effort; there are attractive features; so, why are we tearing down a house with such charm (?)

Ms. Moermond:

- this is not an effort to tear the house down; this is an Order to Abate a Nuisance Building
- abating a nuisance condition could mean fixing the building; it could mean knocking the building down (getting rid of that nuisance condition)
- this is not a case of eminent domain; the property does not change ownership

Ms. Slowiak:

- these 3 properties are linked by a wall /park and their future is intertwined
- quoted from the Bob Kessler's memo to Dave Thune, Oct 2006; and from Steve Ubl, St. Paul's Building Official (attached)

- there has been a lot of testimony and information on the wall
- the ad hoc committee is responding to the community's embrace of the "People's Park"
- will submit a letter from the district council

Ms. Moermond:

- the "People's Park" is a parcel in transition; it's not park land
- the committee is connecting it to the middle property, 676 Wells, because the wall behind the properties extends the length of all three properties

Ms. Slowiak:

- the committee understands that there is a possibility that a nonprofit could take ownership of the house and land and use it for its intended purpose (Ms. Moermond: not a nonprofit, per se; it would need to be a Community Development Corporation working in concert with the Housing and Redevelopment Authority (HRA))
- she spoke with Mike Hahm and asked him the above question to which he responded, "It may be, technically, possible." Then, he quoted Bob Hammer, "I understand that the property, 680 Wells, was purchased with community development block grant funds. Federal requirements are quite stringent and dictate that the subsequent use of the property must meet a national objective of the program. My further understanding is that the property in question will be owned by the Parks Dept. and used as a park serving the immediate neighborhood."
- the committee asks that this situation be laid over for another 3 months before the final transition is made

Ms. Moermond:

- she will set aside the adjacent property concerns in this case; that is beside the point, entirely
- some discussion ensued regarding DSI's estimate for rehab
- Ms. Slowiak's notes were scanned into the record

Ms. Slowiak:

- they want to explore possible nonprofit interest in receiving the building, the land, and the possibility of partnering with Parks to use the land as originally intended as housing and perhaps, part for a park
- knows that the current owner has had a lot of time to fix things but it just seems that it would be fair to ask that they have a fighting chance to come up with funds to bring the building into compliance

Mr. Magner:

- parcel at 676 Wells is owned by Ronald J. Adams; previously: Beth Agnes Woolsey
- parcel at 680 Wells was part of a larger development project when the Johnny Johnson school was done; there were parcels that were purchased by the Housing Redevelopment Authority (HRA); at that time, there were some thoughts of more redevelopment, specifically, on the south side of Wells St; they also purchased numerous parcels on the north side of Wells St
- the action before us today is a police power action; it's to eliminate the nuisance as it has been defined; one remedy is rehabilitation; another remedy is removal; if it were to be removed, the cost would be assessed as a special assessment (put onto the taxes and remains a private ownership)
- parcel at 674 Wells had this same process happen to it; it was declared to be a nuisance and a resolution was passed by the City Council empowering code enforcement to remove that structure; subsequently, HRA purchased the parcel

Ms. Slowiak:

- she thanked Mr. Magner for that explanation

- the committee will submit a report from their findings
- the District Council will submit a letter
- they are asking for 3 months extension to do research and come up with a report
- the wall, and the 3 parcels are linked; the house at 676 is secondary

Mr. Grealish:

- looking at the list for 676 Wells and having lived on the East Side his whole life, the list describes a lot of houses on the East Side and people can't come up with the money to do all the repairs; he wishes there were a mechanism designed (by the city) to help people do those repairs
- he believes that whoever owns the wall / 680 Wells has a tourist attraction on their hands; he brings people to see it
- Peoples' Park has a Facebook page

Ms. Moermond:

- the notes of this meeting, documents that are entered, etc. will be attached to this file for the City Council
- additional documents, District 5 meeting notes, etc., will also be attached
- you can come to testify at the City Council Public Hearing
- asked what the Ownership and Encumbrance Report tells us about this property (type of title search); also the status of the building permits

Mr. Adams:

- he spoke with Jim Seeger this morning
- in May, he received a Notice from Vacant Building Inspector Tom Friel; before that he was supposed to call Vacant Building Inspector Rich Slingerhouse but he did not remember that; he thought that they would contact him to do the building deficiency inspection
- he has the list and he had someone out to look at the house last Jun 2012; he made some recommendations and he got a permit
- he told Jim Seeger to come and look at the house; 70%-80% of the work is done
- his sister, Beth Woolsey, hired a private guy
- he took out one entire bathroom and won't put in another; he needs someone to look at it
- he had pulled a building permit before the code compliance inspection
- installed an egress window
- Home Depot put in a new water heater
- Joseph's Electric was in 8-9 months before Jun 2012; he didn't do a very good job
- he planted more grass
- until one of those inspectors come, he can't go forward with anything
- he had discussed these things with Pat Fish; like switching the heating system to electric and he talked with Xcel

Ms. Moermond:

- she has to rely on what a building inspector tells her about what's done and what isn't done; that's the only way she can verify it in front of Council

Ms. Boulware:

- looking at the record, the last electrical permit was pulled in Oct 2011, it was inspected but not finalized (value of permit \$4,500)
- building permit pulled Jun 29, 2012; Todd's last inspection Jul 17, 2012 (value of permit \$2,000; repair 2 windows, soffit, fascia, sheet rock, egress window, etc.)
- plumbing permit still active from Jul 18, 2012 (value \$200) don't see an inspection

Ms. Moermond:

- all of those permits were pulled before the code compliance inspection was

conducted and had to do with Correction of the Fire Certificate of Occupancy inspection; in 2012

Mr. Magner:

- Mr. Adams has subsequently purchased the property from Ms. Woolsey
- doesn't have access to the Ownership and Encumbrance Report right now; it's back at the office
- now, Mr. Adams appears as the owner in Ramsey County records (Ms. Moermond: so the transfer of ownership occurred after this building was declared a Category 3 Registered Vacant Building which is in violation of the Bostrom Ordinance)

Mr. Adams:

- there was no transfer of ownership; that's incorrect; Beth's name is still on the property; she is the owner; his name was just added, officially
- Beth pays the bills

Mr. Magner:

- Ramsey County never showed Ronald Joseph Adams as the owner and now it lists Ronald J. Adams as the owner with 6008 W 89th Terr, Overland Parks, KS 66207-2012 as his address; it lists Beth Agnes Woolsey and the tax owner, 676 Wells St, St. Paul MN; and Beth Agnes Woolsey, C of O Responsible Party, 6008 89th Ter W, Overland Park KS 66207
- the Declaration and Order to Abate was issued Jun 19, 2012

Ms. Moermond:

- she will have to sort out what it means if there is an inclusion of R-Joe on the property title
- she is not sure how the repairs were addressed because they were not addressed under permit (incorrect venting; incorrect water piping)
- Mr. Adams took out the bathroom in the basement without permit; the lines need to be capped properly
- Mr. Adams will need to hire an HVAC contractor who will pull a new permit
- he will need to hire a licensed electrical contractor who will pull a new permit
- he will need to hire a licensed plumbing contractor who will pull a new permit
- he will need to pull a new building permit, too
- need to cover all items on the deficiency list and all permits need to be finalized
- there's no record indication Mr. Adams called for any follow-up inspections after Jun 19, 2012

Mr. Adams:

- he called Todd late Jul-Aug 2012 and other inspectors and they said they couldn't come any more; it had been transferred to a VB Program

Ms. Moermond:

- sees that a building permit was pulled Jun 29, 2012
- Sutter came out Jul 17; he did not final the permit - there was still work to be done
- all you had to do was pay the VB fee and you would have gotten an inspection but you didn't pay the VB fee (that's the only think she can think of as to why they didn't come to inspect)

Mr. Magner:

- read notes from building permit:
- Jul 17, 2012: met with owner to discuss repairs -basement and foundation
- Jul 18, 2012: no action by the owner to repair - discussed repairs and placement of beams; basement and foundation
- plumbing permit pulled by contractor, Troy Good Champion Plumbing LLC - is

required to call the plumbing inspector; a licensed plumber does the plumbing work and they are responsible to pull the permit but the contractor needs to make sure that the plumber gets the plumbing inspector out for inspection - it's a condition of the plumbing permit - MN Rule 1300.0210 subpart 4; (Mr. Adams contends that the plumber told Mr. Adams to get the plumbing inspector); at that time, it was really Beth's business to chase him down

Ms. Adams:

- this is adding up to a lot of money*
- he explained that in 1884, that horses pushed a second house on slides to connect with the first small house to make the house that is there now*
- he knows a lot of this house's history; he has lived there over 20 years*

Ms. Moermond:

- Wells Fargo has the mortgage on the property so, they seem to be the most likely funding source to help Mr. Adams with this*
- Dayton's Bluff Neighborhood Housing Service is another good funding source*
- a \$5,000 Performance Deposit or Bond needs to be posted*
- the city's and the neighborhood's preference is to get this all fixed*
- it was made clear last summer at the City Council Public Hearing that the house was Condemned and Ordered Vacated; it became part of the VB Program and a Code Compliance Inspection would be required; Mr. Adams got the Code Compliance Inspection at that time but he continued to live in the house, despite the fact that it was Condemned and Ordered Vacated - it shows his unwillingness to act in accordance with local codes and laws; in situations like this, she calls things a lot more conservatively that she otherwise would because there's already a breach of faith on his part to work with the city*
- she needs to see a concrete Work Plan*
- she needs Mr. Adams to talk with someone in a financial institution to get some information on how this can be handled and she needs to see the documentation; she would be thrilled if Mr. Adams could finish the rehab for less than \$5,000 but she needs to see the documentation on how that's going to be done; Beth should be helping him do these things or doing them for him*
- it sounds as though there may be an ownership problem; that needs to be cleared up; she needs more information on that*
- good things: the VB fee has been paid; the Code Compliance Inspection has been conducted; some initial permit work has been undertaken; and he has neighborhood support, which may also be able to help with financing, work, etc.*
- she needs Mr. Adams to understand the gravity of this situation and how we get this done*
- she wants to give Mr. Adams time to talk with his sister about this; to contact Wells Fargo and Dayton's Bluff NHS; to talk to contractors and get bids, etc.*
- she envisions Mr. Adams and her working together consistently in the coming weeks; she needs him to meet her half way there; she is looking for an act of good faith from Mr. Adams, showing her that he is willing to move forward on this*

Mr. Magner:

- the \$5,000 Performance Deposit would be refundable based on the timely completion of projects (180 days); if a bond is posted, it would be purchased for about 10% of that*
- after the deposit/bond is posted, permits would be made available*

Ms. Moermond:

- needs Work Plan, showing bids and deadlines for work completions, etc*
- needs a new Building permit that covers all items on the Code Compliance Inspection Report*

- also needs new plumbing, electrical, and warm air permits that cover all items on the Code Compliance Inspection Report
- in order to get time from the City Council to finish this work, you will need to meet some conditions ahead of time; posting the deposit/bond starts this process
- will lay this over for 2 weeks to put down that \$5,000 Performance Deposit or \$500 bond; talk to sister about it; talk with financial institution
- next step will be a Work Plan (timeline with deadlines and bids/costs)

Laid Over to the Legislative Hearings due back on 9/10/2013

11:00 a.m. Hearings

Summary Abatement Orders

- 3 RLH SAO 13-35** Appeal of Robert Madrigal to a Vehicle Abatement Order at 1779 CARROLL AVENUE.

Sponsors: Stark

*Grant until September 20, 2013 for compliance to remove the commercial van.
(NOTE: Deadline was originally September 13 with a CC on 9/4. Missed the CC 9/4 deadline.)*

RE: 1779 Carroll Avenue (Single Family)

Robert Madrigal, owner, appeared.

Inspector Scott St. Martin:

- Jun 10 - complaint about an old commercial truck sitting in the driveway
- a Correction Notice was issued Jun 13 to have truck moved by Jun 24, 2013
- Jul 18 an Excessive Consumption charge was issued (truck belongs to owner's X-husband, who does not live at the property and she can't get it towed)
- sent Vehicle Abatement Order Aug 1 to have it moved by Aug 20, 2013
- property owner called and stated that she could not do it; was advised to talk with Parking Enforcement to get it ticked and possibly get it moved that way

Mr. Madrigal, X-husband of the property owner:

- he didn't find out about this until the end of Jul 2013
- he had major surgery the week of Jun 7, 2013 and hasn't been able to do anything
- he is on a lot of meds and is not supposed to do anything for 6-9 months
- he is asking for more time to get help - 30 days
- that truck was in the process of being sold; he had 3 different buyers; however, that didn't work out at the time
- he can't use the truck but he doesn't want to lose out on it either
- it is parked on concrete and it runs

Ms. Moermond:

- doesn't understand why Mr. Madrigal needs 30 days to turn the truck around and move it

Mr. Madrigal:

- he has to clean-up around it and clean it out, too
- he really doesn't understand why it has to be moved
- he's been out of the property for about 2 years

Ms. Moermond:

- it doesn't appear to be operable
- the tabs are from 2011

Mr. St. Martin:

- the owner is asking for more time because if the city tows the vehicle, she is liable for the costs that go along with that (he was trying to work with her); she is very frustrated with this; the truck isn't hers; she wants to comply but is having difficulty with getting her X to move it
- gave her the parking enforcement number

Ms. Moermond:

- right now, the owner can get this truck ticketed because it's not there with her permission; then, it will be towed - that would be the simplest thing for her to do
- the other alternative is to have the city remove it and then, he would have to go to the impound lot to pay for getting it back
- hopes he can get it sold

Mr. Madrigal:

- the owner and he don't communicate much anymore; she tells him things at the last minute and he's been laid up

Ms. Moermond:

- it shouldn't be a big deal to get a friend to move it
- will recommend that the vehicle be moved by Sep 13, 2013 or the city will tow it as of Sep 16, 2013

Referred to the City Council due back on 9/18/2013

- 4 RLH SAO 13-36** Appeal of John Knowles to a Summary Abatement Order at 750 FOURTH STREET EAST.

Sponsors: Lantry

8/30/13: Owner called and stated he thought hearing is on 9/3. He wants to be rescheduled, if possible. I told him that I would reschedule to 9/3. -mxv

No one appeared. Deny the appeal.

Laid Over to the Legislative Hearings due back on 9/3/2013

Orders To Vacate, Condemnations and Revocations

- 5 RLH VO 13-43** Appeal of Kenneth Firkus to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 661 ASHLAND AVENUE.

Sponsors: Khaliq

Grant until June 30, 2014 for painting of the house and garage.

RE: 661 Ashland Avenue (Two family dwelling)

Kenneth Firkus, owner, appeared.

Fire Inspector A. J. Neis:

- Revocation of a Fire Certificate of Occupancy and Order to Vacate dated Aug 12, 2013 by Fire Inspector Jeremy Hall
- this is the first time the building has had a C of O

- process started Jan 2013 when Inspector Hall identified 14 code violations of which 2 remain; they are not life safety issues
- basically, this went over the 90-day compliance period and he was advised to appeal
- the property owner is willing to paint but he would rather wait until spring and do a more thorough job: remove old siding and install new
- concerns: 1) the garage is not mentioned in the estimate from PorchLight Homes; and 2) Apr 30, 2014 seems too early in the spring to have this done
- has reviewed photos

Mr. Firkus:

- looking for an extension because of time and money
- longer than Apr 30, 2014 would be very appreciative
- the estimates includes the garage; he has confirmed that (either he will repair and paint or put on new siding)

Ms. Moermond:

- a deadline of Apr 30, 2014 is very aggressive and probably unachievable
- will recommend that the City Council grant until Jun 30, 2014 to come into compliance with the exterior of the house and garage

Mr. Neis:

- they will re-instate the Certificate of Occupancy
- Mr. Firkus will receive a letter from their office that the C of O is approved with Corrections
- he will receive the fee bill; once that's paid, he will get the Fire C of O
- if the work is not completed by Jun 30, 2014, enforcement action would be taken

Referred to the City Council due back on 9/18/2013

11:30 a.m. Hearings

- 6 [RLH VO 13-45](#) Appeal of Kao Yang to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 599 MARYLAND AVENUE EAST.

Sponsors: Bostrom

Grant until September 20, 2013 for tenant to vacate the property.

RE: 599 Maryland Avenue East (Single Family)

Tenant Kao Yang appeared. (owner, Anne Edmunds)

Fire Inspector A. J. Neis:

- Revocation of a Fire Certificate of Occupancy and Order to Vacate dated Aug 20, 2013 by Fire Inspector Benjamin Ellis
- Multiple code violations exist; none have been corrected
- Started as a complaint in Jun 2013: roaches and interior is dirty
- Fire Inspector Ellis issued Correction Orders Jun 13, 2013 for multiple repairs, including extermination of the property with re-inspection on or after Jul 15, 2013
- Jul 16, 2013, inspection was made but no work had been done; inspector found more violations
- Inspector Ellis ordered an early C of O inspection for obvious issues
- Issued an appointment letter Aug 8, 2013 to do a full Fire C of O inspection Aug 19, 2013
- On Aug 20, 2013, the Fire C of O was Revoked due to long-term noncompliance

and additional code violations were found

- Based on the inspector's notes, it appears that there has been an access issue with the tenant and the property owner

- Aug 19 notes: the tenant's not answering for inspection; (they thought it was for the next day, so, he re-scheduled it for the next day)

- Aug 20: property owner called and said she received a message from the tenant saying that he was not going to be home for the inspection; re-schedule it for when he'd be there

- Inspector advised the property owner of the statutes: entry by landlord and advised that non-entry may result in a warrant

- Aug 21: inspector met with the property owner at the appointed time; the tenant was apparently home but refused to answer the door; property owner attempted to use key for access but the tenant had changed the locks and they weren't able to gain access again

- This is an issue of noncompliance and no cooperation between the tenant and the landlord

- Because of the multiple code violations and the issues at hand, the inspector Revoked the Certificate of Occupancy and Ordered it to be Vacated Sep 3, 2013

- C of O cycle started, technically, Aug 8 or 9; complaint Jun 12, 2013

Mr. Yang:

- his family lived in CA and he planned to get them from there (his mom, his brother and sister-in-law and their kids); before he rented this property, the landlord promised that she would fix the things that needed repair and paint what needed to be painted, etc., but by the time he brought them back here, nothing had been done; he left Fri, May 31, 2013 to fly to CA and then it took them about 3-4 days to return to Minnesota with them; they had plenty of chance to do what needed to be done; when he got back here, the previous tenants still had their materials in the house; he talked with the landlord about having the previous tenants get their stuff out; the house was dirty with a lot of roaches; she didn't do anything so, he complained to the city and they sent an inspector, who gave her more time to fix things but she didn't do it; she complained to the city that it was hard for them to enter the property but she wanted to come at 8 pm to fix things at the house; he told her, "No, because he and his brother would be at work and only his mom and sister-in-law would be home with the kids."

- he asked his landlord to call him, text him, or write a note telling him when they would come to fix

- again, she sent someone over without Notice and no one was home but his mom, who was upstairs and can't hear very well; he entered the house and went upstairs and scared his mom

- he told the landlord that she cannot enter his house unless she gave prior notice or for an emergency

- second week of Aug, the landlord sent another guy over without giving Notice and they had the key to the house; again, he was angry because they gave no notice and just entered with the key; after that he decided to change the locks

- he had told her about his schedule - that she could send someone over early in the morning

- he doesn't want any one there while his mom is home alone with the kids

- he needs more time to move

- at the beginning of Aug, he asked the landlord to release him from the contract because she hadn't been honest with him; she told him she would paint and fix things but she didn't

- inspector gave them until Sep 2, 2013 to move out but he needs more time

- asking until Oct 1, 2013 to look for property

Ms. Moermond:

- she sees some things on the list that the tenant is responsible for
- she is disappointed that Mr. Yang hasn't provided access
- all the landlord is legally required to give is 24 hours access notice
- changing the locks bothers her
- the inspector going over and not getting access bothers her
- yet, she has sympathy for his relatives - living in this bad situation

Mr. Yang:

- he changed the locks for the safety of himself and his family on Aug 19, 2013
- when landlord sends someone to repair things, they just leave their junk at the property (man left carpeting outside after ripping it out); he is not responsible for their junk

Ms. Moermond:

- will recommend changing the Vacate date from Sep 3, 2013 to Sep 20, 2013
- City Council Public Hearing Sep 4, 2013

Referred to the City Council due back on 9/4/2013

1:00 p.m. Hearings

Fire Certificates of Occupancy

- 7 **RLH FCO** Appeal of Dale and Nancy Lapakko to a Notice of Incomplete Student
13-193 Housing Registration Application at 2075 DAYTON AVENUE.

Sponsors: Stark

Grant the appeal.

RE: 2075 Dayton Avenue (Single Family)

Nancy Lapakko, owner, appeared.

Fire Inspector Leanna Shaff:

- there are no open Orders on this
- this is regarding a Student Housing Application that was apparently sent to the city; however, the city did not receive it
- she spoke with Inspector Urmann last week about this and his response was that the owner didn't send the application to arrive on time or with any student I.D.s
- the email attachment from the school came in only because she had requested it; it had been in the system since 2007
- attached is a Notice of Incomplete Student Housing Registration Application, dated Aug 12, 2013
- attached is an email from John Hershey, St. Thomas, dated Aug 12, 2013, which states that these students are registered at St. Thomas for this year
- attached is a Student Housing Application, dated Aug 24, 2012
- attached is last billing, rental agreements, etc.
- the only thing in the system is from 2008: the Certificate of Occupancy inspection was listed as a single family residential and done by Mitch Imbertson

Ms. Lapakko:

- they purchased the house as student housing in Aug 2002
- John Hershey kept them informed as to what was going on during the re-zoning
- she got the registration form and mailed it in

- she went into the hospital Dec 10 and remained there for about a month and then, things were not good until Mar 2013
- she remembered that John Hershey has sent her an email saying, "I noticed on your website that 2075 was not listed;" so, she called and talked with someone who said it wasn't registered but listed as student housing; she had forgotten about it until John Hershey sent her another email Jul 5, saying, "It's still not on here"
- she then called the city and said that they were not listed on the website as student housing; Anthony looked it up and said that it was listed as student housing but you're not listed as having submitted an application; she told him that she had filled out the application and thought she had done everything she was supposed to do; he said that if she could provide documentation proving that along with the history, he would talk with the supervisor and inspector
- she provided 18 months of leases and a copy of the application to the dept
- she didn't hear back so she called Anthony after a week, who said, "It doesn't look good but call Mike Urmann"
- she called Mike and he talked with John Hershey that morning; she called John Hershey, who said that he composed a letter (Aug 12, 2013)
- the actual Fire Certificate of Occupancy posted inside the house specifically says "Student Housing"

Ms. Moermond:

- the original student housing application got lost somewhere
- this is a peculiar one for LH: Chap 67 Section 704 Zoning Code
- she will recommend that City Council grant this appeal; there is adequate documentation

Referred to the City Council due back on 9/18/2013

**8 RLH FCO
13-196**

Appeal of Mai Kou Vang to a Fire Inspection Correction Notice at 1751 CLEAR AVENUE.

Sponsors: Bostrom

Grant the appeal for Appellant to be out of the Fire Certificate of Occupancy Program.

RE: 1751 Clear Avenue (Single Family)

Mai Kou Vang, owner, appeared. (Mai Vang interpreted.)

Ms. Mai Kou Vang:

- she owns this property with Blong Vue, who lives at 731 York Ave; they are separated but both names are on the title

Fire Inspector Leanna Shaff:

- Fire Certificate of Occupancy Inspection conducted on Aug 15, 2013 by Inspector James Thomas
- 13 violations
- process started Jul 8, 2013 with a complaint of an unpainted garage and a patched window
- recommended that the appellant change the registered address with Ramsey County tax records

Ms. Moermond:

- recommended that Ms. Vang be released from the Fire C of O Program
- advised that she go to Ramsey County to change the record of her address

Ms. Mai Kou Vang:

- has completed all the items on the list except for the heating test

Ms. Moermond:

- Ms. Vang's Orders are cleared
- will recommend granting this appeal
- Ms. Vang is the owner of 1751 Clear Avenue and her driver's license indicates that she lives there

Referred to the City Council due back on 9/18/2013

9 [RLH FCO
13-199](#)

Appeal of Mary Martin to a Fire Inspection Correction Notice at 1204 GRAND AVENUE.

Sponsors: Thune

LHO needs building inspector's input on the mixed used of the building.

RE: 1204 Grand Avenue (Single Family)

Mary E. Martin, owner, appeared.

Fire Inspector Leanna Shaff:

- Fire Certificate of Occupancy Correction Notice
- building was inspected on Jul 22, 2013 by Inspector Sebastian Migdal
- Inspector Migdal's notes: Conducted a full C of O inspection but during the inspection, the owner informed me that she lived in the basement. I didn't observe any evidence indicating that she was living in the basement. I informed her that she was only approved as a B occupancy and not as a Mixed Use, meaning commercial and residential use. I informed her to immediately discontinue the residential use in the building.
- outstanding Order: the occupancy use has been changed from that previously approved
- he writes: currently approved as business use only; immediately discontinue residential use

Ms. Moermond:

- it's important to distinguish Zoning vs Occupancy that's been approved by building official and the building code
- the use has to do with the building itself opposed to the underlined Zoning (what can be on that land and what cannot)

Ms. Shaff:

- the occupancy use has to do with how the building is used
- this building has been certified as a business since 1987
- to change it to a residential use would take a determination to: 1) is it OK with Zoning; and 2) does it meet the separation requirements, etc. to be a mixed use building or a residential building

Ms. Martin:

- this came out of the blue for her
- she homesteads this property - 2000 was her first year in the house; she has a studio in the basement
- for years, she has been inspected at this time of year and she has had a sleeping area downstairs and she always got her C or O
- she made sure that she had an egress window and a smoke alarm, etc.
- she was shocked so she went down to Ramsey County records to check things out
- why should her records go missing from Fire

Ms. Moermond:

- Ramsey County records should reflect the city statement; the city drives the county, not the other way around
- asked for some of the old Orders to be brought up to check to see if any say residential

Ms. Martin:

- the last inspector, James Perruca, said that he didn't need to go downstairs but she brought him down there to show him the egress window; and there's never been a problem until Inspector Migdal went downstairs
- Inspector Perruca was very specific about where the bed was to go
- she is currently the only one working there
- she is an esoteritician but she is phasing out her business; she is 62 and can't carry the taxes on this property any more; she is also a massage therapist
- there would have been no reason for her to put in the egress window, etc. down there had she not done the paper work

Ms. Shaff:

- after checking all the Fire C of O records since 1987, there's not one that says there's a residence going on there
- an Office-Lower doesn't necessarily mean what Ms. Martin thinks it means
- the Lower might mean that it's not a high rise building
- Lower does not mean that it's a Mixed Use and the business is downstairs and maybe a house is upstairs
- the use is determined by the building official, not the county
- 2007 C of O shows a discount but it doesn't say why
- Inspectors John Gallas, Phil Owens, Diane McCabe, Bob Rexheisen, Jim Perruca and Sebastian Migdal have inspected this building and not one of them calls it a residential in a business until now
- in 2001, there were no deficiencies; it was approved on the 1st inspection
- 2002, permit for re-roofing; fence permit closed for inactivity
- 2004, the fire extinguishers need to be re-charged
- 2005 - Grand Avenue moratorium
- 2007, Inspector Rexheisen says the business is closed so, he scheduled an appointment, which was approved on 1st inspection
- 2010, Inspector Perruca requires GFCI
- 2010 - snow walk complaint
- 2013, Inspector Migdal only notes the unapproved use
- there was some licensing over the years
- zoning is BC

Ms. Moermond:

- this isn't a fire code issue; it's a building code issue
- she will talk to the building official, Steve Ubl, to see if it can be kept a mixed use and the right level of inspection; he may come out and look at it directly
- asked Ms. Martin to call Mr. Ubl, 651/266-9021 before 9 am to make an appointment
- Ms. Martin can be there until this is resolved
- will lay this over for 3 weeks to Sep 17, 2013

Laid Over to the Legislative Hearings due back on 9/17/2013

Staff Reports

remove/repair orders 1842 ASHLAND AVENUE.

Sponsors: Stark

Grant until July 1, 2014 for the removal or repair of the garage on the conditions that the garage doors are permanently secured and unopenable and that condemnation placards be placed on the other 3 sides of the garage. (A separate resolution will be going to Council to reflect this extension)

RE: 1842 Ashland Avenue (Apartments)

Ms. Moermond:

- the garage looks as though it has deteriorated further

Fire Inspector A. J. Neis:

- looking at photos, Ms. Moermond asked him about a snow load

- it's hard to determine because last year we had a large snowfall and it's still standing; can't tell if it will be able to sustain another snowfall or not

- top of roof appears to have holes in it

- shingles are in bad condition

- door frame is leaning to the right

- siding is pulled off; there's broken windows

- concrete slab appears to be sagging

- it's definitely Condemnable

Ms. Moermond:

- will recommend that the City Council grant an extension on the

Rehabilitation/Removal of this garage to Jul 1, 2014; the garage doors need to be permanently secured and unopenable and Condemnation placards should be placed on the other 3 sides of the garage

- it can be a Condemned structure that continues to exist there if it is properly secured and broom clean

- there's no guarantee that the city wouldn't move forward on an abatement order on the garage if it looks like it's beginning to collapse

Mr. Neis:

- if there were an issue, it appears that the neighboring structure may also be affected (eaves appear to be less than 3-4 inches away from the garage)

Received and Filed

11 [SR 13-50](#)

Reviewing Request of Additional Extension for Appeal of John Larson to a Fire Inspection Correction Notice at 1453 DANFORTH STREET.

Sponsors: Brendmoen

Deny the appeal for an extension.

Received and Filed

2:00 p.m. Hearings

Vacant Building Registrations (NONE)

Window Variances: No Hearing Necessary

**12 RLH FOW
13-11**

Appeal of Lisa Lambert to a Correction Notice - Foster Care Inspection at 1964 FREMONT AVENUE.

Sponsors: Lantry

Grant a 4-inch variance on the openable height of the egress windows in the 2nd floor bedroom. (No hearing necessary)

Referred to the City Council due back on 9/18/2013