



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Meeting Agenda Legislative Hearings

Marcia Moermond, Legislative Hearing Officer
Mai Vang, Hearing Coordinator
Jean Birkholz, Hearing Secretary
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651-266-8560

Friday, November 19, 2010

10:30 AM

Room 330 City Hall & Court House

10.30 a.m. Hearings

Orders to Vacate, Condemnations and Revocations

- 1 [ALH 10-430](#) Appeal of Michael Gross to a Notice of Condemnation Unfit for Human Habitation Order to Vacate at 852 ALBEMARLE STREET.

Sponsors: Helgen

Attachments: [852 Albemarle St.Appeal.11-18-10.pdf](#)
[852 Albemarle St.Photos.11-17-10.pdf](#)

Legislative History

11/19/10 Legislative Hearings Referred to the City Council
Ms. Moermond recommended denying the appeal.

STAFF PRESENT: Inspector Leanna Shaff, DSI - Fire; Mai Vang and Jean Birkholz, City Council Offices

Michael Gross and his father, Leonard Gross appeared.

Condemnation/Order to Vacate

Ms. Moermond stated that her job here is to consider the appeal of whether or not the building should be condemned and ordered vacated. This matter will ultimately be decided by the City Council. Ms. Moermond will make a recommendation to them to inform their discussion. Whatever her recommendation is today will remain until this matter is before them for a public hearing.

Inspector Shaff reported that this started as a referral - washer, dryer, couches, etc. in front yard and porch. Inspector Martin responded to that complaint which gave cause to inspect the interior of the building; she took numerous tell-tale photos. Ms. Moermond asked whether Inspector Martin did a full Certificate of Occupancy inspection. Inspector Shaff replied that she did although it had started out as a referral. Inspector Shaff reported that Inspector Martin found numerous life-safety issues. There are three (3) adults and five (5) children living in this single-family home. There are severe electrical issues and there has been a fire in the attic. It is not a Section 8 house. It failed its Section 8 inspection in July 2010. Prior to that, the last time it was inspected by Section

8 was in September 2008 and it was approved after six (6) tries. This would be its first Fire Certificate of Occupancy inspection. Ms. Moermond asked Inspector Shaff to walk her through the critical life-safety issues on the November 17, 2010 Orders. Inspector Shaff stated that first and foremost is the electrical work: 1) hanging fixtures; 2) open wiring; 3) extension cords that are wrapped around things; 4) plastic ceiling is discoloring; etc. There are also sanitation issues. Jennifer Lunzen, House Calls, has been to the property and will be working with the tenants to re-locate as quickly as possible. There is overcrowding in the sleeping rooms where there are four (4) beds in one room.

Ms. Moermond, Inspector Shaff and Michael Gross viewed the photographs showing the following:

- deteriorating basement steps
- front door missing
- driveway not cleared (Mr. Gross explained that the driveway is not his; two (2) other neighbors own it. There is no garage on his property.)
- broken walk-way
- window screens missing; locks missing
- trash in the rear
- old fire extinguisher
- missing flooring
- discoloration on plastic ceiling fixtures (looks like electrical burn)
- dryer vent caked with dryer lint (highly combustible)
- illegal lock on bedroom door
- bathroom floor needs tile
- exhaust fan needs cleaning
- fixture hanging by a wire
- duct tape on electrical wires
- extension cords
- poor electrical outlets
- five (5) people in one (1) bedroom
- four (4) people in one (1) bedroom
- clutter
- open wires on second floor
- open hole into attic from hallway
- no power; no heat
- broken sheetrock
- discolored walls and ceilings from smoking
- furnace/water heater (water heater is new but no permits were pulled)
- circuit box overloaded
- rock foundation
- extension cord wrap around

Inspector Shaff stated that the tenants will be vacated Monday, November 22, 2010.

Ms. Moermond explained that all single-family homes and duplexes within Saint Paul that are rental are being rolled into the Fire Certificate of Occupancy Program. The program began approximately three (3) years ago and inspectors are probably half way through the whole population of one (1) and two (2) unit rentals in the City. In this case, the complaint triggered a full inspection. The Section 8 requirement is only connected to getting a Section 8 Certificate. She asked Mr. Gross what he is looking for in his appeal. Mr. Leonard Gross responded that after speaking with Inspector Martin yesterday, they were under the assumption that if they filed the appeal, the tenants would be able to stay in the house, and they would hire a licensed electrician to figure out their

electrical problems. His son told him that when the work was done, the tenants needed to be gone. These tenants became tenants because Frank's mother had lived there previously for over five (5) years. Mike Gross added that the tenants didn't have a place to go and they begged him to let them move in, so he let them move in. Meanwhile, he has been trying to fix things. He would like to continue to repair the property. He wasn't aware until Inspector Shaff told him that anyone who worked there needed to be licensed. He added that the yard is now picked-up except for one (1) refrigerator and a little bit of brush which they will take care of this weekend. Inspector Shaff requested that they take the door off of the refrigerator immediately after this hearing. Ms. Moermond stated that she will have a code enforcement officer check to make sure the refrigerator is gone this afternoon. If the refrigerator is still there, the City will remove it and charge Mr. Gross; or they can remove the refrigerator door to make it safe. Ms. Moermond summarized the applicant's needs: 1) an extension of time to be able to fix the house; and 2) allow the tenants to remain in the house while the repairs are being made. She understands that it will take quite a bit of time to address all the repairs necessary, especially the electrical and sanitation issues.

Ms. Moermond will recommend denying the appeal and order it vacated. Mr. Gross will need to work with the shared driveway users to provide a usable surface; and will need to provide the property grade to slope away from the building. Ms. Moermond will recommend that both those issues be done by April 30, 2010, with the balance of the matter taken care of before then. Inspector Shaff added that she will refer the house (clearly a Category 2 Vacant Building) to the Vacant Building Program, which will require the full code compliance. Ms. Moermond said that the building will need to be empty while the work is being done. Typically, they wait a couple of weeks before they refer it from the Fire Certificate of Occupancy Program to the Vacant Building Program. When it gets to the Vacant Building Program, there will be an annual fee and there will be a Code Compliance inspection (\$500). All of the items on that inspection will need to be addressed before the building can be re-occupied. If the work can be done in a timely fashion, Ms. Moermond may take another look at it. Mr. Leonard Gross noted his concern about the cost of getting it all done. Ms. Moermond responded that she needs to be concerned about the safety of the people who live in the house.

- 2 [ALH 10-414](#) Appeal of Janice and Jim Mott to a Notice of Condemnation as Unfit for Human Habitation and Order to Vacate at 642 WHITE BEAR AVENUE.

Sponsors: Lantry
Attachments: [642 White Bear Ave N.Appeal.11-16-10.pdf](#)
 [642 White Bear Ave N.Photos.11-5-10.pdf](#)

Legislative History

11/19/10 Legislative Hearings Referred to the City Council
 Ms. Moermond recommended

STAFF PRESENT: Inspector Paula Seeley, Department of Safety and Inspections (DSI); Mai Vang and Jean Birkholz, Council Research; and Kay Witgenstein, House Calls Program

Janice and Jim Mot and Robin Hansen (newly assigned case manager to Janice) appeared.

Vacate Order/Condemnation/Revocation of Fire C of O

Ms. Moermond stated that she will hear from the appellants and then make a recommendation to the City Council on this matter. Ultimately, they will decide on the appeal. Ms. Moermond's decision will hold until the time of the City Council Public Hearing, December 15, 2010. First, she will hear the staff report.

Inspector Seeley reported that a complaint came into the office November 3, 2010:

- gross interior*
- animal feces through out the inside*
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