



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final

Legislative Hearings

Marcia Moermond, Legislative Hearing Officer
Mai Vang, Hearing Coordinator
Jean Birkholz, Hearing Secretary
legislativehearings@ci.stpaul.mn.us
651-266-8585

Tuesday, December 26, 2017

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Remove/Repair Orders

- 1 [RLH RR 17-52](#) Making finding on the appealed nuisance abatement ordered for 2096 REANEY AVENUE in Council File RLH RR 17-28.

Sponsors: Prince

Erick Flyckt, Attorney, appeared.

Mr. Flyckt: I think they were able to do the clean-up; they haven't done any actual permitted work on the property because the architectural review wasn't done until Dec 18, 2017; I'm not even sure if they've been down to pull a permit yet

Ms. Moermond: they do have a building permit pulled

Mr. Flyckt: I did inform them that it was ready to go; we're using Beyond-Home Solutions, Inc.

Ms. Moermond: what was the timeline on this?
-based on the draw & payment, it looks like that they would anticipate being done in mid-Feb if they were able to pull the permit the beginning of Dec; the initial down payment has been paid; so, they weren't able to start their first draw after that, I assume, until..... they're maybe a month behind

Supervisor Joe Yannarely: we haven't been out to check the progress but there haven't been any issues out there; the property's been maintained

Ms. Moermond: we don't have a 30-day forfeit letter on this yet; so, let's Lay this Over for 6 weeks to Tue, Feb 13, 2018 LH; & perhaps you & Mr. Seeger could get out there the first week in Feb; at that point, I'd like to see it at the 50% mark; you might get a forfeit letter between now & then but nothing is going to happen with the forfeit until we would review it here & if you're anywhere near 50%, the performance deposit would be continued

-you're just behind a month & I'm not concerned about that

Mr. Yannarely: I'm going to email Mr. Seeger & tell him to put it on his docket for the first week of Feb 2018

Ms. Moermond: you will get a letter confirming all of this; we're in good shape

—
Forthcoming, pending inspection result from DSI inspectors.

Laid Over to the Legislative Hearings due back on 2/13/2018

2 [RLH RR 17-48](#)

Making finding on the appealed nuisance abatement ordered for 544 MINNEHAHA AVENUE WEST in Council File RLH RR 17-12. (To be referred back to Legislative Hearing on January 30 with a Public Hearing on February 14)

Sponsors: Thao

Voldee Morris, contractor & Loyace Foreman, Jr. appeared.

Ms. Moermond: I received an email from Ben Jackson saying that he's out of town on bereavement

-This hearing is meant to make a finding about where the progress is on this rehabilitation; I'm looking for 50% completion because Chapter 33 of the Legislative Code, which governs your \$5000 Performance Deposit, says that if you are at 50% or more completion, that Performance Deposit will automatically continue; if you are not at 50% completion, then we need to assess where we're going from here
-I got an email from Mr. Jim Seeger this morning; he said, "A lot done in the last 10 days; foundation, insulation, roofing done; framing 88%; still months from completion;" what I need from him that I didn't get is whether or not you are at 50% completion; so, I ask that this matter be continued for 2 weeks to Jan 16, 2018 LH; between now & then, I want Mr. Seeger to go thru with Mr. Yannarely to review the progress & make a determination about whether or not you're at 50% completion; if you are, then, I'm ready to allow things to just keep going; if you're not at 50%, I need to be looking for updated work plans, possibly additional Performance Deposit, etc, to spur activity
-I'm not seeing any plumbing, electrical, HVAC, mechanical, etc, permits associated with hitting the 50% mark; however, I don't know

Mr. Foreman: the last couple of weeks, we can really see work getting done

Ms. Moermond: I saw that you had at least 1 assessment go thru for clean-up

Mr. Foreman: I was quite surprised about that because we're there quite regularly & had dumpsters there; don't know what happened

Ms. Moermond: I was surprised that you were having maintenance issues; you don't want to get SA's at this time, while you're under the microscope

Mr. Foreman: tires were dumped in the alley; so, I moved them inside the gate

Mr. Morris: we have dumpsters on site; we've been doing cleaning; & sometimes during the night, people have been coming with mattresses, tires, etc. to dump; we've taken quite a bit of stuff away ourselves; soon, we won't need dumpsters; it's hard to keep others from dumping

Mai Vang: the Notice was sent to Nietta's office; also to Benjamin Jackson, 774 University Ave W

Ms. Moermond: you need to have someone in the office open the mail right away when it comes from the City of St. Paul to get those things taken care of

Mr. Morris: we screw the shed door shut; they kick it in; it's hard to keep them out

Ms. Moermond: you'll be hearing from Mr. Seeger, Mr. Yannarely or Mr. Dornfeld about when they're going to come to make a determination about whether you're at 50%

Forthcoming, pending inspection result from DSI inspectors.

Referred to the City Council due back on 1/17/2018 with a Legislative Hearing on 1/16/18

11:00 a.m. Hearings

Summary Abatement Orders

- 3 [RLH SAO 17-106](#) Making finding on the appealed nuisance abatement ordered for 1936 CHELTON AVENUE in Council File RLH SAO 17-94.
- Sponsors:** Stark
- Inspector Lisa Martin: pallets have been removed*
- Ms. Moermond: the owner's been informed by a letter from my office of what the next expectation is*
- Ms. Martin: we are sending out another Summary Abatement Order - there's been lawn furniture on the vacant lot for about 1 1/2 weeks; it was still there today*
- Ms. Moermond:*
- Nuisance has been abated.*
- Referred to the City Council due back on 1/17/2018**
- 4 [RLH SAO 17-108](#) Appeal of Patrick A. Carlone to two Summary Abatement Orders, a Vehicle Abatement Order, and a Correction Notice at 185 COMO AVENUE. (Public hearing continued from January 3)
- Sponsors:** Thao
- Patrick A. Carlone, father of owner John Carlone, appeared.*
- Mr. Carlone entered paperwork*
- Supervisor Lisa Martin: most recent Summary Abatement Order was dated Dec 7, 2017 to John Carlone, 950 20 1/2 Ave Cumberland WI 54829 re: temporary electric service going to trailers located on the vacant lot as well as a lot of construction materials: skid loader, fencing, equipment, storage - it was to be removed by Dec 14, 2017*
- a Correction Notice was also issued re: parking vehicles on the vacant lot: tan cadillac #607 ECL; orange Ford with WI plates #P97 44D - appears inoperable; those were also to be removed by Dec 14, 2017; they are still present there today*

Ms. Moermond: you indicated that you are part owner of this property but I see no documentation to that effect; do you have the authority to be acting on behalf of the legal owner of the property?

Mr. Carlone: yes; I do have that in writing but not here with me today; my son & I bought the property together; we put it in his name because of my age of 82

Ms. Moermond: I would like to get a copy of that in writing before it goes to City Council on Jan 3, 2018; I read your appeal & you indicate that you are going to be undertaking construction on this site & that is the reason for.....

Mr. Carlone: we were going to but in the last few days, my wife became very ill & we decided that it would not be a good idea to build a house for her at this time; so, we decided to sell the lot to the neighbors next door, who have a commercial property adjacent to ours - connected on the same block; they approached us before to buy it so, we're going to go back to them this week to see if they still want to buy it; if they don't, we're going to give it to a realtor to sell but we want to sell it with the equipment; the equipment that's there is for maintenance on the property; the skidsteer is to load the snow & the blvd & the sidewalk; the lawn tracker is to cut the grass; we have over 10,000 sq.ft. of grass to cut; we've been doing it now for 1 1/2 yrs; the other equipment there is for safety; if we wouldn't have had that First Aid Trailer there, we wouldn't have been able to give first aid to the guy who could have been killed on that machine; the car is left there for emergencies in case we need it

Ms. Moermond: there is no legal storage of property on this vacant lot; you have illegally stored all of this

Mr. Carlone: I've never been cited for equipment on a commercial lot

Ms. Moermond: you have been 2 times, at least, on this property

Mr. Carlone: I've owned property on West 7th St & I always had equipment there

Ms. Moermond: I don't know what the situation is on West 7th & your property there; this is a vacant parcel & it's not legal for you to store trailers, RV, car, bobcat, skidsteer, fencing, mailbox - all of this; a vacant parcel should not have anything on it at all

Mr. Carlone: we've already talked to the Capitol Planning Dept; they said that they could issue us a special permit for it

Ms. Moermond: they have not issued a special permit & you do not have any permits at all from them to have any storage there at all

Mr. Carlone: we've asked them for the permit in writing

Ms. Moermond: and, you don't have it; they haven't granted anything

Mr. Carlone: well, it's not our fault they haven't issued it

Ms. Moermond: because there is no permit, you can't have anything here; there's no construction permit at all; there's no zoning permit indicating you are on your way to being able to do building here; again, you took the situation we had several weeks ago

& you simply doubled the amount of storage on the lot; why do you continue to do this when you know that it's not.....

Mr. Carlone: we brought the equipment in there to clean the snow off the sidewalks; we have 300 ft of sidewalk to clean

Ms. Moermond: you don't have any place to store the equipment & it's not legal storage here

Mr. Carlone: we'll get a permit from the Capitol Planning Dept & if we get the property sold in the next week, it might take 90 days to close; and the equipment is frozen down right now; we talked to Xcel & they said, "No, they're not going to cut the electric;" we're up to date on our bills & we're buying the electric; we paid over \$10,000 to have that electric put in - it was for construction; when construction starts, it's a construction site;

Ms. Moermond: it's a temporary electrical connection, according to the permit; and what you have is an electrical receptacle; and according to our Sr. Electrical Inspector, what you did was to take that temporary electric connection & create a connection to one of the trailers, illegally, by shallowly burying a cable between the temporary receptacle & the trailer itself; I get that you're paying Xcel but how you're using this receptacle is illegal wiring & I find that you are simply flouting the codes that are in place

Mr. Carlone: the electrical is not temporary; it's stationery; we're going to leave

Ms. Moermond: the permit to install it was called a Temporary Electric Permit

Mr. Carlone: that was their mistake

Ms. Moermond: no; actually, when you have it just hooked to a pole, that is for temporary use; it's not for permanent use

*Mr. Carlone: well, that pole has to stay in there; we paid for it; and the underground wiring only amounts to an extension cord (it was on the surface & our lawn mower cut it accidentally, so, we put it underground for safety); everything we do is for safety; I was a safety inspector for years & I earned many safety awards; no one was ever hurt or killed on one of my jobs
-everything changes; my wife fell down in the last few days & we've got to keep her safe; and we aren't going to build a house when she might be put into a care home; if my wife is not in good health, I'm not going to build a house; I don't need a house; so, I'll sell it to the people next door*

Ms. Moermond: you need to have a bldg permit to have this equipment there; you don't have a bldg permit; you have no permit whatsoever for the Capitol Area.....

Mr. Carlone: bldg permits were taken out

Ms. Moermond: no, they weren't, actually; there was 1 temp electrical permit taken out; I found no evidence of any other permit at all

Mr. Carlone: everything else that we did there didn't require a permit

Ms. Moermond: you have no permits to do any construction activities & you cannot

store these items there

Mr. Carlone: then, we have to hire attorneys to handle our case; our attorney told us that because our portable office & our construction sheds were on wheels, they were considered vehicles; so, they were OK

Ms. Moermond: your attorney didn't show up to City Council & you can take this case wherever you want but the fact is that this is a violation of the exterior maintenance code; you've taken what was bad a few weeks ago & made it worse; you put up a fence; city will need to take that down

Mr. Carlone: breaking them locks & taking that fence down is trespassing

*Ms. Moermond: not if they have a warrant to do it; you have been given Notice about this a number of times; we talked about this a year ago
-you have have no evidence that you have permission from your son to be undertaking these activities on this parcel
-this is the 2nd time for the same set of items, plus additional items*

Mr. Carlone: that equipment is being used every day; it's not stored

Ms. Moermond: it's in John Carlone's name; not yours; no permits

Mr. Carlone: I'll have a notarized document; I believe that our rights are being violated; my attorney says that this is not illegal; the city is creating a hardship for me & my family; see you in court

Ms. Moermond: I will recommend that the Council deny your appeal

Deny the appeal.

Referred to the City Council due back on 1/3/2018

1:30 p.m. Hearings

Fire Certificates of Occupancy

- 5 RLH FCO** Appeal of Jack Hurley, Champion Apartments, to a Correction
17-230 Notice-Reinspection Complaint at 200 WINTHROP STREET SOUTH.

Sponsors: Prince

Jack Hurley appeared.

Fire Inspector A.J. Neis: Appeal of Fire Certificate of Occupancy Correction Notice; re-inspection of a complaint inspection by Fire Inspector James Thomas; Insp Thomas was notified of an issue where a sprinkler head accidentally discharged in Aug 2017; the owner/rep hired a sprinkler contractor of their choice & the head was replaced

-concern: why did the head go off on it's own? they sent a sampling of the heads in for testing in which one of them failed; the owner is making the accusation that our inspector is being irrational & reckless by making him replace the sprinkler heads in the bldg, which clearly needs to be done based on the NFPA & the fact that his own

*contractor indicated that the sprinkler heads failed
-in our opinion, the only thing that's reckless in this matter is the fact that this hasn't
been done yet*

Ms. Moermond: Viking Automatic Sprinkler Company

*Mr. Neis: I did receive a bid for the work (not the lab results); Dyne Technologies did
the testing; I found out, after talking with one of our sprinkler inspectors is that this
quote was to replace all the side wall heads due to the failed test; it's my
understanding that these aren't the exact same heads throughout the entire bldg, so it
could be significantly fewer heads that need to be replaced than the full number of
heads; I don't know the exact brand; I don't have the test you may have 3 or 4 different
types of heads in your bldg; the only ones that need to be replaced is the sampling of
the ones that actually failed*

*Ms. Moermond: I'm looking for the Dyne Technologies paperwork that describes the
type of sprinkler head that failed*

*Mr. Neis: unfortunately, I don't have that... I believe that was just a conversation about
it; they talked to Viking, the contractor that hired Dyne; usually, other types of areas
need another type of sprinkler head; so, all those other areas might not need to be
replaced; but the bid that Viking gave the owner estimates replacing every head in the
bldg*

*Mr. Hurley: I thought I was here for another reason
-the heads all look pretty similar to me*

*Mr. Neis: they might all look the same but there are different heads for different
applications but they were all put in around 1974; Viking did a sampling of 4 heads; the
code requires them to do a minimum of 4 or 1% of the total heads whichever is
greater; so, if we're dealing with 2200 heads, we'd need to test 22 heads
-we don't have a lot of leeway
-& what would the insurance company say knowing that there were heads that failed in
a bldg?*

Mr. Hurley: there are 216 units in the bldg

*Mr. Neis: the specific head is the residential fast response side wall sprinklers that
need to be replaced; the cost could be significantly reduced if the contractor goes
back & gives him an estimate of only those heads; we're not looking to replace heads
in the whole building; the bid should be re-written by Viking*

*Ms. Moermond: I would like better information from your sprinkler contractor because
it's not clear to me that that isn't what this bid is about.....*

*Mr. Neis: that was just found out at about 1:00 pm today --- that information I'm giving
you*

*Ms. Moermond: you're giving me an inspector finding & the Viking proposal says
"replace up to 2250 side wall sprinklers due to a failed test determined by Dyne
Technologies; coordination of entering occupied units is the responsibility of the
property management & tenants; system will be air tested to ensure no leaks are
present before filling with water;" so, when talking about occupied units, it's not clear
to me if it's only occupied units that they would be entering or if that is a part of bid for*

the entire structure

Mr. Hurley: I can answer your question to that: what they're saying in that bid is that it's your responsibility to allow us into the occupied units; you need to give your tenants notice that we're going to be working in their unit today; if they need to move stuff around; if they need to move furniture so we can access it - that's what your responsibility is ----

Ms. Moermond: right; what it doesn't say to me is that 75% of the work will be within the residential units or involved with side walls; I'm not seeing it split out at all; it's like one big bid that seems to cover, potentially, everything; right?

Mr. Neis: correct; & I have no doubt that this bid should be re-written but that would need to be done by his contractor

Ms. Moermond: great; so, you need Viking to do some line item work for you so that the city can tell you specifically

Mr. Hurley: I've known Inspector Thomas for a decade; background: in Aug, a couple kids were playing in an apartment & a head goes off; they swear that they did nothing; it just came on; but my sprinkler guy, who does the work said that it was all banged up & they had been playing catch in the house; so, I went & did that test on my own; no one asked me to do it; I contacted Viking & they went to Dyne and 1 of those heads was delayed .7 seconds from the other 3 (I didn't know anything about the code) & I didn't think that seemed like a problem so, I let it go; then, a woman was cooking with grease - her stove started on fire 3-4 weeks ago; James came up & puts down the Correction Notice & just said, "Replace every head in the whole bldg;" I talked to 4-5 other owners & every time this happens, you just replace the head that discharged, re-test the system & re-charge it back up; James never gave a reason & that's why I'm here; I think he was just having a bad day; maybe he didn't realize that it was going to cost me \$106,000

Mr. Neis: James' report is a direct result of the test; if there's a problem, Viking sends these into us automatically; if it comes back as "failed;" we have no leeway; the code is clear; if it failed, it failed

Ms. Moermond: I want to see the Dyne Test; also curious about the Viking line item bid; how much time do you need?

Mr. Hurley: funds are in escrow; I sold the property a week ago; will email new owners' contact info; there's a lot of tenant disruption, too; there's at least 12 heads in each unit

Mr. Neis: we understand that this is a huge expense; we'd be willing to phase it in

Ms. Moermond: let's copy the new owner; let's get that additional info to see if it helps -will put a recommendation on the record on Jan 9, 2018 LH

Forthcoming.

Laid Over to the Legislative Hearings due back on 1/9/2018