



# 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*  
*Mary Erickson, Hearing Secretary*  
*legislativehearings@ci.stpaul.mn.us*  
*651-266-8560*

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Tuesday, March 13, 2012

9:00 AM

Room 330 City Hall & Court House

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### 9:00 a.m. Hearings

#### Remove/Repair Orders

- 1 [RLH RR](#)  
[11-95](#) Ordering the razing and removal of the structures at 747 EDGERTON STREET within fifteen (15) days after the February 1, 2012 City Council Public Hearing. (Public hearing continued from February 1)

**Sponsors:** Brendmoen

*Forthcoming.*

*Conditions must be met in order to grant time for the rehabilitation:*

- 1) *the power of attorney document submitted needs to signed and notarized;*
- 2) *provide a revised work plan, including timelines, which needs to be done in accordance with the code compliance inspection report (the work plan should include specific information and bids for each of the trades listed in the code compliance inspection report. Also, owner can document his labor and the value of his labor);*
- 3) *provide financial documentation indicating the ability to complete the projects;*
- 4) *provide an affidavit dedicating the funds from an account for this project if from a bank account;*
- 5) *outstanding real estate taxes must be paid with Ramsey County (information from Ramsey County submitted is not acceptable and taxes must be paid); and*
- 6) *new plumbing permit must be pulled to cover the work never finished, inspected or finalized; and*
- 7) *post the \$5,000 performance bond.*

*RE: 747 Edgerton St (single family)*

*Sergio Herrera, brother of owner, Oscar Herrera, appeared, along with the interpreter.*

*Ms. Moermond:*

- this morning, she received Power of Attorney authorizing Sergio Herrera to act on his brother, Oscar's behalf with respect to this property*
- Sergio is able to buy, sell, exchange, rent or lease this property; collect rent; do the repairs*

*Steve Magner:*

- the document is in need of a signature and notary*

Mr. Sergio Herrera:

- owner, Oscar Herrera, is still in charge of paying the property taxes
- his brother, Oscar, paid for the code compliance inspection report (was sent Mar 12, 2012)
- will need to hire a general contractor and other contractors
- has an estimate from Verde Construction for approximately \$68,000 - \$69,000
- he had hired a licensed plumber last year so, that work should be all ready (permit had been pulled; plumber was paid \$3,000)

Ms. Moermond:

- has a low level of faith in this one; would like to see the house saved and so, she wants to give him every chance to do it
- needs to see a Work Plan for the rehab (how the rehab will be approached including deadlines)
- she has a maximum of 180 days that she can recommend the Council give him to finish the rehab
- needs to see Financial Plan (Oscar needs to show the city the money: an account set aside for the project; a construction loan; if from a personal fund - she needs an affidavit saying that those funds will be applied for this purpose)
- looking for a minimum of \$50,000 to do project
- noted that the estimate from Verde looks all building related; she doesn't see any plumbing, electrical or mechanical on this bid
- suggested that Mr. Herrera get more bids which include the other trades
- the code compliance inspection report cites a number of plumbing items; noted that permits need to be pulled prior to commencing the work
- this seems like a doable project
- Mr. Herrera doesn't need a license to do the building components (Mr. Herrera's cousin is coming from CA to help with the building components)
- will provide a sample Work Plan
- Mr. Herrera can put down how much labor (sweat equity) and supplies they are putting in; the estimate of money out-of-pocket will go down
- City Council Public Hearing Mar 21, 2012 at 5:30 pm
- past due property taxes need to be paid
- need a signed Power of Attorney
- a letter will be sent from today's proceedings

Mr. Magner:

- plumbing permit must be pulled to cover the work never finished, inspected or finalized
- whoever had been hired for plumbing needs to come in and check the work and test it; then, have the inspector sign-off on it

**Referred to the City Council due back on 3/21/2012**

2 [RLH RR  
11-61](#)

Ordering the razing and removal of the structures at 499 LYNNHURST AVENUE WEST within ~~fifteen (15)~~ 180 days after the April 4, 2012 City Council public hearing.

**Sponsors:** Stark

Forthcoming. Need work plan and financial plan.

RE: 499 Lynnhurst Ave (duplex)

Sarah Adam, Reiter and Schiller, Attorneys at Law, appeared.

Ms. Adam:

- the bank has decided, after getting the appraisal, that they will go with the partial demo and the rehab for a single family dwelling so that they can market it as in "peak condition."
- Mr. Stevens, bank rep, who came to town to evaluate everything, has a call in to the contractor and they are hoping to start the demo ASAP

Ms. Moermond:

- would like to see those plans in place for rehab

Steve Magner, Vacant Buildings:

- code compliance inspection report was sent Dec 22, 2011
- \$5,000 Performance Deposit was received Nov 3, 2011
- he received a call last week from the contractor, whom he met at the site with Mr. Stevens; he said staff was out there prepared to do an interior clean out (was supposed to be conducted last week)
- has placed a call to the owner of the property at 6 Oakley, which is next door, to discuss the issue (there was a concern by the tenant when the contractor was out there doing some clean-up); owner is out of state
- it would be beneficial for Reiter and Schiller or Mr. Stevens to have a conversation with the owner of 6 Oakley to make them aware of this situation
- they will be taking away the structures that are encroaching onto their property and adding top soil, seeding and strawing

Ms. Moermond:

- needs to see the rehab plan and the money
- a letter from the bank showing that there's dedicated funds to complete the project (the amount on the sworn construction statement or the city's estimate for rehab (\$75,000; \$15,000 for demo included in that))

**Referred to the City Council due back on 3/21/2012**

**3**      [RLH RR  
12-11](#)

Ordering the razing and removal of the structures at 1247 SYLVAN STREET within fifteen (15) days after the March 21, 2012 City Council Public Hearing.

**Sponsors:**      Brendmoen

*Remove the building within 15 days with no option for repair.*

RE: 1247 Sylvan (duplex)

*No one appeared.*

Steve Magner, Vacant Buildings:

- read letter send out Mar 1, 2012:

Dear Mr. Hinrichs:

*This is to confirm that on February 28, 2012 at the Legislative Hearing, Marcia Moermond, Legislative Hearing Officer, stated that the following conditions must be met by Tuesday, March 13, 2012 in order for her to recommend that the City Council grant you an additional time to develop work plans and financial plan for the project:*

- 1. the \$5,000 performance deposit must be posted with the Department of Safety and Inspections;*
- 2. the property taxes must be paid and brought current;*
- 3. submit contractor and/or subcontractor bids;*
- 4. obtain a code compliance inspection immediately; and*
- 5. maintain the property.*

If these aforementioned conditions are met, she will recommend that the City Council lay the matter to Legislative Hearing on March 27, 2012 and City Council Public Hearing on April 4, 2012, during which you must provide the following:

1. a work plan, including timelines for the rehabilitation of the building (can document your labor and the value to your labor);
2. financial information must be provided (a line of credit, sworn construction loan or a bank statement) dedicating the funds of at least \$50,000 available to do the project; and
3. provide affidavit stating you are willing to spend the funds for the project if a bank statement is submitted.

The City Council Public Hearing is scheduled for Wednesday, March 21, 2012 at 5:30 p.m. in Rooms 40A & B. If you have any questions, you may contact me at 651-266-8563.

Sincerely,

Mai Vang

Legislative Hearing Coordinator

- code compliance inspection fee was paid Dec 23, 2011
- no access to the building yet; no lock box; front entrance is boarded
- property taxes haven't been paid
- performance deposit hasn't been posted
- Feb 14, 2012 broken basement window

Ms. Moermond:

- will recommend that the Council order the building be removed within 15 days with no option for rehabilitation

#### **Referred to the City Council**

#### **4**      [RLH RR 11-99](#)

Ordering the rehabilitation or razing and removal of the structures at 872 SELBY AVENUE within fifteen (15) days after the February 1, 2012 City Council Public Hearing. (Public hearing continued from February 15)

**Sponsors:**      Carter III

*Forthcoming. Need work plan, financial plan and affidavit.*

*RE: 872 Selby Ave (single family)*

*James Logan, owner, and son appeared.*

*Steve Magner, Vacant Buildings:*

- Legislative Hearing Layover
- read letter sent Jan 12, 2012 confirming the Jan 10, 2012 LH and that the hearing officer recommended the following conditions must be met by Jan 27, 2012 if Mr.

*Logan intends to rehab the building:*

- 1) \$5,000 Performance Deposit
  - 2) new code compliance inspection report
  - 3) financial plan
- Jan 27, 2012 code compliance fee was remitted and the Performance Deposit was posted
  - Feb 14, 2012 code compliance inspection was completed
  - Feb 21, 2012 code compliance report was sent out
  - Feb 24, 2012 electric permit was issued
  - Mar 12, 2012 building permit was issued

- a subsequent letter went to Mr. Logan on Feb 22, 2012:

*This is to confirm that on February 15, 2012 at the City Council Public Hearing, Marcia Moermond, Legislative Hearing Officer, recommended that the City Council refers the matter back to Legislative Hearing on Tuesday, March 13, 2012 at 9:00 a.m. in Room 330 City Hall and City Council Public Hearing on Wednesday, March 21, 2012 at 5:30 p.m. in Room 300 Council Chambers.*

*If you have any further questions, you may contact me at 651-266-8563.*

*Sincerely,*

*Mai Vang*

*Legislative Hearing Coordinator*

*cc: Steve Magner (email)*

*Joe Yannarely (email)*

*Amy Spong (email)*

*Vicki Sheffer (email)*

*Ms. Moermond:*

*- can't find a Work Plan*

*Mr. Logan:*

*- we are getting the electric done first; next, the plumber; then, the heat*

*- we are doing carpentry in between*

*- over 90% of the electric is already done*

*- trying to get plumber in Apr 1, 2012 (plumber has been on vacation; will take him about a week or so)*

*- it's better to install the heating when the winter is over (we have the equipment for the heating); price is better, too*

*- we need to replace the water line*

*- we are installing 2 egress windows*

*- a couple things have been waiting until the weather is warmer*

*- we will scrape and paint depending on the weather*

*- they have the financing package to do the rehab (needs to be submitted)*

*Mr. Magner:*

*- suggested that Ms. Moermond provide Mr. Logan with a sample copy of the Work Plan*

*- the contractors can submit their bids and Mr. Logan can get the Work Plan back to Ms. Moermond*

*Ms. Moermond:*

*- City Council Public Hearing is Mar 21, 2012*

*- submit the Work Plan and Financial Plan by next week*

*- bank account or loan documents, sweat equity and supplies can be submitted with the Work Plan*

*- looking for a statement (affidavit) that says they are going to use this money for the purpose of this rehab*

*- if Mr. Logan can tell her in the Work Plan that he can have the rehab done*

**Referred to the City Council due back on 3/21/2012**

**5**      [RLH RR  
12-13](#)

Ordering the rehabilitation or razing and removal of the structures at 1901 MARYLAND AVENUE EAST within fifteen (15) days after the April 4, 2012, City Council Public Hearing.

**Sponsors:**      Bostrom

*Remove the building within 30 days.*

*RE: 1901 Maryland Ave E (three/four family)*

*Michael Arhndt, owner, appeared.*

*Mr. Arhndt:*

- this issue has gone on far too long; seems that he has not been able to properly explain the issue or provide the correct information regarding the encroachment by the city, which predicated this entire thing*
- just received a letter from Parks regarding the Furness Parkway Project, which is directly adjacent to this property and has created this entire situation; this project is now back in the works - they will continue this spring*
- a city official told him early on, "They are coming to take you out."*
- he and other East Side investors recognized the need for community improvements; those other investors have left the organization; this encroachment issue has created a tremendous hardship for him: crimes that have occurred against his family and visitors and tenants; inability to sell the property;*
- Mar 10, 2012 he was shown a document that showed a property line that comes through the corner of his house; so, as they brought down the Furness Parkway Corridor down to Maryland Ave E, they had no regard for what was in the way and brought it right through the corner of his living room*

*Steve Magner, Vacant Buildings:*

- this is a one-story wood frame multi-unit building with a 1-stall attached garage on a lot of 6,534 sq ft*
- been vacant since Oct 21, 2011*
- current property owner - Michael S. Ahrndt and Sandra L. Ahrndt per Ramsey County*
- Dec 22, 2011 inspection conducted; list of deficiencies which constitute a nuisance condition was developed; photos taken*
- Order to Abate Nuisance Building posted Dev 27, 2011 with a compliance date of Jan 30, 2012*
- as of this date, the property remains in a condition which comprises a nuisance as defined by the legislative code*
- estimated market value of \$22,400 on land; \$42,300 on the building*
- real estate taxes are current*
- Vacant Building fees were paid by assessment Jan 6, 2012*
- as of Mar 12, 2012, a Code Compliance Inspection has not been done*
- as of Mar 12, 2012, the \$5,000 Performance Deposit has not been posted*
- 1 Summary Abatement since 2011*
- no Work Orders have been issued*
- estimated cost to repair exceeds \$50,000; estimated cost to demolish between \$10,000 - \$12,000*
- the Department of Safety and Inspections (DSI) is seeking a resolution to remove this building within 15 days*

*Amy Spong, Heritage Preservation Commission (HPC):*

- 1915 worker's cottage; built as a one-story*
- original contractor: A. F. Lalen; original owner: W. F. Williams*
- this part of the Greater East Side was last surveyed in 1983; there were very few houses inventoried in this area*
- there are no Sanborn Insurance Maps available - looked in the old 1928 Hopkins Plat Book*
- looks as if this property is adjacent to an old rail corridor (street car line); lake or pond was nearby, which since has dried up*

- the context of the area has changed
- house is in progress, rehab-wise; no interior photos
- does not believe this building would be eligible for any historic designation nor would it be part of any potential historic district that's been identified, so demolition would not have an adverse effect

Mr. Ahrndt:

- had not seen any of the historical information and must accept some responsibility when he purchased the property
- their organization had recognized some properties that were in great need of rehabilitation and several of those were purchased
- he's broken down and tired; he doesn't want to get into a situation of fighting over a mute point about the condition of this building; they've invested many thousands of dollars into it; then the inspectors came out, their first words were, "Wow! This is really nice; guess we won't need any pictures, here, will we Steve?"
- they could make quite a court case out of this but all that will do is harm the citizenry of Saint Paul, ultimately; that's not his interest
- he is also not interested in saving a property that really should have been removed long before he ever came on the scene
- when he became aware of this encroachment, they completed all necessary work inside
- as he's gone through this process, there's been a lot of altered information since last July
- since day one, he's asked that the city and he work cooperatively but all he has heard is condemnation; however, there has been a lot of congeniality extended this morning and cooperative conversation take place with other residents, which is uplifting and heartwarming; he'd like to see them come to some resolution on this one
- he we'll tak his organization down to Frogtown where rehabilitation is greatly needed; they have lot total desire in with working on the East Side
- he has written letters and a lot of documentation about this encroachment situation but no one that he's dealt with could help him solve this issue; no one has cooperated; even Saint Paul City Attorneys said, "Get this encroachment situation corrected." At that time, he stopped all the work on the exterior.
- he is willing to hire a demo contractor; there's been a lot of money invested on the interior; they will salvage items and use them on other properties
- he has no desire to rehab this property anymore
- he will donate that lot to the city, after landscaping it; he would expect some reciprocation - he would trade properties (maybe on Charles, adjacent to a youth program, 522-537 Charles)
- Parks is waiting to hear from him today

Mr. Magner:

- sounds as though the Appellant would be interested in: 1) removing the nuisance for the citizenry of Saint Paul; and 2) for the Appellant, with Ms. Moermond's assistance reach the HRA to see if there's a project he can trade or transfer of property titles
- he will need a demolition permit; DSI would appreciated his removing that structure
- this could be a win - win for the City of Saint Paul
- encroachment - when you look at the GIS System, it appears that a corner of the building is encroaching upon or is partially built on the right-of-way. There most likely was a 100-ft right-of-way that was originally established held by a for profit company, trolley car system for the Twin Cities. Subsequently, that land ended up in the hands of a government agency and now, the City of Saint Paul. Originally, the structure was probably used as a "mom and pop" store because that was a stop for the street car at Maryland Ave; they probably built it right up to that point and no one came back and told them not to do that, and over the years, no one every pushed the adverse

*impact of the site and even if they were to push it now, it doesn't apply to governmental agency, i.e., the City of Saint Paul. Under the state law, a governmental agency is specifically exempt from adverse possession in most cases.*

- we need to answer, "What is the best thing to do here?"
- a lot of concerns have been raised by Steve Ubl

*Ms. Moermond:*

- *thinks that perhaps, back in the day, there may have been some type of easement put on the property (the deed would reflect that)*
- *we know the building should come down; the next question is, who brings it down and under what timeline*
- *if we establish a timeline, and the applicant brings it down, great; if not, the city will take it down*
- *the Appellant wants compensation for the property: a trade, perhaps, because it shouldn't have been sold to begin with*
- *she can't commit on the part of Public Works, Parks and Rec or the HRA regarding a property "swap"; it's not something she can engage in*
- *Appellant can go directly to Sheri Pemberton, 266-6615, PED*
- *keep Ms. Moermond informed*
- *if the building is taken down for public safety and health purposes, it will have an impact*
- *a code compliant inspection has not been made although DSI believes that it will take \$50,000 to rehab*
- *in the Order to Abate, it says that the garage is problematic; eaves and soffits are in disrepair; exterior walls need repair; foundation is deteriorated; roof is deteriorated; ceilings are problematic on the interior; interior walls are defective; materials need to be stored properly - that's the basis for declaring it a nuisance; in order for it to be taken out of this category, a Code Compliance inspection needs to be done and the items on that list addressed (Mr. Ahrndt is saying that he doesn't think these things are valid to declare the building a nuisance)*
- *is very interested in what the deed says regarding an easement*

*Mr. Ahrndt:*

- *feels as though progress has been made today*
- *the encroachment situation was never taken care of, so, he stopped work on the outside with the materials on hand*
- *was told by city official that the city wanted that property*
- *later was not able to get a permit*
- *interior ceilings are all brand new sprayed ceilings, professionally done*
- *walls are all new*
- *brand new bathrooms*
- *all new fixtures*
- *it's all been inspected, so he doesn't understand*
- *there's a lot to contest*
- *it's all mute if some cooperative decision can be arrived at*
- *it should have been purchased by the city many years ago and not put onto the market*
- *he never believed that this would have come to a 12-year battle with the City of Saint Paul*

*Ms. Moermond:*

- *now, we are pushed against the wall because of this proposed Order*
- *maybe, Mr. Ahrndt would be served by packaging all of his concerns and file a claim against the city (a way to deal with it); however, that is a separate consideration than our business today.*
- *asked Mr. Ahrdt how long an extension they would need to raze the buiding (Mr.*



*Ahrndt said he believed they could salvage anything that's worth salvaging and have the building removed by the end of Apr 2012 if he and the city can agree.)*

*Mr. Ahrndt:*

*- asked Mr. Magner about the curb cut on the east side of the property line; they were told they couldn't use that - his wife actually got a parking ticket for parking in their driveway, which is what started all this a number of years ago. He asked how it happened that the city installed that curb cut if it wasn't even correct? (Mr. Magner answered that he suspects that the city initiated a sewer separation project in the 1980s, a 10-year project that lasted much longer; subsequently, many city streets had been oiled; Maryland may not have been oiled and may have had curb and pavement; after the city separated the sanitary and storm sewers, they came through and did soil corrections, paving, gutters and curbs. They weren't looking at the plat; they saw a car in the driveway and thought there should be a curb cut there; they should not have done that. There was lack of communication; not thorough investigation. All this was done in the very late 80s by subcontractors.*

*Ms. Moermond:*

*- a chicken and egg situation  
- the Appellant will remove the building by the end of Apr 2012; it's achievable  
- at City Council Public Hearing Apr 4, 2012  
- will recommend removing the building by the end of Apr 2012  
- a letter will be sent confirming today's hearing*

**Referred to the City Council due back on 4/4/2012**

**6**      [RLH RR 12-4](#)

Ordering razing and removal of the structures at 939-941 THIRD STREET EAST within fifteen (15) days after the February 15, 2012, City Council Public Hearing. (Public hearing continued from February 15)

**Sponsors:**      Lantry

*Ms. Moermond will recommend to the City Council that the building be removed or repaired within 90 days from adoption of resolution provided that the \$5,000 performance bond be posted and the code compliance inspection ordered and access must be provided to the site for trade inspectors to conduct the inspection within 3 weeks.*

*RE: 939 - 941 3rd St (three/four family)*

*Brian Danielson, special credit services officer, Alaris Financial, Grand Forks ND; and Ray Williamson, Dakota Property, court appointed receiver, appeared. Alaris is foreclosing on Red Branch Financial Corp.*

*Steve Magner, Vacant Buildings:*

*- legislative layover from Jan 24, 2012  
- read letter of Jan 26, 2012 sent to Mr. Danielson and Mr. Williamson:  
This is to confirm that on January 24, 2012 at the Legislative Hearing, Marcia Moermond, Legislative Hearing Officer, recommended the following conditions to be met if your client intends to rehabilitate the building:*

- 1. obtain a Code Compliance Inspection;*
- 2. provide a work plan, including timelines which need to be done in accordance with the code compliance inspection report; however, in the meantime, you may submit work plan based on bids you have and amend the work plan later based on the code compliance inspection report;*
- 3. provide financial documentation such as construction loan, a line of credit or bank statement showing \$50,000 to \$60,000 indicating the ability to complete the*

repairs;

4. provide an affidavit dedicating the funds from the Bank for the project;
5. post the \$5,000 performance deposit; and
6. contact someone who can review and bring back the historical characteristics of the building.

If the aforementioned conditions are met, Ms. Moermond will ask the City Council on Wednesday, February 15, 2012 at 5:30 p.m. in Room 300 Council Chambers to lay the matter to Legislative Hearing on Tuesday, February 21, 2012 and continue the City Council Public Hearing to Wednesday, March 7, 2012 at 5:30 p.m. in Room 300 Council Chambers.

If you have any further questions, you may contact me at 651-266-8563.

Sincerely,

Mai Vang

Legislative Hearing Coordinator

Mr. Danielson:

- subsequently, the affidavit was submitted
- the Work Plan was submitted
- an architect's rendition was submitted today
- their attorney didn't think the \$5,000 performance deposit needed to be submitted

Mr. Williamson:

- re: performance deposit: there was concern that the bank would have to post or approve evidence of \$60,000 line of credit and suggested they not move forward with the performance deposit until that was resolved (the affidavit will suffice)

Ms. Moermond:

- the \$5,000 Performance Deposit needs to be posted
- order the code compliance inspection
- have a statement that rehab will take only 3 weeks

Mr. Magner:

- the 3 things they need are: 1) the code compliance inspection application fee; 2) the ability to get into the building in order to do the inspection (will take 3 weeks); and 3) \$5,000 Performance Deposit
- once the inspection is done, they could commence with their Work Plan, if the City Council provides the time for that

Ms. Moermond:

- will recommend granting 90 days extension if the other items are taken care of
- if for some reason, the code compliance inspection hasn't taken place, she will recommend the Council reconsider the item
- City Council Public Hearing is Mar 21, 2012

**Referred to the City Council due back on 3/21/2012**

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[RLH OA  
12-18](#)

Appeal of Kristina Beedle to a Code Compliance Report at 23 ISABEL STREET WEST.

**Sponsors:** Thune

*Forthcoming. Appellant to provide specific information from engineer or contractor on insulation of exterior walls and attic; and to provide a work on the window replacement noting the custom windows will need to be done on different timeline.*

RE: 23 Isabel St W (single family)

*Kristina Beedle, owner, appeared.*

*Ms. Moermond:*

*- Letter from Mr. Steve Ubl walks through some of the articles that Ms. Beedle submitted; his concern is that there is insulation that could be put into the exterior walls that would still allow the building to breathe; also, there are other steps that can be taken to make the breathing easier, i.e., making sure the water flows away from the building, which has a lot to do with the temperature of the masonry wall*

*Ms. Beedle:*

*- got an estimate regarding brick analysis from the east coast: \$15,000 - \$20,000  
- hasn't found resources for anyone in Minnesota who specializes in historical bricks, etc.  
- had an energy audit done but the house is gutted so there's a lot of leaks  
- there's evidence that the brick will fail (evidence in the chimney already from the freezing/thawing cycle in the unheated attic space) if they insulate the home*

*Amy Spong, Heritage Preservation Commission (HPC):*

*- noted that there is a local structural engineering firm that does have a specialty in historic homes (one of their consultants came out to consult on the Rock of Ages Church); Megan Elliott (sits on Mpls HPC)*

*Christine Boulware, Heritage Preservation Commission (HPC):*

*- noted that Megan Elliott is currently working with them on another masonry project at 260 Summit (another freeze/thaw issue structure)  
- curious about the fact that Saint Paul has several warehouse/commercial historic districts where the interior of these units are the exposed brick walls and they are masonry load-bearing just like this house but it's never been required that those exterior walls in many of these units be framed and insulated; they remain the wall. (Ms. Beedle added that Seattle's Energy Code has been adapted for these buildings because they want to preserve the brick.) (Steve Magner noted that the brick was also part of the issue with 59 Dale St, so maybe there is an avenue for compromise; perhaps Historic St. Paul should become involved and champion; maybe the state building code needs some adapting regarding historic buildings.)  
- the energy code is written for the properties built after World War II, where heating and air conditioning are included; homes like the ones at 23 Isabel pre-date any heating system so, they were constructed to breathe that way in order to avoid brick failure; so, the question is can the modern energy code be fairly applied to these historic structures?*

*Mr. Magner:*

*- seeing a struggle with on the city side you have a highly trained expert who's saying, "This is what we're supposed to do," while on the other side is a well-informed home-owner who's concerned about the long-term viability of her project and believes that insulating would be the wrong things to do while at the same time, trying to keep an open mind of the situation; DSI staff and Ms. Moermond simply just need more documentation from the applicant  
- is there a way that we can find resources for this individual to get more research to submit to the Sr. Bldg Insp Steve Ubl so he can re-evaluate the situation before we move forward?*

*Ms. Moermond:*

*- getting more property specific information about what's going on with 23 Isabel instead of generic property will be critical for doing a variance on this piece of the code*

- believes that a compromise can be crafted (historic vs energy efficiency)
- a specialist needs to evaluate without costing \$15,000 - \$20,000; the Rock of Ages wasn't near that amount of money to have evaluated
- perhaps, the replacing window project could be moved up in the construction process so that they are done and some of the energy code concerns are met (Ms. Beedle said that they already plan to replace 9 windows immediately; the "special" windows will need to wait)
- asked for a window replacement plan for the majority of the windows to be completed sooner rather than 5 years
- also, partially insulation of the attic being done
- and, hiring a consultant (get official letter)
- those 3 things will probably get the Appellant through the insulation piece of it, as far as she's concerned

Ms. Beedle:

- if they are not required to do insulation on the exterior walls, they will take that money and insulated the whole attic
- when Steve Ubl came out, he told her to do the research on the insulation, etc.

Ms. Moermond:

- once that person goes out there and can sign off on the wall insulation and attic insulation situation, she is comfortable going with their professional judgment on that
- let's get the majority of the windows installed within a year - that will address a huge part of the energy code; willing to put the custom windows out farther (her husband will do the custom windows himself); submit a Window Plan with timeline
- call the consultant ASAP; they did the Dale project quickly

**Laid Over to the Legislative Hearings due back on 3/27/2012**

**8**      [SR 11-25](#)

Reviewing progress of rehabilitation for 1456 COHANSEY STREET.

**Sponsors:**      Brendmoen

Grant extension to April 15, 2012 for final signed off.

RE: 1456 Cohansey St (single family)

Richard Bednar, owner, and John Boyle appeared.

Ms. Moermond:

- we just spoke and it sounds as though we are really close to finishing this project

Mr. Boyle:

- Mr. Bednar needs some family assistance
- Mr. Bednar's sister sent a letter saying that she will try to shepherd this through to the end
- apologized for the long time that this project is taking
- asking for an extension to the end of this month in order for Mr. Bednar's sister to be able to complete it
- sister and Mr. Boyle have spoken with Mr. Seeger and know what needs to be done
- someone needs to step in and finish this

Steve Magner, Vacant Buildings:

- a number of permits are pulled and need to be finalized
- electrical permit is finalized
- the code compliance inspection report is needed
- if Mr. Bednar's sister will help to obtain the final sign-offs by getting the contractors

in and out, we can put this matter to rest  
- the Department of Safety and Inspections (DSI) is again willing to extend the performance deposit and fee process for a short time longer  
- most work is completed; just needs sign-offs

Ms. Moermond:

- Diane Schmitz, Mr. Bednar's sister, is recovering from surgery  
- we need to give her a little time  
- will grant an extension to Apr 15, 2012 to get sign-offs taken care of

Mr. Bednar:

- stopped by Bonfe Plumbing yesterday and asked why the permitting process hasn't been completed and submitted; they responded that they submitted to Northwestern Water Services. He told them it needed to be filed with the Saint Paul DSI office as well. Brian, operations manager, said he would get ahold of the office manager to make sure that's rectified. It's his understanding that is why the city inspector won't inspect the water heater and duct work, etc.  
- the mechanical inspector was over yesterday and said he'd sign off on the mechanical work after I get him the paper work for the duct cleaning, etc.  
- Mr. Bednar promised to close the deal on it

**Laid Over to the Legislative Hearings due back on 4/17/2012**

## 11:00 a.m. Hearings

### Summary Abatement Orders

9 [RLH SAO  
12-8](#) Appeal of Albert J. Fitzgibbons to a Vehicle Abatement Order at 901 FAIRMOUNT AVENUE.

**Sponsors:** Thune

*Deny the appeal and grant an extension to April 1, 2012 for compliance.*

*RE: 901 Fairmount Ave (single family)*

*Albert J. Fitzgibbons, owner, appeared.*

*Steve Magner, Vacant Buildings:*

- appeal of a Vehicle Abatement Order  
- received complaint Aug 16, 2011 about a hazardous vehicle with no front bumper, only 1 license plate which was out of date and has not been moved for more than 5 days  
- Aug 19, 2011 inspector issued a Vehicle Abatement Order; sent to Albert J. Fitzgibbons and Occupant; indicating tabs were needed, vital parts missing and inoperable; compliance requested by Aug 25, 2011  
- Sep 13, 2011 supervisor indicated in notes that owner had filed an appeal  
- an extension was granted to Sep 24; owner had called and said the vehicle would be in compliance in 2 weeks  
- Nov 7 - inspector found vehicle still parked there as was; will re-check in 1 week  
- Nov 21 - BMW will go to repair shop in early Dec 2011 so, we gave it more time  
- Feb 14, 2012 - the car had been broken into; original title had been stolen; owner will be getting a new title; re-check on Feb 21  
- Feb 24 - owner had not called back, so a new Vehicle Abatement Order was sent  
- Mar 9 - inspector said owner filed another appeal; car still does not have current

*tabs*

*- requesting that the vehicle be removed or brought into compliance*

*Ms. Moermond:*

*- noted that Appellant had filed an appeal in Aug 2011 but it was withdrawn because he had been given an extension*

*Mr. Fitzgibbons:*

*- Aug 2011 - the car hadn't been driven because he was away (East Coast)*  
*- regarding the tabs: it said 2006-07 but on the windshield, there's a sticker saying Aug '11 - it was registered adequately; a Conn registration*  
*- since then, it's been out of registration*  
*- he is unemployed - he was laid off*  
*- was going to get a loan from his dad to get the car fixed; has the estimate; has receipt for when the window was fixed after it was broken into*  
*- the city has been more than patient and understanding with him*  
*- the car is rarely driven but it's on his property; not on the street (?)*  
*- he is trying to sell the car that's in his garage (his friend, a mechanic, wants to buy it and fix it); then he could get the BMW into the garage*  
*- his father is working to get the BMW back to Conn and fix it himself*  
*- is very appreciative of everyone with whom he has dealt with regarding this issue*  
*- the title is in the mail*  
*- all the wires have been fixed; none hanging down; it's just missing a front bumper*  
*- needs a week or two*

*Ms. Moermond:*

*- with those problems that are listed, if it had been on the street, it would have been towed; if it's on your property, you get extra long deadlines to deal with it but ultimately, it's akin to having a refrigerator sitting out there (it's not useful as a car - it's an abandoned vehicle)*  
*- will recommend granting an extension to Apr 1, 2012 with the understanding that on Apr 2 a tow truck may arrive*

**Referred to the City Council due back on 4/4/2012**

### Orders To Vacate, Condemnations and Revocations

10

[RLH VO  
12-17](#)

Appeal of Reginald E. Moore to a Fire Certificate of Occupancy Revocation and Order to Vacate 818 OCEAN STREET.

**Sponsors:** Bostrom

*Deny the appeal and grant an extension to April 15, 2012 for compliance.  
 Forthcoming on the status of whether Appellant should be in the Fire Certificate of Occupancy Program.*

*RE: 818 Ocean St (single family)*

*Reginald Moore, owner, appeared.*

*Fire Supervisor Leanna Shaff:*

*- complaint came in Nov 29: no smoke detectors, broken sheet rock with exposed framing, cluttered basement, etc.*  
*- through a series of checks and re-checks, Code Enforcement officer felt it was a Fire Certificate of Occupancy building and transferred that complaint to them*  
*- Inspector Thomas has been out there quite a few times*

- Inspector's notes lead them to believe that this is certainly not an owner-occupied property
- phone number for Mr. Moore that other people answer, who wouldn't give any additional information
- Mr. Thompson states that he rents a room from his uncle
- Mr. Moore insists that he lives at the property; however, he has 15 different places to stay
- house is in foreclosure; redemption period was up Mar 6, 2012; property was sold to Fannie Mae
- owner states he rents to his relatives
- one of the persons living there states that the owner doesn't live there
- complaints from police - problem property
- Nov 26, 2011 there was a loud party with approximately 50 juveniles in the house
- they don't believe Mr. Moore lives in this house; they can't find evidence that he does and since he doesn't, he needs a Fire C of O

Mr. Moore:

- this problem started because his nephew lives with him; if he goes out of town, he has loud parties and a neighbor got tired of it and called the police
- she called the police so many times that the police called code enforcement, inspector came out
- upon inspection, he found that one of the smoke detectors didn't work, there was a hole knocked in the wall
- this is his residence; according to code 40.02, he is exempt if the house is owner-occupied and that's what he is
- he had let another guy stay there; this guy got mad at him and started calling the inspector about what needed fixing (when this guy moved in, Mr. Moore made it clear that he was not to think of the house as though he was renting the whole house; he was just renting a room and he didn't have dominion over the whole house; this apparently, made the guy mad so, he called the inspector); this guy is not living there anymore - he's a felon whom Mr. Moore was trying to help out, coming out of a shelter
- Mr. Moore spoke, personally, with the inspector and said, "This is my house; it's homesteaded so, the C of O does not apply to me." The inspector said he didn't believe him. Mr. Moore said, "If I'm homesteaded and getting my mail there, it doesn't matter what you think. This is my house."
- The Order is out of order; the law doesn't apply to him; he is owner-occupied
- is fighting with the bank about the foreclosure
- feels as though Inspector Thomas is harassing him for no reason; he is going against the Ordinance that's on the books because of what he thinks
- he had to pay \$25 twice to appeal an Order that doesn't apply to him

Ms. Moermond:

- she is looking at a set of Orders on the inside of the property; Mr. Moore is saying, "Hey, this isn't a rental property; therefore, I shouldn't have to comply with these Orders issued on the inside of the house." (Mr. Moore disagreed; he said, "If I'm exempt from the Fire C of O, why are the inspectors at my house when I told you to your face, 'I live here.'" He thinks this case should be closed.)
- it could have been anyone that the complaint came from; when the inspector came, they let him into the house; he finds that those conditions are present or he finds other conditions that are present - but they had probable cause to go in and he made observations and Orders based on that
- we'll talk about being in the C of O program - rental property - later
- here, the concern is this set of maintenance Orders issued by an inspector who was let into the property
- she is not hearing Mr. Moore contradict the validity of the maintenance items

- if Fire doesn't follow up on these conditions, she will switch this to an inspector who does owner-occupied housing
- the crux of this is: there was a complaint; it was investigated; there was a finding that these were problems; Orders issued
- her job is to look at the Orders and determine whether or not those Orders are appropriate for this situation

Mr. Moore:

- he installed the smoke detectors and fix the holes in the wall
- he cleaned out the basement
- he got rid of the guy who was calling Inspector Thomas
- he doesn't want to live in a house with code violations; it would be unsafe for himself
- he also understands that if his nephew hadn't had the wild parties, he wouldn't even be here; but his mom doesn't know what to do with him so, Mr. Moore lets him stay with him
- what he is upset about is that he told Inspector Thomas that he lives there as an owner-occupant and basically, Inspector Thomas is calling him a liar; Mr. Moore doesn't appreciate that
- the inspector was belligerent - spoke to him in a demanding way
- he has had the same phone number for 13 years; the inspector called me on the phone and sent him an appointment letter at this address (if you say you don't have a telephone number for me, how can you call me)
- insists he never said that he had 15 places to stay

Ms. Shaff:

- the Water Dept has Marcus Thompson listed as a renter (Mr. Moore disputes that); have no other info on the uncle except the cell phone
- inspector notes that he wasn't seeing anything that gave him indication that the owner lives at the property; there are 3 bedrooms, all have different tenants; the first time at the property, there were 4 unrelated people there; second time, there were different people other than the first 4; spoke with owner who said he rents to his relatives; one of the tenants states that the owner does not live there

Mr. Moore:

- there has never been more than him, his nephew and this other guy (felon), who's no longer there
- the Water bill has been in his name since 1997; it's never been in anyone else's name but his (call the Water Dept)
- the police dept has provided him with information about the parties; police told him to "kick out" the nephew
- nephew video taped one of the parties
- he took nephew's speakers out of the house
- he was able to stop a couple of those parties
- nephew had a problem with the neighbor, so every time he turned the music up, she'd call the police

Ms. Moermond:

- asked Mr. Moore if he had any info that demonstrated that he is living at this address (Mr. Moore responded, "My word and I get my mail there.") because there are people on the other side who say you don't (Mr. Moore said, "If you ask my nephew, he'll tell you; this other guy, he'll say anything; but he doesn't live there anymore; he's homeless.")

Mr. Moore:

- before he rented the felon the room, he checked the statute; apparently, Inspector Thomas thinks he's so stupid that he doesn't check statutes - that he can tell him



*something and he will just believe it*

- *he does know the law; he wouldn't have rented him a room if he didn't know that he wouldn't be subject to the Fire Certificate*
- *Mr. Thomas threatened him saying, "You can go to jail."*
- *is upset with the way Mr. Thomas handled the situation*
- *about 4 police calls in all; he spoke with the officer, personally, who warned him about the possibility of future problems but she wasn't rude like Inspector Thomas (obnoxious, bullying)*
- *asked that another inspector be sent out so they could talk like civilized people*
- *has already taken care of the things that need fixing*
- *still needs to get some screens for the windows*
- *he is contesting the ballistrade and questioning a lot of stuff; inspector said the ballistrades are too far apart (have been there)*

*Ms. Moermond:*

- *would like some photos before she came to any conclusion on the ballistrade*
- *will hold off on whether Appellant should be in the C of O; she will consider it*
- *need to close out this set of Orders*
- *Mr. Moore doesn't get to pick the inspector (Ms. Shaff says they are very short staffed); is inclined to let the inspector who started it, finish it*
- *will recommend granting until Apr 15, 2012 for Appellant to have the sign-off on these things or the place needs to be vacated*
- *inspection can set appointment letter of ask the City Council for another outcome*
- *City Council Public Hearing Apr 4, 2012, Room 40, downstairs*
- *will send a letter to confirm*
- *Fire inspectors will finish out this inspection*
- *in next couple of weeks, she will make a determination regarding whether Appellant should be in the C of O Program*

**Referred to the City Council due back on 4/4/2012**

## 1:30 p.m. Hearings

### Window Variances: Hearing Required (None)

### Correction Orders (None)

### Fire Certificates of Occupancy

- 11      [RLH FCO  
12-143](#)      Appeal of Kathryn Christopherson, on behalf of International Institute of Minnesota, to a Fire Certificate of Occupancy Inspection Correction Notice at 1694 COMO AVENUE.

**Sponsors:**      Stark

*Deny the appeal and grant an extension for 120 days for compliance.*

*RE: 1694 Como Ave (club/association hall)*

*Kathy Christopherson, International Institute of Minnesota, appeared.*

*Fire Inspector Mike Urmann:*

- *issue of required fire door that had been removed by the tenant*
- *the building is fully sprinklered in the basement and has 2 stairwells coming out of*

*the basement*

- one stairwell meets code - has a fire door that is held open by magnetic hold devise
- without the required fire door on other stairwell and a fully sprinklered basement, the sprinklers may not function because the heat from the fire would not sit by the sprinklers - go right out the chimney - go right out the door
- the other issue is if you have fire there, it would block that egress because that would be the path of least resistance for smoke and fire to travel; so, we want to close that because of the fire separation to protect the egress path so that someone could get out at the time of a fire or an emergency
- they do sell fire doors with portholes
- the Appellant's notes say that the fire door was removed so that they might avoid the hazard of someone being hit coming up and down the steps
- they could use the same theory that they use at the other door: magnetic automatic hold-open devise that closes as the time of an emergency alarm
- options are out there; removal of the fire door is not one
- doors must swing in the direction of exit travel; most swing into the stairs because the exit is from the unit into the stairs
- given the design, he doesn't see why the door couldn't be installed; there are several hardware options that meet this problem and ways to put in the magnetic even without a wall behind it

*Ms. Christopherson:*

- the door was taken off before her time - quite a while ago
- there had been a number of bumps and narrow escapes because of the traffic there
- they didn't think the porthole was enough; perhaps, full glass would work
- here, there is kind of a steep stairway - someone could be knocked off the stairs
- she assumed the door would open into the hallway but there's no wall there to install the magnetic
- hoping they wouldn't have to install the door; money is a concern for them
- they have a commercial kitchen and just spent \$8,000 upgrading the fire compression system
- inspector will be coming back the end of this month

*Ms. Moermond:*

- asked if they have priced any of the options
- it needs to be done but it's a question of timing
- it's been that way for a while (20 years); doesn't mean it's safe
- get some bids; figure out prices
- will recommend granting 120 days to come into compliance

*Mr. Urmann:*

- suggested that Appellant works with the inspector on any layout they come up with; there may be a cost effective way to do it that a contractor may not come up with; there are several ways to comply

**Referred to the City Council due back on 4/4/2012**

**12**      [RLH FCO  
12-159](#)

Appeal of Jason Koenig to a Fire Certificate of Occupancy Inspection  
Correction Notice at 1391 STANFORD AVENUE.

**Sponsors:**      Tolbert

*Deny the appeal and grant an extension to May 1, 2012 for compliance on the back stairway, upper unit and painting of the garage; grant a 6.5-inch variance on the openable height of the egress window in the upper unit bedroom.*

*RE: 1391 Stanford Ave (two family dwelling)*

Jason Koenig, owner, appeared.

Fire Inspector Urmann:

- the 2nd exit from the upper floor on the exterior needs repair/or replacement because it's starting to deteriorate (Appellant is waiting for better weather)
- egress window

Mr. Koenig:

- #1 the back stairway: the railing needs some supports; instead of repair, he would like to replace the whole staircase because there is also some rotting wood, etc. (will take one weekend)
- would like an extension on that; plans on doing it better than required
- #5 garage work - painting and scraping; may be able to do that this weekend
- #4 double hung window - there's a typo: it's actually in the upper unit; due to the ceiling height, the window just physically can't be made taller - it would eat into the baseboards and ruin the structural integrity of the house; the dimensions still look as though they fit within the parameters

Ms. Moermond:

- will recommend a variance on the window
- will recommend granting an extension to May 1, 2011 for painting the garage and replacing the stairway

**Referred to the City Council due back on 4/4/2012**

**13**      [RLH FCO  
12-141](#)

Appeal of Michael Jorgenson to a Fire Certificate of Occupancy Correction Notice at 904 ST. PAUL AVENUE.

**Sponsors:**      Tolbert

*Grant a 2-inch variance on the openable height of the egress window in the west bedroom; deny the appeal and grant an extension to July 1, 2012 for the exterior painting of the garage and house.*

*RE: 904 St. Paul Ave (single family)*

*No one appeared.*

Ms. Moermond:

- read email from Michael Jorgenson asking for an extension for painting garage and house
- will grant a variance on the egress window
- will recommend denial and grant an extension to Jul 1, 2012 for exterior painting

**Referred to the City Council due back on 4/4/2012**

**14**      [RLH FCO  
12-152](#)

Appeal of Tony Hessburg to a Correction Notice-Complaint Inspection at 1339 EUSTIS STREET.

**Sponsors:**      Stark

*Forthcoming. (Housekeeping on 4/3)*

*RE: 1339 Eustis St (single family)*

*Tony Hessburg, owner, and Dan Lee, attorney, appeared.*

*Fire Inspector Mike Urmann:*

- *Inspector Mitch Imbertson's notes: all of these Orders are pending because of a zoning issue on the building*
- *inspector was called out by Zoning for:*
  - 1) *a business being run in a duplex*
  - 2) *if approved as its being used, Appellant needs to go thru Zoning approval (rezoned from a single family back to a business or mixed commercial/residential. If it's a mixed commercial/residential, it cannot occur within the dwelling unit of the owner; it would have to occur in a separate portion of the building that would also require a Zoning change to be a mixed commercial/residential*
  - 3) *Zoning has ruled that it's a single family dwelling; one unit has been vacated so they removed it from being a duplex to a single family and the 2nd portion be deconverted*
- *improper zoning triggered this whole thing*
- *this was all done by Zoning; we're in the middle of this*
- *has not seen a Zoning appeal or approval, etc.*
- *all of their action has been directed by Karen Zachow*

*Ms. Moermond:*

- *is looking for a separate Zoning Order (Ruling, Decision, letter) that this cannot be used in this way*
- *looks like this was originally discussed Dec 2009; then, Dec 2011*
- *seeing a complaint having been called into system indicating that bldg was being used as a commercial property; that there were regularly 6 people coming and going between the hours of 9 am - 5 pm (they called it is as an illegal business); records go back to mid-90s*
- *Appellant mentioned in his letter that there was a previous approval, "Zoning was approved for previous owner."*

*Mr. Lee:*

- *this property has always been an RM-2 zoning since Mr. Hessburg purchase it in 2004; it's never been re-designated - they were never provided anything to that effect*
- *he handled the complaint in 2009 and as recently as Nov 2009, it was still an RM-2 (has record)*
- *chap 66.220 - Principle uses in residential districts: an RM-2 is a mixed commercial/residential district; home occupation is a principle use as defined by the Saint Paul Code*
- *Mr. Hessburg is an owner-occupant*
- *Correction Notice, 2nd paragraph, there's a requirement of a Certificate of Occupancy*
- *Saint Paul Code Section 40.02: there's an exception of owner-occupied buildings and specifically, owner-occupied duplexes, which this is*
- *currently, the premises is a duplex and zoned as such; Mr. Hessburg does live there but he's not renting out to anyone at this time; he hasn't taken out a rental license, as required by the City of Saint Paul*
- *65.141 Home Occupation: the premises is 4,044 sq ft total and under (d.) it states that you can have up to 3 people, one person being the owner-occupant*
- *as permitted by the code, he does take in clients by appointment so, there is a separate off-street parking lot with 7 separate parking spaces (creates no parking issue)*
- *it's perfectly in conformity of the characteristics of that neighborhood being mixed residential and commercial (can see from aerial photo)*
- *Mr. Hessburg has spoken to 5 of his immediate neighbors who have signed a petition saying they don't have a problem with his use of the premises*
- *if you rezone it, what would you rezone it to? The only other code defined zoning*

that could fit would be a TN-1 or TN-2; and if you look at the principle uses for those, it permits the exact same thing, which is residential and home occupation

- kitchen issue - inspection Feb 13, 2012 - either tear out one of the kitchens or put up fire-rated walls (pretty expensive to comply by Mar 2, 2012) but it's a conforming legal use of the property (city is forcing him to spend money he doesn't have)
- Mr. Hessburg is complying with the parameters which are defined under the code as provided for home offices and commercial activities
- if, for no apparent reason, the city is forcing him to either tear out a kitchen or put up fire rated walls, he would request a 180 day extension, as permitted by the state zoning code so that he can properly contact contractors and bid this out to make sure any such projects are done with proper permitting and process (done by license professionals who pull proper permits)

Mr. Urmann:

- Zoning disagrees; they have yet to determine whether it's a mixed use or it's a permitted use under the zone; if it's a mixed use, you need the fire separation; deconversion of the second unit has to be done because it's already been determined by Zoning that this is no longer a duplex; it's a single family home and cannot have 2 kitchens; this is a Zoning ruling they have been directed to fulfill
- as a business and a residential, this building would not meet the requirements that say it's exempt as an owner-unoccupied; even as an owner-occupied, business and residential use, it would require a Certificate of Occupancy

Mr. Lee:

- they cannot respond to an Order they don't have
- this property has been on the books since the 90s; it's been an RM-2 and there's been no structural change to this house

Mr. Hessburg:

- when he bought it had been approved this way and he hasn't changed it
- no walls have been removed between the two units; it was built as a mother-in-law apartment; he bought it from the family who built it; their grandmother lived there; it may have been missclassified; he has not changed the structure; this situation was existing

Ms. Moermond:

- looking a 2 different definitions of occupancy/use
- Fire Inspection is calling it out under the Zoning code that they need to deconvert, not under the building code

Mr. Urmann:

- as a commercial use, which has been determined by the inspector, it would have to be separated at no less than 1 hour from the residential use
- zoning determines that it's a single family home; not a duplex and thus needs to be deconverted; that's why it's a Zoning Order (Mr. Lee: It's not a Zoning Order. They have never gotten a Zoning Order; it's an Order from the Fire Inspection Dept and so it circumvents an kind of procedural or substantive due process where they can respond to it. From what he can understand from what Mr. Urmann is saying, Zoning has told them to do it this way because they have made that determination based upon what Fire Inspection observed upon inspection and told Zoning; now, Fire Inspection is issuing an Order based upon what they're telling Fire Inspection to do and what they believe the Zoning should be without a proper determination.) Mr. Urmann said Zoning was involved with the inspection; it's not that Fire conducted the inspection without them; their referral came from Zoning

Mr. Hessburg:

- in 2009 he was in violation; he had more people so they moved the business out (complied)
- when business shrank, he moved the business back into this building and when he did so, he thought he was fully compliant per what he had been told in 2009
- the Certificate of Occupancy goes back to 1998 (entered)

Ms. Moermond:

- both the city system and the county system indicate this is a single family home
- checking the 1998 Certificate of Occupancy online: noting that it was registered as a rental duplex in the past; building permits were pulled as a duplex

Mr. Lee:

- to have a re-inspection set for Mar 29, 2012 to comply with all of this is really not entirely possible
- he needs to bid this out if the city must have this change but his client has done nothing to cause this situation
- we're talking about a 2nd kitchen, not about it's permitted use of whether it's mixed

Ms. Moermond:

- will need to do more research on this
- will lay this over for 3 weeks; it will be a housekeeping item on the agenda (3 or 3:30 pm)
- she will put a decision on the record at that time
- the Appellant can come down or she can send him a letter
- enforcement is held in abeyance until the appel is settled
- it may be that Orders will need to be re-issued in which case, they may be appealable
- sees that Mr. Hessburg registered this as a duplex in 2006 when he moved the business out because that's what it was zoned as

**Laid Over to the Legislative Hearings due back on 4/3/2012**

15 [RLH FCO  
12-136](#)

Appeal of Glen Lucken, Capitol View Cafe, to a Fire Certificate of Occupancy Inspection Correction Notice at 635-637 SMITH AVENUE SOUTH.

**Sponsors:** Thune

*Deny the appeal and grant an extension for 6 months for compliance.*

RE: 635-637 Smith Ave S (general retail and Svc)

Glen and Mrs. Lucken, owners of Capitol View Cafe Of St. Paul, appeared.

Fire Inspector Mike Urmann:

- entered diagram
- egress door in a space that they have expanded into, a restaurant use
- exit door swings into building instead of swinging out
- the other two doors currently marked as "exits" exit into an area that's obstructed by storage and is a dead end (not a code exit)
- another exit, which swings in, not out and there's a step down; it also goes into a public place so it does not meet egress requirements
- the Fire Marshal and inspector suggest that the front entrance to the left, which is circled as best solution, be recessed in as the main entrance and swing out
- the main entrance is fine; the one in the back is not; the other front exit is not (must be changed: recess it and swing the door out)
- steps down don't work for an exit, either; if the steps are inside, that works
- the exit signs need to be moved away from exits that are not approved

*Mr. Lucken:*

- his mother and father-in-law were the original owners; he and his wife bought it from them 6-7 years ago
- have the laws just changed? and why didn't someone let them know before the expansion
- besides, he just spent \$8,000 on new doors; if he'd known which way they were supposed to swing, he would have done it that way
- when the inspector did the first inspection, she told him that he could use the exit doors in the back and on the side as long as they swung out; fortunately, he questioned her on that - told her that one exit was going into a sidewalk - she agreed to come back and check it out
- when she came back, she said the step was also a problem
- it really comes down to the cost factor; and when did all this change?
- they want to be up to code, but everything was fine 2 years ago (?)
- there are 3 addresses there: 635, 637, 641
- 641 is going to get very costly; will lose area; door on corner of building
- 635 a little shop (there are 2 doors there - open to the cafe - can they use one of those exits?)
- they have 5 exits going from the cafe
- Appellants, Mr. Urmann and Ms. Moermond are all checking out the diagram

*Mr. Urmann:*

- they cannot exit through another business even if it's attached - it wouldn't qualify as an exit

*Ms. Lucken:*

- if they need to do it; they will need time

*Ms. Moermond:*

- checked on permits: doors installed last year by Beissel Window and Door (they didn't do the final)
- extra time isn't a problem
- sounds like a recessed entry is the way they need to go; emergency exit with panic release hardware
- call PED Loan Program or NeDA for assistance in financing the door
- will recommend granting a 6 month extension to come into compliance

**Referred to the City Council due back on 4/4/2012**

**16**      [RLH FCO  
12-144](#)

Appeal of Genevieve Woodward to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 1253 BEECH STREET.

**Sponsors:**      Lantry

*Need more information from owners.*

*RE: 1253 Beech St (single family)*

*Katie Nave, proxy for owner, Genevieve Woodward, appeared.*

*Fire Inspector Mike Urmann:*

- non-owner occupied property; it's used as a rental unit and may fall under rooming and boarding definition (has not yet been determined)
- believe it falls under Chap 40
- all Orders apply except the smoke detector affidavit whether owner-occupied or non-owner-occupied

- is not sure how they got this property; it is listed in the system as non-owner occupied (Ramsey County)

*Ms. Nave:*

- is Ms. Woodward's friend and lives 5 blocks away; is the emergency contact; she took around the inspector
- Ms. Woodward's husband has a temporary job in Ohio; they rent an apartment there; when the job is done, they will be coming back here
- all their power tools are in the garage and some furniture for when they come back to visit
- the guy who lives there was their roommate before they left for Ohio; he has his room and use of the rest of the house; has lived with them 5-6 years
- his job in Ohio started Sep 2011
- was owner-occupied with a room rental
- they bought the house and fixed it up

*Ms. Moermond:*

- a number of permits have been pulled over the years
- is stuck with this inspection report; the inspector was let into the house and shown the place
- some of these Orders need to be done by professionals
- agrees that it's not a rental property and is happy to get the owners out of this program but is concerned about some of the items
- asked Ms. Nave to speak with the owners about the things on the list more specifically (a plumber and an electrician need to go through; dryer vent needs to be replaced)
- will lay this over for 3 weeks to figure out a strategy for dealing with this
- some of these things are very easy
- will get it transferred to Code Enforcement (owner-occupied homes)

**Laid Over to the Legislative Hearings due back on 4/3/2012**

## 2:30 p.m. Hearings

### Vacant Building Registrations (None)

### Other - 3:30 p.m. Hearing

- 17      [RLH FCO  
12-151](#)      Appeal of Minnesota Tenants Union, on behalf of twelve tenants, to a Re-Inspection of Fire Certificate of Occupancy With Deficiencies at 1205 WESTMINSTER STREET.
- Sponsors:**      Brendmoen
- Forthcoming.*
- RE: 1205 and 1225 Westminster St (apartments)*
- Mr. Peter Brown, spokesman for the tenants, appeared.*
- Ms. Moermond:*
- there's a set of Order on these properties
  - has been a fair bit of activity since last she worked on this file
  - there was a very long list of inspections items that needed to be addressed
  - a 2nd inspection followed up the City Council Public Hearing



- a receiver had been appointed to work on a lot of these things

*Fire Supervisor Leanna Shaff:*

- since then, the receiver was appointed Fri Jan 13, 2012
- the receiver spent several days meeting with property managers in order for the receiver to hire someone to be this local representative
- re-inspection took place Jan 18, 2012; owner, Peggy Chun, had given keys to the receiver just that morning
- did not inspect all units on Jan 18, 2012
- since then, they have inspected Feb 3, Feb 17 and Mar 5, 2012
- one of the big concerns was the extermination efforts (approx. \$30,000), which started this week
- the prior owner left the coffers empty
- the receiver has addressed the lack of heat in the building: repaired a boiler and replaced 31 zone valves
- the security doors have been repaired; door locks to units have been repaired
- Sr Bldg Inspector, Steve Ubl, has been out to address the decks (email 2-14-12: he writes "I reviewed the existing decks for the addresses of 1205 and 1225 Westminster. The joists that support the decking are laying flat and not adequate to support the load of the deck. The structural steel on each side of each deck is designed to accept the joist in the flat position, which is an indication that the structural steel members on each side of each deck would not be acceptable to use because they cannot receive joists in an approved upright condition. Furthermore, any alteration in the structural steel supports would require an approved drawing from a registered engineer. Additionally, there is significant rusting and corrosion showing on the structural steel members. So, if the steel members are to be considered as a continued use, a registered structural engineer would be required to submit drawings indicating the repairs of the structural steel members."
- at Mr. Ubl's recommendation, Fire Inspection has Condemned all the decks
- Tricon Properties continues to make progress on the repairs

*Ms. Moermond:*

- infestations/exterminations: asked Ms. Shaff how soon they normally escalate to the next level of enforcement and what do they escalate to  
Ms. Shaff explained they first take into account what the situation is: if there is no money to pay the exterminator, they certainly can't expect it....

*Ms. Moermond:*

- asked what about their standard practice in a generic property situation?  
Ms. Shaff explained that typically, she will give a minimum of a month to find an exterminator, come up with a bid and start that process. If that process is not started within a month, she may step it up to a Revocation or Condemnation. She is looking a signed contract with the exterminator and reports from the exterminator. She wants to see an extensive plan on how they are going to treat what they've found. Typically, the next treatment will be a couple weeks later. Sometimes, tenant participation stalls that process. She doesn't ever remember writing a criminal tag for infestation/extermination.

*Ms. Moermond:*

- Asked if Sr. Building Inspector Steve Ubl said bolting of the deck doors should be done or if the owner proposed it as a means of compliance.

*Inspector Westenhoffer:*

- Tricon Properties went into each unit and screwed in bolts so the deck doors could not be opened.
- Some of the tenants used the deck door as an egress.
- Tricon put up their own signs saying the doors were condemned by the City. Tricon

was told to remove the signs.

*Inspector Shaff:*

- *Wooden surface and structure of some of the decks is marginal at best.*

*Ms. Moermond:*

- *In the case of Mireya Santamaria's property, the family that started the appeal process, she recommended to the Council that they allow the living room to be counted as square footage towards sleeping in order to accommodate her large family. They would not have egress without the deck door.*

*Inspector Westenhoffer:*

- *Went back out on March 5 and told Tricon the inspectors did not feel it was legal to bolt the doors. Was not sure how many units use the living room as a bedroom but of the ones they saw, Tricon was told to remove the bolts.*

*Mr. Brown:*

- *Entered documents for the record.*
- *Tenants present at this hearing are representing the Westminster Community Tenants United Group*
- *Have come together out of concern for getting the repairs done in a timely manner and avoiding the tenants being removed from the property as a result of housing code enforcement.*
- *Appeal expands that concept in that it expresses concern for things that are not enforced in a timely manner, such as the bed bugs.*
- *First communication this group had with City of St. Paul officials was on December 28, 2011.*
- *Communication explained the goals and requested on-going dialogue, information exchange and consultation, etc.*
- *Part of the reason they are appealing the orders that were issued on February 23, 2012 is that they seem to indicate the culmination of the basic requests for dialogue and communication is not happening*
- *Are a number of communications that have been directed to the department seeking a meeting/dialogue on issues of concern.*
- *Unfortunate to be in this formal setting; was not the type of meeting they had asked for but it seemed to be their only recourse at this point.*
- *To the appeals that were filed on March 2, 2012, there have been some changes in the wording which he pointed out and explained.*
- *Upon reviewing the orders, they found that previous orders had referred to violations but only one of the decks was identified as warranting condemnation.*
- *The description of the department's relationship to the bolting of the doors as been amended. They feel that the communication between the department and the management company did push them in the direction of bolting shut access to the decks.*
- *Regarding #5, the addition of the consideration is that in addition to the orders not being given to tenants, and that the orders do not provide a means for tracking progress towards the correction of them over a series of inspections and re-inspections, they added that the orders, even if they were given to the tenants, did not inform the tenants of their right to appeal. Landlords are given that information but tenants are not and it should be evened up.*
- *If tenants do not have their rights communicated to them, the rights might as well not exist. Some even-handed treatment would be helpful.*
  
- *With respect to the first issue, they do not think DSI has taken reasonable steps to address the mice, roach, and bedbug problem and in a timely and effective way.*
- *Information on the city's website for the two properties indicating the numerous*

*inspections that have taken place on these premises are a part of the packet that has been presented.*

- With respect to 1205 Westminster, there have been correction orders as part of this C of O process. Starting on February 9, 2011, there have been well over a dozen correction orders and re-inspections since then. Each date is listed publically.*
- They believe that out of all those orders, the issue of bedbugs, mice, and roaches should have been addressed and escalated properly.*
- They are here over a year later and extermination is just starting.*
- On 12-5 were told that the normal process would be to give landlords approximately a month and then start escalating. They do not see any escalation of intensity regarding the roaches, mice and bedbugs.*
- On 12-25 – certification process started on March 4, 2011. Since then, there have been over a dozen re-inspections, re-issuance of orders, deadlines come and go, new set of orders setting a new deadline, new deadline comes and goes, and re-inspection sets a new deadline. It's a level approach; no escalation in dealing with the situation.*
- February 23, 2012 Order merely sets another deadline and does not reflect reasonable escalation.*
- That the order continues to stay the same month after month is unreasonable; not addressing the bug problem.*

*Ms. Moermond:*

- Knows there are all kinds of other things going on behind the scenes; have the Chuns walking away, a new receiver coming in, they're hiring people, etc.*
- These issues go back further than 2011.*
- If the repeated orders are not done, it's then the chain of doing a revocation of the certificate and ordering the building to be vacated, or it's condemnation and the building be vacated, or it's a criminal citation.*
- If going the route of criminal citation, the court system will ask if the party got a reasonable chance to abate the concern; they will look at the new party and see that the receiver has only been in the picture for a short time and they will be given a reasonable chance to get up to speed.*

*Mr. Brown:*

- Are a couple of steps between condemnation and the criminal process.*
- Ordinance speaks about securing a court order directing compliance with the order.*
- State statute on tenant remedies also is available to housing code enforcement entities to secure adequate operational control to get those kinds of repairs done.*
- Also are many tenant remedies actions which apply to housing court orders to the landlord to get things done.*
- Current receiver coming in knew or should have known what the operational situation was.*
- Attorney for Wells Fargo was well aware of the outstanding orders and argued persuasively to the court that in light of the items that are not done, a receiver was warranted.*

*Ms. Moermond:*

- City Council adopted a resolution saying that a receiver was warranted and one was appointed after that.*
- You would have liked to have seen that a tenant remedy would have been pursued by the city.*
- In the past, it has been that the Southern Minnesota Regional Legal Services (SMRLS) represented tenants and did the tenant remedy action.*
- Your organization does tenant remedy actions, tenants can pursue this on their own, the district council worked with SMRLS last time.*
- Wondering where we are right now. Cannot go back and rework what has been*

done.

Mr. Brown:

- Orders written right now reflect “benchmarks.” Received an earlier version of it in a report from the receiver.
- Referred to the last document: “Timeline Towards Condemnation of the Decks 1205, 1225 Westminster.”
- Noted Exhibit B of his document that has attached to it items from the receivers report.
- Exhibit F is from the receivers’ report. Under benchmark 1, Item C – “The Exterminator Work Plan.” Amount in bold indicates the department’s response on it.
- Consistent with what Inspector Shaff indicated that the department believed that since the receiver didn’t have money, no real progress was possible.

Ms. Moermond:

- Understands they are looking at the work plan that was agreed to by the receiver and the department and that feeds into how the orders appear.
- Mr. Brown is taking issue with the work plan itself.

Mr. Brown:

- Is taking issue with the department’s evaluation of progress with respect to the exterminator work plan. - Referred to “D” – issued by the department on 2/17 says “received comprehensive bid, waiting on comparison bids, choice of vendor, and funding.
- Order appointing the receiver makes it very clear that if the receiver doesn’t have enough money from rental income, the bank shall provide the money. It happened after tenants went to the bank, held signs and had a news conference.
- The department’s acceptance that it’s reasonable that the receiver be waiting on funding before proceeding with extermination work is not reasonable and acceptable in light of the order that appointed the receiver. There should be no waiting for the funds

Ms. Moermond:

- If she were the enforcement officer, she couldn’t get into what the mortgage agreement says or what the court decision says about how the mortgage foreclosure itself is going to be treated. It is something for private litigation.
- Seeing that there’s an Order and a Plan to do it that’s slow and not effective in Mr. Brown’s view, they should have been acting more quickly according to what the court document said, in your view.
- Does not know what “shall” means in the district court system.
- Am struggling with this because she’s thinking .... we have the order, it’s staring to be complied with now, knows that the extermination is upwards of \$40,00, knows that there is no way the rents would accommodate that but agrees the money should be made available for the extermination.
- What she can look at in the appeals process with just the order itself, is how it would look different.
- Does not have the tenant remedy action tool; is something that would be done way outside her process.
- If the receiver hadn’t been appointed, feels that’s where it was headed.
- Ask Mr. Brown what he would like it to say with this set of orders.

Mr. Brown:

- Would like it to say, “come in and talk with us because we don’t accept your explanation that you’re waiting on the money because we’ve received from the tenants. We received a copy of the order on the 13th of January, we’ve acknowledged receipt of it, we’ve had it pointed out to us and we agree that the

language that says in Paragraph 9...If the property doesn't generate sufficient funds to cover operating expenses, the plaintiff (the bank) shall provide funds to the receiver for the reasonable operation of the property.

- Knows this information was communicated to the department and received by them and was made available to Inspector Shaff and Mr. Owens (Assistant Fire Marshall) on January 13. When they met with department officials on January 24, it was related to them that the receiver said the bank had said it would take six to eight weeks to get the money. They noted that the order says "shall;" it doesn't say six to eight weeks.

Ms. Moermond:

- Said she comes back to the order that says the problem has to be fixed and there's a present condition where the property is being fixed.  
- She has a lot of understanding and frustration, having been on the property, that things have been going on as long as they have.  
- Asked if there was something that she can do to make things better.

Mr. Brown:

- Order issued on February 23 states: "The explanation that you're waiting on the funds is not acceptable and if you don't confirm to us that the money has been received from the bank, we're either going to convene you here and let's thrash out this." It's really what's not said rather than what's said.  
- Necessary that the order is renewed but can also escalate. It's unreasonable that the orders say nothing else.

Ms. Moermond:

- You had other issues besides the extermination. Staff talked to her about the decks.  
- Main concern is that they be able to use them as a means of egress in case of a fire.

Inspector Thomas:

- Deck is also for ingress for fresh air.  
- It's the only "window" in the living room.  
- An important livability issue for fresh air or odors in the apartment.  
- Because a tenant could not open the deck door, they opened the door to the hall and the fire extinguisher went off.  
- Makes for problems when the ability to open the deck door is precluded.  
- In terms of the condemnation, he referred to the document "The Timeline Towards Condemnation of the Decks."  
- February 3, 2012 the re-inspection is conducted, nothing is condemned except Apartment #26.  
- February 8 (showed exhibit from the receiver's Property Status Report) John Westenhoffer, St. Paul Fire Inspector e-mailed the receivers office a benchmark update and stated that the city was comfortable with the receiver's progress.  
- With respect to decks, it's Benchmark #2 and what is requested is a work plan to repair.  
- No indication at this point if there is structural deficiency.  
- DSI orders on February 9 talk about repairing or replacing unsafe megalstock. None of the unit inspection orders indicated the deck for any particular unit in one way or the other; there was no comment with respect to the order.  
- On February 17 re-inspection was conducted, DSI updates its benchmarks and merely notes a work plan to repair or replace is not completed.  
- Six days later orders come out condemning all of them and the subsequent faction that was taken by the management company.

*Ms. Moermond:*

- *We've got the decks being called out; these have been problematic over the years. They've been called out in a similar way as the bedbugs.*
- *Because it wasn't showing up in the orders more frequently for more of the units, she hears Mr. Mark Thomas say that it doesn't make sense that at one point there is a condemnation of all of the decks – like this came out of the blue and it also came out of the blue following a non-compliance with the agreement between the receiver and the city as to how to do the corrections.*
- *Heard earlier that the senior building inspector went through during that time frame and said that they all have structural deficiencies and, therefore, they should all be condemned.*
- *Asked Ms. Shaff how Inspector Uble's determination that he thought the decks should be condemned was communicated to the fire inspectors.*

*Inspector Shaff:*

- *Was communicated by e-mail dated February 14, 2012; he had been there on February 13 with instructions to incorporate into the orders.*

*Mr. Thomas:*

- *Would like to see the communication.*
- *It gets us back to the on-going non-communication that that has been seen right from the beginning.*

*Ms. Moermond:*

- *She is sympathetic but can't make people sit down and talk to each other.*
- *In the enforcement realm, sometimes it's not a negotiable thing.*

*Mr. Thomas*

- *The order that condemns should be immediately amended to direct the receiver not to be blocking people's access to opening the deck doors.*
- *The inequity of the situation strikes me that tenants bear the burden of the non-enforcement of the bed bug issue month after month.*

*Ms. Moermond:*

- *Feels something can be done to improve communication back and forth.*
- *Satisfied that the benchmark has been met for what's legally required communication-wise.*
- *Legal requirement in the City Code is that the orders be provided via first class mail to the owner of record and that has been done. Everything else is things that should happen and maybe the law should be going in that direction.*

*Philip Owens, Assistant Fire Marshall:*

- *One clarification with regard to the communication issue – Mr. Brown has personally been served with each and every copy of the orders issued to the owner of record and their agents plus they have posted copies of the orders on the premises multiple times but they didn't last an entire day. Have arranged with the management company to provide a public copy in the management office during the hours that the management office is open. Do not have the vehicle to provide 60 individual tenants with copies of the orders.*

*Ms. Moermond:*

- *The structure of the orders were also addressed by Mr. Thomas and found them difficult to read and communicate.*
- *Feels she spends a lot of her time translating orders to people who don't see them all the time and agrees with him on the difficulty of them. They could be more understandable to a lay person.*

*Inspector Shaff:*

- *Concerns her that they didn't estimate the amount it would take for extermination; it was from the exterminator writing their analysis.*
- *Has an e-mail dated March 3, 2012 from Paul Carlson at Strategic Properties saying the bank approved the \$38,000 bedbug remediation on March 2 and that work will start very soon.*
- *The Court says "shall" but it doesn't describe the mechanism or how long it should take.*
- *Extermination started on March 12 and round one is ongoing through both buildings through the end of the week.*
- *Expect that they should come up with a work plan in order to take them off, repair them, get an engineer out to make an analysis, and decide what they have been handed to make the best decision.*
- *The decks first appeared in the orders on the February 17. A deadline of four weeks was given for a work plan.*
- *Feels the timeline to address needs to be tempered with what they come up with as to what the problem is. They get to consult with their structural engineer and make a business decision as to whether they will remove the decks or not and how long it will take to get a contractor.*

*Ms. Moermond:*

- *If we're about the business of knocking a building down because it constitutes a nuisance, she can have a clear record on that and no longer than eight weeks, whereas if some has been notified that a problem exists, they are ordered to abate the problem and they are either well on their way to abating it or it goes to a hearing process towards an eventual order from the Council that it has to be torn down or do something. In the midst of that, a work plan is required of the owner if they want to do a rehab or they have to take certain steps to demonstrate that they're well on their way to do it. The maximum amount of time they would get is 180 days.*
- *Asked Ms. Shaff if there is a time certain when this discussion ends and the work should be done.*

*Ms. Shaff:*

- *Does not have an answer.*

*Ms. Moermond:*

- *Am inclined to make a recommendation, put it on the record and give it to Mr. Brown in writing and schedule a public hearing on April 4.*
- *Requested any additional materials from Mr. Brown in one week and she will get a recommendation on the record for a response from him.*

**Referred to the 4/4/2012 City Council**

**18**      [RLH FCO  
12-157](#)

Appeal of Minnesota Tenants Union, on behalf of 12 tenants, to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 1225 WESTMINSTER STREET.

**Sponsors:**      Brendmoen

*Forthcoming.*

*RE: 1205 and 1225 Westminster St (apartments)*

*Mr. Brown, spokesman for tenants, appeared.*

*Ms. Moermond:*

- there's a set of Order on these properties
- has been a fair bit of activity since last she worked on this file
- there was a very long list of inspections items that needed to be addressed
- a 2nd inspection followed up the City Council Public Hearing
- a receiver had been appointed to work on a lot of these things

*Fire Supervisor Leanna Shaff:*

- since then, the receiver was appointed Fri Jan 13, 2012
- the receiver spent several days meeting with property managers in order for the receiver to hire someone to be this local representative
- re-inspection took place Jan 18, 2012; owner, Peggy Chun, had given keys to the receiver just that morning
- did not inspect all units on Jan 18, 2012
- since then, they have inspected Feb 3, Feb 17 and Mar 5, 2012
- one of the big concerns was the extermination efforts (approx. \$30,000), which started this week
- the prior owner left the coffers empty
- the receiver has addressed the lack of heat in the building: repaired a boiler and replaced 31 zone valves
- the security doors have been repaired; door locks to units have been repaired
- Sr Bldg Inspector, Steve Ubl, has been out to address the decks (email 2-14-12: he writes "I reviewed the existing decks for the addresses of 1205 and 1225 Westminster. The joists that support the decking are laying flat and not adequate to support the load of the deck. The structural steel on each side of each deck is designed to accept the joist in the flat position, which is an indication that the structural steel members on each side of each deck would not be acceptable to use because they cannot receive joists in an approved upright condition. Furthermore, any alteration in the structural steel supports would require an approved drawing from a registered engineer. Additionally, there is significant rusting and corrosion showing on the structural steel members. So, if the steel members are to be considered as a continued use, a registered structural engineer would be required to submit drawings indicating the repairs of the structural steel members."
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- Tricon Properties continues to make progress on the repairs

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- infestations/exterminations: asked Ms. Shaff how soon they normally escalate to the next level of enforcement and what do they escalate to
- Ms. Shaff explained they first take into account what the situation is: if there is no money to pay the exterminator, they certainly can't expect it...

*Ms. Moermond:*

- asked what about their standard practice in a generic property situation?
- Ms. Shaff explained that typically, she will give a minimum of a month to find an exterminator, come up with a bid and start that process. If that process is not started within a month, she may step it up to a Revocation or Condemnation. She is looking a signed contract with the exterminator and reports from the exterminator. She wants to see an extensive plan on how they are going to treat what they've found. Typically, the next treatment will be a couple weeks later. Sometimes, tenant participation stalls that process. She doesn't ever remember writing a criminal tag for infestation/extermination.

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- Asked if Sr. Building Inspector Steve Ubl said bolting of the deck doors should be done or if the owner proposed it as a means of compliance.

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- *In the case of Mireya Santamaria's property, the family that started the appeal process, she recommended to the Council that they allow the living room to be counted as square footage towards sleeping in order to accommodate her large family. They would not have egress without the deck door.*

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- *Went back out on March 5 and told Tricon the inspectors did not feel it was legal to bolt the doors. Was not sure how many units use the living room as a bedroom but of the ones they saw, Tricon was told to remove the bolts.*

*Peter Brown:*

- *Entered documents for the record.*
- *Tenants present at this hearing are representing the Westminster Community Tenants United Group*
- *Have come together out of concern for getting the repairs done in a timely manner and avoiding the tenants being removed from the property as a result of housing code enforcement.*
- *Appeal expands that concept in that it expresses concern for things that are not enforced in a timely manner, such as the bed bugs.*
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Ms. Moermond:

- Knows there are all kinds of other things going on behind the scenes; have the Chuns walking away, a new receiver coming in, they're hiring people, etc.
- These issues go back further than 2011.
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(SMRLS) represented tenants and did the tenant remedy action.

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- Consistent with what Inspector Shaff indicated that the department believed that since the receiver didn't have money, no real progress was possible.

Ms. Moermond:

- Understands they are looking at the work plan that was agreed to by the receiver and the department and that feeds into how the orders appear.
- Mr. Brown is taking issue with the work plan itself.

Mr. Brown:

- Is taking issue with the department's evaluation of progress with respect to the exterminator work plan. - Referred to "D" – issued by the department on 2/17 says "received comprehensive bid, waiting on comparison bids, choice of vendor, and funding.
- Order appointing the receiver makes it very clear that if the receiver doesn't have enough money from rental income, the bank shall provide the money. It happened after tenants went to the bank, held signs and had a news conference.
- The department's acceptance that it's reasonable that the receiver be waiting on funding before proceeding with extermination work is not reasonable and acceptable in light of the order that appointed the receiver. There should be no waiting for the funds

Ms. Moermond:

- If she were the enforcement officer, she couldn't get into what the mortgage agreement says or what the court decision says about how the mortgage foreclosure itself is going to be treated. It is something for private litigation.
- Seeing that there's an Order and a Plan to do it that's slow and not effective in Mr. Brown's view, they should have been acting more quickly according to what the court document said, in your view.
- Does not know what "shall" means in the district court system.
- Am struggling with this because she's thinking .... we have the order, it's staring to be complied with now, knows that the extermination is upwards of \$40,00, knows that there is no way the rents would accommodate that but agrees the money should be made available for the extermination.
- What she can look at in the appeals process with just the order itself, is how it would look different.
- Does not have the tenant remedy action tool; is something that would be done way outside her process.
- If the receiver hadn't been appointed, feels that's where it was headed.
- Ask Mr. Brown what he would like it to say with this set of orders.

Mr. Brown:

- Would like it to say, "come in and talk with us because we don't accept your explanation that you're waiting on the money because we've received from the tenants. We received a copy of the order on the 13th of January, we've acknowledged receipt of it, we've had it pointed out to us and we agree that the language that says in Paragraph 9...If the property doesn't generate sufficient funds to cover operating expenses, the plaintiff (the bank) shall provide funds to the receiver for the reasonable operation of the property.

- Knows this information was communicated to the department and received by them and was made available to Inspector Shaff and Mr. Owens (Assistant Fire Marshall) on January 13. When they met with department officials on January 24, it was related to them that the receiver said the bank had said it would take six to eight weeks to get the money. They noted that the order says "shall;" it doesn't say six to eight weeks.

Ms. Moermond:

- Said she comes back to the order that says the problem has to be fixed and there's a present condition where the property is being fixed.

- She has a lot of understanding and frustration, having been on the property, that things have been going on as long as they have.

- Asked if there was something that she can do to make things better.

Mr. Brown:

- Order issued on February 23 states: "The explanation that you're waiting on the funds is not acceptable and if you don't confirm to us that the money has been received from the bank, we're either going to convene you here and let's thrash out this." It's really what's not said rather than what's said.

- Necessary that the order is renewed but can also escalate. It's unreasonable that the orders say nothing else.

Ms. Moermond:

- You had other issues besides the extermination. Staff talked to her about the decks.

- Main concern is that they be able to use them as a means of egress in case of a fire.

Inspector Thomas:

- Deck is also for ingress for fresh air.

- It's the only "window" in the living room.

- An important livability issue for fresh air or odors in the apartment.

- Because a tenant could not open the deck door, they opened the door to the hall and the fire extinguisher went off.

- Makes for problems when the ability to open the deck door is precluded.

- In terms of the condemnation, he referred to the document "The Timeline Towards Condemnation of the Decks."

- February 3, 2012 the re-inspection is conducted, nothing is condemned except Apartment #26.

- February 8 (showed exhibit from the receiver's Property Status Report) John Westenhoffer, St. Paul Fire Inspector e-mailed the receivers office a benchmark update and stated that the city was comfortable with the receiver's progress.

- With respect to decks, it's Benchmark #2 and what is requested is a work plan to repair.

- No indication at this point if there is structural deficiency.

- DSI orders on February 9 talk about repairing or replacing unsafe megalstock. None of the unit inspection orders indicated the deck for any particular unit in one way or the other; there was no comment with respect to the order.

- On February 17 re-inspection was conducted, DSI updates its benchmarks and

*merely notes a work plan to repair or replace is not completed.*

*- Six days later orders come out condemning all of them and the subsequent faction that was taken by the management company.*

*Ms. Moermond:*

*- We've got the decks being called out; these have been problematic over the years. They've been called out in a similar way as the bedbugs.*

*- Because it wasn't showing up in the orders more frequently for more of the units, she hears Mr. Mark Thomas say that it doesn't make sense that at one point there is a condemnation of all of the decks – like this came out of the blue and it also came out of the blue following a non-compliance with the agreement between the receiver and the city as to how to do the corrections.*

*- Heard earlier that the senior building inspector went through during that time frame and said that they all have structural deficiencies and, therefore, they should all be condemned.*

*- Asked Ms. Shaff how Inspector Uble's determination that he thought the decks should be condemned was communicated to the fire inspectors.*

*Inspector Shaff:*

*- Was communicated by e-mail dated February 14, 2012; he had been there on February 13 with instructions to incorporate into the orders.*

*Mr. Thomas:*

*- Would like to see the communication.*

*- It gets us back to the on-going non-communication that that has been seen right from the beginning.*

*Ms. Moermond:*

*- She is sympathetic but can't make people sit down and talk to each other.*

*- In the enforcement realm, sometimes it's not a negotiable thing.*

*Mr. Thomas*

*- The order that condemns should be immediately amended to direct the receiver not to be blocking people's access to opening the deck doors.*

*- The inequity of the situation strikes me that tenants bear the burden of the non-enforcement of the bed bug issue month after month.*

*Ms. Moermond:*

*- Feels something can be done to improve communication back and forth.*

*- Satisfied that the benchmark has been met for what's legally required communication-wise.*

*- Legal requirement in the City Code is that the orders be provided via first class mail to the owner of record and that has been done. Everything else is things that should happen and maybe the law should be going in that direction.*

*Philip Owens, Assistant Fire Marshall:*

*- One clarification with regard to the communication issue – Mr. Brown has personally been served with each and every copy of the orders issued to the owner of record and their agents plus they have posted copies of the orders on the premises multiple times but they didn't last an entire day. Have arranged with the management company to provide a public copy in the management office during the hours that the management office is open. Do not have the vehicle to provide 60 individual tenants with copies of the orders.*

*Ms. Moermond:*

*- The structure of the orders were also addressed by Mr. Thomas and found them*

*difficult to read and communicate.*

*- Feels she spends a lot of her time translating orders to people who don't see them all the time and agrees with him on the difficulty of them. They could be more understandable to a lay person.*

*Inspector Shaff:*

*- Concerns her that they didn't estimate the amount it would take for extermination; it was from the exterminator writing their analysis.*

*- Has an e-mail dated March 3, 2012 from Paul Carlson at Strategic Properties saying the bank approved the \$38,000 bedbug remediation on March 2 and that work will start very soon.*

*- The Court says "shall" but it doesn't describe the mechanism or how long it should take.*

*- Extermination started on March 12 and round one is ongoing through both buildings through the end of the week.*

*- Expect that they should come up with a work plan in order to take them off, repair them, get an engineer out to make an analysis, and decide what they have been handed to make the best decision.*

*- The decks first appeared in the orders on the February 17. A deadline of four weeks was given for a work plan.*

*- Feels the timeline to address needs to be tempered with what they come up with as to what the problem is. They get to consult with their structural engineer and make a business decision as to whether they will remove the decks or not and how long it will take to get a contractor.*

*Ms. Moermond:*

*- If we're about the business of knocking a building down because it constitutes a nuisance, she can have a clear record on that and no longer than eight weeks, whereas if some has been notified that a problem exists, they are ordered to abate the problem and they are either well on their way to abating it or it goes to a hearing process towards an eventual order from the Council that it has to be torn down or do something. In the midst of that, a work plan is required of the owner if they want to do a rehab or they have to take certain steps to demonstrate that they're well on their way to do it. The maximum amount of time they would get is 180 days.*

*- Asked Ms. Shaff if there is a time certain when this discussion ends and the work should be done.*

*Ms. Shaff:*

*- Does not have an answer.*

*Ms. Moermond:*

*- Am inclined to make a recommendation, put it on the record and give it to Mr. Brown in writing and schedule a public hearing on April 4.*

*- Requested any additional materials from Mr. Brown in one week and she will get a recommendation on the record for a response from him.*

**Referred to the 4/4/2012 City Council**

## Staff Reports

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[RLH VBR  
12-8](#)

Appeal of Ahmed Al-Beheary to a Vacant Building Registration Fee at 622 WINSLOW AVENUE.

**Sponsors:** Thune

*Waive the vacant building fee for 90 days. (Note: Electrical and building permits had*

*been pulled, no plumbing permit pulled as of March 14, 2012)*

*Follow-Up on 3/25/12: Electrical permit not closed. Plumbing not pulled. Contacted A-Beheary to inform him he should close electric and pull and close plumbing, or recommendation may change. ~MM*

**Referred to the City Council due back on 4/4/2012**

#### **Window Variances: No Hearing Necessary**

- 20**      [RLH FOW  
12-91](#)      Appeal of Jessica Kelley to a Fire Certificate of Occupancy Inspection Correction Notice at 1622 BARCLAY STREET.
- Sponsors:**      Bostrom
- No hearing necessary; grant an 8-inch variance on the openable height of the egress bedroom windows.*
- Referred to the City Council due back on 4/4/2012**
- 21**      [RLH FOW  
12-94](#)      Appeal of Andrew Hilliard to a Fire Certificate of Occupancy Inspection Correction Notice at 1630 HEWITT AVENUE.
- Sponsors:**      Stark
- No hearing necessary; grant a 5-inch variance on the openable height of the egress window in the 2nd floor, front bedroom.*
- Referred to the City Council due back on 4/4/2012**
- 22**      [RLH FOW  
12-92](#)      Appeal of David Nelson to a Fire Certificate of Occupancy Inspection Correction Notice at 929 and 931 KENNARD STREET.
- Sponsors:**      Bostrom
- No hearing necessary; grant a 5-inch variance on the openable height of the egress windows in 929, all bedrooms and 931 bedroom(s).*
- Referred to the City Council due back on 4/4/2012**
- 23**      [RLH FCO  
12-162](#)      Appeal of Lisa Ryskamp to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 1999 RANDOLPH AVENUE.
- Sponsors:**      Tolbert
- No hearing necessary; grant a 2-inch minimum ceiling height for basement, grant a 6.5-inch variance egress opening height for first floor west bedroom and grant a 1.5-inch variance egress opening height for first floor east bedroom.*
- Referred to the City Council due back on 4/4/2012**
- 24**      [RLH FOW  
12-96](#)      Appeal of Saint Paul Public Housing Agency to a Fire Certificate of Occupancy Inspection Correction Notice at 1570 CHAMBER STREET.
- Sponsors:**      Bostrom
- No hearing necessary; grant an 8-inch variance egress opening height for the northwest bedroom.*
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**Referred to the 4/4/2012 City Council****25**      [RLH FOW  
12-93](#)

Appeal of Saint Paul Public Housing Agency to a Fire Certificate of Occupancy Inspection Correction Notice at 771 DAYTON AVENUE.

**Sponsors:**      Carter III*No hearing necessary; grant a 6.5-inch variance egress opening height for southeast bedroom and grant a 4.5-inch variance egress opening height for northeast and northwest bedrooms.***Referred to the City Council due back on 4/4/2012****26**      [RLH FOW  
12-95](#)

Appeal of Saint Paul Public Housing Agency to a Fire Certificate of Occupancy Inspection Correction Notice at 434 HOYT AVENUE EAST.

**Sponsors:**      Brendmoen*No hearing necessary; grant an 8-inch variance egress opening height for northeast and northwest bedrooms.***Referred to the City Council due back on 4/4/2012****27**      [RLH FOW  
12-97](#)

Appeal of Saint Paul Public Housing Agency to a Fire Certificate of Occupancy Inspection Correction Notice at 504 IVY AVENUE EAST.

**Sponsors:**      Brendmoen*No hearing necessary; grant a 4-inch variance egress opening width for northwest bedroom.***Referred to the City Council due back on 4/4/2012**