



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final Legislative Hearings

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

Thursday, January 2, 2014

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Orders To Vacate, Condemnations and Revocations

- 1 [RLH VO 13-63](#) Appeal of Tovah Flygare, SMRLS, on behalf of tenant Mildred Radcliff to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 951 DESOTO STREET.

Sponsors: Brendmoen

Legislative Hearing Officer laid over to allow the incorporation of the January 9 inspection results into the hearing process.

Laid Over to the Legislative Hearings due back on 1/14/2014

- 2 [RLH VO 13-65](#) Appeal of Allen Peterson to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 951 DESOTO STREET.

Sponsors: Brendmoen

Legislative Hearing Officer laid over to allow the incorporation of the January 9 inspection results into the hearing process.

Laid Over to the Legislative Hearings due back on 1/14/2014

Fire Certificates of Occupancy

- 3 [RLH FCO 13-272](#) Appeal of Jason Durand to a Fire Inspection Correction Notice at 671 BLAIR AVENUE.

Sponsors: Thao

671 Blair Avenue

Deny a variance for the room in Unit 1, and it can no longer be used for sleeping purposes. If owner wants to continue the use for sleeping purposes, he or she can come into compliance by removing all the storm porch windows; forthcoming on the front porch. Inspector will inspect and take photos to see if the porch is pulling away. If not, she will recommend granting the appeal.

Jason Durand, appellant, appeared

Inspector Neis:

- gave a staff report
- there were 12 code violations
- what is being appealed is a sleeping room which exits onto an enclosed porch
- there are no photos

Durand:

- there is also something about the porch foundation

Neis:

- apologizes and says the other issue is about repair, replace, or remove the sinking front to meet code
- he will try to find photographs on Google

Durand:

- the foundation is not sinking: the porch slants; it is how the porch was built
- Lisa Martin said to appeal that
- the window that exits onto the front porch has been that way for years
- the porch is enclosed and has storm windows

Neis:

- Durand is correct that they usually have a slope, so it will shed away from the building
- looking closely at the picture, he is not seeing parts where the porch would be pulling away from the building
- he would like to get a closer look at the property and get better photos
- for the bedroom window, it is possible that the room was not used as a bedroom in the past

Durand:

- it has been a sleeping room for as long as he owns it

Moermond:

- it cannot be used as a sleeping room unless he takes out the storm window
- now that it is being used as a sleeping room, the window has to be big enough and able to exit outside
- the best solution is to take the storms out and open up the porch
- as for the porch pulling away from the house, he will be due for a reinspection
- she would like the inspection to document clearly that this is pulling away from the house beyond a properly sloped porch
- if things are okay, she will recommend the Council grant the appeal

Neis:

- he is out on leave until March
- he can try to make something work or send another inspector out to take some photos

Moermond:

- she will put this on the Council agenda for February 5, and she would like to see photos by then
- we will e-mail Durand, so he can decide to attend the City Council meeting
- in answer to a question, the window needs to go to open air

Referred to the City Council due back on 2/5/2014

4 [RLH FCO](#)
[13-270](#) Appeal of Mergens Properties, LLC to a Fire Inspection Correction Notice at 2441 UNIVERSITY AVENUE WEST.

Sponsors: Stark

2441 University Avenue

Laid over to get building inspector to look at stairways and the loading dock.

Bob Slater, appellant, appeared:

- he is appealing a boat load of complaints
- this has been inspected every year
- he asks why it is all coming at this time
- he is appealing fire doors, fire breaks, #5
- the rest has been taken care of

Neis:

- there are stairway doors missing, penetration in the walls
- there has been modifications to the building

Moermond:

- asked was there a change in use

Slater:

- there was no change in use
- he is a friend of the owner who died in October
- it seems strange that this was never brought to bear unless the code was changed

Moermond:

- there has not been a change in code
- maybe there was a change in spaces or a change in who has been inspecting the buildings

.

Neis:

- it looks like the building has been modified
- this would have been a fire rated stairway
- it looks like it was opened up to get longer items for storage up into those areas
- the plywood walls looks fairly new in the last ten years
- it is right next door to a freight elevator shaft

Moermond:

- based on the step, the door would have to swing inward

Neis:

- there would have been a fire rated door

Moermond:

- it is unclear where a door would have been
- it is unclear how the rails would be accommodated

Neis:

- could have changed in use
- asked what were the other three floors like and if they had a door
- doesn't know if the guard rail is removable or not

Neis:

- in response to a question, there was a fire inspection in the cycle

Moermond:

- (read #5)
- it is not just this level, it is all four.

Neis:

- asked if the other three floors have doors either

Slater:

- responded that he didn't know, but can find out

Moermond:

- we will shed some light on this and get another inspector to take a look at it
- in answer to why weren't things called out in the past, Moermond responded there is a new set of eyes looking.

Slater:

- this building is in a historic area

Moermond:

- that does not affect the interior use of the space
- there are some open permits

Slater:

- he told the tenants to close those permits

Neis:

- one is closed, one is filed and approved
- the inspector needs to verify the work was done

Moermond:

- that will not be done soon
- she would like better photographs
- let's get an inspector back out there to more clearly write this up

Slater:

- the dock in back does have to be replaced
- he is running into an issue with the historical society: it will cost between \$5,000 to \$10,000 to get ready to do it
- light rail has changed the parking spaces from 87 to 5
- used furniture operates out of there; no one is going to hop on the light rail to look at chairs.

Neis:

- it is in need of repair: board and support beams are missing.

Moermond:

- asked Seeger to look at the photos

Jim Seeger:

- (looked at photos)
- they are basically setting on the ground
- a lot of them do not look vertical
- something is settled and dropped
- it looks like it needs a lot of attention
- they look like screws instead of hanger nails

Moermond:

- her lay person's eyes see that the loading dock has problems

Slater:

- the tenants have two years left on the lease

Moermond:

- it is a working, loading dock

- it is not like another exit can be used in the building, which makes it more time sensitive

- how are people doing footings for something like that in this weather

Seeger:

- as long as it is stabilized, you can do May 31 for the footings

- he would be more worried about joists and other things

Moernond:

- if you repair the loading dock instead of replacing it, you will have to have an engineer looking at it

- the deck needs to be fixed

(She asked him to approach so she can show him. They talked about the photos)

Slater:

- in response to a question, there is no other way to get furniture in and out of the building

Moermond:

- asked would Seeger recommend a stabilizing engineer on this one

Seeger:

The building inspector should look at it

Neis:

- he would involve the building inspector

Moermond:

- let's get better information about the stairwell and the fire separation

- this will be laid over to the January 14 Legislative Hearing

- all actions are suspended until then, but Slater should keep the next appointment

Laid Over to the Legislative Hearings due back on 1/14/2014

Vacant Building Registrations

- 5** [RLH VBR 13-72](#) Appeal of Ronald Forster to a Vacant Building Registration Notice at 353 WHEELOCK PARKWAY WEST.

Sponsors: Brendmoen

353 Wheelock Parkway West

Waive the VB fee for four months; owner will need to obtain a code compliance inspection.

Ronald Forster appeared.

Matt Dornfeld:

- *this is a condemnation*
- *water shut*
- *multiple exterior code violations: dilapidated siding, deck, deck staircase, junk refuse, vehicles parked in the yard*
- *November 18, Dornfeld opened a Category 2 vacant building, water was still shut off, yard had improvements with less refuse, no vehicles*
- *sliding deck door was open to entry*
- *dwelling was occupied*
- *Dornfeld placard and took photos*
- *there was an appeal filed, matter was laid over, and he has not been back*

Forster:

- *wife and I are moving and hoping to sell the house this spring*
- *brother needed a place to stay*
- *Forster didn't know the water was shut off until he arrived*
- *there were stickers on the doors*
- *that's all he knows*
- *his brother is no longer there*
- *his brother was not paying for anything and the water was shut off*
- *Forster needs to know how to move forward*
- *asked if the water shut off was the reason for the condemnation*

Dornfeld:

- *responded yes, the water shut off was the initial reason for the condemnation*

Moermond:

- *the water shut off drew the attention of the City because no one can live there without water*
- *She is seeing a there a lot of code violations*
- *the sliding door and deck is just hanging there with no railing and no stairs*
- *the siding is coming off*
- *branches in the gutters*
- *I don't know what the inside looks like, but the outside does not give confidence that the inside is okay*
- *the code says that if the building is condemned, you are in the vacant building program*
- *getting the water cut is cause for condemnation*
- *we can talk about ways to get this done*

Dornfeld:

- *asked are there bank implications*

Forster:

- *that is part of the reason they are moving*
- *he got laid off*
- *he does not know how to do the repairs*
- *in answer to a question, it is not going back to the bank*
- *the payments are behind, but they are going to sell it*
- *he would like to have it listed March 1*
- *he is looking at borrowing the money from a relative. He owns 40 or 42 on it.*
- *in answer to a question, he has talked to them a little about restructuring their loan, but it is not easy*
- *his wife does not make much money*

- they are looking at something under \$100,000
- he is trying to pay property taxes and maybe get better employment
- in answer to a question, the property is heated
- the water bill can't be more than a few hundred dollars.

Moermond:

- she will recommend the vacant building fee be waived
- he has to get a code compliance inspection
- he needs to disclose those items to the purchaser
- she cannot see him getting out of the vacant building program
- she will tell the Council he gets a four month waiver on the fees
- repairs can be done, but it cannot be occupied before it is done
- if he cannot manage the vacant building assessment, there will be a letter that it will be put on the taxes, he can appeal that, then it can be spread over some years
- you are in the vacant building program, you need a code compliance inspection.

Forster:

- asked does that waiver have anything to do with the code compliance inspection

Dornfeld:

- there is no time line on when you get the inspection done, but a prospective buyer will not be able to get into the home
- it will take the place of the truth in sale of housing inspection

Forster:

- asked does the notice have to remain on the door

Dornfeld:

- told Forster to call him, and they will talk about it

Referred to the City Council due back on 2/5/2014

Other - Code Compliance Inspection Report

6 [RLH OA 13-72](#) Appeal of Srinivas Pujari to a Code Compliance Report at 750 BUSH AVENUE.

Sponsors: Bostrom

750 Bush Avenue

Ms. Moermond recommends granting the following extensions:

- 1) frame work on the garage by May 31, 2014;
- 2) everything else on the garage by September 1, 2014;
- 3) retaining wall by December 1, 2014 (can go on a separate Fire order);
- 4) exterior painting on garage and house by May 31, 2014; and
- 5) fence repair by May 31, 2014.

750 Bush

4750

Srinivas Pujari appeared

- he is trying to make some cash
- he spent \$27,000 (?) on this property
- he spent money on siding, windows, new appliances, et.

- back in April 2012, the property manager was assisting him
- water meter replacement - they finally get it scheduled
- the renter came back
- the water was shut off and turned on
- the problem is complicated because you have to shut off the water to fix it
- tenants moved out in August
- the water was shut off again
- that's when the whole list of things started
- this issue was open for some time
- adding to that, the other issues were reported in April 2012

Neis

- process started with fire in October 2011
- correction orders were issued
- Pujari acquired the property
- he hired someone to get some of the repairs done
- at that time, the home was vacant
- they were getting some of the work done and the new tenant moved in
- there were some questions if it would be a certificate of occupancy or home occupied
- there were permits pulled for siding that needed to be finalized and approved
- he had been given multiple letters to get that work done
- there was a district change and the file sat in limbo for a while
- this has been long going since 2011

Seeger

- there were electrical permits in 2000
- 2004, new panel and 7 circuits in
- electrical permit were filed
- 2011 - roof permit pulled and never finalized
- correction orders were never taken care of
- incidents with flashing
- windows were not finalized either
- plumbing permits pulled in 2011
- kitchen sink and venting issue
- there was an electrical permit for the new stove
- 2012, dishwasher and plumbing permit was pulled
- this is where it sits until the code compliance inspection

Neis

- sent a letter to Pujari in April 6, 2012 stating to contact building permits finalized for several things
- that is when the property went into limbo
- it was still never finalized and approved
- another inspector picked up the file in 2013
- soffits, garage, and the water was shut off

Moermond

- when was the property put in the vacant building program 12-12-2013 (?)

Neis

- the inspector sent a letter to get things done.

Moermond

- asked what the appellant is looking for.

Pujari

- some of the things were before he procured the property
- he had his property manager coordinating with the City
- in August is when the first letter came in and he requested some time to fix the issues
- the inspection was on Sept. 23
- he got a vacant building notice on September 23 about the vacant building
- he went in and fixed all the issues here
- all the other issues have been addressed

Pujari

- permits were denied on fascia
- he gets full page report on all kinds of things
- it will be about \$12,000 to fix all of this
- when it comes to building inspection, he is planning to address 11 of the items
- he is doing everything to correct it
- he has spent \$40,000
- right now he is paying the mortgage
- asked can he be relieved at least a bit on this one
- asked if he fixes all, will it be good enough form the property to be removed from Category 2

Moermond:

- asked Seeger to talk about the garage.

Seeger

- the east side has drainage issues
- there is an issue of getting property drainage on the garage
- on the south side, there was probably a window at one time
- the mold cannot be put off.

Pujari

- he could make the garage an unusable space.

Seeger

- It will be used.

Moermond:

asked his plan on the garage

Pujari

- things are beyond him to fix
- the garage is \$15,000 to repair.

Seeger

- he does not see that amount at all
- removing the mold is a minor item
- fire damage materials, you do not have to remove what is in there
- he could not see it all because it is hidden with dry wall.
- it is a long list, butt not much is major
- we generally go to May 31 for the exterior items.

Moermond:

- the repairs of the garage and the retaining wall are going to cost money
- the appellant does not think he cannot manage them
- to enforce this, the certificate of occupancy could be issued with conditions until there is a deadline for some items

Seeger

- *the retaining walls are not urgent*

Pujari

- *May 31 that would give him some time*
- *he could use his savings to do some construction*

Seeger

- *the grading can be put off somewhat*
- *the gutters should be put on immediately*
- *the tree should be removed and the root killed; it will start pushing on the foundation*

Moernond

- *framework on garage is May 31*
- *everything else on the garage is September 1*
- *the retaining wall is December 1*
- *this will go on the fire certificate of occupants orders*
- *we can talk about that for a further extension*
- *exterior painting on house and garage by May 31*
- *fence repair by May 31*

(Pujari and Seeger discussed windows, siding, and roofing)

(Seeger gave Marcia pictures of fascia work on the west side.)

Pujari

- *asked can he continue to work with individual contractors*

Moermond:

- *asked can he go with several contractors or one contractor*

Seeger

- *responded yes*
- *asked about the ramp on the front steps*

Pujari

- *it was a handicap access and has no plans of replacing it*

Seeger

- *there is a hazard with the ice on the roof*

Referred to the City Council due back on 2/5/2014