



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

Tuesday, July 10, 2012

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Remove/Repair Orders

- 1 [RLH RR](#)
[12-21](#) Ordering the rehabilitation or razing and removal of the structures at 777 LAWSON AVENUE EAST within fifteen (15) days after the June 20, 2012, City Council Public Hearing. (To be referred back to Legislative Hearing on July 10, 2012 and City Council Public Hearing on July 18, 2012)

Sponsors: Bostrom

Ms. Moermond will recommend continuing the City Council Public Hearing to August 1, 2012.

Owner will need to provide the following by the close of business on July 23:

- 1) a draft work plan which must be done in accordance with the code compliance inspection report;*
- 2) contractor bids; and*
- 3) the property must be maintained.*

(Note: on July 11, 2012, the garage was found to be opened to entry -work order will be forthcoming).

RE: 777 Lawson Ave E (single family)

Steve Magner, Vacant Buildings:

- this is a legislative layover

- read a FAX from Five Brothers dated June 15, 2012 with attached Affidavit from U.S. Bank regarding title of property and dedication of funds (Jessica Roberts, Officer of U.S. Bank, State of Kentucky) - Attached: he assumes they understand what's going on and are willing to spend the money to fix the property but they need to make that determination based on the Code Compliance Inspection Report

Ms. Moermond:

- looks as though the Code Compliance Inspection was completed on Jun 20 but then it says, "It's completed Jul 9, 2012"; either way, there is nothing in writing confirming that and she's not sure why there is a double notation (Mr. Magner will verify)

Mr. Magner:

- all trades seem to have Correction letters in the system and all look to have been completed before that Jul 9, 2012 date except the plumbing, which was completed on Jul 9, 2012

- letter should be ready to go out today (can be Faxed to Jessica and Grace, U. S. Bank)

- City Council Public Hearing Jul 18, 2012

Referred to the City Council due back on 7/18/2012

2 [RLH RR](#)
[12-62](#)

Ordering the rehabilitation or razing and removal of the structure(s) at 888 BURR STREET within fifteen (15) days after the August 1, 2012 City Council Public Hearing.

Sponsors: Brendmoen

Rescheduled per owner's request.

Conditions to be met if owner intends to rehabilitate:

- 1) outstanding real estate taxes must be paid with Ramsey County;
- 2) the \$5,000 performance bond must be posted;
- 3) a work plan needs to be done in accordance with the code compliance inspection report;
- 4) obtain a code compliance inspection;
- 5) provide bids from contractors;
- 6) provide financial documentation indicating the ability to complete the repairs;
- 7) provide an affidavit dedicating the funds from an account for this project; and
- 8) the property must be maintained.

RE: 888 Burr St (single family)

No one appeared.

Ms. Moermond:

- we will put this on the record; don't want to hold this up at City Council

Steve Magner, Vacant Building:

- received 2 emails; the second email had a number of attachments
- 2 story wood frame single family dwelling with a 2-stall attached garage and an accessory shed on lot of 6,534 sq ft
- Vacant Building since Dec 3, 2007
- current owner Salome Rodriguez (deceased) per Ramsey County records
- Feb 21, 2012 inspection of building conducted; list of deficiencies which constitute a nuisance condition developed; photos taken
- Order to Abate Nuisance Building posted May 7, 2012; compliance date Jun 6, 2012
- as of this date, property remains in a condition which comprises a nuisance as defined by the legislative code
- estimated market value of \$8,500 on the land; \$61,500 on the building
- real estate taxes for 2009 through the first half of 2012 are delinquent in the amount of \$8,799.74 plus penalty and interest. (Note: property is scheduled for tax forfeiture July 2013)
- VB fees paid by assessment Jan 6, 2012
- Code Compliance Inspection has not been done
- as of Jul 9, 2012, \$5,000 Performance Deposit has not been posted
- 3 Summary Abatement Notices since 2007

- No Work Orders
- estimated cost to repair exceeds \$50,000
- estimated cost to demolish starting at \$10,000
- the Department of Safety and Inspections (DSI) recommends removing the structure within 15 days
- this is a former cat house (gross unsanitary)
- Dec 2007- this starts out as traffic stop, maybe a hit and run; police are called after this incident on the corner of Case and Burr; they track the vehicle to this property; they do in inquiry at the front door and are overwhelmed by the stench of the property and contact the Fire Department, which comes out and removes the owner, Mr. Rodriguez; next, they contact DSI; Inspector Essling goes out to inspect; it's an immediate vacate. He posts a placard. Animal Control took out 10 or 11 cats. When the owner is released from the hospital to a care facility, Ms. Morales moved him back into the Condemned house. Shortly thereafter, Mr. Rodriguez died in the house. DSI has been working with Ms. Morales for years to get the house cleaned out but it doesn't seem that she has that ability. It's been a Vacant Building since Dec 2007 when these issues occurred. DSI was contacted by another heir about one year ago to go over some of the basics of the file.
- does not know whether or not this has been probated
- doesn't know whether or not Ms. Morales has clear title to the property

Amy Spong, Heritage Preservation Commission (HPC)

- 1909 4 square property - substantial size
- originally built as an open 1-story front porch; it has been enclosed very early on
- still has some of it's early railings in the back
- limestone masonry on front porch with some substantial columns that are still present
- original clapboard is likely still underneath newer siding
- a 2nd story was added to the rear porch
- Sanborn Maps: along this block face, the property just to the west was built as a chapel (First Lutheran) and is still present
- further west across York St on the corner is a duplex that was identified in the 1983 and the 2011 surveys as potential historic resource (904-906) - also part of the 2011 survey - not identified for further research but there are some scattered sites in the near vicinity that would support this
- the block has some infill; it hadn't been fully developed prior to 1925; one vacant lot but fairly good integrity
- she would encourage rehab - doesn't think it would have potential as a historic resource

Ms. Moermond:

- asked about rehabbing cat houses

Mr. Magner:

- based on the condition of this property, inspectors are not going to go into it to do a Code Compliance Inspection until it's completely cleaned out
- the majority of this building may need to be gutted
- in some of these situations, they have to remove everything to the studs and then they treat it like a fire (they spray the studs)
- until the house is thoroughly cleaned out, we can't really move forward
- they have tried numerous times to get Ms. Morales to get going with the clean-up but nothing has happened
- read the received documents into the record (attached)
- Ms. Morales has not allowed DSI into the property but cats were removed twice
- haven't been in the house since the original Condemnation
- they illegally re-occupied the house

- never received an application for a Code Compliance Inspection (even if they did, they would need a lock box and the house cleaned out)

Ms. Moermond:

- Ms. Morales works at The Family Dollar
- there's a paid up mortgage
- we don't see money in the bank or a construction loan
- we don't see clear title (go through title)
- she doesn't have money to pay the taxes, which is \$10,000 plus interest, etc.
- let's schedule another LH in 2 weeks and attach the Condemnation that was issued Dec 10, 2007 and any and all police reports related to finding this property in its gross unsanitary condition
- will lay this over for 2 weeks: Jul 24, 2012 at LH

Laid Over to the Legislative Hearings due back on 7/24/2012

3 [RLH RR
12-48](#)

Ordering the rehabilitation or razing and removal of the structures at 1132 CENTRAL AVENUE WEST within fifteen (15) days after the August 1, 2012, City Council Public Hearing.

Sponsors: Carter III

Rescheduled per owner's request.

RE: 1132 Central Ave W (single family)

Laid Over to the Legislative Hearings due back on 7/24/2012

4 [RLH RR
12-49](#)

Ordering the rehabilitation or razing and removal of the structures at 1175 EARL STREET within fifteen (15) days after the August 1, 2012, City Council Public Hearing.

Sponsors: Bostrom

Remove within 15 days with no option for repair.

RE: 1175 Earl St (single family)

No one appeared.

Steve Magner, Vacant Building:

- 1 story wood frame single family dwelling with a detached 1-stall garage on lot of 4,792 sq ft
- Vacant Building since May 4, 2009
- current owner Kimberly D. Scott per Ramsey County records
- Apr 4, 2012 inspection of building conducted; list of deficiencies which constitute a nuisance condition developed; photos taken
- Order to Abate Nuisance Building posted May 1, 2012; compliance date Jun 1, 2012
- as of this date, property remains in a condition which comprises a nuisance as defined by the legislative code
- estimated market value of \$9,400 on the land; \$35,600 on the building
- real estate taxes for 2009 through the first half of 2012 are delinquent in the amount of \$12,098.04 plus penalty and interest. (Note: property is scheduled for tax forfeiture July 2015)
- VB fees paid by assessment May 31, 2012

- as of Jul 9, 2012, a Code Compliance Inspection has not been done
- as of Jul 9, 2012, \$5,000 Performance Deposit has not been posted
- 13 Summary Abatement Notices since 2009
- 14 Work Orders for garbage/rubbish; boarding/securing/ grass/weeds; snow/ice
- estimated cost to repair exceeds \$50,000
- estimated cost to demolish exceeds \$10,000
- recommends removing the building within 15 days

Amy Spong, Heritage Preservation Commission (HPC):

- don't have an existing building permit index card for this property
- not noted on the Sanborn Insurance Maps
- likely that this property was building after 1925 as a workers cottage
- frame clapboard
- Payne Phalen Neighborhood
- was within the boundaries of the most recent 2011 survey work but it was not recommended for any research or identified as a potential historic resource
- the Hopkins Plat Book of 1928 did not note a structure on this
- demo would not an adverse effect is approved

Ms. Moermond:

- will recommend the City Council Order the building removed within 15 days with no option for rehabilitation

Referred to the City Council due back on 8/1/2012

5 [RLH RR
12-50](#)

Ordering the razing and removal of the structure(s) at 924 ELEANOR AVENUE within fifteen (15) days after the August 1, 2012 City Council Public Hearing.

Sponsors: Thune

RE: 924 Eleanor Ave (duplex)

No one appeared.

Steve Magner, Vacant Buildings:

- 1 story wood frame single family dwelling with a detached 2-stall garage and a 1-stall detached garage on lot of 9,583 sq ft
- Vacant Building since September 27, 2007
- current owner Craig Jensen and Sabrina Demars per Ramsey County records
- Apr 10, 2012 inspection of building conducted; list of deficiencies which constitute a nuisance condition developed; photos taken
- Order to Abate Nuisance Building posted May 1, 2012; compliance date Jun 1, 2012
- as of this date, property remains in a condition which comprises a nuisance as defined by the legislative code
- estimated market value of \$40,000 on the land; \$78,500 on the building
- real estate taxes are current
- VB fees paid by assessment October 28, 2011
- a Code Compliance Inspection was done on Aug 17, 2010 and has since expired. (Note: a Code Compliance Inspection was also done Nov 20, 2007 which has also expired)
- as of Jul 9, 2012, \$5,000 Performance Deposit has not been posted
- 9 Summary Abatement Notices since 2007
- 4 Work Orders for garbage/rubbish; boarding/securing

- Citations were issued for illegal occupancy of a registered vacant building on Oct 14, 2008, June 24, 2009 and Jun 3, 2010. In addition, bills for Excessive Consumption for illegal occupancy of a registered vacant building were issued on Aug 4, 2011, Aug 31, 2011 and Sep 28, 2011
- estimated cost to repair exceeds \$15,000
- estimated cost to demolish exceeds \$12,000
- situation here: this is a long term vacant building that we just can't seem to get compliance; there's on-going illegal occupancy; owners are just not getting the picture; so, DSI has declared this building to be a nuisance

Ms. Moermond:

- there's no note about receipts of personal service; Mr. Magner will forward info to Ms. Moermond to attach to the record

Amy Spong, Heritage Preservation Commission (HPC):

- workers cottage built 1888 (index card) as single family dwelling with 2 doors
- altered quite a bit from the original; although footprint is close
- possible addition to the front (oriented toward Milton)
- there was a narrow 1-story open front porch which is now gone
- stucco
- this area had a lot of vacant lots; not very developed by 1925
- this structure likely housed workers from industrial uses in the area
- small house on a double lot
- outside of 2011 survey area; has not been looked at recently
- demo would not have an adverse affect although the stucco could be hiding a very early pioneer building
- a lot of pioneer houses have been added on to in this neighborhood

Ms. Moermond:

- will lay this over for 2 weeks
- most recent criminal citation in 2010

Laid Over to the Legislative Hearings due back on 7/24/2012

6 [RLH RR
12-51](#)

Ordering the rehabilitation or razing and removal of the structures at 595 MACKUBIN STREET within fifteen (15) days after the August 1, 2012, City Council Public Hearing.

Sponsors: Carter III

RE: 595 Mackubin St (single family)

No one appeared.

Steve Magner, Vacant Buildings:

- 1 1/2 story wood frame single family dwelling on a lot of 3,049 sq. ft.
- vacant since Feb 26, 2009
- current property owner Cecilia M. Walker (deceased) per Ramsey County records
- Apr 4, 2012 inspection of building was conducted; list of deficiencies which constitute a nuisance condition was developed; photos taken
- Order to Abate Nuisance Building posted on May 1, 2012; compliance date Jun 1, 2012
- as of this date, property remains in a condition which comprises a nuisance as defined by the legislative code
- estimated market value: \$10,100 on land; \$18,000 on building
- real estate taxes are delinquent for 2009 through 2012 in the amount of \$9,203.98

plus penalty and interest. (Note: property is scheduled for tax forfeiture Jul 2012)

- VB fees paid by assessment Mar 30, 2012
- as of Jul 9, 2012, a Code Compliance Inspection has not been done
- as of Jul 9, 2012, the \$5,000 Performance Deposit has not been posted
- 23 Summary Abatement Notices since 2009
- 29 Work Orders issued for: garbage/rubbish; boarding/securing; grass/weeds; snow/ice; exterior--trim overgrown trees in front of house
- estimated cost to repair is \$50,000 - \$60,000
- estimated cost to demolish is \$12,000 - \$15,000
- the Department of Safety and Inspections (DSI) recommends removing the building within 15 days

Ms. Moermond:

- why did the University National Bank get notified? Has the mortgage been satisfied? (Steve Magner: probably not; the Department of Human Services is probably looking at doing something with it; might be an outstanding lien)
- looks as though there's been some water damage

Amy Spong, Heritage Preservation Commission (HPC):

- a pre-1906 house
- Thomas-Dale neighborhood
- wasn't identified in 1983 survey; was part of the boundary for the 2011 historic survey but not identified for further research
- unique lot - 4 detached houses built on one lot with an accessory structure on one corner; all 4 of these buildings are still present; 3 were turned into flats
- retains a good deal of integrity; still has the original siding -- narrow lap siding present
- front porch is still open with it's open columns
- very little has actually been changed on this property
- strongly encourages rehab given the good integrity of property
- indicative of development patterns of this neighborhood

Mr. Magner:

- there probably has been water damage - probably frozen pipes that broke; water has been shut-off
- there's a Notice of Medical Lien done in 2010 (document doesn't list amount of lien)

Ms. Moermond:

- asked that the Ownership and Encumbrance Report. be put into the record
- try to track down who has the medical lien and the mortgage holder (\$5,000)

Mr. Magner:

- doesn't think the state will pay off the mortgage

Ms. Moermond:

- doesn't Kris Kujala, Tax Forfeited Lands, have the ability to seek a shortened forfeiture time period based on abandonment? (Ms. Magner: not when it's homesteaded)
- let's email Kris
- will lay this over for 2 weeks

Laid Over to the Legislative Hearings due back on 7/24/2012

7 [RLH RR
12-52](#)

Ordering the rehabilitation or razing and removal of the structures at 763 LAWSON AVENUE EAST within fifteen (15) days after the August 1, 2012, City Council Public Hearing.

Sponsors: Bostrom

Remove within 15 days with no option for repair

RE: 763 Lawson Ave E (single family)

No one appeared.

Steve Magner, Vacant Buildings:

- 1/12 story wood frame single-family dwelling with a 2-stall detached garage and an accessory shed on a lot of 4,792 sq. ft.*
- vacant since Jun 4, 2010*
- current property owner Andrew W. Braun (deceased) per Ramsey County records*
- Apr 19, 2012 inspection of building conducted; list of deficiencies which constitute a nuisance condition developed; photos taken*
- Order to Abate Nuisance building posted May 1, 2012; compliance date Jun 1, 2012*
- as of this date, the property remains in a condition which comprises a nuisance as defined by the legislative code*
- estimated market value: \$10,000 on the land; \$40,000 on the building*
- real estate taxes are current*
- VB fees were paid by check on May 24, 2012 (mortgage company paid after they were informed that Mr. Braun was deceased; they were going to move forward with the foreclosure)*
- the family has removed their personal belongings from the house and have no further interest in the property*
- Code Compliance Inspection was done Nov 19, 2010 and has since expired*
- as of Jul 9, 2012, the \$5,000 Performance Deposit has not been posted*
- 8 Summary Abatement Notices since 2010*
- 8 Work Orders for: garbage/rubbish; boarding/securing; grass/weeds*
- estimated cost to repair exceeds \$50,000*
- estimated cost to demolish exceeds \$12,000*
- the Department of Safety and Inspections (DSI) recommends removing the building within 15 days*
- this building was Condemned (illegal occupancy); subsequently, they were contacted by the Saint Paul Police Department (SPPD) to take over the site after they did their extensive crime scene analysis*

Amy Spong, Heritage Preservation Commission (HPC):

- doesn't have updated photos; her photos show an intact porch with stained glass transom windows (3 over 1 double hung wood windows), bead board ceiling, paneled doors*
- 1 story porch was originally open; enclosed early on*
- 1909 workers cottage*
- wider lap siding covering up a very narrow wood lap siding*
- couple of windows have been replaced with vinyl sliders*
- integrity would be poor to good*
- within the boundaries of the 2011 Payne Phalen Historic Survey but not identified as a potential resource or for further research*
- this block has some vacant buildings; the rest is fairly intact - date to similar era with similar massing and detailing*
- demolition would not have an adverse effect*

Ms. Moermond:

- will recommend the City Council order this building removed within 15 days with no option for rehabilitation*

Referred to the City Council due back on 8/1/2012

8 [RLH RR
12-53](#)

Ordering the rehabilitation or razing and removal of the structures at 461 SHERBURNE AVENUE within fifteen (15) days after the August 1, 2012, City Council Public Hearing.

Sponsors: Carter III

The following conditions must be met by the close of business on July 23 if owner intends to rehabilitate the building: 1) post the \$5,000 performance bond; 2) obtain a new code compliance inspection; 3) provide financial documentation indicating owner has the amount required for this rehabilitation; this could be a construction loan, a line of credit or a bank statement; 4) provide an affidavit dedicating the funds for the project; 5) provide a work plan which needs to be done in accordance with the code compliance inspection report; and 6) the property must be maintained.

RE: 461 Sherburne Ave (single family)

Mr. Busch, DRB#24 LLC, owner, appeared.

Steve Magner, Vacant Buildings:

- 1 1/2 story wood frame single-family dwelling on lot 4,792 sq ft
- Vacant Building since Sep 3, 2008
- current owner DRB#24 LLC per Ramsey County records
- Apr 11, 2012 inspection of building conducted; list of deficiencies which constitute a nuisance condition developed; photos taken
- Order to Abate Nuisance Building posted May 1, 2012; compliance date Jun 1, 2012
- as of this date, property remains in a condition which comprises a nuisance as defined by the legislative code
- estimated market value \$5,000 on the land; \$3,000 on the building
- real estate taxes are current
- VB fees paid by assessment Sep 29, 2011
- Code Compliance Inspection done Jan 29, 2009 and since expired
- as of Jul 9, 2012, \$5,000 Performance Deposit has not been posted
- 11 Summary Abatement Notices since 2008
- 7 Work Orders issued for: garbage/rubbish; boarding/securing; grass/weeds; snow/ice; accessory structure--remove shed
- last Work Order sent Dec 11, 2011
- estimated cost to repair exceeds \$50,000
- estimated cost to demolish exceeds \$12,000
- the Department of Safety and Inspections (DSI) recommends removing the structure within 15 days
- photos show house gutted down to the studs with everything removed (just 4 walls and a roof remain)

Mr. Busch:

- the building is in the process of renovation

Amy Spong, Heritage Preservation Commission:

- pre-dates 1885; no original permit record
- has some Greek Revival massing to it or Italianate style
- the full 1-story original front porch is gone
- siding has been covered up (built as a lap sided wood frame house)
- quite simple now (vernacular)
- there were a few properties in this area that were identified in the 1983 survey and

were recommended for more research (on Sherburne); this area was re-surveyed in 2011 and they were not recommended for further research at that time because of the changes in that area

- 1 block north of the Central Corridor line
- if demoed, this would have no adverse affect
- strange thing on the Sanborn Insurance Map: it was built as a single family dwelling and it wasn't turned into flats until 1925

Ms. Moermond:

- if this were to be rehabbed, she would need to see the Code Compliance Inspection updated; a \$5,000 Performance Deposit; documentation of financial ability to finish the rehab and a work plan with a timeline and estimates; maintenance of the property

Mr. Busch:

- intends to completely rehabilitate the building in due course
- he has 26 properties and has rehabbed 10 vacant property buildings and 11 nonvacant property buildings in 3 years; he has 5 left
- this property along with several others was started in 2009
- he didn't like the work that was being done so, he terminated the workers
- he has 2 vacant properties that will come off the VB list this year (1 came off in Jun)
- he strongly objects to the idea of this property being torn down and the declaration that it has been a nuisance; he has kept the property clean
- he would like a list of all of the Summary Abatement Orders - most of them are from people throwing trash into his yard, which he cleans up
- he has secured the property
- if there are Work Orders, it's because either he didn't get Noticed or he didn't respond fast enough, usually because he didn't get Noticed
- he paid the fees and he expects to renovate the property when the time is right
- he has spent a lot of money

Ms. Moermond:

- if doesn't sound like Mr. Busch is willing to get a Code Compliance Inspection or post the \$5,000 Performance Deposit or do a Work Plan or demonstrate that the rehab will be done in 6 months
- she asked Mr. Busch if there are things that he is willing to do at this time to speak to his interest in rehabbing vs seeing it demolished

Mr. Busch:

- he will rehab it; it will not be demolished; the fact that he has rehabbed 21 properties in 36 months is pretty good evidence that he has the capacity and the willingness to do so
- he thinks that he should be able to choose the order in which he rehabs his properties
- he doesn't think he needs a new Code Compliance Report; there is one and there's nothing new on it
- he is sure the original building permit has expired (taken out in 2009 probably)
- he has had no complaints from the inspectors that the house is unsightly and he pays the VB fees
- there are no illegal activities going on at that property
- his people check the property regularly

Mr. Magner:

- there was a Code Compliance Inspection Report in 2009
- a building permit was issued to MN Restoration Contractors Inc (inactive)
- a plumbing permit was issued to John Tomas Piperight aka Suburban in 2009 (inactive)

- so, if those contractors aren't working in the property, those permits would be no good
- Aug 25, 2009: re-inspection indicated that a SA was sent to clean up the yard, cut the grass, secure basement window
- Aug 31, 2009: re-inspection indicated that the rehab was supposed to be started and wanted more time to clean up bldg materials - an extension was given
- Sep 9, 2009: the grass, etc., were abated
- Feb 9, 2010: the yard was acceptable; placards were up; snow and ice on the walk; sent a snow letter
- Feb 17, 2010: placards were up; walk had melted and refrozen; no work order sent
- May 6, 2010: he inspected and sent a SA for tall grass and weeds
- May 12, 2010: yard was cut; placards still up
- Sep 22, 2010: issued SA for tall grass and weeds
- Sep 27, 2010: allowed owner to Oct 1, 2010 to cut the grass
- Aug 1, 2011: issued verbal Orders to clean the yard
- Dec 9, 2011: re-inspection for snow on walk complaints; sent a work order
- Feb 23, 2012: issued SA to secure the 2nd floor door and front window; issued SA to remove TV and junk from yard
- Feb 28, 2012: talked with owner who said that he was going to take care of it
- Mar 1, 2012: snow on walk
- Mar 5, 2012: sidewalk had been abated
- the city has been out there quite a bit; Mr. Busch needs to maintain his properties

Mr. Busch:

- he cleans up the property when they call him and he has regular inspections on the property; people throw things into his yards and the lawn gets cut on a regular basis
- he personally inspects the place and there's no greatly tall grass and weeds; sometimes it gets a little long and they cut it
- at most, these are fairly trivial items relative to a tear down of a house

Ms. Moermond:

- the definition of a Category 3 Vacant Building, considered a nuisance structure also addresses duration (Mr. Magner: Chap 43 clearly indicates that if a property has been a Category 2 for more than 24 months, it's subject to be changed to a Cat 3 and the issuance of an Order to Abate unless circumstances indicate the property is being rehabilitated -- apparently, Mr. Busch decided to start doing something in 2009 but now, it's 2012 and he hasn't done anything -- it clearly falls within that definition)
- looking at the Code Compliance inspection report from Jan 2009, which speaks to a house that hasn't been gutted so, that report is clearly, no longer applicable

Mr. Magner:

- any time a property has been gutted, new construction requirements are necessary
- when the inspection was done in Jan 2009, he doesn't believe that Mr. Busch was the owner of the property

Ms. Moermond:

- looks like DSI did a sale review on Apr 1, 2009 when Mr. Busch acquired this property (Mr. Magner: cost of repairs - \$18,000; the project was to have taken 180 days); Mr. Magner will have Sale Review documents forwarded to Ms. Moermond after this hearing and copy Mr. Busch

Mr. Busch:

- I have spent a lot of money on the property; it's ready for re-construction
- would like a history of all the Work Orders and the resolution of them
- is really rather shocked that the city is proceeding on this matter since he has renovated so many houses and has clearly shown his ability to do so

- the property, he believes, is unobtrusive to the community; it's not a nuisance; it's in the process of re-construction; it doesn't cause any problems of substance; it's been secured for hazards

- he wasn't aware that there was any problem the city had a concern with; he was very shocked to get this Notice

Ms. Moermond:

- let's get Mr. Busch copies of the sale review, abatement orders and all related documents

- she has not heard anything from Mr. Busch that indicates he is willing to meet the conditions to get a grant of time from the City Council

Mr. Busch:

- he may very well need to have another Code Compliance Inspection Report to pull a permit but he knows very well what standards must be met to improve the building

- he understands that he may need to pull another permit and pay another fee

- if he is forced to move up the rehab of this building, he probably will but he would like to be able to choose the order in which he rehabs his houses based on market conditions and what is convenient for the contractor at the moment

Ms. Moermond:

- will recommend the City Council order the building removed within 15 days

- City Council Public Hearing Aug 1, 2012

Mr. Busch:

- why would you make such a recommendation?

Ms. Moermond:

- because I see no evidence of the fact that Mr. Busch is willing to demonstrate that he will and can do the rehab; and in 2009 Mr. Busch did make a commitment to rehab but there wasn't any follow through on it (Mr. Busch said that he doesn't understand why Ms. Moermond says that because he's spent a huge amount of money on this property already)

- because the commitment is to complete the rehab and she sees a gutted building

- she wants the building fixed under code and meeting the conditions required for a grant of time from the City Council: 1) \$5,000 Performance Deposit posted; 2) Code Compliance Inspection update; 3) a work plan that meets all items described in the code compliance inspection report - submitted and approved; 4) demonstration of financial where-with-all and an affidavit or construction loan showing that it is this property that will benefit from those funds; and 5) maintenance of the property

- those conditions must be met by Jul 23, 2012

- Mr. Busch will get a letter of these proceedings

Laid Over to the Legislative Hearings due back on 7/24/2012

9

[RLH RR
12-54](#)

Ordering the rehabilitation or razing and removal of the structures at 435 THOMAS AVENUE within fifteen (15) days after the August 1, 2012, City Council Public Hearing.

Sponsors: Carter III

The following conditions must be met by the close of business on July 23 if owner intends to rehabilitate the building: 1) post the \$5,000 performance bond; 2) obtain a new code compliance inspection; 3) provide financial documentation indicating owner has the amount required for this rehabilitation; this could be a construction loan, a line of credit or a bank statement; 4) provide an affidavit dedicating the funds for the

project; 5) provide a work plan which needs to be done in accordance with the code compliance inspection report; 5) deconversion of the duplex to a single family dwelling; and 6) the property must be maintained.

RE: 435 Thomas Ave (duplex)

David Busch, DRB #24 LLC, owner, appeared.

Steve Magner, Vacant Buildings:

- 2 story wood frame duplex on lot 4,792 sq ft
- Vacant Building since Aug 23, 2007
- current owner DRB#24 LLC per Ramsey County records
- Apr 11, 2012 inspection of building conducted; list of deficiencies which constitute a nuisance condition developed; photos taken
- Order to Abate Nuisance Building posted May 1, 2012; compliance date Jun 1, 2012
- as of this date, property remains in a condition which comprises a nuisance as defined by the legislative code
- estimated market value of \$9,000 on the land; \$11,000 on the building
- real estate taxes are current
- VB fees paid by assessment Sep 29, 2011
- Code Compliance Inspection done Jul 20, 2009 and since expired
- as of Jul 9, 2012, \$5,000 Performance Deposit has not been posted
- 14 Summary Abatement Notices since 2007
- 11 Work Orders issued for: garbage/rubbish; boarding/securing; grass/weeds
- estimated cost to repair exceeds \$50,000
- estimated cost to demolish exceeds \$12,000
- the Department of Safety and Inspections (DSI) recommends removing the structure within 15 days
- the duplex here is a nonconforming use and nonconforming uses go away after 1 year so, the new Code Compliance Inspection Report would be required to be for a single family unless the Appellant goes back to the Planning Commission to re-establish a nonconforming duplex use
- the sale review was done Apr 2009 indicating that repairs were going to cost \$20,000
- a building and a plumbing permit were issued after that
- similar the other situation, those permits are inactive; there has been no activity for more than 1 year
- latest Work Orders: May 2010 for tall grass and weeds; Nov 2009 for garbage; Aug 2009 tall grass and weeds
- previous Work Orders were prior to Mr. Busch's ownership

Amy Spong, Heritage Preservation Commission (HPC):

- 2 1/2 story wood frame Queen Anne style construction in 1888 (permit index card)
- 2nd story front porch was added at some point; originally constructed with a 1-story front porch, only
- in the photos, the building appears to be brick; however, it's just a covering; likely, there's clapboard siding underneath
- first story front porch is semi enclosed
- built as a single family; 2 later additions were added prior to 1925
- turned into flats prior to 1925
- there's a school building across the street
- the block face is quite in tact
- not identified in the 1983 survey
- survey last in 2011 and it was not recommended for further research; also, it wasn't identified
- there are a couple potential historic districts in the Thomas Dale Neighborhood; this

is not considered part of them
- demolition would not have an adverse affect

Mr. Busch:
- this building is much further along in the renovation (photo)

Ms. Moermond:
- if work was done, it wasn't done under permit
- photos show a lot of open walls, some insulation, some sheet rock; a lot of work still needs to be done; lots of problems with existing plaster/drywall

Ms. Magner:
- only building and plumbing (\$500) permits have been issued; no electrical or mechanical
- noted that this building needs to be deconverted from a duplex to a single family because the use has been inactive for over 1 year and it's a legal nonconforming use so the use goes away after being inactive for 1 year
- need to verify the duplex status with zoning (will get back to Mr. Busch on that)
- the enforcement of the nonconforming use went into place at approximately the same time as sale reviews were started

Mr. Busch:
- will need a little more time because there are 2 buildings that need to get done
- he would like a year for both of them
- he was sure that his building permit was for a duplex at that point and the house had been vacant for a long time (Ms. Moermond: she thinks the law changed since 2009)

Ms. Moermond:
- she would not be comfortable recommending to the City Council that Mr. Busch get 2 concurrent periods of time to do the rehabs on these; she thinks they both should be done within 6 months at the very longest
- the same conditions need to be met on this property as on 461 Sherburne Ave
- she would not recommend to the City Council that they address changing it back to a duplex but rather allow it to go through the normal zoning procedures and that they look for a plan that rehabs this as a single family home

Laid Over to the Legislative Hearings due back on 7/24/2012

Special Tax Assessments

11:00 a.m. Hearings

Summary Abatement Orders

Orders To Vacate, Condemnations and Revocations

10 [RLH VO
12-59](#) Appeal of Patricia Johnson to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 741 PIERCE BUTLER ROUTE.

Sponsors: Carter III

RE: 741 Pierce Butler Route (duplex)

Patricia Johnson, tenant, appeared.

Ms. Moermond:

- asked if Pao Fue Vang was the owner (Ms. Johnson said she didn't know)

Fire Inspector A. J. Neis:

- Revocation of a Fire Certificate of Occupancy and Order to Vacate issued by Fire Inspector Sabastian Migdal on Jun 25, 2012

- Since May 25, 2012, Mr. Migdal has made several attempts to contact the property owner, Pao Fue Vang, to do a Fire C of O inspection

- Mr. Migdal went to the property approximately 3 times and has not made entry into the house

- believe the house is in foreclosure because he has an order to advise the tenant of that

- lower unit is vacant - Mr. Migdal looked into the windows and it appears to have been trashed

- Mr. Migdal has spoken with the Appellant to gain entry into the upper unit but has not been allowed access

- based on multiple attempts to inspect this property, per policy, they Revoked the Fire C of O in order for it to be Vacated

- cannot speak to #6; perhaps they received Notice from a bank or there could have been a conversation with Ms. Johnson and Mr. Migdal wanted to make sure she received proper Notice

Ms. Johnson:

- said that Mr. Migdal did not ask her if he could come in; she asked him if he wanted to come in to do the inspection and he said that he had to first give 24 hour notice before he could come in

- doesn't know if the landlord is in foreclosure with the building

- the owner also owns the two houses next to hers and those properties are not being taken care of

- she lives upstairs and tries to keep up the maintenance (she wasn't working at the time)

- she would like to stay until Sep or Oct until she can put together \$1,000 to move; \$1,400 really

- currently, she is not paying rent; there's no one to pay it to; she has sent it to him and it's been sent back

- she wasn't working, so she spent the checks that were sent back

Ms. Moermond:

- asked Mr. Nies to get an inspection out there within this next week

- next Tue, at 11:00 a.m., we can talk about the conditions and what would be involved in allowing the Appellant to stay

- Ms. Johnson needs to make sure that either she or someone else in a responsible position can meet the inspector

- Inspector needs to access Ms. Johnson's unit as well as the shared areas of the building

Laid Over to the Legislative Hearings due back on 7/17/2012

11:30 a.m. Hearings

11

[RLH VO](#)
[12-64](#)

Appeal of Jacqueline Ricks, owner; MFO Property Holdings LLC; to a Revocation of Fire Certificate of Occupancy and Vacant Building Registration

Notice at 1156 MARION STREET.

Sponsors: Brendmoen

Deny the appeal and grant until September 1, 2012 for re-occupancy by owner of the building and to remove from the Fire C of O Program or the building shall be transferred to the Vacant Building Program.

RE: 1156 Marion St (duplex)

Margaret Uriah, Hamline Property Management, and Jacqueline Ricks, owner, appeared.

Fire Inspector A. J. Neis:

- *Revocation of Fire Certificate of Occupancy and Vacant Building Registration fee*
- *Fire C of O process started Sep 7, 2011; 28 code violations were noted*
- *inspectors made several inspections since that date*
- *has been vacant since Jan 2012*
- *Inspector Lisa Martin had been working with the property owner for quite some time*
- *Inspection on Jun 28, 2012*
- *permits had not been pulled on the property until the day before the final deadline*
- *since the the building was vacant and work not complete, the Fire C of O was Revoked and the building sent to Vacant Buildings*

Steve Magner, Vacant Buildings:

- *the Revocation was sent to them with the recommendation to open a Category 2 Vacant Building file*
- *Inspector Matt Dornfeld went to the property and subsequently opened the file based on the Revocation*
- *no sign-offs yet*

Ms. Uriah:

- *from Sep 2011 to Jan 2012, they were working with Lisa Martin on the property with tenants occupying it*
- *throughout the month of Jan, they moved the tenants out based on Ms. Martin's observations (problem tenants)*
- *the photos from then to now, show that this in no way, is a problem property; there's never been a police report; there was one garbage complaint in 2009*
- *from Jan forward, they were also working on another property that was sent by Lisa Martin to the VB: 584 and 586 Edmund - \$133,000 later that property is now complete and re-occupied*
- *then, just recently, they got the funds to start this property*
- *because she, personally, is purchasing the house, they did more than enough for anyone to live there*
- *this is where Ms. Ricks spoke with Matt Dornfeld and she spoke with both Lisa Martin and Supervisor Leanna Shaff about it*
- *Ms. Martin was not actually out on the property on Jun 28, 2011; they were standing on another property discussing that property*
- *submitted photos and paid receipts*
- *Ms. Ricks does more than any other landlord in Saint Paul*
- *inspectors checked the boiler and hot water heater in Apr 2, 2012 (Mr. Neis: Correction Orders were issued by mechanical inspector to re-pipe; to remove the air trap; and add a T or an L on the venting termination)*

Ms. Ricks:

- *confirmed that Ms. Martin was not at the property on Jun 28, 2012*
- *when Ms. Martin did the last inspection, Ms. Uriah had told her that she was going*

to be purchasing the house and Ms. Martin said, "Well, good luck, I know they do great properties; I can't wait to see it when it's all finished; just give me a call when it's done." And, so, when she got wind of this when Ms. Uriah was at another property and asked Ms. Martin when she was going come back to look at 1156 Marion St because they were just finishing up painting the outside of the house. Lisa said, "Well, I'm coming there today." After she came, she put it on the VB list; Matt Dornfeld called Ms. Ricks and said she should appeal it and ask for additional time because they were finishing up Edmund.

- the electrician is changing out the panels
- the plumber is coming in today
- all the major repairs are all done (new roof, gutters, hot water heater and new furnace were all done in Apr 2012); with permit
- all the carpets are out; hardwood floors will be sanded soon
- asking for 6 months extension; although, it shouldn't take that long
- the goal is to get the Uriah's in there before school starts
- new windows ordered; permits pulled

Ms. Moermond:

- would like to close out the existing list and get this out of the C of O Program
- asked about the driveway and parking area

Ms. Uriah:

- they are either going to put in poles so no one can park in the back or put up a garage before winter (it depends upon the VB status; there's only so much money)
- they have classic cars so, her life revolves around garages (husband's hobby)

Ms. Moermond:

- asked Mr. Magner to get someone to verify that the items on this list have been addressed and get a sense of where the driveway is at (Mr. Neis)
- she is OK with waiting for the garage but she is looking for an organized Class 5 area (neat and clean)
- if everything is checked off and the Uriahs can get in the house by Sep 1, 2012, in their name, it will be kept out of the VB Program and the C of O Program
- the driveway/garage area will be referred to Code Enforcement
- if Fire can't close out their Orders, we'll have to re-visit again before it goes to City Council

Mr. Magner:

- Chap 34 would require paving for any parking; so, if the appellant is going to use the back yard for off-street parking, it would have to have it paved (concrete, asphalt, pavers)
- if the property is not going to be in the VB Program and there's going to be a sales transacted, they need to have a Truth in Sales of Housing because there won't be a valid C of O

Mr. Neis:

- most of Fire's Orders have the permits finalized by the appropriate trade inspectors; as long as the other permits can get finalized by the trade inspectors, they don't really need to make an inspection
- he can do an exterior drive by for the exterior violations

Ms. Moermond:

- will lay this over for 2 weeks; need to see that the permits are finalized
- City Council Public Hearing Aug 1, 2012

Laid Over to the Legislative Hearings due back on 7/24/2012

12 [RLH VO
12-46](#)

Appeal of Philip and Marcia Liniewicz to a Fire Certificate of Occupancy Revocation and Order to Vacate at 255 COLBORNE STREET.

Sponsors: Thune

Deny the appeal and grant an extension to September 15, 2012 for compliance.

RE: 255 Colborne St (apartments)

Philip and Marcia Liniewicz, owners, and Andrew Laufers, Counsel, appeared.

Ms. Moermond:

- *the Liniewicz' were going to be working with the neighbor to define the property line*
- *the survey is complete*
- *the driveway may be falling*
- *need access to neighbors' property to do the work*
- *needs an update*

Mr. Laufers:

- *wrote a letter Jun 27, 2011 to the neighbor, Mr. Londer, to invite him to attend today's hearing but has received no response*
- *the letter also said that the Liniewicz' need access to their property to repair the retaining wall, as demanded by the City of Saint Paul*
- *if permission is granted to access the property, Mr. Laufers will draft an agreement; if permission is not granted, they will pursue further appropriate legal action*
- *he asked for a response in 7 days (no response)*
- *estimate to repair the retaining wall from Mr. Engstrom: \$2,500 for boulders and he could backfill the driveway so it wouldn't collapse*
- *once they have permission to access from Mr. Londer, the Liniewicz' can proceed with the repair*
- *presumably, if Mr. Londer hasn't responded, he will bring an action of some sort next week (preferably in small claims court; possibly district court)*
- *he would not have a problem giving an update in a couple weeks*

Ms. Moermond:

- *would like to see this work done this construction cycle or some agreement reached to get access to the property*

Mr. Neis:

- *the current deadline on the Orders was Jul 2, 2012 (City Council Resolution Oct 19, 2011)*
- *landscaping would not require a permit if less than 4 feet high (this would be approximately 20 inches at the highest point)*

Ms. Moermond:

- *is juggling whether it would make sense to put in a faster deadline so that noncompliance would lead to a Criminal Citation, which could be something that may get the Court to act (it may not work)*
- *the city can't Order that access be provided to the Liniewicz to do the repairs*
- *will recommend that the work needs to be done by Sep 15, 2012; if not, there will still be time in the current construction cycle to pursue something else*
- *the work needs to be done by then or enforcement will go to the next level*
- *enforcement is stayed to Sep 15, 2012*

Referred to the City Council due back on 8/1/2012

13 [RLH VO](#)
[12-60](#)

Appeal of Ronald J. Adams to a Notice of Condemnation Unfit for Human Habitation Order to Vacate at 676 WELLS STREET.

Sponsors: Bostrom

Deny the appeal on the condemnation and order to vacate and grant an extension to July 30, 2012 for tenants to vacate the units. File will be transferred to Vacant Building Program once the building becomes vacant.

RE: 676 Wells St (single family) (2 separate appeals)

Appellant Ronald Adams, brother of owner and occupant, Beth Woolsey, appeared. Appellant Angela Lopez, tenant, appeared.

Fire Inspector A. J. Neis:

- this property has a long history*
- they show only Beth Agnes Woolsey as the property owner on record*
- 2009 - Inspector Pat Fish commented that zoning approved this building as a single family dwelling*
- since the last inspection, it appears the building has been converted into a triplex without any proper permits, approvals, etc.*
- Jun 21, 2012: complaint building inspection conducted by Inspector Wayne Spiering, who noted several code violations inside and outside*
- building was Condemned based on multiple code violations including exposed electrical, damaged foundation, incorrectly installed water heater, no smoke detectors, no proper fire separations if building is a triplex, etc.*
- 71 photos*

Mr. Adams (R Joe):

- photos can be deceiving*
- seemed to have missed the Fire Inspection that took place Apr 25, 2012 conducted by Inspector James Thomas*
- Ms. Fish gave him recommendations for how to change from single family to a duplex*
- he has lived in the basement under his sister (1st) floor for 20 years*
- they hired a licensed electrician to split the electrical services and put in 2 meters but he took a long time to finish and he failed to do certain things like put a cover on the outside of the electrical box when he put them up, which Xcel determined would be a danger to the household so, they cut the wires (normally, they would just turn off the box); in this case, they said there was a hornets' nest in one of the boxes and the guys were afraid so, they cut the wires between the house and the street*
- he was physically shoved by the Fire Inspector and had never been treated that way before; he had to leave because he feared things would become violent*
- the person who made the complaint was an electrical inspector who came there to inspect and approve the boxes; that inspector failed to note several illegal mistakes that were made by the electrician*
- they would welcome another inspection*
- they need to buy a new water heater*
- they had the smoke detectors hardwired in*
- the furnace is a new tech electric furnace that are code compliant and fit into the walls and don't burn gas so, they don't the heat equipment test*
- basically, thinks the inspection should start over*
- agrees that most Orders exist as described*

Ms. Lopez:

- some Orders exist as described; some not*
- one of the heating vents in her apartment was faulty; she called and was told it*

would take 13 weeks to get a new one; there are 3 high efficiency heating units in her apartments - the area requires only 2 so, they took out 1 of them

- she is moving and is asking for more time; recently, she has become a low-income mom
- she was working part time temporary
- if the house were Condemned today and she had to move, it would cause severe hardship for her: she needs her left hip replaced and if she'd have to move today, she would need to do most of the work herself so, she would never get out in time
- children are 24, 23, and 6 1/2 and spent quite a bit of time with her
- has been in contact with Scott Renstrom, Councilmember Bostrom's Office about the inspection
- she does have a place to move between Jul 25 - Aug 10, 2012 (they are doing some remodeling)
- she is also looking for work; it has been a very stressful time and she doesn't know what she would do if she had to move today

Ms. Moermond:

- asked Mr. Neis to list the principal life safety violations that led to the Condemnation

Mr. Neis:

- his biggest concern is that how the 2 additional units were constructed; would bring the building from an R-3 to an R-2 category, which puts it into a whole different set of code, including fire separations
- noted that there was evidence of a 3rd unit on Inspector Spiering's inspection (photos show appliances, etc., in the basement and he believes they were connected at the time)
- other safety concerns: exposed electrical wiring; damaged foundation; water heater installed with a 3-inch line coming outside the house (CO concern); inoperable smoke detectors; water heater venting with a flex tube on a gas heater; exterior guard rail removed (could fall 2 1/2 stories off the deck); Mr. Wagner noted that the Winnebago may be connected

R Joe:

- first of all there are not 3 units; there's 2 units and both are occupied
- they were fixing the RV; no one's living there; it's not hooked up; the extension cord was for using power tools; it's going to the storage spot, along with the car
- the smoke detectors are hardwired
- open electrical boxes - they had hired a licensed electrical contractor and got a permit - they expected him to do things right
- the foundation has termite damage (is sure that Mr. Seeger would support him)
- they are going to get a master plumber to install a new water heater
- house was built 126 years ago

Ms. Lopez:

- she does laundry in the basement and the flex tube is vented from the dryer outside
- R Joe allowed her to store her appliances, etc. in the basement; the stove was not hooked up
- no one's living down there; she will be taking those things with her when she leaves; she was glad to have the space to store those items
- it was nice to have a couch down there to smoke (not in the home)

Mr. Neis:

- we're not just talking about storage; the inspector noted that the basement has a separate kitchen: sink, refrigerator, range and counter top; bathroom and living room set up
- there was an inspection conducted last year as a duplex, which may have been

done in error because the building notes from Ms. Fish, 2009, say that it can be used only a single family dwelling; so, they would need to go through zoning before it would be a legal duplex

R Joe:

- he is not disputing that there are things downstairs
- his sister is very neat and he is not; that's why he has always stayed in the basement and she has stayed above
- old deck fell down about 2 1/2 years ago; he discussed this with a building inspector, who said to take make sure there's a prevention like a 36" iron rail that goes across the beams on the outside until you get a new deck
- he would like to know how to solve the issues on the list instead of going down the Condemnation way
- get a new electrical permit, new electrical contractor
- the heating units are fine, he thinks; the electrician people will inspect that

Ms. Moermond:

- believes the conditions did exist
- are the Orders appropriate given the conditions; she believes it's an appropriate call
- for Unit 2, north bedroom: she will recommend a 3 inch variance on the egress opening height

Mr. Magner:

- believes that a couple facts need to be aired
- this property has been in the ownership of Beth Woolsey for probably more than 20 years
- over the years, she has worked with the city, HRA, PED to get rehab loans
- his personal experience with this property goes back to 1992-93 when he first met Mr. Adams at the property
- at that time, we were inspecting as a complaint for over-occupancy
- back then, it was established that it was a single family property and that the issue was that there were more than 4 unrelated adults living there
- Mr. Adams' argument has always been that he is related to Beth; the reality is that he is not
- at that time, the occupancy remained because there were no more than 4 unrelated adults
- as a single family structure, no additional units are allowed to be created
- in order to create more units, one would need to apply for a variance and it would need to be conducted under permit, which has not occurred; it's never been converted, legally, to a duplex (building permit and other permits would have been required)
- there was a code compliance inspection performed in 2004 for a single family residence
- an additional units that are there today cannot remain

R Joe:

- now, they have a general repair permit
- he had thought they had applied for a duplex and also, their tax status has been changed from a single family home to an owner occupied duplex
- I guess, we need to apply to zoning
- I need to go back and talk with Scott about going to zoning to make this a duplex
- they have permits for siding and the windows

Ms. Lopez:

- lives on the first floor; she's been happy with my apartment; it's nice
- the tenants on the second floor didn't know that they needed to come; they thought

that Mr. Adams coming would take care of that
- to her it seems cruel to say, "They must go," it's inconsiderate; give them some time

Ms. Moermond:

- will recommend that the City Council maintain the Condemnation and Order to Vacate the property; that's appropriate given the conditions that were observed
- will recommend modifying the vacate date to Jul 30, 2012 for the entire building
- will recommend this be referred to the Vacant Building Program once it's vacated
- see you Aug 1, 2012 at the City Council Public Hearing; her decision holds until that time
- in the future this will go on the registered VB list, which also can be appealed when it comes out

Referred to the City Council due back on 8/1/2012

14 [RLH VO
12-65](#)

Appeal of Southern Minnesota Regional Legal Services (SMRLS), on behalf of Angela Lopez, to a Notice of Condemnation Unfit for Human Habitation Order to Vacate at 676 WELLS STREET.

Sponsors: Bostrom

Deny the appeal on the condemnation and order to vacate and grant an extension to July 30, 2012 for tenants to vacate the units. File will be transferred to Vacant Building Program once the building becomes vacant.

RE: 676 Wells St (single family) (2 separate appeals)

*Appellant Ronald Adams, brother of owner and occupant, Beth Woolsey, appeared.
Appellant Angela Lopez, tenant, appeared.*

Fire Inspector A. J. Neis:

- this property has a long history
- they show only Beth Agnes Woolsey as the property owner on record
- 2009 - Inspector Pat Fish commented that zoning approved this building as a single family dwelling
- since the last inspection, it appears the building has been converted into a triplex without any proper permits, approvals, etc.
- Jun 21, 2012: complaint building inspection conducted by Inspector Wayne Spiering, who noted several code violations inside and outside
- building was Condemned based on multiple code violations including exposed electrical, damaged foundation, incorrectly installed water heater, no smoke detectors, no proper fire separations if building is a triplex, etc.
- 71 photos

Mr. Adams (R Joe):

- photos can be deceiving
- seemed to have missed the Fire Inspection that took place Apr 25, 2012 conducted by Inspector James Thomas
- Ms. Fish gave him recommendations for how to change from single family to a duplex
- he has lived in the basement under his sister (1st) floor for 20 years
- they hired a licensed electrician to split the electrical services and put in 2 meters but he took a long time to finish and he failed to do certain things like put a cover on the outside of the electrical box when he put them up, which Xcel determined would be a danger to the household so, they cut the wires (normally, they would just turn off the box); in this case, they said there was a hornets' nest in one of the boxes and the guys were afraid so, they cut the wires between the house and the street

- he was physically shoved by the Fire Inspector and had never been treated that way before; he had to leave because he feared things would become violent
- the person who made the complaint was an electrical inspector who came there to inspect and approve the boxes; that inspector failed to note several illegal mistakes that were made by the electrician
- they would welcome another inspection
- they need to buy a new water heater
- they had the smoke detectors hardwired in
- the furnace is a new tech electric furnace that are code compliant and fit into the walls and don't burn gas so, they don't the heat equipment test
- basically, thinks the inspection should start over
- agrees that most Orders exist as described

Ms. Lopez:

- some Orders exist as described; some not
- one of the heating vents in her apartment was faulty; she called and was told it would take 13 weeks to get a new one; there are 3 high efficiency heating units in her apartments - the area requires only 2 so, they took out 1 of them
- she is moving and is asking for more time; recently, she has become a low-income mom
- she was working part time temporary
- if the house were Condemned today and she had to move, it would cause severe hardship for her: she needs her left hip replaced and if she'd have to move today, she would need to do most of the work herself so, she would never get out in time
- children are 24, 23, and 6 1/2 and spent quite a bit of time with her
- has been in contact with Scott Renstrom, Councilmember Bostrom's Office about the inspection
- she does have a place to move between Jul 25 - Aug 10, 2012 (they are doing some remodeling)
- she is also looking for work; it has been a very stressful time and she doesn't know what she would do if she had to move today

Ms. Moermond:

- asked Mr. Neis to list the principal life safety violations that led to the Condemnation

Mr. Neis:

- his biggest concern is that how the 2 additional units were constructed; would bring the building from an R-3 to an R-2 category, which puts it into a whole different set of code, including fire separations
- noted that there was evidence of a 3rd unit on Inspector Spiering's inspection (photos show appliances, etc., in the basement and he believes they were connected at the time)
- other safety concerns: exposed electrical wiring; damaged foundation; water heater installed with a 3-inch line coming outside the house (CO concern); inoperable smoke detectors; water heater venting with a flex tube on a gas heater; exterior guard rail removed (could fall 2 1/2 stories off the deck); Mr. Magner noted that the Winnebago may be connected

R Joe:

- first of all there are not 3 units; there's 2 units and both are occupied
- they were fixing the RV; no one's living there; it's not hooked up; the extension cord was for using power tools; it's going to the storage spot, along with the car
- the smoke detectors are hardwired
- open electrical boxes - they had hired a licensed electrical contractor and got a permit - they expected him to do things right
- the foundation has termite damage (is sure that Mr. Seeger would support him)

- they are going to get a master plumber to install a new water heater
- house was built 126 years ago

Ms. Lopez:

- she does laundry in the basement and the flex tube is vented from the dryer outside
- R Joe allowed her to store her appliances, etc. in the basement; the stove was not hooked up
- no one's living down there; she will be taking those things with her when she leaves; she was glad to have the space to store those items
- it was nice to have a couch down there to smoke (not in the home)

Mr. Neis:

- we're not just talking about storage; the inspector noted that the basement has a separate kitchen: sink, refrigerator, range and counter top; bathroom and living room set up
- there was an inspection conducted last year as a duplex, which may have been done in error because the building notes from Ms. Fish, 2009, say that it can be used only a single family dwelling; so, they would need to go through zoning before it would be a legal duplex

R Joe:

- he is not disputing that there are things downstairs
- his sister is very neat and he is not; that's why he has always stayed in the basement and she has stayed above
- old deck fell down about 2 1/2 years ago; he discussed this with a building inspector, who said to take make sure there's a prevention like a 36" iron rail that goes across the beams on the outside until you get a new deck
- he would like to know how to solve the issues on the list instead of going down the Condemnation way
- get a new electrical permit, new electrical contractor
- the heating units are fine, he thinks; the electrician people will inspect that

Ms. Moermond:

- believes the conditions did exist
- are the Orders appropriate given the conditions; she believes it's an appropriate call
- for Unit 2, north bedroom: she will recommend a 3 inch variance on the egress opening height

Mr. Magner:

- believes that a couple facts need to be aired
- this property has been in the ownership of Beth Woolsey for probably more than 20 years
- over the years, she has worked with the city, HRA, PED to get rehab loans
- his personal experience with this property goes back to 1992-93 when he first met Mr. Adams at the property
- at that time, we were inspecting as a complaint for over-occupancy
- back then, it was established that it was a single family property and that the issue was that there were more than 4 unrelated adults living there
- Mr. Adams' argument has always been that he is related to Beth; the reality is that he is not
- at that time, the occupancy remained because there were no more than 4 unrelated adults
- as a single family structure, no additional units are allowed to be created
- in order to create more units, one would need to apply for a variance and it would need to be conducted under permit, which has not occurred; it's never been converted, legally, to a duplex (building permit and other permits would have been

required)

- there was a code compliance inspection performed in 2004 for a single family residence
- an additional units that are there today cannot remain

R Joe:

- now, they have a general repair permit
- he had thought they had applied for a duplex and also, their tax status has been changed from a single family home to an owner occupied duplex
- I guess, we need to apply to zoning
- I need to go back and talk with Scott about going to zoning to make this a duplex
- they have permits for siding and the windows

Ms. Lopez:

- lives on the first floor; she's been happy with my apartment; it's nice
- the tenants on the second floor didn't know that they needed to come; they thought that Mr. Adams coming would take care of that
- to her it seems cruel to say, "They must go;" it's inconsiderate; give them some time

Ms. Moermond:

- will recommend that the City Council maintain the Condemnation and Order to Vacate the property; that's appropriate given the conditions that were observed
- will recommend modifying the vacate date to Jul 30, 2012 for the entire building
- will recommend this be referred to the Vacant Building Program once it's vacated
- see you Aug 1, 2012 at the City Council Public Hearing; her decision holds until that time
- in the future this will go on the registered VB list, which also can be appealed when it comes out

Referred to the City Council due back on 8/1/2012

1:30 p.m. Hearings

Window Variances: Hearing Required

- 15 RLH FOW** Appeal of Michael Lill to a Fire Inspection Correction Notice at 1361 DALE STREET NORTH.
12-279
- Sponsors:** Brendmoen
- Deny the appeal and grant an extension for four months to bring the window in Unit 2 into compliance.*
- RE: 1361 Dale St N (duplex)*
- Michael and Kristine Lill, owners, appeared.*
- Fire Supervisor Leanna Shaff:*
- Fire Certificate of Occupancy inspection conducted May 23, 2012 by Inspector Lisa Martin
 - appealing #2 - Unit 2 double hung egress window opened 12h x 33w
- Ms. Moermond:*
- will go down to 16 inches in height if compensated in width
 - this one is way too short to get someone out of the window

Mr. and Mrs. Lill:

- entered photos
- unit is a total of 490 sq. ft.
- because of the size, it is rented to 1 adult or an adult couple
- both windows come out very easily
- if it were him and there was a fire, he would break out the windows, anyway
- the Andersen Windows estimate (\$1,800 slider) to replace that window is very expensive (entered document)
- owned the place for 28 years and never have had a problem with it
- have never had any complaints from all the renters they have had over the years
- consider themselves very good landlords

Ms. Shaff:

- for a lot of years, the Fire Code has required that an emergency escape and rescue opening in every room used for sleeping purposes measure 24h x 20w

Ms. Moermond:

- will recommend denying the variance and granting a 4-month extension to replace it
- City Council Public Hearing Aug 1, 2012 at 5:30 pm

Referred to the City Council due back on 8/1/2012

**16 RLH FOW
12-278**

Appeal of Joe Moran to a Updated Fire Inspection Correction Notice at 900 HOLTON STREET.

Sponsors: Stark

Rescheduled per owner's request

Laid Over to the Legislative Hearings due back on 7/17/2012

**17 RLH FOW
12-271**

Appeal of Kevin McGill to a Fire Certificate of Occupancy Correction Notice at 616 LEXINGTON PARKWAY SOUTH.

Sponsors: Carter III

Grant a 5-inch variance on the openable height of the egress window in the south bedroom and lay over the north bedroom egress window issue. Owner will need to demonstrate that the window can be opened to 16 inches. (Housekeeping item)

RE: 616 Lexington Parkway S (single family)

Kevin McGill, owner, appeared.

Fire Supervisor Leanna Shaff:

- Fire Certificate of Occupancy Inspection conducted Jun 11, 2012 by Inspector Jay Bohan
- second floor 2 double hung windows:
- north bedroom: 15h x 32w
- south bedroom: 19h x 22w (Recommend a variance)

Mr. McGill:

- bought the house in 2000
- moved out in 2008
- he and his wife had that bedroom; the kids had the other bedroom
- they have a fire escape ladder

- they replaced the windows in both those bedrooms in 2005

Ms. Shaff:

- looking for permits:
- windows permit applied for 2005 - work was completed without a call for inspection

Ms. Moermond:

- some windows are constructed with a stop at the top and if you pull out the stop, it will likely open to 16 inches
- if Mr. McGill can show that he can get the window open to 16 inches, she will recommend an 8 inch variance

Ms. Shaff:

- there are other items that need Correction
- she is sure that Inspector Bohan would be happy to check out that window at the re-inspection tomorrow

Ms. Moermond:

- will update one week from today
- will lay this over to next week's legislative hearing

Laid Over to the Legislative Hearings due back on 7/17/2012

18 [RLH FCO
12-335](#)

Appeal of WYYC Property Management, on behalf of Gin and Olivia Ng, to a Fire Certificate of Occupancy Inspection Correction Notice at 755 SHERBURNE AVENUE. (To be referred to Legislative Hearing July 10, 2012 and City Council Public Hearing July 18, 2012)

Sponsors: Carter III

Grant a 4-inch variance on the openable height of the egress window in the second floor north bedroom; grant a 4-inch variance on the ceiling height issue in the basement north bedroom; deny a variance on the hall basement ceiling height and grant 90 days for compliance or the basement will need to be vacated.

RE: 755 Sherburne Ave (single family)

Gin and Olivia Ng, owners, appeared along with Winnie Crosbie, interpreter.

Ms. Crosbie:

- looking for a variance on the ceiling height in the basement

Mai Vang read the emails back and forth:

- Ms. Moermond recommended granting a 4-inch variance on the ceiling height in the basement north bedroom
- Ms. Crosbie asked that the ceiling height in the basement hallway (6'3") also be granted a variance also

Ms. Moermond:

- will not recommend a variance on the ceiling height in the basement hallway because it is 9 inches too short

Ms. Crosbie:

- there is no way to correct that (there are pipes in the way)
- the house was purchased that way in 2008
- they have already rented out the 6-bedroom house (there is a shortage of 6-bedroom houses and there are many families who need them) and they have a

- 1-year lease
- there are egress windows in both bedrooms in the basement
- to her, it seems quite easy to duck one's head
- the house went through many inspections through the years and this comes up now, first?

Fire Supervisor Leanna Shaff:

- photos in Amanda
- Fire Code requires 2 exits to get out of a bedroom
- smoke and fire works it way down
- there are issues with taller people and with fire fighters and all of their gear
- a building permit was issued in 2009
- it was a Vacant Building Category 2 that talks about an illegal unit in the basement (Ms. Crosbie explained that the previous owner had a kitchen in the basement so, that was taken out but the bedrooms were already there)

Ms. Moermond:

- suggested that possibly, the duct work could be moved from under the ceiling
- she doesn't think that 6' 3" is an OK ceiling height
- understands the concern about the current lease but Saint Paul needs to look at the safety of the people
- the duct work needs to be moved from the hallway or they won't be able to use the bedrooms
- will deny the appeal and grant a 90-day extension

Referred to the City Council due back on 7/18/2012

**19 RLH FOW
12-260**

Appeal of Daniel Kingston to a Fire Inspection Correction Notice (windows only) at 970 SIXTH STREET EAST.

Sponsors: Lantry

Deny a variance on the casement window in the second floor south bedroom and grant an extension for 90 days for compliance.

RE: 970 Sixth St E (duplex)

Daniel Kingston, Absolute Value LLC, owner, appeared.

Mr. Kingston:

- has a casement window in the 2nd floor, south bedroom - 14 inches in width

Fire Supervisor Leanna Shaff:

- the egress window hardware very possibly pulls the window way over into the opening
- ask the manufacturer if you can get hardware that allows the window to open more completely

Mr. Kingston:

- has tried to find out who made the window
- the previous owner didn't have any knowledge of the manufacturer or installer

Ms. Moermond:

- the width needs to get to 16 inches, at least
- there is hardware that you can buy that will do the trick
- will recommend denying the variance and grant a 90 day extension to come into compliance

Referred to the City Council due back on 8/1/2012

Fire Certificates of Occupancy

- 20 [RLH FCO
12-396](#) Appeal of Odis Lewis to a Correction Notice - Complaint Inspection (Condemnation in Unit 1) at 1076 BRADLEY STREET.
- Sponsors:** Brendmoen
- Confirmed that the bill has been paid and the power has been restored. Moot point.*
- Withdrawn**
- 21 [RLH FCO
11-125](#) Appeal of Patrick Lamb, on behalf of Selby Dale Co-Op, to a Correction Notice Re-Inspection Complaint at 651, 637, 671 and 675 SELBY AVENUE.
- Sponsors:** Carter III
- Deny the appeal and grant until September 1, 2012 for compliance.*
- RE: 651, 637, 671, 675 Selby Ave (Selby Dale Co-op, etc.)*
- Ken Isaacson, Twin Cities Housing, (has this property under contract) appeared.*
- Fire Supervisor Leanna Shaff update:*
- Fire Certificate of Occupancy Inspection conducted on Jul 3, 2012 by Inspector Imbertson
 - no major violations throughout
 - dealing with many different buildings
 - seeing: detached conduit at a water heater connection; dripping tub faucet; window sashes that don't hold themselves up; dryer venting; occupancy separation issues; storage of materials, etc.
 - most deadlines are for Aug 1, 2012
- Mr. Isaacson:*
- most of the hazardous life safety issues were addressed one year ago before they became involved
 - have switched property managers since May 2012
 - don't see anything on the list that's not easily doable by Aug 1, 2012
 - they are planning to close on the financing to do the major rehab in the first quarter of 2013
 - the substantial rehab will take place next year
- Ms. Moermond:*
- will recommend denying the appeal and grant until Sep 1, 2012 for compliance
- Referred to the City Council due back on 8/1/2012
- 22 [RLH FCO
12-228](#) Appeal of Nicolas and Christine Mackaman to a Fire Certificate of Occupancy Inspection Correction Notice at 1748 SAINT CLAIR AVENUE.
- Sponsors:** Tolbert
- Deny the appeal and grant until December 1, 2012 for installation of the exterior handrail; grant the appeal to be out of the Fire Certificate of Occupancy Program. File will be transferred to Code Enforcement to address the railing issue.*

RE: 1748 Saint Clair Ave (single family)

Nicolas Mackaman, owner, appeared.

Fire Supervisor Leanna Shaff:

- was here in Apr 2012
- at that time, the tenant would be vacating the property and the property owner would be moving back into it

Mr. Mackaman:

- they have moved back into the property

Ms. Moermond:

- the railing question: we have stairs that require a railing
- at last LH, Mr. Mackaman said that a railing would deteriorate the aesthetic appeal of the house; it would also block the route of the mail carrier, possibly
- has this issue been solved

Mr. Mackaman:

- they are still planning to not put up the railing
- he thought it was settled; that if they moved back into the house, they need not put in the railing
- thinks that a railing will make it goofy looking; he will get a contractor to look at it

Ms. Shaff:

- the Fire Code requires handrails on stairs that have more than 3 risers

Ms. Moermond:

- thinks the railing should be installed; the door masks the step into the house
- reviewed the minutes from the previous legislative hearing (Mr. Mackaman indicated he would prefer not to put on a railing and is requesting a variance. They looked the photos; talked about the 4th riser; he had moved out to Coon Lake and was now moving back; Ms. Moermond had said she would lay it over for 12 weeks and by that time, the tenant should have moved out and Mr. Mackaman will have moved back in; the railing issue will be finalized at that time)
- will recommend denying a variance and grant an extension to Dec 1, 2012
- this file will be transferred to Code Enforcement

Referred to the City Council due back on 8/1/2012

23

[RLH FCO
12-379](#)

Appeal of Linda Jerome to a Fire Inspection Correction Notice at 1849 MARYLAND AVENUE EAST.

Sponsors: Bostrom

Grant a 7-inch variance on the ceiling height issue in the attic, grant a 2-inch variance on the openable height of the egress window in the main floor bedroom; and grant an extension until September 1, 2012 for all other items on list to come into compliance.

RE: 1849 Maryland Ave E (single family)

Bruce and Linda Jerome, owners, appeared.

Fire Supervisor Leanna Shaff:

- Fire Certificate of Occupancy Inspection conducted on Jun 4, 2012 by Inspector James Thomas

- 2 items are being appealed
- attic ceiling height is 77 inches is the maximum height, 4 ft in length (code: 7 ft height over half of the floor area); south side is 5 ft in length with a maximum ht of 72 inches; north side is 5 ft in length and 72 inches in maximum ht; floor area is 11 x 22
- #4: main floor window size (was approved)

Appellants:

- entered photos
- the room has been like this for about 60 years
- this is the home where Linda grew up; her mother moved into assisted living in Apr 2012
- Linda and her 2 sisters have taken over the house

Ms. Moermond:

- looking for a quick calculation of proportion of ceiling at 6' 5" or above (ballparking 1/3)
- will recommend a 7 inch variance
- will grant an extension to Sep 1, 2012 to come into compliance with the rest of the work

Referred to the City Council due back on 8/1/2012

24 [RLH FCO
12-317](#)

Appeal of Gerald Yost to a Fire Inspection Correction Notice at 2142 PALACE AVENUE.

Sponsors: Tolbert

Deny the appeal and grant an extension for one year to comply with the gas tank by either 1) removing the tank, or 2) having the tank emptied and cleaned by licensed contractors. The tank should also be rendered unusable by drilling a hole in its side capping fill-line on the tank and the fill-line leading into the house.

Referred to the 8/01/2012 City Council

25 [RLH FCO
12-367](#)

Appeal of John Mezzenga to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 677 SUMMIT AVENUE.

Sponsors: Carter III

Grant the appeal on the garage but will need to bring it into compliance in the next reinspection cycle. The garage will be reassessed from time to time to ensure that it doesn't become a dangerous structure. If the garage becomes a dangerous structure, enforcement action will be taken; grant a 7-inch variance on the openable height of the egress window in the second floor bedroom; and deny a variance on the egress window in the third floor bedroom and grant an extension for 90 days for compliance.

RE: 677 Summit Ave (multi-family)

John Mezzenga, owner, appeared.

Ms. Moermond:

- will grant a variance on the window in the 2nd floor bedroom 17h x 29w
- will deny a variance on the 3rd floor bedroom window 14h x 23w and grant 90 days

to come into compliance (a casement style may work)
 - this is a common problem with attic spaces that are now used as bedrooms
 - looking in file she notes: her variance statement says: Yes, 2nd floor, 7 inches egress opening height; hearing on the balance of the appeal

Fire Supervisor Leanna Shaff:

- the letter that was appealed was dated May 21, 2012
 - her notes say: re-scheduled until Jul 10 on the garage issue
 - has a B inspection classification

Ms. Vang:

- this case was re-scheduled
 - the recommendation had been put into Legistar; then, Mr. Mezzenga called to re-schedule (it was a no-show so, it was automatically denied)
 - the paperwork was re-done because he didn't show up for the first hearing

Mr. Mezzenga:

- entered photos of the garage
 - property is located within an historic district
 - he and his wife live in one unit; rent out the other 2 units
 - the garage is used to store his wife's car and outside equipment like the lawn mower, etc. (tenants do not use the garage)
 - is planning to tear it down and build a new one (money is tapped out)
 - just spent approximately \$30,000 renovating the rest of the house
 - would like an extension to next summer; plans to have a new one built by then
 - shingles need to be replaced; each wood garage door costs about \$2,000 a piece
 - bought house 2 1/2 years ago
 - have replaced roof and siding on the house and comply with HPC guidelines (costly)
 - plans to replace all the windows; already applied to HPC about 1 year ago; estimate: \$36,000

Ms. Moermond:

- the called out code has to do with the exterior of the property's condition
 - she can accept next summer as long as the Appellant does some repair work this year (repair/replace)
 - does not see a dangerous structure (Ms. Shaff concurred)
 - HPC will suggest a European door type window for the 3rd floor
 - will recommend granting the appeal on the garage right now; it needs to be taken care by the next round of inspections (3 years)
 - will grant a 90-day extension for the 3rd floor window
 - referred Appellant to Christine Boulware, HPC, PED
 - Appellant will get a noncompliance form because he'll come up short on the dimensions (Ms. Moermond will grant a variance on these closer dimensions)

Referred to the City Council due back on 8/1/2012

26

[RLH FCO
12-443](#)

Appeal of Erin Benson to a Fire Certificate of Occupancy Approval With Corrections at 2002 HAWTHORNE AVENUE EAST.

Sponsors: Bostrom

Grant the appeal on the dryer vent provided owner remove the flexible vent and unplug the dryer in two weeks; grant a 4-inch variance on the openable height of the egress window in the attic and main floor bedrooms.

RE: 2002 Hawthorne Ave E (single family)

Erin Benson, owner, appeared.

Ms. Moermond:

- will recommend a variance on egress windows

Fire Supervisor Leanna Shaff:

- Fire Certificate of Occupancy - Approval with Corrections done by Inspector James Thomas

- mechanical code requires that the dryer exhaust duct be a smooth bore duct with taped joints, 4-inches in diameter and has the correct insulation; here, we need a new dryer exhaust duct

Ms. Benson:

- appealing because currently, there is not a dryer hooked-up to that vent because it doesn't work and is not in use right now; until she purchases a dryer, there is no purpose for the vent; can it be taken off the list until the next inspection?

- the dryer has been broken for a couple of months; won't be getting another one until next year

Ms. Moermond:

- Appellant needs to take the dryer out of use or remove the accordion

- will grant the appeal on the dryer vent provided the owner removes the flexible vent and unplug the dryer within 2 weeks

Referred to the City Council due back on 8/1/2012

27

[RLH FCO
12-432](#)

Sponsors: Brendmoen

Deny the appeal on all items and grant an extension to September 1, 2012 to come into compliance; (a re-inspection will take place sometime after Sep 1, 2012).

RE: 1019 Edgerton St (three/four family)

Vang Xiong, owner, appeared.

Ms. Moermond:

- 3 things mentioned in appeal:

- 1) unfair and biased inspections (there's no such violations in Apts 1, 2 and 3 as are listed)

- 2) the handrail

- 3) the egress windows

Mr. Xiong:

- entered photos

Fire Supervisor Leanna Shaff:

- photos entered that Inspector Ellis took; Ms. Shaff accompanied him on the inspection

- the window cranks seemed to be broken so, they couldn't get a measurement

- they were having difficulty opening the casement windows; was like the gear is stripped in them

- the first photos in Unit #3 - that casement window clearly shows the open dimensions

- from the perception of both she and Inspector Ellis, their notes are quite clear on how the inspection went
- they offered to also have an exist interview with Mr. Xiong but Mr. Xiong refused, saying he did not have time
- she told Mr. Xiong he could not have a different inspector but she would accompany Inspector Ellis (it didn't sit so well)

Mr. Xiong:

- guaranteed that the windows were openable; inspector didn't crank it well enough; opens to 20"
- apt #1 are double hung and they all open
- building was remodeled prior to his ownership in 2009
- he is bringing everything up to code
- this inspector is biased; while in the basement when Ms. Shaff was not with them, the inspector talked about being a soldier and that he wasn't afraid of Mr. Xiong; he said he could squash me
- initially, they made an appointment to meet at the building the next day but the tenant wasn't able to meet so he asked for permission to re-schedule
- both the inspector and Supervisor Shaff said they would not give him an explanation of what he needed to do when he asked for specific directions
- Ms. Shaff refused to give him a different inspector

Ms. Moermond:

- crank out window opens 14" in width
- 2 inspectors say the windows were not fully openable
- the photos don't show the windows open; she is just seeing dimensions measured in the Appellant's photos
- noted that egress hardware would change where the window pivets from on a casement window; new hardware could solve the problem
- at this time, after going back and forth arguing points, she decided to have a complete staff report put on the record and then get a complete statement from the Appellant

Ms. Shaff:

- Fire Certificate of Occupancy initial Inspection conducted Jun 11, 2012 by Inspector Ben Ellis
- there were 14 deficiencies noted
- began inspection at the bottom in Unit #3: basement window in bedroom- 47h x 15w; (Mr. Xiong thinks that measurement is 16w); the measuring tape shows Ms. Moermond 14w; Ms. Moermond said she would give him a 4-inch variance on this but Mr. Xiong has to change the hardware so that it opens in a way that 16 inches is to true opening that a body can fit into (Ms. Shaff noted the cranks were not working)
- repair/replace and maintain a sealed shower wall to insure bathroom floor is impervious to water-see in 3rd photo
- Unit #2: in photo, the hardware height at the door is 75-76 inches (chain slide lock); Ms. Moermond sees more than 2 locks and a height problem; Ms. Moermond wants that lock removed (it's so high up); Mr. Xiong says that Apt #1 doesn't have a third lock; Ms. Moermond said that the next set of Orders will reflect the correction: "The door which has 3 locks." Mr. Xiong said the inspector is mixed up, not him; he doesn't have a chain.
- remove spliced electrical cords from the south east bedroom - photo, page 9; the splice is covered with clear packing tape, not electrical tape -it was plugged-in at the time (taken care of)
- in southeast bedroom, there was furniture blocking the exit (has been moved)
- #9 clogged drains (fixed); Mr. Xiong said the drain is not clogged; Mr. Ellis just didn't pull up the stop (a tenant never made a complaint); Ms. Shaff doubts whether that

happened but wasn't at his side at all times

- #10 repair/replace and maintain the bathtub to an operational condition; photo shows it's discolored, chipped, finish is coming off (Mr. Xiong assumes that the previous painted it and the paint is coming off); will be putting a coat of paint on it
- next photo - requiring re-caulking seams to the floor around the bathtub; Mr. Xiong already it
- next photo show how the south bedroom door hinges are unscrewed and pulled away
- will make it a point to accompany on re-inspection

Ms. Moermond:

- asked Mr. Xiong why the inspection was unfair

Mr. Xiong:

- when he asked for a different date for inspection because of his tenants, in the inspection said, "No. You must be there."
- when he talked to Supervisor Shaff and requested a different inspector, she said, "No."
- when Supervisor Shaff was not in the basement, he was intimidated by Inspector Ellis; he said he was a soldier and he can squash me; he could do things to him; he was very concerned about that; is that the only inspector she has in her office?
- he accept deficiency inspections but it has to be fair to the home owner, landlord; he's paying taxes; it should be fair inspections
- City Council will believe the inspectors and staff; it's different for home owners and landlords
- the more violations you have; the more inspections you will have
- he wants to be the best landlord
- all windows are casement in Apt 2
- Apt 1 upper floor
- he still doesn't really know what to do but in time he will take care of this; he doesn't know which apartment has what
- asked Ms. Moermond to summarize so he can take care of the job or send a letter to him about what needs to be fixed again

Ms. Moermond:

- we've just talked about this list and it sounds like there's an agreement that the things on the list need to be done but that Mr. Xiong doesn't agree with how the apartments are numbered
- she has asked the inspector's supervisor to check into that and have future Orders modified (let's double check); however, it doesn't effect the substance of what is here
- Appellant needs to bring more evidence of windows opening to 16 inches, cranks working, etc.; if he can show evidence, they will discuss point values
- Appellant video tape crank operation (shouldn't be slipping)
- scheduled for re-inspection some time after Sep 1, 2012

Mr. Xiong:

- asked Ms. Moermond to mail him a list of what has to be fixed
- he encourages the City Council to hire more minority inspectors
- he would like inspectors to write exactly what needs to be fixed

Ms. Moermond:

- will send a letter indicating the outcome of this appeal
- City Council Public Hearing Aug 1, 2012

Referred to the City Council due back on 8/1/2012

28

[RLH FCO
12-422](#)

Appeal of JoAnn Donley to a Fire Inspection Correction Notice at 2010 HAWTHORNE AVENUE EAST.

Sponsors: Bostrom

Grant a 4-inch variance on the openable height of the egress windows in all bedrooms; deny the appeal on the heating and garage issues and grant until October 1, 2012 for compliance; and grant until August 1, 2012 for the other items on the list.

RE: 2010 Hawthorne Ave E (single family)

JoAnn Donley, tax owner and responsible party, appeared.

Ms. Donley:

- appealing windows in bedrooms (she grew up in that home)*
- they are taking out the fence (done in a week)*
- will re-paint the garage*
- will schedule furnace check-up today*
- screen is in the shop being fixed*

Fire Supervisor Leanna Shaff:

- Fire Certificate of Occupancy Inspection conducted Jun 12, 2012 by Inspector James Thomas*
- first inspection*
- would not have an issue granting Ms. Donley more time on those exterior repairs*
- will re-inspect Thu Jul 12, 2012*

Ms. Moermond:

- will grant appeal on the bedroom windows*
- will grant an extension to Oct 1, 2012 to finish the garage*
- will grant an extension to Aug 1, 2012 to complete the other items on the list*

Referred to the City Council due back on 8/1/2012

29

[RLH FCO
12-390](#)

Appeal of Lon Hoffmann to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 1074 BREEN STREET.

Sponsors: Bostrom

RE: 1074 Breen St (single family)

Tim Mostad appeared on behalf of Lon Hofmann, owner.

Fire Supervisor Leanna Shaff:

- Fire Certificate of Occupancy Re-inspection conducted May 25, 2012 by Inspector James Thomas*
- windows are being appealed (Ms. Moermond is granting a 6 inch variance on the openable height of the egress windows on the main floor east and west bedrooms)*
- also appealed - provide 30 inches clearance around all mechanicals (not quite sure, might be boxes, storage, etc.)*
- Mr. Thomas issued a Revocation Jun 18, 2012 for noncompliance (will come up again); he notes: on Mon Jun 18, at 12:11 p.m., there was an email and an attachment that I, Lon Hofmann, owner of the property at 1074 Breen St in Saint Paul request further inspection notices be forwarded to my renting tenant, John Parris*
- on May 25, 2012, Inspector Thomas notes: knocked, rang door bell, no answer at 11:04 a.m.; called the owner to let him know that tenants would not open the door*
- on Jun 18, 2012, knock, no answer; called owner to let him know his tenants are not*

allowing access

- don't have a phone number for John Parris to whom the mail should be sent to

Mr. Mostad:

- furnace and water heater are close together (?)

- renters have occupied the home for years

- the neighbor to the north is kind of like the caretaker for Mr. Hofmann; he may have been at the inspection

- Mr. Hofmann has been shuffling fire jumpers around in Colorado so, he said to use his email

Ms. Moermond:

- let's have Mr. Hofmann double check to make sure there's a 30 inch clearance around the furnace and water heater

- asked Mr. Mostad if he could ensure that there was access (Mr. Mostad said she'd have to go through Lon; he lives in Hastings and Lon lives in Pagosa Springs, CO; as far as he knows, his next door neighbor to the north is also a good friend and he would be the one; thinks he even has a key)

- the Revocation letter did not go out yet; it's dated today

- an inspection will be set-up next week when there should be access provided to the inside

- have dealt with both items being appealed

- sees that the basement has been Condemned

- will lay this over for 2 weeks to Jul 24, 2012

- so, it's his email / tenant / ?

- we'll give it one more chance; then, the jig is up

Laid Over to the Legislative Hearings due back on 7/24/2012

30

[RLH FCO
12-446](#)

Appeal of Ronald D. Juelfs to a Fire Inspection Correction Notice at 759 JESSIE STREET.

Sponsors: Brendmoen

Deny the appeal and grant until January 1, 2013 for Items 3, 18 and 22 to come into compliance.

RE: 759 Jessie St (apartments)

Ronald Juelfs, owner, appeared.

Fire Supervisor Leanna Shaff:

- Fire Certificate of Occupancy Inspection

- basically, requiring a code compliant waste trap in the Units

- #3 - plumbing to bathroom sink

- #18 - kitchen sink

- #22 - bathroom sink

- they are not installed correctly; requires a licensed plumbing contractor to install code compliant waste traps

- in the appeal, it says they are "S" traps, which haven't been code compliant for a very long time

- 4 Units in the building

Mr. Juelfs:

- bought property in 1994; supposedly, it was compliant then but it probably wasn't

- have 3 or 4 inspections and there haven't been any problem with it

- plumbing has been there for about 20-30 years; never had a drain problem

- plumber said it would cost \$500 - \$1,000 for each installation; in his experience, it usually costs more than what they tell you (they really can't tell until they find out whether or not there's a vent in the wall)
- they work; there's never been a problem and he thinks they should be grandfathered-in because why didn't the other 3 or 4 inspections catch it
- \$3,000 fix on a building that's under water (?)

Ms. Shaff:

- an "S" trap is not vented so, it doesn't breathe; it will suck air from the weakest link in the whole plumbing system, which allows sewer gases back into the building (a big health concern); code requires a "P" trap, which prevents the sewer gases from coming back up
- doesn't see any permits for changes and she highly doubts that this is the original plumbing
- looks as though Inspectors Thomas and Fish have gone through it before

Ms. Moermond:

- normally, this is a real problem; "S" traps are not allowed anymore under the code; can't tell when the change was made
- is very sympathetic; it's not a cheap fix and it's not on fire right now
- will put Appellant on a long timeline
- will recommend granting an extension to Jan 1, 2013 to allow time to figure out a more affordable way to deal with this, perhaps, to get smaller bids
- should have been called out much earlier
- City Council Public Hearing Aug 1, 2012

Referred to the City Council due back on 8/1/2012

31 [RLH FCO](#)
[12-451](#)

Appeal of Cynthia and Noel Totten to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 1649 and 1651 MINNEHAHA AVENUE WEST.

Sponsors: Stark

Deny the appeal and grant until September 1, 2012 for compliance unless owner gets approval from Zoning for continued use of a triplex; otherwise, it would need to be de-converted to a duplex.

RE: 1649 and 1651 Minnehaha Ave W (single family)

Noel Totten, owner, appeared.

Fire Supervisor Leanna Shaff:

- first ever Fire Certificate of Occupancy Re-inspection for the property
- started in Feb 2012; there were some police issues
- as far as the city and country are concerned, this is a duplex but there are 3 units
- the front cover of the last Truth in Sale and Housing, 2005, says "duplex"
- Apr 30, 2012, Inspector Imbertson notes: there are 5 names on each mail box (10 total)
- it's in a student housing district
- photos
- appealing 3rd Unit part of the Orders

Mr. Totten:

- those people are gone and we're all happier
- they bought it as a "triplex" in 2005
- 1651 Minnehaha Ave W is where the 3rd Unit is

- history: a pastor, his wife and his 5 children lived at 1649 and 5 nuns lived at 1651 (a very holy side-by-side duplex)
- when the pastor moved out and the nuns moved out, foreign college students moved in (they didn't have cars drinking problems until this year)
- he has a lease for 4 people in 1649; some of the names of previous tenants are still on the mailbox
- on the other side, 1651, they do have 5 tenants: one in the basement of 1651; and 4 above
- today, 1649 is unoccupied; 1651 is occupied (3 tenants on the second floor and 1 tenant in the basement until Sep 1, 2012)
- 1968 - they put in a 3rd Unit
- one of the first things they did when they bought the house was to replace the floor in the basement of 1651 (all the concrete was bad; they ripped it out and discovered the water and sewer pipes were in bad shape, so they replaced those, too); after the floor was done, they put in new cabinets, new appliances and new carpeting; they put an egress window in the bedroom (already one in the living room); it's nicely done and it's been there for a long time - they just improved it (\$350/month rent)
- they are taking care of the list; have gone above and beyond what Mr. Imbertson asked of them
- final inspection Jul 26 or 27
- he is very proud of the place; was built in 1904; has old world charm; hardwood floors; built-in hutches; moldings; a big house-without counting the basement, there are 5 bedrooms on each side (10 total)
- he has put in hardwired smoke detectors; a new roof; new appliances; new furnaces and properly venting the furnaces
- Inspector Imbertson has been very helpful
- he is appealing, basically, because it's been there a long time, since the late 60s; should be grandfathered-in

Ms. Moermond:

- the property is zoned to be a duplex; it's presumed to be a duplex; however, the occupancy has been a triplex, which kicks in different regulations; i.e., a fire separation between the units
- the other problem is zoning: currently, zoned as a duplex; and there is also a study going on for student house, which creates a moratorium for expanding student housing uses (don't know how that's going to effect this situation)
- both problems need to be solved
- it doesn't make sense to spend a lot of money dealing with the Fire and Bldg Code issues if the Appellant is going to be denied the triplex through zoning

Mr. Totten:

- they are trying to preserve this house because it has such wonderful features; and they are also trying to rent it out
- they don't make any money on this property
- without the extra rent for the downstairs, it'll be rough and the tenant, Lila, is the sweetest lady; he can't kick her out - she's the best tenant they've ever had
- they haven't had any problems with their student tenants - they come from all over

Ms. Moermond:

- unless Mr. Totten can get clearance from zoning, he needs to cease using it as a triplex effective Sep 1, 2012
- let's modify the Orders accordingly

Referred to the City Council due back on 8/1/2012

- 32 [RLH FCO](#)
[12-421](#) Appeal of Artemus Anderkay, Beowulf Properties, to a Fire Inspection Correction Notice at 1759 MARYLAND AVENUE EAST.
- Sponsors:** Bostrom
- Grant a 3-inch variance on the openable height of the egress windows in all bedrooms and deny the appeal on the steps attached to the house and grant until September 1, 2012 to replace or repair and made safe.*
- Referred to the City Council due back on 8/1/2012**

2:30 p.m. Hearings

Vacant Building Registrations

- 33 [RLH VBR](#)
[12-43](#) Appeal of Marian L. Soler to a Vacant Building Registration Notice at 1644 MARGARET STREET.
- Sponsors:** Lantry
- Withdrawn**

Other

Staff Reports

- 34 **RLH FOW**
12-202 Appeal of Timothy R. Moore to a Fire Inspection Correction Notice at 830 GRAND AVENUE, UNIT 2.
- Sponsors:** Thune
- Grant on the sill height issue. Inspector needs to re-measure the slider window. Laid over for a staff report only.*
- Laid Over to the Legislative Hearings due back on 7/17/2012**
- 35 **RLH FCO**
12-377 Appeal of Shah Vang to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 1114 BUSH AVENUE.
- Sponsors:** Lantry
- Forthcoming on the fire rated door*
- Laid Over to the Legislative Hearings due back on 7/17/2012**

Window Variances: No Hearing Necessary

- 36 **RLH FOW**
12-262 Appeal of Robert Torning to a Fire Inspection Correction Notice at 996 BURGESS STREET.
- Sponsors:** Carter III
- No hearing necessary; grant a 5-inch variance on the openable height of the egress*

Sponsors: Lantry

No hearing necessary; grant a 3-inch variance on the openable height of two double hung replacement egress bedroom windows measuring 21 inches high by 23.5 inches wide.

Referred to the 8/01/2012 City Council

**43 RLH FOW
12-277**

Appeal of Tarryl Olson to a Fire Inspection Correction Notice at 1627 FOURTH STREET EAST.

Sponsors: Lantry

No hearing necessary; grant a 4-inch variance on the openable height of the egress main floor southeast bedroom east window, main floor northeast bedroom east window, main floor northeast bedroom north window, and second floor north casement window.

Referred to the City Council due back on 8/1/2012

**44 RLH WP
12-75**

Appeal of Daniel Schmidt, on behalf of Ramsey County Public Health, to an Egress Window Non-Compliance Determination at 878 FREEMONT AVENUE.

Sponsors: Lantry

No hearing necessary; grant a 3-inch variance on the openable width of the double hung replacement egress bedroom windows measuring 24 inches high by 17 inches wide.

Referred to the City Council due back on 8/1/2012

**45 RLH FOW
12-276**

Appeal of Cheryl Barsten to a Correction Notice-Complaint Inspection at 915 HAWTHORNE AVENUE EAST.

Sponsors: Bostrom

No hearing necessary; grant a 5-inch variance on the openable height of the egress windows in the two second story bedrooms.

Referred to the City Council due back on 8/1/2012

**46 RLH WP
12-79**

Appeal of Renewal by Andersen, on behalf of Rylan Juran, to an Egress Window Non-Compliance Determination at 1557 HOLTON STREET.

Sponsors: Stark

No hearing necessary; grant a 5-inch variance on the openable height of one double hung replacement egress bedroom window measuring 19 inches high by 24 inches wide.

Referred to the City Council due back on 8/1/2012

**47 RLH WP
12-78**

Appeal of St. Croix Home Improvement Inc. to an Egress Window Non-Compliance Determination at 1361 KENNETH STREET.

Sponsors: Tolbert

No hearing necessary; grant a 3-inch variance on the openable width of two casement replacement egress bedroom windows measuring 50 inches high by 17 inches wide.

Referred to the City Council due back on 8/1/2012

**48 RLH FOW
12-273**

Appeal of Pam Fitch to an Updated Fire Inspection Correction Notice at 641 LEXINGTON PARKWAY NORTH.

Sponsors: Stark

No hearing necessary; grant a 2-inch variance on the openable height of the egress windows in the lower unit bedrooms 1 and 2.

Referred to the City Council due back on 8/1/2012

**49 RLH WP
12-82**

Appeal of Saint Paul Ramsey County Department of Public Health to an Egress Window Non-Compliance Determination at 728 MANOMIN AVENUE.

Sponsors: Thune

No hearing necessary; grant a 4-inch variance on the openable height of two double hung replacement egress bedroom windows measuring 20 inches high by 23.2 inches wide.

Referred to the City Council due back on 8/1/2012

**50 RLH WP
12-81**

Appeal of Cuts Custom Construction, owner, to an Egress Window Non-Compliance Determination at 1523 OLD HUDSON ROAD.

Sponsors: Lantry

No hearing necessary; grant a 7-inch variance on the openable height of three double hung replacement egress bedroom windows measuring 17 inches high by 28 inches wide and measuring 17 inches high by 37 inches wide.

Referred to the City Council due back on 8/1/2012

**51 RLH FOW
12-280**

Appeal of DDN Futures LLC to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 1818 SEVENTH STREET EAST.

Sponsors: Lantry

No hearing necessary; grant a 2-inch variance on the openable height of the egress windows in Units 1816 and 1818.

Referred to the City Council due back on 8/1/2012

**52 RLH FOW
12-274**

Appeal of Jim Sundberg to a Fire Inspection Correction Notice at 746 SIMON AVENUE.

Sponsors: Brendmoen

No hearing necessary; grant a 2-inch variance on the openable height of the egress window in Unit 1 bedroom.

Referred to the City Council due back on 8/1/2012

- 53** **RLH FOW**
12-270 Appeal of Kao Yang to a Fire Inspection Correction Notice at 880 THIRD STREET EAST.
- Sponsors:** Lantry
- No hearing necessary; grant a 3-inch variance on the openable height of the egress window in the first floor northeast bedroom and grant a 7-inch variance on the openable height of the egress windows in the first floor southeast and southwest bedrooms.*
- Referred to the City Council due back on 8/1/2012**
-
- 54** **RLH WP**
12-77 Appeal of Harmony Homes Inc. to an Egress Window Non-Compliance Determination at 1939 WELLESLEY AVENUE.
- Sponsors:** Tolbert
- No hearing necessary; grant a 5-inch variance on the openable height of three double hung replacement egress bedroom windows measuring 19.75 inches high by 29 inches wide.*
- Referred to the City Council due back on 8/1/2012**
-
- 55** **RLH WP**
12-76 Appeal of Minnesota Exteriors to an Egress Window Non-Compliance Determination at 1730 WILSON AVENUE.
- Sponsors:** Lantry
- No hearing necessary; grant a 7-inch variance on the openable height of three double hung replacement egress bedroom windows measuring 17 inches high by 24 inches wide.*
- Referred to the City Council due back on 8/1/2012**