



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final

Legislative Hearings

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

Tuesday, December 8, 2015

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Remove/Repair Orders

- 1 [RLH RR 15-41](#) Ordering the razing and removal of the structures at 421 CURTICE STREET WEST within fifteen (15) days after the November 18, 2015, City Council Public Hearing. (To continue the Public Hearing to January 6, 2016)

Sponsors: Thune

Michael Schleisman, Attorney, PFB Law, appeared on behalf of Faye Servicing LLC.

Inspector Steve Magner, Vacant Buildings:

-read letter from Mai Vang following LH Nov 24, 2015 (attached)

-the code compliance inspection report was generated yesterday, Dec 7, 2015

-\$5,000 performance deposit has been posted

-property has been maintained since last LH

Mr. Schleisman:

-he received the report yesterday and forwarded it immediately to his client in order to collect bids, select one, put together a detailed work plan with a timeline, and put together a letter of commitment

-asking for time

Ms. Moermond:

-we have the code compliance inspection report, the perf dep posted, and the property has been maintained

-City Council Public Hearing will be Jan 6, 2016

-she wants to see some of the bids and a detailed work plan with timelines

Public hearing continue to January 6, 2016. Owner needs to provide bids and detail work plans with timelines for the rehabilitation of the building.

Recommendation is forthcoming.

Referred to the City Council due back on 12/16/2015

- 2 [RLH RR 15-45](#) Ordering the razing and removal of the structures at 1659-1669 GRAND AVENUE initiating no later than February 1, 2016 and concluding by May 1, 2016.

Sponsors: Tolbert

Mr. Fred Kueppers, Attorney, representing Grant Heritage Properties LLC, owner of 1659-1669 Grand Ave, appeared.

Eugene Sitzmann and daughter also attended.

Inspector Steve Magner, Vacant Buildings:

-read letter from Mai Vang after the last LH (attached); highlighted "1659-1669 Grand Avenue may not be transferred, sold, marketed, etc. under the nuisance/dangerous conditions are abated. In this case, abatement of the nuisance building would be via rehabilitation and issuance of a certificate of occupancy or demolition." Legislative Code, Chapter 33 Building Code and Inspection, 33.03. (6).

Amy Spong, Heritage Preservation Commission (HPC):

-handed out HPC resolution adopted Thu, Nov 19, 2015 (attached) and highlighted items

Ms. Moermond:

-all of that translates not, necessarily, to whether this building can be demolished but rather what the process would be prior to demolition if the city has to undertake the demolition and uses federal dollars

Ms. Spong:

*-an HPC evaluation is the first step to know what process would be in place
-essential goals of Sec. 106 is "avoid, minimize, mitigate"*

Mr. Kueppers:

*-his client, after a lot of thought has concluded that, everything considered, they would like to demolish the building in a timely fashion at their expense
-not sure how this new HPC information would impact this*

Ms. Moermond:

-it wouldn't; if you privately undertake this, it would not involve HUD funds and so, that would not be triggered

Mr. Kueppers:

*-this decision was made in recent days; no preliminary work has been done
-what time frame are we looking at?*

Mr. Magner:

-we would recommend to the City Council to grant you 30 days to obtain a signed demolition contract with a licensed wrecking/removing company (they have to be licensed with the city of Saint Paul); as long as you can submit a signed contract that spells out the timing and the process, we would not have any problems following that; the city's assumption is that once you sign a contract with a vendor, and the Council goes ahead with it, they would give you 30 days after the next Council Public Hearing to get 3-4 bids, choose the vendor you want and submit that information to DSI office; DSI would document and monitor

-DSI's expectation is that the project, in that case, take 1-2 months at the most for removal

-out things to keep in mind:

-you need to understand that you cannot create a surface lot (parking lot) without prior approval

-the expectation is that the structure(s) is removed and any parking or any accessory uses would be removed at the same time; and that the site would be set up for growing grass in the spring

-in you choose not to take this course of action and follow thru with the granted time

period, the city will follow thru with the demolition, which means that the city would have to incur the cost of the 106 study, which would be added to the cost of the demolition activity, which would be passed on as part of the assessment
-in this particular case, he cannot say the city could do the demolition for less money than could be done privately
-it will be more cost effective for you to proceed with the demolition than it would be for the city

Mr. Kueppers:
-he and his client understand that

Mr. Magner:
-in 30 days, DSI, expects a signed contract with a general contractor or with an engineering firm, acting as the general
-there are multiple firms within the city/region that would do everything encompassed under one umbrella; you can contact Mr. Yannarely to get a list of demolition contractors

Ms. Moermond:
-that is how the city operates; it chooses 1 demolition contractor after a bidding process; it is the demolition contractor, who takes responsibility for making sure that the MN Pollution Control Agency has it's 10-day review process; then, if necessary, hazardous materials abatement time period would begin and that definitely a part of the time after the permit's pulled; you would not have to figure out how to get that all done within the first 30 days

Ms. Spong:
-finished reading the HPC resolution (attached)
-HPC did not post their meeting as a public hearing but they did allow Mr. Welna, Macalester College, to give a lot of background on the building, specifically, with respect to Macalester College and their involvement over the years with this property
-pointed out that the HPC recognized the long term neglect that the building has suffered and talked about that with respect to evaluating the building's historic significance, which does play into it but is not one of the main aspects; they also talked a lot about the streetscape in this vibrant little 2-block commercial corridor; and recognizing the condition of the building, the HPC did not choose to commence a designation study but they did resolve to delay in order to do a proper historic evaluation (unanimous decision)

Ms. Moermond:
-at Dec 16, 2015 City Council Public Hearing, she will recommend that they grant to Feb 1, 2016 for you to conclude a contract with a demolition contractor and that demolition contractor initiate no later than Feb 1, 2016 (whoever you select, shall start by then; includes: contacting the MPCA; making preliminary moves to get the ball rolling)
-thinks that 90 days to complete the process is fair, in this case, because it is a substantial structure and it's masonry; so, she will recommend the Council to grant until May 1, 2016 for the buildings' complete removal; if that does not happen, the city will initiate its own process; if it's mostly, done, we can talk about it then
-she will make notes in the resolution about the HPC's comments on this

Grant until February 1, 2016 for a signed demolition contract and grant until May 1, 2016 for complete removal of the structure.

Referred to the City Council due back on 12/16/2015

AVENUE within fifteen (15) days after the June 3, 2015, City Council Public Hearing. (To be referred back to Legislative Hearing on January 26)

Sponsors: Thao

Andy Barnett, NeighborWorks, appeared on behalf of E. Diane Smith.

Inspector Steve Magner, Vacant Buildings:

-read Nov 12, 2015 letter from Mai Vang (attached)

-the Order to Repair was sent Mar 6, 2015; the first LH was May 12, 2015

-the original plan was to give some time for Ms. Smith to possibly convey the property to a 3rd nonprofit party, who would rehabilitate the property; the 3rd party looked into it and found that there were ownership issues

-then, we got to the point where we were going to pass a resolution to remove the building, which was pulled back and we gave additional time to let a 4th nonprofit party to come in and try to clean up the ownership issues, which included a probate to resolve the ownership issues and transfer the title, then do a rehab; and that didn't work out

-then, Mr. Barnett came back for the 2nd time and asked for more time to try to get resources to clear the title because he had contacted this party out-of-state

-we are still looking at the fact that we don't have clear ownership title so that the property can be transferred to a nonprofit, for profit or to Ms. Diane Smith to do the rehab under her own venue

Ms. Moermond:

-Mr. Barnett was going to talk with an attorney about all of this and that your board was going to hire that attorney - what's the status?

Mr. Barnett:

-he did get their board's approval to hire an attorney

-we have a signed engagement agreement with a pro bono attorney, Lara Krinz, Lindquist & Venom, to handle both the probate work and clearing the title

-the engagement agreement does not include deadlines; they estimated that the process of probating the estate and clearing the title would take somewhere between 6-9 months

Ms. Moermond:

-she'd like to see firm timelines from them; wants them to engage ASAP

-if she were talking to an attorney, who was representing a bank and she wanted them to initiate a rehabilitation sooner, which is always the case, she would ask them if they had gone thru a shortened redemption period, which would be a requirement; she wants to put a similar time pressure on you and the firm that you've hired to perform - it's going to be about expectations from how and when they filed the necessary paperwork to get this rolling and ...

-would like to have a proposal from you from them about what that's going to look like, which she will put in front of the City Council for their consideration

-we need to make sure we're moving forward at a good clip; it's been excruciatingly long

Mr. Barnett:

-they indicated that they could file that initial petition within a month

Mr. Magner:

-is trouble with the 6-9 months; is there a way that this law firm can put a time frame together?

Ms. Moermond:

-she would like to have them make a commitment in writing about when they will be taking these steps

-thinks this could be expedited because it's an abandoned property

-let's see what the attorneys have to say

-get that communication from them into my office by Dec 18, 2015 so that she and Mr. Magner could review it

-perhaps they should be present for the Dec 22, 2015 LH and we can nail down some things

Mr. Barnett:

-Rondo is still involved; Rondo will still do the rehab and their board is still involved; funds are still available and committed

Ms. Moermond:

-we need something in writing from them because it will be a new budget year for them

Mr. Barnett:

-he will get that in writing

Ms. Moermond:

-perhaps, Mr. Finzell could even come to the Dec 22 LH

-Dec 22, she would like to have locked in a timeline with Lindquist & Venom; she would like to see them submit something by Dec 18

-you are scheduled to appear before the City Council on Dec 16, 2015, at which time, she will ask for a Layover so that we can have a conversation on Dec 22 LH; then it will go to City Council Public Hearing Jan 6, 2016

To be referred back to LH on December 22 and to continue the PH to January 6. Mr. Barnett needs to have the attorney submit a proposal with timelines for the rehabilitation of the building.

Referred to the City Council due back on 12/16/2015

4 [RLH RR 15-46](#)

Ordering the razing and removal of the structures at 805 HUDSON ROAD within fifteen (15) days after the January 6, 2016, City Council Public Hearing.

Sponsors: Finney

No one appeared.

Inspector Steve Magner, Vacant Buildings:

The building is a one-story, wood frame, commercial building on a lot of 3,920 square feet. According to our files, it has been a vacant building since July 6, 2012.

The current property owner is Patrick Nseumen per AMANDA and Ramsey County Property records.

On September 17, 2015 an inspection of the building was conducted, a list of deficiencies which constitute a nuisance condition was developed and photographs were taken. An ORDER TO ABATE A NUISANCE BUILDING was posted on September 30, 2015 with a compliance date of October 30, 2015. As of this date, the property remains in a condition which comprises a nuisance as defined by the legislative code.

Taxation has placed an estimated market value of \$28,300 on the land and \$700 on the building.

Real estate taxes are current.

The Vacant Building registration fee was paid by assessment on July 31, 2015.

A Team Inspection was done on October 17, 2014.

As of December 7, 2015, the \$5,000 performance deposit has not been posted.

There have been eleven (11) SUMMARY ABATEMENT NOTICES since 2012.

There have been six (6) WORK ORDERS issued for:

- Garbage/rubbish*
- Grass/weeds*
- Snow/ice*

A letter from the Department of Parks and Recreation, Forestry Division, was issued on December 7, 2015 to remove a dangerous tree on private property with a compliance date of December 21, 2015.

Code Enforcement Officers estimate the cost to repair this structure exceeds \$40,000. The estimated cost to demolish exceeds \$12,000.

It should be noted that this commercial building is located in a residential zoning district and lost its legal nonconforming zoning status. The owner filed an application to rezone the property from RT1 Two-Family Residential to T2 Traditional Neighborhood. The Zoning Committee of the Planning Commission met on November 24, 2015 and recommended denying the application to rezone the property. The full Planning Commission was scheduled to take up the matter at their December 4, 2015 meeting.

DSI, Division of Code Enforcement Resolution submitted for consideration orders the property owner to repair or remove this structure within fifteen (15) days; if not the resolution authorizes the Division of Code Enforcement to demolish and assess the costs to the property.

Amy Spong, Heritage Preservation Commission (HPC):

-it's within the boundaries of the Dayton's Bluff Historic Preservation District, established by city ordinance in 1992 (Ord #17942); at the time, the inventory form states that this building was constructed in the 1980's (obviously, the permit records were not searched, which we since have done); it was classified as not contributing at that time and not contributing to the character and history of the Dayton's Bluff Historic District; however, our researcher have new information; this was scheduled for the HPC hearing Dec 3, 2015; she summarized the HPC adopted resolution:

-it's a 1929 original Texaco filling station (still one more present along Hudson Road at 373 Ruth St)

-1-story rectangular stucco & wood sided structure

-canopy is still present

-even though it was built at the end of the period of significance for the Dayton's Bluff Historic District, HPC and staff still consider this a noncontributing building because of all the alterations it has gone thru (asphalt shingles; mansard roof installed and filled in the canopy; all but one of the rectangular window openings are boarded up with plywood; the intact window is to the right of the off-center front entrance, which has a wide simple stucco column)

-we were aware of the zoning process it was going thru but we have a Board of Zoning petition to amend to allow this filling station

-Allen H. Stem, prominent architect, was on the Bd of Zoning at the time; had worked with Wahlingford

-also have an early map; shows layout of filling station and where the pumps were

-HPC adopted 6 findings going thru their typical review process if a demolition came forward within the Dayton's Bluff Historic District

-HPC resolution (attached) resolves that a proposed demolition will have no effect;

vote was 5-0 with one abstention in the final adoption

-no one came forward to speak on this property

-the period of significance for Dayton's Bluff ends 1930

-on Oct 13, 2015, a letter from SHPO concluded that no property listed or eligible for the national register will be affected by the property if it's taken down with federal funds

Ms. Moermond:

-we need to call Bill Durmandy and get the Planning Commission resolution
-will recommend that the building be removed within 15 days with no option for its rehabilitation

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

Referred to the City Council due back on 1/6/2016

5 [RLH RR 15-47](#)

Ordering the razing and removal of the structures at 373 RUTH STREET NORTH within fifteen (90) days after the January 6, 2016, City Council Public Hearing and 90 days for the site work to be finished.

Sponsors: Finney

12-9-15: Robert Dreher came to the office thinking the hearing was Wednesday. Public Hearing is January 6; will refer the matter back to January 12 Legislative Hearing.

(12-8-15: No one appeared.)

Steve Magner, Vacant Buildings:

The building is a one-story, block/masonry and steel girder, commercial building on a lot of 35,284 square feet. According to our files, it has been a vacant building since January 6, 2012.

The current property owner is Vicious Properties LLC per AMANDA and Ramsey County Property records.

On September 17, 2015 an inspection of the building was conducted, a list of deficiencies which constitute a nuisance condition was developed and photographs were taken. An ORDER TO ABATE A NUISANCE BUILDING was posted on September 30, 2015 with a compliance date of October 30, 2015. As of this date, the property remains in a condition which comprises a nuisance as defined by the legislative code.

Taxation has placed an estimated market value of \$228,400 on the land and \$46,700 on the building.

Real estate taxes are current.

The Vacant Building registration fee was paid by assessment on January 30, 2015.

As of December 7, 2015, a Team Inspection has not been done.

As of December 7, 2015, the \$5,000 performance deposit has not been posted.

There have been twenty (20) SUMMARY ABATEMENT NOTICES since 2012.

There have been nine (9) WORK ORDERS issued for:

- Garbage/rubbish
- Grass/weeds
- Snow/ice

Code Enforcement Officers estimate the cost to repair this structure exceeds \$75,000. The estimated cost to demolish exceeds \$12,000.

Note: we continue to have a secondary use at the site: the site is fairly large and has a lot of asphalt. It has no primary use; does not have a Certificate of Occupancy but people are parking there from the adjacent businesses. We have talked with them about that but they continue to do it. We are trying to enforce that. If we removed this structure, we would also be removing the curb cuts and all the

accessory asphalt, so this would go away. If the owner were to rehabilitate the structure, they cannot continue to rent these parking spaces without a certificate of occupancy and a use.

DSI is seeking a resolution to remove the building within 15 days.

Amy Spong, Heritage Preservation Commission (HPC):

-this Texaco filling station was built in 1963; it's a modern pre-fabricated commercial property

-it is 52 years old so, technically, it's considered old enough to be considered and evaluated for the national register

-we have very few contact studies completed on the history of the development of the automobile and structures related to that; we have recommendations by consultants

and we do have a transportation context study that focuses mostly on University Ave

-we have recommendations that we need to further study auto garages but from the earlier period on Grand Ave and on University Ave before they are mostly lost

-there were no recommendations to look at filling stations, although we have some earlier ones that are threatened because there are fewer garages and filling stations in St. Paul; and there's definitely a movement to be less car dependent

-we do not have enough information to understand the full context to even know if this is a good example of it's style - it doesn't seem like it's been altered all that much

-got a letter from SHPO; they have no information to go off of for these more recent properties; we don't have a mid-century modern context study but we do have some early lists that have been started of mid-century buildings in St. Paul

-this building has a steel frame, pre-fab metal service station area with an angle projecting flat roof and maybe there's been some infill of metal panels; it's obviously been painted over the years

-filling stations are gone and that does impact integrity when we are evaluating filling stations

-no pumping stations left

-this does not have the potential for designation and demolition would not have an adverse effect

Ms. Magner:

-believes that the tanks have been removed

Ms. Moermond:

-will recommend removal of the building within 15 days with no option for rehabilitation

12-8-15: Remove the building within 15 days with no option for repair.

Laid Over to the Legislative Hearings due back on 12/22/2015

Staff Reports

6

[SR 15-139](#)

Reviewing request for Council to reconsider its Order to Remove or Repair the Structures at 2227 BEECH STREET.

Sponsors: Finney

Jared Kemper, Attorney with Dykema Law Firm, appeared o/b/o Ocwen, servicer for Bank of America, owner. Altisource is the REO.

Inspector Steve Magner, Vacant Buildings:

-update

-there's a code compliance application dated Dec 3, 2015; the inspection has not yet been done; it's still at least 2 weeks out
-issued an Order to Abate; sent public hearing notices; there was a LH at which no one appeared; ultimately, the Council passed a resolution to remove this building; now, there's an outstanding resolution and we are re-hearing the case
-the \$5000 performance deposit has not yet been received
-there had been a number of complaints of water leaking and green slime coming up from under the driveway, running halfway down the block; neighbors were dumping gallons of bleach to disinfect
-the dwelling was found unoccupied and the Certificate of Occupancy Condemnation was issued for lack of basic facilities: gas, electric & water

Ms. Moermond:

-updated HPC information
-1977 split level home; original owner was B. Smitney
-no Sanborn Maps; house is 38 years old; contiguous with surrounding housing in that neighborhood
-demolition would not have an adverse affect
-Altisource is the REO; is sure they can take care of the slime

Ms. Amy Spong, Heritage Preservation Commission (HPC):

-it's not old enough from the national register perspective (has to be 50+ years to be evaluated)

Mr. Kemper:

-his understanding is that his clients missed the Sep LH because they did not have Notice of the hearing

Mr. Magner:

-has notification from Ocwen of certified mail signed Aug 11, 2015; so, they did receive proper legal notification

Mr. Kemper:

-the people that arrange for someone to appear did not have notice
-he was first engaged in Oct 2015; he appeared for the 2nd hearing; at that time, his understanding was that his client had a bid for demolition of the property, which they do have; and what became clear was that they were confused - they had obtained the demolition bid at the city's request but they understood, based on the history of the property, that the only issue was with the electrical wiring of the property; so, they had concerns about if the city were to allow repairs, what was that scope of work; in their minds, they believed it was a fairly minor issue, economically; he advised them to immediately arrange for an inspection and a post a performance deposit; he was told at the end of last week that they were working with the city to get the deposit posted; apparently, that hasn't yet been done
-his client is interested in knowing the scope of work expected by the city, which is in the neighborhood of \$50,000 worth, which is not what they understand to be the case; he has an inspection from Sep 2015 that Altisource did that doesn't identify other than the lack of some smoke detectors, etc; nothing extremely hazardous like green slime
-his request is to get the inspection to identify the issues

Ms. Moermond:

-there are more issues than electrical

Mr. Kemper:

-this property, he believes was foreclosed (\$150,000-\$200,000 mortgage range)

Mr. Magner:

-he believes the city's estimate for repairs is \$50,000+ is because they are referencing the fact that the interior of the structure has water damage and it was not abated immediately; so, the cost was driven upward (possibly toilets froze and are broken; mold growing in the corners; suspended ceiling in basement may have fallen down, etc.)

Ms. Moermond:

-wants to see the \$5,000 performance deposit posted by Jan 4, 2016 in order to hold off on the demo proceedings

-she will call the building official to expedite the code compliance inspection; water damage will be a big part of the repairs

-wants to see a proposed work plan with necessary bids, demonstration of financing and a willingness to pay for the rehabilitation of at least \$50,000 (commitment letter; affidavit from the Vice President)

-if the performance deposit is posted by Jan 4, 2016, she will grant time until Jan 26, 2016; if performance deposit is not posted, we're done

-property must be maintained

-LAYOVER to Jan 26, 2016 to review the plans

Owner needs to post the \$5,000 performance deposit by January 4th in order to hold off demolition proceedings. If condition is met; Legislative hearing officer is looking for a proposed work plan with all necessary bids, financial documentation and an affidavit from the Bank; and property must be maintained.

Laid Over to the Legislative Hearings due back on 1/26/2016

7 [SR 15-145](#)

Reviewing request of Becky Errigo, NeighborWorks Home Partners, to have Council reconsider its Order to Remove or Repair the Structures at 1022 MINNEHAHA AVENUE WEST.

Sponsors: Thao

Becky Errigo, Greater Frogtown Community Development Corporation (CDC) / NeighborWorks Home Partners (NWHP), owner, appeared.

Ms. Moermond:

-she and Ms. Errigo talked extensively on the phone about how the 180 days had come and gone; and there was really no forward motion

Inspector Steve Magner, Vacant Buildings:

-update: we had multiple legislative hearings; we had a City Council Public Hearing; they passed a resolution to remove the building; we hired a contractor, who started the demo; we were asked to stop the contractor; we stopped; we went through the LH process again; City Council passed a resolution to say the demolition for 180 days; that stay is now over; and technically, the original resolution to remove goes into effect

-we also have an issue with the performance deposit; we really should move forward with forfeiting that deposit

-but,,,, we do have a new code compliance inspection report dated Nov 19, 2015

Ms. Errigo:

-we've had a chance to review the code compliance inspection report

-we closed on our construction financing

-we have a signed contract with our contractor

-we have had the water/sewer re-connected at the lot line

-we have applied to Xcel Energy to have the gas and temporary electric service
-the contractor has done permitting for the plumbing, the building and the mechanical work (Bella Roofing and Contracting)
-our organization became involved about halfway...
-history: had a scope of work; bid it out; estimates came in quite a bit higher so, we had to revisit that and get bids from other contractors; we were also working with people to try to mitigate the cat odor
-she has a budget to submit; they were able to partner with some other organizations and secure some funding (United States Rebuilding Coalition, MN Chapter (USGVC)); they also have a relationship with Home Depot, where they are donating new items that perhaps are over stocked of discontinued (kitchen cabinets, light fixtures, floor coverings, etc.)

Ms. Moermond:

-close to initiating the actual work
-you are going to lose the \$5,000 performance deposit unless we do something about that today
-her proposal will be that instead of losing your \$5,000, you will need to put down another \$5,000; total of \$10,000 being held by the city, subject to forfeiture if this rehab doesn't get taken care of
-also wants to see a detailed work plan/construction statement; evidence of financing; maintenance of the property (shovel snow; keep it clean; contractor needs to provide a dumpster and get a permit if they need to put it on the street)

Ms. Errigo:

-they will repair the garage

Ms. Moermond:

-you can store construction material in the garage
-send us electronic documents if you can
-she recommends DSI allow permits to be pulled based on today's discussion

The following conditions must be met by December 22, 2015:

1. Post another \$5,000 performance deposit;
2. provide a detailed work plan with timelines or a sworn construction statement;
3. provide a document demonstrating financial capacity to complete the project; and
4. owner must continue to maintain the exterior areas of the property (construction debris must not be stored outside).

If those conditions are met; a new resolution granting a stay of enforcement will be on the City Council Public Hearing Agenda for January 6, 2016.

Received and Filed

11:00 a.m. Hearings

Summary Abatement Orders

Correction Orders

- 8 [RLH CO 15-34](#) Appeal of Larry Trebelhorn to a Correction Order at 700 JAMES AVENUE.

Sponsors: Thune

Larry Trebelhorn, owner, appeared.

Inspector Lisa Martin:

-update:

-Ms. Moermond asked her to go out and take photos of the property; it's a very well maintained property; there's never been any complaints at the property

-when you walk in the front door, there's a separate entrance to go up the stairs or take a right into Mr. Trebelhorn's space; or at the top of the stairs, there's 2 doors: one goes into a bedroom; one goes into what's a living room; it is a separate type of entrance

-on the back side of the home, there's one door that goes straight up to the upper living space; at the top of the stairs, there again, are 2 doors: one goes into the bathroom; one goes into a kitchen

-she doesn't think that the house was originally designed as a duplex; probably, the family who had it before utilized it that way and that's how Mr. Trebelhorn also has been utilizing the property

-there's no dead bolt locks on those doors

-there do have a stove, refrigerator, etc. in the upper level

Ms. Moermond:

-so, it functions much more like a mother-in-law space

Mr. Trebelhorn:

-he would like to keep using the house as is because it benefits him and the person living upstairs; mutually, it's a good set up and he's used it that way for the 7 years that he's owned the house

-the family who lived there before was there for 40 years; doesn't know when they built the stairway in the back

-he doesn't have an interest in making it a duplex; it wasn't built as a duplex

Ms. Moermond:

-for our purposes today, she will say that it functions like a mother-in-law living space; it's a single family home with a mother-in-law space

-will recommend that the Council grant your appeal during your period of ownership; if sold and becomes a rental property, it will need to be re-evaluated at that time

Grant the appeal during owner's period of ownership and occupancy of the space. If the property is sold and the building becomes a rental property, the issue will be re-evaluated.

Referred to the City Council due back on 1/6/2016

9 [RLH CO 15-36](#)

Appeal of Tim Hayes to a Correction Order at 915 JUNO AVENUE.

Sponsors: Thune

Tim Hayes, owner, appeared.

Inspector Lisa Martin:

-a complaint came in re: an accessory tent structure

-Nov 20, 2015, an Order was issued; it's not permitted because it's a temporary structure

-Mr. Hayes was asked to remove it by Dec 1, 2015; he filed an appeal

Mr. Hayes:

-this structure was there when he bought the house in 2004 and it probably had been

there 5 years prior to that; so, he was very surprised by the Notice after having been there for 20 years

-he likes having it there because he's had 2 back surgeries, one of which was a fusion; so, it prevents me having to shovel that space, which he uses quite frequently for a couple cars; it's quite convenient

-he was told that this had something to do with access by the Fire Dept (?) was the reason these inspections were happening (?) he said the dept was trying to get rid of as many of these as they could - they would inhibit their trucks, somehow; looking at the space, there's really no way a truck could even get in there; it's very tight

Ms. Moermond:

-doesn't have any idea why that was said

Ms. Martin:

-the fire dept has been calling in complaints re: temporary structures throughout the city; so, we are getting a lot more complaints than we ever have; these temporary tents should not be permitted; they can easily catch fire; they are too close to other structures

Ms. Moermond:

-she talked with the building official and his concern is that because it's not a stable structure, it could take flight

Mr. Hayes:

-it's attached to the fence on one side and to the garage on the other side, so it won't lift up

-there's a 2-garage next to it

-it's convenient for pick-ups and drop-offs

Ms. Moermond:

-the city code and the building code are pretty clear that you can't have this kind of structure

-you have 6 months to take care of it, which gets you thru this winter into the spring

-suggests that he looks into building something permanent there, like a car port; and that should not be very expensive to do; you'd need to pull a building permit; it will need footings; and you'll need to have an inspection of it; check with DSI

Grant 6 months to come into compliance with the carport by removing it or building a permanent accessory structure under permit.

Referred to the City Council due back on 1/6/2016

11:30 a.m. Hearings

Orders To Vacate, Condemnations and Revocations

1:30 p.m. Hearings

Fire Certificates of Occupancy

10	RLH FCO 15-331	Appeal of Ji Li to a Fire Inspection Correction Notice at 961 PROSPERITY AVENUE.
	<u>Sponsors:</u>	Bostrom

Ji Li, owner, appeared.

Fire Supervisor Leanna Shaff:

-Fire Certificate of Occupancy inspection conducted on Nov 18 by Fire Inspector Dan Klein

-Inspector Klein had some questions, so, he asked sprinkler inspector Jeff Hemenway to go take a look

-triplex built in 2007

-this is it's first C of O inspection cycle

-when it was built, a sprinkler system was installed under 13R (type required in a triplex)

-at the time of construction, it was all installed to code, which required monitoring of the system and annual inspections

-according to what Inspector Klein found, the system is no longer monitored and it hasn't been inspected annually until ordered; he also found 2 corroded heads, which have since been replaced

-2nd item: grounding of the water meter; she is not sure why that's being appealed because jumpering of the water meter is to protect the meter itself if the system gets electrically charged

-she has talked with St. Paul Regional Water Services about that; they said it's the property owner's responsibility to make sure the grounding strap/wire is there

Ms. Moermond:

-asked Inspector Hemenway what specific activities are involved with the monitoring of a sprinkler system

Sprinkler Inspector Hemenway:

-the fire alarm panel receives the signals from, in this case, a water flow if the system activates; the panel receives the signal, then, the monitoring company would pick it up and call the Fire Dept; it's pretty basic - you just need to trigger that to have it checked

Mr. Li:

-has communicated with the inspector about those 2 items and he did his own research

-the inspector agreed with him but he said that he needed to go thru this appeal because he cannot remove the items

-first of all, this is not the first inspection; he had an inspection 4 years ago on everything and it all passed

-re: the monitoring: personally, he thinks it's a good idea but he checked the international code and it only requires monitoring if you have over 100 heads; he has only 35 sprinkler heads, so, he's following the code; so, this item should be removed from this Correction Order

-did more research: the Fire Marshall had no recollection from this monitoring; they don't want to monitor this

-from his experience, monitoring is a hit and miss; a couple times the phone line was removed because of construction and it keeps sending signal (a false alarm); bottom line, according to the code, he is complying

Ms. Shaff:

-a building is code compliant under which the code it was built; unless a building is modified, changed, it get to remain

-this particular building was built in 2007; this particular system under the installation in 2007, requires monitoring

Ms. Moermond:

-and, with respect to the number of heads?

Mr. Hemenway:

-go to Section 9034 of the 2000 International Fire Code, which was the one in effect at the time of this particular construction, "A limited area system with fewer than 20 heads, you can omit monitoring." (the 2007 International Fire Code says the same)

Mr. Li:

-this is not a new construction

Ms. Moermond:

-the applicable fire code for this is the one that was in place at the time of construction - the 2000 Fire Code (the 2007 Fire Code says the same thing)

Ms. Shaff:

*-the code that's applicable is the code under which it was built
-if you changed the system under permit, then, the current code is applicable
-this is not a new building - no doubt about that; there's not a number (of heads) that we can assign to it; what the code requires is that it meets the requirements under the code it was built - that is required to continue*

Ms. Moermond:

-asked how long Mr. Li would need to do monitoring if monitoring was required under the 2000 or 2007 code

Ms. Shaff:

-forever or until the system is changed; if it's changed, it would need to meet the code that was in effect at the time of change

Mr. Li:

-I don't agree with what you are saying; you are not sticking to the code; you are "making" code to which I don't agree

Mr. Hemenway:

-by definition of "existing" - it's a building or facilities or conditions which are already in existence, constructed or officially authorized prior to the adoption of the code; so, your building using the 2000 code, so, you need to follow that code

Mr. Li:

-this building was constructed in 2006 and there was a new code after that, 2007, you said

Ms. Shaff:

-we were citing the code under which it was built

Ms. Moermond:

-it doesn't make any difference which code, either the 2000 or 2007 because they are identical in this regard

Mr. Li:

-there was a code change after or around 2006 - 2007; amendment was made

Ms. Moermond:

*-I'm hearing staff say that there wasn't
-the code says that you can electrically supervise this if you choose and you can be*

exempted from electrically supervising it, affecting 1 or 2 family dwellings (this is a triplex) limited area systems serving fewer than 20 sprinklers; this is "for existing sprinkler systems, monitoring is required when the number of sprinklers is 100 or more"

-re: amendment Mr. Li is talking about there not being a provision in the 2000 code "for existing sprinkler system heads, monitoring is required when the number of sprinklers is 100 or more" and that #8 in the 2007 code does not exist in the 2000 code

-the contention is the word "existing" and how we move forward with that -timing wise, because it takes a couple years to do MN amendments to the International Fire Code, your house, Mr. Li was constructed using the 2000 code and that code goes forward with you; it doesn't sunset

Mr. Hemenway:

-if you add 5 sprinkler heads, you have to bring it up to today's code, which is the 2007 code

Mr. Li:

-thinks that he should benefit from the code change, not punished by the code change

Ms. Moermond:

-the code change doesn't affect you

Mr. Hemenway:

-if you built the same building, the same system, same everything right now, you would have been required the same; so, the code isn't any more lenient today from what it was; if you would have built it 30 years ago, then, it would have been a different system and it would have been existing

Mr. Li:

-regarding the water meter:

-he contacted the inspectors and they said it was OK; so, I would like to have those items removed

Ms. Moermond:

-she has looked at the email on this and it's been taken care of; it's clear that the electrical inspector signed off on that

Mr. Li:

-wanted items removed from the list so that he could qualify for "B" status instead of "C"

(Explanation and discussion ensued on the point system)

Ms. Moermond:

-re: sprinkler situation - she doesn't think that the change in code applies to you in any way that would be a benefit to you, according to here reading of it; she doesn't believe that it's applicable at all; this is an area where there's a lot of precedent and she doesn't want to establish new precedent based on this case; she doesn't think that it merits additional review at this level; she thinks that the code is clear about existing structures and new structures; the code that you are stuck with is the one that says "20 or fewer" and the fact that later (may be applicable or not) saying, "100 or fewer sprinkler heads" - she doesn't think that's what you have going on at all -you might want to talk to the City Council about this

-she is stuck with the way these things have been handled in the past and the way the Appeals Court has decided these things

Mr. Li:

- this process doesn't benefit people and it's very time consuming
- can a modification make it compliant?

Ms. Moermond:

- modifications depend on the scope of the modification; if you built a new room and new sprinkler heads were put in that new room, then that new room would be judged under the code they were installed
- she doesn't think that minor modifications are going to change anything for you; you'd have to be looking at something more extensive, like replacing the system before the new code would apply; sprinkler codes are stricter than most any other codes that the Fire code handles, in terms of maintenance, forever and ever or replaced
- due process is time consuming
- the deadline on this Order is Feb 1, 2016
- Fire will send out a new appointment letter

Deny the appeal and grant until February 1, 2016 to come into compliance with the fire sprinkler system monitoring issue; deny the appeal on Items 2 & 6, noting that the owner has come into compliance.

Referred to the City Council due back on 1/6/2016

2:30 p.m. Hearings

Vacant Building Registrations

- 11 [RLH SAO 15-70](#) Appeal of William A. Harvey to a Summary Abatement Order at 740 TATUM STREET.

Sponsors: Stark

Deny the appeal, noting that the owner has come into compliance.

VB Registration

William Harvey, owner, appeared.

Inspector Matt Dornfeld:

- Mr. Harvey was given until Dec 8, 2015 to complete the clean out of his home
- according to Inspector Mike Kalis as of this morning, the house has been cleaned out to our satisfaction; he noted that the doors were open to entry and a couple windows appeared to have been broken; also, there's still a small commercial dumpster on the property, not overflowing; he said that the house looked good

Mr. Harvey:

- still not sure what he wants to do
- he'd like to have a place where he could have a shop in the basement
- he's been at this house for 28 years and accumulated too many things; instead of "hoarding," he thought it was more appropriately called "acquisition glee"
- he brought in the receipts for the clean out; it took a couple of weeks and made 3 trips each day to the transfer station
- he lives upstairs at 751 Tatum, across the street

Mr. Dornfeld:

-it's still a Category 3 VB

-Mr. Kalis did not perform an inspection; he said that the house was "broom" clean; we could go back and inspect

Ms. Moermond:

-the primary reason for it being Condemned had to do with the extreme amount of stuff in it and the fire risk

-now, that the walls and the floor are there again, it will be a lot easier to inspect

-wondering whether or not it needs a code compliance inspection; and whether upon inspection, it would be a Cat 2 or Cat 1?

-it seems like that should be your decision, right now

Mr. Harvey:

-there's water, electricity, a toilet, etc.

-doesn't know whether or not he wants to live there again

Mr. Moermond:

-wants the inspector to give it a strong look at it; depending on that, we'll need to get a big inspection or a smaller inspection

-if you do need to do the big inspection, full code compliance inspection, you will have a couple of choices: you can sell it no matter what; but if you have a Cat 2 VB, you will need to sell it to someone who can demonstrate that they will fix it; if you don't have a Cat 2 VB, you can sell it "as is" - you'll still need an inspection report to disclose things, Truth in Sale & Housing Report (TISH)

-if you want to fix things before you sell it, she is sure that you will get the money out of it for it

-it's a nice looking house

Mr. Harvey:

-it needs a water heater and a toilet that doesn't leak

-it also has a hole in the roof

Ms. Moermond:

-I can't unhear that; you'll need to Order a code compliance inspection report; Mai will give you an application, which can get you set up

-you'll get a list of things that need to be done; you can hire a general contractor to undertake or you can sell it to somebody, who can prove that they can do it; make sure you choose known contractors who are licensed with the State of MN and bonded

-talk to your realtor who has some experience working with VB

Referred to the City Council due back on 1/6/2016

12 [RLH VBR
15-103](#)

Appeal of Rafael Fuentes to a Vacant Building Registration Fee Warning Letter Requirement at 438 PAGE STREET EAST.

Sponsors: Thune

Rafael Fuentes, owner, appeared.

Inspector Matt Dornfeld:

-we were here Aug 25, 2015 and Ms. Moermond ruled that the dwelling was to remain a Category 2 Vacant Building and that a new code compliance inspection was needed; you granted a 90-day VB fee waiver

-as of today, plumbing and warm air permits are closed; electrical, building permits remain open

-that waiver ended Nov 24, 2015; -it went into the VB Program Aug 4, 2015

Mr. Fuentes:

-appealing the VB fee; is asking for more time; there's so much work and the contractors are very busy

Ms. Moermond:

-process wise; you got a 90-day waiver so no, we're about 5 months into the year since it became a Registered VB - almost half-way

-you are coming closer to completion

-because we are so far along into the year, she is not inclined to grant another 90 days with no fee at all

-she will let this go to tax assessment; when that happens, you'll get a letter in the mail and it will say that this is a proposed assessment onto your property; there will be a yellow postcard telling you to send it in if you want to appeal; go ahead and appeal it - send in the yellow post card and then, we can talk about decreasing the VB fee based on when you get it done

Mr. Fuentes:

-I've already spent \$50,000 on it already; and I was hoping that I'd be done by now

-may be done in a month; the insulation is done; -the electric rough-in is all done

Ms. Moermond:

-if you're done in 6 months time, she can cut the VB fee in half

-a letter should come in 4-6 weeks

Deny the appeal and let the VB fee go into tax assessment.

Referred to the City Council due back on 1/6/2016