



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final - Final Legislative Hearings

Marcia Moermond, Legislative Hearing Officer
Mai Vang, Hearing Coordinator
Jean Birkholz, Hearing Secretary
Mary Erickson, Hearing Secretary
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651-266-8560

Tuesday, October 11, 2011

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Remove/Repair Orders

- 1 [RLH RR 11-56](#) Ordering the rehabilitation or razing and removal of the structures at 591 MACKUBIN STREET within fifteen (15) days after the September 21, 2011, City Council Public Hearing.

Sponsors: Carter III

Missed public hearings on September 21 and October 5, 2011. Ms. Moermond asked the Dept of Safety and Inspections to re-notice new LH date and CC date.

RE: 591 Mackubin St (single family)

No one appeared.

Steve Magner, Vacant Buildings:

*- Legislative Layover originally heard Aug 23, 2011, scheduled CC Sep 21, 2011
- letter sent to Kris Kujala and Paul Scharf, Ramsey County Tax Forfeit Land by Mai Vang Aug 29, 2011: this ltr confirms that on Aug 23, 2011, LH officer, Marcia Moermond recommended to continue this matter until Tue Sep 13, 2011 at 9 am in Room 330.*

Mai Vang:

*- put this on agenda because she missed putting it on the CCPH Sep 21 and again on Oct 5, 2011
- may need to re-notice*

Ms. Moermond:

*- it was originally a miss in the Ward 1 office
- DSI will re-notice this
- today, it is Withdrawn with a note to renotice and resubmit*

Withdrawn

- 2 [RLH RR 11-70](#) Ordering the rehabilitation or razing and removal of the structures at 701 MARYLAND AVENUE EAST within fifteen (15) days after the November 2, 2011, City Council Public Hearing.

Sponsors: Bostrom

Rescheduled per Attorney Dave Mortenson's request.

RE: 701 Maryland Ave (single family)

*Bette and Bob Revoir, neighbors, appeared.
(brought photos to scan)*

Steve Magner, Vacant Bldgs:

- 3-story wood frame and stucco/brick 5-unit bldg with detached 3-stall garage on lot 4,792 sq ft*
- vacant since Jan 27, 2011*
- current property owner Deutsche Bank National Trust Co*
- Jul 27, 2011 inspection conducted; list of deficiencies which constitute a nuisance condition developed; photos taken*
- Order to Abate Nuisance Bldg posted Aug 5, 2011; compliance date of Sep 6, 2011*
- as of this date, property remains in a condition which comprises a nuisance as defined by legislative code*
- estimated market value \$75,000 on land; \$200,000 on bldg*
- taxes current*
- VB fee paid Mar 14, 2011*
- Team Inspection completed Apr 11, 2011*
- as of Oct 7, 2011, \$5,000 performance deposit not posted*
- 9 SAs; 2 WO for garbage/rubbish and grass/weeds*
- estimated cost to repair exceeds \$80,000; estimated cost to demolish exceeds \$12,000*
- DSI recommends removing the bldg within 15 days*

Ms. Moermond:

- what are the significant nuisance conditions that are pushing the demo? (Mr. Magner: - history has been one of higher density in that area (one of the few multi-unit bldgs on Maryland) - complaints about garbage in yard and activities at the property - there's been a general lack of attention and maintenance which have created issues that affect the neighborhood; if someone were to rehab this, it would need someone who could do a really good job with the bldg - proper management and proper maintenance; needs an ownership that does a lot more than merely collect rent checks; the bldg itself has a very long laundry list)*
- most troublesome violations seem to be the gas piping and the waste venting (Mr. Magner: window sizes need to be dealt with; basic maintenance; bldgs like this tend to use up more services and are more aggressive to the nbhd-they have an impact; someone needs to bring it up to a high level; have heard nothing from no one about coming forward on this)*

Amy Spong, Heritage Preservation Commission (HPC):

- had printer issues so, no interior photos*
- built 1888; hard to tell original style because there were significant changes done in 1928 as a way to modernize*
- built as a full frame structure with a full front 1-story porch*
- built as flats, possibly a boarding property*
- at rear of lot was both a stable for horses and an auto garage (all been replaced by a larger modern garage, not historic)*
- originally, probably lapsed clapboard*
- 1928 - possibly was stuccoed with brick veneer around base and interesting end gabled details added; front porch taken off*

- originally built by E. Anderson
- has integrity issues; has not been surveyed (across the street from 2011 Legacy Survey)
- probably not potential historic district
- demolition would have no adverse affect (hesitation because it's on a corner and is such a substantial property)

Bette and Bob Revoir:

- lived behind 701 Maryland Ave for 36 yrs
- when first moved there, a very nice older man owned 701 (he rented only to people who went to work every day); and he maintained it nicely
- it's been thru several slum lords since then (4-5)
- feel as though they have to babysit the place - it's had terrible tenants in there for the last several yrs
- it's not fun to live near a place like that
- the only way they would advise the City to keep it is if it could be converted to a 2-family dwelling instead of a 5-unit
- potential buyers will probably do the same as the previous slum lords - have 5 units and just collect rent - don't think they need to do any upkeep
- possible squatters came and dropped off mattresses and said they just bought the house; Mr. Revoir ordered him to bring the mattresses to his home
- house has been a drug house for the last 25 yrs; any police officer working the Payne-Maryland area knows about this house
- questions how SPPD can allow this to be a drug house all these years just kiddy-corner from a playground; and nothing happens to the drug dealers
- anything goes at this house and nothing happens
- it doesn't make sense how the landlords can get away with everything they do
- police actually told a person not to move into this neighborhood; he got a good deal and thought it was alright because his kids were no longer with him
- could the City make it a condition that the owner needs to live in the bldg? (MM: that couldn't be a condition as part of enforcement)
- they love their home (built 1012) and don't want to move
- are surrounded by 3 large vacant properties and they like that
- wishes the City would tear it down; the neighborhood is tired of it

Mr. Magner:

- it's not clear if there's a new owner
- it's been a Cat 3 since Jul, 2011
- has not been a sale approval under the Cat 2 status; Cat 3 status prohibits the sale of the property
- if Deutsche Bank would have sold their interest to someone else, they did it without the prior approval of the City and the City has a specific Ordinance that does not allow that so, the City would consider that an illegal sale
- an attorney representing Deutsche Bank / interested parties has contacted the City (Mr. Mortenson has contacted the City and asked to have this laid over)
- the bank needs to come to the table and present a pkg for re-development; if they can't do that, he assumes CC would proceed with DSI's recommendation to remove the bldg within 15 days

Ms. Moermond:

- if bank is interested in rehab, she'd look at adding conditions that deal with the past problems at the property so that they're less likely to re-present themselves (Crime Free Multi-Housing Training for landlord; decreasing density; parking; garbage pick-up; storage; etc.)
- encouraged Revoirs to think about conditions they would like to see on the property if someone were to rehab it
- will LAY this OVER to LH Oct 25, 2011

Laid Over to the Legislative Hearings due back on 10/25/2011

- 3 [RLH RR 11-64](#) Ordering the rehabilitation or razing and removal of the structures at 678 ORLEANS STREET within fifteen (15) days after the October 19, 2011, City Council Public Hearing.

Sponsors: Thune

Conditions were not met. Remove the building within 15 days with no option for repair.

RE: 678 Orleans St (single family)

No one appeared.

Steve Magner, Vacant Buildings:

- a Layover

- originally heard Sep 27, 2011

- read letter from Mai Vang to Andrew Jones Realty Group: this is to confirm that the Legislative Hearing officer, Marcia Moermond recommended the following conditions be met by 10 am Mon Oct 10, 2011:

1) post \$5,000 performance deposit

2) maintain the property

3) provide a detailed Work Plan incl timelines for the project

4) provide financial information dedicated to the necessary funds for the project, at least \$50,000

5) provide a current Vacant Building Registration form and contact info if not already completed

- he has not received any of the necessary documentation

Mai Vang:

- has also not received any of the necessary documentation

Ms. Moermond:

- puzzling email from Connie Sandburg: "We've got the Code Compliance fee paid on Sep 19, 2011." There's a note a week later that says, "Code Compliance Inspection was completed." The VB fee was paid by check even though it wasn't due until Dec 30, 2011. "So, fee created to receipt this payment." Then, "Sep 30th check payment voided and bill cancelled; property probably will go to demo before this fee is due. Cancel payment and void the bill; return check."

Mr. Magner:

- the mortgage company sometimes just sends a VB fee automatically if they know that the City requires a fee; if the fee is due within the next month, DSI will put it in (instead of sending a letter). Here, they saw that the bldg will be demoed, so they returned it; and it was too early for DSI to keep the VB fee since it was not due until Dec 30, 2011.

- according to VB folder, DSI does not have a bond

- and there is no Work Plan or Financial Documents

Ms. Moermond:

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

Referred to the City Council due back on 10/19/2011

- 4 [RLH RR 11-68](#) Ordering the rehabilitation or razing and removal of the structures at 46 STEVENS STREET EAST within fifteen (15) days after the November 2, 2011, City Council Public Hearing.

Sponsors: Thune

Laid over for 2 weeks for inspector to inspect side wall.

RE: 46 Stevens St E (single family)

No one appeared.

Steve Manger, Vacant Buildings:

- 1 1/2 story wood frame single family dwelling on lot 6,098 sq ft
- vacant since Aug 18, 2010
- current owner Donald Lasovich
- Jul 27, 2011 inspection conducted; list of deficiencies developed; photos taken
- Order to Abate Nuisance Bldg posted Aug 5, 2011; compliance date Sep 6, 2011
- as of this date, property remains in a condition which comprises a nuisance as defined by the legislative code
- estimated market value \$23,500 on land; \$119,900 on bldg
- taxes are delinquent as follows:
 - 2008 - \$2,867.71
 - 2009 - \$3,105.76
 - 2010 - \$2,876.68
 - 2011 - \$2,641.60
- (scheduled to go tax forfeit 2012)
- VB fees paid by assessment Aug 29, 2011
- As of Oct 7, 2011, Code Compliance Inspection not done; performance deposit not posted
- 3 SA since 2010; 4 WO for grass/weeds
- estimated cost to repair exceeds \$50,000; estimated cost to demolish between \$12,000 - \$14,000
- DSI recommends removing the bldg within 15 days
- Notice of Pendance Jan 2010; no sheriff's sale has been recorded

Amy Spong, Heritage Preservation Commission (HPC):

- built 1884; another date 1900
- originally, lot had 4 single family dwellings; all 3 other bldgs are still there
- also, 3 auto garages on parcel that belong to the other 3 houses
- this dwelling was turned into flats prior to 1946
- the only bldg on property that's noted on Sanborn maps as being built as a full masonry brick structure
- rear addition was built with brick veneer (could vinyl siding be covering brick)
- no front porch on this property; 2 houses have porches
- originally, worker's cottage
- not surveyed - has old data from 1983
- integrity issues: not original siding; several rear additions; not original storms; some window changes
- demolition would not have an adverse affect but wavering (it may be a brick structure)- Mr. Magner will go out and check side wall for brick

Ms. Moermond:

- will Lay this over for 2 weeks to make that determination and CC recommendation

Laid Over to the Legislative Hearings due back on 10/25/2011

- 5 **RLH RR 11-69** Ordering the rehabilitation or razing and removal of the structures at 334 ST CLAIR AVENUE within fifteen (15) days after the November 2, 2011 City Council Public Hearing.

Sponsors: Thune

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

RE: 334 St. Clair Ave (duplex)

No one appeared.

Steve Magner, Vacant Buildings:

- 2-story wood frame single family dwelling on lot of 3,485 sq ft
- vacant since Apr 6, 2011
- property owner Leslie Jencsok / Loren Wiseth (deceased)
- Jul 27, 2011 inspection conducted; list of deficiencies developed; photos taken
- Order to Abate Nuisance Bldg posted Aug 5, 2011; compliance date Sep 6, 2011
- as of this date, property remains in a condition which comprises a nuisance as defined by the legislative code
- estimated market value \$14,700 on land; \$81,400 on bldg
- taxes for 2011 are delinquent \$1,978 (there is a Confession of Judgment for real estate taxes payable for 2003, 2004, 2005, 2006, 2007 and 2008 with a pay off amount of \$3,942.95 (scheduled to go tax forfeit in 2012))
- VB fee paid by assessment Jun 20, 2011
- as of Oct 7, 2011 Code Compliance Inspection not done; \$5,000 performance deposit not posted
- 2 SA since 2011; 5 WO for garbage/trash; grass/weeds; vehicles
- estimated cost to repair exceeds \$75,000; estimated cost to demolish exceeds \$12,000
- DSI recommends removal of bldg within 15 days
- has had one conversation with Bridgette Fitzgerald, attorney working for Rossmeyer Law office in Little Falls, MN, representing the estate; has informed Mr. Magner that there is no money in the estate (no funds to pay taxes); estate will not be doing anything to save this property; City can proceed as it plans

Amy Spong, Heritage Preservation Commission (HPC):

- this area surveyed 1983 and again in 1992 as the Uppertown Survey (that survey data did not get entered into the data base at SHPO - but City does have final report on it)
- inventoried as part of the 1983 survey and considered but did not make it into final report; there was recommendations for further study (Uppertown Historic District)
- still had a lot of integrity in 1983; now, it has changed a great deal
- window openings have shrunk; they are casement windows; no porch any more (almost beyond recognition from original)
- built in 1885 frame construction (3 frame houses in a row, then, 3 brick veneer houses on this street)
- Sanborn Insurance Maps show a little bit of transition
- this house was turned into flats prior to 1925
- final recommendation from the 1992 Survey was that the whole survey boundary should become an historic district (not very realistic any more - a lot of changes have taken place in the last 30 yrs)
- demolition would not have an adverse affect even though it would be contributing to

that Uppertown Historic District; but if it would help to save 332 and the other one, she might reconsider

Ms. Moermond:

- provide the historic survey form to her
- will recommend removing the structure within 15 days with no option for rehabilitation

Referred to the City Council due back on 11/2/2011

- 6 **RLH RR 11-67** Ordering the rehabilitation or razing and removal of the structures at 773-777 UNIVERSITY AVENUE WEST within fifteen (15) days after the November 2, 2011, City Council Public Hearing.

Sponsors: Carter III

Remove within 15 days with no option for repair.

RE: 773-777 University Ave W (commercial/apartments)

Creig Johnson and Kizzy Downie, Model Cities, owner, appeared.

Ms. Moermond:

- City has proposed demolition for these 2 properties

Steve Magner, Vacant Buildings:

- 2-story wood frame/steel/masonry mixed-use commercial/residential bldg with an attached 5-stall masonry garage and an attached masonry warehouse on a lot size of 9,583 sq ft
- vacant since Mar 4, 2011 (VB file opened)
- current property owner Model Cities of Saint Paul
- Jul 6, 2011 inspection conducted; list of deficiencies which constitutes a nuisance condition developed; photos taken
- Order to Abate a Nuisance Bldg posted Sep 1, 2011; compliance date Sep 16, 2011
- as of this date, property remains in a condition which comprises a nuisance as defined by legislative code
- estimated market value on 773 - \$146,400 on land; \$120,000 on bldg
- estimated market value on 777 - \$146,400 on land; \$92,700 on bldg
- taxes are due and owing as follows:
- 773 - owes for second half of 2011 in amount of \$4,116
- 777 - owes for second half of 2011 in amount of \$4,263
- VB fee paid Mar 30, 2011
- Team Inspection done Aug 18, 2011
- as of Oct 7, 2011, \$5,000 performance deposit not posted
- 1 SA; no WO
- estimated cost to repair between \$90,000-\$100,000; estimated cost to demolish between \$25,000-\$30,000
- low bid tab is attached \$43,800
- team inspection was done after the initial PDI inspection
- bldg is dangerous

Ms. Moermond:

- Fire letter Aug 18, 2011 talks about the space being Condemned, "We have a structural beam and column rotted, cracked and pushing thru the floor." (not in abatement order)
- let's incorporate the Team Inspection into the record on this

Amy Spong, Heritage Preservation Commission (HPC):

- 2 bldgs with 4 different store fronts, historically (2 separations within each bldg, originally)
- 773-775 built in 1913 as frame construction
- 777 built in 1923 as concrete block - full masonry structure (west side)
- all being originally built as stores, potentially with flats above them
- one on east side had an open 1-story rear porch
- one on west side appears to have had a brick veneer attached onto the full masonry structure
- original owners: George Fetch and O. H. Neuenfeldt
- nearly positive that these properties were not surveyed as part of the whole Central Corridor Ultra Resource Study
- lot of integrity issues; lots of alterations
- demolition would have no adverse affect because of integrity issues

Mr. Johnson:

- Model Cities acquired these bldgs for the parcels to be included with a larger site to be used for a mixed-use development along Central Corridor that would keep in line with the kinds of structures and development that's envisioned for University Ave in the future
- had considered renting it out in the interim if it were possible or demolishing it
- after communicating with the City, Model Cities determined that it was not worth it to do any rehab so, they are in support of doing the demo
- want the City to do demo
- received funding from City from the Central Corridor Brownfield Assessment Project (did have hazardous material survey done last week) that might feed into the demo

Mr. Magner:

- explained that CC will pass the resolution to remove bldg; then, City would hire low vendor and address any environmental issue
- City would remove bldg and pay contractor
- the bill would be processed in about 6 months to send to Model Cities and they would have until the CC ratified the assessment to pay it
- puts it about 8-9 months out and at that time, Model Cities could ask CC to have it be payable over 10 yrs, at the most

Ms. Moermond:

- the hazardous material assessment would be an add-on cost to the demo cost
- CCPH Nov 2, 2011
- at that time, she will recommend that CC order the bldg removed within 15 days with no option for rehabilitation

Referred to the City Council due back on 11/2/2011

7 [SR 11-83](#)

Stay of Council File 10-1185, An Order to Remove or Repair the Buildings at 578 THOMAS AVENUE.

Sponsors: Carter III

Informational hearing: will let Councilmembers know at November 2, 2011 City Council meeting.

RE: 578 Thomas Ave (duplex)

Nghi Huynh, property manager, appeared along with owner, Linh Huynh

Steve Magner, Vacant Bldgs:

- Cat 3 VB - file opened Nov 2008
- had LH Oct 12, 2010 - went to CC Nov 3, 2010
- CC passed Resolution Dec 15, 2010 Ordering Repair / Remove within 30 days
- after that, CC revisited the issue File 11-341 Jan-Feb 2011
- Mar 16, 2011 CC passed Resolution 11-341 granting 180 days to stay implementation of Resolution 10-1185 (which says Remove bldg within 30 days) and therefore Resolve that the stay implementation of Council File 10-1185 shall be Revoked after 180 days at which time the Code Compliance Certificate must have been issued or the Department of Safety and Inspections will be empowered to implement the Order to Remove the bldg at 578 Thomas Ave (DSI is enforcing that Resolution)
- Vacant Bldgs contacted Jim Seeger; on Sep 20, 2011, Mr. Seeger went out and requested the bond Revoked and sent a forfeiture letter because there had not been an issuance of a Code Compliance Certificate
- a bldg permit was pulled Mar 30, 2011 but has never been inspected
- no other permits have been pulled, all of which are required for completion of the Code Compliance list
- other big issue: Inspector Yannarely was at property Sep 2011 to do an inspection; at the time, there was a dumpster full of tires, garbage, debris, junk, railroad ties, a deceased dog, etc. The contractor, Nitti Roll-off/Tony Nitti had loaded the 30-yd dumpster onto their truck and proceeded to open the doors and dump all of its contents in the back yard and alley. Mr. Yannarely stopped the contractor and told him that he had to clean the items out of the alley and he shouldn't be doing this. He contacted Ramsey County and the City licensing dept in regards to illegal dumping. Then, both Mr. Yannarely and Mr. Magner were at the property and spoke with both parties present and handed them an Emergency Summary Abatement and around 10 am Mr. Magner told them personally they had until 1 pm to have this site clean. They said they'd have someone out there the next hour or two to start cleaning up. He arrived back at the site at 1 pm - there was no dumpster and no crew to clean up. One owner was there. Mr. Magner said he couldn't allow those items to remain on the site so, he contacted the Parks crew and forced thru an Emergency Summary Abatement. Approximately 2 pm, Parks arrived with their equipment and proceeded to clean up. Mr. Yannarely and Mr. Magner were told by the contractor that he had not been paid; then, an argument ensued between owner and contractor about being paid.
- it is evident to Mr. Magner that this property is no closer to rehab than it was in Dec 2010 and it should not have taken this long
- we need to enforce the Resolution 10-1185 to remove this structure

Ms. Moermond:

- pulling up history of permits pulled to work on property but not seeing any

Mr. Huynh:

- 2 issues (trash and
- trash - they hired T and D to provide dumpster; then T and D said the owner had to pay for another dumpster and they agreed. According to the record, they had already cashed the check the owner wrote, however, the employee there said the second check hadn't been cashed. Owner went to bank to get a copy of the check that had been cashed. The truck driver said that because owner didn't pay, he dumped the trash on the property and alley. Inspector saw the trash being dumped. Inspector said they had 1 hour to clean it up so, he called the company on the spot and told them to bring out another dumpster and pick it up; they came about noon just to inspect to see how much trash there was; then City Inspector said they wouldn't have time to get it all cleaned up by 1 pm, so he said the City would do it. Shows confusion of the company who said they didn't pay and confusion with calling the

second dumpster.

- says he tried to comply with the City in both instances; he apologized
- history - they have Resolution for 180 days from Mar 16 (Sep 16 was the last day); on Sep 14, they completed everything and they sent a notice to Ms. Moermond's office and asked what to do next; he didn't hear anything back
- he went to Texas for a conference for 1 week (during that time owner gets letter from Jim Seeger who says Jun 8 is the last day and now the \$5,000 is forfeited)
- he came back the Sep 29 and went to Mr. Seeger's office to meet and told him they got an extension to Sep 16; Mr. Seeger said he didn't know anything about that
- he asked Mai Vang to get a copy of the letter showing extension; then Mr. Seeger asked why we didn't use any licensed contractors? Mr. Huynh told him they used a general contractor and relied on him to pull permits and get licensed contractors
- according to what general contractor explained to him, everything (electrical, plumbing, heat) works; they just want to get it inspected to verify that it works
- Mr. Seeger said that since it was October, he'd have to come back to the Legislative Hearing officer to present his case; and if hearing officer would give him a 2-week extension, he could come and inspect it
- they came today to show that everything was completed perfectly and say that they had relied on the general contractor (T and D Construction) to know what they needed to do
- Project Pros did not agree to do the work for \$29,000; so they had to substitute T and D Construction - replaced the permit onto his name
- they tried their best to comply and do the best job; he thinks it's a perfect rehab result
- asks for an extension of time so Jim Seeger can come in and inspect with the inspection team
- the general contractor was told to do everything the City wanted done; after done, he said City would come to inspect

Ms. Moermond:

- an estimate was provided to the City from Project Pros (attached to the records); has a long list for plumbing, heating and electrical
- she has never had someone submit to her office directly, information saying their complete without having accompanying building permit information
- the real information comes from the building inspector, the plumbing inspector, the mechanical inspector, etc. - they need to verify that those issues have been addressed

Mr. Magner:

- in the eyes of DSI, the house is not done; there's only 1 bldg permit that was pulled in Mar (no plumbing, no elect, no heating)
- DSI can't sign off on the Code Compliance (document clearly states that there will be permit required for all those categories) - they all needed rough-in permits before any cover-up work was done
- Mr. Huynh claims they hired a different contractor, T and D, who simply went out without pulling permits
- T and D, hired as a general contractor, can't do the plumbing, elect and heating without having licensed contractors obtaining their own permits
- although the house might look cosmetically fine from the photos, DSI's opinion of this house is that it's not safe for habitation and in such, the nuisance has not been abated
- the City approved original proposal but after it was approved, he hired a different contractor with a different proposal, who spent the whole time only with a bldg permit (no heating, plumbing, elect)
- the itemized proposal doesn't equate to what is on the Code Compliance list
- so, even if T and D fixed the property, they didn't fix everything on the list

- even with extensions of time, this still isn't finished
- DSI can't close up items without the Team Inspectors going to inspect (they don't know that everything is done or whether it's done right; there are no permits for what was done; none of the standard procedures were followed)
- the bldg is not done until permits are pulled and inspected
- this house needs to be removed

Ms. Moermond:

- CC had this proposed Order in front of it last year and gave Mr. Huynh more time to get his act together
- Mr. Huynh didn't get his act together and CC voted to have the bldg removed but gave him a long time period in which to do that in the hopes that things would finally come together
- Mar 2011, CC granted a 6-month Stay in the implementation of the removal order to give him a chance to get the job done (a very long stay)
- Now, it still isn't done and you are asking for more time
- she understands that he relied on the contractor to do the right thing
- but the City was clear with the Code Compliance Inspection list that all of those items needed to be addressed prior to the bldg being re-occupied
- Jul 20, 2011, there was an inspection on the bldg permit by Virgil Thomas (she's sure he had Orders for the Contractor on site but there's no follow-up info)
- was looking for a sign from DSI about whether they thought the CC needed to reconsider this matter to Revoke the Stay official before they can take action or whether they are willing to take action now. Legally, DSI can take action now because CC decided this in Mar 2011; the City is empowered to proceed with demolition at this time
- concerns:
 - 1) permits were not pulled
 - 2) bldg permit has had only 1 inspection
 - 3) huge illegal dumping
- is DSI looking for a formal Revocation of Stay and of Demolition?

Mr. Magner:

- DSI's opinion is that Resolution 11-341 clearly states that "the stay of this implementation of Resolution 10-1185 shall be Revoked after 180 days, at which time Code Compliance Certificate has been issued or DSI will be empowered to Remove or Repair the building."
- DSI has hired a vendor and is planning to remove the bldg
- if CC chooses to re-visit 11-341, they can do that

Ms. Moermond:

- does not think that CC should re-visit this again (they've considered it twice already)
- she will not recommend that they discuss it one more time
- after notes are typed up about this, Mai Vang will FYI CC about where things are at (staff report)
- let's set the Removal for "Not before Nov 3, 2011"
- this has gone along just too long
- Appellant does not have a Certificate of Code Compliance nor is he close to getting one (past 6 month history)
- Initially, DSI estimated that this project would cost more than \$75,000; Appellant brought approximately \$30,000 to the table along with Work Plans that demonstrated that he was capable of completing the project with that amount of money - that was not the case
- dropping off photographs at her office by no means indicates that Mr. Huynh has sign-offs on these permits
- CC has decided on this twice and Appellant has failed on both occasions

Mr. Huynh:

- didn't completely understand the Code Compliance issue

CCPH Nov 2, 2011

Laid Over to the City Council due back on 11/2/2011

11:00 a.m. Hearings

Summary Abatement Orders

Orders To Vacate, Condemnations and Revocations

- 8 RLH VO 11-83 Appeal of Anne M. Haney to a Notice of Condemnation as Unfit for Human Habitation and Order to Vacate at 317 BAKER STREET WEST.

Sponsors: Thune

*Deny the appeal and Appellant will need to obtain a Code Compliance Inspection.
(Inspector Joel Essling)*

RE: 317 Baker St W (up/down duplex)

Anne Haney, owner, and son, Steven Anthony Haney, appeared.

Ms. Moermond:

*- this is a complicated Condemnation/Order to Vacate
- CCPH Nov 2, 2011*

Inspector Joel Essling:

*- this Notice of Condemnation refers to the Lower Unit and common areas in basement
- Upper Unit was Condemned in 1981 and has been unoccupied since
- his greatest concern is the lack of basic facilities:
no furnace; it's been removed
a hot water heater was recently installed improperly without a permit in a hazardous manner*

no bathtub or shower or bathroom sink

*extension cord wiring used throughout dwelling; used in lieu of permanent wiring
no smoke detectors or they are inoperable or improperly located as well as the carbon monoxide detectors*

- from photos can see work has been done (plumbing, structural, electrical) in dwelling but no record of any permits for that

- has been an open file starting Jun 7, 2011 re exterior issues; part of the complaint mentioned interior clutter but inspectors were never able to gain access to interior until Sep 27, 2011, date of Condemnation

- he was called to this dwelling by SPPD, who were called to do a welfare check (entered police report) - looks as though it's a call similar to the complaint DSI received in Jun (caller stated there was no heat or plumbing in the house; two children ages 7 and 8 living there; caller reported that the house had been in this condition for years)

- after SPPD gained access to the house, they were concerned about the condition of the house so, they called Inspector Essling

- need verification that children are not at this house

- he believes Mrs. Haney is still occupying the structure; they checked it at night
- in Mrs. Haney's letter, she talks about clutter (he estimates the clutter to be 1/12 of the issue at this house)
- main issues here are the lack of basic facilities; lack of maintenance; fire hazards
- because the upstairs unit was Condemned 30 yrs ago and has been unoccupied since then, he doesn't see that Mrs. Haney will be able to do the repairs needed downstairs (if she hasn't been able to do them upstairs, how will she be able to do them downstairs)
- have provided Mrs. Haney with a deferred application from PED
- have advised Mrs. Haney that they would provide a roll-off to help clear out the house (needs to be cleared out before a Code Compliance Inspection can be performed)
- in lieu of detailed work plan, timelines and verified finances, they are recommended that the house be vacated; required a VB status, Code Compliance
- the only way it will be brought back to the point of being occupied, if finances are available thru a PED loan and it's done by professionals
- if the PED loan is approved, the work would have to be done by licensed contractors approved by PED; work done under permit
- Mrs. Haney and her son both talk about their ability to do this work themselves but he doesn't see that as realistic
- water is running at the property
- toilet is there and works
- kitchen sink is there and works
- the accumulation of items are storage items

Mrs. Haney:

- she has a bathroom that works: she puts a 5-gal pail of cold water into the bathtub; she boils water and adds it to the cold water; she has containers of hot and cold water available near tub to add to it; then, she strains the water and pours it down the sink or toilet
- extension cords are size 12 and 14 size wire which is acceptable as far being safe
- she hasn't lived there since Inspector Essling told her to leave; she is there from 8 am to 8 pm only
- inspectors over the years have seen the upstairs and passed it; the reason she has left it is because she likes peace and quiet; if she fixed it up, she'd have to bring someone in to rent and maybe she wouldn't like them; basically, she hasn't wanted to fix it up yet
- someday she and her son will fix it up
- she has lived there 42 years; inspectors have come and always improved her work; never made her re-do her work; she can do the work and where she can't (elect and plumb), her son can
- smoke detectors: there was 1 working smoke detector in the mid-west basement room on the east wall; she has purchased 9 more of them and intends to install them ASAP
- carbon monoxide detectors: she has 1 in her room; she had 1 more-thinks it's lost; and her son's family brought one with them

Mr. Haney:

- his mom has been staying at his sister's house on Annapolis, W. St. Paul since Inspector Essling told her to and she makes sure he is out in a timely fashion
- lights are left on at night because the white flags and sticker on the door are invitations for crack heads to steal from them
- he has \$500,000 worth of equipment and materials at the home
- wasn't finished installing the new water heater
- he's unemployed right now and has time to help his mom get things done at the house; he would rather do that than try to find a job, have her get hooked up to a loan

and then, turn around and have to pay someone 8, 10, 12 times more because he would work for free

- his hands are tied as far as doing the repairs in the home: 1) mom has the right to say what gets done and how; 2) his estranged wife is a problem with the children - they are being cared for in Anoka; they have been out of the home since day one
- he and his family moved in with his mom Nov 2010 as guests
- believes the call came from Regions as a response to a health issue he had a couple weeks ago - police officers came to the house, treated him like a criminal (has had nothing on his record for over 25 yrs)
- he has some contractor friends and they can get all of this stuff done in maybe 6 months
- did all the wiring in his house on Maryland
- his estranged wife, Lissa Haney, has issues with ADHD / Asberger's Syndrome (they have had joint custody)
- he wants her out of his life
- his kids were well taken care of at his mom's house and they have no health issues
- kids will stay out of the house until the repairs are finished
- explained that the upstairs had been Condemned because a little boy started a fire under a bed; he got startled and the fire got bigger than it needed to be; after, they stripped out all the burnt drywall, etc. New windows were put in and electricity under permit was ruffed in
- soffit and fascia are already in progress

Mr. Essling:

- doesn't believe that Ms. Haney has the financial where-with-all to do the work on the house herself; if finances come from PED loan, the work can only be done by licensed contractors approved by PED

Mrs. Haney:

- stays at her daughter's home but she will need to relocate soon
- She's frugal but manages to get work done on a low income; hiring people is what costs a lot of money; she doesn't have a credit card debt; she lives on her means - wants a chance to get as many principle repairs done as possible with just her and Steve
- she stays warm enough with an electric heater; has a carbon monoxide detector
- has a heater in the basement to keep the pipes warm so they don't freeze
- owns the house outright
- walls downstairs had been approved by previous inspectors (were done 30 yrs ago)
- needs to have one of the options to reduce the severity of the Condemnation Order because another place to stay would require more money plus commuting and the stress (she has lived there safely for many years); no one would be there from 8 pm - 9 am and only authorized people would be there from 8 am - 8 pm; she could use that money to buy bldg materials; she will sign a paper saying she'll take responsibility if anything happens, but it won't - she's been there 42 yrs
- asks for a time extension; Inspector Ed Smith gave her until Nov 30, 2011 to get the exterior work done but now, the interior work needs to be done before the exterior (son says he can get the exterior done by Nov 30)
- there's been one WO after another and Steve has been very sick, close to meningitis
- I should have asked for more time than what I needed
- she has moved around freely in her house the way it is and has been safe for her (bringing in the family it was not considered safe)
- electrical system was brought up to code by Weber Elect Co 35 yrs ago; now, they just need to add a few outlets

Mr. Essling:

- doesn't believe this work will ever get done unless they go thru the process of getting the house cleared out and then the Code Compliance Inspection with firm time lines and work plan to get it done
- yard is pretty well cleared out now

Mr. Haney:

- needs to cut down a couple of large elm trees before a dumpster can be put into the yard; they need to driveway to park on

Ms. Moermond:

- provided the appellant with photo pkg
- If a case is under police investigation, the City can't show anyone a police report; Mr. Haney could go to SPPD and ask for it
- Inspector Essling identified a series of problems in the Order to Vacate
- it is clear to her the Mrs. Haney thinks of housing differently from what most people do and from what the code requires (rather a rural mentality)
- this is a different circumstance from a cabin in the woods
- codes of what can happen in the City are pretty strong
- although, we might think as individuals we can manage differently, the law says you have to have certain conditions met in the City
- currently, we do not know what needs fixing and there's a lot of material in the house (too many things)
- first thing, the house needs to be cleared out
- photos reveal that there's a lot of things out of place
- can not recommend that anyone can live there while this is going on; it's not safe
- space heaters concern her especially, because of the amount of materials
- trade inspectors need to walk thru the house and make determinations as to what needs to happen to make the place safe (Code Compliance Inspection)
- after that, permits will need to be pulled by licensed contractors to do those jobs (heating, plumbing, electrical); some bldg items can be done by owner under permit
- there are many significant concerns that need to be corrected (Code Compliance Inspection \$500, approx)
- both units will need to be inspected
- is comfortable holding off on the SA Order for the exterior siding (Insp Smith)
- check out the PED loan; there are loan programs that say if you occupy the house for a number years, the loan would be forgivable
- don't fix just half of the property; get the whole thing done
- the bldg is in bad enough shape right now that, if work is deferred longer, you will end up in a place where the City wants to propose knocking it down
- start the process and keep it moving
- contact Ramsey County Tax Records on Plato to ask about how a Condemnation affects a Homestead
- CCPH Nov 2, 2011
- talk to Kay Wittgenstein, Ramsey County Crisis Housing, about a place to live (Insp Essling will talk to her about it)
- also, Project Hope, Southern Minnesota Regional Legal Services (SMRLS), 222-5863, helps people find housing out of crisis (Andrea Jepson, attorney, works with seniors)
- avoid storage lockers

Referred to the City Council due back on 11/2/2011

9 [RLH FOW](#)
[11-174](#)

Appeal of Joshua O'Neill, CBI LLC, to a Fire Inspection Correction Notice and Condemnation of Basement Bedrooms at 1594 and 1596 HAGUE AVENUE.

Sponsors: Stark

Laid over to October 18 for housekeeping. Ms. Moermond to look at the building code on guardrail and owner to submit photos of the three window wells. Condemnation is lifted. (Inspector William Beumer)

RE: 1594 and 1596 Hague Ave (duplex)

Joshua O'Neill, owner, appeared

Mr. O'Neill:

- entered photos of 3 window wells on the driveway side

Fire Inspector Mike Urmann:

- inspector issued Orders re egress window well
- Condemned the basement unit due to the fact that the egress window wells were collapsing (perhaps wouldn't be usable in an egress situation)
- entered photos
- met with Sr Bldg Insp, Steve Ubl, this morning re the site and the issues; he agreed that both sets of window wells would require repair and guardrails so that no one could fall into them or drive into them
- the window wells need to be repaired to code under permit; some repairs have been done but no permits have been signed-off and guardrails still need to be addressed on both sides of the bldg
- looks as though the wells have been replaced on the driveway side but they are still not completely code compliant

Mr. O'Neill:

- re guardrail and code - the guardrail is recommended as opposed to being required
- the new wells are substantially above grade; they are very visible
- replaced 2 wells on the east side of bldg
- at no point were the windows compromised, operationally, but he recognizes that the wells had deteriorated and they were properly replaced
- new wells exceed code size
- there is no further action required on the 2 window wells on the east side of the bldg
- the issue has been corrected
- window well on west side of bldg - it's size has not changed since it was approved by City inspector Jan 2004; it's fully operational and in no way is it obstructed
- wouldn't oppose a wood guardrail on that window - wouldn't be a major cost or difficult to do
- per Inspector Beumer - guardrails are recommended, not required
- issue to him is the single window with sidewalk surrounding it that was approved by City inspector in 2004; was done under permit when basement was finished and the alteration of the windows was specifically described in the permit; since then, cement coating has been done around it - not pretty but a very good deterrent for water; there's been no movement of shift in window well size
- he submitted to Inspector Beumer a revised Smoke and Carbon Monoxide detector inspection affidavit (emailed as attachment on Sep 21, 2011)
- he took care of the 2 window wells that were deteriorated
- also appealing the requirement of another existing Fuel Burning Equipment Safety Test Report - one was completed, roughly, 14 months ago (there were no issues) - seems unreasonable to have to pay for another one
- also, there was a full inspection of the house and a Certificate of Occupancy submitted after quite a few improvements, most of which were cosmetic, in fall of 2010
- re the existing window well on west side by the sidewalk being secure, it would take jackhammers and sledge hammers to remove it; it's extremely secure
- 1/3 of one of the wells on the east side of the bldg was loose; it was replaced

- west side well: 36 1/2"w x 31 1/2" deep (is 3 12" - 4" beyond the outside edge of window when it's opened at 90 degrees)
- new wells: 37"w x 42" deep and 20" above grade (not on property line or sidewalk)
- he's put in \$95,000 into property since 2003
- would like further review on guardrails on the driveway side where the new wells are

Mr. Urmann:

- Mr. Ubl states that guardrails will be required - he looked at both windows, sidewalk side and driveway, and stated that they would all need to be replaced because of the windows flexing in; they were approved earlier because they had not deteriorated and had not flex in (from the photos, you can see that the wood frame structure is not stable and Mr. Ubl agreed with that)
- this bldg is a Class C bldg; under Chapter 40, they are required to be inspected annually
- they accept a heating system test report one calendar year within the inspection (in this case, it's passed the calendar year) - a direction from chief mechanical inspector
- the inspection was due and the window wells are not performing as they were designed or installed and they would have to be installed and meet the current code and have guardrails and safety rails per the bldg inspector
- re guardrails on driveway side: in opinion of the chief bldg inspector, it on a driveway side which could cause as much hazard as a sidewalk
- could be handled as easily as having a bldg inspector sign-off on a permit
- installation of a guardrail on the sidewalk side requires a permit (safety issue)

Ms. Moermond:

- received a copy of the EW-1 from Ms. Urmann
- the Fire Marshall has some discretion in matters of interpretation of the code
- asked if Mr. Urmann had the dimensions of the window wells (Mr. Urmann did not have them)
- is wavering on bldg permit requirement - at this juncture, she's not convinced it would be required for wells
- is comfortable that guardrails need to be put into place on both sides, particularly on the sidewalk side
- must do furnace testing; smoke detector and carbon monoxide detector affidavit
- to capture potential hazards, asks Appellant to send photos taken at a distance
- will check bldg code on guardrails
- recommends Condemnation Order be lifted
- will LAYOVER for 1 week to LH Oct 18, 2011- put on agenda as Housekeeping

Laid Over to the Legislative Hearings due back on 10/18/2011

1:30 p.m. Hearings

Window Variances: Hearing Required

10 RLH FOW Appeal of Carol Nuteson to a Fire Certificate of Occupancy Inspection
11-176 Correction Notice at 1162 EDGERTON STREET.

Sponsors: Bostrom

Grant a 3-inch variance on the egress window on the first floor, southeast bedroom; property owner indicated that the AC has been removed; however, inspector will need to verify measurement for the egress window in the 2nd floor, east bedroom. (Inspector Mike Cassidy)

RE: 1162 Edgerton St (duplex)

Carol Nuteson, owner, appeared.

Fire Inspector Mike Urmann:

- egress windows
- #1 - 1st fl, SE bedroom 21h x 28w (already granted 3-inch variance)
- #2 - 2nd fl, E bedroom - window blocked by air conditioner and could not be opened or measured

Ms. Nuteson:

- #2 - took the air conditioner out; measured 24h x 24w

Ms. Moermond:

- will recommend a 3-in variance on #1
- #2 - needs to be verified by inspector

Referred to the City Council due back on 11/2/2011

11 **RLH FOW
11-182**

Appeal of Jeanine Sundberg to a Fire Certificate of Occupancy Inspection Correction Notice at 1055 LAUREL AVENUE.

Sponsors: Carter III

Grant window variances in Units 4 and 5; deny window variance in Unit 3 and grant an extension for 90 days. (Inspector Rick Gavin)

RE: 1055 Laurel Ave (apartment)

Jeanine Sundberg, owner, appeared.

Fire Inspector Urmann:

- egress windows
- #19 - Unit 3: 18.25h x 14.5w (glazed 3.2 sq ft)
- Unit 4: 22.5 h x 21.5w (glazed 5.7 sq ft)
- Unit 5: 22h x 23w (glazed 6.3 sq ft)
- Unit 3 is woefully inadequate as far as code is concerned

Ms. Sundberg:

- Unit 3 is an efficiency apartment
- all windows are side by side (fire personnel could break the windows easily)
- tenant is also 7 steps to the back door
- has been this way for years

Mr. Urmann:

- if the doorway is in the sleeping room itself and is directly to the exterior, it can be considered an alternative egress
- if the doorway leads to another space first and then out, it would actually be a fire hazard
- every bedroom, under the code, is required to have 2 means of egress (main entrance and a window)

Ms. Moermond:

- will grant variances for Unit 4 and Unit 5
- will deny variance for Unit 3 and grant 90-day extension to come into compliance

Referred to the City Council due back on 11/2/2011

Fire Certificates of Occupancy

- 12 **RLH FCO** Appeal of Kendall Burton to a Fire Certificate of Occupancy Inspection
11-382 Correction Notice at 899 JENKS AVENUE.
- Sponsors: Bostrom
- 13 [RLH FCO](#) Appeal of Kenneth O. Doyle to a Re-Inspection Fire Certificate of Occupancy
[11-421](#) With Deficiencies at 705 SUMMIT AVENUE.
- Sponsors: Carter III
- Grant egress window variances in Unit 2, main level north bedroom, Unit 2 lower level north bedroom, Unit 6 northeast bedroom, Unit 7 south bedroom, Unit 7 southwest bedroom. Laid over to October 25 LH on the ceiling height issue and awning windows. (Inspector Rick Gavin)*
- RE: 705 Summit Ave (multi-family)*
- Kenneth Doyle, owner, appeared.*
- Fire Inspector Mike Urmann:*
- concerned about the following escape windows:
 - Unit 4 - NE - awning 19h x 43w (7.2 sq ft glazed)
 - Unit 6 - E - awning 20h x 37w (12.2 sq ft glazed)
 - Unit 6 - SE - awning 18.5h x 37.5w (12.4 sq ft glazed)
 - Unit 6 - SW - awning 22h x 37.5w (12.4 sq ft glazed)
 - Unit 6 - W - awning 19h x 38w (sill height 59")
- Ms. Moermond:*
- Unit 2 - N - double hung - will grant a variance
 - Unit 2 - lower level slider doesn't need a variance
 - Unit 6 - NW - double hung - will grant a variance
 - Unit 7 - S - will grant a variance
 - Unit 7 - SW - will grant a variance with the installation of a step
- Mr. Doyle:*
- the hardware on the windows is all replaced or repaired (having parts trouble with one or two of them - will have it done in a few days)
- Ms. Moermond:*
- the 5 awning windows are not considered safe windows for egress
- Mr. Doyle:*
- this is a Cass Gilbert mansion in excellent condition; featured on Channel 2 last year in their documentary on Cass Gilbert
 - bought it 20-25 yrs ago and did a major renovation and worked closely with the plan examiners and inspectors on the bldg, incl these windows
 - these were the largest egress windows that Andersen made; they were approved at the time of installation
 - inspected over the years a 10-20 times and no one has every raised a question about them; he's surprised to have this come up now
 - there is nothing to be done unless someone makes another window and if one is found, it would be a major expense (thousands of dollars)
 - is quite puzzled as to the change of evaluation after 20-25 yrs of no problem

Mr. Urmann:

- Fire Code disallows awning windows
- can't speak to past practice

Ms. Moermond:

- will Lay this Over to get some input from Christine Boulware, who staffed the Historic Preservation Commission (HPC), to see what insights she might have into this situation - there me some easy fixes that Appellant is not aware of
- Layover to Oct 25 LH

Laid Over to the Legislative Hearings due back on 10/25/2011

14 [RLH FCO
11-422](#)

Appeal of Dorothy Irvin to a Correction Notice-Reinspection Complaint at 1615 SAINT ANTHONY AVENUE.

Sponsors: Stark

Rescheduled to October 25 per owner's request.

Laid Over to the Legislative Hearings due back on 10/25/2011

15 [RLH FCO
11-429](#)

Appeal of Dwight Schuette to a Correction Notice-Complaint Inspection at 860 ARKWRIGHT STREET.

Sponsors: Helgen

Deny the appeal and Appellant will need to hire an exterminator to exterminate both units of the building (2 times-while tenant is still there and when the property is vacant) (Inspector Kelly Booker)

RE: 860 Arkwright St (duplex)

Dwight Schutte, owner, appeared

Fire Inspector Urmann:

- spoke with inspector this morning who noted cockroaches in the bldg
- She said, "Ask bldg owner to exterminate for cockroaches because we're required by law to have the owner or responsible party take care of them."
- when she asked the owner to exterminate, he responded with, "The tenants brought them into the bldg; the tenants can deal with them." That can't happen.
- it needs to be a licensed exterminator which the responsible party hires so that it's done legally and safely
- she saw a lot of cockroaches

Mr. Schutte:

- has been in the unit many times; never has seen any cockroaches
- he thinks it may be retaliation because he gave them 60-day Notice (will be moving end of Oct)
- when they mentioned cockroaches to him, he gave them some money to go to Home Depot; hasn't heard back from them after 40-50 days
- he never had cockroaches before they moved in (had them 2-3 wks later)
- thought that maybe inspector say some of the remedies that he bought for getting rid of the cockroaches
- he doesn't think it's right that he has to pay for an exterminator even though it's not his fault that there's cockroaches

Mr. Urmann:

- state law requires that licensed exterminators be hired for any type of infestation because it must be done correctly; the problem may have been driven into the walls so it's not visible
- City inspectors are trained to notice droppings and track
- unless Appellant hires a licensed exterminator to take care of the problem, it is not acceptable
- they are looking for a licensed exterminator's report (who did it and what they did to take care of it)

Ms. Moermond:

- let's get this place properly and professionally exterminated; get it done twice: once now and once after they move
- will recommend denial of the appeal and grant an extension of 1 week to come into compliance

Referred to the City Council due back on 11/2/2011

16 [RLH FCO
11-430](#)

Appeal of Linda Traxler to a Fire Certificate of Occupancy Inspection
Correction Notice at 344 ROBERT STREET SOUTH.

Sponsors: Thune

Owner called prior to hearing and indicated she is withdrawing her appeal. (AJ Neis)

Withdrawn

17 [RLH FCO
11-439](#)

Appeal of MaiCher Her to a Correction Notice-Complaint Inspection at 1066
ROSS AVENUE.

Sponsors: Bostrom

- Withdrawn Item 1 (electrical service) as power is restored for both units
- Withdrawn Item 3 - in compliance with the fence
- Condemnation is lifted
- Item 2 - deny the appeal and grant an extension to June 15, 2012 for repair and repaint exterior walls. (Inspector James Thomas)

RE: 1066 Ross Ave (duplex)

MaiCher Her appeared.

Fire Inspector Mike Urmann:

- came in as a referral because the bldg did not have electrical service
- when inspected, inspector found some exterior issues; did an Order and also Condemned the property for lack of basic facilities on Sep 22
- exterior repairs are needed to maintain the structural integrity of the bldg (rated 7 on scale of 10)
- #2 - provide all exterior walls free from holes and defects, peeling and chipping paint
- C of O inspection has not yet been done but it is due
- No photos in file
- has no record of Inspector Thomas being out there yesterday

Ms. Her:

- presented video on the fence (wood) #3 ; she took down the fence
- electrical was re-connected Sep 30 (Mr. Urmann called Xcel and power was restored Oct 1, 2011 in both units)

- #2 - wanted to get an estimate on siding on east side (8' x 9') but contractors don't want to take on such a small job
 (has list of people she called); finally, got estimate from Bill two wks ago; he said he would need to place an order for the siding to match the other siding which would take from 3-8 wks - might be snow at that time - will do it in spring (she is not sure that they can just patch up until Spring or must do whole house, which was sided 8 yrs ago)
 - an inspector was there yesterday and Condemned a unit (Mr. Urmann said he had no record of the inspector being out there yesterday; Ms. Her had a paper record and entered it into record: James Thomas Condemned this Oct 10, 2011, 1066 Ross, #1)

Ms. Moermond:

- #1 is under control; power's back on
 - #2 Order specifically says the bldg needs painting; without photos, she will give Appellant until Jun 15, 2012 to get this re-painted (if there are holes and other repair issues, they need to be taken care of right away) whole house
 - #3 fence has been taken down and wood has been removed
 - will recommend the Council grant the appeal on the Condemnation, presuming that it's related to the power shut-off (now, it's on)
 - we'll wait for another set of Orders to see if there's something else going on (Inspector Thomas Condemned Unit #1 yesterday; Appellant can take down that placard; enforcement should have been Stayed anyway)

Referred to the City Council due back on 11/2/2011

18 **RLH FCO**
 11-437

Appeal of Jeanine Sundberg to a Fire Certificate of Occupancy Inspection Correction Notice at 1083 CHATSWORTH STREET NORTH.

Sponsors: Helgen

Deny the appeal and grant an extension to November 18, 2011 for compliance

RE: 1083 Chatsworth St N (rental units)

Jeanine Sundberg, owner, appeared.

Fire Inspector Mike Urmann:

- major renovation work has been done; no permits pulled
 - read inspector's notes: owner did major renovation to bldg; new bathrooms; no permits pulled; unknown if unit is safe (couldn't see what was done in the walls); open permits now but nothing has been signed off or approved
 - without permits, without approvals, we don't know what issues exist; in that case, we can't allow unit to be occupied

Ms. Sundberg:

- already came here on this
 - she spoke with Lisa Martin, who encouraged them to appeal
 - there is a tenant in there now; Ms. Moermond OK'd it
 - have complied; City inspector has already been there said there wasn't any reason why it couldn't be occupied
 - yesterday was the plumbing inspection: he was concerned about cold water pressure, only (all else was OK)
 - 9:30 am tomorrow, the electrical inspector will come
 - husband is making appointment with City inspector (2nd visit); he didn't see any issues
 - they've complied with everything
 - appealing to make sure the tenant can stay there; she would have been homeless if

they couldn't have put her in
- everything will be done by Oct 26, when Lisa Martin comes back

Ms. Moermond:
- will grant an extension to Nov 18, 2011

Referred to the City Council due back on 11/2/2011

19 [RLH FCO
11-446](#)

Appeal of Abera Mulugeta to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 172 CHARLES AVENUE.

Sponsors: Carter III

Grant a 6-inch variance on the openable height of the egress window in the 2nd floor, middle bedroom.

Laid over Item 13 (rear deck) to October 18 for inspector staff report. (Inspector William Beumer)

RE: 172 Charles Ave (single family)

Abera Mulugeta, C of O Responsible Party, appeared

Fire Inspector Mike Urmann:
- did not speak with the inspector on this so he's not sure what the specifics are re: Order

Ms. Moermond:
- windows and rear deck (photos on deck but not clear on what the problems were)

Mr. Mulugeta:
- inspector said he needed to put footings under it but it was there when they bought the house; inspector said either remove the deck or put footings under it; said it was not safe because he stepped on it and the deck flexed
- he fixed the front porch

Ms. Moermond:
- is not comfortable making a call on the deck without finding out more; doesn't know why it was called out
- is not sure if the deck is attached to the house

Mr. Urmann:
- it would be a structural issue if it didn't have footings; they would be required whether it was or was not attached to the house
- the structure shouldn't flex or move at all no matter what weight is put on it; if it's flexing, it tells him that the center is not supported and it will collapse
- he needs to speak with the inspector on this
- would like to see more photos re deck

Mr. Mulugeta:
- doesn't mind putting in center supports but how is he supposed to lift it up to put in footings? (Mr. Urmann said that it's difficult but can be done)

Ms. Moermond:
- the deck needs to be solid; it shouldn't flex when someone steps on it
- Mr. Mulugeta can decide to fix it properly now or go back year and year and patch it
- the inspector may have some ideas
- will LAYOVER the deck issue for one week to get report from inspector

- will grant egress window

Laid Over to the Legislative Hearings due back on 10/18/2011

2:30 p.m. Hearings

Vacant Building Registrations

- 20 RLH VBR 11-76 Appeal of Dustin Nguyen to a Vacant Building Registration Fee and Summary Abatement Order at 760 MINNEHAHA AVENUE EAST.
- Sponsors: Lantry
- Deny the appeal on the Summary Abatement Order and grant an extension to October 13, 2011 for compliance*
- Property returned to Category 1 Vacant Building and waive the vacant building fee for 90 days. (Inspectors Tom Friel and Kelly Booker)*
- RE: 760 Minnehaha Ave E (single family)*
- Dustin Nguyen, owner, appeared*
- Matt Dornfeld, Vacant Buildings:*
- *Fire Inspector Kelly Booker found house Vacant and Condemned it Jul 25, 2011*
 - *VB Inspector Tom Friel received a referral from Inspector Booker and recommended it as a Cat 2 VB*
 - *Inspector Friel inspected property Jul 29, 2011; finds garage door open-has it secured*
 - *notes: minor peeling paint; loose hand rails; siding defects; damaged storm door; water shut-off and other deficiencies from Fire Condemnation list*
 - *Mr. Friel opened Cat 2 VB file and issued Summary Abatements Jul 29, 2011 for bushes growing into street, refuse, rubbish and a box in yard; also issued SA to secure garage service door*
 - *posted VB placards*
 - *sent WO to Parks to removed refuse, cutback bushes, secure garage service door Aug 5, 2011*
- Fire Inspector Mike Urmann:*
- *this Condemnation started as a result of water shut-off and lack of basic facilities*
 - *there hasn't been an interior inspection*
- Mr. Nguyen:*
- *re: SA - hired a landscaping company that is taking care of yard*
 - *garage doors are working right now*
 - *got rid of the tires, recycling, etc.*
 - *water was shut-off because the tenants left the house early and didn't pay the water bill (Mr. Nguyen paid the bill and water has been restored)*
 - *tenants were exchange students and left early without paying water bill*
 - *he was notified by nbrs that the sign was up so he came by and called Water to get it back on*
 - *everything in the house is basically, brand new*
 - *Inspector Kelly Booker inspected last year; she should have interior report*
- Mr. Urmann:*
- *inspection by Inspector Booker was only an inspection to verify if the bldg was occupied or vacant; it was not a C of O inspection*

- attempts were made for re-inspections to see if corrections had been made last year but no access was gained to finalize (been going on for well over a year)

Mr. Moermond:

- will grant extension to Oct 13, 2011 for SA
 - this whole thing starts out Oct 22, 2010; inspector had access and came up with a list of four items at that time (in her view, the items were insignificant)
 - will recommend that CC make this a Cat 1 registered VB and waive the VB for 90 days
 - if Appellant wants to re-rent this bldg, he will need to get the Fire Certificate of Occupancy re-instated (get the water back on; get the inspector to take a look at it and he should be good to go)

Referred to the City Council due back on 11/2/2011

21 [RLH VBR 11-78](#) Appeal of Diane and Ron Staeheli to a Vacant Building Registration Notice at 633 PALACE AVENUE.

Sponsors: Thune

Laid over to Oct 25 LH and CPH on Nov 16. (Matt Dornfeld)

RE: 633 Palace Ave (duplex)

Ron Staeheli, owner, appeared, appealing Vacant Building Registration

Inspector Matt Dornfeld, Vacant Buildings:

- Condemned by Fire Inspector Bill Beumer Sep 22, 2011 - both Units 1 & 2
 - he documented 30 code violations at that time
 - transferred it to VB
 - Inspector Dornfeld opened Cat 2 VB on both Units Oct 3, 2011
 - issued SA to clean up overflowing garbage can and some garbage bags on driveway
 - also issued SA to have both Units secured
 - at time of inspection, tenants of Unit 1 were moving out
 - it is his understanding that tenants in Unit 2 are still in place (as of yesterday) (Mr. Staeheli said they haven't yet taken all of their stuff, but they are not there)

Mr. Staeheli:

- has been idling in driveway with contractors waiting to get work done for basically, 3 weeks
 - tenants are not living there but haven't yet found another place to live; they are not there when he's been there
 - they are hoping to not have to, officially, move all of their stuff
 - is looking for that it not be a Cat 2 registered VB and give him opportunity to pull permits to get rid of Condemnation
 - he's tried to get people in there to do the elect, plumbing, heating, etc. but he's been stopped at the door
 - has worked with SPPD to try to tell tenants that he needs to be there but that hasn't worked
 - wasn't until Oct 4 that he could get in but the contractors called and said that VB wouldn't allow them to pull permits; so, he's been stifled to take care of the Condemnation
 - between now and the CCPH, he would like opportunity to pull permits and get all of the work done on all 30 code violations
 - it's not a Vacant Building but the general definition of a VB; he's between tenants
 - because he wasn't able to get along with the tenants who left, he wasn't able to get

in and do any of the work; and as soon as he had the bldg back, he couldn't pull the permits

- he said he was attack by Appellant's husband and was sent to the doctor with \$1,500 worth of medical bills, incl a CT scan of his head and mild concussion
- Fire Dept says he has to do it
- SPPD says he can't do it
- he insists his bldg is not a Cat 2 VB; it doesn't meet the spirit of the law; and it doesn't seem like a reasonable thing considering the history behind the project
- entered Writ of Restitution, Writ of Recovery, emails, medical records for Ms. Moermond to scan
- has filed an Harassment Order against the former tenants to try to keep them away from him
- if he can get a recommendation that he'd be allowed to pull permits, he should have almost everything done before the CC mtg on Oct 19, 2011

Fire Inspector Mike Urmann:

- referring back to the last LH, Mr. Urmann said that only licensed electricians, plumbers and mechanical contractors can correct the issues that are going on in the bldg. It became necessary to Condemn the bldg due to the number of violations in the bldg and the lack of repair under permit. They Condemned and Vacated the bldg instead of citing the owner (the best enforcement action under the circumstance because of the 30 violations). From the last hearing, Ms. Moermond was requiring this to go to VB and have a Code Compliance Inspection to verify that all of those issues were taken care of under permit.

Mr. Staeheli:

- Mr. Urmann really has to stop making stuff up; she didn't say anything about that it was necessary for a Code Compliance Inspection; she didn't say anything about it going to VB.
- this property has been in the family for 70 yrs; they haven't had any trouble with anything
- because of police dept's orders and the police dept's lack of cooperation in helping him to get into the bldg, he hasn't had the opportunity to get any work done
- he also objects to the fact that the reason Fire didn't charge him was some altruistic reason; if there's evidence that he's violated a crime/law or that he installed anything under permit that he shouldn't have, he suggests that Fire charge him so they can deal with it in Criminal Court, where you have the sum level of proof - don't come in here and make the implication that I'm in there doing electrical work or plumbing work
- I've only had control of this bldg, truly, for 2 yrs, since his inlaws died. There may have been work done there that was not under permit but it was not under my control.

Ms. Moermond:

- main things here are the Code Compliance Inspection and the VB fee
- will LAY THE MATTER OVER to Oct 25
- CCPH next Wed, Oct 19, 2011 on the Condemnation / Order to Vacate (let's see where CC goes on that, at which point she will come up with a recommendation on the appeal for the Vacant Building registration)
- we'll take it one step at a time; these are separate
- will recommend denial on Condemnation
- after that we can talk about the Registered VB status and the VB fee
- DSI should not issue permits until this matter is resolved
- her recommendation will be that Appellant needs a Code Compliance Inspection
- this bldg should be in the VB Program as a Cat 2
- let's waive the VB fee for 90 days to make the repairs
- but she will hold off on that now because there could be a lot of changes between

when the CC has it's hearing and makes it's decision on the Condemnation itself and when this would come up in front of them the beginning of Nov, 2011

- wants to hear about additional information

- if CC makes a decision that it shouldn't be Condemned, we'll move from that

- CCPH Oct 19, 2011 on Condemnation itself

- LH Oct 25, 2011 on VB Registration (lock in recommendation)

- CCPH Nov 16, 2011 (orig. set for Nov 2, 2011) on VB registration

Laid Over to the Legislative Hearings due back on 10/25/2011

Other

Staff Reports

22 [SR 11-76](#)

23 **RLH FCO
11-335**

Appeal of Carrie Micko to a Fire Certificate of Occupancy Inspection Correction Notice at 1171 NORTON STREET.

Sponsors: Helgen

Referred to the City Council due back on 11/2/2011

24 [SR 11-80](#)

Appeal of Zach Volk, on behalf of Union Depot Lofts Association, to a Notice of Condemnation as Unfit for Human Habitation and Order to Vacate at 214 FOURTH STREET EAST. (Public hearing continued from September 21)

Sponsors: Thune

Window Variances: No Hearing Necessary

25 **RLH WP 11-77**

Appeal of Saint Paul Ramsey County Department of Public Health, on behalf of True Hang and Suenie Yang, to an Egress Window Non-Compliance Determination at 945 EDMUND AVENUE.

Sponsors: Carter III

No hearing necessary. Grant a 2-inch variance on the openable height of four double hung replacement egress bedroom windows measuring 22 inches high by 23.3 inches wide.

Referred to the City Council due back on 11/2/2011

26 **RLH WP 11-85**

Appeal of Renewal by Andersen, on behalf of Dan Baggenstoss, to an Egress Window Non-Compliance Determination at 1635 HARTFORD AVENUE.

Sponsors: Harris

No hearing necessary. Grant a 3-inch variance on the openable height of one double hung replacement egress bedroom window measuring 21 1/8 inches high by 22 inches wide.

Referred to the City Council due back on 11/2/2011

- 27 **RLH FOW**
 11-187 Appeal of Earl F. Miller to a Fire Certificate of Occupancy Correction Notice at 1116 PACIFIC STREET.
- Sponsors: Lantry
- No hearing necessary. Grant a 3.5-inch variance on the openable height of the egress window in the upper floor east bedroom and a 1-inch variance on the openable height of the egress window in the upper floor north bedroom. (Wayne Spiering)*
- Referred to the City Council due back on 11/2/2011**
- 28 **RLH FOW**
 11-184 Appeal of Nina Moua to a Fire Certificate of Occupancy Correction Notice at 890 SIMS AVENUE.
- Sponsors: Bostrom
- No hearing necessary. Grant a 3-inch variance on the openable height of the egress window in the north bedroom of Unit 1. (Kelly Booker)*
- Referred to the City Council due back on 11/2/2011**
- 29 **RLH FOW**
 11-173 Appeal of Rashad H. Badae to a Fire Certificate of Occupancy Inspection Correction Notice at 1611 WESTMINSTER STREET.
- Sponsors: Helgen
- No hearing necessary. Grant a 2-inch variance on the openable height of the egress windows in the north, northwest and southwest bedrooms. (Mike Cassidy)*
- Referred to the City Council due back on 11/2/2011**
- 30 **RLH FOW**
 11-188 Appeal of Tenzin N. Lama to a Fire Certificate of Occupancy Inspection Correction Notice at 1144 GRAND AVENUE.
- Sponsors: Thune
- No hearing necessary. Grant a 1.5-inch variance on the egress window openings for the north and south bedrooms. (Rick Gavin)*
- Referred to the City Council due back on 11/2/2011**