



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final Legislative Hearings

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

Tuesday, November 13, 2012

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Remove/Repair Orders

- 1 [RLH RR](#)
[11-96](#) Ordering the rehabilitation or razing and removal of the structures at 869 FULLER AVENUE within fifteen (15) days after the February 1, 2012 City Council Public Hearing. (Public hearing continued from September 5)

Sponsors: Carter III

Forthcoming.

RE: 869 Fuller Ave (duplex)

No one appeared.

Ms. Moermond:

- in back and forth emails and conversations with Paul Scharf, Tax Forfeited Land, Ramsey County, he indicated that he had done a preliminary review on this property and was interested in doing the rehab on it; the rub for him was that it wouldn't be slated until the fall of 2013 to get the work done; she was pressuring him to push up the calendar - to take it on in the spring of 2013; he was going to be meeting with both Janice Rettman and Tony Carter to discuss the possibility; Ms. Moermond has not heard back from him yet

- this is a good reminder for her to call him up to find out if the county will step up if the city does their paperwork with the courts for a shortened forfeiture time period; Pete McCall's response to this question couldn't have been less helpful

- this forfeited in 2012; it's now in the county's hands

- we need to find out whether the county is willing to work with us

- McCall's response was indefinite

- if the property can be redeemed, the county isn't going to start their project

Steve Magner, Vacant Buildings:

- thinks we should lay this over until the discussion can be held to talk about going to court to cancel the redemption period; then, once we figure that out (perhaps, it will take 90 days), we should revisit this issue late winter (Mar) or early spring, have a hearing so that Mr. Scharf can submit the county's plans for rehabilitation and the cost; then, we can grant them 180 days and hopefully, they can start in Jun 2013
- the owners have a 1-year buy back or we can shorten the redemption period

Ms. Moermond:

- *thinks we need to have a meeting to get a common understanding about what's going to happen*
- *need to have Amy Spong, Steve Magner, Theresa Scarda, Pete McCall, Paul Scharf, Kris Kujala, and Ms. Moermond at the table*
- *Mai Vang will set up the meeting in 2-3 weeks*
- *will lay this over to Jan 8, 2013 LH*

Laid Over to the Legislative Hearings due back on 1/8/2013

2 [RLH RR
12-68](#)

Ordering the rehabilitation or razing and removal of the structures at 601 WESTERN AVENUE NORTH within fifteen (15) days after the September 5, 2012 City Council Public Hearing. (Public hearing held September 5; laid over from September 19. To be referred back to Legislative Hearing on November 13 and 27, and City Council public hearing on December 5, 2012)

Sponsors: Carter III

Conditions to be met and approved by November 27 LH.

RE: 601 Western Ave N (apartments)

No one appeared.

Ms. Moermond:

- *the letter regarding the expectations was pretty clear*

Steve Magner:

- *read letter dated Oct 18, 2012 from Mai Vang to Ameena Samater and Alex Jerome, owners, indicating that the City Council had referred this back to LH on Nov 13 and Nov 27, 2012 with the next City Council Public Hearing Dec 5, 2012 at 5:30 p.m.*

Ms. Moermond:

- *offered both dates thinking they would come with work plans today and the plans would be refined*
- *if they fail to come in with all of there plans together on Nov 27, 2012, her recommendation will be for the property's removal with no option*
- *so, this is laid over to Nov 27, 2012*
- *Ms. Vang will send them a letter to that effect*

Laid Over to the Legislative Hearings due back on 11/27/2012

3 [RLH RR
12-77](#)

Ordering the rehabilitation or razing and removal of the structures at 1009 WHITE BEAR AVENUE NORTH within fifteen (15) days after the November 21, 2012, City Council Public Hearing.

Sponsors: Bostrom

Remove within 15 days with no option for repair. (No show and no plans)

RE: 1009 White Bear Ave S (single family)

No one appeared.

Steve Magner, Vacant Buildings:

- layover

- read letter dated Oct 25, 2012 to Jake Fredric and Trinidad Garcia, RV Holdings Five LLC, to confirm that the Legislative Hearing Officer, Marcia Moermond, on Oct 23, 2012 in the above referenced matter recommended that the following conditions be met by Mon, Nov 12, 2012 if the owner intends to rehabilitate the building:

1. all state and real estate taxes must be paid to Ramsey County
2. \$5,000 Performance Bond must be posted
3. the Vacant Building fees in the amount of \$1,100 must be paid
4. a work plan including timelines needs to be done in accordance with the code compliance report
5. provide financial letter dedicating at least \$50,000 for rehabilitation or financial document, as such
6. property must be maintained

Ms. Moermond:

- according to Ms. Mai Vang, nothing has been received as of Nov 9, 2012

Ms. Vang:

- had a phone call from Ted Reed, RV Holdings, who said that they are working at getting the rehab going but they need more time

Mr. Magner:

- RV Holdings did send a representative at the last hearing, at which time, they were told what was needed; all that was repeated in the letter that was sent to them; they were given a time frame

- he fails to see why the city would continue to play this game; RV Holdings has not followed any requirements of the city

- they continue to buy properties and sell them without sale approvals; and have had people occupy illegally (in this case)

Ms. Moermond:

- they have a bad track record and haven't come through on the deadlines that the city has provided

- Ms. Vang can communicate to RV Holdings that their next port of call is the City Council, who may wish to refer it back into LH

- City Council Public Hearing Nov 20, 2012

- her recommendation will be to remove within 15 days because they haven't come through with the conditions

Referred to the City Council due back on 11/20/2012

4 [RLH RR
12-84](#)

Ordering the rehabilitation or razing and removal of the structures at 653 HYACINTH AVENUE EAST within fifteen (15) days after the December 5, 2012, City Council Public Hearing.

Sponsors: Bostrom

Remove within 15 days with no option for repair.

RE: 653 Hyacinth Ave E (single family)

No one appeared.

Steve Magner, Vacant Buildings:

- 1 1/2 story wood frame single-family dwelling with a detached 1-stall garage on a lot

- of 3,485 sq. ft.
- vacant since May 25, 2011
 - current property owner is Robert V. Kemptner and Gladys M. Kemptner per Ramsey County records
 - Aug 22, 2012 inspection of building conducted; list of deficiencies which constitute a nuisance condition developed; photos take
 - Order to Abate Nuisance Building posted Sep 5, 2012 with a compliance date of Oct 5, 2012
 - as of this date, property remains in a condition which comprises a nuisance as defined by the legislative code
 - estimated market value: \$10,000 on the land; \$20,000 on the building
 - real estate taxes for 2010, 2011, and 2012 are delinquent in the amount of \$7,878.02 (subject to tax forfeiture in 2016)
 - Vacant Building registration fees were paid by assessment Jun 29, 2012
 - as of Nov 9, 2012, a Code Compliance Inspection has not been done
 - as of Nov 9, 2012, the \$5,000 Performance Deposit has not been posted
 - 11 Summary Abatement Notices since 2011
 - 8 Work Orders issued for: garbage/rubbish; boarding/securing; grass/weeds
 - estimated cost to repair this structure exceeds \$50,000
 - estimated cost to demolish exceeds \$10,000
 - the Department of Safety and Inspections recommends removal within 15 days

Amy Spong, Heritage Preservation Commission (HPC):

- 2 story; built 1890; contractor was C. N. Clark
- has some Queen Anne massing; steep roof - can't see a lot of the detailing
- synthetic siding covering the historic siding
- some windows have been changed out (a lot of shrubbery so it's hard to see)
- there's 2-story projecting bay on the side- camouflaged by overgrowth
- was not identified in the 1983 survey
- close to Johnson High School
- setbacks are all different here; not an established rhythm
- fairly contiguous with some vacant lots
- this is in a grouping of 4 but there's an alley that goes right down the middle of one of them
- demo would not have an adverse effect
- did not see any interior photos

Ms. Moermond:

- there are some photos but you can't see much because of the debris and sanitation issues

Mr. Magner:

- it was Condemned for gross unsanitary condition
- there have complaints about break-in on a regular basis

Ms. Moermond:

- MN Dept of Human Services also has a lien on it
- the Kemptner's are a Serenity Senior Care, where Robert Kemptner signed for the Notice on this
- will recommend removing this structure within 15 days with no option for repair

5 [RLH RR
12-85](#)

Ordering the rehabilitation or razing and removal of the structures at 1278 POINT DOUGLAS ROAD S within fifteen (15) days after the December 5, 2012, City Council Public Hearing.

Sponsors: Lantry

RE: 1278 Point Douglas Road S (single family)

Stephanie Nelson, appeared on behalf of Bank of New York Mellon and their servicer SLS (Specialized Loan Services).

Ms. Nelson:

- this is on Hold
- they have not filed a Notice of _____
- it was closed in Jan 2012 for a short sale review
- owners ordered a Code Compliance inspection Oct 8, 2012
- owners are walking away from the property

Ms. Moermond:

- if the bank chooses to pursue this, there would be the Notice, the Sheriff's sale, the Shortened redemption period,
- probably 90 days

Steve Magner, Vacant Buildings:

- 1-story, split-level wood frame with brick single-family dwelling with attached garage on a lot of 14,375 sq. ft.
- it's been vacant since May 20, 2009
- current property owner is listed as Linda Paoshoua Lor and Vachain Nhiaber Lor per Ramsey County records
- Aug 2, 2012 inspection conducted; list of deficiencies which constitute a nuisance condition developed; photos taken
- Order to Abate Nuisance building posted Aug 22, 2012; compliance date Sep 21, 2012
- as of this date, property remains in a condition which comprises a nuisance as defined by the legislative code
- estimated market value: \$46,900 on the land; \$118,200 on the building
- real estate taxes are current
- VB fee paid by assessment May 31, 2012
- Code Compliance Inspection done Oct 8, 2012
- as of Nov 9, 2012, the \$5,000 Performance Deposit has not been posted
- 12 Summary Abatement Notices since 2009
- 15 Work Orders issued for: garbage/rubbish; grass/weeds; exterior-trees
- estimated cost to repairs exceeds \$50,000, depending upon the cost of mold remediation
- estimated cost to demolish exceeds \$12,000
- the Department of Safety and Inspections (DSI) recommends removing the building within 15 days
- building trades have been inside this building but Vacant Building staff was not originally allowed inside the building (the owners wouldn't meet them)
- next the owners told them that they wanted to sell the house on a short sale; and at that time, the potential buyers chose to back out; then the seller called them and wanted them to refund the code compliance inspection cost but they had already done part of it, so they continued to follow through with that inspection
- he chose not to send any more staff through the building because of the mold in it; it needs to be abated before they can move any further
- the mold is quite extensive in the basement; and as long as that's unabated, it becomes more dangerous - all the sheet rock and insulation needs to be removed from the lower level

Amy Spong, Heritage Preservation Commission (HPC):

- built 1980 in the Battle Creek-Highwood area
- corner style plan with a partially raised roof
- wasn't surveyed because it was built just prior to the 1980 survey
- the area is an industrial area with residential
- demolition would not have an adverse effect
- there is no potential for local designation
- Aug 30, 2012 received a noted from the state preservation office that there is no eligibility here for national register - nothing's been surveyed in this area

Ms. Nelson:

- her client has been proactive on this
- Tim Weiland, property preservation manager with SLS, got a hold of the code compliance inspection report and did a contractor cost estimate; he also over-nighted the \$5,000 performance bond
- she will go back and report what happened today
- she doesn't know if they are aware of the mold problem
- they were wondering whether the cosmetic problems would need to be done

Ms. Moermond:

- assured Ms. Nelson that everything on the code compliance inspection report needs to be done
- suggested Ms. Nelson go back and talk with her people to find out what they are willing to do on this one
- she would need to see some proactive steps taken in order to get possession of the property before she could make a recommendation for a grant of time

Mr. Magner:

- some things are missing on the bid
- they need a bid that's broken down: the general contractor can cover the building sections but there should be separate bid numbers for plumbing, electrical and heating (the electrical is not mentioned at all); need some broken down estimates
- also, believes that the bids are underestimated (probably need another \$10,000)

Ms. Moermond:

- will lay this over for 2 weeks

Laid Over to the Legislative Hearings due back on 11/27/2012

11:00 a.m. Hearings

Summary Abatement Orders

- 6 [RLH SAO 12-36](#) Appeal of Steven K. Peck to a Vehicle Abatement Order at 363 HAWTHORNE AVENUE EAST.

Sponsors: Brendmoen

Grant an extension to November 27, 2012 for the camper to be removed; laid over the fire truck issue to November 27, 2012.

RE: 363 Hawthorne Ave E (single family)

Steven K. Peck, owner, appeared.

Ms. Moermond:

- read the following:

Per Paula Seeley, the owner of 363 Hawthorne Ave E has the camper with current tabs now and collector plates on the fire truck which is considered a commercial vehicle and is not supposed to be parked in a R 1 zoning district. The red Ford still is lacking currant tabs. The fire truck is parked on an approved surface but the car and camper are not. If the property owner wants to get rid of the Ford soon and file a site plan for approved parking, I would have no problem waiting until Spring to put down an approved surface. This is a pretty cut and dried appeal so she is leaving it up to LHO recommendation. I will not be there today and you can let me know. Photos in Stamp and Amanda.

Mr. Peck:

*- has talked with Inspector Seeley only once
- he donated the red car to Public Radio; they will be picking it up today after 4 p.m.
- he has the camper listed on Craig's List and has dropped the price twice so far; he doesn't know what to expect from the list; has had 2 nibbles
- if he can't sell the camper, maybe he'll donate it
- the last time he took a car to the junk yard, they really didn't even want it
- the 1954 fire truck has collector's plates on it; he would like to keep it; it's parked mostly on blacktop (crumbling blacktop)
- he would like to put gravel between the driveway and the garage (Ms. Moermond: if he is going to add a parking spot, he will need to develop a site plan and talk to zoning in the Department of Safety and Inspections)
- the camper is parked on grass; the pavers sank*

Ms. Moermond:

- is struggling with the fire truck; too tall to fit into a regular garage (12'6" tall)

Mr. Peck:

- he is still in the process of rehabbing the fire truck

Ms. Moermond:

*- will lay this over for 2 weeks; if the camper is not gone in 2 weeks, she will recommend the city remove the camper within the 3rd week and charge the cost to the property taxes
- not sure what to do with a collector item; he's working on it; it's parked mostly on a legal surface (should be parked all on a legal surface)
- it's fine to work on a vehicle in the yard on a temporary basis but not on a permanent basis
- she will not pull the trigger on the fire truck yet; she needs to find out more about it; try to get the truck more onto the blacktop
- will talk more about the fire truck in 2 weeks by email*

Laid Over to the Legislative Hearings due back on 11/27/2012

Orders To Vacate, Condemnations and Revocations

7 **RLH VO** Appeal of Ronald S. Smith to a Revocation of Fire Certificate of Occupancy
12-118 and Order to Vacate at 1947 ROBLYN AVENUE.

Sponsors: Stark

Deny the appeal and grant until December 10, 2012 for compliance and if not in compliance, the property must be vacated.

1947 Roblyn Ave / 350 Prior Ave N (apartments)

Ronald S. Smith, owner, appeared.

Fire Inspector Leanna Shaff:

- Condemnation on top of a Revocation/Order to Vacate
- look at photos in file
- Fire Certificate of Occupancy inspection process started Apr 8, 2010
- the deficiency was first noted Jun 30, 2010 for deferred maintenance and noncompliance
- subsequent inspections: Jul 20, 2012, end of Jul 2012 and Sep 2012 - the items weren't done and it was past due for another Fire C of O inspection
- all noncompliant items were rolled into the new Fire C of O inspection and still no compliance
- a vacate date was set for Oct 31, 2012: on that day, Inspector Urmann went out and found that the building had not been vacated and he did not invoke an immediate vacate
- she and Inspector Neis discussed it and gave Mr. Smith 1 day to file his appeal
- photos indicate lots of rotted wood
- Mr. Smith noted that it was a matter of finances (but it's been a matter of 2 1/2 years)
- Dec 14, 2011 - the exterior items were first cited and the C of O was issued with deficiencies (inspection dates in that cycle were: Jun 3, 2010, Aug 4, 2011 and Dec 14, 2011); there were some referrals in the interim
- Inspector Urmann has given Mr. Smith every opportunity to comply and then some

Fire Inspector A. J. Neis:

- he instructed Mr. Smith to file the appeal after consulting with Ms. Shaff
- at the time, he had not been assigned to this district when the Order to Vacate was determined

Mr. Smith:

- he is asking that the property not be forced to vacate because he simply cannot afford to finish the deficiency list and if they left, he would not be able to keep the property; he is underwater on his property because he took the equity out of it to buy another property
- besides that, 60 days is not enough time to finish the list
- he explained that there has been a lot going on in his life lately: 1) in 2010, he had a blood clot in his lung, which held him back for a while; 2) in 2011, he had to put his mother into a home, which took a lot of his finances; 3) this year, his mother nearly died twice, so he has been arranging for the funeral, which also took a lot of his money; and 4) he just put his dad into a home - moved him to Wisconsin from Florida; too many things on his plate
- there are actually 3 street address for this 4-plex (all units are filled)
- estimates that it will cost approximately \$10,000 to finish this project, money which he barely has
- he has about half the current deficiency list done now

Ms. Moermond:

- it troubles her that it looks Mr. Smith had strong words with the inspector

Mr. Smith:

- some of it has to do with a misunderstanding of the latest Orders compared with what was originally Ordered back on Oct 1, 2012, when he asked the inspector, specifically, what he wanted him to do (there had been trouble in the past when he told me one thing but when he came back, it's something else that he had wanted

him to do); he wanted to make sure that everything was documented so that he could get all the things done that Inspector Urmann wanted done

- the inspector had noted some mortar was missing and one brick was chipped on the chimney and he wanted Mr. Smith to hire a masonry contractor to fix a chipped brick; Mr. Smith didn't think it was necessary to spend thousands of dollars because a corner of a brick is missing

- also, the inspector bent over to see a hair line crack in one of the walls and Mr. Smith just couldn't take it anymore and told him to leave the property (too much stress - overload)

- Inspector Urmann did not see all the items Mr. Smith had completed before he was asked to leave the property

Mr. Neis:

- he had explained to Mr. Smith that when a chimney is deteriorated with missing mortar joints, water can get down unto the stack causing it to rot out; if it's a gas appliance, there are CO concerns, etc. which is why Inspector Urmann required a licensed contractor to take a look at that

Ms. Shaff:

- she also has had discussions with Mr. Smith regarding this property

- doesn't have any reason to believe that Mr. Smith will complete the Orders

Mr. Smith:

- had Inspector Urmann explained the chimney situation to him as Mr. Neis had, he may have had a better understanding of the Orders

- he realizes that he should not have told Mr. Urmann to leave the property; he tried to apologize to Mr. Urmann shortly after he had asked him to leave because he knew that it wasn't the right thing to do

Ms. Moermond:

- sees 1 building permit for exterior stairs; another permit for a roof (need to be inspected and signed off or it's not complete)

Mr. Smith:

- he replaced the roof on the carriage house only

- he replaced siding only on the east side of the carriage house and west side of the main house

- he fixed the stairway on the west side (350 Prior); not for the whole house

Ms. Moermond:

- will recommend granting an extension to Dec 10, 2012 to complete the work under permit; if not completed at that time, the property must be vacated

- City Council Public Hearing Dec 5, 2012 at 5:30 p.m.

Mr. Neis:

- after speaking with Mr. Smith, Mr. Neis said that he'd honor Mr. Smiths' request and assign another inspector to his property

Referred to the City Council due back on 12/5/2012

Other

8 RLH OA
12-80

Appeal of Mohammed Shahidullah to a Code Compliance Report at 1132
CENTRAL AVENUE.

Sponsors: Carter III

Deny the appeal.

RE: 1132 Central Ave (unverified usage)

Mohammed Shahidullah, Power of Attorney for his brother, Abdul Matin, owner, appeared.

D. S. Winkman, electrician, appeared.

Stan Hanson, prospective buyer, appeared.

Ms. Moermond:

- *this is different from most cases where she looks at compliance inspections*
- *here, the City Council ordered this building removed on Sep 5, 2012; so, there's a demolition order hanging on this building now*
- *if the Appellant has done everything that was required of him, he is entitled to pull permits, which does not negate the fact that there's a demo order on the building*
- *in her opinion, this is a case of sending good money after bad*
- *nothing has been changed at the city level*
- *this is a Category 3 Vacant Building (dangerous / nuisance structure)*
- *it has been here at LH several times and also at CC, at which point, things had been required of the Appellant in order to received a grant of time to fix the building (a work plan/sworn construction statement with timelines; evidence that the money is there to pay for the rehab; \$5,000 Performance Bond, etc.)*
- *Ms. Moermond did not have the option to recommend granting time so she had to order the building removed*

Mr. Shahidullah:

- *entered a document to show that the electrician, Mr. Winkman, did the work*
- *he called the trades inspector to come but no one would come*
- *the electrician spent \$2,000 to do the work*
- *the Orsat Test was done for which he paid but the inspectors didn't show up*
- *he went to apply for the code compliance inspection and the city wouldn't accept his money*
- *the reason: he was not the owner of record and Mr. Shahidullah didn't have Power of Attorney*
- *no one told him last year that he needed to get Power of Attorney; this time, you did*
- *his brother, is in Bangladesh, where the roads are very bad, and the family had to get to the city - it took a month to get the Power of Attorney*
- *his workers were very nice to him and said he could pay them later; if the building is demolished, they won't get their money*
- *Mr. Hanson is going to buy the building for \$170,000 on contract for deed, fix it up and then sell it for approximately \$225,000; he has secured the building and locked the shed and cleaned the yard; he's a licensed contractor, who will do the work himself*
- *he is asking that his be changed so that he can be totally out of building, Mr. Winkman will get his \$2,000 and Mr. Hanson will be able to buy the building and have something to do*
- *Mr. Seeger came out and said that there's not much to do; don't know how they came up with \$100,000 to fix it*

Ms. Moermond:

- *she can't undo the decision that the City Council already made; they ordered the building down*
- *thinks the next stop for Mr. Shahidullah is Appeals Court*
- *on May 1, 2012, the Appellant was told that this work needed to be done*
- *took some time to read through Mr. Shahidullah's paperwork*

Mr. Shahidullah:

- now, I have the Power of Attorney; it came from Bangladesh, which took a long time
- his family doesn't believe that this is happening because this is America
- he asked Ms. Moermond to do the best that she could do for him (had the city taken his money to get the code compliance inspection and get permits last year, all this would be done, now); where's the justice
- the electrician was done in 30 days last year so, he called the inspector but the inspector didn't come
- then, all of a sudden, the city took his money and Mr. Seeger came out
- Mr. Seeger says there's not much to do to this building
- it won't take \$100,000
- he wants to be out of this

Ms. Moermond:

- you can't sell a Category 3 Registered Vacant Building; it can be sold once the nuisance condition is abated so, it has to be fixed or demolished
- the City Council issued an order to demolish; this is beyond her ability to change
- Appellant needs to go to Appeals Court to get it changed

Mr. Shahidullah:

- the City Council can change it; if they see that there's something they didn't know, they will change it; I'll go talk to my Council person, if I'm allowed to
- the electrician and Mr. Hanson have already showed good faith
- he pleaded with Ms. Moermond

Ms. Moermond:

- needs to see work plan of how things have been / will be managed (time, money, supplies, etc.)
- needs to see evidence that the money is there to execute that work plan
- the real estate taxes need to have been paid

Mr. Shahidullah:

- I paid the \$5,000 Performance Deposit; have the receipt (Ms. Moermond doesn't see it in the system, so she doesn't trust it)
- I already gave my bank statement
- city finally took my money for the code compliance inspection report
- I should have done things differently but I don't want these guys to suffer; please, see what you can do

Mr. Winkman:

- agreed that this should have been done sooner; he didn't have all the information about Power of Attorney, etc.
- asked Ms. Moermond if there was something she could say or do to give the Appellant a little more time to prevent this building from being demoed
- he has been in a lot of buildings since he has been in business since 1989 and his building is not very bad; it should not be demoed

Ms. Moermond:

- Councilmember Carter may be willing to sponsor a resolution to get the ball rolling on preventing the demo but right now, she doesn't know whether or not he'd be willing to do that
- she would be willing to look at new things but this building has been missing some key components for quite a long time
- Councilmember Carter may be willing to give this another shot; if so, fantastic! She will work on it
- advised them to discuss this with Councilmember Carter

- she can't intercede without Councilmember Carter
- the 15 days from Sep 5, 2012 for demo has come and gone
- an Order to Proceed with the Demolition went out Oct 9, 2012
- the sewer and water seem to be disconnected at the property line

Referred to the City Council due back on 12/5/2012

1:30 p.m. Hearings

Window Variances: Hearing Required

- 9 **RLH FCO** Appeal of Vatou Her to a Fire Certificate of Occupancy Correction Notice at
12-618 991 BEECH STREET.

Sponsors: Lantry

Deny the appeal and grant until January 1, 2013 to bring the bedroom window into compliance or it cannot be used as a sleeping room; deny the appeal on Item 8 (occupants of upper bedroom must be reduced to two people).

RE: 991 Beech St (duplex)

Vatou Her, owner, appeared.

Fire Inspector Leanna Shaff:

- *Fire Certificate of Occupancy inspection conducted Oct 8, 2012 by Inspector James Thomas*
- *12 code violations*
- *photos in system*
- *appealing bedroom windows opening onto an enclosed porch situation*
- *propane was located in front porch; also lots of storage in front porch*
- *in upper unit, south bedroom - 4 people occupy the room; it should have only 2 people (based on square footage)*

Mr. Her:

- *#5 - bedroom window open to enclosed porch: he spoke with the inspector already saying that was the way the house was built*
- *has instructed tenant not to use the porch for storage or propane, which has already been removed*
- *the house went through code compliance inspection when he bought it and it was OK at that time*

Ms. Moermond:

- *that bedroom can't be used for sleeping or a window can be inserted leading directly outside*
- *that room was built to be a living or dining room and at some point, it was converted into a bedroom but you can't have a bedroom egress window open onto an enclosed porch; when the room was converted to a bedroom, it wasn't approved for it to be used as a bedroom*
- *is sure that the inspectors, at the time of the code compliance inspection, did not anticipate that the room was going to be used for sleeping because it's a traditional space for a living room and because it didn't have a proper window going directly to the outside*
- *will recommend denial of the appeal on the bedroom window opening onto a porch and grant an extension to Jan 1, 2013 to come into compliance*

- will recommend denial of the appeal on using the upper bedroom for 4 people; only 2 are allowed
- deadline on other items remains as is

Referred to the City Council due back on 12/5/2012

Fire Certificates of Occupancy (Laid Over)

10

[RLH VO
12-115](#)

Appeal of Alan Peterson, Provest Partnership, to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 951-953 DESOTO STREET.

Sponsors: Brendmoen

Laid over to November 20, 2012 at 11:30 p.m., if necessary.

951-953 DeSoto St (apartments)

*Alan Peterson, Provest General Partnership, owner, appeared.
Tova Flygare, Southern Minnesota Regional Legal Services (SMRLS) on behalf of
Brandy Patterson, Unit #5 and Mildred Radcliffe, Unit #2, appeared.*

Mr. Peterson:

- smoke detectors are all up and functioning
- have all the keys, now, for each unit
- furnace was done on Friday; they replaced 1 wire
- heat registers are ordered; some will be in today
- got a boom truck in to finish the last on the exterior boards (done either today or tomorrow), including the deck
- electrical will be fixed apartment by apartment; electrician will be done by the end of the week (Wausaw Electric); permits required

Ms. Flygare:

- Al Harris checked on the smoke detectors; they were installed and are all working; Inspector Beumer was also there
- keys were handed over
- has photos that Mr. Harris took last week - they show a multitude of repairs that still need to be made
- still has 2 major concerns: 1) Unit 2 still has no working heating register; the register is about to come off the wall ;and 2) Unit 5 still has several outlets that are not functioning
- they have not bee back at the property
- Inspector Westenhofer has been out ill and will be unavailable for some time
- asked the court to have a compliance hearing when Mr. Westenhofer is available
- a cabinet has been repaired in Unit 5
- the keys were given at 10 a.m. to the maintenance staff on the day the smoke detectors were installed

Fire Inspector Leanna Shaff:

- Inspector Westenhofer is out this week and all of next week on a family matter
- regarding wall outlet #37 - no electrical permit is open at this time
- inspector's notes: no access to Unit 2; manager did not have key although Unit 5's tenant stated that Unit 2's tenant had given the keys to one of the management employees; was unable to reach the employer to locate the keys to access Unit 2

Mr. Peterson:

- the electrician just walked through the apartments today to get an idea of what was needed and she will get started tomorrow
- the heat is working; the register has been ordered for Unit 2;
- should be only a couple of days to get the new registers installed and the electric finished
- Unit 5's registers all came in today; will be done tomorrow
- Units 3 and 6 are currently vacated but they are all done

Ms. Radcliffe, Unit 2:

- she is currently staying at her mom's because it's been cold

Ms. Moermond:

- the electrician needs to pull a permit and call for an inspection
- if these things are addressed, it may preclude the need for a compliance hearing (perhaps, Mon, Nov 26, 2012)
- an inspection can occur any time through Wed, Nov 21, 2012
- will lay this over to Tue morning, Nov 20 LH; if the inspection is done by then, the book is closed (Appellants don't need to attend unless the work isn't done, in which case, we need to talk about it some more)
- if the work / inspection is not done by Nov 20, the vacate date will be Dec 7, 2012; (will get checked out Dec 10, 2012)

Laid Over to the Legislative Hearings due back on 11/20/2012

11 [RLH VO
12-116](#)

Appeal of Lisa Hollingsworth, Southern Minnesota Regional Legal Services (SMRLS), on behalf of Brandy Patterson, to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 951 DESOTO STREET.

Sponsors: Brendmoen

Laid over to November 20, 2012 at 11:30 a.m., if necessary.

951-953 DeSoto St (apartments)

Alan Peterson, Provest General Partnership, owner, appeared.

Tova Flygare, Southern Minnesota Regional Legal Services (SMRLS) on behalf of Brandy Patterson, Unit #5 and Mildred Radcliffe, Unit #2, appeared.

Mr. Peterson:

- smoke detectors are all up and functioning
- have all the keys, now, for each unit
- furnace was done on Friday; they replaced 1 wire
- heat registers are ordered; some will be in today
- got a boom truck in to finish the last on the exterior boards (done either today or tomorrow), including the deck
- electrical will be fixed apartment by apartment; electrician will be done by the end of the week (Wausaw Electric); permits required

Ms. Flygare:

- Al Harris checked on the smoke detectors; they were installed and are all working; Inspector Beumer was also there
- keys were handed over
- has photos that Mr. Harris took last week - they show a multitude of repairs that still need to be made
- still has 2 major concerns: 1) Unit 2 still has no working heating register; the register is about to come off the wall ;and 2) Unit 5 still has several outlets that are not functioning

- they have not bee back at the property
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Fire Inspector Leanna Shaff:

- Inspector Westenhofer is out this week and all of next week on a family matter
- regarding wall outlet #37 - no electrical permit is open at this time
- inspector's notes: no access to Unit 2; manager did not have key although Unit 5's tenant stated that Unit 2's tenant had given the keys to one of the management employees; was unable to reach the employer to locate the keys to access Unit 2

Mr. Peterson:

- the electrician just walked through the apartments today to get an idea of what was needed and she will gets started tomorrow
- the heat is working; the register has been ordered for Unit 2;
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Ms. Radcliffe, Unit 2:

- she is currently staying at her mom's because it's been cold

Ms. Moermond:

- the electrician needs to pull a permit and call for an inspection
- if these things are addressed, it may preclude the need for a compliance hearing (perhaps, Mon, Nov 26, 2012)
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- if the work / inspection is not done by Nov 20, the vacate date will be Dec 7, 2012; (will get checked out Dec 10, 2012)

Laid Over to the Legislative Hearings due back on 11/20/2012

12 [RLH FCO
12-585](#)

Appeal of Floyd W. Anderson to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 804 HUBBARD AVENUE.

Sponsors: Carter III

Forthcoming. LHO to contact Wendy Lane at Zoning.

Laid Over to the Legislative Hearings due back on 11/27/2012

13 **RLH FCO
12-590**

Appeal of Richard Franco to a Fire Inspection Correction Notice at 1417 MARION STREET.

Sponsors: Brendmoen

Grant until November 27, 2012 to get front porch signed off; grant until June 1, 2012 to bring the rest of the windows and siding to come into compliance provided that the windows upstairs are completed.

RE: 1417 Marion St (duplex)

Richard Franco, owner, and daughter, Kelly Franco appeared.

Fire Inspector Leanna Shaff:

- at LH Oct 16*
- original Fire Certificate of Occupancy inspection conducted by Inspector Lisa Martin*
- there were issues with some windows, some siding; and the owner was supposed to get a plan to Ms. Moermond within 1 month*
- Mr. Franco was advised to check with Ramsey County about their lead based paint program*

Ms. Franco:

- they do not qualify for the county program because there is not a child under age 6 living there*
- she also looked up other grants and found that you need to meet certain income requirement for which they don't qualify*
- their issue is finding the right program; she won't fill out an application unless they can qualify for it*
- each loan application that you fill out affects your credit rating*
- a few programs may have forgivable loans if you live there for 10 years; still have to qualify with income levels*
- she did find a company, Weatherside Fiber Cement, that sells replacement for slate siding at \$150/bundle; however, they can't fix with slate in cold weather; it breaks very easily; they can start purchasing the pieces they need to ready themselves to do the repair in spring and get it painted*

Mr. Franco:

- the bottom line is that he cannot afford to take out another loan; his credit cards are maxed trying to fix this house*
- he has a mortgage on this house and on the one he lives in; he has student loans that he's paying; he's maxed out*
- the windows are on special order; they all need to be custom ordered; he is trying to replace them slowly*
- some windows will be sanded down and painted; rotted wood will be replaced*
- he is trying to do this the cheapest way he can*
- the deck has been torn down and new one was built; it's 95% complete - trim just needs to be put up*
- Virgil said the footings are good; need to call him back out for the final; the posts are up*

Ms. Franco:

- mixed up communication from the inspectors: - Ms. Martin told them to put a safety gate on a lower window in the upper kitchen so that no one can fall through; so, they bought it and put it in; when Virgil came out to inspect it, he shook his head and told him to put in 1/4-inch plexi-glass and put trim on it; so, he's ready to go on that (back and forth for the last month on what they are supposed to do; they are spending money they don't have)*
- a door opens there*

Ms. Shaff:

- she is not sure that a gate is a bad idea or not compliant with Lala's Law nor is she sure that plexi-glass would be*
- both will be good there*
- it's a building code issue and Virgil Thomas is a building inspector*

Ms. Moermond:

- is pulling up the photos
- the wood on the sashes looks in pretty bad shape

Mr. Franco:

- the wood isn't bad; the scraping and painting is not done yet

Ms. Moermond:

- will grant 2 weeks to get the front porch signed off
- if the windows upstairs are complete, she will grant an extension to Jun 1, 2013 for the windows and siding

Referred to the City Council due back on 12/5/2012

14

[RLH FCO
12-597](#)

Appeal of Margaret Uriah, Mendota Properties LLC, to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 602 MENDOTA STREET.

Sponsors: Lantry

RE: 602 Mendota St (multi-family)

Margaret Uriah, Mendota Properties, LLC, C of O Responsible Party, appeared.

Ms. Moermond:

- got an email from Sarah Zorn, Zoning, regarding this issue about parking spaces and zoning
- Zoning Committee of the Planning Commission hasn't yet met on this issue

Ms. Uriah:

- for the winter, the 2 vehicles at the property will park on the street, not in the back

Ms. Moermond:

- no matter what the Zoning Committee decides, the work isn't going to be done this year any more
- will lay this over to Tue, Apr 2, 2013

Laid Over to the Legislative Hearings due back on 4/2/2013

Fire Certificates of Occupancy

15

[RLH FCO
12-622](#)

Appeal of Catherine Plessner to a Fire Certificate of Occupancy Correction Notice at 2003 ASHLAND AVENUE.

Sponsors: Stark

Deny the appeal and grant until May 15, 2013 for repairing the roof and fascia.

RE: 2003 Ashland Ave (apartments)

Catherine Plessner, owner, appeared.

Ms. Moermond:

- Appellant is asking for an extension to May 15, 2013 to repair the garage
- normally, in these circumstances, is looking for the repair of the wood and holes in the wood that aren't weather dependent

- from photo, seeing that the fascia board looks pretty rough
- lots of layer of shingles
- garage is really in bad shape

Ms. Plessner:

- tenants don't use the garage
- her husband has a car stored in it
- perhaps, a new garage is in order

Ms. Moermond:

- the roof needs repair; the fascia needs replacement
- photos shows warping
- the old roofing really needs to come off

Fire Inspector Leanna Shaff:

- looks as though someone put new shingles over some really bad one
- the code is going to require that the shingles be all taken off and that new decking be put on
- suggests that she have this bid out both ways: 1) repair the roof/fascia; and 2) replace the garage

Ms. Moermond:

- this will mean a new roof
- will deny the appeal and grant to May 15, 2013 for compliance (new roof and general maintenance of the rest)

Referred to the City Council due back on 12/5/2012

**16 RLH FCO
12-621**

Appeal of David Harrington, Four Corner Properties of MN, to a Fire Certificate of Occupancy Correction Notice at 268 DUKE STREET.

Sponsors: Thune

Grant the appeal.

RE: 268 Duke St (single family)

David Harrington, Four Corners Properties on MN, owner, appeared.

Fire Inspector Leanna Shaff:

- Fire Certificate of Occupancy Inspection conducted Oct 8, 2012 by Inspector Mike Cassidy
- one thing Inspector Cassidy is asking: that the caps be replaced on the retaining wall
- photos in the system
- grade A building

Ms. Moermond:

- will recommend that the appeal be granted
- this will probably be called out in the future

Referred to the Legislative Hearings due back on 12/5/2012

**17 [RLH FCO](#)
[12-619](#)**

Appeal of Anton Nguyen to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 458 THOMAS AVENUE.

Sponsors: Carter III

Mr. Les Lucht showed up on Wednesday, November 14, 2012, thinking the hearing was that day. I rescheduled him to November 27.

Laid Over to the Legislative Hearings due back on 11/27/2012

**18 RLH FCO
12-623**

Appeal of Anthony R. Strouth to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 771 THOMAS AVENUE.

Sponsors: Carter III

Deny the appeal on the basement bedroom; it cannot be used for sleeping purposes; it can be used as a work room only.

RE: 771 Thomas Ave (single family)

Anthony Strouth, owner, appeared.

Fire Inspector Leanna Shaff:

- re-inspection of Fire Certificate of Occupancy inspection conducted by Fire Inspector Bill Beumer Sep 6, 2012*
- couple issues*
- photos in the system*
- door opening in the basement bedroom is only 68 inches high (code requires them to be no less than 78 inches high)*
- ceiling height in basement measures different heights, from 6 feet to 6 feet, 8 inches (code requires ceiling height to be a minimum of 7 feet over at least half the floor area)*
- the original complaint was for overcrowding - using the basement and attic for sleeping spaces*
- house built in 1914 and basements were never meant to be habitable spaces at that time*

Mr. Strouth:

- property has been renovated a lot since the original complaint*
- the attic is no longer finished; they put in attic insulation*
- the re-worked the entire floor plan of the main level*
- talked to Mr. Beumer last week; he said the basement room cannot be used for habitable space*
- there's an egress window in that basement room; so, he finds it hard to buy that it can't be used for anything*
- foundation is only 700 sq. ft but over the years, the porches have been converted to interior space*
- when the renovated the house, they insulated everything including the porches*
- is asking that the basement room be allowed to be habitable space only, not sleeping space*
- the door referred to in the basement has a vent right above it and the room is entirely finished; if the vent were removed, the doorway would be nearly 7 feet*

Ms. Shaff:

- is not seeing any permits in the file pulled for finishing the basement (Mr. Strouth: the basement was finished as is with the egress window when he purchased the property)*

Ms. Moermond:

- that basement room doorway is way too short*
- the rest of the ceiling is substantially lower than 7 feet, which is critical in a basement because of how smoke and heat work in a fire, especially in the basement*

Mr. Strouth:

- suggested that he can take out the doorway and door
- asked, if then, it could be used as a sewing room or a place where kids can play

Ms. Moermond:

- will recommend denial of the appeal; basement room can be used as a work room only

Referred to the City Council due back on 12/5/2012

2:30 p.m. Hearings

Vacant Building Registrations

- 19 RLH VBR 12-88** Appeal of Sandra Graves Priesnitz to a Vacant Building Registration Notice at 1550 CANFIELD AVENUE.

Sponsors: Stark

Grant the appeal.

RE: 1550 Canfield Ave (single family)

Sandra Graves Priesnitz, owner, appeared.

Matt Dornfeld, Vacant Buildings:

- Fire Inspector Lisa Martin Revoked Fire Certificate of Occupancy Oct 19, 2012
- she documented 7 code violations
- Inspector Kalas opened a Category 2 Vacant Building Oct 23, 2012
- notes: house vacant and secure at the time; permits are open; rehab is on-going

Ms. Graves Priesnitz:

- they don't have official permits because they did not have to do anything that required a permit

Fire Inspector Leanna Shaff:

- 2008 - Inspector Tou Her Revoked it as unoccupied and vacant on Apr 4, 2008
- Inspector Mitch Imbertson also had it as a Cat 1 Vacant Building and then, the file was closed
- Aug 27, 2009, it was changed to a preliminary VB status by VB inspectors; still unoccupied
- today, it is still unoccupied

Ms. Graves Priesnitz:

- this has been on-going for a long time because they have not wanted to put the property on the market while the property values were so depressed
- has been unoccupied since 1987; however, it's not been uncared for
- this is her house; she owns it; she loves it; she cares for it
- this house has been in her family since the 1920s; it's a one-owner house
- it has never been not maintained
- they addressed any concern immediately
- they have just not wanted to sell it while it needed work and while the market was depressed
- the market has started to come back and so, they have started to work on it; have

been there 4 days a week making repairs
 - patching holes, repainting; refinishing, will put down new laminate in the kitchen, back porch and the upstairs bathroom; the plumbing and the heating have been re-done
 - they are almost ready to put it on the market and will do so this coming summer
 - Ms. Martin called her and said she wanted to meet with the tenant to be able to ascertain whether the smoke detectors were in proper locations and functional; the Appellant told her that currently, they were in the process of renovating it and they don't have smoke detectors up yet; she immediately came back with the Oct 19th letter saying, "Well then, I'm Revoking the Fire Certificate of Occupancy."
 - she called Inspector Kalas and asked what was going; she had thought he understood that it would be on the market soon; he said he would talk to his supervisor and get back her; he got back to her and said that it had been dropped to a class 2 and in order for her to get back to a class 1, she would need to have this hearing (that's why she's here today); Mr. Kalas was surprised that Fire had the file; he thought VB was holding it until the property was finished

Ms. Moermond:
 - is pulling up the photos from 2009

Ms. Shaff:
 - she and Mr. Dornfeld have no problem closing this file

Ms. Moermond:
 - will recommend granting this appeal

Referred to the City Council due back on 12/5/2012

**20 RLH VBR
12-87**

Appeal of Artemio Alvarado to a Vacant Building Registration Requirement at 120 ELIZABETH STREET EAST.

Sponsors: Thune

Waive the vacant building fee for 90 days and bring back to Category 1 for Fire Inspection to be conducted. If there are issues to be addressed, they must be completed within the 90 days.

RE: 120 Elizabeth St E (single family)

Artemio and Cliseria Alvarado, owners, appeared.

Matt Dornfeld, Vacant Buildings:
 - Revoked Certificate of Occupancy by Fire Inspector Sean Westenhofer on Oct 18, 2012
 - 9 code deficiencies were documented
 - Inspector Dornfeld opened a Category 2 Vacant Building Oct 19, 2012 based on Fire's recommendation
 - noted property was vacant, secured and maintained at the time of his inspection
 - exterior conditions: repair / replace north staircase and decking; screens and storm windows; south deck; repair / replace unsafe stairways; provide an approved guardrail; south security lighting on garage; house chimney; he was looking for interior access; furnace affidavit and smoke detector

Fire Inspector Leanna Shaff:
 - Inspector Westenhofer notes that he talked to Saint Paul Regional Water Services and Xcel; owner lives at 1071 Wilson Ave; tried calling but no answer or voice mail set-up; no show for appointment; no voice main or email cancelling

Ms. Moermond:

- curious about some names: Carol Hall in Richfield and Lyle Hall

Mrs. Alvarado:

*- purchased the property from the Halls Jul 26
- they wanted to work on the house before they moved in; got a permit for the stairs
- they went to Mexico in Oct, came back in Nov; didn't have enough time to do the repairs*

Mr. Alvarado:

*- no one lives at the property; he is repairing the house
- the carpeting is being installed as we speak
- he replaced the back porch and the screens
- the remodeling will probably be done sometime this week
- they tried to get a permit but couldn't because it was a Cat 2
- people had been living there in Jul and it was dangerous*

Ms. Moermond:

- sees letters going out in Aug 21, 2012 for a Sep 17, appointment (Ms. Shaff: that letter went to Carol Hall)

Ms. Shaff:

*- had a referral in Sep that there were exterior issues; Inspector Westenhofer went out Sep 17, 2012
- Sep 17, an appointment letter went out for Oct 17, 2012 - also addressed to Carol Hall
- Oct 18 letter was sent to 1071 Wilson (their address)
- Oct 17, no entry, no show for appt*

Mr. Alvarado:

*- the letters Ms. Shaff is talking about I didn't receive
- perhaps one of his daughters will be moving in; if she doesn't like it, it will either be sold or rented out*

Ms. Moermond:

*- because these letters didn't get to the Alvarados, she is feeling more sympathetic to their position
- ownership records were not up-to-date
- want to do a C of O inspection; if one can be done within 90 days, she will recommend waiving the VB fee for that time
- if the inspection results in Orders, they need to be addressed within 90 days*

Referred to the City Council due back on 12/5/2012

21

[RLH VBR
12-86](#)

Appeal of Thomas Huynh to a Vacant Building Registration Requirement at 2100 SUBURBAN AVENUE.

Sponsors: Lantry

90 day VB fee waiver.

Withdrawn

22

**RLH VBR
12-85**

Appeal of Robert Cox to a Vacant Building Registration Notice at 437 WHEELER STREET NORTH.

Sponsors: Stark

Grant the appeal.

RE: 437 Wheeler St N (4-plex)

Robert Cox, owner, appeared.

Matt Dornfeld:

- 3 of the 4 units had their Certificate of Occupancy Revoked by Fire Inspector Jay Bohan Oct 30, 2012*
- Vacant Building Inspector Dennis Senty opened a Category 1 Vacant Building Oct 30, 2012*
- he documented that 3 of those units were vacated; and that Mr. Cox is occupying Unit 1*

Fire Inspector Leanna Shaff:

- Inspector Bohan spoke to her about this*
- the property owner has spread out through out the units*
- owner is tired of renting and going at his own pace renovating this building*
- it's owner occupied and owner is occupying all 4 units*
- she doesn't have a problem with the owner taking his time fixing the other 3 units but they can't hold the C of O open on them*

Mr. Cox:

- he doesn't want to rent it and he doesn't want it to be categorized vacant because he lives there and maintains it*
- those 3 units have been vacant for 2 years*
- he asked the inspector why he was there; he said that someone had complained about a broken piece of siding*

Ms. Moermond:

- when Mr. Cox is ready to re-occupy those units and get tenants in, he will need a C of O inspection*
- she doesn't think this should be a Registered VB right now*
- should be taken out of the program; if he wants to rent it again, he'll need to apply for a C of O inspection*

Referred to the City Council due back on 12/5/2012

Other