



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final

Legislative Hearings

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

Tuesday, December 13, 2016

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Remove/Repair Orders

- 1 [RLH RR 16-51](#) Ordering the razing and removal of the structures at 1062 FRONT AVENUE within fifteen (15) days after the December 21, 2016, City Council public hearing.

Sponsors: Thao

Team Manager Steve Magner:

-this is a legislative Layover

-read letter of Nov 23, Richard Einan (attached)

Ms. Moermond:

-we haven't heard from him

Mr. Magner:

-we haven't had any communication either

-we have the original code compliance insp report done Jul 3, 2006

-we don't have a performance deposit or a code compliance application at this time

Ms. Mai Vang:

-I received an email today from Andrew Johnson, neighbor, who is not able to attend the meeting this morning

Mr. Magner:

-Mr. Einan said tha the was going to get busy and finish the rehab; he didn't think it was that bad; it was just that he's been very busy over the past 10+ years and hasn't gotten around to it

-however, the city has been very busy monitoring/managing this property (over 40 Work Orders); and he doesn't live that far away

Ms. Moermond:

-noted for the record: looking at the frontal shot of the house, it doesn't look that bad; but we have to remember that what started this was an interior fire that left it gutted (horrible condition on the inside reflected in the old code compliance insp report); so, we do have a nuisance and dangerous bldg even though it's OK looking

-without having heard from Mr. Einan or having his here today; also, looking at the fact that it's been 10 years, I don't have any faith that we're going to have a workable solution to this

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

No one showed for the hearing and no materials have been received from the owner. Remove within 15 days with no option for repair.

Referred to the City Council due back on 12/21/2016

2 [RLH RR 16-47](#)

Ordering the substantial abatement/cleanup of the property at 776 DESOTO STREET within fifteen (15) days after the November 16, 2016 City Council Public Hearing. (Public hearing continued from December 7, 2016) (Amend to 30 days)

Sponsors: Brendmoen

776 DeSoto Street and 778 Jessie Street were taken together.

Thomas DeLisle, Delco LP, owner, and Frank Winship, occupant, appeared. (776 DeSoto)

Ray Caliguire, owner, and _____ appeared. Frank Winship, occupant also appeared. (778 Jessie)

Steve Magner, Team Manager:

-in this situation, we have 2 sites, just down the street from each other; both have the same tenant, Frank Winship, who is conducting a business there that he claims in a recycling operation; the concern that the city has from both the code enforcement and zoning standpoints is that use is not allowable as he is conducting it; the main problem is that both sites have exterior storage and although they are zoned I-1, there is a prohibition of exterior storage in I-1 when it's located directly to a residential zoned property; in both cases, they share a property line with a residentially zoned property; there would need to be a 300 foot buffer between the 2 different zones in order to have exterior storage; in this case, that cannot be achieved because they each abut a residential property

-there are some pathways in order for the tenant to move forward but he has not taken any steps toward that; we suggested that he talk with zoning and try to seek a variance from the Board of Zoning Appeals (BZA); however, there is some concern that he might not be able to get that variance because it's unlikely that the board would approve that type of variance in this situation

Ms. Moermond:

-my understanding was that we made a referral to all of you to go talk with the zoning and licensing people at DSI, so that the land owners had the same understanding of what was necessary as what Mr. Winship has so that everyone is crystal clear about the requirements

Mr. Magner:

-I spoke with Larry Zangs, Wendy Lane and Peter Warner, City Attorney representing Zoning; and they all agree that there would be a pathway to, maybe, accomplish this but the probability is limited because of the requirements that have to be obtained (signatures by adjoining property owners; conditions; licensing); none of the conditions have been explored by Mr. Winship; the owners have contacted us and it's my understanding that the owners have sought interest in canceling any agreement that they have with Mr. Winship, vacating him and his property, then, finding a different use or different tenant to use the property, which we would encourage them to do so that the new person coming in would comply with the zoning requirements

Ms. Moermond:

-paraphrase: DSI is not looking for the owners to have a new tenant but is looking for them to have a tenant who is in compliance with zoning; it would be great if this tenant did but there's not a history of this tenant doing that nor does this tenant appear to have any business plans that would get him from where he is now to being there - in compliance; so, the owners as they wrestle with this would want to have better information

Mr. Magner:

-we don't believe that Mr. Winship is fully comprehending this; he hasn't been able to do this at his previous sites and so, we don't believe that he will accomplish this at these 2 sites

Ms. Moermond:

-looking specifically at the DeSoto site, Delco's property - it's the larger of the two; appears that the site is used for a lot of things but mostly, a lot of sorting of materials

Mr. Magner:

-larger items sorted out and piled up for longer term storage (thinks that Mr. Winship is watching the commodity prices and won't release a product until the price changes); normally, in recycling areas in the city, we see products coming in and going out on a weekly basis; not stored long term for commodity changes; this zoned area is not set up for long term storage
-DeSoto is strange - it's 2 parcels split by an alley but it's all 1 pin; there are a number of old truck bodies that he uses for storage; a large amount of tires, etc.

Ms. Moermond:

-so, these 2 parcels (DeSoto & Jessie) are used by the same tenant; but are really different situations; DeSoto is large and is used for sorting & recycling
-our requirements are in 3 codes: zoning, licensing, nuisance - we look at these for whether or not these types of activities are allowed; in terms of zoning code, I talked with Wendy Lane, the Zoning Enforcement Administrator, & what I understood her to say was that there was a time period in which this was not being used for this function so it's legal nonconforming status ended

Mr. Magner:

-the zoning part gets a little less clear
-the DeSoto site at one point, was considered heavy industry before they changed the code in 1975; when they changed the code, they made it an I-1 and then established all kinds of requirements like buffering; in the early 1990's, when Tom Gore established under license as recycling operation, he could meet that requirement but it was not a conforming use that was allowable

Ms. Moermond:

-if one abandons a nonconforming use for a period of time, it now reverts back to it's legal conforming use and one has to conform to it's requirements
-what I heard from Ms. Lane is that we had a legal nonconforming use that is no longer a legal nonconforming use because in the transition time period, that use & licensing was abandoned for a sufficient length of time, so now it conforms to it's underlying zoning, which is I-1, so if you want to use it the way you have been using it, you need to play by the post 1975 rules, which may mean you need to seek a variance from the Board of Zoning Appeals (BZA)
-we will send a letter to Ms. Wendy Lane asking her to make a determining in writing of her finding; once she puts it in writing, it will be in the public record and it will clarify what you must do going forward
-if in the future, there is an application to get the required setback requirement reduced or set aside, in this case, then, there would be some eligibility for licensing

-licensing - no way that the city will issue a license without the zoning being correct for the business; and this particular type of license, that's been here operating illegally for quite some time, requires signatures from neighboring properties;
-the last thing is that all kinds of things are stored here on the exterior to service a business that's operating illegally because it doesn't have the license and it doesn't fit on a property that's zoned correctly for what it's doing; does that make it a nuisance & nuisance storage that should it be removed by the city? If so, how much?
-we know that storage within the building is going to be OK as long as it's in conformance with the Fire Certificate of Occupancy; Jessie has more interior storage with some exterior storage; I would like to see a more specific list from DSI of what needs to go but I don't want to see a petty argument about whether 12 tires are OK vs 500 tires being OK
-if you have a plan on how you want to get these parcels cleaned up, I am receptive to hearing it - giving you time to correct this problem; put together a Work Plan with timelines; I can give you feedback on it

Mr. Magner:

-I think that we need to hear from the owners / the tenant, now that he's showed up, about what they are thinking or planning on doing

Ms. Moermond:

-I plan to put this in front of the City Council on Jan 4, 2017; I will be asking for you guys to have everything off the site in 14 days except for what is legally stored in the buildings; we will see what that means from the Fire C of O inspection (you won't have a Fire C of O so they could say, "Nothing can be legally stored in those buildings unless you have a legal business and a Fire C of O") or my preference is to have a specific plan from you guys that we've had a chance to go back & forth with to get it down to where it's legal; my finish line is having the nuisance condition abated

Mr. Magner:

-I just want to make sure that it's clear; if for some reason, the property owners don't do this and we get to that point when there's a drop dead date and DSI hires a contractor to do it, we are going to assess those costs onto the property taxes; and it will cost you more that way than it will cost you to do it yourself; there's no way that the city can do it cheaper than you can do it

Mr. DeLisle:

-but we need time - proper time to do it

Ms. Moermond:

-I'm thinking more than 15 days and less than 6 months; my preference would be 4 months
-we haven't yet talked about the possibility of any hazardous materials being in there, which will need special precautions to be taken

Mr. Magner:

-let me give you some perspective: I have cleaned up one of these sites; our initial bid was about \$50,000' our expectation was that the majority of the product could be recycled; the site was 99% packed; it was a bigger site than Jessie but similar to the size of DeSoto; when the final bill came in, it was \$225,000 because of the hazardous waste; even though the site was surveyed; even though the owner claimed that he didn't have certain things there, which he did; we didn't have any choice but to clean it up and use Hazmat people there (mercury had been dumped into the soil in places and you can't clean that up on the cheap)
-Jessie 1/4 the size of DeSoto but has more volume, more loose & scattered, piles & piles; inside

-DeSoto has larger items; easier to move
-first zoning code established in 1922 in St. Paul and ran until 1975
-heavy industry would allow exterior storage and was allowable prior to 1975 on DeSoto, not on Jessie; buffering is the key and here there's no buffer
-you might be able to do I-1 use with some exterior storage based on the site plan

Ms. Moermond:

-asked for a written plan with specific details to be submitted by the owners/Frank by Thu Dec 22, 2016 so that it could be attached to the record; goes to CCPH Jan 4, 2017
-email it to Legislative Hearings; Mai Vang will email it to Mr. Magner & others; we will make comments & get it back to you if we have any.....
-the last detail: we need you to post a \$5000 Performance Deposit for Jessie

Mr. Magner:

-I don't think that we'd require any bonds/perf dep because there's no permitted activities; we will have a document that says what they are going to do; if they miss that check point, we have the Ordinance that will authorize the city to start cleaning the nuisance
-so, there's not a so-called bond requirement.....

Ms. Moermond:

-I think that's debatable; I'm comfortable with where you are going with this but I'm not going to say that I'd do this in the future; if you were to get time to clean it up, (if the city cleans it up, you don't owe us any deposit/bond), post the bond/deposit, you'd get the money back with interest when it's all done
-although the requirement for the \$5000 performance deposit is housed in Chap 33 of the Legislative Code, which is the building code chapter, it is austensibly for the purpose of doing the nuisance abatement should there be a failure in the actions of the owner or responsible party to do the nuisance abatement; so, that money goes to cover the cost of the clean up
-but I think we can fly through on what we have while we're all at the table

Mr. Magner:

-because I didn't see a permit attached to it, I didn't see a perf deposit attached to it
-I don't have any doubt that these owners are going to do this; timing is the issue

Mr. Winship:

-what is allowable outside on this property? anything at all?

Ms. Moermond:

-No; not right now; the reason is that there is no legal business or use that it attaches to; if you had a license to sell tires, of course.....

Mr. Magner:

-because your activity is a licensed activity and you don't have a license from the city and your zoning doesn't comply, you can't have storage there unless you obtain a license and a variance to the set back requirement....

Ms. Moermond:

-and, there are also plenty of activities that are allowable, which would allow exterior storage; those activities do not, right now, include recycling

Mr. Winship:

-this is the application I filled out in Feb 2016 for both properties and it wasn't accepted - for my variance

Ms. Moermond:

-that is something that you need to work with an attorney on

Mr. Magner:

-most likely the application isn't complete

Mr. Winship:

-it is complete; the person I was talking to at DSI went to talk to his superior/boss for almost an hour; he came back and said that, "My boss doesn't know what to do and neither do I;" so they didn't accept it

Ms. Moermond:

-let me start with, Mr. Winship, you don't own the property; you and your application to change the zoning on it need to be signed off by the owners of the property; if they are your partners and they agree with that, fantastic! If that wasn't accepted back in Feb 2016, I'm not stopping things here right now for you to square that stuff up; you were given a big red flag back in Sep with an Order to Abate this nuisance condition, which also went to the property owners; so, since Sep, there's been a chance to deal with this; at this point, the gig is up; you either get legal really quick or we go the plan that's developed by the owners to liquidate what's on the site and make them legal again

-if I don't have a plan forthcoming, I will go with my plan, which is 15 days for this situation to be remedied or city contractors take over the sites; the ultimate responsibility lies with the property owners

Mr. Caliguire:

-so, this is just exterior clean up - nothing to do with any interior?

Ms. Moermond:

-you have buildings that need a Certificate of Occupancy; there are a few ways to cover this; you can go without a C of O if they are not being used but we are going to need to have the Assistant Fire Marshal sign-off on how that stuff is stored; if it's being used for cold storage, it's a pretty low threshold on safety; you don't need to have a sprinkler system for cold storage but plan to touch base with them and put it into your plan; it would not be OK to have it stacked floor to ceiling with pallets and gasoline; find out what Fire would be good with and take advantage of the space

Owner to provide a work plan, including timelines, for getting the abatement comply by December 22, 2016.

Referred to the City Council due back on 1/4/2017

3 [RLH RR 16-48](#)

Ordering the substantial abatement/cleanup of the property at 778 JESSIE STREET within fifteen (15) days after the November 16, 2016 City Council public hearing. (Public hearing continued from December 7, 2016) (Amend to 30 days)

Sponsors: Brendmoen

776 DeSoto Street and 778 Jessie Street were taken together.

Thomas DeLisle, Delco LP, owner, and Frank Winship, occupant, appeared. (776 DeSoto)

Ray Caliguire, owner, and _____ appeared. Frank Winship, occupant also appeared. (778 Jessie)

Steve Magner, Team Manager:

-in this situation, we have 2 sites, just down the street from each other; both have the same tenant, Frank Winship, who is conducting a business there that he claims in a recycling operation; the concern that the city has from both the code enforcement and zoning standpoints is that use is not allowable as he is conducting it; the main problem is that both sites have exterior storage and although they are zoned I-1, there is a prohibition of exterior storage in I-1 when it's located directly to a residential zoned property; in both cases, they share a property line with a residentially zoned property; there would need to be a 300 foot buffer between the 2 different zones in order to have exterior storage; in this case, that cannot be achieved because they each abut a residential property

-there are some pathways in order for the tenant to move forward but he has not taken any steps toward that; we suggested that he talk with zoning and try to seek a variance from the Board of Zoning Appeals (BZA); however, there is some concern that he might not be able to get that variance because it's unlikely that the board would approve that type of variance in this situation

Ms. Moermond:

-my understanding was that we made a referral to all of you to go talk with the zoning and licensing people at DSI, so that the land owners had the same understanding of what was necessary as what Mr. Winship has so that everyone is crystal clear about the requirements

Mr. Magner:

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Ms. Moermond:

-paraphrase: DSI is not looking for the owners to have a new tenant but is looking for them to have a tenant who is in compliance with zoning; it would be great if this tenant did but there's not a history of this tenant doing that nor does this tenant appear to have any business plans that would get him from where he is now to being there - in compliance; so, the owners as they wrestle with this would want to have better information

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Mr. DeLisle:

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Mr. Caliguire:

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Ms. Moermond:

-you have buildings that need a Certificate of Occupancy; there are a few ways to cover this; you can go without a C of O if they are not being used but we are going to need to have the Assistant Fire Marshal sign-off on how that stuff is stored; if it's being used for cold storage, it's a pretty low threshold on safety; you don't need to have a sprinkler system for cold storage but plan to touch base with them and put it into your plan; it would not be OK to have it stacked floor to ceiling with pallets and gasoline; find out what Fire would be good with and take advantage of the space

Owner to provide a work plan, including timelines, for getting the abatement comply by December 22, 2016.

Referred to the City Council due back on 1/4/2017

4 [RLH RR 16-53](#)

Ordering the razing and removal of the structures at 1917 FOURTH STREET EAST within fifteen (15) days after the January 4, 2016, City Council public hearing.

Sponsors: Prince

Manager Steve Magner:

-The building is a one-story, wood frame, single-family dwelling with a detached, two-stall garage, and also has a wood shed located on the south side of the garage, on a lot of 5,227 square feet. According to our files, it has been a vacant building since May 19, 2014.

-The current property owner is Sandra L. Dhar per AMANDA and Ramsey County Property records.

-On September 14, 2016 an inspection of the building was conducted, a list of deficiencies which constitute a nuisance condition was developed and photographs were taken. An ORDER TO ABATE A NUISANCE BUILDING was posted on September 23, 2016 with a compliance date of October 23, 2016. As of this date, the property remains in a condition which comprises a nuisance as defined by the legislative code.

-Taxation has placed an estimated market value of \$24,000 on the land and \$54,600 on the building.

-The property owner applied to the State of Minnesota Senior Citizen Property Tax Deferral Program in March 2006. The owner is required to pay three percent (3%) of the total property taxes due to Ramsey County every year. The State of Minnesota, to date, has contributed \$36,100.45 to the payment of property taxes owed to Ramsey County on behalf of the owner. Real estate taxes beginning in 2013 to 2016, which are the responsibility of the property owner, are delinquent in the amount \$1,032.86. The property is scheduled for tax forfeiture July 31, 2017.

-The Vacant Building registration fees were paid by assessment on June 3, 2016.

-As of December 12, 2016, a Code Compliance Inspection has not been done.

-As of December 12, 2016, the \$5,000 performance deposit has not been posted.

-There have been ten (10) SUMMARY ABATEMENT NOTICES since 2014.

-There have been ten (10) WORK ORDERS issued for:

- Garbage/rubbish
- Boarding/securing

- Grass/weeds
- Snow/ice
- Code Enforcement Officers estimate the cost to repair this structure exceeds \$50,000. The estimated cost to demolish is \$12,000 to \$15,000.
- DSI, Division of Code Enforcement Resolution submitted for consideration orders the property owner to repair or remove this structure within fifteen (15) days; if not the resolution authorizes the Division of Code Enforcement to demolish and assess the costs to the property.

Ms. Moermond:

- added: will go forth to City Council Public Hearing Jan 4, 2017; asked Mr. Magner to have his staff, today or tomorrow, arrange for service to Sandra L Dhar (perhaps it has occurred already); on that table, it says that an affiant wasn't found on Nov 10, 2016 but down below it lists a new address in New Richmond, WI
- we have the servicer signing off on something where they didn't find her on Etna but I don't have anything saying that they looked in New Richmond, although that address was identified; I think we need to make sure that service occurs if it didn't already

Mr. Magner:

- I will verify that with Vicki
- look like an abandoned property; no maintenance and they're not living there

Ms. Moermond:

- it does

Mr. Magner:

- I don't think that the real estate program works properly because this program is only for owner occupants and she apparently, vacated it about 2 1/2 years ago

Ms. Moermond:

- barring no other input and no participation, I would recommend the property's removed within 15 days
- if you hear from Ms. Dhar, the property owner, contact our office and I can ask the City Council on Jan 4, 2017 to do a Lay Over to discuss this more fully but we'll assume it's an abandoned property

Remove within 15 days with no option for repair. (No one appeared.)

Referred to the City Council due back on 1/4/2017

5 [RLH RR 16-54](#)

Ordering the razing and removal of the structures at 1008 WESTERN AVENUE NORTH within fifteen (15) days after the January 4, 2017, City Council Public Hearing.

Sponsors: Brendmoen

Team Manager Steve Magner:

- The building is a two-and-one-half story, wood frame, single-family dwelling, with a detached one-stall garage, on a lot of 5,227 square feet. According to our files, it has been a vacant building since November 24, 2015 due to a fire.
- The current property owner is Lynn M. Gerlach and Thomas L. Gerlach per AMANDA and Ramsey County Property records.
- On October 14, 2016 an inspection of the building was conducted, a list of deficiencies which constitute a nuisance condition was developed and photographs were taken. An ORDER TO ABATE A NUISANCE BUILDING was posted on October

18, 2016 with a compliance date of November 21, 2016. As of this date, the property remains in a condition which comprises a nuisance as defined by the legislative code.
 -Taxation has placed an estimated market value of \$10,700 on the land and \$37,000 on the building.

-Real estate taxes for the second half of 2016 are due and owing in the amount of \$432.00, which includes penalty and interest.

-The Vacant Building registration fees were paid by assessment on January 6, 2015.

-As of December 12, 2016, a Code Compliance Inspection has not been done.

-As of December 12, 2016, the \$5,000 performance deposit has not been posted.

-There have been eleven (11) SUMMARY ABATEMENT NOTICES since 2015.

-There have been three (3) WORK ORDERS issued for:

- Garbage/rubbish
- Grass/weeds

-Code Enforcement Officers estimate the cost to repair this structure exceeds \$75,000. The estimated cost to demolish is \$15,000 to \$20,000.

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

-The property owners submitted a letter to DSI indicating their desire to have the city remove the building.

Ms. Moermond:

-we should get the Fire Report attached; also need one for 1062 Front Avenue

Mr. Magner:

-I will ask Vicki to take care of that; because the 1062 Front report is 10 years old, I don't know that we have it

-I do have the incident report for 1008

Ms. Moermond:

-we will scan that

-the bank didn't pay taxes for the 2nd half of 2016

-will recommend removal within 15 days

Remove within 15 days with no option for repair. (No one appeared.)

Referred to the City Council due back on 1/4/2017

11:00 a.m. Hearings

Summary Abatement Orders

- 6 [RLH SAO 16-51](#) Appeal of Sam Manning, SMRLS, o/b/o Ken Hamblin, to a Summary Abatement Order at 889 EUCLID STREET.

Sponsors: Prince

Kenneth P Hamblin, owner, and Sam Manning, attorney with Southern Minnesota Regional Legal Services (SMRLS)

Inspector Lisa Martin:

-Summary Abatement Order issued Dec 1, 2016 by Inspector James Hoffman to remove all the tires (between 500-1000), etc. from the yard; compliance Dec 7, 2016

-photos in system; Google map
-talked briefly with Mr. Hamblin before the LH; he's taking care of his parents; his father was an auto mechanic
-we're getting a lot of calls from neighboring citizens who are very upset that this continues; that the tires are still there; it's an eye sore; talked with Mr. Manning about getting rid of them
-can understand, perhaps, a 2-week extension for him to find out what the cost would be to remove these tires by a private company; I offered that the city could remove these tires and cleanup the yard, the cost of which would be assessed; and that assessment could be appealed to have it spread out over a number of years
-talked with House Calls, who said that they do not provide dumpsters to remove this huge amount of tires
-Mosquito Control also usually takes tires; however, this amount is too great, so they are not interested
-either a private company paid for by Mr. Hamblin or the city could take the tires; assessment would also be Mr. Hamblin's responsibility
-Mr. Hamblin would like to have 30 days to come into compliance

Mr. Manning:

-only recently, has Mr. Hamblin acquired the title to the home; it belonged to both his parents; he dad was an auto mechanic for some time and he accumulated a large amount of tires along with some classic cars that are licensed collectors' cars; his father became sick about 5 years ago; he has dementia along with other symptoms and is currently in hospice, which is why Mr. Hamblin came into possession of the home; he began to occupy the home to take care of his parents
-Mr. Hamblin has a cardiac condition & a degenerative disc disorder in his back, which limits his mobility
-he wanted to take care of the SA order but hasn't been able to because of his lack of mobility; he knows that it needs to be taken care of; he has contacted several church organizations but have not heard back from them yet
-with the holidays coming up; Mr. Hamblin wants to go visit his father in Mississippi, who's there over the holiday; we're asking for time beyond the holidays to figure this out, a little more time than 2 weeks

Ms. Moermond:

-there are other things in here besides tires; looking at photos, I see a bicycle, table, what used to be some type of awnings, etc. House Calls can help with these other items

Ms. Martin:

-the tires are the predominant problem; we can't see everything that's in there because of the tires; we need these tires removed
-also, we can't determine whether the vehicles are licensed or operable

Mr. Hamblin:

-mother is available but I'm the guy who will be taking care of things here but I can't do it all any more; physically, I can't; I started - I got the house in my name; there's no more mortgage but it fell into tax trouble; I have limited income; I get disability and my dad doesn't get much money; there are overwhelming health costs
-the plan: after I get it cleaned up, I will either rent or sell the place
-currently, I live in the house but I'm down in Mississippi quite a bit
-I need help; that's why I'm appealing
-the weather hasn't helped me either; it's hard for me just to get out and shovel the sidewalk
-a lot of the stuff there is worth money, even the tires; I called 3 or 4 tire people but they need to know the brand, the size, etc. and the cars are a 64 and a 57 Cadillacs

-the interior of the house is not bad and some of my parents belongings are in there; everything in the house is working

Ms. Martin:

*-Mr. Hamblin took ownership about a year ago; the nbrs are very upset
-it sounds like there's a limited income; so, I'm not sure how this would work with a private company but maybe we could have the city crew just pick up the tires within 10 days if we don't have a plan in place and the rest we can always do a Summary Abatement on to give him a chance to see what else is there*

Mr. Hamblin:

-I'd like to, at least, research who may be able to help; I haven't researched auctions, etc; I got this and I thought it was for just the front of the house but it's for the whole yard and it's too overwhelming because I want to go down South too, to be with my parents for the holidays; that's one of the reasons I asked for time

Ms. Moermond:

*-you have a lot going on with your parents, their health, your health and location... you will need to make some executive decisions and FYI your dad because if you don't meet a deadline, the city will take those tires away
-the Summary Abatement Order mentions a few things but I think that some of it might get fresh Orders as things are uncovered; collector vehicles are allowed without tabs but they do need to be parked on a legal surface and screened; different issues will come up as things are uncovered
-you need to push; get into research into moving the tires; right now, the charge for removing a tire off your property is pretty expensive; you might be able to get someone to pay you - to take those tires away; you might make a small amount of money but if the city takes them, it will cost approximately \$35 per tire
-I know you want to get down South for Christmas but you need to take care of this*

Mr. Hamblin:

-I have to take care of this; this has to happen

Ms. Moermond:

-I want to put this in front of City Council next Wed, Dec 21, 2016 and I want to give them a plan; I want you to be able to have a chance to pull that plan together to address the problem; you need to show that there are actions being taken - a reduction in tires; I need for you to demonstrate to the neighborhood that you are committed to doing this

Ms. Martin:

-I think that by Mon, Dec 9, we need to know what you've figured out- when they can remove the tires; who you've contacted, etc.

Ms. Moermond:

*-the city would charge \$35 a tire x 1000 tires if they need to remove them; if you appeal that, I could divide that over 5 years; that's the only payment arrangement I could make to you
-the neighbors want to see progress, follow-thru and commitment
-we need to see no more code violations between now and the next time I see you and onward
-shovel the snow and take care of the garbage ASAP; make sure you have some trustworthy person to shovel & maintain the yard when you go down South*

Owner to provide a work plan including timelines by Friday, December 16, 2016 for addressing the issues in the Summary Abatement Order.

Referred to the City Council due back on 12/21/2016

- 7 [RLH SAO 16-50](#) Appeal of Jenni & Nathan Xiong to a Summary Abatement Order at 106 MAGNOLIA AVENUE WEST.

Sponsors: Brendmoen

Issue was referred to Public Works for clean up on the couch.

Withdrawn

- 8 [RLH SAO 16-52](#) Appeal of Mario Lee to a Summary Abatement Order at 419 THOMAS AVENUE.

Sponsors: Thao

Issue resolved.

Withdrawn

11:30 a.m. Hearings

Correction Orders

- 9 [RLH CO 16-35](#) Appeal of Marjorie Conrad to a Correction Notice at 1595 BLAIR AVENUE.

Sponsors: Stark

Marjorie Conrad, owner, appeared.

Ms. Moermond:

-we've talked by phone a couple of times; it's looking like the applications that you need to fill out for funding aren't really in play until 2017; and your interest is still, primarily, in trying to fund this on your own, so, you would like the deadline extended

Ms. Conrad:

*-my income level is just a little to much for many of these applications for funding
-the biggest problem I'm having is because the contractor put an improper lien on my property and he refuses to remove it; and so, my attorney told me to go talk with people at the county to see if I could change from abstract to torrens because that is a way to wash stuff; I went to talk with them and they said that I didn't even have to do that; they told me that what I just needed to do was to file the court documents and his lien would actually die in court and since we'd agreed to arbitrate, he couldn't transfer the lien to arbitration; so, I filed the court determination and I also asked the other party involved in the case, ABC Suppy, to send me a Satisfaction of Judgement so that I could file that, as well; I did it a couple of weeks ago; I've already sent some documents to my mortgage company; they have a bunch of other forms that they have asked me to fill out; so, I'm showing those to my bankruptcy guys
-also, I talked to the lead inspection group*

Ms. Moermond:

-asked if she spoke with a Jim Yannarely, Ramsey County Public Health? He does lead abatement for windows

Ms. Conrad:

-I don't remember what his name was

-he explained all the different areas that they would look at; windows is a big one
-my house was built in 1910; I painted all of my windows 4 years ago; most other things in my house aren't painted, except for my kitchen and the walls in my basement

-he said that if I plan to cover the outside of the house (siding), lead would not be an issue

-I have paperwork about some of the documents I'm waiting for

-something that shows the case was dismissed - that was his final chance; he couldn't foreclose after that; you can't agree in writing to move a lien to a different venue; it has to be decided in court; so, the arbitrator, when he made his decision, wouldn't touch the issue of the lien; it's dead

-have Order for dismissal

Ms. Moermond:

-scanned her paperwork

-I'm thinking Sep 1, 2017 to have it all done

-you have not been a good candidate for alternative funding for this; and I know that you are on disability and will be paying this on a "pay as you go" way

-and you have taken steps to clean this up, legally, which has been your biggest hurdle

Grant to September 1, 2017 for compliance.

Referred to the City Council due back on 1/4/2017

Staff Reports

- 10 [RLH CO 16-42](#) Appeal of Wayne D. Brown to a Correction Notice at 1350 SHERBURNE AVENUE.

Sponsors: Stark

No one appeared.

Ms. Mai Vang:

-it was a "no show" at last hearing and there were no photos; so, Ms. Moermond asked the inspector to go out and take photos regarding the parking surface issue

Ms. Moermond:

-we have a camper on an unapproved surface

-we do have a photo, which demonstrates clearly that it's an unapproved surface

-will recommend denial of the appeal.

Deny the appeal.

Referred to the City Council due back on 1/4/2017

- 11 [SR 16-118](#) Request for Extension of Time for Appeal of Gan Mizrachi-Monti to a Summary Abatement Order at 76 WHEELLOCK PARKWAY EAST.

Sponsors: Brendmoen

Need work plan, including timelines, by December 23 in order to deny or grant additional time for compliance. If time is granted, will do new resolution to grant additional time.

Received and Filed

Orders To Vacate, Condemnations and Revocations (NONE)

1:30 p.m. Hearings

Fire Certificates of Occupancy

12 [RLH FCO 16-135](#)

Appeal of Jason Lien, on behalf of Talon First Trust, LLC/Jackson I LLC to a Fire Inspection Correction Notice at 180 FIFTH STREET EAST.

Sponsors: Noecker

Jason Lien, Attorney, and Gary Buckley, Talon First Trust LLC/Jackson 1 LLC, appeared.

Ms. Moermond:

*-we have a bit of a conundrum & I don't see how things are getting better by me doing Layovers in LH
-this situation involves multiple city depts, which I have some confidence that we could coordinate the review at that level; but you layer on the Met Council & the federal funding, & it's simply something that I can't handle any more without Met Council showing up at the table & engaging in the discussion; we are not moving forward and getting where we need to be
-from the city's perspective, we need to deal with the safety of the areaway; should the Met Council, when they removed the old I-beams, which were coated, have replaced them with like? That's a very good question to be posed and answered; I have seen & heard information that the coating goes beyond the protection that you would want to prevent rust - it also goes to slowing down collapse in the event of a fire because it increases the temperature at which there would be softening of the steel (weakening of the steel) so that there would be collapse into the areaway; these are questions that our engineers can talk about with Met Council engineers if calls are returned but they aren't being returned
-so, I'm at a loss*

Mr. Lien:

-has there been any indication from Met Council that they are willing to have discussions & ..

Ms. Moermond:

*-no calls have been returned
-I thinks that this gets solved in the next level, which is district court or some other place; I think that it's the easiest to solve these kinds of things by direct route: engineer to engineer but we can't do that if people aren't returning calls & coming to the table
-I need to put a deadline on this & be fully expectant that the deadline will not be met because we need to have those discussions that need to happen with Met Council*

Mr. Lien:

*-I can understand the challenges
-my client doesn't have the contract with Met Council; we don't have the ability to call upon the contractor or even..... to complete Met Council; the way that I would look upon this - looking at the code, I don't see how the code imposes upon the*

building owner to repair alleged decisions.....to the areaway that was completed as part of a public improvement undertaken on behalf of the city; it seems to me that the solution would be to have the city complete these repairs & then go after Met Council with whom it has rights that it can assert directly

Ms. Moermond:

-I would say that you need to approach that legally with the city; I can't go there on behalf of the city; these are questions of litigation & strategy that is beyond the scope of my work

Mr. Lien:

-but I think that what is within the scope is to take that off the deficiency list; that would then impose upon that if this needs to get fixed.....

Ms. Moermond:

-I do believe that it is a legitimate deficiency that should be on the deficiency list -culpability wise in fixing it, I think that there's an argument that needs to be had; it needs to be argued out in a more appropriate setting; I can do the mediation piece of it but I don't have the pieces I need to make that work; I wish I did; I think there's an argument to be made that this is the city's responsibility; I think there's an argument to be made that it is your responsibility as a private property owner; I'm not going to be able to resolve that given that we can't get Met Council's participation because whether the city is responsible or not it tied to that; from what I've seen & heard from the city, they are saying that there have been no documents presented to me to say that the areaway was ceded back to the city; the areaway was vacated upon request of the city, which is imbedded in the granting of the use of the easement (areaway) not that it was gone; your belief is that it was gone is my understanding (it could be wrong)

Mr. Lien:

-that is our first argument but even if you would find that it wasn't the case, there's nothing in the Ordinance that compels the permit owner to remove/repair alleged deficiencies to work that was created as part of the public improvement by the city or on it's behalf; the only thing thing that I see in the Ordinance is that we're required to maintain our facilities with them; but we're talking about.....

Ms. Moermond:

-we're talking about a significant amount of money & I wish that I had a better answer -I'm no equipped with the authority to do that; the next level of dispute resolution needs to be engaged; we can figure out a deadline, which probably will be blown because dispute resolution works slowly

Mr. Buckley:

-will that affect our Certificate of Occupancy?

Ms. Moermond:

*-no, your C of O will be granted with deficiencies
-these fixes do need to be made; it needs to become code compliant; timelines need to be worked out; I think that we are all working in the same direction to get the problem solved
-deadline: Jan 1, 2018 for compliance; that should give time enough to solve the problems
-I understand that you have compliance but for those items*

Fire Supervisor Leanna Shaff:

-no

-the last time we were here, you granted to Dec 2, 2016 for getting the building work done but for the appealed items; with exception of 2 items under appeal, there were 35 other items still deficient

Mr. Buckley:

-that's true

-the building is basically being refinanced; _____

-all the work that has been completed, the 100 items, have been completed by my staff; everything else was bid by outside contractors; the owner was told of the timelines & has to have checks available to us; I did not receive any checks so I could not schedule the work to be done; hence, it's not been completed; I did everything that I could do

Ms. Shaff:

-some of these items do require permits; there's missing sprinkler coverage; we are waiting for sprinkler reports..

Ms. Moermond:

-what's going on with the financing of the building? Is it not generating enough income? Is there too much uncertainty surrounding this process? Do you know what the slow down is? Or is it a private business thing- don't ask?

Mr. Buckley:

-it's a private business thing; the owner signed a lease with and there's substantial dollars there; so, basically what's happening is in order to bring that tenant in.....he's been trying to get financing which has fallen thru & he had to re-work the deal with the tenant, which they did & now there's a perma work for the lenders; the building is expected to close by Jan 26, 2017

Ms. Moermond:

-is it your expectation that you will have the repairs done by Jan 22, 2017 or that you will have a Work Plan in that will show me that you can have all of the repairs done for the on-going appeal ___ in 90 days?

Mr. Buckley:

-I believe that I can have all the work done within 90 days; I do have a plan in place right now; I have proposals I can show you; I can show you spreadsheets of my requested monies; I can't control when I get the money, that's why we're having this discussion; it was my intention to have all these things completed; I've been a bldg operations person in downtown St. Paul for 35 years and this is the first time that I've had to come in front of you people and explain....& it's not a good place to be

Ms. Moermond:

-the tools that fire inspectors have if you fail to complete the work by an agreed upon 90 days would be removing your C of O; certainly, you'd get charged for the extra inspection; then, there's criminal citation; none of those are palatable

-get me a 90-day Work Plan by Dec 23, 2016 for completing the work; I'll review it & send it to Steve Ubl & Fire

-let's have Mar 1, 2017 be the day that everything is signed off, including those things that need permit sign-offs

-will go before City Council Jan 4, 2017

Deny the appeal but grant an extension to January 1, 2018 for the work involving the areaways to come into compliance. Hearing Officer is requesting that a work plan with timelines is submitted to our office by December 23, 2016 to show the completion of the balance of the incompleted tasks.

Referred to the City Council due back on 1/4/2017

13 [RLH VO 16-51](#)

Appeal of Nicole L. Warner to a Notice of Condemnation-Unfit for Human Habitation-Order to Vacate at 786 ORANGE AVENUE EAST.

Sponsors: Bostrom

Nicole Warner, tenant, appeared.

*Ms. Moermond:
-the plan was to get you out of there*

*Ms. Warner:
-he evicted us but we were out before he did that*

*Ms. Moermond:
-how are things now?*

*Ms. Warner:
-good but we are going back & forth from Rochester so that the kids can stay in the school district until the end of the year, but all the family is together & cleaned up; we are all coming back*

*Ms. Moermond:
-what I'm looking at has to do with the condemnation of the bldg and it having been ordered vacated for the reasons that we discussed previously*

*Ms. Warner:
-the landlord has done nothing; he hasn't even sprayed yet*

*Ms. Moermond:
-I'm sure that this will be referred to the Vacant Building Program; it's empty with multiple code violations*

*Ms. Warner:
-we have all our things out of there; we threw everything away
-when we come back, we will be living in a hotel at first, then an apartment or a house by Feb, 2017 for sure*

Ms. Moermond:

Grant the condemnation and order to vacate as tenants are out of the property; property is referred to Vacant Building Program as Category 2.

Referred to the City Council due back on 1/4/2017

14 [RLH FCO 16-204](#)

Appeal of Bill Wengler to a Fire Inspection Correction Notice at 841 GRAND AVENUE.

Sponsors: Noecker

Bill Wengler, Wengler Family Limited Partnership, owner, appeared along with the head maintenance man.

*Ms. Moermond:
-you're appealing items #2 & #4, and all we're talking about is paint? there's no holes in the siding?*

Mr. Wengler:

- the garage is just about ready to collapse; painting is a waste of time & money
- the house - I can't get the house rented
- I paid too much when I bought it; property tax is \$18,000/year
- have 3 apartments on the 2nd & 3rd floors; I had a tenant in the ground floor apt but the city wouldn't give him a variance so they moved out
- the most that I can get for the place if it's completely rented out is \$5,000/month and doesn't cover the mortgage payment which is \$7,000/month
- financially, I'm in a really bad position
- the garage in bad shape - I store beer coolers and beer; eventually, we're going to tear it down
- I built a garage across the alley, which is in an historic district; I will store the coolers & beer in there after the old garage is torn down
- we can tear the house down, too

Ms. Moermond:

- the photo shows holes in the eaves area; I wonder if you have a rodent infestation in the attic of the house

Other man:

- I work in that building; there's no rodents
- there are no squirrels in the attic; maybe a common house mouse sometimes

Ms. Moermond:

- Grant to July 1, 2017 to have the work done or have the garage demoed; also grant to July 1, 2017 for the painting of the house.

Referred to the City Council due back on 1/4/2017

15 [RLH FCO
16-206](#)

Appeal of Marcus A. Brown to a Fire Inspection Correction Notice at 109 WINNIPEG AVENUE.

Sponsors: Thao

Marcus A Brown, owner, appeared.

Fire Supervisor Leanna Shaff:

- Fire Certificate of Occupancy inspection conducted by James Thomas on Nov 22, 2016
- item #7 is being appealed: provide an approved escape window for each sleeping area
- the bedroom on the south side of the house opens into an enclosed locked porch; code requires that escape windows go directly outside
- photos in file

Mr. Brown:

- all of the other items are done
- the windows on the porch don't have locks
- the previous owners may have converted the living room into a bedroom

Ms. Moermond:

- there needs to be 2 ways out of a sleeping room - directly outside
- in cases like this, some choose to open the front porch by taking out the windows or the porch could become part of the sleeping room

Mr. Brown:

-I could possibly put in another window; however, it's in the middle of winter

Ms. Moermond:

-I will give you a couple of weeks to think about it but no one can sleep in there

-this isn't something that you could get a variance for; you have to have another way out in case of a fire

-this room was built to be a living room, not a bedroom

-you can get an extension

-this will be in front of the City Council Jan 4, 2017

-will grant an extension to Jan 31, 2017;

-I want a spot inspection on Fri Dec 16, at 11 am to make sure that they are sleeping in a different location with legal egress

Ms. Shaff:

-I will see you at 11 am Fri Dec 16, 2016

-you will need a building permit to install an escape window and have it signed off by the bldg inspector

Ms. Moermond:

Inspector will be doing a spot inspection on December 16 at 11:00 a.m. to confirm that the room is not being used for sleeping. Grant until January 31, 2017 to comply with the escape window, either by removing the enclosed porch windows or finding an alternative solution such as putting in a new window at another location of the room where the approved escape window must go directly outside. This will require a permit.

Referred to the City Council due back on 1/4/2017

Staff Reports

16

[SR 16-116](#)

Request Extension for Appeal of Milton Investment to a Fire Inspection Correction Notice at 2228 CARTER AVENUE.

Sponsors: Stark

Recommendation is forthcoming. Will do new resolution to grant extension, if granted.

Ms. Moermond:

-we have a request from Milton Investment for an extension on this; they are way late; they had been given, basically, 5 months to do the work; they came to the end of it and asked for more time to do the work; my question is have they done anything at all to show good faith

-did they talk to an engineer; did they submit anything?

Fire Inspector Leanna Shaff:

-nothing

-even on Nov 22, 2016, you got an email forwarded from Brian Karpen, City Engineer, that says: Marcia, I've not seen any plans or survey for the repair

-there's been nothing done

Ms. Moermond:

-based on that information, I'll come up with a recommendation to put on the record and send a resolution to Council

Received and Filed

2:30 p.m. Hearings

Vacant Building Registrations

- 17 **RLH VBR 16-74** Appeal of Greg VanWert to a Fire Inspection Correction Notice and Vacant Building Registration Notice at 295 LARCH STREET.

Sponsors: Thao

Greg VanWert, owner, appeared along with his brother, Scott.

Supervisor Matt Dornfeld, Vacant Buildings:

-update

-at the last hearing on Nov 8, 2016, you ruled that the VB fee be held for 30 days to allow the property owner time to get the remaining permits finalized and to get the Certificate of Occupancy re-instated

-Nov 28, 2016, Inspector Imbertson sent out an email to the VB Program and also to Zoning stating that he had a message from Greg VanWert

-I checked the permits & the building permit was finalized as of Nov 10, 2016; it was approved as an S-2 parking garage only; so, I will be advising the owner that he needs to discontinue the occasional vehicle repair that he was doing inside of the building unless he obtains approval for that as an S-1 repair; my understanding is that we can close out the VB folder as soon as I have approved the Fire C of O; I see no need for a VB Code Compliance Insp to be scheduled with trades since he has just received a sign off on his original construction permit; I have confirmed with Inspector Wiese that we are not able to issue a Fire C of O until the zoning issues are handled in addition to the bldg permit; he would need to take care of the Site Plan approval and then modify the way he is using the exterior so that it truly matches up to the way that it's shown on the site plan

-this appeal is due back to LH in Dec of the VB registration; our position is that he should take his extension request before Ms. Moermond in the appeal if he is proposing to continue occupying the bldg prior to completing the site plan

Ms. Moermond:

-so we have the S-2 garage permit signed off as such; if it's going to be an S-1 garage allowing repairs, we need the permit to be signed off to allow for that - and that hasn't happened

-a site plan needs to be signed off before the Fire C of O can be issued; and we don't know if there is a site plan yet and if it's consistent with what's actually on the ground and we have snow cover to boot

Mr. Scott VanWert:

-I think that within a week of the last hearing, I went down to DSI with my brother and we met a friend from the community by chance; he looked through the record and helped to bring us up to speed; the information that we just heard here is also new but up to speed with what the records were showing with the building being complete as a project - all inspections finalized; the so called site plan that was filed some time back has 3 elements left: 1) drainage system; 2) concrete apron; and 3) grading & gravel the perimeter - we reviewed those and verified that they were in agreement with Zoning; then, after that, Jerome Benner contacted me & asked for a schedule, which has been provided; I've traded phone messages with Jerome and he indicates that he didn't have any other questions and that he thought it looked good; the 3 items will be completed in the spring of 2017

Mr. Greg VanWert:

-I want to use the building for working on my tow trucks and my cars; I don't want it to be a public shop; we talked about that with staff at DSI

Mr. Scott VanWert:

-there's a paragraph in the site plan approval about the intent, which is still consistent

Ms. Moermond:

-is the S-2 consistent with the site plan consistent with that intended use; does that make sense?

Fire Supervisor Leanna Shaff:

-sort of; per Larry Zang's - request to extend site plan approval date to Jul 1, 2017 has been approved; Jerome Benner will follow up with Applicant to ensure storm water system and paving is completed by the approved deadline

Ms. Moermond:

-are you ready to do business now with your tow trucks there?

Mr. Greg VanWert:

-yes

Mr. Scott VanWert:

-the building itself is ready - was approved on the site plan

Mr. Greg VanWert:

-it has all the things in the bldg to be safe; it was built to the standards of a repair shop - all the requirements that were needed

Ms. Moermond:

*-I'm going to recommend that you get out of the VB Program
-with respect to the Fire C of O, I've heard inconsistent information; Mitch Imbertson did a really nice review of where you were at with some of your work but it sounds like he didn't, necessarily, get back with Larry Zangs because in speaking with Angie Wiese, the zoning stuff would be straight as of Jul 1; and it seems like why couldn't the Fire C of O be good until Jul 1 in a temporary way given the zoning action that was already taken*

Ms. Shaff:

-I gathered the same thing

Ms. Moermond:

-and so, I'm going to Lay this Over for 1 week to have staff confirm for me but I think that if you are otherwise OK for your C of O, that can go forward pending you meeting that Jul 1 deadline; if it isn't met, we need to be having another conversation

Grant the appeal to have owner out of the Vacant Building and refer to Fire C of O for follow-up.

Laid Over to the Legislative Hearings due back on 12/20/2016

18 [RLH VBR 16-89](#)

Appeal of Andrew Myers to a Vacant Building Registration Renewal Notice at 1642 BLAIR AVENUE.

Sponsors: Stark

Andrew Myers, Restoration Real Estate LLC, owner, appeared.

Inspector Matt Dornfeld, Vacant Buildings:

*-was made a Category 2 Vacant Building on Dec 31, 2015 per Condemnation by Code Enforcement for multiple interior violations: the furnace not vented outdoors but into the attic was the main reason
-as of Nov 9, 2016, Mr. Myers, under Restoration Real Estate LLC, was approved by the city's Sale Review to purchase this property
-currently, there is a code compliance inspection report on file
-bldg permits have been issued
-property is being maintained
-here to discuss the VB fee coming due*

Mr. Myers:

*-we should be done with the rehab by the end of Jun, early Jul 2017
-we will be starting in mid-Jan 2017*

Ms. Moermond:

Waive the VB fee for 90 days and allow permits. If owner fails to comply, VB fee will go to assessment.

Referred to the City Council due back on 1/4/2017

19 [RLH VBR 16-90](#) Appeal of David Stanley to a Vacant Building Registration Notice at 1022 BURGESS STREET.

Sponsors: Thao

David Stanley, owner, appeared.

Fire Supervisor Leanna Shaff:

*-there's a provisional affidavit Mar 24, 2015
-Jan 26, 2016, Inspector Grant Heitman sent an appointment letter to property owner to schedule the Fire Certificate of Occupancy inspection; he notes on Feb 4, 2016, he was rescheduling for the responsible party's request; he sent out another appointment letter on Feb 24, 2016; his notes say that on Mar 7, 2016, the home is in the beginning stages of renovation, postponing inspection to allow the work to be completed
-his next note on May 27, 2016: I left a voice mail with the responsible party
-on Nov 18, 2016: the home is still vacant; sending it to the Vacant Building Program
-there are no permits for any type of trades work
-the inspector was giving the property owner to do the work
-no photos*

Inspector Matt Dornfeld, Vacant Buildings:

*-Nov 22, 2016, Inspector Kalis followed thru with the C of O revocation & opened a Cat 2 VB; he noted that the house was vacant & secured by normal means; maintained; exterior in fair condition
-no photos*

Ms. Moermond:

-you own this property & you listed it as your address but you live on Eleanor

Mr. Stanley:

*-I used to live in this house; then, I got married and live on Eleanor
-I'm self-employed and I needed some storage space; I wasn't clear on the definition*

of vacancy; I thought that a vacant building was one that was abandoned; a lot of my stuff needs to be heat protected so I keep it there
-I want to do something with this house but I'm always swamped
-when I got this letter, I did not understand it
-I work with drapery installation; fabrics and hardware are stored there, etc; I'm actually trying to get it all out of there; most of my stuff is in the sheds; occasionally, I use the house
-I listed it on Craig's list to get a sense of what I might be able to get for it; I've got to try to resolve this
-I'd like to fix it up and either live in it or rent it
-but I'm not clear on what I need to do; I need to talk with DSI
-I know that the basement has a leak
-I spent weeks cutting shrubbery & cut down an oak tree-cost \$2,000
-there's been one thing after another; hoping for a little more time to sort it out to figure out in what direction I need to go
-it's a very small house: 20 x 20, zoned R-4
-when my son comes into town from Wisconsin, he stays there
-could I use it for guests?

Ms. Moermond:

-R-4 tells me that this is zoned for a residential use; it's not zoned for storage
-you don't have a C of O & it's not owner-occupied; hence, all the letters
-VB staff are looking at the building's condition; so, what regulations apply to it
-I'm not sure that it should be labeled a Category 2 VB
-you could use the house for guests but there are things that you'd need to do; talk to the people at DSI; they can tell you what would be required for that but you'd still need a Fire Certificate of Occupancy
-if a property is not occupied by its owner, then, it has to be in the Fire C of O Program; which is intended to provide assurances to people who don't own the property that the people who do own it took appropriate safe precautions for them
-I would like an inspector to take a look & give me a judgment on it's condition
-Mr. Dornfeld, if you look at it & see a Cat 1, then, the VB file is closed; he will report back to me

Mr. Stanley:

-how do I find contractors to work on the house?
-I tore out the kitchen & plan to update it

Ms. Shaff:

-Angie's List

Ms. Moermond:

-You have a Cat 2 VB; if you can get the Fire C of O in 60 days, then, you'll be out of the VB Program

Ms. Shaff:

-Matt won't be coming out; you need to call Inspector Grant Heitman, 651/266-8997; make an appointment sooner rather than later; it will be a regular C of O inspection

Ms. Moermond:

Grant to 60 days to get Fire C of O reinstated. Change to VB Category 1 and if owner fails to comply, property will revert to VB Category 2.

Referred to the City Council due back on 1/4/2017

warning Letter at 1104 COOK AVENUE EAST. (To be referred back to Legislative Hearing on February 21, 2017)

Sponsors: Bostrom

Denise Skorka, owner, appeared with her husband.

Ms. Skorka:

-my husband & I both grew up on Cook Avenue here in Saint Paul; we now live in Houston TX

Inspector Matt Dornfeld, Vacant Buildings:

-this was made a Category 2 Vacant Building on Sep 1, 2015 by Inspector Tom Friel per a Condemnation & referral by Code Inspector Paula Seeley; gas & electric & other interior violations

-Ms. Skorka purchased (from HUD) a Cat 2 VB without the knowledge that it was a Cat 2 VB

-we have a change of ownership per Ramsey Co

-no sale review approval & no code compliance inspection; no permits on file

-the next VB fee is due Sep 1, 2017; the 2016 VB fee went to assessment

Ms. Skorka:

-we purchased the house to make it nice for our family

Ms. Moermond:

-city codes apply to everyone; state codes apply to everyone except the federal gov (HUD); they can do whatever they please; you bought this house from HUD and it's not incumbent upon Hud to disclose to you things that anyone else in the world as a seller would have to disclose to you about the condition of the house

-what you bought was a house that was a Registered Vacant Building that had been condemned for lack of utilities and also because of interior/exterior code violations; a code compliance inspection report was never performed because the federal government doesn't have to do that in order to sell the property

Mr. Dornfeld:

-your house missed part of the process

-the house entered the VB Program back in 2015 when it was condemned for gas/electric shut-off & a couple of interior/exterior violations; from that initial inspection, you either need to order a thorough inspection, which HUD never does, which covers the whole house

-once a house is condemned, it goes to the 2nd level; so, you now need a code compliance inspection where trades inspectors go in and check out everything

Ms. Skorka:

-the interior was remodeled in 2010; so, there was a lot of work done on the inside; there wasn't really anything that needed to be done except for paint, carpet & cleaning but the bank did a good job of cleaning it up before we bought it

Mr. Dornfeld:

-when a property sits vacant for almost 2 full years, it really needs to be looked at to make sure that it's safe and that there are no violations (code compliance inspection)

Ms. Moermond:

-Mai Vang found a letter that, basically, shows that the utilities went off & the people abandoned the place in the conditions that were described; but I would like to have our building inspector look at this house to make a judgment on whether or not it needs a code compliance inspection; he will concentrate on the building related items

*-I will recommend a "building only" code compliance inspection by Jim Seeger; unless there's something shocking that he discovers, I think what you have done are repairs that you would have anticipated anyway
-I'm gathering that you'll want to live here part of the time*

Ms. Skorka:

-we come to Saint Paul about every 6 weeks; we like the snow; and we also come a lot in the summer when it's 100 degrees in Houston

Ms. Moermond:

*-let's get a "building only" inspection
-I'd like to get you out of the VB Program
-I do need you to live in there some of the time
-could you write a statement for me of what your residency expectations are which will give me something for the record on how you intend to use the property
-you do need to do the repairs that Mr. Seeger will be asking for
-I will give you a deadline on when those repairs will need to be done*

Ms. Skorka:

*-my husband patched the chimney before it got cold; he put mesh all the way around it and stuccoed it
-I will call Jim Seeger from Houston & set something up*

Ms. Moermond:

*-you VB fee for 2016-2017 is waived for 90 days
-I would like Mr. Seeger's Orders go out in the form of a Correction letter so that we won't be dealing with another VB fee on this property
-will Lay this Over to Feb 21, 2017 at which point we can make sure that Jim's orders have been sent out & we can confirm that it's out of the VB Program*

To be referred to Legislative Hearing on February 21, 2017. In the meantime, owners to provide a statement of their residency expectation, including timelines and apply for a building only inspection.

Referred to the City Council due back on 1/4/2017

21 [RLH VBR 16-88](#) Appeal of Ray Hoffmann to a Vacant Building Registration Notice at 670 HOLLY AVENUE.

Sponsors: Thao

*Raymond K Hoffmann, owner, appeared.
He sent in an attachment before this LH.*

Inspector Matt Dornfeld, Vacant Buildings:

*-Nov 9, 2016, DSI received a neighborhood complaint: mattress lying against the garage in alley & 2 inoperable motorcycles on the property
-Code Inspector Mark Kaisersatt followed up on Nov 14, 2016 & documented: unable to determine if property is occupied; will refer to Vacant Buildings; there is a large window in the driveway; some apparent bldg materials under tarp in back yard & 1 inoperable motorcycle that lacks plates; sent Summary Abatement Order for bldg materials, motorcycle & large window; referred property to Vacant Buildings
-Dec 1, 2016, Insp Kaisersatt documented: no change; no contact from property owner; issued Work Order to remove garbage, rubbish, junk-window, bldg materials, etc.
-Nov 18, 2016, VB Insp Mike Kalis opened a Category 1 VB per referral from Code Insp Mark Kaisersatt; at the time of Mr. Kalis' insp, the house was vacant, secured by*

normal means; exterior is cleaned due to WO; work is being done on the interior; checked with St. Paul Regional Water Services and found a very minimal amount of water usage

Dec 5, 2016, Insp Kalis documented that the house remains vacant, secured; property owner called - they agreed that Mr. Hoffmann would file an appeal

Mr. Hoffmann:

-I live there; I just don't live there full time or every night of the week
-based on the information that's been provided, I was out of town for Thanksgiving; when I got back into town, I received the Notice & called - left a message with Mr. Kaisersatt; he called me back a couple of days later; I was not aware of the mattress issue -it was gone a long time ago; now, I know what happened to the window; I was waiting on an insurance claim to come back; the motorcycles have been moved into storage; I'm not aware of any other code violations

Ms. Moermond:

-do you have the water running?

Mr. Hoffmann:

-I currently do not have water running

Ms. Moermond:

-that's a big code violation

Mr. Hoffmann:

-as I stated in the letter in front of you, I've had really bad luck with my water meter; and I'm planning on getting it fixed this coming spring; I will be insulating the basement so that it can retain heat; currently, the meter is being heated with electric heat; that's not an issue; I'm well aware that the meter needs to be running; all of my utilities are paid

Ms. Moermond:

-I don't care if the meter is running or not; my job is to make sure that the toilets are flushing; that is a condition of habitability; if we can tackle that, we can get you out of this situation

-the reason that this place wasn't Condemned & Ordered Vacated was because the inspectors didn't think that anyone lived there; if they knew that someone was living there without Water Services, they would have Condemned it & there would be a placard on the door saying: This is a Registered VB & also Condemned

-I'm not willing to allow occupancy for more than 24 hours without running water
-there may be financial assistance that could be available to you

Mr. Hoffmann:

-there's no financial hardship; I didn't realize..... so, what are you asking me to do?

Ms. Moermond:

-let's get that water on & get you out of the VB Program

Ms. Shaff:

-are you planning on moving the water meter?

Mr. Hoffmann:

-the meter was in a pit; now, it's out of the pit; they replaced the copper _____; it's just a matter of it being in the front of the house in a very cold spot because I don't heat the basement; and because I'm been able to shower at work and I do house

sitting, I had the water shut-off; I was fearful & I was not aware that having the water shut off would trigger anything with the city

Ms. Shaff:

-so, you don't need a plumbing permit for it; just turn the water back on

Mr. Dornfeld:

-call me when that's been done

Ms. Moermond:

Grant appeal to be out of the Vacant Building Program provided that water service is restored.

Referred to the City Council due back on 1/4/2017

22 [RLH VBR 16-87](#) Appeal of Eugene V. Sitzmann to a Vacant Building Registration Notice at 45 SYNDICATE STREET SOUTH.

Sponsors: Tolbert

Eugene V Sitzmann, Grand Heritage Properties LLC, owner, and his attorney, Mr. Kueppers, appeared.

Inspector Matt Dornfeld, Vacant Buildings:

-this property was referred by Fire Inspection

-became a Category 2 Vacant Building Nov 22, 2016 per Condemnation Order issued by Fire Inspector Dan Klein on Nov 18, 2016 for a water shut-off

-Nov 22, 2016, Insp Mike Kalis documented that the bldg did appear vacant & was secured; he noted that there is some marginal peeling paint; & according to St. Paul Regional Water Services, the water remains off

Ms. Moermond:

-is the water shut-off part of winterization?

Mr. Sitzmann:

-we have sold the bldg to Home Properties; we have the heat on; we are having meetings there; we have a Purchase Agreement but we haven't gotten the cash yet

-the deal is done; they are reliable people

-currently, they are contemplating putting up a huge apartment bldg on Syndicate & are talking with the city

Mr. Kueppers:

-I'm told by Mr. Sitzmann & his daughter, who works with him on these things, that they were not aware that the water had been shut off; for some reason, something induced the Water Dept to turn the water off at that property; it's not occupied by any residents; it's a single family home; the water was not ordered shut-off by the owner

-now, that they are aware that the water is off, they can get it back on; & there are no other problems at the property

Ms. Moermond:

-have you been out to the property to see if there has been any major water leaking?

-I would suggest you call St. Paul Regional Water Services to see if there's a leak under ground, etc; or some other kind of problem that made them turn it off

Mr. Kueppers:

-it's been vacant for many months

Mr. Sitzmann:

-the water's been off since Oct 10, 2016; I was first alerted when I got a charge of \$50 from the Water Dept; I gave them a call; they had sent a man out there; I asked them who called because I didn't call

Ms. Moermond:

-no one is in there now; so, I won't sweat it if no one is in there

Mr. Kueppers:

-the closing isn't scheduled until Jun 2017; the purchaser is buying 3 properties in a row & now, he has to get all of his plans approved by the city; then, he closes; we have a contract, which allows him some time to do all of that

Ms. Moermond:

*-let's get the water turned back on within 2 weeks from today
-we can check on our computer*

Mr. Dornfeld:

-call me when it's back on

Ms. Moermond:

Grant the appeal provided water is restored in 2 weeks.

Referred to the City Council due back on 1/4/2017