



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final - Final Legislative Hearings

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Tuesday, October 25, 2011

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Remove/Repair Orders (Items 1 & 2- CPH 11/2) (Items 3-5 CPH 11/16)

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

Sponsors: Bostrom

Ms. Moermond's recommendation is forthcoming pending compliance with conditions.

The following conditions must be met by November 2 at noon in order to receive a grant of time:

- 1) approved development agreement between Tom Mohr, Mark Gunter and Deutsche Bank;*
- 2) a \$5,000 performance deposit must be posted;*
- 3) contractor or actual plan for the rehabilitation of the project;*
- 4) deconvert the building from 5 units to triplex or duplex;*
- 5) provide financial information such as account balance or line of credit showing available funds in excess of \$75,000;*
- 6) provide a letter of affidavit committing the amount of funds for the project;*
- 7) prepare a plan on how to prevent nuisance activity from occurring at the property or management plan on how to deal with problem tenants; and*
- 8) provide a more detail amount on cost of labor*

RE: 701 Maryland Ave E (apartments)

Tom Mohr and Mark Gunter, potential purchasers, developers, appeared
Brian Alton, Attorney representing the potential purchasers, appeared
Dave Mortensen, Attorney representing Deutsche Bank, appeared
Mr. and Mrs. Revoir, concerned neighbors, appeared

Steve Magner, Vacant Buildings:

- LH was originally held Oct 11, 2011*
- two neighbors testified*
- Mr. Mortensen, representing Deutsche Bank had asked that we lay it over to Oct 25, 2011*

- 3-story wood frame and stucco/brick 5-unit bldg with detached 3-stall garage on lot 4,792 sq ft
- vacant since Jan 27, 2011
- current property owner Deutsche Bank National Trust Co
- Jul 27, 2011 inspection conducted; list of deficiencies which constitute a nuisance condition developed; photos taken
- Order to Abate Nuisance Bldg posted Aug 5, 2011; compliance date of Sep 6, 2011
- as of this date, property remains in a condition which comprises a nuisance as defined by legislative code
- estimated market value \$75,000 on land; \$200,000 on bldg
- taxes current
- VB fee paid Mar 14, 2011
- Team Inspection completed Apr 11, 2011
- as of Oct 7, 2011, \$5,000 performance deposit not posted
- 9 SAs; 2 WO for garbage/rubbish and grass/weeds
- estimated cost to repair exceeds \$80,000; demolition exceeding \$12,000
- notification went to Deutsche Bank, Ryan Johnson Group, c/o Jen, Maple Grove and Wilfred Bedeski
- it was also put on the ENS list and the bldg itself

Amy Spong, Heritage Preservation Commission (HPC):

- built in 1888; original owner E. Anderson
- originally built as a frame construction; stucco was applied later with brick wainscoting
- original permit says it was built as a hotel and a shed (Sanborn maps says "flats")
- had a full front 1-story porch on a 2-story bldg
- animal shed and auto out bldg
- just outside recent survey area for parts of Payne-Phalen (north boundary was Maryland)
- with great hesitation, she had recommended demolition would have no adverse affect
- it's a very substantial property anchoring a corner; changes were done very early
- speaks to original Scandinavian settlement in the Payne Phalen neighborhood
- doesn't have potential to be designated on an individual basis and there has not been a survey to know if this would have potential as part of a future historic district
- it is very likely that the configuration of the bldg has been changed from when it was originally built as a hotel although, she has never been inside

Mr. Mortensen:

- Deutsche Bank is coming to the hearing today with a comprehensive plan to rehabilitate this property as a Cat 3
- they put together a detailed plan with the people who have worked in Saint Paul and have a good track record
- they are looking for a recommendation to treat this as a Cat 2 property because it was just recently a Cat 2
- the photos convey that this isn't the traditional type of trash house; actually, it's been quite kept up; and a demo could adversely affect this neighborhood
- they have discussed a potential sale of this property to Mr. Gunter, who has taken upon himself to obtain bids and he knows what needs to be done to accommodate the code; he laid out a timeline indicating that interior repairs could be made within the first 90 days
- he thinks this is a good opportunity for the City to maintain this prominent building in that area
- once this property was assigned to a service rep on behalf of Deutsche Bank who's making decisions as far as the property goes; there was a recent service transfer. Mr. Gunter was brought on as a property manager for 701 Maryland, so he currently

is serving as a property manager. From discussion with Mr. Gunter and Mr. Mohr, they have taken steps within the last month to make sure that the property is secured and they make sure it's checked on quite often. The property is being kept clean.

Mr. Alton:

- Mark Gunter owns several properties in the Twin Cities area; he's an experienced property owner / manager
- Tom Mohr, experienced in construction and renovation, with emphasis on historic properties
- they both feel that this property is worth saving and can be property brought back to being compliant with the code
- they have gotten detailed bids
- they have the where-with-all and will be able to work within 90 days
- think it would be better to have local people do the work rather than have the out-of-town bank do it
- submitted repair estimates and a letter from First Commercial Bank on behalf of Mark Gunter and a letter from a Saint Paul Police Sgt (a personal recommendation on behalf of Mark Gunter)
- Mr. Gunter and Mr. Mohr would be responsible property owners and make sure the previous bad behaviors weren't repeated

Ms. Moermond:

- the declaration that it was considered to be a nuisance and dangerous structure was made on Aug 5, 2011 with a compliance date of Sep 6, 2011
- the Public Hearing Notice would have gone to the same parties and would have followed the hearing notice of Sep 16, 2011
- scanned Mr. Alton's documents

Mr. Mohr:

- want to restore the bldg as much as they can back to a great condition: restore brick work; sidewalks; repair all the decks
- wants to work with Amy to help make the exterior look more historic as it was, structurally
- 2006 and 2008, he received preservation awards for restoring the bldg at Summit and St. Albans and also for 322-324 Summit
- has owned 41-unit bldg on Summit near the Cathedral (was a crack house when he bought it)
- has worked with Amy on a number of projects
- would do the work as well as own the bldg; they intend to keep it to maintain it
- it would be a shame to take it down - they will work with the neighbors
- the bldg is sound - there are some supports in basement that need work but it's minor
- there's only one crack in the stucco; brick would be taken off and redone correctly
- front porch could be a great focal point for the nbhd
- they will take care of all the problems and brought back to code; plumbing and elect bids are extensive
- if you bring a bldg back in the nbhd it encourages other rehabs, as well
- nbrs will have their home phone numbers
- trash dumping is an on-going problem in Saint Paul
- talked with the Councilmember in the area who said they are looking for some development in the nbhd, something that is going to encourage people to take care of their properties and to bring the values back up

Mr. Gunter:

- owns approximately 12 properties in Saint Paul and has worked with Tom on Waldorf Flats at Summit and St. Albans

- they have also done other projects together restoring some Cat 2 11-unit bldgs on the East Side as well as a 6-unit Uppertown bldg

Mr. & Mrs. Revoir:

- the bldg has really been a problem for many years; when they moved into the nbhd 36 yrs ago, it was good and that bldg had a very good owner who lived there; but recently, it's been 5 units of trashy people; drugs; garbage; etc.
- she calls the City about problems all the time and they are happy with what the City does when they do call
- they're done with Section 8; Ward 6 has more Section 8 bldgs than any other ward in Saint Paul
- would like to have good people moving in there; don't want any more trouble in the nbhd
- she's a nbhd activist and would like the addresses of other properties these prospective buyers own
- would prefer fewer units in that bldg - converted to a duplex or triplex
- they don't want 5 more units of garbage behind their house
- Mr. Revoir has been inside the bldg and says it's a tough place and if it's dropped from a Cat 3 to Cat 2, it would be a shame; it needs to be brought up to code
- they have caught people dumping mattresses in that yard
- a house could be fixed up real good but if the landlord lives in Woodbury, pretty much anything goes with the house on Maryland
- it would actually be a good rip down; there would be no more bad people coming in there

Mr. Magner:

- 701 Maryland has been declared a Cat 3 VB based on Legislative Code; (Chap 43 Vacant Bldg Ordinance and Chap 33 which speaks to the issuance of permits and work done on properties)
- Chap 33 was amended by CC a few years ago regarding the sale of vacant bldgs, primarily Cat 2 and Cat 3: Cat 3 were specifically identified as properties that would have to be rehabilitated before a sale would be considered legal in the City of Saint Paul. It is DSI's responsibility to enforce that Ordinance. So, if a Cat 3 VB is on it's way thru the public hearing process and a third party wants to rehab it, they can do that but the work has to be completed and a Code Compliance Certificate has to be issued prior to the change of title. He suggested that if Mr. Alton's clients were interested in pursuing this endeavor, that Mr. Alton and Mr. Mortensen work together to form a contract where Mr. Mohr and Mr. Gunter would come in and do the work for Mr. Mortensen's client. When the project is complete and a Code Compliance Certificate is issued, they could at that time, have a transfer of ownership. Otherwise, DSI can not proceed. There are no provisions in the code for allowing the sale of a Cat 3 other than that. The one exemption is that if a property is being purchased by HRA or one of it's partners for some type of planned development / rehabilitation program. There is no method of changing a property from a Cat 3 to Cat 2. He doesn't think that it's even possible, based on previous legal decisions by the City Attorney's Office.
- at the last LH, there was conversation about the use of the property and if it were to be rehabilitated, the City would want the configuration converted from a 5-unit to either a duplex or triplex (lower density)
- parking would need to be adequately addressed and proper management of the bldg in that particular area would need to be addressed - the long term concerns of the past would need to be dealt with properly; garbage pick-up and garbage storage, etc.
- a management agreement may be required for City approval so that the problems from the past don't come creeping back

Mr. Alton:

- thank goodness the Revoirs are there and committed to the work that they're doing
- the potential purchasers would welcome working with the Revoirs and other neighbors to make sure that this property is rented out in a way that is respectful of the nbhd
- the property has been used as a 5-unit bldg for a long time; the intention is to continue to use it as a 5-unit bldg
- the purchasers / owners / managers understand the challenges of the nbhds in all area of the city and are confident that they can meet those challenges
- the contractual issue is quite complicated; another mechanism to change the bldg to a Cat 2 is preferable

Mr. Mortensen:

- whether it's a Cat 2 or Cat 3 doesn't change the amount of work that needs to be done (Code Compliance inspection)
- an exception to the rule would be preferable to a contractual agreement

Ms. Moermond:

- City Council hasn't yet taken a Cat 3 and made it a Cat 2; and this is not the one that she will propose that they do it on, although, Mr. Alton and Mr. Mortensen might be able to persuade the CC to do it
- this is a Registered VB with all the requirements that go with that
- when there's a bldg that requires in excess of \$75,000 worth of repair in order for it to be considered habitable again, there's really no question in her mind that it's appropriate that it be categorized at a Cat 3 VB
- the level of repairs that are required
- the definition of nuisance bldg itself triggers this bldg into this category: "A vacant bldg or portion of a vacant bldg as defined in Section 43.02 which has multiple housing code or bldg code violations or has been vacated by the City and which has conditions constituting material endangerment as defined in the Saint Paul Legislative Code or which has a documented and confirmed history as a blighting influence on the community....."
- here we definitely have a history of blighting influence on the community
- she would not recommend that CC take any action that will continue its status as a "blighting influence" or one that will exacerbate the problems that the nbhd is currently experiencing
- the size of the bldg itself - deconversion is where we're at; this bldg cannot remain a 5-unit bldg (triplex or duplex) - this has been done with other properties; i.e., 500 Sherburne
- there are properties that are like the Bermuda Triangle - the association of negativities is going to go with them for a very long time (this is one of those)
- it won't be enough to just fix it; it's reputation needs to be changed
- it needs: Crime Free Multi-Housing Training; use appropriate lease agreements; management plan on how problem tenants and all tenants would be dealt with; parking plan; location of garbage and screening/locked area; proof of money in the bank designated to this project; affidavit on intent on necessary funds towards this rehab (account balances); contractual agreement between Deutsche Bank and potential buyers unless the CC takes it off the Cat 3 VB list; \$5,000 performance deposit needs to be posted (another \$5,000 on top of the \$104,000); explicit rehab plans including labor costs

Mr. Alton:

- thinks that it would be impractical to think that there's any ability to do the work to convert it to a 2-unit bldg; economically, that's probably not going to work

Ms. Moermond:

- CCPH Nov 2, 2011 at 5:30 pm
- a letter will be sent confirming these details
- get other plans, etc., to her office by Noon on Wed, Nov 2, 2011

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

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

Sponsors: Thune

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

No one appeared.

Steve Magner, Vacant Buildings:

- found that vinyl was put over masonry on the front of the bldg (?)

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

- 3 [RLH RR 11-78](#) Ordering the rehabilitation or razing and removal of the structures at 228 EDMUND AVENUE within fifteen (15) days after the November 16, 2011, City Council Public Hearing.

Sponsors: Carter III

No show. Remove within 15 days with no option for repair.

RE: 228 Edmund Ave (duplex)

Steve Magner, Vacant Buildings:

- 2-story wood frame duplex with detached 2-stall garage on lot of 6,534 sq ft
- vacant since April 21, 2010
- current property owner Norman and Alvena Farrar per Ramsey County
- Aug 16, 2011, inspection conducted, list of deficiencies developed; photos taken
- Order to Abate Nuisance Bldg posted Aug 29, 2011; compliance date Sep 28, 2011
- as of this date, property remains in a condition which comprises a nuisance as defined by legislative code
- estimated market value \$17,800 on land; \$57,300 on bldg
- taxes for second half of 2011 delinquent in amount of \$1,846, plus penalty and interest
- VB fees paid by assessment May 18, 2011
- Code Compliance Inspection June 30, 2010 and has expired
- as of Oct 21, 2011, \$5,000 Performance Deposit has not been posted
- 11 SA since 2010
- 8 WO for garbage/rubbish; boarding/securing; snow/ice; grass/weeds
- estimated cost to repair exceeds \$50,000; estimated cost to demolish exceeds \$12,000

Amy Spong, Heritage Preservation Commission (HPC):

- built 1878 frame construction as a single family
- within 2011 Thomas Dale Survey Project area
- prior to 1925, it was flats
- has lost a lot of integrity
- porches gone in front and back

- siding has been covered
- not identified as part of any potential historic district
- lost a lot of context
- demolition will have no adverse affect

Ms. Moermond:

- looks as though it's been abandoned
- will recommend the removal of the structure within 15 days with no option for rehab

Referred to the City Council due back on 11/16/2011

- 4 **RLH RR 11-79** Ordering the rehabilitation or razing and removal of the structures at 778 SMITH AVENUE SOUTH within fifteen (15) days after the November 16, 2011, City Council Public Hearing.

Sponsors: Thune

Ms. Moermond recommended that the \$5,000 performance deposit be posted within 2 weeks in order to grant additional 2 weeks to sort out the liens on the building.

RE: 778 Smith Ave (Kader Deli)

George Bahr, representing ASL Inc, owner and contractor, appeared.

Jim Sullivan, representing his daughter, who lives directly to the south of this site, appeared.

Mr. Bahr:

- provided documents
- this was an old gas station site
- apologized that this has gotten to this stage - there were some issues that took place that caused the project to remain at a standstill
- after the site was cleaned, they were approved by the STAR Program for approx. \$260,000 loan
- it is his understanding that there was a pay off for the Contract for Deed at a closing and that deed had not been recorded by the title insurance company
- to his knowledge, the Musanis have no interest in the property
- they are going to a mediation hearing Nov 14, 2011 to settle the outstanding liens on the property (Vights \$30,890; Pete's Sewer and Water \$6,500; Linko Fab \$14,685; BDM Consulting Engineers \$5,600; Buck Black Top \$12,379; Honza \$6,645 plus penalty and interest)

Ms. Moermond:

- the removal of this station and tanks, etc., happened by virtue of an Order of the City Council and passed thru LH as well

Steve Manger, Vacant Buildings:

- unfinished construction of a concrete and steel frame on a lot of 8,712 sq ft
- vacant since Jun 29, 2011
- there were a number of letters sent by Sr. Bldg Inspector, Steve Ubl, to the parties involved identifying that work had not been progressing at the rate required by the state bldg code; and as such, they were given an opportunity to complete the project. They failed to do that so, the permits expired and the property was referred to VB by Mr. Ubl. VB opened a file and issued a standard abatement to control the site, which included bringing in fill to level the site, installing a snow fence around the bldg, putting in erosion control measures and seeding the site. Up to that time, none of the items in Mr. Ubl's original letter had been completed by the owners, Mohamed and Amini Musani, per Ramsey County.

- Aug 16, 2011 - inspection conducted, list of deficiencies developed; photos taken
- Order to Abate Nuisance Bldg posted Aug 29, 2011; compliance date Sep 28, 2011
- As of this date, the property remains in a condition which comprises a nuisance as defined by the legislative code
- per Sr. Bldg Inspector, Steve Ubl, the project has not had any work performed, completed or done for over 6 months. A letter has been sent to the owner and contractor explaining that the site is a nuisance and required attention. There's been no response from the responsible party.
- the following issues at the property are a nuisance and need to be addressed:
 - 1) installing approved erosion control system around the perimeter of the project
 - 2) secure the site to prevent entry to project
 - 3) repair / replace sidewalk
- the bldg permit expired because no work had been done over 180 days
- neither the owner or contractor had responded to the Orders and these issues had created a nuisance property and structures which needed to be addressed
- estimated market value: \$87,800 on land
- taxes are delinquent as follows: 2009-\$2,429.96; 2010-\$4,536.34; and 2011-\$4,689.36
- VB fees went to assessment Aug 29, 2011
- 4 SA since 2011; 1 WO for grass/weeds (does not include backfilling the site)
- estimated cost of repairs: exceeding \$50,000; estimated cost of demolition: between \$6,000-\$8,000
- DSI is seeking a resolution to remove the built structures and return property to a vacant lot
- he's been contact every month by the nbrs; Mr. Sullivan's daughter has some concerns that need to be addressed; been on-going for 2 yrs+
- read email from Mr. Sullivan's daughter: re: retaining wall, fence stability and the replacement fence. Her immediate concern is the stability of the existing fence in the absence of a retaining wall, which needs to be 6 ft tall instead of the existing 3 ft tall wall. George has promised Jackie a new fence on the property line.
- Ramsey County won't record Warranty Deeds if there outstanding liens and the City shows several liens
- the City would definitely need to see financing in place before the CC would approve a grant of time

Amy Spong, Heritage Preservation Commission (HPC):

- remembers doing a review and recommendation on the old filling station, built prior to 1946 and part of the original nbhd context
- the structure currently present on the site has not been around long enough to be evaluated historically

Mr. Sullivan:

- provided documents and photos
- concern: it has taken forever to get the bldg built and in the meantime, the excavation has come right up to her property line and he believes, infringes on it
- she is unable to put up a fence for her 2 dogs
- Mr. Bahr said he was going to put up the fence last year but he didn't (he just got the posts up) - he keeps saying that something is going to happen but it never does; the money is always running out
- he thinks they should just forget about it - let it be a vacant lot for the kids to play on
- the retaining wall is too short; it's not retaining the soil

Ms. Moermond:

- this is a complicated issue: ASL Inc is the tax owner; and the Musani couple are the simple owners
- delinquent property taxes for 3 yrs running (Mr. Bahr wasn't aware of the delinquent

taxes - \$11,655)
- land value \$87,000 and a total of \$81,829 of taxes and liens, so it's a break even game
- plus approx \$3,300 abatement (not yet on taxes) needs to be paid in order for the title to be transferred

Mr. Bahr:

- wants to fix up the property
- he met with Steve Ubl; met with Jim Bloom; talked with Tom Beach - Steve suggested that Mr. Bahr just start the process over again
- Tom agreed to re-route the prior approved site plans with sewer, water, etc., without having to re-submit the plans
- he filled out a new bldg permit application that encompasses the entire bldg
- sent an anticipated schedule to Steve and Jim
- sent SAC determination letters to Met Council
- trying to set-up an aggressive construction schedule to get the bldg done
- the nbhd anticipated having an open deli there and were excited about it
- he is getting stuck with a lot of bills; he also put a lot of money into it
- he has made commitments to Mr. Sullivan's daughter and he will live up to them
- work was done there yesterday including removing as much of the signage as possible off the pylon (new owners want to use that old pylon)
- they were originally approved for \$260,000 loan from STAR for the bldg. He went to all the CC mtgs. At the first mtg, Councilmember Thune tabled it because he said he didn't have enough information. At another CC mtg, it was approved but for only \$95,000 with other conditions (employ people at deli at a minimum of \$15/hr; Councilmember Thune wanted to direct them to a designer as that he could have some input on the facade; they had to employ union contractors - none of these conditions were part of the STAR Program's qualifications); there was no way they could complete the bldg for \$95,000
- they are working with Maple Bank in Champlain to get the remaining financing (will provide a letter)
- it would be a shame to stop now - it already has sewer and water; foundation; and a lot of effort put into cleaning up the site
- overall project cost, including kitchen equipment is roughly \$500,000+
- they did the demographics - there are similar operations in Columbia Heights and Mpls that generate in excess of \$1,500-\$2,000/day - can service the debt and provide a profit
- if they abandon this project, all of the lien holders in sequence would have the right to redeem - what are they going to do with the property? They are not in the business to develop / own property; they want to finish the project and build the deli that they wanted; thinks it's ludicrous for the City to go in and start tearing up concrete, asphalt, curbing, retaining wall, disconnect sewer and water, etc. That would all be negative.
- not getting the STAR money that was anticipated and the further conditions set by CC created the problem with this property; the owners didn't have enough money to off-set that
- he wants to see the project be successful; wants to see the nbrs happy, especially Mr. Sullivan's daughter; thinks it will be a real asset to the nbhd; he's stubborn and sees the positive instead of the negative

Mr. Magner:

- from a staff perspective, there some major holes in this program and until those holes are filled, DSI's recommendation would be to move ahead with the Resolution to remove - clear the site; nearly \$90,000 is owed
- surprised that Mr. Bahr has continued to stay with this project
- re: retaining wall - if you go above 3 ft on the wall, it needs engineering and a permit

- the privacy fence needs a permit
- it's his preference that this moves to CC without any changes to the site until a decision is made by the CC

Ms. Moermond:

- CCPH Nov 16, 2011
- realizes that there's no way things will be done by Nov 16, 2011
- post the \$5,000 performance deposit in 2 weeks (if that's done, she will ask CC for another 2 weeks to sort thru what's happened with mediation on the liens)
- be ready to submit an application for a bldg permit to deal with the retaining wall and fence
- if CC grants time, there will be another LH

Referred to the City Council due back on 11/16/2011

- 5 [RLH RR 11-80](#) Ordering the rehabilitation or razing and removal of the structures at 910 EDMUND AVENUE within fifteen (15) days after the November 16, 2011, City Council Public Hearing.

Sponsors: Carter III

Laid over to November 8.

RE: 910 Edmund Ave (multi-family)

No one appeared.

Steve Magner, Vacant Buildings:

- 2-story wood frame 4-unit dwelling on lot of 3,920 sq ft
- vacant since Nov 16, 2007
- current property owner Dong Phung per Ramsey County
- Aug 17, 2011 inspection conducted; list of deficiencies developed; photos taken
- Order to Abate Nuisance Bldg posted Aug 29, 2011; compliance date Sep 28, 2011
- as of today, property remains in a condition which comprises a nuisance as defined by legislative code
- estimated market value \$60,000 on land; \$149,000 on bldg
- taxes are current
- VB fees for 2010-2011 were paid by assessment Dec 15, 2010 (fees for 2011-2012 are due Nov 17, 2011)
- Team Inspection Oct 15, 2010
- as of Oct 21, 2011, bond not posted
- 17 SA since 2007
- 19 WO for garbage/rubbish; boarding/securing/ snow/ice; grass/weeds
- estimated cost of repair exceeds \$50,000; estimated cost to demolish exceeds \$15,000

Amy Spong, Heritage Preservation Commission (HPC):

- built 1889 frame construction
- was built as flats
- has colonial revival elements; symmetrical facade with 2 flanking bays on each side of the entrance
- has gabled dormer at the top with some decorative barge boards which are still present
- originally had a little front 1-story porch that just extended to the bays (has been replaced with an early kind of arched opening with some substantial brackets - potentially in the 20s or 30s)
- 2 additions were done on the back between 1917-1922

- located within Thomas-Dale Survey area that was completed
- a survey form wasn't completed on this particular property and it wasn't identified as being within a potential historic district for this area
- did not look at interior photos
- 2 block faces have a lot of context - most of the properties along these 2 block faces are all within the same historic period
- this property has fair-good integrity with the 2 bays still in tact in the front; entrance canopy and the roof detailing still present
- she recommends strongly encouraging rehab

Ms. Moermond:

- not sure whether this is in foreclosure; Mai Vang will check with PED staff on that
- will LAY THIS OVER FOR 2 WEEKS; recommendation forthcoming

Laid Over to the Legislative Hearings due back on 11/8/2011

- 6 [SR 11-25](#) Reviewing progress of rehabilitation for 1456 COHANSEY STREET.

Sponsors: Helgen

Staff Report - LH Nov 8, 2011

RE: 1456 Cohansey St (single family)

Staff Report -

Steve Wagner, VB:

- have 2 permits outstanding (bldg and plumbing)
- are 15 days past performance deposit; will send out the 30-day Revoke letter (giving them 30 days to get both permits signed-off or the \$5,000 bond would be Revoked)
- would be beneficial if Mai Vang also send a letter indicating that DSI is planning on Revoking the performance bond

Ms. Moermond:

- thinks it would be beneficial to set up a LH on that for Nov 8, 2011

On October 28, 2011, Attorney for Appellant contacted Ms. Vang to reschedule hearing date of November 2. Ms. Vang consulted with Ms. Moermond and she indicated the matter be rescheduled to November 22. The bond is subject to forfeit on December 1, 2011.

Laid Over to the Legislative Hearings due back on 11/22/2011

11:00 a.m. Hearings

Orders To Vacate, Condemnations and Revocations

- 7 [RLH VO 11-91](#) Appeal of David Busch, DRB #24 LLC, to a Fire Certificate of Occupancy Inspection Correction Notice at 727 CHARLES AVENUE (appealing condemnation of upper unit).

Sponsors: Carter III

LH Nov 8, 2011

RE: 727 Charles Ave (duplex)

David Busch, owner, and Scott Peeters, building contractor, River Valley Builders, appeared.

Mr. Bush:

- *Notes that this is not an occupancy issue; tenant had left a couple days before inspection having trashed it*
- *believes that this Condemnation is not appropriate under the circumstances*
- *he assured Ms. Moermond that Patricia Ware did not agree to the rehab understanding that it was to be Condemned*

Fire Inspector Mike Urmann:

- *he is the inspector of record at the site*
- *background: started as a referral in the Unit*
- *Orders were issued under Referral for the Unit; subsequently, the Unit was vacated*
- *went back for full Certificate of Occupancy inspection and met with property managers on site*
- *multiple violations in the Unit (plumbing, electrical, etc.)*
- *agreed with the property mgrs on site that instead of listing each individual item thru the Unit, they just wanted to rehab the Unit on their own*
- *Mr. Urmann said they could do that but he would Condemn the Unit until it's inspected and approved*
- *Unit is currently vacant and is in need of rehabilitation*
- *at the time of his inspection, the Unit was unfit for habitation (it meets the code)- that caused the Condemnation; plumbing and electrical do need to be done under permit by licensed contractors and approved (as of yet, there are no permits on this)*

Mr. Busch:

- *this property has already been rehabbed (\$60,000-\$70,000)*
- *the tenant broke the place apart (revenge) while these people used them as a weapon to Condemn the property and then sue him for back rent*
- *has his contractor here to testify that the Unit is fully habitable*
- *his plumbing contractor will testify that there are no permits necessary*
- *only plumbing issue that the inspector identified was the pea trap under the bathroom sink (had gone to get a seal to repair slow leak)*
- *someone put an extension cord to the garage; he removed the extension cord*
- *those were the only 2 items that were specified*
- *it's ready to be habitable at this point*
- *asked that the inspector be very specific about what else may need to be repaired and he will deal with it*
- *Mr. Busch met with the inspector the first time and once the trash was cleaned out, the windows/screens repaired, smoke detectors and carbon monoxide detectors replaced, the tenant ripped them off again; in the meantime, the tenant threatened to personally assault the workers who tried to get in to fix things*
- *they had no chance to get in to do any of the work until 48 hrs before the next appointment with the inspector*
- *during that 48 hrs, they pulled off the bathroom pea trap to put on a seal; they also removed the linoleum flooring in the kitchen because the tenant had damaged it beyond repair (linoleum floor will be the last item to be repaired)*
- *he views it as very serious to Condemn a property; it should be done only in due course of adequate consideration*
- *if he had had a complete list of items to be repaired, they would have already been done*
- *in the meantime, he would like an inspector to come out and tell him what else needs to be done so they can get it all done at once*
- *he would like to have a 3 week extension*

- in the meantime, he will not have a Condemnation on his property

Mr. Peeters:

- has worked on other properties for Mr. Busch where tenants had done damage
- when he went thru the Unit, all the smoke detectors were gone except for 1; there were 3 broken windows-on 2 the glass was pushed outside; screens were all taken out except 1 and some were damaged and had to be repaired; the elect work was just an extension cord going to the garage
- smoke detectors are now in; that cord was removed; the plumber happened to be there fixing the sink when Mr. Peeters was there - he was doing the Orsat test on the furnace; the screens have been fixed and installed; the glass has been replaced; and the flooring will be in next week
- he took photos of how the tenants left the unit
- he put together a list for Mr. Busch on the cost of repairs
- smoke detectors were put in and tenants took them out again; so, they had to be put in again
- he also installed the smoke detectors for another tenant who had taken them off and put them into a drawer
- the Unit is currently up to code on everything else

Ms. Moermond:

- CCPH Nov 16, 2011
- let's use that time to make some headway
- Mr. Urmann will go out and write more specific Orders on this; Appellants will make themselves available for an inspection in the next 1-2 wks
- she wants to see the case no later than Nov 8, 2011 (LH that will precede the CCPH on Nov 16, 2011)
- will LAY THIS OVER until Nov 8, 2011 LH; enforcement is stayed

Mr. Bush:

- it is our intention to get this fixed up before we are back here again

Laid Over to the Legislative Hearings due back on 11/8/2011

8 **RLH VO 11-92** Appeal of James Swartwood to a Condemnation and Order to Vacate at 931 MARION STREET.

Sponsors: Helgen

VB fee waived for 90 days. C of O must be reinstated w/in 30 days. If not, Appellant will need to obtain a Code Compliance Inspection. (Inspector Lisa Martin)

RE: 931 Marion St (single family)

James Swartwood, owner, appeared.

- Mr. Swartwood:
- entered documents and photos

Matt Dornfeld, Vacant Buildings:

- Oct 6, 2011- Condemned by Fire Inspector Lisa Martin
- Inspector Martin documented 19 code violations
- Oct 13, 2011 - Mr. Dornfeld opened a Cat 2 VB file
- at that time, he found home occupied by a Caucasian handicapped male who said he was in process of vacating (Mr. Dornfeld allowed him time to do that)
- issued SA Oct 13, 2011 for junk, refuse, household items, discarded furniture, overflowing trash cans in rear or yard, front door was opened to entry, some side

garage doors which were previously boarded, also open to trespass
- Oct 20, 2011 front door remained open and all of the discarded stuff, etc., remained in the back; garage still unsecured
- issued WO

Fire Inspector Urmann:

- photos in C of O file of the condition of the property at the time of Condemnation
- looking at history: from 2007 to present, it was Revoked, Condemned - 4 separate times for code violations and bldg issues - inspector is hoping this can go thru a Code Compliance Inspection (has always boarded on minimum/low code compliance)
- sees that no mechanical permit has been pulled within the last 3 yrs (if there is a new furnace)
- sees bldg permit for roof

Ms. Moermond:

- viewed photos
- 4 Condemnations since 2007 is a lot (there are a lot of old bldgs that aren't Condemned 4 times in 4 yrs)

Mr. Swartwood:

- had screened these tenants, who were in there for only a couple of months
- county paid for their damage deposit and their first month's rent
- tenants had no prior problems - nothing in their past that showed that they were a danger to the community (there were no crimes, no evictions, no drug dealing); although, he didn't screen them for housekeeping; he thought they'd be good tenants. He took appropriate action when he realized their lease violation: multiple dogs; and they started to behave for a while
- he gave them a little extra time because one of them just had his leg amputated
- got them evicted - sheriff dragged them out
- in process of cleaning out the property; has it under control
- bldg had been inspected by Inspector Martin Feb 11, 2011 and was found compliant
- bldg is empty right now
- thinks Mr. Urmann's note on history is an unfair characteristic of this property; more accurately, you should look at the permits that were pulled
- 150 yr old bldg - has been updated with new roof; new furnace 2-3yrs old; newer electrical; plumbing has been inspected numerous times; several structural engineering reports determined it to be a good structure
- asked that the bldg get out of Cat 2 VB and back into circulation; it didn't deserve that; it just had some bad tenants who behaved irresponsibly (he took appropriate action)
- bldg met code just 8 months ago

Ms. Moermond:

- will recommend that VB be waived for 90 days to give Appellant a chance to get out from under that
- if C of O is re-instated within 30 days, Appellant will not need to go thru Code Compliance inspection; if not, then Appellant will need the Code Compliance inspection
- CCPH Nov 16, 2011
- the vacate stands pending C of O re-instatement

Referred to the City Council due back on 11/16/2011

9

[RLH VO 11-90](#)

Appeal of Elsie Mayard to a Notice of Condemnation as Unfit for Human Habitation and Order to Vacate at 755 MINNEHAHA AVENUE WEST.

Sponsors: Carter III

Per Inspector Mashuga, power and gas restored at 755 Minnehaha Ave W Per Xcel.

RE: 755 Minnehaha Ave W (duplex)

Elsie Mayard appeared.

Ms. Mayard:

- needs Inspector Mashuga to be here today; he called her yesterday - said he'd be here today; she doesn't want this to happen again with them*
- what Mr. Mashuga did was wrong; he said everything was fine; the next thing she knew, he sent a letter to the bank saying her lights were off but she had told him she had lights - then, he wanted to come over to the house but she told him it was private property and if she said she had lights, she had lights.*
- she came to this LH only because Inspector Mushuga was wrong and he didn't show up and his boss didn't show up*
- she let him know that she has rights under federal law*
- she has lived there since 1992*
- she has had a dispute with Xcel about her bill on her private property; it's not rental - she lives there*
- the City can't tell her she has to move out of her house unless she pays her bill with Xcel; this has happened before and she wants it to stop*
- this is a problem with her bill with Xcel which has never been fixed*
- her elect was not shut down during the time the City says it was*
- when you say something to an inspector that they don't like, they want to punish you; but they want to punish the wrong person*
- she let the inspector know that if this happens again, they will find themselves in federal court because she is going to challenge this - she has the right to know is the City is going to do something to her - she found out from the bank*
- she introduced a letter from M & I Bank asking her what is going on*
- she wants this dept to stop; the City cannot force me to pay Xcel*
- first of all, her lights were not shut off - she talked to the inspector that day and told him the lights were on - he didn't even bother to check*
- the City does not have her permission to come into her life and tell her to pay a bill*
- she's not bothering anyone; she is safe*
- what's more safe for her - to live in her house without elect or to live in the streets*
- the City already knows that she has a problem with Xcel about her bill but Xcel tries to take advantage of that*
- the house next to her didn't have power for about 7 months and the City never bothered them at all*
- she feels her rights have been violated by the City of Saint Paul; her rights are protected under the law*
- City has no jurisdiction telling her what she's supposed to do with her life*
- she is going to make sure the law is changed; it's unconstitutional to have a law like that*

Matt Dornfeld, Vacant Buildings:

- per Steve Magner, DSI, currently, is not staffing this situation due to the fact that the Condemnation has been lifted (letter went out this morning); the electrical has been restored per Inspector Mushuga*
- history: there have been 4 shut off at this property*
- will have this morning's letter lifting this Condemnation emailed to Ms. Moermond*
- the City gets hundreds of shut-off notifications from Xcel per month*
- the inspectors and Ms. Moermond didn't make the laws but it is their job to enforce them*

Ms. Moermond:

- M & I Bank owns this
- informed Ms. Mayard that she needs to have gas and electric service at her residence or the bldg will be Condemned
- Xcel had informed the City that they had turned off the service
- cannot guarantee that this won't happen again if Xcel contacts the City and says that they've cut the power
- whether private or rental property, that's always the case
- the placard can be removed from the house - it's not Condemned anymore (Mai has gone to get the letter)
- noted that Ms. Mayard's house has been foreclosed upon by M & I Bank; it looks as though they have filed to evict her

Withdrawn

1:30 p.m. Hearings

Window Variances: Hearing Required

- 10 [RLH FOW](#) Appeal of Jennifer Holden to a Fire Certificate of Occupancy Correction
[11-199](#) Notice at 486 BIRMINGHAM STREET.
- Sponsors:** Lantry
- Grant a variance on the windows on the condition that screens are labeled directing tenants on how to remove the screens.*
- RE: 486 Birmingham St (single family)*
- Jessica Maroto, realtor, appeared. (Jennifer Holden, appellant)*
- Fire Inspector Leanna Shaff:*
- re-inspection of a complaint by Inspector Wayne Spiering (has already been thru the appeals process)
 - Ms. Holden was given 90 days to bring windows into compliance
 - photos have been submitted and are in Amanda
 - there is some difficulty with the way the windows work
 - the side awning windows have been modified to open without restriction of hardware; however, now, the screen is in front of the locking and handle mechanism
 - the difficulty is that if you need special knowledge to open a window - it's not good; and the Legislative Code requires screens
- Ms. Maroto:*
- entered photos, as well
 - renters who just moved in took off the screens on all windows
 - was told, originally, to get the hardware changed (had to pull hardware and window opened up)
 - contractors told them to put in different windows (cost was too much for owners who lost their jobs and had to re-locate to Chicago)
 - window is very easy to open compared to a casement window or one with an outside screen
- Ms. Moermond:*
- this is an awning type window that's always been on its side
 - the screens need to go back in and they need labels (they come right off when you pull tabs)
 - a permit wasn't pulled for the work; however, the Orders are vague

- will recommend granting a variance on windows provided screens are labeled
- Inspector Wayne Spiering will send re-inspection letter

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

11 **RLH FOW**
 11-200

Appeal of Chao Yang to a Fire Certificate of Occupancy Inspection Correction Notice at 1075 Case Avenue.

Sponsors: Bostrom

No show. Deny the appeal. (Inspector Kelly Booker)

Referred to the City Council due back on 11/16/2011

12 **RLH FOW**
 11-174

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

Sponsors: Stark

Ms. Moermond reviewed the photographs provided by the property owner and based on the documentation she recommended that the City Council grant on the appeal on the window wells on the condition that a substantial post or ballard with reflective material be installed. This design should be approved by Fire Inspection staff; grant the appeal on the guardrail if reflective material is added to the rims where the above post or ballard is installed. (Inspector Lisa Martin)

RE: 1594-1596 Hague (duplex)

No one appeared.

Mai Vang: we didn't talk to him about the guardrail at the last LH

Ms. Moermond:

- that should have been scheduled for this week but it was inadvertently put on last week's agenda
- we dealt with a lot of it then
- in the meantime, additional photos were received from Joshua O'Neill showing the larger view scape
- photos were viewed by Fire Inspector Shaff
- one photos showed fencing around a window well at another property of his

Ms. Shaff:

- all the window wells look like the same window to her
- would rather have a post or ballard with reflective material be installed in front of well
- ladder in the well

Ms. Moermond reviewed the photographs provided by the property owner and based on the documentation she recommended that the City Council grant on the appeal on the window wells on the condition that a substantial post or ballard with reflective material be installed. This design should be approved by Fire Inspection staff; grant the appeal on the guardrail if reflective material is added to the rims where the above post or ballard is installed.

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

- 13 **RLH WP 11-96** Appeal of Lucas Salzwedel, Pella Windows, on behalf of Ron Hook, to an Egress Window Non-Compliance Determination at 955 HAWTHORNE AVENUE EAST.
- Sponsors: Bostrom
- No show; deny the appeal.*
- Referred to the City Council due back on 11/16/2011**
- 14 **RLH FOW 11-208** Appeal of Pat Kirkwold to a Fire Certificate of Occupancy Correction Notice at 415 HOYT AVENUE EAST.
- Sponsors: Helgen
- Grant a variance on the sill height in the basement northeast bedroom on the condition that two steps are installed full width below the egress window; deny a variance on the basement northeast and south bedrooms and grant an extension for 90 days to come into compliance. (Inspector Mike Cassidy)*
- RE: 415 Hoyt Ave E (two-family dwelling)*
- Pat Kirkwold and father-in-law Jim, appeared.*
- Fire Inspector Leanna Shaff:*
- Fire C of O inspection Sep 20, 2011 by Inspector Mike Cassidy (first Fire C of O inspection at this property)
 - basement egress windows: items #6, #7
 - NE and S bedroom windows
 - #6 - 12h x 36w (code 24 x 20w)
 - #7 - NE bedroom window has a sill height of 56.5 inches (code max. 48 in)
 - these windows were installed May 8, 2001 (permit expired after a yr)
- Mr. Kirkwold:*
- looking for insight and a bit more direction as to next steps; things are a little unclear as to what needs to be done to take steps to improve the property
 - owned property 8 yrs; inspected 4 yrs ago and the egress windows have passed (why not now?)
 - they were instructed in the past to put a placard in the bedrooms near the windows that describes how to remove the window and add a step ladder (Jim explained that there had been an issue of egress with these windows before; some inspection prompted the placard and ladder be placed near the windows)
- Ms. Moermond:*
- her concern: getting a body up to this height and out of the window
 - install 2 steps the width of the window below the window
 - a 12-inch high opening is just too small
 - City doesn't accept windows where you have to take out a sash (requires special knowledge)
 - a new window needs to be installed (an approved crank out egress is what is needed)
 - will recommend denying the appeal and granting 90 days to come into compliance under permit
- Referred to the City Council due back on 11/16/2011**

Fire Certificates of Occupancy

- 15 [RLH FCO
11-421](#) Appeal of Kenneth O. Doyle to a Re-Inspection Fire Certificate of Occupancy
With Deficiencies at 705 SUMMIT AVENUE.

Sponsors: Carter III

*To be referred back to Legislative Hearing on November 22 and City Council
December 7, 2011.*

RE: 705 Summit Ave (multi-family)

Kenneth Doyle, owner, appeared.

Ms. Moermond:

*- an awning window issue with question about the historic attributes of the windows
and how to maintain the character, etc.*

Fire Inspector Leanna Shaff:

*- an awning window for egress hasn't been accepted in the code for quite some time
- with egress, when you have to climb out that window, you get your feet out - it's not
helpful to pop your head up and thru the glass
- with egress, we don't want the window right over your head*

Mr. Doyle:

*- yesterday, they discovered a way to modify the hardware on the window so it now
opens to 29h x 38w (7.6 sq ft of unobstructed opening)
- is puzzled because a week or two ago, he stopped at the plan examiners and asked
them if there was any problem with awning windows and they said, "No. None
whatsoever; as long as the unobstructed opening is 5.7 sq ft." - quite different from
what Ms. Shaff is saying
- the window was originally sold to him by Andersen Windows and it was approved by
Tait Halvorson and it was inspected for 25 yrs after that and now, you come in and
say that it can't be an awning window (?)*

Christine Boulware, Historic Preservation (HPC):

*- just read over the minutes from last LH and there's 5 awning windows total
- the property was included in the third expansion of the Hill Historic District in early
90s
- those windows were installed just prior to that and they didn't require a review at
that time
- typically, the awning windows would not be compliant with the style of bldg of the
original windows or the opening
- without having photos of the exterior elevations or where they are at, it's hard for her
to tell the situation
- we need to look at what elevations these windows are on and what floors they're on,
the visibility and the size of the openings to try to figure out how to get compliance
- now, she is trying to make sure that anything that's done is safe for your tenants
and will comply to the City's guidelines
- tile roof
- she cannot think of another style of window that's installed on a roof plane
(double-hung wouldn't work; casement couldn't work); this is a unique situation
- perhaps, she could go out there with the Fire Inspector Rick Gavin to check out the
possibilities, etc.*

Mr. Doyle:

- there are no awning windows on the front; there are 4 on the sides of the bldg (west side and east side each have 2); they sit in the slat roof (Ms. Shaff said there are 4 of these in Unit 6; 1 in Unit 4 - Mr. Doyle says there's no awning window in Unit 4) Need Verification
- the difference between a skylight window and roof window is that a skylight window is sealed; a roof window opens
- doesn't understand how the plan examiners just a week or 10 days ago could tell him that there is no problem with awning windows in the roof and now,, there were actually several of them involved and they understood it was a sleeping room
- has wracked his brain and can think of no solution but this

Ms. Moermond:

- 37.5 is the width on these - a slider window would be the other option for that space but would be tricky
- is inclined to deny the appeal; code is clear: this is problematic; at the same time, this is historic and Mr. Doyle has taken such good care of this property and has been such a good owner
- she sees awning window problems a lot - always an egress concern - never has the CC granted a variance on awning windows
- now, we need to figure out what will work and if the Appellant needs any variances for what will work and then a timeline for coming into compliance
- need plenty of time to work on design solutions
- will LAY THIS OVER to Nov 22, 2011 to see if Ms. Boulware, a plans examiner person and Fire Inspector Rick Gavin can take a look at this and come up with a solution
- wants to make sure tha Mr. Doyle receives one consistent view
- can't tell Mr. Doyle that it's OK; can't explain the oversight in the past
- it's a safety concern
- knowing this condition, she cannot recommend it be continued

Mr. Doyle:

- it is really upsetting as a citizen who's been very conscientious now to be told that what was approved and re-inspected and re-inspected and re-inspected for 25 yrs, is suddenly not acceptable and you want major expenditures to fix it. He thinks it's grossly unfair! It's the sort of thing that creates an attitude toward government that he doesn't think either the government or citizens would want. This is really outrageous!
- can we handle the ceiling height concern?

Ms. Moermond:

- will grant a variance on the ceiling height
- will Layover the egress window issue to LH Nov 22, 2011

Referred to the Legislative Hearings due back on 11/22/2011

16 [RLH FCO
11-467](#)

Appeal of Kyle Dalton to a Fire Certificate of Occupancy Inspection
Correction Notice at 1020 PACIFIC STREET.

Sponsors: Lantry

Laid over to LH Nov 8, 2011

RE: 1020 Pacific St (duplex)

Kyle Dalton, C or O responsible party, appeared.

Fire Inspector Leanna Shaff:

- photos in Amanda
- Fire C of O inspection Sep 7, 2011 by Inspector Wayne Spiering (Ms. Shaff was also on that inspection)
- 2 items appealed:
 - #11 steps to front entry - they have a slant to them on the west side (ground is sinking)
 - prior to Mr. Dalton's purchase of the property, there was some gas work done installing a water heater and gas range - permits were not closed out
 - Mr. Dalton had no one inspecting the bldg before purchase
 - space heater in upper unit - shut off valve was behind a somewhat access panel that she couldn't get open (code requires a very obvious access panel) (Mr. Dalton said he made the changes that he and Ms. Shaff discussed and labeled the panel -it's very easy to access now)
 - Ms. Shaff still questions the installation - doesn't know if it was approved (important that those appliances are certified to being installed correctly) and what the clearances are for that unit

Mr. Dalton:

- has some of that information; entered photos and will email them
- step slope is exactly 1/2 inch (not much of a slope)
- he will fill in where ground is sinking
- all other items have been corrected including the rotted decking boards; haven't had a re-inspection yet
- open permit was news to him (did not own bldg at the time)
- added a handle to heater access panel and lettering to the outside that says: "Gas Shut-off" - in 2" red letters contrasting white background (previous owner installed)
- put in windows
- uses licensed contractors to do his work; is very well aware of the code
- he researched the heating unit and found manufacturer, emailed him - he said he had tried to contact Inspector Spiering several times and did not get a response. Manufacturer (CA) said that "Our furnaces are approved for use in all 50 states and Canada. Our furnaces are NFPA and CSA approved and confirm with American National Standard Z223.1. Mr. Spiering may be confusing central heating system standards and specifications with room heating specifications." You can contact him with questions. He also sent PDF of the specs on it; phone number with extension on top.
- there are distances listed for keeping furniture away - will request of tenants
- entered photos and literature
- has called between 7:30-9:00 am and left messages for Steve Furnlin twice with no response

Ms. Shaff:

- typically, that has to go thru one of the mechanical inspectors
- wants someone to look at this heating unit to make sure that it's installed correctly and far enough away from walls, furniture

Ms. Moermond:

- suggested that Mr. Dalton contact Gregory Ryan, Ryan Plumbing and Heating (who installed it) 224-4771; they need to take responsibility for closing out the permit
- scanned material entered by Appellant
- will grant appeal on steps; it may get called out in the future
- will LAY this OVER for 2 weeks to Nov 8, 2011 LH

Laid Over to the Legislative Hearings due back on 11/8/2011

17 **RLH FCO**
 11-473

Appeal of Terrance Luther to a Fire Certificate of Occupancy Correction Notice at 119 WINNIPEG AVENUE.

Sponsors: Helgen

Deny the appeal on the awning windows and the use of doors which go into other rooms as an exist directly to the outside.

Layover for 2 weeks to Nov 8, 2011

RE: 119 Winnipeg Ave (duplex)

Terrance Luther, owner, appeared.

Fire Inspector Leanna Shaff:

- Re-inspection of Fire C of O Oct 3, 2011 by Inspector Kelly Booker

- 2 items: 1) requirement to provide, repair and maintain properly fitted window screens; 2) in both Units - awning windows in the south bedrooms that measure 47 1/2 inches in openable width

Mr. Luther:

- entered photos and blueprints

- is not appealing the screens

- note: floor plan, south bed window 4 x 4 open wide with a wooden storm window on it that has a hook - he thinks that's a safe exit; it's bigger than a 20x 24 opening (bldg built 1908) - awning windows

- picture window in what used to be a parlor; now used as bedroom; he thinks it's safe but the picture window doesn't open

Ms. Moermond:

- awning windows - bldg code and fire code are very strict on this particular item

- could change out the hardware; it may solve the problem

- will LAY this OVER for 2 weeks to see if hardware can be switched so windows can be opened like a door

- picture window won't be accepted as an egress window (don't use room as sleeping room or change out the window); may also be able to open a wall 75% - must talk to bldg inspectors to see if it is allowed

- will deny appeal on the use of doors to other rooms to outside as egress

Referred to the City Council due back on 11/16/2011

18 **RLH FCO**
 11-458

Appeal of LaRayne Kuehl to a Fire Certificate of Occupancy Inspection Correction Notice at 1050 HAGUE AVENUE.

Sponsors: Carter III

Grant a variance on the ceiling height issue in the north, middle and south bedrooms; deny appeal on north attic egress window. (Inspector Rick Gavin)

RE: 1050 Hague Ave (single family)

LaRayne Kuehl appeared.

Fire Inspector Leanna Shaff / Ms. Kuehl:

- re-inspection of Fire C of O on Sep 15, 2011 by Inspector Rick Gavin

- attic space:

- 1) the window/crank mechanism on one window needs repair in south bedroom, 3rd floor (attic)

- 2) ceiling height on 3rd floor (attic)

- 3) size of north window - blocked by air conditioner (measured 20.5h x 29w); glazed area 3.1 sq ft

Ms. Moermond:

- studying diagrams Inspector Gavin drew
- re: north bedroom in attic - 36.75 sq ft of 77 sq ft (just a hair under half of room above 7 feet)
- will recommend granting a variance on that
- re: middle room in attic - 26 sq ft of 72 sq ft (just a little more than a third is over 7 feet)
- will recommend granting a variance on that
- re: back room in attic - 29.5 sq ft of 72 sq ft (a little more than previous one)
- will recommend granting a variance on that
- will deny appeal on north attic egress window

Referred to the City Council due back on 11/16/2011

19 RLH FCO
11-471

Appeal of Les Daugherty to a Fire Certificate of Occupancy Correction Notice at 991 GALTIER STREET.

Sponsors: Helgen

Deny the appeal and grant an extension for four months to come into compliance. (Inspector Lisa Martin)

RE: 991 Galtier St (duplex)

Les Daugherty appeared.

Fire Inspector Leanna Shaff:

- Fire C of O inspection Oct 3, by Inspector Lisa Martin
- appealed #2 - code requiring compliant egress window (Ms. Martin notes: unable to measure windows as they are covered in plastic and exit into an enclosed porch; however, there's a large window that does not open with 2 side windows that appear to have only a 4 inch width)
- prior to 2007, this wouldn't have been a Fire C of O bldg
- first appointment letter was sent Mar 24, 2010
- (2 open files on this)

Mr. Daugherty:

- those windows were never meant to be egress windows - there are 2 doors: 1) one to living room; and 2) one to outside hallway; that's 2 points of egress (has been this way since the conversion); that's always been a bedroom and has always passed inspection; can't we just be good with that?
- showed photos on his phone
- had structural engineer go thru the whole bldg and garage at last inspection; he certified it "good" (Inspector Martin had looked at it and thought that maybe, the garage wasn't structurally sound)
- they may need to take the porch down for compliance

Ms. Moermond:

- one of those 2 exits needs to go directly outdoors
- has concerns because egress doesn't go directly outside
- deny appeal on egress window; grant 4 months to come into compliance
- CCPH Nov 16, 2011

Referred to the City Council due back on 11/16/2011

20 RLH FCO
11-457

Appeal of Charlinita Ellis to a Fire Certificate of Occupancy Inspection
Correction Notice at 735 HAGUE AVENUE.

Sponsors: Carter III

Deny the appeal and grant an extension to June 15, 2012 to paint, patch or demolish the garage; deny the appeal and grant an extension to November 25, 2011 for concrete completion; and grant an extension to November 25, 2011 on the remaining items. (Inspector Rick Gavin)

RE: 735 Hague Ave (single family)

Charinitta Ellis, C of O responsible party, appeared.

Fire Inspector Leanna Shaff:

- Fire C of O inspection Sep 2, 2011 by Inspector Rick Gavin
- there are a few items being appealed
- #3 - repair holes in garage, scrape and remove chipped and peeling paint and re-paint in professional manner
- concrete work, etc.
- could find nothing in record about Inspector Gavin going out to re-inspect or talking on phone to Ms. Ellis

Ms. Ellis:

- appealing work on garage #3; plans to rebuild garage but can't do in this time period
- doesn't want to put additional \$\$ into it now (previous work on garage had not been done properly so some boards started to rot)
- concrete work should have been completed; contractor had death in family and had to leave (Miami); Inspector Gavin granted time on that and re-inspected some of items on list
- Ms. Ellis talked to Mr. Gavin on the phone: he said he went in to look at the windows and they are fine; he said she should go to the appeal and ask for an extension of time; then, we'll take it from there
- she had called the office to let them know she was running about 10 minutes late for re-inspection; office said they had no way to contact the inspector; finally, she got office personnel to contact Mr. Gavin by cell phone - finally, she got to speak with him
- a lot of stuff needed to be done that she was not able to do financially within this time frame (property tax needed to be paid)

Ms. Moermond:

- deny appeal on garage; grant extension to Jun 15, 2012 to deal with the garage (paint, patch, knock it down)
- deny appeal and grant extension to Nov 25, 2011 to complete concrete work
- deny appeal and grant extension to Nov 25, 2011 to finish rest of items on list

Referred to the City Council due back on 11/16/2011

21 RLH FCO
11-422

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

Sponsors: Stark

Deny the appeal and grant to August 30, 2012. (Inspector William Beumer)

RE: 1615 St. Anthony Ave (apartments)

Dorothy Irvin, owner, appeared.

Fire Inspector Leanna Shaff:

- *Fire C of O re-inspection on a complaint conducted Sep 1, 2011 by Inspector Bill Beumer*
- *complaint goes back to letter Aug 26, 2009 requiring that the exterior be maintained: paint, etc. (still requiring it be done 2 yrs later)*
- *now, it requires roof, weather-tight, free from defects*
- *Appellant says that because of monetary issues, she is unable to take care of these things*
- *Orders need to be re-written (unfortunately, inspector used "roof" when he meant soffit and fascia- they still require paint)*

Ms. Irvin:

- *doesn't understand how roof can't be weather-tight; roof is 2 years old and it was beautifully done*
- *soffit and fascia need to be painted; however, it's not as urgent as a fire safety case*
- *Brush With Kindness does not handle outside painting (related to Habitat)*
- *Sr Chore Service needs to close down for lack of funding; not accepting applications at this time*
- *she has called standard painters; they don't want to do that very small bit of painting at that height (2 1/2 story bldg; it's too dangerous-roof is very steep-gable is very high and there's very little land space on the east side between the side of house and retaining wall - too dangerous to set up a ladder because they can't get enough slope on it)*
- *she thinks that it requires scaffolding; Mr. Beumer said he could have done it himself at a younger age*
- *the painters who are willing to go up there and paint do not have licenses or insurance so, she's not willing to hire them*
- *the painter who knows how to do it says that a boom truck will be needed to be hired; (it's only \$1,200 extra for the rental of the boom truck)*
- *if she had more money, it still would be very difficult for her to get that painting done for several other reasons:*
 - 1) *she is 72 and wants to retire*
 - 2) *her income has been very low the last couple of years because she has been getting the house ready to sell*
 - 3) *it's been on the market for a couple of months and she really wants to sell it with full notification that there is an outstanding Order about painting the soffit and fascia; but if she were going to keep it, she still wouldn't want to spend the money to paint the soffit at a time when she wasn't working on the siding because that need will come up in a few years, too; and it makes more sense that if you're going to have to put scaffolding up for the siding, to also do the soffit and fascia (get it all done at the same time)*
- *5 Units in bldg; and Ms. Irvin lives there*
- *she has good maintenance and good tenants; they have a quiet, orderly bldg that's pleasant for the people who live there*

Ms. Moermond:

- *roof has been taken care of; it's a mistake that it's on the Orders*
- *soffit and fascia still need to be painted*
- *concurred that Ms. Irvin has a good argument*
- *will recommend appeal be denied; grant extension to Aug 30, 2012*
- *will ask that if it's not done by Aug 30, 2012, it be written into the next set of Orders with notation that this has been outstanding for a very long period of time (perhaps new owner or Ms. Irvin will have a new painting plan)*

Referred to the City Council due back on 11/16/2011

- 22 [RLH FCO
11-454](#) Appeal of Paul Magelssen to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 1577 HOYT AVENUE EAST.

Sponsors: Bostrom

Grant a variance on the egress bedroom window in the attic; laid over the other item(s) to November 15. (Inspector James Thomas)

RE: 1577 Hoyt Ave E (single family)

Paul and Sheryl Magelssen, owners, appeared.

Fire Inspector Leanna Shaff:

- re-inspection of Fire C of O inspection by Inspector James Thomas Sep 28, 2011
- 2 items being appealed:
 - 1) attic double hung window 20h x 27w (should be fine)
 - 2) main floor double hung windows 22h x 27w
- looking at the masonry chimney: Mr. Magelssen provided the receipts (St. Paul Heating and Cooling) but no evidence of a permit, which is required
- no photos attached
- a water heater liner or power vent / high efficiency would be very different from a chimney liner
- \$1,200 for a chimney liner is one that goes right out thru the roof (and it's paid)
- lead mechanical inspector is Ron Heider

Mr. and Mrs. Magelssen:

- had house for 5 years
- when purchased in 2006, the chimney flue or liner was put in (it was part of their house inspection before they purchased it and part of their Purchase Agreement - to have that taken care of); they were referred to St. Paul Heating and Cooling to do the work; they paid for it and thought it was done
- they have called St. Paul Heating and Cooling and spoke with one who said that it was a liner that went from the water heater out the side wall of the basement; but that was not his understanding when they hired them in the first place; they called a second time, referring to the inspection report by St. Paul Plumbing and Heating - however, we failed to make a copy of it; James Thomas has their copy. The gentleman at St. Paul Plumbing and Heating said that this should have been taken care of.
- are we talking about 2 different liners? Confusing to them

Ms. Moermond:

- she will forward this information to Sr. mechanical inspector, Ron Heider, and ask him how this may have come to pass
- will recommend variance on windows
- will LAYOVER for 3 weeks to allow for communication regarding chimney liner

Laid Over to the Legislative Hearings due back on 11/15/2011

- 23 [RLH FCO
11-451](#) Appeal of Daniel Jesse to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 1767 DAYTON AVENUE.

Sponsors: Stark

Laid over to LH Nov 1, 2011 for photos

RE: 1767 Dayton Ave (duplex)

Daniel Jesse, tax owner and C of O responsible party, appeared.

- Ms. Hoppe had heavy gravel delivered there twice; there's no mud and no erosion; grass had been put down there many times but it doesn't grow
- #31 need exterminator documentation; what infestation? he sees no evidence of an infestation
- time given to complete list was under 6 weeks - that's just too short of time to complete it (contractor said if they worked 40 hrs/wk, it would take him 2 months to complete)
- can they get an extension of time due to cost and amount of work
- contractor estimated cost to repair the most important items at \$13,000

Ms. Hoppe:

- tenants put swimming pools, swing sets, park cars there, etc; the railroad ties sometimes separate that space from the lawn
- photos are all date-stamped "2007" (Ms. Shaff said that the date stamp isn't always correct; those photos were downloaded 9-9-11)
- at one time, tenants had a large sandbox there for the kids
- no children live there; she could bring in the same mouse poison she uses
- she lives out of MN for 6 months of the yr; Pam, downstairs, takes care of the property when she's gone
- doesn't have the money up front to cover cost; one of her primary sources of income is rent from this property
- she just took a loan out for back taxes of \$10,000 (been in family for 100 yrs)
- she has the best renters she has ever had in 50 yrs
- she intends to go all the repairs; just needs extra time - maybe a year

Ms. Moermond:

- re: #1- might work to landscape that so that the sand area is segregated from the lawn area
- re: #31 - inspectors see some evidence like mouse poop or a cockroach or fleas, etc.
- would like Appellant to put together a Work Plan
- staff will list the most critical violations so a plan can be made accordingly
- you need to get an exterminator (ask tenants if they have seen anything - so infestation can be targeted, specifically)
- will work with Appellant on length of time on the ground cover issue
- get 2-3 bids from contractors
- Ms. Moermond will need to review and approve Work Plan
- LAID OVER FOR 2 WEEKS to get inspector input and Work Plan

Laid Over to the Legislative Hearings due back on 11/8/2011

2:30 p.m. Hearings

Vacant Building Registrations

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

Sponsors: Thune

Withdrawn

Window Variances: No Hearing Necessary

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- 27 **RLH WP 11-92** Appeal of the Department of Public Health, on behalf of Mohamed Osman, to an Egress Window Non-Compliance Determination at 1171 DALE STREET.
- Sponsors:** Thune
- No hearing necessary. Grant a 4-inches variance on openable height and 1-inch variance on openable width of two vinyl replacement egress bedroom windows measuring 20 inches high by 19 inches wide.*
- Referred to the City Council due back on 11/16/2011**
- 28 **RLH FOW 11-204** Appeal of George Deuth to a Fire Certificate of Occupancy Correction Notice at 584 FARRINGTON STREET.
- Sponsors:** Carter III
- No hearing necessary. Grant a 2-inch variance on the openable width of the egress window in the 2nd floor northwest bedroom. (Sean Westenhofer)*
- Referred to the City Council due back on 11/16/2011**
- 29 **RLH FOW 11-213** Appeal of Zaw Wai to a Fire Certificate of Occupancy Correction Notice at 933 FIFTH STREET EAST.
- Sponsors:** Lantry
- No hearing necessary. Grant a 2.5-inch variance on the openable height of four double hung replacement egress bedroom windows measuring 22.5 inches high by 28 inches wide. (Bldg official)*
- Grant a 5-inch variance on the openable height of the egress window in the south bedroom measuring 19 inches high by 28 inches wide. (Kelly Booker)*
- Referred to the City Council due back on 11/16/2011**
- 30 **RLH FOW 11-195** Appeal of Victor Hanson to a Fire Certificate of Occupancy Correction Notice at 1538 GRANTHAM STREET.
- Sponsors:** Stark
- Referred to the City Council due back on 11/16/2011**
- 31 **RLH FOW 11-202** Appeal of Janet Hasbargen to a Fire Certificate of Occupancy Correction Notice at 1391 HAZEL STREET NORTH.
- Sponsors:** Bostrom
- Referred to the City Council due back on 11/16/2011**
- 32 **RLH FOW 11-197** Appeal of Nick Houle/Gerald J. Houle to a Fire Certificate of Occupancy Correction Notice at 504 HOYT AVENUE EAST.
- Sponsors:** Helgen
- Referred to the City Council due back on 11/16/2011**
- 33 **RLH WP 11-93** Appeal of Larry Columbus, Columbus Exteriors, to an Egress Window

Non-Compliance Determination at 570 IGLEHART AVENUE.

Sponsors: Carter III

Referred to the City Council due back on 11/16/2011

- 34 **RLH WP 11-89** Appeal of Pella Windows, on behalf of Jennifer Conroy, to a Fire Certificate of Occupancy Correction Notice at 2175 JEFFERSON AVENUE.

Sponsors: Harris

Referred to the City Council due back on 11/16/2011

- 35 **RLH WP 11-86** Appeal of Clarence A. Chaplin to an Egress Window Non-Compliance Determination at 1921 LINCOLN AVENUE.

Sponsors: Harris

Referred to the City Council due back on 11/16/2011

- 36 **RLH WP 11-91** Appeal of St. Paul-Ramsey County Department of Public Health to two Egress Window Non-Compliance Determinations at 674 MAGNOLIA AVENUE EAST.

Sponsors: Bostrom

Referred to the City Council due back on 11/16/2011

- 37 **RLH WP 11-95** Appeal of Mark J. Pierce, MP Systems Inc., to an Egress Window Non-Compliance Determination at 1338 REANEY AVENUE EAST.

Sponsors: Lantry

Referred to the City Council due back on 11/16/2011

- 38 **RLH FOW
11-205** Appeal of Janet K. Erickson to a Fire Certificate of Occupancy Correction Notice at 1005-1007 ST. CLAIR AVENUE.

Sponsors: Thune

Referred to the City Council due back on 11/16/2011

- 39 **RLH FOW
11-203** Appeal of James Mayer to a Fire Certificate of Occupancy Correction Notice at 720 SUMMIT AVENUE.

Sponsors: Thune

Referred to the City Council due back on 11/16/2011

- 40 **RLH FOW
11-212** Appeal of Kimberly A. Jones to a Fire Certificate of Occupancy Correction Notice at 659 SURREY AVENUE.

Sponsors: Lantry

Referred to the City Council due back on 11/16/2011