



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final Legislative Hearings

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Tuesday, January 15, 2013

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Remove/Repair Orders

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

Sponsors: Carter III

Remove or repair the building by December 31, 2013.

RE: 869 Fuller Ave (duplex)

No one appeared.

Ms. Moermond:

- the county is going to be rehabilitating this structure*
- work is estimated to begin in last spring 2013*
- will recommend the City Council grant an extension through Dec 31, 2013 to complete the rehabilitation or removal*

Referred to the City Council due back on 2/6/2013

- 2 [RLH RR 12-31](#) Ordering the rehabilitation or razing and removal of the structures at 702 THIRD STREET EAST within fifteen (15) days. (To be laid over to April 23, 2013 Legislative Hearing and May 1, 2013 City Council public hearing)

Sponsors: Lantry

To be referred back to LH on April 23, 2013 and CC on May 1, 2013.

RE: 702 Third St E (duplex)

Charles D. DeLisi, owner, and Brad Griffith, Edina Realty, appeared.

Mr. DeLisi:

- has spoken with Jim, Twin City Roofing yesterday; he said the roofing is about 90%*

done and should be finished this Fri, Jan 18, 2013

- Jim also said he checked it out during that rain storm last week and there was no leaking

Mr. Griffith:

- Jim Urchel, Dayton's Bluff Neighborhood Housing Services, hired a realtor who has a service that works with banks and short sales; so, Ms. Liza Cameron, RES Cameron Realty, said last week that Mr. DeLisi needed to contact Bank of America, who is actually handling the short sale because they have some questions; they want to go over financial information to make sure that it was his information instead of someone else filling it out; so, he did that; there was some additional documentation that they needed and Mr. DeLisi was going was going to work on that over the weekend (not sure it was completed) and just re-submit that documentation
- Ms. Cameron asked them to change the Purchase Agreement date to Mar 31, 2013 (everything should be accomplished within that time frame)

Ms. Moermond:

- given that the roof has been repaired, she will recommend that the City Council lay this matter over to May 1, 2013
- today, she will lay this over to LH Apr 23, 2013 to give the short sale an opportunity to happen
- will call Mr. DeLisi if something happens with the building to justify that
- we will be in contact with Jim Urchel

Referred to the City Council due back on 2/6/2013

3 [RLH RR 13-8](#)

Ordering the rehabilitation or razing and removal of the structures at 677 BLAIR AVENUE within fifteen (15) days after the February 6, 2013, City Council Public Hearing.

Sponsors: Carter III

The following conditions must be met by the close of business on January 30, 2013:

- 1) obtain a new code compliance inspection;
- 2) a \$5,000 performance deposit must be posted with the Department of Safety and Inspections;
- 3) a work plan which includes timelines for completing the work and must done in accordance with the Code Compliance Inspection Report;
- 4) provide subcontractor bids;
- 5) a financial letter indicating that owner plans to dedicate at least \$60,000-\$70,000 for the rehabilitation of this property or financial documentation such as a construction loan, a line of credit or a bank business account
- 6) a Vacant Building Registration Form must be completed and filed with the Department of Safety and Inspections, including a sale review application;
- 7) the property must be maintained; and
- 8) contact Paul DuBruiel (651-266-6583) to go through zoning process for de-conversion of a single family to a duplex if owner wants to change the use of the building.

RE: 677 Blair Ave (duplex)

Realtor Mitchell Wagner, appeared on behalf of Gregory Solomon, owner, who is out-of-state

Steve Magner, Vacant Buildings:

- 2-story wood frame and masonry duplex on a lot of 4,356 sq.ft.
- been a vacant building since Jun 10, 2011
- current property owner is Gregory Solomon per Ramsey County
- Oct 16, 2012, inspection of building conducted; list of deficiencies which constitute a nuisance condition was developed; photos taken
- Order to Abate Nuisance Building posted Oct 19, 2012; compliance date Nov 18, 2012
- as of this date, property remains in a condition which comprises a nuisance as defined by the legislative code
- estimated market value: \$12,300 on the land; \$86,000 on the building
- real estate taxes are current
- the VB registration fees were paid by assessment Jun 29, 2012
- Code Compliance Inspection done Mar 15, 2012
- as of Jan 14, 2013, the \$5,000 performance deposit has not been posted
- 15 Summary Abatement Notices since 2011
- 9 Work Orders issued for: 1) garbage/rubbish; 2) boarding/securing; 3) grass/weeds
- an Emergency Summary Abatement Order was issued to the property owner on Oct 4, 2012 to secure the brick facade that was falling off the north side wall of the house and onto the public Right-Of-Way. This resulted in the city hiring a contractor who performed the emergency work
- estimated cost to repair is \$60,000 - \$70,000
- estimated cost to demolish is \$15,000 - \$16,000

Christine Boulware, Heritage Preservation Commission (HPC):

- surveyed in 2011
- commercial structure built in 1884 as a store with flats above
- currently, the store front is enclosed
- the original exterior has been covered up or in the case of the brick veneer, has fallen off
- this type of structure is important to the context of the neighborhood
- staff would encourage rehab but allow for demolition as the integrity isn't quite there

Mr. Magner:

- the other walls are not stable, either; he was there while the inspector was first on the site
- at the time, they removed all of the south facade (front); his real concern is for the east facade; he doesn't know if it's going to make it through the freeze-thaw cycle of spring
- another concern is the acquisition of this property
- he read a note from staff: Oct 8, 2012 Order to Abate was mailed to Fannie Mae, Dallas TX and to Peterson Fran; looking on STAMP, on Dec 3, 2012, Ramsey County lists the owner as Gregory Solomon, Somerset, CA; a search of Ramsey County, property owner filed a quit-claim deed, dated Jul 24, 2012 that had been filed with the county on Oct 5, 2012 with a transfer of property from Fannie Mae to Bank of America; also recorded on Oct 5, 2012, was a limited warranty deed, dated Aug 22, 2012, for vacant property from Bank of America to Gregory Solomon; on Jul 12, 2012, Julie Vansray, representing Miles Realty, sent an email to the inspector, indicating that she no longer had authority over the property; she did apply for the code compliance inspection, dated Mar 15, 2012; on Jul 7, 2012, Reid Soley received a request for information concerning the property from Nile Her, Bridge Realty, who was a client interested in purchasing the property; Reid Soley sent her the application and explained the approval process for _____ since the property had been vacant for over a year; it would need to be converted to a single family dwelling and giving the zoning district to oversee Planning Commission approval for future use as a

duplex; Ms. Her sent Reid Soley an email on Jul 25, 2012 indicating that her client no longer had an interest in purchasing the property; Jul 27, 2012, Reid Soley sent the following email to Nile Her per her request regarding the re-establishment of a non-conforming use:

- the duplex is in a single family zoning district and has been vacant for more than a year and it must be converted to a single family dwelling or receive Planning Commission approval for future use as a duplex
- Work Orders issued between Jan 2011 and Sep 2012

Mr. Wagner:

- the emergency abatement happened less than a month after their purchase; the client had moved out of state and Mr. Wagner stopped by one day to see how things were going and saw what was happening
- they closed on the building Sep 12, 2012
- Mr. Solomon is in CA had planned to owner-occupy the property
- moving forward will depend on whether or not they can/cannot get approval to convert back to a duplex
- they had hoped to be able to convert it back into a commercial work space but it sounds like that's not a possibility
- their hope now, is to get it approved back to a duplex
- it's not set up like a single family home; it's pretty much all on the sidewalk; so, to him, bringing it back to a single family home doesn't make a lot of sense; however, if he were forced to, he would

Ms. Moermond:

- either way - a commercial use or to have it continue as a duplex, it needs to go to the Planning Commission (Mr. Wagner has not yet made application)

Mr. Wagner:

- his client was hoping to take care of a lot of these things; Mr. Wagner hasn't had a lot of opportunity to tackle it all yet
- he is just here to speak about Mr. Solomon's intentions
- first, they want to take care of the zoning issue
- they have had contractors in to do estimates; not finalized yet
- it's his client's intention to remove all the brick from the building
- he'd like some guidance on how to proceed with zoning; it's his first experience with a Cat 3 VB
- the owner is from a construction family; they own a construction company from Detroit Lakes, so, they are unfamiliar with some of the city processes - they do mostly new construction

Ms. Moermond:

- doesn't see good follow through on behalf of Mr. Solomon
- we don't have the zoning process initiated (see Paul DuBruiel, 1400 City Hall Annex)
- we don't have the \$5,000 performance deposit posted
- we will need to have proof of finances to cover the repairs (\$50,000-\$60,000); line of credit or construction loan; affidavit showing the money will be used for this project
- we will need to see a work plan - sworn construction loan
- we will need a new code compliance inspection depending on how the structure will be used
- we need to have the property maintained
- deadline for these materials, etc: Jan 30, 2013;
- CCPH Feb 6, 2013

Mr. Wagner:

- received a voice mail message this morning from a gentleman by the name of Terry, a neighbor who lives in that neighborhood; 651- 263-8861; he indicated that he was not able to be present today but that his concerns from the neighborhood were that they would like to see the building removed

Mr. Wagner:

- when they were purchasing this property on their final walk through the day before closing, they found that the door had been kicked in and the code compliance list got a lot longer (both electrical panels had been cut out, and removed a lot of the plumbing from the basement)

Mr. Magner:

- this property was purchased on an illegal sale; there was no sale approval as a Cat 2 VB; so, some of these things had not been identified
- asked if a Sale Review would be required?
- do not have a registered VB form
- will have Reid Soley email these forms to Mr. Wagner to fill out and return

Referred to the City Council due back on 2/6/2013

4 RLH RR 13-7

Ordering the rehabilitation or razing and removal of the structures at 533 BURGESS STREET within fifteen (15) days after the February 6, 2013, City Council Public Hearing.

Sponsors: Carter III

Provide the following by the close of business on January 30, 2013:

1. obtain a new code compliance inspection as a single family dwelling;
2. a \$5,000 performance deposit must be posted with the Department of Safety and Inspections;
3. a work plan which includes timelines for completing the work and must be done in accordance with the Code Compliance Inspection Report; including subcontractor bids;
4. the property taxes must be paid and brought current;
5. a financial letter indicated that your client plans to dedicate funds for the rehabilitation of the property or financial documentation such as a construction loan, a line of credit or a bank business account that you have financial means to complete this project (City's estimate for rehabilitation exceeds \$75,000);
6. a vacant building registration form must be completed and filed with the Department of Safety and Inspections; including Sale Review Application;
7. the property must be maintained;
8. provide information about Helping Hands; and
9. provide closing documents indicating the date the property was purchased.

RE: 533 Burgess St (duplex)

Kelly Evans, Evans and Mandelstein law firm, appeared, representing Helping Hands

Ms. Evans:

- Helping Hands is the current owner of the property but there is an unrecorded deed
- they have a similar situation as the prior case
- they have been in contact with Reid Soley and they did not go through sale review

Steve Magner, Vacant Buildings:

- 2-story wood frame duplex on a lot of 4,156 sq. ft. (Note: Ramsey County has this listed as a single-family dwelling)
- has been a vacant building since Apr 22, 2010
- current property owner is Home Solutions Partners IV REO LLC per Ramsey County
- Oct 10, 2012, inspection of the building conducted; list of deficiencies which constitute a nuisance condition was developed; photos were taken
- Order to Abate Nuisance Building posted Oct 16, 2012; compliance date Nov 15, 2012
- as of this date, property remains in a condition which comprises a nuisance as defined by the legislative code
- estimated market value: \$9,700 on the land; \$28,000 on the building
- real estate taxes for 2012 are delinquent in the amount of \$517.27, plus penalty and interest
- the Vacant Building registration fees were paid by assessment on May 31, 2012
- Code Compliance Inspection was done May 18, 2010 and has since expired
- a \$5,000 performance deposit has not been posted
- as of Jan 14, 2013, the \$5,000 performance deposit has not been posted
- 9 Summary Abatement Notices since 2010
- 12 Work Orders issued for: 1) garbage/rubbish; 2) boarding/securing; 3) grass/weeds; 4) snow/ice
- estimated cost to repair exceeds \$75,000
- estimated cost to demolish exceeds \$15,000

Christine Boulware, Heritage Preservation Commission (HPC):

- built in 1889
- the exterior of the structure has been altered
- lack of integrity
- commercial, industrial area
- staff would allow for demolition; no adverse affect

Ms. Evans:

- Helping Hands is the owner; haven't yet got the deed recorded; they bought it from Home Solution Partners
- they spoke with Reid Soley in Aug, 2012; he told them that they didn't have a legal sale (it wasn't approved); they have dropped the ball since that time but they do want to do the rehab
- Home Solutions paid the back taxes; however, Helping Hands thought the taxes were all paid
- they had a property management inspection done last week and listed it as a single family (submitted for the record)
- does not know the name of the owner of the company; understands they are based in MN; will get that info to Ms. Moermond

Mr. Magner:

- the code compliance was originally ordered as a duplex; it was inspected as a duplex in 2010
- the property has been vacant for more than a year, so the code compliance inspection will probably need to be done as a single family, unless they want to go to the Planning Commission for duplex approval
- no Vacant Building registration form has been filled out; it needs to be done
- also, a Sale Review form will need to be filled out
- and need to see the Purchase Agreement

Ms. Moermond:

- need a VB form

- need the taxes paid
- need a new code compliance inspection done as a single family dwelling
- need the property maintained
- need \$5,000 performance deposit posted
- need a work plan
- need financing verification
- send Ms. Moermond all of the contact information and better info on Helping Hands
- will send letters to Ms. Evans law firm, Evans and Mandelstein
- deadline for all this is Jan 30, 2013; City Council Public Hearing Feb 6, 2013
- will send a letter confirming today's results

Referred to the City Council due back on 2/6/2013

- 5** [RLH RR 13-6](#) Ordering the rehabilitation or razing and removal of the structures at 661 CANTON STREET within fifteen (15) days after the February 6, 2013, City Council Public Hearing.

Sponsors: Thune

RE: 661 Canton St (single family)

Jody L. Gibson, owner, and her sister and care giver, Pamela S. Hawn, appeared. Also appearing: Darlene Tareeq, next door neighbor

Steve Magner, Vacant Buildings:

- 2-story wood frame single family dwelling with detached 1-stall garage on a lot of 5,663 sq.ft.
- vacant since Sep 10, 2012
- current property owner is Jody L. Gibson per Ramsey County
- Oct 17, 2012, inspection conducted; list of deficiencies which constitute a nuisance condition developed; photos taken
- Order to Abate Nuisance Building posted Oct 22, 2012; compliance date Nov 21, 2012
- as of this date, property remains in a condition which comprises a nuisance as defined by the legislative code
- estimated market value: \$18,100 on the land; \$66,000 on the building
- real estate taxes are current
- Vacant Building registration fees were paid by assessment Nov 5, 2012
- as of Jan 14, 2013, a Code Compliance Inspection has not been done
- as of Jan 14, 2013, \$5,000 performance deposit has not been posted
- 1 Summary Abatement Notice since 2012
- 2 Work Orders issued for: 1) garbage/rubbish; and 2) boarding/securing
- estimated cost to repair this structure exceeds \$100,000
- estimated cost to demolish exceeds \$15,000
- previous to the VB action, we had a very large abatement: the description on the Work Order says to remove brush, branches, junk, refuse, trash, household items, wood, discarded furniture in yard and front and rear entryway; also, the interior of the house was filled with junk, refuse, clutter, rotted household items, discarded furniture, loose litter, possible dead animals; performed full clean out of interior house, which resulted in a fairly large assessment
- the crew removed all the discarded rotted food, nuisance level storage, etc.; they would have left things of value or intrinsic value; the house was not completely cleaned out
- the dwelling has been secured; DSI will meet the owner out there and provide

access

Jody Gibson and Pamela Hawn:

- Ms. Gibson had a nervous breakdown last spring (May or Jun), which caused her a lot of difficulty; at that time, she was having so many difficulties, Ms. Hawn had her move in with her so that she could take care of her (Halsted, MN)
- Ms. Gibson is on SSI
- her bills are all caught up; house payment is 1 month behind
- Ms. Gibson has struggled for 20 years to keep that house; her whole life is in that house
- she has also put a lot into that house to upgrade it
- her son transferred from his job here at Domino's Pizza to Moorehead, MN, to help take care of her
- when it gets a little warmer, the whole family intends to go the property and clean it all up for her
- they plan to hook Ms. Gibson up with the necessary resources for house cleaning, personal care, etc. once she gets somewhat better
- her psychiatrist thinks that she will have a complete recovery in 3-4 months

Christine Boulware, Heritage Preservation Commission (HPC):

- built in 1910; original owner is A. Janek
- no historic significance
- demolition would have no adverse affect

Ms. Tareeq, RN:

- she bought the house next door to 661 Canton St last summer
- the property on the other side of 661 Canton was also rehabilitated and sold last summer, as well
- when she moved in, she made a complaint to the city because of the amount of vermin that was in the 661 Canton yard; there was also a lot of trash and debris in the back; we had snakes, possum, moles, etc. and tons of mold; the houses are very close together, she can touch the other house from her bathroom window; there was a mold stench coming from the house, especially in the summer when it was really hot; she pressure-washed her house many times because there was mold all over the outside of 661's foundation; and mold spores travel - since she has moved there, she and her 2 daughters have been sicker quicker
- her other neighbor had told her that Ms. Gibson had been gone since spring and no one was taking care of the house; there was also no way of getting a hold of her
- also, many squatters have broken into the house; since it's been secured, the house has been broken into, as well
- over the summer, she believes there were meth smokers in the house (there were there all hours of the night running the air conditioner); the power was on all summer; the neighbor across the street said that Ms. Gibson had told her to call the police if anyone were to break into her house; and she did, which is what started the Vacant Building process
- as recently as 2 weeks ago, the front door was busted back open again
- it feels very unsafe for her and the other neighbors

Ms. Hawn:

- all the pipes were broken in the vacant house next door on the corner and Ms. Gibson's basement became completely flooded; and Ms. Gibson had no idea that mold was growing there because there was no mold when she was living there

Ms. Moermond:

- if Ms. Gibson wants to clean the house and repair it, it will be a steep hill to climb
- the city will need to have the following requirements met:

- post a \$5,000 performance deposit (refundable, if repairs are done on time)
- a code compliance inspection (approximately \$500), which will detail each repair that needs to be done
- the city's estimate to repair the house is more than \$100,000; Ms. Moermond needs verification that there is money enough to finish the repairs or contractor bids that show the repairs will cost less than \$100,000 (there's a lot of work: foundation needs work; the chimney needs to be re-done; eaves and soffits; etc.)
- a work plan with timelines needs to be created
- suggested that Ms. Gibson may want to get some financial / legal advice from people whom she trusts

Ms. Hawn:

- believes that the \$100,000 estimate is too high because a lot of things have already been upgraded
- to her, it needs mostly to be cleaned out and probably repainted

Ms. Moermond:

- if the Appellant can pull this together, she wants Ms. Gibson to be able to go in and to get out all her possessions, appliances, included
- if Ms. Gibson wants to save it, the conditions will need to be met
- City Council Public Hearing is Feb 6, 2013 at 5:30 p.m.
- the proposed Order says you have 15 days to remove/repair
- if the conditions are not met, the city's demolition process will begin

Mr. Magner:

- call Joe Yannarely, 651-266-1920 to arrange a meeting to open up the house in order for Ms. Gibson to get into the property
- suggested that they purchase and install a hasp and a pad lock on the front door

Ms. Moermond:

- People may be in the house from 8 a.m. - 8 p.m. to work on the house
- currently, the Appellant cannot see her property, under city code; it has been declared a dangerous nuisance structure, and so, it has to be fixed up before it can be sold
- if the conditions are met, Ms. Moermond will recommend that the Appellant get more time in order to repair the house (up to 6 months from Feb 6, 2013)
- will lay this over to LH Tue, Jan 29, 2013

Laid Over to the Legislative Hearings due back on 1/29/2013

- 6 RLH RR 13-5** Ordering the rehabilitation or razing and removal of the structures at 408 CHARLES AVENUE within fifteen (15) days after the February 6, 2013, City Council Public Hearing.

Sponsors: Carter III

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

RE: 408 Charles Ave (single family)

No one appeared.

Steve Magner, Vacant Buildings:

- 2-story wood frame single family dwelling on a lot of 2,178 sq.ft.
- has been a vacant building since Mar 14, 2007
- current property owner is Monica L. Ramirez Mosquera per Ramsey County

- Nov 8, 2012, inspection of building conducted; a list of deficiencies which constitute a nuisance condition developed; photos taken
- Order to Abate Nuisance Building posted Nov 13, 2012; compliance date Dec 13, 2012
- as of this date, property remains in a condition which comprises a nuisance as defined by the legislative code
- estimated market value: \$7,100 on the land; \$22,300 on the building
- real estate taxes are current
- Vacant Building registration fees were paid by check Mar 20, 2012
- Code Compliance Inspection was done Apr 3, 2008 and has since expired
- as of Jan 14, 2013, the \$5,000 performance deposit has not been posted
- 17 Summary Abatement Notices since 2007
- 13 Work Orders issued for: garbage/rubbish; boarding/securing; grass/weeds; snow/ice; other-remove shrubs, vines and bee hives
- estimated cost to repair exceeds \$75,000
- estimated cost to demolish \$10,000 - \$12,000
- DSI is seeking a resolution to remove the building

Christine Boulware, Heritage Preservation Commission (HPC):

- constructed in 1894 as 1 3/4 story
- property lacks integrity
- staff will allow for demolition; no adverse affect

Ms. Moermond:

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

Referred to the City Council due back on 2/6/2013

- 7 [RLH RR 13-4](#) Ordering the rehabilitation or razing and removal of the structures at 715 COOK AVENUE EAST within fifteen (15) days after the February 6, 2013, City Council Public Hearing.

Sponsors: Bostrom

1/23/13--John from Local Holdings called stating he missed the hearing; Rescheduled to 1/29/13.

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

RE: 715 Cook Ave E (Duplex)

No one appeared.

Steve Magner, Vacant Buildings:

- 2-story wood frame duplex with detached 2-stall garage on a lot of 4,792 sq.ft.
- (Note: Ramsey County has this building listed as a 3-family dwelling.)
- has been a vacant building since Nov 7, 2009
- current property owner is Twin Cities Real Estate Partners LLC per Ramsey County
- Oct 26, 2012 inspection conducted; list of deficiencies which constitute a nuisance condition developed; photos taken
- Order to Abate Nuisance Building posted Nov 6, 2012; compliance date Dec 6, 2012
- as of this date, property remains in a condition which comprises a nuisance as defined by the legislative code

- estimated market value: \$10,000 on the land; \$60,000 on the building
- real estate taxes for 2010, 2011 and 2012 are delinquent in the amount of \$16,924.17 plus penalty and interest (scheduled for tax forfeiture Jul 31, 2014)
- Vacant Building registration fees were paid by assessment Dec 3, 2012
- Code Compliance Inspection was done Jan 11, 2010 and has since expired
- as of Jan 14, 2013, the \$5,000 performance deposit has not been posted
- 17 Summary Abatement Notices since 2009
- 17 Work Orders issued for: garbage/rubbish; boarding/securing; grass/weeds; snow/ice
- estimated cost to repair exceeds \$50,000; estimated cost to demolish exceeds \$10,000
- DSI is seeking a resolution to remove the building within 15 days

Christine Boulware, Heritage Preservation Commission (HPC):

- constructed in 1910
- street is intact
- staff would encourage rehab

Ms. Moermond:

- will recommend to the City Council that this structure be removed within 15 days with no option for rehabilitation

Laid Over to the Legislative Hearings due back on 1/29/2013

- 8 RLH RR 13-3** Ordering the rehabilitation or razing and removal of the structures at 501 KENT STREET within five (5) days after the February 6, 2013, City Council Public Hearing.

Sponsors: Carter III

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

RE: 501 Kent St (single family)

No one appeared.

Steve Magner, Vacant Buildings:

- 1 1/2 story wood frame single family dwelling on a lot of 2,614 sq.ft.
- Note: Ramsey County has this property listed as a one story
- has been a vacant building since Sep 21, 2012 due to a fire
- current property owner is Lam Tran per Ramsey County
- Dec 5, 2012, inspection of building conducted; list of deficiencies which constitute a nuisance condition developed; photos taken
- Order to Abate Nuisance Building posted Dec 6, 2012; compliance date Dec 13, 2012
- as of this date, property remains in a condition which comprises a nuisance as defined by the legislative code
- estimated market value: \$10,500 on the land; \$64,300 on the building
- real estate taxes for 2010 and 2011 are delinquent in the amount of \$5,070.79 plus penalty and interest (Note: 2012 taxes are paid; there is no Confession of Judgment on file for taxes owing 2010 and 2011.)
- Vacant Building registration fees were paid by assessment Nov 5, 2012
- as of Jan 14, 2013, a Code Compliance Inspection has not been done
- as of Jan 14, 2013, the \$5,000 performance deposit has not been posted
- 4 Summary Abatement Notices since 2012 which resulted in no Work Orders being issued for this property

- estimated cost to repair this structure exceeds \$75,000
- estimated cost to demolish exceeds \$15,000
- DSI is seeking a resolution to remove this building
- it is his understanding based on numerous conversations with people representing Mr. Tran, that they are now planning to remove the building; as of the last inspection, they do have the utilities marked; they have a hot box on the blvd to dig up water and sewer; they also have a dumpster that was delivered last week to clean out the interior; currently, it is the owner's intention to raze this structure and either has or have purchased the front part of the lot because this sat behind a house that originally was on Sherburne (there were 2 houses on the lot; back house on the side street)

Christine Boulware, Heritage Preservation Commission (HPC):

- originally there were 2 matching houses on this lot
- the second matching house was demolished within the last 7 years
- fire at this property has contributed to its demise
- this is in the Historic Frogtown area
- staff will allow for demolition; no adverse affect

Ms. Moermond:

- will recommend removing this structure within 15 days with no option for rehabilitation

Mr. Magner:

- they already have permits for water, sewer and Right-Of-Way

Referred to the City Council due back on 2/6/2013

- 9** [RLH RR 13-2](#) Ordering the rehabilitation or razing and removal of the structures at 137 SIMS AVENUE within fifteen (15) days after the February 6, 2013, City Council Public Hearing.

Sponsors: Brendmoen

The following conditions must be met by the close of business on January 30, 2013:

- 1) a \$5,000 performance deposit must be posted with the Department of Safety and Inspections;
- 2) a work plan which includes timelines for completing the work; and it must done in accordance with the Code Compliance Inspection Report; including subcontractor bids;
- 3) a financial letter indicated that you plan to dedicate funds for the rehabilitation of this property or financial documentation such as a construction loan, a line of credit or a bank account showing that you have financial means to complete this project;
- 4) a Vacant Building Registration Form must be completed and filed with the Department of Safety and Inspections;
- 5) the property must be maintained; and
- 6) an application for Sale Review.

RE: 137 Sims Ave (single family)

Jake Fredricks appeared; he does maintenance for owner, Mom Haven 14 LP (owners are currently in SC)

Steve Magner, Vacant Buildings:

- 1-story wood frame single family dwelling on a lot of 7,405 sq.ft.

- has been a vacant building since Jan 21, 2010
- current property owner is Mom Haven 14 LP per Ramsey County
- Oct 11, 2012, inspection was conducted; a list of deficiencies which constitute a nuisance condition was developed; photos taken
- Order to Abate Nuisance Building was posted Oct 16, 2012; compliance date Nov 15, 2012
- as of this date, property remains in a condition which comprises a nuisance as defined by the legislative code
- estimated market value: \$16,300 on the land; \$28,300 on the building
- real estate taxes are current
- Vacant Building registration fees were paid by assessment Feb 1, 2012
- code compliance inspection was done May 29, 2012
- as of Jan 14, 2013, the \$5,000 performance deposit has not been posted
- 9 Summary Abatement Notices since 2010
- 8 Work Orders issued for: 1) garbage/rubbish; 2) boarding/securing; 3) grass/weeds; 4) snow/ice
- estimated cost to repair exceeds \$50,000
- estimated cost to demolish is \$10,000 - \$12,000

Christine Boulware, Heritage Preservation Commission (HPC):

- built in 1898 as a frame workers cottage; pre-dates building permits
- siding over clapboard
- staff would allow for demolition; no adverse affect

Mr. Fredricks:

- doesn't have a lot of information; he was supposed to report that the owners want an extension to getting bids for the repairs
- recently acquired the house

Ms. Moermond:

- the city shows them being the owner back in Oct 2012)
- needed are: 1) \$5,000 performance deposit; 2) need proof of financing in excess of \$50,000; 3) maintenance of the property; 4) work plan with timelines

Mr. Magner:

- this property was also sold illegally so, we also need an application for Sale Review and a Registered Vacant Building form
- those forms will be mailed to you

Ms. Moermond:

- the deadline for needed material is Jan 30, 2013
- City Council Public Hearing Feb 6, 2013
- we'll get this information to Mr. Fredricks, as well as to Mom

Referred to the City Council due back on 2/6/2013

10 RLH RR 13-1

Ordering the rehabilitation or razing and removal of the structures at 526 ST. ALBANS STREET NORTH within fifteen (15) days after the February 6, 2013, City Council Public Hearing.

Sponsors: Carter III

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

RE: 526 St. Albans St N (single family)

Mark Robertson, appeared on behalf of Fillmore Nikolai Abrahamsen, owner; Mr. Robertson is Mr. Abrahamsen's medical advisor.

Mr. Robertson:

- *Mr. Abrahamsen is totally disabled*
- *Mr. Abrahamsen needs resolution of this structure in order to be eligible for medical assistance*
- *there is no medical lien on the property*
- *they are not opposing demolition*
- *Mr. Abrahamsen's sister lives in Atlanta; she has Power of Attorney*

Steve Magner, Vacant Buildings:

- *Mr. Abrahamsen's sister contacted their office and spoke with Ms. Sheffer and said that she is encouraging demolition because they need to resolve the property in order to move forward with medical assistance for Mr. Abrahamsen*
- *1 1/2 story wood frame single family dwelling on a lot of 2,614 sq.ft.*
- *been a vacant building since Dec 16, 2008*
- *current property owner is Fillmore Nikolai Abrahamsen per Ramsey County*
- *Nov 7, 2012, inspection of building conducted; a list of deficiencies which constitute a nuisance condition was developed; photos taken*
- *Order to Abate Nuisance Building posted Nov 9, 2012; compliance date Nov 26, 2012*
- *as of this date, property remains in a condition which comprises a nuisance as defined by the legislative code*
- *estimated market value: \$9,200 on the land; \$34,500 on the building*
- *real estate taxes for 2010, 2011 and 2012 are delinquent in the amount of \$16,066.97 plus penalty and interest (Scheduled for tax forfeiture Jul 31, 2014)*
- *Vacant Building registration fees were paid by assessment Jan 3, 2013*
- *as of Jan 14, 2013, a Code Compliance Inspection has not been done*
- *as of Jan 14, 2013, the \$5,000 performance deposit has not been posted*
- *5 Summary Abatement Notices since 2008*
- *6 Work Orders issued for: 1) garbage/rubbish; 2) grass/weeds; 3) snow/ice*
- *estimated cost to repair exceeds \$100,000; estimated cost to demolish exceeds \$10,000*
- *DSI is seeking a resolution to remove the building within 15 days*

Christine Boulware, Heritage Preservation Commission (HPC):

- *built in 1889*
- *siding is covered*
- *the neighborhood is in tact*
- *part of the Frogtown area survey of 2011*
- *staff would encourage rehab but all for demolition*

Mr. Robertson:

- *Mr. Abrahamsen is not able to do the demolition himself*

Ms. Moermond:

- *will recommend demolition of this structure within 15 days*
- *City Council Public Hearing Feb 6, 2013*
- *typically, if the owner does not take action, the city will initiate demolition proceedings; usually takes about 45 days*

Referred to the City Council due back on 2/6/2013

11:00 a.m. Hearings

Summary Abatement Orders

- 11 [RLH SAO
13-1](#) Appeal of Larry Jasinski to a Vehicle Abatement Order at 955 ROSE AVENUE EAST.

Sponsors: Bostrom

Deny the appeal and grant until January 22, 2013 to come into compliance.

RE: 955 Rose Ave E (single family)

Larry Jasinski appeared.

Steve Magner, Department of Safety and Inspection:

- Vehicle Abatement issued Dec 22, 2012 for the following: a blue car, 2 commercial white Chevy trucks, a maroon Ford*
- there are various degrees of violation on the Abatement Order*
- inspector was at the property yesterday and indicated that the commercial trucks are still there, a violation of the city's nuisance ordinance, Chap 45; we have 2 vehicles with expired plates; also, inspector noted that there is also a boat parked on an unimproved surface, Chap 34 (not part of the appeal; Orders were not written on the boat)*

Mr. Jasinski:

- the back parking area is class 5 and he wasn't aware that it wasn't an approved parking area*
- trucks: the YDD 1499 is being sold today; that truck broke down; so he got another one (he installs windows and doors for a living); he was transferring materials from one truck to the other truck and was trying to sell the YDD 1499, which took longer than he thought*
- he was not aware that you couldn't park a commercial truck in your yard*
- he works for Gladstone and will park the truck there when he needs to*
- from now on, he will park the truck on the street from day to day*
- he does have the plates for the fade-black vehicle - they are not yet on the vehicle; he will bring to his dad's garage*
- he went to get collector plates for the blue '65 Mustang and was informed that he needed to pay \$400 for his title, which he will do at the end of the week; it is sitting on a concrete slab*
- previously, he had a 2-car garage but he lost his house and everything else except his cars*
- he plans to build a garage next year*
- the boat is parked on the grass*

Mr. Magner:

- he does need to do something with the boat*

Ms. Moermond:

- the boat should be OK parked on the class 5*
- will grant an extension Jan 22, 2013 to have this under control*
- Code Enforcement will check it out after Jan 22, 2013*

Referred to the City Council due back on 2/6/2013

Orders To Vacate, Condemnations and Revocations

**12 RLH VO
12-105**

Appeal of Kathy Panciera, William Mitchell College of Law, to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 46 MILTON STREET NORTH.

Sponsors: Carter III

Grant the appeal based on the issuance of the conditional use permit approved by the Planning Commission.

RE: 46 Milton St N (two-family dwelling) and 889 Portland Ave (single family)

Larry Eveland, Director of Facilities, William Mitchell College of Law, appeared on behalf of Kathy Panciera.

Fire Inspector A. J. Neis:

- this was previously a Revocation of a Fire Certificate of Occupancy for 2 properties (both had the same issue)*
- for 26 Milton St N and 889 Portland Ave*
- these are 2 residential properties the college is using for commercial purposes*
- they went through the Planning Commission to obtain a Conditional Use Permit (CUP) for expansion of campus boundary*

Appellant:

- the CUP was approved with the following conditions:*

- 1) That all conditions attached to the existing conditional use permit approved in 1986 (Z.F. #9953) remain in effect.*
 - 2) That William Mitchell use the property at 998 Portland Ave for offices or residences for new or visiting faculty only.*
 - 3) That future proposed alterations, repairs, new construction or demolitions be submitted for review by the Heritage Preservation Commission (HPC), in accordance with 73.06. (copy of resolution was submitted)*
- we are waiting on the Fire inspection and building inspection now*

Mr. Neis:

- once we get a copy of that resolution, we just have to switch the C of O over from a residential use to a B occupancy*
- he will talk with the inspector; an inspection may not be necessary*

Appellant:

- now that we have secured the CUP, the building inspector wants to do a walk through*
- both dryers were removed*

Ms. Moermond:

- this appeal is granted based on the issuance of the conditional use permit approved by the Planning Commission*

Referred to the City Council due back on 2/6/2013

**13 RLH VO
12-106**

Appeal of Kathy Paciera, William Mitchell College of Law, to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 889 PORTLAND AVENUE.

Sponsors: Carter III

Grant the appeal based on the issuance of the conditional use permit approved by

the Planning Commission.

RE: 889 Portland Ave (single family) and 46 Milton St N (two-family dwelling)

Larry Eveland, Director of Facilities, William Mitchell College of Law, appeared on behalf of Kathy Panciera.

Fire Inspector A. J. Neis:

- this was previously a Revocation of a Fire Certificate of Occupancy for 2 properties (both had the same issue)
- for 26 Milton St N and 889 Portland Ave
- these are 2 residential properties the college is using for commercial purposes
- they went through the Planning Commission to obtain a Conditional Use Permit (CUP) for expansion of campus boundary

Appellant:

- the CUP was approved with the following conditions:
 - 1) That all conditions attached to the existing conditional use permit approved in 1986 (Z.F. #9953) remain in effect.
 - 2) That William Mitchell use the property at 998 Portland Ave for offices or residences for new or visiting faculty only.
 - 3) That future proposed alterations, repairs, new construction or demolitions be submitted for review by the Heritage Preservation Commission (HPC), in accordance with 73.06. (copy of resolution was submitted)
- we are waiting on the Fire inspection and building inspection now

Mr. Neis:

- once we get a copy of that resolution, we just have to switch the C of O over from a residential use to a B occupancy
- he will talk with the inspector; an inspection may not be necessary

Appellant:

- now that we have secured the CUP, the building inspector wants to do a walk through
- both dryers were removed

Ms. Moermond:

- this appeal is granted based on the issuance of the conditional use permit approved by the Planning Commission

Referred to the City Council due back on 2/6/2013

- 14 [RLH VO 13-3](#) Appeal of SMRLS (Southern Minnesota Regional Legal Services), on behalf of Mildred Radcliffe, to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 951-953 DESOTO STREET.

Sponsors: Brendmoen

Grant until February 1, 2013 for tenant(s) in Unit 2 to vacate the property.

RE: 951-953 DeSoto St (apartments)

Tovah Flygare, Southern Minnesota Regional Legal Services (SMRLS), appeared on behalf of Mildred Radcliffe.

Fire Inspector Sean Westenhofer:

- Revocation of Fire Certificate of Occupancy and Order to Vacate

- we were here previously over an appeal with the ruling that all work be done or tenants must vacate by Jan 1, 2013
- he was not aware of that ruling because he had been on vacation and another inspector was taking care of the file while he was gone
- he inspected the property Jan 2, 2013 and not all the work was done
- he issued a vacate date of Jan 14, 2013
- because of this appeal, he could not inspect the building yesterday

Ms. Flygare:

- she is here only representing Unit #2
- the items in Unit #2 have been taken care of
- background: SMRLS was here representing the entire building previously
- their client is moving out at the end of this month
- she is here today, not to dispute DSI's findings but to ask that the tenant in Unit #2 be given until the end of the month to vacate
- her understanding is that there have been several additional repairs made and permits have been filed; so progress has been made concerning the habitability of the property

Mr. Westenhofer:

- the tenants do have heat and they have compliant electrical work in all of the units
- as far as Ms. Radcliffe, he had 2 issues with Unit #2 on Monday: 1) the entry door closer was not working; and 2) a cable cord was extended along the floor causing a trip hazard
- he was there on Mon because he received documentation that Unit #1 was vacating immediately so, he was going to do a final inspection but he got a call from his supervisor saying that there was an appeal; he went to verify Unit #1 vacate and while he was there, 2 gentleman from the maintenance staff were there, also; they did not know that an appeal had been filed, so, they were knocking on doors telling people the Fire Inspector was there; at the time, he just kind of glanced in Unit #2 - the cable had been removed from the hallway and when the tenant went to shut the door, it closed on it's own as far as he could see
- permits and trades' things have been taken care of as of today
- 11:00 a.m. tomorrow, they will do a final walk through

Ms. Moermond:

- will recommend granting this appeal for continued occupancy through Feb 1, 2013 for Unit #2

Referred to the City Council due back on 2/6/2013

11:30 a.m. Hearings

- 15 [RLH VO 13-2](#) Appeal of Eugene Sitzmann to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 87 PRIOR AVENUE NORTH.

Sponsors: Stark

Deny the appeal and grant until February 22, 2013 for compliance.

RE: 87 Prior Ave N (apartments)

Eugene Sitzmann, Grand Heritage Properties LLC, owner, appeared.

Mr. Sitzmann:

- it regrettable that he is here; he is 91 years old

- explanation: His wife had fallen in the house and broke her wrist and he was taking care of her
- he also discharged the on-site manager who was unqualified (didn't even shovel the sidewalk, etc.); so, he called the city and complained about every little detail that needed to be repaired

Fire Inspector A. J. Neis:

- Revocation of Fire Certificate of Occupancy and Order to Vacate
- it's a large 13-Unit apartment building
- Mar 2012 - their office received a complaint that there were interior and garage violations on the property
- an inspection was made Mar 6, 2012 by Inspector Mitch Imbertson, who issued Orders to correct several code violations; he attempted to make several re-checks through Sep 2012 with no compliance on the Orders
- Inspector Imbertson next consulted with Mr. Neis, who recommended doing an early C of O inspection, which he started in Sep 2012
- still, there has been no progress with compliance

Mr. Sitzmann:

- he has had no problem with this building for 67 years; he holds the bar up high
- he has been remiss because he was caring for his elderly wife of 66 years as well as procrastinating
- he needs a little more time; he's a responsible person; he's not a slacker
- the inspector is very conscientious
- requesting additional time
- he will resolve every detail on the Order by Feb 7, 2013

Ms. Moermond:

- the items that are left are pretty straight forward and they do need to be taken care of
- the new deadline will be Feb 22, 2013 to come into compliance, and Mr. Sitzmann won't need to have that placard posted

Referred to the City Council due back on 2/6/2013

1:30 p.m. Hearings

Fire Certificates of Occupancy

16 RLH FCO Appeal of Matt Connelly to a Fire Inspection Correction Notice at 1966
12-652 BENSON AVENUE.

Sponsors: Thune

Grant the storage height variance of 2 feet. Therefore, the paper rolls may be stored to a height of 14 feet moving forward. The existing storage of paper rolls at 16 feet must be reduced to 14 feet by March 1, 2013.

RE: 1966 Benson Ave (general retail and services - B - commercial)

Matthew T. Connelly and Michael Amidon, Amidon Graphics, owner, appeared.

Fire Inspector Leanna Shaff:

- this is a continued -- there was a question as to how high they can pile the storage of large paper rolls

- read an email from Inspector Neis: before you make a final decision, you requested further information. Based on Inspector Mitch Imbertson's research, they expanded the warehouse to accommodate for this exact issue. Since they could not add sprinklers because the water supply in that area will not support the required system for high piled storage, the only option was to increase the warehouse space. While I mentioned in the appeal the densely packed rolled paper storage is not easily ignitable; if it does, it will take an enormous amount of water to extinguish. I forgot to mention the additional concern that there is most likely not enough water pressure in the area for fire fighters to use, as the old saying goes, "big fire; big water."

- Mitch writes earlier: during a number of inspections and re-inspections during 1997, '98 and '99, deficiencies were noted for storage exceeding 12 feet high; these Orders were checked-off on but there weren't any note to record that suggest that any appeals were filed. Also included in the condition folder is a letter from Paul Amidon, Amidon Graphics, dated 7-23-97; this letter states that they are unable to comply with the limits for the height of paper storage because they were out of space in the building; he requested an extension until 10-20-97, when a new building would be completed to expand to; there was no mention of any attempt to obtain a variance for permit increase in height; more recent inspections-don't see any other occasions where they are cited for exceeding 12 feet and didn't see any reference to variances or appeals

Mr. Amidon:

- they have always stacked to 16 feet; when they added on the warehouse, during the plan review, they were given the 16-foot limit (Ms. Shaff: there is nothing in the file that indicates that)

- on every inspection they have had, the stacks have been over 12 feet

Ms. Moermond:

- is looking at the photos that she asked for from Mr. Connelly

- will split the difference and recommend the limit be set at 14 feet

- City Council Public Hearing Feb 6, 2013

- Appellant can ask the Council for 16 feet

Referred to the City Council due back on 2/6/2013

17 [RLH FCO
12-651](#)

Appeal of Andrew Songle to a Fire Certificate of Occupancy Correction Notice at 1936 CARROLL AVENUE.

Sponsors: Stark

RE: 1936 Carroll Ave (duplex)

Andrew Songle, owner, appeared.

Ms. Moermond:

- the question for these next properties is whether or not a Fire Certificate of Occupancy existed (should or shouldn't you have been interpreted to have a C of O at the time?)

Fire Inspector Leanna Shaff:

- determined that this was an incomplete student house application by Inspector Urmann; it basically states that he did not have a valid Fire C of O or a original Fire C of O prior to Jun 27, 2012

Ms. Moermond:

- asked Ms. Shaff to pull up the historic records; she recalls that there had been some C of O activity in the past; then, it became owner-occupied; and then, it looked gray to her when she reviewed the record.

Mr. Songle:

- has owned house since 2004
- since then, he inherited students from St. Thomas
- he lived in 1 of the units and rented the other one out
- Aug 2011, he had a job change and was uncertain about his future, so he moved out and rented the other unit
- that year, he wasn't sure whether or not he'd be back to the house; the next summer, it became apparent that he wasn't going to be returning
- he heard from others, that he would need to put in an application but he never received any Notice, etc., about a deadline, etc.
- he got together some of his paperwork, wrote out a check in Jun and sent it in (the system recognized it in Aug 2012); at the time in Dec 2012, he was told that because he didn't have his paperwork in before Jun 27, 2012, he would have an issue -in 2007, it was still showing up in the system

Ms. Shaff:

- was one in the original batch dated Mar 3, 2007 (when the Rental Registration Program was abolished and folded into the Fire C of O Program)
- this folder was closed and cancelled because it was owner-occupied
- since then, there was not much activity
- in-date of Fire C of O was Aug 15, 2012 (the file was re-created)
- inspections done Oct 18 and Dec 2012
- there is no application for a certificate
- prior to last summer there was no C of O
- Aug 15, 2012 - last modified by Jean LeClair
- looks as though Mr. Songle paid the provisional fee with a check dated Aug 15, 2012; payment date is Aug 23, 2012)
- Jan 15, 2004 - all of the billing was cancelled; so, even then, it didn't have a rental registration

Mr. Songle:

- he was told during inspection that, you technically have a C of O until your next inspection; so, he thought there had been a previous inspection (Ms. Shaff: that only applies if you have an existing one)
- he filed a 1-page application and sent in a \$50 check; his check cleared
- he does have the cancelled which he will supply

Ms. Moermond:

- because Mr. Songle was owner-occupied, he was not required to have a C of O
- it appears to her that he should have pursued a C of O in the fall of 2011, which he did not do
- Jean LeClair identifies properties that should be in the C of O Program
- she is looking for an actual application or anything that will tell her that Mr. Songle applied for the C of O earlier; from what she sees, he did not have a provisional C of O or an actual C of O by the deadline Jun 27, 2012
- she will lay this over for 1 week in order to receive any additional documents

Laid Over to the Legislative Hearings due back on 1/22/2013

Sponsors: Stark

1/22/13--a hearing was conducted to discuss 2151-2153 Dayton Avenue and Ms. Moermond reviewed Chapter 67 and consulted with the City Attorney and based on findings, she recommends granting the appeal.

Deny the appeal.

RE: 2218-2220 Dayton Ave (duplex)
(also, occasionally referring to 2151-2153 Dayton Ave owned by William R. Nichols)

Brian D. Alton, Attorney and William R. Nichols, owner, appeared.

Ms. Moermond:

- the question for these next properties is whether or not a Fire Certificate of Occupancy existed (should or shouldn't you have been interpreted to have a C of O at the time?)

Fire Inspector Leanna Shaff:

- this is a denial of the Student Housing Application because the Appellant didn't have either a provisional or actual Fire Certificate of Occupancy prior to Jun 27, 2012
- this one also had an in-date of Mar 3, 2007 but it was closed and cancelled Apr 12, 2007 (at that time, it belonged to a George A. Edgar)
- the last sale date is Aug 3, 2012
- she cannot find a Fire C of O or a valid provisional C of O until Aug 8, 2012
- there is a Truth in Sale of Housing Report, Mar 15, 2012

Mr. Alton:

- the property was purchased Aug 3, 2012
- they did their due diligence when they purchased the property based on a review of the public record on-line that there was a valid C of O for both properties
- immediately upon closing, owners obtained a provisional C of O, dated Aug 8, 2012
- they assumed, when they purchased the property, that they had a valid C of O, based on the information that was obtained at DSI's counter staff
- there was either a valid C of O or a valid provisional C of O on the date they applied for student housing registration
- the ordinance does not say on the effective date of student housing registration, it says on the application date 67.04 - the owner of the existing building, possessing either a valid C of O or a provisional C of Oof student dwelling, shall also submit written application to register the building within 120 days of the effective date (we know the effective day was Aug 8, 2012); upon receipt of the registration application, DSI shall determine whether the building's Fire C of O or provisional Fire C of O is valid as of the date of the registration application (the registration application in these cases was filed on Oct 3, 2012); upon such determination, DSI shall issue the written certification to the building's owner or the building status as an existing student dwelling (that's the nature of our appeal: that on the date of the registration application, there was either a valid C of O or provisional C of O

Ms. Moermond:

- the question she is going to deal with is did the property have a valid C of O on Jun 27, 2012
- the questions relating to Chap 67 can be taken to the Board of Zoning Appeals

Mr. Alton:

- 1) that would require us to file a filing fee and 2) he thinks the determination should be made by Ms. Moermond because they appealed the determination by DSI, under the ordinance that they would appeal that determination within 10 days to the

Legislative Hearing Officer

- the Notice dated Dec 5, 2012 says that the property is not eligible for initial registration because it did not have ____; so that's the decision they appealed; therefore, he thinks that it's appropriate for the LH to make a determination on that decision

Ms. Moermond:

- will recommend that the Council deny this appeal relating to whether or not this had a valid C of O on the date in question

Mr. Alton:

- entered a letter dated today, reiterating what he has already said, according to the Ordinance
- he does not think there was any dispute that there was a provisional C of O for each property at the time the owners made the application for registration

Ms. Shaff:

- reiterated: neither property had a valid Fire C of O or a valid provisional Fire C of O on Jun 27, 2012; (Ms. Moermond: Mr. Nichols did not own the properties on Jun 27, 2012)
- the city records do not show a C of O except for a cancelled one that went to the prior owner

Mr. Nichols:

- they did not own the property on Jun 27, 2012; they were delayed on closing on the 2218-2220 so, they came down and paid the \$50 for the provisional C of O just to be assured because they thought they had a valid C of O that expired in about 5 years, as they were told at the front desk, DSI; he came down the Monday after they closed, paid the \$50 at the counter
- the prior owner claimed that he had a valid C of O; at 1-stop permitting, it said that the C of O inspection was paid in full and completed back in 2007; so, he believed that he had a valid C of O

Ms. Moermond:

- having a C of O is separate from looking at a history statement from 2007
- an application was made for a provisional C of O Aug 6, 2012; Mr. Nichols paid \$50 at the front desk
- there wasn't a C of O in place in Jun 2012 (Chapter 40 - whether or not one existed; she doesn't think that it did)
- the rest of the Appellant's questions are properly addressed as a zoning concern

Mr. Alton:

- the definition of a provisional C of O in Section 44.03 - "a document or envelope issued by the city Fire Marshal to temporarily permit continued occupancy pending a code compliance inspection at an existing structure" - so, that information in the computer shows that it existed on or about Oct 3, 2012 when the application for student housing registration was filed (Mr. Nichols: he filed both properties for student housing on Oct 3, 2012); they had until Dec 5, 2012 (120 days after the effective date of the Ordinance) to file for a student housing registration

Ms. Shaff:

- it did not have a Fire C of O nor a provisional one as of the required date of Jun 27, 2012

Mr. Alton:

- that Jun date is not the required date; the date in the Ordinance is the effective date

of the application; that application could not be filed before the effective date of the Ordinance, which was Aug 8, 2012, and it couldn't be filed after 120 days after the date of the Ordinance, which was Dec 5, 2012; within that window, property owners, as you know, had an opportunity to file for an application for registration

Ms. Moermond:

- on Jun 27, 2012, there was not a valid C of O or a provisional C of O; the rest is for the Board of Zoning Appeals
- will recommend this appeal be denied

Referred to the City Council due back on 2/6/2013

19 [RLH FCO](#)
[12-657](#)

Appeal of Brian D. Alton, Attorney for William R. Nichols, to a Notice of Incomplete Student Housing Registration Application at 2151-2153 DAYTON AVENUE.

Sponsors: Stark

Housekeeping item for 3:00 p.m.

RE: 2151-2153 Dayton Ave (duplex)
(also, occasionally referring to 2218-2220 Dayton Ave owned by William R. Nichols)

Brian D. Alton, Attorney and William R. Nichols, owner, appeared.

Fire Inspector Leanna Shaff:

- this is very similar to 2218-2220 Dayton Ave; it was in the initial batch in-date of Mar 3, 2007, which was closed and cancelled Apr 16, 2007
- at that time, it was owner-occupied by Joseph R. Wind
- this time, it was sent back for the same reason: it didn't have a Fire Certificate of Occupancy or a provisional on Jun 27, 2012
- in-date on this one is Jul 5, 2012
- the bill number was generated Jul 5, 2012 for the \$50 provisional fee with credit card

Mr. Alton:

- the circumstances are quite similar and the argument is the same that the Jun 27th date is not the relevant date that we should consider; the date that we should be considering, according to the language of Chapter 67: the Fire Inspector should review this and DSI shall issue a written certification if there is a provisional C of O in effect on the date of the application, which they filed on or about Oct 3, 2012

Ms. Moermond:

- doesn't see a C of O

Mr. Alton:

- the documentation he provided to Ms. Moermond on 2151-2153 Dayton Ave is a print out from the city website which says C of O renewal date of Jul 5, 2012; the receipt for payment for the provisional and the letter is dated Jul 6, 2012; it needs to be done before the date of the application for student housing not before Jun 27, 2012
- suggested that this matter be continued for a week until Ms. Moermond has had an opportunity to review the Ordinance and make a determination as to whether his reading is correct

Ms. Moermond:

- is happy to look at the Ordinance again but she is not going to make any decision

relating to the Zoning Ordinance; she will look at Chapter 40 on this and whether or not that C of O existed on Jun 27, 2012

- she will consult with the City Attorney, which she has done; they, too, would like this whole thing to go to the BZA
- she will take a look at Chapter 67 and put something on the record next week
- will lay this over to next week Tue, Jan 22, 2013 at 3:00 p.m.

Laid Over to the Legislative Hearings due back on 1/22/2013

20 RLH VO 13-4 Appeal of Scott Graham to a Fire Inspection Correction Notice at 846 PIERCE BUTLER ROUTE.

Sponsors: Carter III

Deny the appeal and grant until February 15, 2013 for compliance by decreasing the overcrowding or relocating the people in the four units; provide pest control report from Adam's Pest Control in two weeks.

RE: 846 Pierce Butler Route (apartments 20-49 rental units)

Scott Graham, Uptown Realty & Management, appeared.

Mr. Graham:

- the people who live in this building are Keran and they speak Burmese

Inspector Wayne Spiering:

- was called to the property by Inspector Neis as a result of a referral (complaint)

*- Nov 21, 2012, he stopped by the property
11-21-2012*

- *Performed RF inspection for possible over-occupancy, cockroaches, broken fire door, and balcony concerns.*

- *Inspected 2 units (12 & 14) and both were over-occupied. Both units were missing smoke detectors.*

- *Active cockroaches seen in the building.*

- *Fire door damaged.*

- *Numerous other violations found so reviewed with supervisor Shaff who agreed that an early CofO inspection should be performed. Scheduled CofO inspection for 12-11-2012.*

- *Made contact with PO, LeRoy McGowan, to discuss findings and schedule smoke detector re-inspection for 11-26-2012.*

- *Sent correction orders. There were 14 deficiencies contained in the referral correction notice that was sent to PO, LeRoy McGowan.
11-26-2012*

- *Met maintenance person for smoke detector re-inspection. The smoke detectors were working in the units that were inspected.*

12-11-2012

- *Attempted to perform RF re-inspection and CofO inspection, but PO, LeRoy McGowan, did not show and tenants were not informed of the inspection.*

- *Made contact with PO, Leroy McGowan, who indicated he has turned in the keys to the bank in lieu of foreclosure proceedings. PO didn't know the name of the bank or have any contact info, but indicated the bank is located at 200 University Ave W in St Paul.*

- *Stopped by University Bank and spoke with Joseph Glass 651-259-2279 who indicated that PO, LeRoy McGowan, has executed a warrant deed. The deed has just been recorded with Ramsey County as of December 4, 2012. I explained that there are orders outstanding as a result of a RF and building has been scheduled for a CofO inspection. I gave Joseph Glass a copy of the previous orders that were sent*

to LeRoy McGowan.

- Bank representative, Joseph Glass, confirms that University Bank is currently the owner of the property and he is in the process of hiring a management company to handle the property.
- Sent CofO change form to Joseph Glass to complete and return. Will be rescheduling a CofO inspection of the building for 12-28-2012 at 9:00am.
- Sent an appointment letter for the scheduled inspection to Sunrise Community Banks, C/O Joseph Glass, at 200 University Ave W, Suite 150, St Paul, MN 55103. 12-12-2012
- Received the completed change of ownership/responsible party from Joseph Glass listing Uptown Realty & Management (Scott Graham) as responsible party. 12-28-2012
- Met PM, Scott Graham, with Uptown Realty & Management for the inspection. Condemned 5 units due to over-occupancy issues and placed placards. (Vacate date - Jan 14, 2013)
- There was a translator that was obtained by Scott Graham and present during the inspection. I explained the over-occupancy concerns and the condemnation placards to both the translator and Scott Graham. The translator assured me that the tenants understood the process. I explained to Scott Graham the right to appeal the orders.
- Units have been condemned due to over-occupancy of unit, sleeping room(s), and/or both. There are only 3 2-bedroom units in the building. The remaining units are 1-bedroom units. All bedrooms vary between 100sf – 120sf. The 2-bedroom units have total habitable square feet of 585sf and the 1-bedroom units have 439 habitable square feet. Maximum allowable occupancy is 2 people sleeping in any bedroom, 5 people total in a 2-bedroom unit, and 3 people total in a 1-bedroom unit. There is a code compliant emergency escape opening in the living rooms of each apartment unit. (for a 1-person sleeping room, 70 sq.ft. is required; more than 1 person and you need 50 sq.ft. per person; total habitable square footage requirement is 150 sq.ft. for the 1st person to occupy and 100 sq.ft. for each thereafter; so, if 4 people occupy a unit, it must be a total of at least, 450 sq.ft.- hallways, closets, pantries, etc. are not included)
- A representative from Adams pest control was on scene indicating all units have cockroach and mice infestation and unit 24 has bedbugs. Advised I will need a detailed report from him regarding the issues. (does not yet have that report) 12-31-2012
- Issued orders to Uptown Realty & Management based upon the CofO inspection. 1-2-2013
- Posted 4 additional condemnation placards on units today due to over-occupancy of the sleeping rooms. (same Jan 14, 2013 Vacate Date) 1-14-2013
- Performed re-inspection of units with missing smoke detectors and units with over-occupancy issues.
- All smoke detectors are installed and working in units inspected.
- There were 9 units that were condemned due to over-occupancy. (5 units had been resolved)
- All but 4 units have the over-occupancy issues corrected as of today's re-inspection.
- Unit 1 tenant is actively looking for another place to reside.
- Unit 12 is actively looking for another place to reside.
- Unit 14 was not accessible for the inspection but according to PM, Scott Graham, the interpreter sent an e-mail indicating the tenant will be moving by the end of January 2013.
- Unit 20 tenant will be moving by January 27, 2013.
- According to Scott Graham the tenants in the remaining condemned units speak Burmese language.

- There are currently 170 deficiencies outstanding as a result of today's re-inspection (185 initially -15 abated).
- An appeal has been filed and is scheduled for 1-15-2013. Orders on stay until after appeal.

Mr. Graham:

- asking for more time (30 days from today's date) to allow tenants more time to find another place to live

Ms. Moermond:

- is OK with that
 - wants to get Adams Pest Control Reports into the inspector's hands as they come through (Mr. Graham: they've been there 3 times so far and yesterday, he got a written report from them; he entered it into the record)

Mr. Graham:

- the bank is currently seeking a buyer for this property
 - Adam's first follow-up will be 3 months from now
 - they intend to correct all of the violations prior to a sale

Ms. Shaff:

- she would like another analysis from Adam's Pest Control in another month; the issue cannot be abated without some monitoring

Mr. Spiering:

- the day he met Adam's at the property, Mr. Spiering asked him about things and also said that he wanted a copy of each showing unit by unit and the problems unit by unit (Mr. Graham: will go back to Adam's management and ask that they produce a more adequate report, unit by unit)

Ms. Moermond:

- need follow-up information from Adam's by Feb 1, 2013
 - will grant an extension on the Vacate Date to Feb 15, 2013

Referred to the City Council due back on 2/6/2013

2:30 p.m. Hearings

Vacant Building Registrations

- 21 [RLH VBR](#)
[13-4](#) Appeal of Raymond Peter Aguirre to a Vacant Building Registration Renewal Notice at 130 SYCAMORE STREET EAST.

Sponsors: Brendmoen

Appeal withdrawn by Dept. 90 VB fee extension as owner is close to sign off.

Withdrawn

Window Variances: No Hearing Necessary

- 22 **RLH FOW**
13-4 Appeal of Mistre Mengesha to a Correction Notice-Day Care Inspection at 436 FULTON STREET.

Sponsors: Thune

Grant an 8-inch variance on the openable height of the egress windows in the southeast and southwest bedrooms. (No hearing necessary)

Referred to the City Council due back on 2/6/2013