



# City of Saint Paul

15 West Kellogg Blvd.  
Saint Paul, MN 55102

## Minutes - Final

### Legislative Hearings

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

---

Tuesday, June 27, 2017

9:00 AM

Room 330 City Hall & Court House

---

#### 9:00 a.m. Hearings

##### Remove/Repair Orders

- 1     [RLH RR 17-18](#)     Ordering the razing and removal of the structures at 675 AURORA AVENUE within thirty (30) days after the July 19, 2017, City Council Public Hearing.
- Sponsors:**     Thao
- Coretta B. Walker Rinehart, owner, appeared.*  
*Tim Poirier, Attorney, appeared representing a potential buyer.*
- Steve Magner, Code Enforcement Manager:*  
*-this was laid over from Tue Jun 13, 2017*  
*-Mai Vang sent a letter Jun 14 to Coretta B. Walker Rinehart; he read it into the record (attached)*  
*-re: Order to Remove/Repair structure at 675 Aurora Ave*  
*-note: title cannot be transferred until the nuisance condition is abated*  
*-read follow-up email from C. Walker asking for clarity on acceptable documentation (contract between Daisy & herself on behalf of the estate to pay for the cost of the demolition; should we allow transfer of title after the Jun 27th meeting or after the demolition?, etc.)*
- Mr. Poirier:*  
*-I represent the Long Zhing Partnership, the potential buyers of this property; they have entered into a Letter of Intent with Walker Rinehart (provided copy/scanned)*  
*-purchase price: \$100,000; and Ms. Walker Rinehart will use \$20,000-\$25,000 of the earnest money that we would pay down on this property as demolition cost*  
*-we're looking to get a demoed piece of property for \$100,000*
- Ms. Walker Rinehart:*  
*-I'm working with Booker Construction; he's getting bids for me for the demolition of the property; we talked about getting the Purchase Agreement done & getting the money to me so that I can get the demo done before the City Council meeting; contractor is Semple Excavation*
- Ms. Moermond:*  
*-the city has a list of licensed demo contractors in the City of St. Paul; can get it from Joe Yannarely, 651/266-1920*

Ms. Walker Rinehart:

-how quickly can we get this done to satisfy the city - that's what we're looking at

Mr. Wagner:

-Letter of Intent: I have no concerns with it; seems pretty straightforward; the plan is that the prospective buyer will release funds to the seller; the seller is going to hire a contractor to demo the bldg

-our staff recommendation at this time would be to establish a time frame for that to be accomplished

-there are two ways we can move forward with this: 1) we can push this out for Council another 30 days & they could have the bldg demoed by then; & we'd close the abatement at that time; of 2) we could bring it in front of Council on Jul 19, 2017 (don't think the demo can be completed by then; asbestos test first then the asbestos abatement; then, a walk thru with Ramsey Co) usually demos are done in 3 weeks but we probably want 3-4 weeks to make sure there aren't any issues

-delay the hearing until Aug or go forward on Jul 19 & do a 30 day

Ms. Moermond:

-this is scheduled to go back in front of City Council Jul 19; we will keep it on that day & I will recommend that the property is removed within 30 days; so, you'll need to pull the demo permit for Mr. Wagner's purposes & have the demolition well underway, which doesn't sound as though it will be a problem

-if you don't have your Purchase Agreement; if there's problems that exist at that time, we'll deal with them at the City Council Public Hearing

Ms. Walker Rinehart:

-as long as we get the Purchase Agreement and the \$25,000, we will plan to move forward; my lawyer's concern is the possibility of them not following thru

Ms. Moermond:

Remove within 30 days with no option for repair. (Demolition permit must be pulled and demolition underway.)

**Referred to the City Council due back on 7/19/2017**

**2**      [RLH RR 17-19](#)

Ordering the rehabilitation or razing and removal of the structures at 412 GOODRICH AVENUE within fifteen (15) days after the July 19, 2017, City Council Public Hearing.

**Sponsors:**      Noecker

*Timothy Murphy, owner, appeared.*

*George Gause, Heritage Preservation Commission (HPC), Planning & Economic Development (PED)*

*Neighbors also attended: Tom Schroeder, Attorney; John Yust, Architect; Mark Fangmeier, co-chair, Little Bohemian Neighbors Association; & Naomi Austin*

Ms. Moermond:

-Mr. Murphy, I called you to let you know that this was going to the Heritage Preservation Commission (HPC) for review; you mentioned that you felt whicksawed because at the same time as there's an action on the bldg because it constitutes a nuisance, it is also an historic structure & you're getting feedback to save it from that direction

-the city is of 2 minds on this: 1) we have a dept (DSI) that is concerned with it being a nuisance; and 2) we have a dept (PED) that's concerned with it's historic nature

-Mr. Wagner will put the property report on the record

*-I will have Mr. Gause put the HPC report on the record  
-I want to hear your plans & thoughts at this time  
-I noticed that you had a permit pulled to cut utilities to the site, initiating demolition on your own; I asked that you slow that down so that we could have this conversation & you agreed*

*Mr. Murphy:*

*-Yes; I called Xcel*

*Ms. Moermond:*

*-I also talked with the city bldg official, Steve Ubl & told him that this has gone before HPC & will be headed to City Council; I asked him to hold off on permit issuance until the Council had a chance to consider it*

*Steve Magner, Code Enforcement Manager:*

*-The building is a one-story wood frame single-family dwelling with a detached accessory metal shed on a lot of 4,356 square feet. According to our files, it has been a vacant building since December 31, 2014.*

*-The current property owner is Timothy Murphy per AMANDA and Ramsey County Property records.*

*-On March 23, 2017 an inspection of the building was conducted, a list of deficiencies which constitute a nuisance condition was developed and photographs were taken. An ORDER TO ABATE A NUISANCE BUILDING was posted on March 27, 2017 with a compliance date of April 26, 2017. As of this date, the property remains in a condition which comprises a nuisance as defined by the legislative code.*

*-Taxation has placed an estimated market value of \$27,300 on the land and \$54,500 on the building.*

*-Real estate taxes are current.*

*-The Vacant Building registration fees were paid by assessment on February 22, 2017.*

*-A Code Compliance Inspection was done on April 25, 2016 and has since expired.*

*-As of June 12, 2017, the \$5,000 performance deposit has not been posted.*

*-There have been nine (9) SUMMARY ABATEMENT NOTICES since 2014.*

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

*-Garbage/rubbish; Boarding/securing; Grass/weeds*

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

*Mr. Gause:*

*-HPC Staff Report & findings (attached):*

*-the John Lewis House at 412 Goodrich Ave is a Greek Revival Style house constructed in 1856 & is one of the earliest constructed residences in St. Paul; photos from the 1970 & 1983 Historic Site Survey show the house with woodlap siding, core boards, 2 over 2 wood, double hung windows & a wide freeze board, gable returns & 2 decorative brick chimneys*

*-at the time of the Uppertown Survey in 2011, the historic massing \_\_\_\_ remain intact & the house still displays it's Greek Revival form; the Uppertown Survey went on to state that this property is recommended for intensive level research to determine eligibility for local and/or national registered designation*

*-at the Jun 22 meeting of the HPC, they voted to encourage City Council to delay an Order to Demolish 412 Goodrich Ave to fully explore & consider all options for rehabilitation; HPC went on to further request that the Department of Safety & Inspections (DSI) or the property owner in cooperation with HPC staff create a plan to mothball 412 Goodrich Ave until a rehabilitation plan has been established & can be implemented*

*-the demolition of the John Lewis House at 412 Goodrich Ave would have an adverse*

*impact on the Uppertown Neighborhood; a vacant lot can have a negative impact on the neighborhood & the loss of historic fabric would be irreversible  
-rear addition built in 1880*

*Ms. Moermond:*

*-did you say that you thought this would be eligible for national designation on its own?*

*Mr. Gause:*

*-yes; that was HPC's finding*

*Ms. Moermond:*

*-and notably, the State Historic Preservation Office made no such finding*

*Mr. Gause:*

*-right*

*-the HPC was asking for more research to be done on the property because we know very little other than what we know from the 3 different surveys that were done  
-national designation could be done without the owner's support*

*Ms. Moermond:*

*-if the Council issues an Order that is a public safety, welfare order, the permit is not subject to HPC review whether or not it's a designated structure*

*Mr. Gause:*

*-correct*

*Mr. Murphy:*

*-I did not know that I owned the John Lewis House until last Mon, the 10th oldest house in St. Paul; it was an illuminating day*

*-I own about 6 properties in St. Paul - a small stable of rental properties in 1st ring neighborhoods*

*-the contractors I approached to fix this house didn't feel like they could tackle it; the back part of the house, the addition, is the sore spot of that bldg; it's the biggest concern, the biggest problem trying to get a contractor to fix that; then, I'd be frustrated; I'd wait; then, I'd try again, then, more frustration; then, letters from the city; it seemed to snowball out of control for me; that's why we're here*

*-I'm not adverse to fixing up the house; I met with interested neighbors last week and with their help & guidance it feels like I'd have a better chance on saving the house or maybe doing something besides bulldozing it; if I have the ability to do that, I'm game for it*

*-the rehab would be partially self funded plus a bank loan*

*-I've done rehabs in the past but nothing historical; I had a Cat 2 VB on Conway that pushed \$60,000*

*-I would like to ask for more time in order to explore more options before it has to come down; I will meet with them to see if there's a feasible option that we can work through together to save it*

*-future: I can keep it or sell it - either way*

*Ms. Moermond:*

*-I prefer to try to get some decisions made sooner rather than later; & that we build the time to take the action & we figure out now what to do & hopefully, that means getting the place rehabbed rather than delaying decision making & mothballing so, if I can get you connected with the right resources to get this fixed, that is the most direct line to getting ourselves out of the nuisance status because at the end of the day, my job is to abate the nuisance condition*

*-I am very attuned to the historic value of this*

*Neighbors:*

*Mr. Schroeder:*

*-I & a group of neighbors met with Mr. Murphy on Thu; I live in the neighborhood & happen to be an attorney; I have an active practice in pro bono preservation law; I'm also the former chair of Preservation Alliance of MN; also chaired it's easement committee; I'm also the owner & developer of The Stone Saloon Waldmann on Smith Ave; it's 1 year younger than Mr. Murphy's property; these bldgs speak to my heart; we are here to try to ensure that more of them survive; none of us have any financial interest in any of this; we're nbrs & residents who define the character of this community by it's respect for its heritage & the unique scale, in particular, of the structures that comprise the majority of the neighborhood; there's not quite another neighborhood like this that has these small houses suitable for single individuals or retirees or couples; this house is tiny, 800 sq.ft. on a 3900 sq.ft. lot - a lot that probably could not be built on in the future*

*-what some of the neighbors are asking for aligns perfectly with what the HPC has recommended: that there be time to explore the options for moving forward on of which could be that Mr. Murphy himself continues to develop the property with whatever resources he has; also at the meeting was Carol Carey, Ex Dir of Historic St. Paul; the communications director for Neighbor Works, Amanda Welland; Mr. Yust, an architect, active in the neighborhood, etc. & we were outlining the alternative options to demolition: conveyance to a nonprofit CDC, such as Neighbor Works & Historic St. Paul, etc, acknowledging that, particularly with historic structures, to do it right sometimes entails an investment above & beyond the "market value" & there are options to fill that gap*

*Ms. Moermond:*

*-at the point that an Order to Abate a Nuisance building is issued, the district council is notified & re-notified as the hearings are scheduled so, we do rely on the district council to communicate with neighbors about these things*

*-we are looking at a house where a lot of alterations have occurred; some features need to be uncovered or in some instances, replicated*

*Mr. Schroeder:*

*-we would apply the Secretary of Interior guidelines for national register buildings as the city does for restoring or rehabbing historic structures*

*-with this structure, it's character defining features are still in place*

*-Mr. Yust has toured the bldg & has identified a number of original elements in the front part of the bldg; the back part of the bldg seems to be a bit of a mess*

*-one sidelight: in order to leverage state/federal tax credits, there would need to be a determination of eligibility; I don't think SHPO has had an adequate opportunity to fully evaluate that; typically, that takes 1-2 months, even longer but the HPC did note that the bldg is potentially eligible for local designation & with that come some very strong protections including the ability to demolish the bldg; federal designation, ultimately, does very little to protect a property*

*Ms. Moermond:*

*-the HPC was notified with the Order to Abate a Nuisance bldg & also the scheduling of the hearing; so, HPC staff did have more than adequate notice to activate the HPC on its own or to call our office*

*-so Mr. Murphy has a few options: 1) he can knock it down & no one can stop him from doing that; 2) he can fix it slap dash & pass the code compliance inspection; 3) he can work with nonprofit historic preservation type organizations & maybe get a tax credit to go above & beyond what rehab what look like; or 4) we could mothball it to*

*make sure that the structure won't further physically deteriorate*

*Mr. Schroeder:*

*-to be concrete, what we're asking is a period of delay in order to identify the developer, to identify the financing, including any historically leveraged financing mechanisms and to come back with a plan (not a final work construction plan), a development plan; 60 days would be extremely helpful*

*-I don't know if Mr. Murphy has had an opportunity to think about all of these options & understand the resources available; there are boards of directors of at least 2 organizations who will need time to meet & consider their interest in getting involved; these are complicated projects even once construction gets underway; I know that they take longer than most*

*-so, we are just begging the time to save this tiny bldg & to do this project in a way that avoids any public hazard, addresses any nuisances, mothballs the property to the extent necessary while we have time to come up with a development plan; that is our request*

*Mr. Yust:*

*-I am registered architect; I have an office at 476 West Seventh St*

*-I currently am the architect for The Stone Saloon at 455 Smith Ave & have been collaborating with Tom Schroeder for 8 years; we're getting close to Certificate of Occupancy*

*-there are similarities of finishes with this bldg and our 1857 bldg: same trim was used; 2 panel doors; same return eaves that we've been constructing on the wood addition are present in this 412 Goodrich house*

*-the back of the house has been altered quite a bit & is structurally, not very sound but it is also not a high bldg & it would be very easy to re-construct that rear addition*

*-I personally have been involved in a number of small bldgs including 41 Douglas; I did the architectural plans for that; I did the plans for my office at 476 West 7th; I did the plans for the Michigan House, which is of similar age; I also did a little bldg on the bluff, 155 Goodrich; so, I've been involved in a number of these projects, some of them have been in a similar condition as 412 Goodrich*

*-I toured this bldg with a carpenter & someone from HPC - Joe, a commissioner; and also Amanda, from Neighbor Works; I'm excited to see this bldg saved*

*-one of the early photographs from the 70s came from Tom Lutz, who was very instrumental in seeing Irvine Park & historic districts created back in the 70s; this was on his radar & my radar since the 70s; I live at 256 Goodrich; it's an 1870s house, an Italianate; I wasn't really worried about 412 Goodrich because I thought it was being rehabbed & so, it wasn't really on my understanding that it was threatened; in terms of the district council, I think that they were responding to one part of the community that is more concerned about upkeep and probably didn't understand the historic & cultural aspects of this bldg*

*Ms. Moermond:*

*-we have an expired code compliance on this house so, that's the first order of business*

*-if there hasn't been significant damage to the structure since Apr 25, 2016, Mr. Seeger might be able to do a walk thru if it's completely gutted*

*Mr. Yust:*

*-Jim Seeger has been helping us with 445 Smith; I think he would be the appropriate person to take a look at it; I don't think that it's leaking; some of the windows are boarded; I think that it's pretty good*

*-the back addition: there has been poor renovation work over a period of decades*

*Mr. Fangmeier:*

-I live a block from 412 Goodrich  
-the next meeting of the Little Bohemian Neighbors Association is the first week of Jul; we will discuss this at that time; I will communicate any findings, letters, votes, etc, to your office  
-I was part of the neighborhood meeting on Thu when we first became aware of this  
-generally speaking, all of the neighbors that I've talked to about this so far, are pretty supportive of a 60-day extension to come up with a plan because of the historic nature of the house & we don't really want another empty lot

Ms. Austin:

-I was here at the last LH  
-the house has been there over 160 years so, maybe 60 more days would not cause the world to come crashing down  
-once people understand more about the history of the house, their perception is changed

Mr. Murphy:

-I did not go to the HPC mtg but I am for bringing the house back; however, I need support; this HPC stuff is out of my realm; these people could help me; I will need to rely on these other groups that could help guide me through it  
-Ms. Moermond provided him with a copy of the HPC Resolution & information that they covered

Ms. Moermond:

-wants to see the code compliance inspection report updated - a Seeger only walk thru; gave application  
-wants to see the \$5000 performance deposit posted (skin in the game)  
-wants to see the property maintained  
-I'm not opposed to giving you time to meet with these support organization to check this all out  
-I'm aware that there are 2 rehab paths available to you: 1) the historic preservation route; or 2) the bare minimum fix; I hope that this can be done up right, which means that you will need to rely on tax credits, assistance from others, etc.  
-if perf deposit is posted & code compliance inspection ordered by Jul 17, then on Jul 19, I will ask the Council to send this back to LH on Sep 12, 2017 & at that point, I would anticipate that you'd have a much clearer idea of what you want to do  
-I asked the bldg official to put a hold on permit issuance for this property for 4-6 weeks while we work this out before it goes before City Council on Jul 19, 2017; as a part of this delay, I will ask if you would be willing to continue to have a hold on the permit issuance at least thru our conversation in Sep unless there is an emergency circumstance that requires the issuance of a permit (to provide some level of assurance to the neighbors that we are in this & it isn't going to, all of a sudden, end up demolished)  
-we will send you a letter confirming all of this & copy whoever signed in

Owner to meet the following conditions:

- 1) post the \$5,000 performance deposit by July 17;
- 2) property must be maintained;
- 3) obtain a building only inspection; and
- 4) agree to a freeze on the issuance of permits until October 4. \*\*\*("pending our Sep discussion") ????

If those conditions are met, will recommend continuing the matter to September 12 Legislative Hearing with a Public Hearing on October 4, 2017.

**Referred to the City Council due back on 7/19/2017**

- 3 [RLH RR 17-22](#) Ordering the rehabilitation or razing and removal of the structures at 670 WESTERN AVENUE NORTH within one hundred eight (180) days after the July 19, 2017, City Council Public Hearing.

Sponsors: Thao

*Les Strokland, President, Mastercraft Construction LLC, appeared.*

*Steve Magner, Code Enforcement Manager:*

*Summary:*

*-The building is a one-story wood frame single-family dwelling with a detached two-stall garage on a lot of 5,663 square feet. According to our files, it has been a vacant building since December 31, 2015 due to a fire.*

*-The current property owner is Walker Properties LLC per AMANDA and Ramsey County Property records.*

*-On April 5, 2017 an inspection of the building was conducted, a list of deficiencies which constitute a nuisance condition was developed and photographs were taken. An ORDER TO ABATE A NUISANCE BUILDING was posted on April 14, 2017 with a compliance date of May 14, 2017. As of this date, the property remains in a condition which comprises a nuisance as defined by the legislative code.*

*-Taxation has placed an estimated market value of \$10,400 on the land and \$13,000 on the building.*

*-Real estate taxes are current.*

*-The Vacant Building registration fees were paid on February 6, 2017.*

*-A Code Compliance Inspection was done on June 6, 2017.*

*-As of June 26, 2017, the \$5,000 performance deposit has not been posted.*

*-There have been six (6) SUMMARY ABATEMENT NOTICES since 2015.*

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

*-Garbage/rubbish; Boarding/securing; Snow/ice*

*-Code Enforcement Officers estimate the cost to repair this structure exceeds \$100,000. The estimated cost to demolish exceeds \$15,000.*

*Ms. Moermond:*

*-this is a fire damaged property*

*-Fire Report indicates that the damage estimate is \$80,000 & they valued the bldg at \$105,000; contents at \$30,000; fire occurred Dec 28 - the reason it's in the VB Program; fire cause is listed as a Christmas Tree - electrical defect, flammable items; no one was at home at the time although the structure appeared to be lived-in; crews forced entry; multiple electrical outlets in the area of origin & no evidence of candle/cigarette use; however, it appears likely that an electrical defect ignited flammable items in the living room; ignition source is unknown but likely to be electrical; cause of fire is under investigation pending interviewing the residents for more information (attached)*

*-the owner's name at the time is Roseanne Ryan*

*Mr. Strokland:*

*-Ms. Ryan contacted us; we were going to do the re-construction of the house; she employed a company, United Claim Service, to settle her claim for her with the insurance company; and that's where we met the road block; their estimate is very low so, there's been a lot of haggling back & forth with them & the insurance company; we've been waiting for a settlement to get started*

*-I've had the City of St. Paul out for the initial fire report; then, we did a code compliance walk thru; as of late, I had Jim Seeger update the code compliance insp over again for this meeting*

*-usually, we have that type of a fire done in about 120 days from the time we get a permit to finish; we've been doing that for 50 years*



-Travelers Insurance has had their feet in cement  
-I have all the bids with me  
-I have a Sworn Construction Statement - we will follow that; it doesn't have a start & end date because we don't know when we will be able to get a permit  
-I talked to the President of Walker Properties LLC, owner, this morning & he said that whenever we are green-lighted, we will be ready to start  
-entered the documents; has 2 more copies, if needed (Mai scanned entered documents)

Ms. Moermond:

-this is scheduled at City Council Jul 19, 2017

Mr. Stroklund:

-from time of permit issuance, we should be finished at 120 days  
-documents include letters from Walker Properties & from United Claim Service; sworn construction statement; bids; total estimate for project: \$170,000; 2 insurance claims

Ms. Moermond:

-so, we still need the \$5000 Perf Deposit & documentation of having the money for the project  
-Mai Vang provided the application form for perf dep

Mr. Stroklund:

-Walker acquired the property about 6-8 months ago, I believe; Ms. Ryan approached us, wanting to be done with the fire; we made an agreement

Mr. Magner:

-there's a note in the file dated Jun of 2016 that says originally permits could be pulled under Roseanne Ryan's ownership after a code compliance inspection had been issued but if the property were sold, then a Sale Review process must be completed  
-in May 2017, we noticed that Walker Properties was the owner & they indicate that they had been the owner since Aug of 2016  
-there does not appear to be a Sale Review

Ms. Moermond:

-I think that it will not take you a long time to get the perf dep posted & to get some evidence of your financial capacity into my office  
-I will check the file on Jul 11, 2017 to see if we have those pieces of information in so, get them in before that day; we can look up perf deposit information in the computer system but we need evidence of financial wherewithal to do the work - check my business card for email, FAX, address info, US mail, walk it in, etc.  
-look at your documents & remove the account info

Mr. Magner:

-clarification: if conditions are met, the Legislative Hearing Officer will recommend 180 days for completion of the rehab

Ms. Moermond:

-if you are using a personal/business bank account & not a line of credit or construction loan that's specific to this property, we would like a notarized affidavit indicating that you're dedicating those funds for this particular project; will send sample  
-you will receive a letter confirming what we talked about today; if it isn't what you think that it was, you will have plenty of time to call & tell us so

Remove or repair the building within 180 days provided:

- 1) a \$5,000 performance deposit is posted;
- 2) evidence of financial capacity to execute the rehabilitation has been demonstrated (a line of credit, sworn construction loan or bank statement);
- 3) a letter of affidavit indicating the funds will be dedicated for the rehab of the property if using a business or bank account; and
- 4) a timeline for executing the work plan for completing the work in accordance with the Code Compliance Inspection Report are provided.

The deadline for these conditions is July 11.

FOLLOW UP: all conditions above have been met. Granting 180 days.

**Referred to the City Council due back on 7/19/2017**

**4**      [SR 17-83](#)

Reconsidering enforcement of Council File No. RLH RR 17-2, an Order to Raze or Remove the structures at 865 YORK AVENUE.

**Sponsors:**      Bostrom

*Brett Cleveland, realtor; Jason Bebeau, Odyssey Homes, co-purchaser; and Kurt Manley, co-purchaser, appeared.*

*Ms. Moermond:*

*-this is a case that we dragged out for a very long time; I recall working with this for 3 or 4 months with Attorney Greta Bjerkness, who was representing Ocwen Loan Servicing; Ocwen never came to the plate & never did anything so, I finished with that property after trying so hard for so many months; that's what you're walking into -the property went from Ocwen to Freddie Mac; now, Freddie Mac wants to sell it and because they're the feds, they get to sell a Category 3 Registered Vacant Building, which no one else gets to do  
-you got a letter from Mai Vang talking about the things that we look for in this process*

*Steve Magner, Code Enforcement Manager:*

*Summary:*

*-The building is a 2-story wood frame multi-unit dwelling with a detached 2-stall garage on a lot of 4,792 sq.ft;  
according to our files, it has been a vacant building since Dec 5, 2012 due to a fire  
-current property owner at the time of the LH in Jan 2017 was Edward D. Bertges (deceased) per AMANDA & Ramsey County Property records. A Sheriff's Sale occurred on Dec 5, 2016 with Ocwen Loan Servicing LLC now holding the sheriff's certificate of sale to the property subject to a 6-month redemption period.  
-On Oct 19, 2016 an inspection of the building was conducted, a list of deficiencies which constitute a nuisance condition was developed & photographs were taken. An Order to Abate a Nuisance Building was posted on Nov 3, 2016 with a compliance date of Dec 3, 2016. As of this date, the property remains in a condition which comprises a nuisance as defined by the legislative code.  
-Taxation has placed an estimated market value of \$7,000 on the land and \$43,000 on the building.  
-Real estate taxes are current.  
-The Vacant Building registration fees were paid by assessment Dec 30, 2016  
-As of Jan 9, 2017, a Code Compliance Inspection has not been done.  
-As of Jan 9, 2017, the \$5,000 performance deposit has not been posted.  
-There have been 26 Summary Abatement Notices since 2012.*

-There have been 20 Work Orders issued for:  
-garbage/rubbish; boarding/securing; grass/weeds; snow/ice  
-estimated cost to rehab: minimum of \$50,000  
-we were seeking a Resolution to remove the bldg

Ms. Moermond:

-this is kind of an extraordinary situation in that there was a fire in 2012; the city had been waiting for something to happen; the owner died & there was more waiting; so, we have a fire damaged structure sitting there on York  
-you got the letter from my office  
-the \$5000 perf deposit has not yet been posted

Mr. Bebeau:

-we just got a signed Purchase Agreement from the seller late yesterday; we've been going back & forth with the seller

Mr. Magner:

-the code compliance inspection report is dated Mar 6, 2017 (current); Mai printed copies for everyone

Ms. Moermond:

-I will look for a Work Plan on how you're going to execute the rehab; some people do a detailed sworn construction statement with timelines  
-I need documentation that you have the financing to be able to finish the rehab  
-I need to see the bids from subs; estimate of value of work that you are putting into the project - minimum of \$50,000; I normally look for a line of credit, a construction loan, a business/personal account that the money will be coming from & an affidavit indicating the funds will be dedicated for this purpose  
-we will need Vacant Building registration information - your contact info  
-Vacant Building fee - last fee paid Nov 2016; the annual VB fee will be due Nov 2017; if you finish the VB by Nov 2017, there will be no VB fee  
-the last Work Order on the property was in Jan 2017 for garbage/rubbish; none recently  
-if there were WOs completed following your assessment search, those bills will come due because they stick to the property

Mr. Cleveland:

-the first half of property taxes were paid, including the assessments

Ms. Moermond:

-reviewed the Purchase Agreement (scanned)

Mr. Manley:

-our Purchase Agreement is contingent upon whether time is granted today

Ms. Moermond:

-how long will it take you to put together the required documents?

Mr. Manley:

-probably until Jul 10, 2017

Ms. Moermond:

-I will put this on the LH calendar for Jul 11 when we will review the materials; based on those, I will put a recommendation on the City Council Agenda in Resolution form which will include a Stay of the implementation of the Demolition Order for X number of days in order for the bldg to be rehabbed under the conditions I listed

-Mai Vang & I will be out the first week of Jul  
-you can email those documents to my office; I will check my email for documents;  
Mr. Magner & I will discuss them

Mr. Magner:

-clarification: we are looking for the items identified in the Jun 5, 2017 letter

Ms. Moermond:

-if something comes up that you can't get them in, we will still talk about it Jul 11 at LH

-we can't issue permits until all the criteria is reached

-I'm glad this is going to be saved

---

The following conditions must be met in order to grant a stay of the implementation of adopted resolution Council File No. RR 17-2:

- 1) provide a work plan, including timelines and subcontractor bids for completing the work in accordance with the Code Compliance Inspection Report;
- 2) post a 5,000 performance deposit with the Dept of Safety & Inspections - this deposit will be returned with interest if the rehabilitation is completed within the time granted;
- 3) provide documentation of financial capacity to complete the project (construction loan, line of credit or a personal/business account); this includes an affidavit, if using personal/business bank statement, indicating the ability to pay for the repairs; and
- 4) complete and file a vacant building registration form with DSI.

**Laid Over to the Legislative Hearings due back on 7/11/2017**

## 11:00 a.m. Hearings

### Summary Abatement Orders

- 5      **RLH SAO 17-61**      Appeal of Nancy Watkins to a Summary Abatement Order at 1171 MINNEHAHA AVENUE WEST.

Sponsors:      Stark

Nancy Watkins, owner, appeared.

Ms. Watkins:

-shouldn't I have a lawyer for this?

Ms. Moermond:

-that's up to you; you appeared without an attorney; most people do but it's totally up to you

Ms. Watkins:

-....because I was going to call the news & hire 2 lawyers

Ms. Moermond:

-you are here today on your own; there was nothing constraining you from doing any of that

Ms. Watkins:

-well, I didn't know what this hearing was supposed to be  
-I thought the thing was already taken care of

Ms. Moermond:

-there's information on the back of the appeal sheet that explains to you what this hearing was about

Ms. Watkins:

-well, my eyes are so bad, I can hardly read anything any more

Ms. Moermond:

-you've got glasses right there

-I'm going to get that staff report & we'll hear from you in just a minute

-Inspector Martin, what can you tell me about what's going on at 1171 Minnehaha?

Ms. Watkins:

-harrassment

Supervisor Lisa Martin:

-we issued a Summary Abatement Order May 31, 2017 to remove a shed from a vacant lot

-previous to that, we had vehicles parked on that vacant lot; Orders were issued & complied with; however, as of today, there's a vehicle parked on the vacant lot again; an Order will be going out today along with Excessive Consumption of city services to have to maintain the property

-we gave Ms. Watkins to Jun 30, 2017 to remove the shed & all of its contents or everything will be removed by the city & disposed of; and the charges will be assessed to that vacant property

Ms. Moermond:

-OK; so, we're just talking about the shed

-Ms. Watkins, what can you tell me about your appeal?

Ms. Watkins:

-I bought that property 20 years ago; I tore down the house that was on the lot; at the time, I asked the city if I needed to tear down the shed too; they said that I could leave it; "No, no; you can leave it; that's just fine; don't worry about the shed;" then, she comes here 20 years later, saying that it has to be torn down; and there's all these sheds in the neighborhood on vacant lots; I've got pictures of all of them here; why are they there & mine can't be? You know, that's ridiculous! Here they all are  
-she entered the photos & said that she couldn't label them because they don't have addresses on the lot

Ms. Moermond:

-I can't accept them without knowing their location to know if it's a vacant lot or not

Ms. Watkins:

(later, she made notes on them about there whereabouts & entered them into the record)

-I took those photos down to the city zoning & they said, "Oh, those are community gardens;" they told me that I could have a community garden there, too; "There's no reason why you can't;" so, I paid DSI \$32 for a permit to have a community garden; & when you have a community garden, you're allowed to have a shed on there

-she entered the receipt; they told me that I could start the garden right after I paid for the permit

-the truck is on the property today because a guy is there building more beds for me;

*there will be 6 or 8 beds altogether; the guy put the truck up there so he can haul the boards up there; and then she (Ms. Martin) sent him a letter; she is just vicious; just a vicious person; there's a lady next door; she's got cancer; she can't even stand up straight and she's (Ms. Martin) is badgering her*

*Ms. Moermond:*

*-so you live right next door to this property, it looks like (?)  
-you have applied to have a community garden*

*Ms. Watkins:*

*-and, I paid my money; & as soon as I paid the money, I could start it up, right then;  
and I have the guy over there building those things;*

*Ms. Moermond:*

*-looks like he threw up a few boards; I don't see any other evidence of planting or anything*

*Ms. Watkins:*

*-well, no; they're not ready; you've got to build the frame & then you've got to get the dirt; and then, you could plant*

*Ms. Moermond:*

*-like I said, I just see a few boards; I haven't seen anything else*

*Ms. Watkins:*

*-it's certainly not a few boards*

*Ms. Moermond:*

*-that's what was in the photograph*

*Ms. Watkins:*

*-it's like a flower bed*

*Ms. Moermond:*

*-8 boards*

*Ms. Watkins:*

*-and he's there today; he's going to build a few more; & so they'll be about 8 on the property*

*Ms. Moermond:*

*-I did not see any indication where a shed is allowed on a community garden*

*Ms. Watkins:*

*-something new*

*Ms. Martin:*

*-I've not heard of that either and again, I talked to Ms. Watkins & explained that she could combine the 2 lots; she owns the one on the corner, the one next to her and the vacant lot; & in order to keep the shed, we explained that she could combine the 2 lots, if she wished to do that*

*Ms. Moermond:*

*-which 2?*

*Ms. Martin:*

*-1171 & the property right next door to it, which I believe is 1169 (?)*

*Ms. Watkins:*

*-67*

*Ms. Martin:*

*-67; OK &.....*

*Ms. Meormond:*

*-you're 1163 on the corner, then there's 1167....*

*Ms. Watkins:*

*-I don't own that; no; that's my grandson*

*Ms. Moermond:*

*-and there's 1171; do you own that?*

*Ms. Watkins:*

*-I own that; and, we're going to eventually build a house on that 1171 in a few years; we've got \$150,000 saved up; we have to save up another \$50,000 and it's gonna take us about 2 years; then, we'll build on there*

*-I also have a note from a doctor, here, that I can't be carrying lawn mowers & stuff all over to mow that lot; I have to have the shed there to put it in; and then, after I got this, I found out that I could have the community garden; then, I went with that*

*Ms. Martin:*

*-Ms. Moermond, Ms. Watkins never explained to me that she was looking at doing a community garden; there was never a community garden there; it was used for parking inoperable vehicles for some time*

*Ms. Watkins:*

*-they were all operable*

*Ms. Martin:*

*-and, many of them had expired tabs; so again, this information, as far as pulling a permit for community garden is new to us today*

*Ms. Watkins:*

*-yup; sure is*

*-there's no way that I'm gonna combine something I own with somebody's something else owns; no way; it's not gonna happen*

*Ms. Moermond:*

*-was 1167 ever in your name?*

*Ms. Watkins:*

*-yea; one time*

*Ms. Moermond:*

*-how long ago?*

*Ms. Watkins:*

*-oh! I don't know; quite a while*

*Ms. Martin:*

*-Ms. Vang, if you look at this, I believe, Ms. Watkins is still listed on the taxes for that*

one; she said her grandson is living there

Ms. Moermond:  
-1167

Ms. Watkins:  
-everybody's name is on there; ....but it's not mine; it doesn't belong to me any more  
-and another thing, the reason they were parked there was because there's 3 kids  
living in that house; then, they went away to college and each had a car & a truck;  
and then, as soon as they came back from college, they each took their car & their  
truck; --was gone & you can't even park in front of your house

Ms. Moermond:  
-you still can't park on a vacant lot

Ms. Watkins:  
-I didn't park them on a vacant lot; they did

Ms. Moermond:  
-it can't be done

Ms. Watkins:  
-they're gone; they're gone

Ms. Moermond:  
-OK; you brought it up; I'm just answering you question; you can't have vehicles on a  
vacant lot

Ms. Watkins:  
-interrupted...well, they're gone

Ms. Moermond:  
-you evidently have one there right now

Ms. Watkins:  
-yea; I just told you; the guy who's building these beds pulled up there to unload his  
boards & to work on the stuff; and, he can't park in front; there's "No Parking" there;  
so, he parked up there to take out his boards & is building some more of the beds for  
the garden  
-so, I'll go down to that zoning place where I paid the money & I'll get a written thing  
from them about the garden

Ms. Moermond:  
-what I'm going to do--'cause this doesn't go to City Council until Jul 19 is --I'm going  
to Lay this Over to Jul 11 LH; and we should have some better info on your status as  
a community garden; and specifically, whether or not you need a variance to have a  
shed there if it's a community garden

Ms. Watkins:  
-no; I don't need a....

Ms. Moermond:  
-you say that; I need to check the Zoning Code

Ms. Watkins:  
-I'll go down there & get it right now



Ms. Moermond:

-ma'am, I'm going to Lay the matter over to Jul 11; we'll look at it then; it doesn't go to City Council until the following Wed, Jul 19; so, we'll put a decision on the record on the 11th; the following Wed, I'll go in front of City Council; if you disagree with my recommendation, that would be your opportunity to talk to them; if you have additional information you want to put on the record to make them aware of; if you want to label those photographs, for example, and say where those sheds exist; so, they would have some context, you're welcome to do that; and that can be submitted, as well

Ms. Watkins:

-right now?

Ms. Moermond:

-ma'am, I would suggest that you confirm their location because I'm going to have to have staff confirm it, as well

**Laid Over to the Legislative Hearings due back on 7/11/2017**

**6**      [RLH SAO 17-59](#)      Making finding on the appealed nuisance abatement ordered for 1027 CASE AVENUE in Council File RLH SAO 17-32.

**Sponsors:**      Bostrom

*Sherold K. Mustin, owner appeared.*

Ms. Moermond:

-I checked the computer system; you were thinking about the garage on your own, fixing it, getting bids, etc; so, what have you concluded?

Ms. Mustin:

-can I get more time?

Ms. Moermond:

-no; we've gone thru a lot of time on this

Ms. Mustin:

-then, it will have to be torn down

Ms. Moermond:

-did you want to tear it down or should the city?

Ms. Mustin:

-the city can do it

-I was having financial trouble trying to find someone to fix it

Ms. Moermond:

-the Council gave an extension & at this hearing, all I can do is to make a finding about whether or not things were done by the date that they gave; so, I have limited powers today

-this will go to the City Council Public Hearing on Jul 19, 2017; at that time, I will tell them that they can make a finding that the work hasn't been taken care of by the owner

-if things change between now & then and you have found a contractor, who is actively fixing it, great! or if you've knocked it down on your own, great!

-otherwise, on Jul 19, I will tell the Council, it's not done; go ahead & let DSI schedule

demolition

-for this size bldg, I anticipate a cost of between \$1500- \$2500 range; if the city does it, the cost would become a proposed assessment onto your property taxes; appeal that assessment (you will get a letter telling you about it; it will come with a yellow postcard; send that postcard back to appeal); when we talk at LH, we can have those payments divided over 5 years

-you will get a letter in the mail confirming what we've discussed today

Nuisance not abated.

**Referred to the City Council due back on 7/19/2017**

## 11:30 a.m. Hearings

### Orders To Vacate, Condemnations and Revocations

- 7 [RLH VO 17-18](#) Appeal of Allen Kremer to a Fire Certificate of Occupancy Revocation and Order to Vacate at 126 NINTH STREET EAST.

**Sponsors:** Noecker

*Allen Kremer, owner, appeared.*

*Fire Supervisor Leanna Shaff:*

*-Revocation of the Fire Certificate of Occupancy/Order to Vacate*

*-tenant had appealed the commercial space in the lower level; that part is a vacant bldg now*

*-this is not about that part but thru that process, we started the Fire C of O inspection in Oct 2016; we had actually approved the C of O early this year because we received a request from the responsible party, Bryan Voyda, who is Mr. Kremer's son-in-law, that all of this would be done by Jun 2017*

*-we had ordered an engineer's report for the fire escape; and the boiler needed attention*

*-Jun 1, 2017, we found that not only had the fire escape gotten worse; it hadn't been attended to and there was no boiler in the bldg; just a big hole; at that point, we had no other recourse than to Revoke the Fire C of O with the hope of getting compliance quickly*

*-we did get an engineer's report, an analysis but not a repair list; later, we did get that, too*

*-the analysis said that the fire escape was over-span & that there were some deteriorated pieces; later, we got the engineer's fix to the issue but the work hasn't been addressed*

*-it's an iron fire escape on north side of this 3-story bldg; when you're standing underneath the landing, especially on the 2nd floor landing coming out of the back door, you can see where the support structure on the landing has holes in it; I also observed this*

*Ms. Moermond:*

*-asked for photos to be attached to the record of the fire escape & the hole where the boiler once was*

*Ms. Shaff:*

*-we had given them the time they requested & basically, nothing got done; & I have no faith that it will get done in a timely manner; it's been an issue since the referral on the first floor*

- the fire escape was originally called out Oct 13, 2016
- the 2nd & 3rd floors contain rooming units; most share a common bathroom & common kitchen
- the 1st floor (commercial/utility) is a VB at this time

Mr. Kremer:

- we've been given ample time; we haven't gotten anything done until this point; things are really starting to move now (introduced photos to help); we have a contract signed for a new boiler for \$36,000
- I can show you pictures of the parts that the engineer recommended we do for the fire escape; we've had the parts for a month & the buck stops here; I'm not going to put it on anybody else
- there will be 5 people working there tomorrow
- entered the engineer's report; this will be done a week from Fri
- the hole will need about 180 sacks of sand; this is a picture of the 2nd pallet of 56 sacks; there is a pallet of 56 sacks already in the hole; we have a compactor there today; the cement work will be done this week; then, we have to put a pad on top for the boiler to sit on
- the licensed contractor, Bryan Voyda, promises it will be done soon
- everything should be done by Jul 17, 2017; it's looking good but that doesn't mean that it will get done; I'm at other people's mercy & I'd like to have my C of O back

Ms. Moermond:

- asked how many people live there

Mr. Kremer:

- right now, about 22; the bldg was built as a hotel on 9th & Robert, a half block from Key's Restaurant
- the 22 people are quite concerned about where they'll go on the 17th of the month
- the work should have been done; I just need a little extra time, even 10 more days; Burnomatic, the boiler people from Mpls do excellent work; I've used them before & Bryan explained to them that we have to have this done by Jul 17

Ms. Shaff:

- noted that there is no permit for the boiler yet

Mr. Kremer:

- I'll call him today
- I've been running the bldg for 35 years; I take a lot of pride in the bldg; however, the tenants challenge us
- more time, maybe until Jul 31; better for the tenants

Ms. Shaff:

- of the items left on the list, what's most important is that fire escape; it needs a permit & this is a repeated issue; it's almost impossible to get things done without taking enforcement action
- I, as well as SPPD, have suggested that he may need help managing the bldg
- Roger points his finger at you & you point your finger at Roger

Mr. Kremer:

- Roger has been removed
- I've been kept awake nights concerned about getting that fire escape taken care of; you can ask my wife; all the parts are ready to go; we have new supports for the area; hopefully, it will be done by Jul 17

Ms. Shaff:

-we approved the Fire C of O with the deficiencies because we had a timeline but when he didn't accomplish the tasks & we saw that there hadn't been an effort either; we Revoked the C of O

Ms. Moermond:

-I see that the fire escape thing has been going on since Oct 2016 as a problem; & the boiler was originally called out Dec 13, 2016 - that's over 6 months already for the boiler & 8 months on the fire escape

-I will recommend that the Council grant until Jul 21, 2017; no more time

-you can find different contractors & you can find a different person to run your bldg than your son-in-law

-you have to have a fire escape & you have to have a boiler that works

-if both of these items aren't done by then, the Certificate is Revoked if the Council agrees with my recommendation

-you will get a letter from Mai Vang confirming the recommendation

-if you choose, you can talk to the City Council Jul 19

Grant to July 21, 2017 for compliance.

Referred to the City Council due back on 7/19/2017

## 1:30 p.m. Hearings

### Fire Certificates of Occupancy

8

[RLH FCO  
17-105](#)

Appeal of Tim Parmer to a Correction Notice - Re-Inspection  
Complaint at 1384 BUSH AVENUE. (Public hearing held July 19)

**Sponsors:** Prince

Timothy Parmer, owner, appeared.

Fire Supervisor A.J. Neis:

-Correction Order to provide a durable dustless surface for the driveway issued in Oct 2016 under a C of O, which was approved with corrections; this is the only remaining deficiency; Inspector did a follow up re-inspection & the driveway is still non-compliant

-photos in file - looks like a mixture of surface components: blocks, asphalt, concrete, weeds; it appears to be durable but is rather unkept

Mr. Parmer:

-the driveway is coming off an asphalt alley

-the code alludes to parked or stored vehicles; I was unaware that my renter did park her vehicle there; I have since asked her to not use that area for parking; she has on street parking & garage space for her 1 car; she has no real need to park there

-I don't believe that it qualifies as a parking space

Ms. Moermond:

-it qualifies more as a driveway because it provides access to the garage; you have to go over that to get to the garage, do you not?

Ms. Parmer:

-the code alluded to in the Order is 34.8, paragraph 7, which deals strictly with parked/stored vehicles and all existing parking spaces; it doesn't refer to driveways or access to a garage

*Ms. Moermond:*

*-the issue is that you have a driveway area; you have to have it in order to have access to the garage; and it's deteriorated & it must be maintained  
-you make a decent argument that not everybody has maintained driveways; I see driveway Orders every single week; I know there are driveway Orders being written a lot; it's a common issue  
-when I look at it, I try to consider how bad the condition is  
-actually, 34.8.07 does refer to driveways, also; your driveway surface would be covered underneath this article*

*Mr. Neis:*

*-I believe that the intent is pretty clear; for example, you can't build a garage & then argue that you have a 50 foot path of mud/yard on which you can drive on to get into your garage; it wouldn't meet the intent of the law*

*Ms. Moermond:*

*-you're saying that since your tenant is not parking there, it's not a parking space; but by definition, being a driveway that leads into a garage, it is by definition, a parking space  
-you can argue that but I think that it is a parking space & it needs to be maintained as such; it can't turn to dirt; the photos show dirt, significantly degraded asphalt surfacing, even perhaps embedded concrete  
-the driveway/parking space is covered under this section of the code; so, we'll leave it to the Council to decide*

*Mr. Parmer:*

*-2nd point in my letter: when I spoke with Mr. Smith on the phone, he said that he did notice that there were plenty of vehicles within the same block; I asked about discriminatory practices and he said that when it comes to home-owner occupied properties, the city inspectors only respond to complaints*

*Ms. Moermond:*

*-that is true but it also may be that they notice things as they are driving by or they could be doing a "sweep;" they could be looking at the neighbor's property & pick that one up at the same time  
-right now, the City of Saint Paul has a systematic & periodic inspection process for non-owner occupied properties of which this one is  
-I deal with owner occupied as well as commercial properties with this same problem; in all likelihood, I see it more frequently with non-owner occupied because they are part of the Certificate of Occupancy Program; if you believe that that's a discriminatory practice, that would be a separate consideration; it has been found, however, by any number of courts that having a C of O Program is not a discriminatory practice but again, you have the ability to take that to the next level, if you so choose*

*Mr. Parmer:*

*-my 3rd point: environmental concerns of paving, particularly where it seems less than necessary*

*Ms. Moermond:*

*-you have a number of options and there are some more environmentally sensitive ways to do parking surfaces; there are permeable pavers, etc.*

*Mr. Parmer:*

*-I was told by the first inspector that since there was an improved alley, my only 2*

options were: 1) paving with asphalt; or 2) paving with concrete, both of which I could not do myself; I specifically, asked if I could do gravel or pavers and I was told, "No"

Ms. Moermond:

-I don't know why you were given that advice; I do not give that advice myself  
-permeable pavers & other kinds of pavers that do allow water to pass through are allowed  
-another thing that people do is wheel tracks, which is also acceptable & one of my favorite options  
-under appeal, enforcement is stayed

Grant to October 15, 2017 to come into compliance with the parking area.

**Referred to the City Council due back on 7/19/2017**

**9**      [RLH FCO 17-99](#)      Appeal of Patrick Her to a Fire Inspection Correction Notice at 528 COMO AVENUE.

**Sponsors:**      Thao

*Patrick Her & Felicia Her, owners, appeared.*

*Fire Supervisor A.J. Neis:*

-Fire Certificate of Occupancy Correction Notice issued with a Condemnation of the upper level porch, which is not very clear in the Orders; the porch is starting to pull away from the bldg, a major cause for concern  
-the inspector advised the Appellant to appeal the Orders as there may be some financial difficulties or hardships because the work isn't getting done  
-inspector advised Appellant not to use the porch for anything  
-photo in file shows a several inch gap  
-item #1-talking about the stairs, but appears to be both porch & stairs based on the photos (not a clear condemnation order)  
-this porch/stairs can be used for egress; however, from my understanding, they can go through the front, not the back; there's not a bedroom right there

Ms. Moermond:

-photos show a lot of deferred maintenance over time

Mr. Neis:

-it's very hard to become a Class D property; and this is one of them  
-it's the first set of Orders for this property (Jun 16)

Ms. Moermond:

-you wrote in you appeal that you need an extension/ financial hardship/medical hardship  
-tell me a little about the repairs & what's going on

Mr. Her:

-when we first bought the property, we turned it into rental property; we live in WI; this year our daughter just graduated from St. Cate's & renting a property near the school, which is expensive; also, we are planning to move into the city, here.  
-we say financial/medical hardship because our young son just had surgery so we had to take care of the bills  
-I filed the appeal; the family talked about it; WI is farther away & we commute everyday to work; so, we are thinking about turning this into an owner-occupied home; one tenant has moved already

*Ms. Moermond:*

*-becoming an owner-occupant will not get you out of this mess  
-right now, you have a house with a ton of code violations that the city is aware of; and a lot of these are life-safety type violations; if it's no longer considered in the Certificate of Occupancy Program, these Orders would be turned over to the staff who handle owner-occupied properties; it would just shift to a different group of inspectors for it to be completed  
-you say that you two would be moving in  
-I'm confused, you say that you live in Baldwin WI, but the address on the appeal is 1700 Edgemont Street, Mplwd*

*Mr. Her:*

*-that's my son's address  
-our mail goes to Maplewood because we come here everyday  
-this house is the one we first moved into originally; we haven't changed it in city records  
-528 is an up/down duplex  
-I probably need a 2 month extension for all of these Orders*

*Ms. Moermond:*

*-asked Mr. Neis which Orders he considered critical  
-noted that the inspection took place Apr 21 yet the Orders didn't go out until Jun 8 (?)*

*Mr. Neis:*

*-this was re-sent because it was initially inspected Apr 21  
-there were a couple attempts in Feb; some re-scheduling because of a death in the family; wife appeared at Apr 21 mtg; they wanted additional time and then on Jun 7, insp went to do re-inspection; 5 minutes later, owner had not yet arrived; upstairs tenant allowed access to take additional pictures; porch did not seem safe; he Condemned the porch area & helped the tenant move some stuff out of the porch area & placed a placard on the door; instructed tenant to not use porch until it was fixed; owner arrived about 20 minutes later & stated that she was unaware of the re-inspection; she had not received Notice; owner verified mailing address; he informed owner that back stairs were unsafe & must discontinue to use the back stairs immediately; he advised to repair other items; he gave until Jun 16 to address the item; gave another 30 days to get the repairs done; there are financial & medical issues; might not get all work done; advised owner to appeal*

*Mr. Her:*

*-we never received the first letter; inspector said that he sent it out; we haven't even seen the items; that's why we haven't corrected them  
-the one he sent out on Jun 8 was the first time we received a list of Orders*

*Ms. Moermond:*

*-I think I did see a list of short Orders but I didn't see it attached to this appeal*

*Mr. Neis:*

*-short Orders are written, a 2-page form; the law says that we have to give written notice, delivered in person or must be delivered by US mail; if urgent, inspector will hand write the Orders & give them to the owner or put them on the property*

*Ms. Moermond:*

*-so, on Apr 21, short Orders were given but this.....*

Mr. Neis:

-no; there was another letter dated Apr 21 that outlines all of these violations, which they say that they never received

Mr. Her:

-I accompanied the inspector on Jun 16; I did not accompany him Apr 21; that's when I called him

Ms. Her:

-I was there but I told him that on Mon, our baby was going to have surgery; he said that he would send a letter but we never received a letter; I told the inspector that some things I would remember but most things I would not remember because my mind would be on the baby - too much stress; we needed to concentrate on the baby not on other things

Mr. Her:

-but without this list, we didn't even know where to begin; Jun 8 was first letter we received; Jun 16, I was there with the inspector

Ms. Moermond:

-I'm sorry you didn't get the earlier set of Orders  
-mail should go to the place where you live (may complicate communication)  
-photos show a very dilapidated bldg; needs a lot of work

Mr. Neis:

-the porch is critical; the rest lacks maintenance

Mr. Her:

-inspector said that porch & stairs need to be corrected right away for safety concerns  
-I've owned this property since 2000; every 3 years we've made corrections

Mr. Neis:

-the bldg was previously certified in 2012; inspected & approved by Fire Inspector Lisa Martin; she has a lot of notes; sent some things to code enforcement; there were 6 attempts to get the property approved  
-there's a history of noncompliance; poorly managed

Mr. Her:

-we try our best

Ms. Moermond:

-I'd like to take off some items & if they're done by a deadline, then give a longer extension on other items  
-Mr. Neis will do an inspection Mon Jul 17 at 11 am  
-by Jul 17, I'd like the following items to be done: 1, 6 (porch), 8, 9, 14, 18, 19, 20 & 27; if those are done, I will grant an extension to Sep 1 for the rest of the items; if they aren't done, Fire will pursue the next level of enforcement  
-item #6 is pretty broad; I am focusing on the stability of the porch, in particular (not soffits, fascia, etc.)

Grant until July 17, 2017 for Items for 1, 6, 8, 9, 14, 18, 19, 20, & 27 to come into compliance; if those are in compliance, will grant to September 1 for the balance of the repairs on the list.

**Referred to the City Council due back on 7/19/2017**



10 [RLH FCO](#)  
[17-100](#)

Appeal of Eric Eddy, E&K Real Estate Investments, LLC to a Correction Order at 1004 FULLER AVE.

Sponsors: Thao

*Eric Eddy and a woman, E&K Real Estate Investments LLC, appeared.*

*Fire Supervisor A.J. Neis:*

- this is a driveway/parking pad appeal*
- the parking surface is the only remaining Order left on the Certificate of Occupancy*
- the parking surface is directly east of the unattached garage on the property; it looks like it's been dirt; it may have been class 5 at some point but it hasn't been maintained so, it looks pretty bad*
- Jun 8 photo shows that it needs to be mowed; grass looks 2 feet tall; side yard also needs to be mowed*
- there is an asphalt alley*

*Mr. Eddy:*

- that parking area is on the side of the garage; it's not going into the garage; it's been this way through time; the house is not newer construction*
- we bought this middle of 2016 & it's been inspected numerous times, most recently Dec 2016 & this hasn't come up; it's a class A property*
- we have taken care of the tenant very well*
- this was a complaint inspection*
- we can work with the tenant to get the grass taken care of*

*Ms. Moermond:*

- the grass needs to be under control*

*Mr. Eddy:*

- it's also in the back of the property & does not interfere with the aesthetics of the neighborhood; I walked around various alleys & it's probably about 50/50 with regard paved/gravel parking surfaces; in my mind, this is not a very urgent matter, considering that we've been inspected several times in the past & given an A rating*

*Ms. Moermond:*

- Dec inspections don't always see the surfaces underneath the snow*

*Mr. Neis:*

- Inspector Corry approved it in Dec, right off the bat*
- approved with corrections happened because of the fence in the back yard; it's not reasonable for someone to repair a fence in the middle of winter*
- further more, the driveway orders typically, don't get called in the winter because they can't see it*
- class 5 driveways/parking surfaces typically, require a lot of maintenance*
- this complaint was generated by the inspector when she went back to see if the fence had been done & now, they could see the parking surface; our letters automatically say complaint inspection*

*Ms. Moermond:*

- you're not here because you are a problem property*
- it looks as though it wasn't maintained for a long time before you bought it*
- it looks like dirt that needs mowing*
- if the alley were class 5, you could have the same surfacing; now, it will need to be re-done: cement, asphalt, pavers, wagon wheels*
- noted that volunteer trees are growing through the fence*

Mr. Neis:

-lower cost option: you could restrict your tenants from using that parking surface; you could till the soil & plant grass there; you could run paver blocks on each side & plant grass in the middle (does not need site plan)

Mr. Eddy:

-we are happy to do the fence immediately but if we could have a year to get this parking surface done, it would really be helpful

Ms. Moermond:

-I can't see pushing the deadline out much further than Nov 1, 2017

Grant until November 1, 2017 for compliance on the parking surface in the rear yard.

**Referred to the City Council due back on 7/19/2017**

11 **RLH FCO  
17-106**

Appeal of Bill Wengler to a Correction Notice - Complaint Inspection at 833 GRAND AVENUE.

**Sponsors:** Noecker

*Rescheduled per owner's request.*

**Laid Over to the Legislative Hearings due back on 7/11/2017**

12 [RLH FCO 17-94](#)

Appeal of Ker Vue to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 793 RANDOLPH AVENUE.

**Sponsors:** Noecker

*Ker Vue, owner, appeared.*

*Fire Inspector A.J. Neis:*

*-Danneckers Liquor & Grocery Store*

*-Fire Inspection Correction notice issued by Inspector Wayne Spiering; re-inspection Jul 10*

*-2 code violations: 1) exit lights in basement; and 2) re: basement stairway & conveyor track system; many times in the older bldgs, they used the basement as storage area for overstock*

*-here, there's a conveyor belt track system very commonly used in these types of stores; it is affixed to the basement stairs to allow them to easily bring merchandise up & down*

*-this system looks incredibly old (perhaps 40 years); this bldg has been inspected many times; this has never been called out; it has existed for a very long time*

*-typically in warehouse storage locations, employee aisle width needs to be a minimum of 24 inches*

*-I searched the code & could not find anything about stairs needing to be a minimum width while accommodating a conveyor system for mercantile occupancy*

*-the actual aisle width here is probably close to 21-22 inches; the handrail protrudes out an extra 4-5 inches, which narrows the aisle width (the code does allow for a handrail to narrow that space up to 4 1/2 inches)*

*-customers are not allowed to use the staircase; it's strictly for employees for stocking & re-stocking*

*-inspector's concern: more difficult for a firefighter to get down there; however, typically, firefighters crawl down a staircase head first*

Mr. Vue:

-we use the conveyor for over stock beer/liquor once or twice a week  
-there's no bathroom down there; the boiler & electrical panel is down there

Mr. Neis:

-this conveyor has existed for a very long time; it's never been called out in the multitude of inspections that we've done in this bldg every 3 years; I'm not saying that it's correct; I don't know how else they would reasonably get their overstock up & down without it  
-it's not grandfathered because it's not part of the structure of a bldg  
-conveyors exist in other commercial bldgs  
-photo  
-17 inches from conveyor to handrail  
-conveyor is 20 inches wide

Ms. Moermond:

-thinks that signage would alert a bldg user & a firefighter that there's a conveyor belt: "Caution, Narrow Stairway"

Mr. Neis:

-the conveyor belt is so readily discernible; it comes up to the stairs almost waist high at the top; it's really impossible to not know that the conveyor belt is there; some are flush with the stairs; this one is not  
-I don't think signage would be effective  
-I can't think of other solutions or of reasonable alternatives

Ms. Moermond:

Grant the appeal during the current tenancy and occupancy.

**Referred to the City Council due back on 7/19/2017**

13 [RLH FCO  
17-101](#)

Appeal of Catherine Breier, President of Property Solutions and Services, managing agent for Liberty Plaza, to a Fire Inspection Correction Notice at 415 MARSHALL AVENUE NORTH, Townhouses A through L.

**Sponsors:** Thao

No one appeared.

Fire Supervisor A.J. Neis:

-Liberty Plaza - 3 bldgs: 279, 285 Western & 415 Marshall  
-the Order was to provide CO alarms, which was ultimately appealed  
-I reviewed the file & the bldgs are 100% electric; there are no gas appliances, no attached garage; therefore, they would meet the requirement for the State Fire Marshal Exemption where they would not need to provide CO alarms  
-I've instructed Fire Inspector Steve \_\_\_\_\_ to Withdraw all of those Orders, subsequently going from C bldgs to Class A bldgs

Ms. Moermond:

-in the appeal statements themselves, Catherine Breier mentioned that they already had been exempt from this requirement; that it was a surprise to have Orders written; they were exempt, so Orders should not have been written

Mr. Neis:

-we Withdrew the Orders because they are exempt

Ms. Moermond:

-is there some bureaucratic way that the inspector could have known that?

Mr. Neis:

-the inspector did know that; he had been on the job in the field literally for 3 weeks  
-I apologized to Liberty Plaza

Ms. Moermond:

-I was curious because it seems like an exemption like that is something that would be on the record

Mr. Neis:

-it was; it was filed and I have no good excuse other than a rookie mistake

Ms. Moermond:

-the appeal for 415 Marshall talks about repairing the bathroom wall & the tenant lamp

Mr. Neis:

-management is going to address the tenant lamp with the frayed wiring  
-we've Withdrawn the bathroom wall Order

Ms. Moermond:

-so, the appeal is granted with respect to the CO detector & the bathroom wall & denied with respect to the tenant lamp

Grant the appeal on the carbon monoxide alarm detectors and bathroom wall; deny the appeal on the light fixture.

**Referred to the City Council due back on 7/19/2017**

14 [RLH FCO  
17-103](#)

Appeal of Catherine Breier, President of Property Solutions and Services, managing agent for Liberty Plaza, to a Fire Inspection Correction Notice at 279 WESTERN AVENUE NORTH, Townhouses A through L.

**Sponsors:** Thao

No one appeared.

Fire Supervisor A.J. Neis:

-Liberty Plaza - 3 bldgs: 279, 285 Western & 415 Marshall  
-the Order was to provide CO alarms, which was ultimately appealed  
-I reviewed the file & the bldgs are 100% electric; there are no gas appliances, no attached garage; therefore, they would meet the requirement for the State Fire Marshal Exemption where they would not need to provide CO alarms  
-I've instructed Fire Inspector Steve \_\_\_\_\_ to Withdraw all of those Orders, subsequently going from C bldgs to Class A bldgs

Ms. Moermond:

-in the appeal statements themselves, Catherine Breier mentioned that they already had been exempt from this requirement; that it was a surprise to have Orders written; they were exempt, so Orders should not have been written

Mr. Neis:

-we Withdrew the Orders because they are exempt

Ms. Moermond:

-is there some bureaucratic way that the inspector could have known that?

Mr. Neis:

-the inspector did know that; he had been on the job in the field literally for 3 weeks  
-I apologized to Liberty Plaza

Ms. Moermond:

-I was curious because it seems like an exemption like that is something that would be on the record

Mr. Neis:

-it was; it was filed and I have no good excuse other than a rookie mistake

Ms. Moermond:

-grant the appeal on the CO detectors (Withdrawn)  
-and the valid Order was for exit obstruction

Mr. Neis:

-tenant agreed to remove the items

Ms. Moermond:

Grant the appeal on the carbon monoxide alarm detectors; deny the appeal on the blocked egress.

**Referred to the City Council due back on 7/19/2017**

15 [RLH FCO  
17-102](#)

Appeal of Catherine Breier, President of Property Solutions and Services, managing agent for Liberty Plaza, to a Fire Inspection Correction Notice at 295 WESTERN AVENUE NORTH, Townhouses A through J.

**Sponsors:** Thao

No one appeared.

Fire Supervisor A.J. Neis:

-Liberty Plaza - 3 bldgs: 279, 285 Western & 415 Marshall  
-the Order was to provide CO alarms, which was ultimately appealed  
-I reviewed the file & the bldgs are 100% electric; there are no gas appliances, no attached garage; therefore, they would meet the requirement for the State Fire Marshal Exemption where they would not need to provide CO alarms  
-I've instructed Fire Inspector Steve \_\_\_\_\_ to Withdraw all of those Orders, subsequently going from C bldgs to Class A bldgs

Ms. Moermond:

-in the appeal statements themselves, Catherine Breier mentioned that they already had been exempt from this requirement; that it was a surprise to have Orders written; they were exempt, so Orders should not have been written

Mr. Neis:

-we Withdrew the Orders because they are exempt

Ms. Moermond:

-is there some bureaucratic way that the inspector could have known that?

*Mr. Neis:*

*-the inspector did know that; he had been on the job in the field literally for 3 weeks  
-I apologized to Liberty Plaza*

*Ms. Moermond:*

*-I was curious because it seems like an exemption like that is something that would  
be on the record*

*Mr. Neis:*

*-it was; it was filed and I have no good excuse other than a rookie mistake*

*Ms. Moermond:*

*-appeal is strictly about the CO detectors & it is granted (Withdrawn)*

*Grant the appeal on the carbon monoxide alarm detectors.*

**Referred to the City Council due back on 7/19/2017**

## **2:30 p.m. Hearings**

### **Vacant Building Registrations**

- 16**    [RLH VBR 17-48](#)    Appeal of Carlos Armendariz to a Vacant Building Registration Fee Warning Letter at 893 EUCLID STREET.

**Sponsors:**        Prince

*Per DSI staff recommendation; there was a purchase agreement before staff opened  
a Category 2 file. Inspector Tom Friel changed to Category 1 and closed the file.*

**Withdrawn**