



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 9, 2015

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Remove/Repair Orders

- 1 [RLH RR 15-5](#) Ordering the rehabilitation or razing and removal of the structures at 668-670 CONWAY STREET within fifteen (15) days after the March 4, 2015, City Council Public Hearing. (Public hearing continued from June 3) (To be referred back to Legislative Hearing on August 25; City Council Public Hearing to be continued to September 16, 2015)

Sponsors: Finney

Inspector Steve Wagner, Vacant Buildings:

- read letter dated May 15, 2015 after last LH May 12, 2015 (attached) sent to Kris Kujala and Paul Sharf, Ramsey County Records and Revenue, Tax Forfeited Land laying the matter over to LH Jun 9, 2015

Ms. Moermond:

- saw this first in Feb, 2015

Mr. Wagner:

- he and Inspector Joe Yannarely went to the property and found that it had been re-secured; so, we do not have access at this time
- the city had a lock box code previously, when they did the code compliance inspection in 2011; now, there's a different lock box and doors have been re-keyed
- Daytons Bluff has been doing most of the work in that area
- it's his recollection that this is due to forfeit Jul 31, 2015
- could have a discussion with Ramsey Co

Ms. Moermond:

- we will check in with Daytons Bluff to see if they are interested in acquisition; at a previous meeting, Ms. Kujala and Mr. Sharf talked about acquiring these thru tax forfeit and moving them to a CDC
- perhaps, we should ask the county to order a code compliance inspection right away in Aug

Mr. Wagner:

- maybe they could start to take some action before the Jul 31st rush; maybe email them asking them if this could be one of their first actions
- the last Work Order was on May 20 for tall grass/weeds - and done by city; Work Orders for snow/ice in both Jan and Feb; garbage in Sep 2014

Ms. Moermond:

- she will call Kris Kujala and ask her to order a code compliance inspection and when those inspectors go thru, Mr. Magner and Mr. Yannarely could get a lot of photographs for Jim Erchul to look at too

Mr. Magner:

*- Mr. Magner: he will send Joe Yannarely with them when they do their inspection
- the county could order it the 3rd week in Jul, and if for some reason, there was a re-purchase occurring, we could refund the application fee before we did the work
- the old code compliance inspection report should be much the same as the one from 2011*

Ms. Moermond:

*- asked Ms. Mai Vang to do a search for Harbour Portfolio
- my responsibility will be to call Kris Kujala and Harbour Portfolio
- will lay this over to the 4th week in Aug - Aug 25, 2015 LH*

To be referred back to Legislative Hearing on August 25, 2015 and City Council Public Hearing on September 16, 2015.

Referred to the City Council due back on 6/17/2015

2 RLH RR 15-13

Ordering the rehabilitation or razing and removal of the structures at 870 FULLER AVENUE within fifteen (15) days after the June 3, 2015, City Council Public Hearing.

Sponsors: Thao

Inspector Steve Magner, Vacant Buildings:

*- read letter dated May 15, 2015 after the May 12 LH (attached); to lay over to Jun 9, LH
- at the May 12 LH, Ms. Smith and Andy Barnett wanted time to have a discussion; Ms. Smith was willing to donate the house to a nonprofit*

Ms. Moermond:

- since that time, Mr. Barnet indicated that Ms. Smith didn't have keys to the house; she needs to have it re-keyed and provide access; she has no further information from him; will attach that email from him for the record

Mr. Magner:

*- E. Dianne Smith and Juanita W. Oliver held the mortgage with Associated Bank, FKA Liberty State Bank, dated May 9, 2003; that mortgage was satisfied but the bank failed to file the appropriate paperwork; a representative of Associated Bank contacted DSI and indicated that they were filing a Satisfaction of Mortgage filed with Ramsey Co Recorder's Office May 11, 2015 and as such, Associated Bank should be removed as an interested party for this action
- if Ms. Smith wants to transfer the property, she can do that without much of a title issue*

Ms. Moermond:

*- Ms. Amy Spong indicated that an Historic Site Survey was done in 2011 for this neighborhood; this has been inventoried or looked at but there have been so many changes that have impacted it's historical integrity so it's no longer eligible for designation
- it's an area with a lot of similar types of houses but this house, in and of itself, isn't so hot*

Ms Christine Boulware, Heritage Preservation Commission (HPC):

- this property was also inventoried in 1983
- this neighborhood has a lot of context, especially, railroad context
- the area has a nice historic fabric
- there have been change here: siding, windows, etc.
- encourages rehab
- there's a group in Summit U that would potentially, be interested; it's a great location
- at Council, Jun 17, 2015; unless she has heard from Mr. Barnett, she will go forward with an Order to Remove/Repair
- hopefully, she'll be able to change her recommendation within the week

Remove or repair the building within 15 days unless there is a response from Andy Barnett and/or E. Dianne Smith

Referred to the City Council due back on 6/17/2015

3 [RLH RR 15-20](#)

Ordering the razing and removal of the structures at 966 MARYLAND AVENUE EAST within fifteen (15) days after the July 1, 2015, City Council Public Hearing.

Sponsors: Bostrom

Dao Yang, LXP, REO for Five Brothers, appeared representing US Bank.

Inspector Steve Magner, Vacant Buildings:

- 2-story wood frame single family dwelling with detached 2-stall garage and a small metal shed on lot of 4,792 sq.ft.
- been a vacant building since May 20, 2014
- current property owner is listed as Arcelia and Esperanza Romero but it appears to have gone to foreclosure; the city lists both US Bank and Midwest Housing Finance Agency; we also have Five Brothers Mortgage, and Peterson, Fram & Bergman listed as having been notified of the public hearing
- Mar 18, 2015, inspection was conducted; list of deficiencies which constitute a nuisance condition was developed; photos taken
- Order to Abate Nuisance Building was posted Mar 31, 2015; compliance date Apr 30, 2015
- as of this date, property remains in a condition which comprises a nuisance as defined by the legislative code
- estimated market value: \$8,900 on land; \$51,000 on the building
- real estate taxes for first half of 2015 have not been paid
- VB fee paid by check Jun 1, 2015
- as of Jun 8, 2015, a code compliance inspection has not been done; the \$5,000 performance deposit has not been posted
- 8 Summary Abatement Notices since 2014
- 7 Work Orders issued for: garbage/rubbish; boardiing/securing; tall grass/weeds; snow/ice
- estimated cost to repair exceeds: \$60,000; estimated cost to demolish exceeds: \$12,000

Ms. Moermond:

- asked Mr. Magner to get Joe Yannarely out to take photos of the front and back of the building

Christine Boulware, Heritage Preservation Commission (HPC):

- Payne Phalen neighborhood on Maryland Avenue between Forest and Cypress
- first permit was pulled is from 1923; not an original permit

- it used to have a 1-story open front porch
- windows have been replaced; original siding isn't visible
- note: this general area, intersection of Maryland and Forest is identified as a commercial corridor
- this area was surveyed in 2011; the property was not identified individually
- staff would recommend to allow for demolition
- photos of street views of front of property

Mr. Magner:

- have a note from Apr 30 that someone by the name of Anthony from the violations dept of Five Brothers called to inform us that their intent was to convey the property to HUD

Ms. Moermond:

- will recommend to City Council that they order the building removed within 15 days with no option for its rehabilitation if they are conveying to HUD

Mr. Yang:

- the bank did not obtain the property until May 7, 2015; the bank is working with HUD to get the repairs done and the property marketed to HUD; personal items have been removed and some of the violations have been fixed, like handrails, etc.

Ms. Moermond:

- the purpose of the Order to Abate a Nuisance Building is to explain why the building is up for demolition and, in general, what the problems are that led to that conclusion
- if you want to rehab the building, another inspection is required: code compliance inspection (trades inspection)
- the Order to Abate tells the owner that a code compliance inspection needs to be applied for; a \$5,000 performance deposit needs to be posted; the property needs to be maintained; the taxes need to be paid; none of those things have happened here, which indicates that they are not involved in doing anything to save the property
- what she is hearing is that they want to convey the building right back to HUD again
- Five Brothers would normally be here if the owner wanted to pursue rehab
- no steps have been taken to show that they are going to step up
- will recommend that the Council order the building removed within 15 days

Remove within 15 days with no option for repairs.

Referred to the City Council due back on 7/1/2015

11:00 a.m. Hearings

Summary Abatement Orders

- 4 [RLH SAO 15-39](#) Appeal of Thomas Brace to a Summary Abatement Order at 2157 BEECH STREET.

Sponsors: Finney

Appellant: Thomas Brace appeared
STAFF: Lisa Martin, DSI-CE

Ms. Martin:

- we sent out on a Summary Abatement along with his neighbor at 2153 Beech who also filed an appeal for next Tuesday

-ongoing issue for couple years between two neighbors
-there two attorneys dealing with the issue for the failed retaining wall
-advised to both property owners to have a survey done to show who is the actual owner of the wall and who is responsible for making the repairs
-retaining wall is not more than 6 ft high, there is no need for engineering report but would need to go through planning review for permit
-Mr. Brace has obtained a survey but not sure what Mr. Vang will be presenting

Ms. Moermond:
-questioning if the double garage is his

Mr. Brace:
-my garage is 2157

Ms. Martin:
-the retaining wall goes all the way around the back of the neighbor's garage

[Ms. Martin gave hearing officer copies of google maps of property]
[Mr. Brace also showed Powerpoint of the wall and his property showing where pins were found]

Ms. Moermond:
-questioning what is the distance of the property line from the driveway

Mr. Brace:
-the driveway comes down to the property
[describing on his powerpoint photos]
-streamline going to the back of the garage
-in the survey drawing the wall is one foot away at one point and at one point 3 ft away and then 6 ft away, the back side of the 8 inch railroad ties
-his is actually 6 ft

Mr. Ross:
-looks like stake next to a found pin and looks like there is a cap on there and it should have a registered surveyor number

Mr. Brace:
-I called the previous owner and to his recollection it was the neighbor's. He was living there when the wall was built.
-this property was owned by one owner
-they excavated the lot to put in a garage, the neighbor asked for permission to build a retaining wall so they had to use part of my property in order to build
-don't want to deal with who owns the wall again
-2 years ago the neighbor came and asked to show the fallen gravel from the wall and I told him it's his wall but my property
-neighbor knew the wall was his. They both hired the same surveyor at that time.
-I hired a second time to go over the pins
-actually relief to have the City involved
-this is not my wall and don't have money to build one
-I consulted an attorney but has not hired one
-there is also a letter from the attorney

Ms. Moermond:
-the survey clearly indicates that the wall is not on Mr. Brace's property, at least a ft between his property line and the top of the retaining wall
-entirely on the 2153 property and not on his
-REC grant the appeal

Referred to the City Council due back on 7/1/2015

5 [RLH SAO 15-37](#) Appeal of Ken Hamblin to a Vehicle Abatement Order at 505 CENTRAL AVENUE WEST.

Sponsors: Thao

Ken Hamblin, owner, appeared.

Inspector Sean Westenhofer:

-received complaint May 12, 2015

-he investigated May 13, 2015 and wrote up the Order

-Vehicle Abatement Order for 6 vehicles; the 6th is a boat

-the boat is not the Appellant's boat but the owner needs to know that he can't park it there; it has expired tabs on both the boat and trailer; the Appellant has no parking agreement with the owner of the boat; Mr. Westenhofer was unable to run the tabs prior to the Order

-the boat issue will be dealt with separately

-5 of Mr. Hamblin's vehicles have Collector plates; vehicles have various issues: uses them for storage; flat tires; looked inoperable; missing parts; etc.

-he hadn't heard from Mr. Hamblin until he was notified that Mr. Hamblin filed an appeal for today

-prior to the hearing this morning, he and Mr. Hamblin had time to discuss this and it sounds as though he has someone who will help him with some of these

Inspector John Peter Ross:

-Central Ave W appears to be a cul de sac (photo on overhead screen)

Mr. Westenhofer:

-the vehicles were parked on both sides of the grassy area; it's just a parking lot

Ms. Moermond:

-summarizing: no tabs; missing parts and dismantled; inoperable; but parked on an appropriated surface and 4 are Collector vehicles

Mr. Hamblin:

-it's a cul de sac; he and his father had purchased many properties from the city; they either developed them or sold them

-this was actually association owned parking lot at one point where the people in that community had an association to take care of it; the association dissolved and ended up being sold; they never made any restrictions or roped/fenced it off; we had no problem with people parking there; so all of the neighbors in those 8 houses had parked there

-he has an agreement with Mr. Smith, in the second house, which worked out fine but he is moving

-in the time they owned the property, close to 20 years, his father retired from his regular job due to health problems and moved to Mississippi

-2 of the cars are his father's; 1 car is registered to another guy, which is a car his dad bought originally and then bought it back again but hadn't had it transferred and he wants to keep it (Riviera); it's not in his name but it's on his property; I've put air in the tires; it's missing a grill; the engine work; inside contains personal property

-GMC Sonoma with currently tabs is operable and has been moved - GONE

-1973 Green Dodge Ram is not missing any parts; is a Collector and it runs; it's been moved from the spot but parked back there; he drove it 2 days ago

-Bel Air is also his dad's; it's working and is not missing any parts; no flat tires

-now, his dad has additional medical issues: stroke and heart problems, etc;

-he is the only one in MN now and he will be a snow bird in winter
 -he's been taking care of his dad because his mom has had lot of health issues, too
 -he is trying to get things in order but he is down south most of the time
 -thinks he knows who owns the boat/trailer; they have talked several times and he parks a couple cars there every night
 -Mr. Finney (lives on the corner) and Mr. Ross (next house) are both interested in purchasing the lot
 -right now, they are dealing with his dad's issues; they are behind in taxes, etc; he has until Jul 31 for the taxes; was hoping to convince his dad that it's OK to sell the property
 -Sonoma is gone; Dodge can be moved; Riviera needs tires; he hasn't started the Riviera and Bel Air; Regal runs fine - it's his son's car; he is back here now from NY but he starts a new job back in NY; it's a nice car; have had the engine replaced; one of the tires is flat
 -there's a chain on the front of the Sonoma; the chain is connected to the boat (?) he thinks the neighbor secured the boat to the truck, so it wouldn't be so easy to steal
 -from what he understands, the street is common interest and public interest but they own all the lot; the street and cul de sac is the city's

Ms. Moermond:

-we can check into that situation; clearly, it's privately owned within that square; the curb outward is probably public ROW
 -re: 1973 Ram - the chain has to go
 -put the grille back onto the Riviera; demonstrate that it's driveable
 -take storage out of vehicles; cut out dropping ceiling fabric
 -demonstrate to Mr. Westenhofer that they run/can move

Mr. Westenhofer:

-on the 13th, all the vehicles looked like they didn't run and were missing parts; looked like they hadn't been driven or moved in a long time: flat tires; storage in vehicles; ceilings were coming down
 -is withdrawing the Vehicle Abatement on the boat
 -Mr. Hamblin may be able to move the vehicles to Farmington

Ms. Moermond:

-deadline: Jun 26, 2015; enforcement can happen beginning Jun 29, 2015
 -City Council Public Hearing Jun 1, 2015

Grant until June 26, 2015 for compliance: storage in the cars has to go; grill has to go back into the Riveria; chain needs to come off the truck; head liner (roof fabric) needs to come off; and owner needs to demonstrate that all the cars move. NOTE: Inspector will be re-issuing a new order on the boat issue.

Referred to the City Council due back on 7/1/2015

Correction Orders

6 [RLH CO 15-9](#) Appeal of James and Heidi Schneider to a Correction Notice at 1645 MARGARET STREET.

Sponsors: Finney

Withdrawn appeal; the electricity is back on.

Withdrawn

11:30 a.m. Hearings**Orders To Vacate, Condemnations and Revocations**

- 7 [RLH VO 15-32](#) Appeal of Alan Peterson, Syndic Group I, LLC, to a Notice of Condemnation Unfit for Human Habitation Order to Vacate at 201 FOURTH STREET EAST. (Public hearing continued from June 17)

Sponsors: Thune

Grant extensions for the following:

- June 19, 2015 for windows, fire extenguisher(s), lighting on 2nd floor between units 25 and 26 (item 35), third floor exit light by elevator (item 41), suppression system
- July 10, 2015 for the roof
- grant 1 year for the structural soundness
- August 1, 2015 for the remaining items

201 Fourth Street East

Allen Peterson, Syndic Group, appeared.

(Peterson gave Marcia Moermonds some documents. There was some discussion about what documents she already has.)

Leanna Shaff:

- this is a condemnation
- orders were dated May 27
- in the earlier inspection, they required four things to be done: one was done, the other three were not
- she asked Niemeyer to make a time line for the issues

George Niemeyer:

- when asked what was the first order, he responded standard correction order (Niemeyer read the time line list)

Moermond:

- looks like the certificate of occupancy responsible party is Jason Brown and PCF Property

Peterson,

- the owner is Syndic Group on University

Moermond:

- he should complete a certificate of occupancy form with his contact information, so there is something official in the system
- at the very least, he is an interested party
- she asked if sending it to Mr. Brown is correct

Peterson;

- responded it doesn't matter.
- if it goes to one, it goes to another
- he has insufficient time to complete the financing of the work orders
- the building is in tough shape
- he intended to get this done in 30 days, but he is not even close

- they went to work with Viking Sprinkler, but they were busy
- they found someone else, he was going to get it done this week
- it is one unit
- 10 to 11 years ago, they did half the sprinkler heads one year and half the other year
- one unit got missed
- they are talking about 21 sprinkler heads
- he got an invoice from Viking Sprinkler, but had trouble getting Viking back out there
- #2 is structure soundness
- that is the basement, the coal shoot
- it is within the property line
- there is an indentation of the building
- in the old days, that is where they dumped the coal presumably
- there is some structural issues with lots of rust on the beams, and an engineer came out
- the slab is not cracking
- he chased another big contractor truck off of there
- they want to park on that open spot
- he has the engineers report Friday afternoon
- he spent some time with plan review
- they have some questions about the lot line and who owns the alley
- all these questions need to be answered before they issue a permit, which is now issued
- they will have the parts delivered this week
- they will rebrace the part that the city has a problem with

Moermond:

- this letter is dated June 8
- there hasn't been an opportunity to have Karpen, the structural engineer, look at it

Peterson:

- needs more time
- the financing will close mid July
- they will be renovating the first floor and basement and work out up

Moermond:

- asked about about units

Niemeyer:

- responded 26

Peterson:

- responded 21

Niemeyer:

- it goes up to 30; it does not start at 1
- asked about the third space

Peterson:

- there is someone in the third space
- it is a mixed up building

Shaff:

- when asked was it zoned appropriately, she responded yes

Peterson:

- when asked about the roof, he responded it is 37 years old and at the end of it's life
- there were some roof leaks last winter, and they put a product on it
- they have had Horizon Roofing out there, but they cannot take care of it until September
- he is waiting for the financing and cannot do it until then
- there was a big rain on Saturday and the roof was fine

Moermond:

- asked why it is on the orders if it is taken care

Peterson:

- there were some issues

Niemeyer:

- it had not rained in a couple of days when he inspected and water was coming through on the third floor by the lobby

Peterson:

- there has been more work since then
- when water get underneath there, it takes awhile for it to seep out

Niemeyer:

- there was a compressor in the building that failed
- the system went wet
- the scope of the work was to drain it and install a new air compressor
- the last time he inspected he did not see an inspection tag

Moermond:

- a permit was applied on June 4

Niemeyer:

- he has a permit on the very back
- he still has not seen anything from Viking Sprinkler that they are coming out to do it
- he was notified yesterday by Katie Letourneau via e-mail
- they received an application from International Fire Protection to do work on the building
- it would cover those three items
- speaking with Katie, the City would require more than 3 spare heads
- right now, there are no spare heads

Shaff:

- when asked has the permit been issued, she responded yesterday
- when asked was it issued without indicating that 3 extra heads were necessary, she responded they do not know when they take in the paperwork at the desk

Niemeyer:

- the application was from the sprinkler contractor to supply three extra heads
- Katie was unaware there were no heads in the box
- she showed that it would require 6 heads for the size of the building
- that would be something this permit would take care of

Shaff:

- as with any system, after it is taken care of, there may be other issues that arise

Moermond:

- it would help if there was proactive communication from LeTourneau and the permit

indicates this

- *they anticipate six would be required*
- *she would like proactive communication in writing*
- *she asked can there be that clear communication this time forward*

Shaff:

- *responded yes*
- *she explained that Letourneau is in Sprinkler engineering*

Moermond:

- *they are not getting the sign off from her until the work is taken care of*

Peterson:

- *they wanted extra sprinkler heads*
- *think they only need 21, but he told them they need extra*
- *he told them more than needed*
- *everything else has been done, including the basement*

Moermond:

- *she sees clearly they have the items 1 to 3 that there is a reinspection on the building vacated by June 8*
- *she doesn't see a deadline for the other items*

Shaff:

- *responded that is implied*
- *it says the deficiencies have to be completed or the building vacated*

Moermond:

- *it is not crystal clear*
- *why does he needs financing*
- *it would be general maintenance on the building*

Peterson:

- *the recession did not do well by them*
- *they were behind on the rent*
- *that was a financial impact on them*
- *they are trying to bide their time*
- *they had it for sale for a year*
- *that didn't work out so they are renovating it themselves*

Moermond:

- *asked when was the last certificate of occupancy issued*

Peterson:

- *responded the last certificate was a partial certificate*

Shaff:

- *responded May of 2013*
- *it started in 2010*

Moermond:

- *she does not have anything from International Fire Protection in terms of what their bid says timing-wise*

Peterson:

- *once the permit was issued, they would have it done the second or third day*

Moermond:

- June 8 it was issued; so by the end of the week

Peterson:

- he has not called Viking to cancel
- he may need a backup

Moermond:

- the engineer has put his name and number on the letter received
- if things happen, it is on his insurance and his credibility
- she will set a one year deadline on the work for the foundation to be completed, temporary shoring to be included, no parking on this slab throughout
- she asked how he would do this because it is blocked

Peterson:

- responded it is already blocked off by two orange barrels and a dumpster
- when asked why the dumpster when they are concerned about weight, he responded it is the only place for it, and he would never be concerned about weight

Moermond:

- the interim is now until permanent is in place
- there should be nothing on that slab to get his one year
- that is a condition and that takes care of the structural soundness
- the suppression system is underway with a deadline of June 19, which is reasonable
- the roofing system--seems like he still has trouble there
- she asked if he had bids

Peterson:

- \$20,000 for replacement

Niemeyer:

- there is serious sagging on the roof
- he was there with Steve Ubl
- Ubl told him not to be within 10 to 15 feet
- in the original set of orders, they found it to be soft in spots

Moermond:

- she does not have confidence in the financing
- she would like to separate the roof from the financing
- she would like to see the roof repaired

Peterson:

- he will guess 15
- when asked about residential units, he responded 3: 2 on the third and one on the second

Shaff:

- asked about people sleeping there, hence the condemnation

Niemeyer:

- there are large sections that have fallen
- Third Floor, there were sections of ceiling missing

Peterson:

- responded he will make a note of it and look for it
- when asked why he is waiting for July to apply for money, he responded he has been applying for financing, and the estimation is to close about July 10
- in answer to when the application was made, he responded about four weeks ago
- it is a private lender out of Tennessee

Shaff:

- people were worried about getting their belongings out of there

Moermond:

- she will put this in front of the City Council on July 1
- she will give a deadline of July 10 to have the work done on the roof (professional state of repair or replaced)

Christine Boulware:

- it requires HPC (Historic Preservation Commission) review
- she will make sure the application goes to the top of the pile

Shaff:

- she would like to get the work done as soon as possible
- there are a lot of broken windows

Niemeyer:

- the windows are cracked, missing, they are large glass window walls

Moermond:

- let's put the windows on with a deadline of June 19
- the keybox can be done today

Peterson:

- responded they ordered a new one
- it should be in this week

Moermond:

- Number 35 can be done June 19, too
- the roof is on a faster deadline
- she will put this before the City Council on June 17 at 5:30
- the deadline on the others is August 1

Referred to the City Council due back on 6/17/2015

8 [RLH VO 15-34](#)

Appeal of Lara Livingston Van Danacker to a Notice of Condemnation Unfit for Human Habitation Order to Vacate at 1833 STILLWATER AVENUE.

Sponsors: Bostrom

Appellants: Lara Livingston & Brandon Zaley
Staff: Leanna Staff, DSI-Fire, Marcia Moermond, LHO

Mr. Zaley:

- I moved in to help with the utilities recently

Ms. Livingston:

- Richard Johnson has been deceased for the last 10 years
- Elizabeth Johnson passed away on January 8, 2015

Ms. Shaff:

- Fire Certificate of Occupancy inspection done by Inspector Efran Franquiz
- he went to the property on June 5th and was met by Ms. Livingston and was informed that she is living there and is taking care of the place.
- She stated that the owner and the owner's son Bradford has passed away.
- He requested to go inside to check on the smoke and CO detector and she continued to stall and let him in.
- He was able to enter and observed that there was no smoke detectors and the carbon monoxide detector was missing a battery.
- He also observed that the first floor area was in a very unsanitary condition.
- He was able to help them out and provide a battery for the CO detector.
- He advise the lady that she needed to get a smoke detector by tomorrow and that he will return tomorrow.
- He left short orders with her.
- He returned to the property. The inspection was not made at the time.
- He returned to the property with Inspector Neis.
- this has been converted into triplex without proper zoning permission.
- Mr. Neis and he entered the property and observed multiple code violations.
- The smoke detector was restored and working properly.
- The property has been condemned and the people living inside have until June 9 to vacate the premises.
- We have multiple code violations, some of them are unsanitary conditions and the owners are deceased
- had a discussion with the sole heir, Jeffery Johnson (son of Richard and Elizabeth Johnson and brother of Brad Johnson)
- It is in foreclosure. He is working to sell it
- the police were involved at the last address 1212 E 5th where the appellant resided, also

Mr. Moermond:

- what was the call about

Ms. Shaff:

- basically for squatting
- Mr. Johnson being sole heir would be the person responsible.
- we don't have an interested responsible party
- with the unsanitation issue, DSI would like this house immediately vacated

Ms. Moermond:

- why appealing

Ms. Livingston:

- Jeff, the sole heir, was estranged from the family for 10 years
- Brad was already in poor health, Liz got sick
- instead of Brad being power of attorney they went to find Jeff but he was extremely upset when he was asked to become Liz's power of attorney
- when Betty (Liz) passed away, Jeff only had power of attorney for the medical and not to the estate.
- he has not filed in Probate Court
- I went ahead and filled out paper work (to become the executor of the estate), I took care of Elizabeth for awhile
- my husband and I lived there also for a short time; that home was also in foreclosure
- Brad applied for social security and was awarded but got really sick and went to hospice care
- I had been taken care of him at the Stillwater address
- this building has a basement, main floor and 2nd floor

-when we moved in, no one occupied the basement because it was not fit for people to live there

Ms. Moermond:

-asking who is in the building now

Ms. Livingston:

-myself, husband and Brandon

-we are all on the main floor

-we were called squatters by Jeff but we were the only ones who were helping his brother

-Jeff, legally, don't have rights to this property; not the executor of the estate.

-I have contacted US Bank, realtor and had offered to do the cash for keys

-we knew we had to be out by July 28th

Ms. Moermond:

-asking if they were there and wanted to be there until July 28th so they can get the cash for keys

-asking what bills are Brad's

Ms. Livingston:

-I handled of his estate belongings and I was to sell of his estate and payoff whatever debts he had

-property was extremely dirty

-Jeff told Brad that he was going to take care of the bills

-Jeff had the bill sent to Wells Fargo who is not the owner

-we don't have a place to go at this time but end of July

-I need to liquidate his estate; we had cleaned up a lot

-everything that is electric, cell phone, trash, tv service are bills

-we want to stay until the end of July

Mr. Zaley:

-I recently paid rent to Lara to help with the bills

Ms. Livingston:

-he was living there to help us with bills

-Brad doesn't have much of anything value; was told to sell his stuff at a garage sale

Mr. Zaley:

-they said this is an illegal triplex but at the back of the house there is this sticker from last year

-I am just there 7 days and now being kicked out

-recently lost my job

Ms. Moermond:

-the house is condemned so any rent you paid is due back to you

-got a gross unsanitary house

Ms. Livingston:

-we cleaned it up

-main floor is taken care of

-we don't occupy the basement nor 2nd floor

Brandon Zaley showing Ms. Moermond photos he took

Recess

Ms. Shaff:

-complaint came into today, sofa/rubbish, table in yard, tall grass complt, earlier this year, parks abatement, furniture, bags, complaint in April, mattresses and water was shut off in Feb

Mr. Zaley:

-we were leaving things out to clean

Ms. Moermond:

-You got this condemnation and you want to go away completely but even if it does, you wouldn't be able to stay

-have to be the owner to apply for and get a Fire Certificate of Occupancy

-owner means a natural person and does not include a partnership, corporation or entity.

[Ms. Moermond reading from the Legislative Code, Chapter 40.01 thru 40.04] - attached herein

-we don't have a responsibility owner here

-we have gross unsanitary conditions, fire risk, carelesss smoking

-this makes me uncomfortable with ongoing occupancy of this house.

-you are squatters without a formal lease

-REC house needs to be vacated Friday, June 12 by 3 p.m.; will go to the registered vacant building program on June 15.

-they will have access from 8 am to 8 pm, as allowed by the vacant building inspector.

Referred to the City Council due back on 6/17/2015

1:30 p.m. Hearings

Fire Certificates of Occupancy

- 9 [RLH FCO 15-103](#) Appeal of Sharon Murphy to a Fire Inspection Correction Notice at 1965 HYACINTH AVENUE EAST.

Sponsors: Bostrom

Sharon Murphy, owner, appeared.

Fire Inspector Leanna Shaff:

-Fire C of O inspection conducted May 11, 2015 by Inspector Laura Huseby

-15 deficiency items on list

-appealing #1- back entry deck; #4- front entry stairway; #6- approved parking along alley in the back

-a lot of photos

Ms. Murphy:

-will be fixing the step and deck, just need more time; contractor can't get it done by this deadline; went to DSI and talked about permits; needs to do something that fits her budget and needs more time; contractor asked her to ask for a month more time (Jul 17 -deck and front step)

-is good with the deadline on the other items

-#3 contractor will put in block glass; wants a later deadline for that too

-all the interior stuff should be fine

Ms. Moermond:

- these are exterior things; can wait a little longer
- keep you appointment on Jun 17 for the interior items
- Aug 1, deadline for the exterior items

Ms. Murphy:

- entered photos of others parking along the alley on dirt/grass
- there has been parking on gravel since they bought house in 2000
- by diverting money to something that is not a health, safety or fire hazard....
- quote for a slab was \$5500 - not adding any value; a garage would but not a paved parking space
- wants to get #6 off the list

Ms. Moermond:

- the alley is asphalt
- the gravel is sort of migrating throughout the area back there

Ms. Murphy:

- the space extends along the property line; plenty room for 3 cars

Ms. Moermond:

- she does not make exceptions when it's along an asphalt alley but there are alternative ways to deal with it like tire track concrete/asphalt; it gets the wheels on a hard surface for as many cars as park there - this is the most affordable solution
- class 5 would not be considered appropriate ground cover
- Orders will be forthcoming on the other spaces along alley
- deadline Nov 1 for appropriate parking ground cover

Grant until November 1, 2015 to come into compliance with the parking surfaces; exterior items until August 1, 2015; and remaining items until June 17, 2015.

Referred to the City Council due back on 7/1/2015

10 RLH FCO 15-75 Appeal of Will Anderson, for MFCA, to a Fire Inspection Correction Notice at 374/376 MARIA AVENUE.

Sponsors: Finney

Will Anderson appeared on behalf of MFCA.

Ms. Moermond:

- last time, we left it as getting an extension would be dependent upon getting the roof permit situation squared away; and that you would provide a Work Plan outlining your approach to the work, which would be done by Sep 15, 2015
- have All Seasons pull the permit for the roof

Christine Boulware, Heritage Preservation Commission (HPC):

- May 22, 2015, Daryl Shotko, Four Seasons Energy Efficient Roofing, submitted an application for a Heritage Preservation Review in PED
- Sun May 24, he emailed photos of work completed, as requested by staff
- she forwarded the information to Building Inspector Nathan Bruin, who was on vacation that week; he came back Jun 1 and she has spoken with him; he forwarded the email to you; his intentions are to go take a look at the work that was done
- typically, HPC has requirements that flashing or attachments to the masonry should be in mortar joints; she wants the inspector to get back to her about how the work was done - if it was done to code, before she signs off

Inspector George Niemeyer:

- he, Inspector Shaff and Inspector Skow-Fiske were present at the inspection
- were several deficiencies in the residential area that were removed from the new set of Orders, including the back stairwell
- some other minor issues: #4; the basement and restaurant provided access
- #4 - standard stuff
- basement - found water, extension cords powering freezers and dehumidifiers
- restaurant - found that the occupancy load posted on the sign near the door reads 100; the fire code doesn't allow for a spiral staircase as a means of egress, which here leads to the mezzanine dining area; so, with the mezzanine area removed from the current configuration of the area, the occupancy load would be 43; they are requesting that the occupancy load sign would reflect that and that the spiral staircase be removed - the mezzanine removed from restaurant patrons (main floor occupancy load is 43)

Ms. Moermond:

- asked for a Work Plan; she needs a copy

Mr. Anderson:

- entered a copy of the Work Plan
- he doesn't have an issue with almost anything on the list
- they are applying for a grant, working with Church Repke and the NENDC; he is fairly certain that they will be getting the grant
- boiler test: doesn't want to do that because they are planning to replace the whole boiler and exhaust system as soon as the grant comes thru (Jul/Aug)
- inspector noted that basement gets moisture (1895 building); currently, they use dehumidifiers; his plan is to replace the Class 5 on the driveway with concrete that is appropriately sloped from the building, which will help with the moisture situation once the grant comes thru; he plans to put in an American Water Works System (dry basement system) with a sump to eject the water away from the building
- freezer in basement is temporary; will be moved to their new restaurant
- if the city shuts down the mezzanine, the Strip Club will not be able to make it - without that additional seating, they will go bankrupt; there's no way for them to make it as a restaurant limiting the occupancy to 43; if he doesn't pay rent, I can't make it either
- there doesn't seem to be any other options available
- it's a small space; people come and go using the spiral staircase to use the mezzanine
- what he doesn't understand here, is that it was that way long before he purchased the building
- he'd be fine if he had to put up a sign that says, "This building is ancient and nonconforming to new zoning rules; enter at your own risk" but to shut down a restaurant because of something that was built that way and has been approved for years seems absurd to him
- also, he's not going to put in a new heating system if the restaurant isn't approved
- has a question on #7 repair the door in Unit #4; he doesn't know which door is being referred to; they all seemed to be functioning

Mr. Niemeyer:

- it's the unit entry door; it needs to close and latch on its own
- the last inspector to certify this building was Jim Berglund

Mr. Anderson:

- the restaurant is also important in terms of historic preservation - helping to rebuild the area; both the restaurant and Metro State bring people of financial means and affluence into the area

- prior to his ownership in the commercial space, several unit owners above had lost their condos because the prior owner wasn't paying associatin dues
- the building is intimately tied together; if the commercial space is not occupied and not thriving, the unit owners will be in financial ruin very quickly as they were with the prior ownership

Ms. Moermond:

- doesn't see any photos of the spiral staircase

Ms. Boulware:

- between 2005 and 2009, when the restaurant became the Strip Club, there were several meetings with project facilitators, DSI; she remembers that the spiral staircase did come up but she doesn't remember how that was solved because she doesn't reveiw the interior work on the projects but she thinks that it would be worthwhile to have somebody go back and take a look at how that was approved; there was a rehab of the space in 1998 but she doesn't see any build out of the space; she believes that sometime between 1998 and maybe 2008 is when the interior build out of the restaurant was done; she remembers there being discussions about that mezzanine area and the stairs
- there are plans that they reviewed in 2005
- photos in the file dated 5-28-15

Mr. Anderson:

- the boiler system is a radiant in-floor system; it circulates thru the restaurant and then go up to each residential unit; it has 6 separate zone so each person can call for heat as they want but it's all serviced by the same system; it's intricate; his bids range from \$12,000 (seems too low) to \$23,000
- spaulding of the bricks #12 - will also be addressed; but he'd like to postpone that until he gets the heating system installed because the sysem will exhaust out the building at that same area; (it's the current improperly vented system that's causing the degradation of the bricks)
- aside from that and the mezzanine, everything else is done or in progress

Mr. Niemeyer:

- the building is split into 2 sides in the commercial space; the 378 side is currently being used for storage and offices; his understanding is that most of that storage is going to be used down at their new facility; he would make the argument that the 378 space could be re-configured to not limit the restaurant occupant space to 43; he and Ms. Skow-Fiske have spoken with Mr. Anderson about re-configuring that space and changing the requirements as far as the door swing, panic hardware, etc.; currently, that space is not being utilized for seating but is attached to 374 with double doors

Ms. Moermond:

- the boiler system/exterior brick repair need to be taken care of by Oct 1, 2015

Mr. Anderson:

- he won't be doing it if that restaurant gets shut down; he'll be going bankrupt

Ms. Moermond:

- if you get the money and a contractor, Oct 1 is your deadline
- the other things until July 1
- she wants to find out what was going on in the permit review process and what the project facilitators talked about (Larry Zangs was a part of that); Ms. Boulware is checking on the permit number
- will follow-up in 1 week - Tue, Jun 16, 2015 at 1:30 pm
- she needs to call DSI on this; we'll get a facilitator in here

Laid Over to the Legislative Hearings due back on 6/16/2015

11 [RLH FCO
15-101](#)

Appeal of Mark Amundson to a Fire Inspection Correction Notice at 840 POINT DOUGLAS ROAD SOUTH.

Sponsors: Finney

Mark Amundson, owner, appeared.

Fire Inspector Leanna Shaff:

- Fire Certificate of Occupancy inspection conducted May 20, 2015 by Inspector Joe Brown
- 2 deficiencies were listed
- ceiling height in attic sleeping space: 74 1/2 inches for 50 % of the ceiling and 78 inches for the other 50 % of the ceiling
- photos with tape measure

Ms. Moermond:

- 6'6" for the tall part of this space and 6'2" for the other part

Mr. Amundson:

- bought the house 10 years ago
- last year, he re-did that floor in the attic during tenant transition; the attic wasn't listed as a bedroom but when he went back during inspection, he found out that the teenage girls were living up there; he does have hand rails and egress windows; the door is 6'6"
- doesn't know when the dormers were put in
- there are 2 bedrooms on the main floor; none in the basement

Ms. Shaff:

- the property doesn't have a whole lot of history
- the last C of O inspection: was approved in Aug 2010 by Inspector Spiering; there's no mention of the upstairs bedroom

Ms. Moermond:

- will recommend the City Council grant your appeal
- Grant the appeal.

Referred to the City Council due back on 7/1/2015

2:30 p.m. Hearings

Vacant Building Registrations

12 [RLH VBR 15-43](#)

Appeal of Robert Wilson for Beech Front Properties, LLC to a Vacant Building Registration Notice at 684 JESSAMINE AVENUE EAST.

Sponsors: Bostrom

Robert Wilson, Beech Front Properties, owner, appeared.

Fire Inspector Leanna Shaff:

- Fire C of O Revocation/Order to Vacate issued by Inspector Brian Schmidt
- photos
- Inspector Schmidt went out to the property as result of a complaint about mold in the

garage

- the occupants had been evicted by the sheriff
- windows were all boarded; sign said "No Trespassing"
- could not get a hold of anyone; system shows property is owned by Paul Harfield, Vadnais Heights
- a lot of code violations; not occupied; sent to the Vacant Building Program

Inspector Matt Dornfeld, Vacant Buildings:

- Inspector Tom Friel opened a Category 2 VB May 27, 2015
- documented: 2-story wood frame single family house that's vacant; was referred by Fire Inspector Schmidt for a Revoked C of O
- he met maintenance man for new owner, who said they closed sale last week and were unaware of the Revocation (Revocation Notice was on the front door); new owner is Bob Wilson; house has numerous visible deficiencies, including defective siding, peeling paint, broken/missing windows and screens; the foundation has defects; loose chimney bricks and mortar; defects in front wood stairs as well as the items on the Revocation List
- detached 2-car garage is also deteriorated; piles of debris, rubbish, wood, etc. in yard; appears some gutting could be taking place; dumpster is supposed to be here soon per Mark, the maintenance man
- spoke to Fire Inspector who said that this should be put onto the Cat 2 VB list
- issued Summary Abatement for remains in yard

Mr. Wilson:

- it's my 3rd house in St. Paul; he rehabs them to rent to Section 8 tenants
- originally, he agreed to purchase the property some time in Feb; the owner's children had lived there and, unfortunately, he could not get them out; he didn't want to close on the house while the squatters were in the house; they lived there until about 4 days (May 12) before he closed; he had his realtor check to make sure the house wasn't on the VB list because, if it had been, he wouldn't have closed on it
- right after the eviction, some boards were put on the windows so that the people who were evicted would not find their way back into the house (they had left a lot of belongings in there)
- he immediately started to get all the junk out
- the back porch was in disrepair; it's not fixed along with the railings (has photo)
- the roof on the garage has been repaired; still needs shingles
- has spoken with Mark Weber, heating/air condition contractor, who wanted him to find out what kind of inspection was needed; he will do the inspection on the furnace
- they still need to paint the interior and replace some windows, install flooring in the kitchen
- the biggest thing was getting the junk out

Ms. Moermond:

- clear cut case of a house that belongs in the VB Program; it has major code violations; has been secured by other than normal means; Revocation/Vacate Order; that didn't exist when you purchase it but you were on the cusp
- the city hasn't been inside the house and we need to do an assessment; doesn't want to require a code compliance inspection unless she has to
- we will get a Fire C of O inspector in there within a week and then, we'll have an idea of where this gets sent
- is happy to waive the VB fee for 3 months
- she will be looking for the inspection feedback and based on that, she can make a decision
- there's a check list on-line - the City Website, DSI has documents, forms, checklist prior to a C of O inspection
- will lay this over for 1 week - Jun 16, 2015 LH at 2:30 pm

Waive the VB fee for 90 days. Owner to get inspector there in a week and will discuss the new Order at the June 16 hearing.

Laid Over to the Legislative Hearings due back on 6/16/2015

13 [RLH VBR 15-42](#) Appeal of Tonja Miller to a Vacant Building Registration Notice at 1732 REANEY AVENUE.

Sponsors: Finney

Tonja Miller, owner, appeared.

Fire Inspector Leanna Shaff:

-Fire C of O inspection, started a while ago, conducted by Inspector Efrayn Franquiz May 9, 2015

-house is in foreclosure; owner doesn't want to fix anything else

-appointment letter sent Dec 20114

-Revocation is for noncompliance

Ms. Miller:

-is confused at the whole protocol of the inspection; she wasn't aware that you are given only 90 days, from beginning to end, to complete everything on the inspection list; the list doesn't contain any serious code violation; a lot of it is small ticky-tacky stuff

-Ms. Shaff's information is wrong: she does want to fix things

-inherited this property from her father; he passed away last Jul; she didn't know what was going to happen with it; she couldn't make the payments on her own, so she decided to rent it out to catch up on the mortgage

-she had several missed monthly mortgage payments, then, she moved a tenant in Nov 1, 2014 but then she was notified that she had to go thru a C of O inspection, which she was not aware of

-she thinks that when the water bill was changed from her dad's name to the tenant's name, they must have notified the city and she received a letter

-after the first inspection, she was given a small list; all finished except for some weather related items: scrape minor peeling paint on the garage (not a detriment to the tenant) not attached to the house; before her dad passed away last summer, he had scraped/primed the whole house; in dealing with his death, keeping up the mortgage and maintain the property, it's been very overwhelming for her, and she lives in Hinckley

-had a good tenant; wrote up a 6-month lease and they decided to vacate because they found somewhere else to live

-in her last conversation with Mr. Franquiz, she told him she was working with an agent to sell the property; now, all of a sudden, she gets a Vacant Housing posting on her property - she is really confused because prior to that, at the end of the inspection, she knew he wasn't going to approve the C of O because of the peeling paint on the garage (but no other hits on the list); and he mentioned that he would talk with his supervisor and get back to her to let her know if he could buy her a little bit of time to the end of the summer because it was in foreclosure (final date Sep 3, 2015); in the meantime, she is trying to sell the property; had several showings from the week of May 9 until she came out May 19 and found the VB posting on the front door; confused because she did not receive any letters summarizing the final inspection - no communication that the C of O wasn't approved; she had left several messages with Mr. Franquiz with no response; she is still confused as to how that happened

Ms. Moermond:

-don't have the Feb/Mar Orders or May

Ms. Shaff:

-the only thing I can find in his notes dated 5-11-15: follow-up re-inspection May 7, and observed that not all the deficiencies have been done; the responsible party has informed me that she has no intention of fixing the property because the property is in the process of being re-possessioned by the bank, which is due to happen in Sep; I advised her that I would talk with my supervisor to get advice on how to proceed.... I advised her to appeal

(I had difficulty understanding Ms. Shaff; she was talking softly and away from the mic)

-can't find it in Amanda; nothing in STAMP

Ms. Moermond:

-if it's not in Amanda, it doesn't exist

Ms. Miller:

-don't understand why he made the comment that she was not willing to do any of the upgrades to the house; she thinks that she mentioned to him that she didn't want to have to paint the garage prior to it being sold because of the added expense and actually, the house was in compliance; it was just the exterior of the garage, which had only minor peeling of paint and that was not a health, fire or safety issue; it was scraped, not primed or painted

Ms. Shaff:

-they also enforce the property maintenance code

Ms. Moermond:

-he was Revoking on long term noncompliance

-her concern right now is that she doesn't have a letter to you saying that; and, she would need that letter to trigger anything

Ms. Miller:

-that's why she is completely confused; the last visit she had with him, she explained that she was working with a realtor - had 20 walk-throughs in that week from the final inspection until all of a sudden, Bam, this Vacant Housing posting showed up on the 15th, which she wasn't aware of until the following Mon, 18th

Inspector Matt Dornfeld, Vacant Buildings:

-Inspector Nelmark followed up on the Revoked C of O and the referral from Fire Inspections, opened a Category 2 Vacant Building May 19, 2015

-he documented: dwelling was vacant and secured; lock box on garage entry door; cracks in foundation; loose railing on the uneven stairs on the west side of the dwelling; peeling paint on garage; issued tall grass/weeds letter for grass over 8 inches; see Fire C of O notes for other interior deficiencies

-May 28, he went back out and noted: dwelling vacant and secured; yard OK;

-Jun 5, he made same observations; the grass was cut

Ms. Moermond:

-you were not properly notified that the C of O was Revoked

-will recommend that your appeal be granted

-had it not been for the Revocation, thinks that they would have made this a Cat 1 VB

Mr. Dornfeld:

-he assumes that is true

Ms. Moermond:

- you still have the Orders on the exterior maintenance*
- you are out of the VB Program; appeal is granted*
- Fire could move forward with another Revocation, a proper one*

Ms. Miller:

- asked what her time frame would be to remedy the garage painting situation*
- in Mar, it was still too cold to be able to paint*

Ms. Moermond:

- will let Fire issue Orders*
- will keep the Appeal open to look at the Fire C of O component; keep an internal file*
- will see what Fire says "in writing;" then we can look at deadlines*
- will Lay this Over to Jul 7, 2015 LH to review the results of the C of O*

Ms. Miller:

- noted that she is leaving tomorrow for vacation; will return Jul 2, 2015*

Grant the appeal on the vacant building. Fire inspector to inspect and issue new orders and will look at deadlines for completion of the building.

Laid Over to the Legislative Hearings due back on 7/7/2015