



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Meeting Minutes - Action Only - Draft

Legislative Hearings

Marcia Moermond, Legislative Hearing Officer
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Tuesday, May 10, 2011

9:00 AM

Room 330 City Hall & Court House

20 RLH VBR 11-33 Appeal of John Norris to a Vacant Building Registration Notice at 315 LARCH STREET.

Sponsors: Helgen

Deny on the vacant building status. A Code analysis must be obtained. Fire Inspector can go and inspect the property and check off the items that are done. Appellant must provide a work plan and exit strategy by the close of business on May 31, 2011 for Council consideration. (AJ Neis)

John Norris, owner, appeared; Terry Duggins, attorney representing Mr. Norris, appeared; and John Norris, Jr., appeared.

Mr. Duggins entered a document of the activities that have taken place regarding the deficiency list.

Matt Dornfeld, Vacant Buildings, reported that a Category 3 Vacant Building file was opened for this address on April 8, 2011. A Fire Certificate of Occupancy Inspection was conducted by Fire Inspector Neis. He met with the Norris' at the property and made them aware of the process. Mr. Neis downloaded photos on Amanda.

Ms. Moermond noted that she saw this last on June 1, 2010; the City Council saw in on June 16, 2010 on a Revocation Certificate of Occupancy. Today, we're talking about the registered Vacant Building status.

Mr. Duggins stated that they are requesting a 90-day delay in any decision or change of classification, especially a VB status because that will have a major impact on his insurance coverage. They want time to address the balance of the items on the list. Due to the bad weather conditions from December 2010 to the present, Mr. Norris wasn't able to get things done. Through November 2010, he and his employees spent approximately 1000 hours addressing some of the issues. Regarding propane tanks: they have gotten rid of 80 of the 30 pound tanks within the last four (4) months; 50 in the last ten (10) days; 18 of the 100 pounders in the last two (2) weeks plus 3 additional 100 pounders waiting to be picked up. That will leave twelve (12) 30 pound tanks or 360 total pounds of propane there. That was a concern to the fire inspector. Mr. Norris has given away 124 20-gallon drums last week. Last year he donated 250+ to horticultural groups, who sell them at the State Fair. He will repeat the donations this year. He's not ignoring the situation. He didn't show up for the hearing last week because he spoke with a woman on the phone who gave him another week. Because of the weather, Mr. Norris is requesting a 90-day extension with, perhaps, a 45-day progress report. Mr. Duggins wants to avoid a situation where Mr. Norris is denied due process because of the weather. Ms. Moermond

stated that she is not seeing a due process concern here. If the City Council decided this on June 16, 2010, there have plenty of good weather days. Mr. Duggins responded that in that six (6) months prior to winter, they spent 1000+ hours completing items on the list.

Ms. Moermond asked staff why had the VB referral come up only recently, given the Council made the decision on June 16, 2010. Inspector Neis replied that the Council upheld the Condemned Occupied status; it was not a Condemned Vacant Building at that time. The Council also was requesting a structural engineer's report. Ms. Moermond responded that she disagrees because DSI's letter of May 17, 2010 says, "Notice of Condemnation Unsafe Buildings Order to Vacate." That would mean that the building is being emptied. By definition it would become an unoccupied structure and subject to VB registration. Mr. Neis replied that the Order to Vacate was under the Condemned Occupied status (Ms. Moermond interjected that was a computer status, not actually a code status.). Ms. Moermond continued to say that this is a building ordered vacated that's been appealed. The appeal was lost and the referral to the VB Program was a very long time in coming from when the CC upheld the recommendation. She stated that she does not understand why it was so long. Mr. Neis replied that they were awaiting the notes to obtain the structural report from the engineer. Mr. Norris said that they had a hearing with Mr. Neis and the engineer and there was supposed to be something coming as a result; he thinks that the engineer is waiting for clarification from Mr. Neis. Mr. Duggins stated that he had a conversation with George (no last name), the structural engineer, at about 1:30-1:45 p.m. today and something seems to have gotten lost in the shuffle, as fair as a report is concerned. It can be forthcoming within a reasonable period of time. Mr. Neis added that he also had a conversation with George several months ago (Oct-Dec 2010). He indicated to Mr. Neis that he was not going to provide that report because of concerns he had about some the things that were constructed. Mr. Duggins asked if George ever said anything about clarification about some of the things on the list because in his conversation with George today, he still wasn't sure what all is being requested. Ms. Moermond read, "Roof coverings over the complex" being called out under the building code as a problem. "Obtain a structural engineer to complete a 'code analysis' and have it reviewed by the Saint Paul building official. Contact the Department of Safety and Inspections, 266-9090. Note: several structures have been erected and appear structurally unsound. Submit a approval documentation to prove its structural integrity or remove." A code analysis is something done pretty commonly by structural engineers. She is not sure what kind of clarification George would be looking for. Mr. Duggins stated that there have been five (5) canopies removed since that list was issued. He noted that he didn't pick up on the fact that his client was supposed to provide that structural engineer report. He didn't ask the structural engineer what things he needed clarification on. Mr. Duggins suggested that this confusion would be an adequate basis to get a 90-day extension so that these things can be resolved. Ms. Moermond stated that this was discussed as a need at the City Council meeting on June 16, 2010. Also discussed at that time was the time line for compliance before it would become a registered Vacant Building. At that time, Mr. Norris requested 60 days, which the Council granted. He had until mid-August 2010 to bring the building into compliance without being in the Vacant Building program. Mr. Neis agreed that this building should have been in the Vacant Building program in mid-August 2010.

Ms. Moermond asked if there was any sort of an organized plan for getting this place fixed up and has there been a team inspection. Mr. Neis replied that there has not been a team inspection. Mr. Duggins responded that he thinks the first thing that needs to be done is to get the code analysis; then, get rid of anything flammable. He thinks those things could be done in 30 days and get the rest of the things done in the next 60 days. Ms. Moermond responded that the 60 days was done last August. Mr.

Duggins replied that he wasn't on board then. He added that there are some things on the list that he doesn't understand and he would like clarification. Ms. Moermond stated that at this point, the engineer needs to go through the property and she thinks that the team inspection would be based on the code analysis plus other items that wouldn't be on the code analysis, basically, building code. Then, there would still be some fire code issues and possible, electrical, as well. She is concerned, in particular, about the exiting. Ms. Shaff stated that Chapter 10 in the fire code is that same as Chapter 10 in the building code. Ms. Moermond asked Ms. Shaff if the department would use the code analysis as its team inspection report. Ms. Shaff responded that typically, a code analysis is used by an architect, a designer, etc. to go through the building piece by piece (fire code, mechanical, electrical, plumbing etc). Mr. Norris added that they have 75-80% of all the deficiencies taken care of, and there are some items they need clarification on. Mr. Duggins added that the code analysis might clarify a lot; it could verify what's been done and what's left.

Ms. Moermond asked if staff created a list of code violations to go with the photos. Mr. Neis replied that he believed such a list was created (handwritten). Ms. Moermond said it should be in the files on the shelf. Copies can be sent to Mr. Duggins (88 pages). Ms. Moermond said that a document will be created and emailed to Mr. Duggins.

Ms. Moermond stated that she thinks this property should have been in the VB program for a long time already. In play are: 1) the Vacant Building fee; 2) what level of inspection and fixes need to be put into place (May 17, 2010); 3) VB signage; 4) post performance deposit; 5) and other items that may be identified by the code analysis. She added that they will need to do the Code Compliance, so, they will be a Category 2 VB. Ms. Moermond read the code's definition of a VB (Chap. 43.0). Accordingly, this building should have been in the VB program in September 2010. Mr. Duggins asked what Mr. Norris' restrictions are regarding operating his business if this building is declared a Vacant Building. Ms. Moermond responded that Mr. Norris is not allowed to operate his business out of a registered Vacant Building, nor has he been allowed to since the Council considered the matter. He can only occupy the space in terms of getting it code compliant. If he has been operating his business out of that site, he shouldn't have been.

Mr. Duggins suggested that they get the code analysis done and use it for guidance. Ms. Moermond stated that she is concerned; the May 17, 2010 list needs to be addressed. The building needs to be up to code before it can be used as a business again. The faster the work gets done, the faster it can be used again.

A short recess was taken for discussion.

Mr. Duggins stated that Mr. Norris contends that a vast majority of the things on the list have been already taken care of. It would be a financial burden for him to have this classified as a Vacant Building because no one in the room except him knows how much of that list has been taken care of. He asked for ten (10) days to get the code analysis done.

Ms. Moermond listed what needs to be done: 1) code analysis; 2) fire inspection; 3) proper exiting; 4) roof structure; and 5) remove flammables. This will be on the City Council agenda June 1, 2011. Right now, enforcement on the Vacant Building status is stayed until the Council decides. She doesn't think the work will get done but it will give time to get the code analysis in place. Ms. Moermond will recommend that appeal on the Vacant Building status be denied. A plan and an exit strategy will be what the Council is looking for and it may change her recommendation. Ms. Moermond wants a plan and an exit strategy by close of business on May 31, 2011.

She will send the photo document.

Referred to the City Council due back on 6/1/2011