



# 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*

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Tuesday, March 10, 2015

9:00 AM

Room 330 City Hall & Court House

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### 9:00 a.m. Hearings

#### Remove/Repair Orders

- 1 [RLH RR 14-28](#) Ordering the rehabilitation or razing and removal of the structures at 353 WHEELOCK PARKWAY WEST within fifteen (15) days after the February 4, 2015, City Council Public Hearing. (Public hearing held and closed; laid over from March 18) (Amended to grant 180 days.)
- Sponsors:** Brendmoen
- Wendy Forster, owner, and Michael Schleisman, attorney, appeared.*
- Ms. Moermond:*
- did not get the \$5,000 Performance Deposit posted by the time the City Council had it's meeting on Mar 4, 2015; that was one of the conditions that had to be met in order to give you a grant of time to work on the rehab
- Ms. Forster:*
- the \$5,000 Performance Deposit has been posted
  - has a contractor whose been looking at it and will go thru the house one more time today; he will provide 2 different estimates: 1) required work; and 2) the required work plus other things that she wants done
  - she will live in the house herself
  - the mortgage will be current on Mon, Mar 16, 2015
  - contractor can start as soon as next week
  - apologized for not getting the deposit in sooner; she didn't realize there was a date that it had to be done
- Ms. Moermond:*
- she looks at the delay as being indicative of your ability to complete the project
  - the last letter sent listed conditions
- Inspector Steve Magner, Vacant Buildings:*
- read the Feb 25 letter into the record (attached) listing conditions
  - the \$5,000 perf deposit is posted and also in the computer
  - Code Compliance Inspector Report has been completed
  - property has been maintained
- Ms. Moermond:*
- we still need: 1) Work Plan with timelines; 2) evidence of financing to execute the

rehab

- the work plan needs to include everything that's on the code compliance insp report
- the tricky part for Ms. Forster, she believes, will be showing that she has the financing to do the rehab; the city's estimate is \$100,000+; bringing it up to minimum standards will be expensive
- she needs these things in 1 week so that it's ready for the City Council Public Hearing Mar 18, 2015
- she will also need to see evidence that you have come current or reached an agreement with the bank
- good luck; she'd really like to see this done

Ms. Forster:

- this has been the tough part; once it gets rolling, she thinks Ms. Moermond will be OK with it
- she is happy with what she has lined up

Ms. Moermond:

The following conditions must be met in order to receive a grant of time by March 18:

- 1) provide a work plan or sworn construction statement with timelines for the completion of the rehab of the building;
- 2) provide financial documentation for the project; and
- 3) provide a current statement from the Bank to show that the mortgage is current.

**Referred to the City Council due back on 3/18/2015**

**2**      [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 Hearings continued from March 4) (To be laid over to Legislative Hearings on August 11; Council Public Hearing to be continued to August 19)

**Sponsors:**      Lantry

*Kris Kujala and Paul Scharf, Tax Forfeited Land, Ramsey County Property Records & Revenue*

*Inspector Steve Magner, Vacant Buildings:*

- 2 story wood frame duplex on a lot of 4,792 sq.ft; has been a vacant building since May 19, 2010
- current owner is listed as Harbour Portfolio VI LP per Ramsey County records
- Nov 12, 2014 - inspection of building was conducted; list of deficiencies which constitute a nuisance condition was developed; photos were taken
- Order to Abate a Nuisance Building was posted Dec 2, 2014; compliance date Jan 1, 2015
- 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 \$10,800 on the land; \$50,300 on the building
- real estate taxes for 2011, 2012, 2013 and 2014 are delinquent in the amount of \$14,375.71, which includes penalty and interest. (Note: property is scheduled for tax forfeiture July 31, 2015.)
- Vacant Building Registration fees were paid by assessment Aug 4, 2014
- Code Compliance Inspection was done Feb 3, 2011 and has since expired
- as of Feb 9, 2015, the \$5,000 performance deposit has not been posted
- there have been 28 Summary Abatement Notices since 2010

- there have been 30 Work Orders issued for: garbage/rubbish; boarding/securing; tall grass/weeds; snow/ice; vehicles
- Code Enforcement Officers estimate the cost to repair starting at \$60,000; the cost to demolish starting at \$12,000

Amy Spong, Heritage Preservation Commission (HPC):

- this was referred by Ms. Moermond to the HPC and they will be reviewing this Order on Thu, Mar 12, 2015
- summarized the staff report: was originally (one of a few from this era) built as an up&down duplex; all guidelines are cited; staff made 9 findings:
  - it's categorized as noncontributing; however, it was built during this period of significance and developed for the district; it received the noncontributing status because the siding has been covered; the porches have been enclosed; some alterations have not been very sensitive to historic value
  - staff considers the buildings exterior historic in architectural integrity of fair-poor
  - staff was unable to get inside the property
  - the district states that there's about 150 buildings of this style constructed between 1900 - 1920; they often had steeply pitched roofs, hipped roofs, sometimes flared ridges and eaves are among their strongest features
  - builders in Dayton's Bluff designed a few of these houses for 2 or more families
  - Sanborn indicates that the footprint of the house has changed very little since 1925; only the removal of a 1-story porch
  - there is no alley access and parking is in the rear yard, accessed by a curb cut and shared driveway on the western portion of the lot
  - the southern and northern block faces on Conway are contiguous, mostly with contributing structures in this part of the district
  - there is consistency in scale, rhythm, mapping and setback, specifically on the south side of the street
  - staff has not researched other historical associations with the subject building such as people or events that might be important in history
  - with the structural condition of the building, we noted that on Nov 12, 2014, there was a building deficiency inspection report; it did not consider all the deficiencies present at the time (no substitute for a team inspection or code compliance inspection report)
  - staff walked around the outside of the property on Mar 6, 2014 and observed the exterior conditions; interior was not accessible; many of the original exterior features were obscured by aluminum siding and wrap; only 1 decorative window was visible on the first floor on the west elevation
  - HPC staff, in their limited visual inspection considered the exterior condition as fair
  - lot size: 40 feet wide by 120 feet deep
  - staff finds that the building, generally, reinforces the district's architectural historic character and with removal of non original materials and restoration of siding, trim and front porch, the property could be re-categorized as contributing to the district
  - finally, staff recommends to HPC on Thu to encourage the City Council to delay and Order to Demolish the structure and fully consider options for rehabilitation prior to ordering removal with no option for repair

Ms. Spong's HPC report from Feb 10, 2015 LH:

- this is a 1912 two-story gabled box duplex, as described on the inventory form for Dayton's Bluff Historic District
- is within the boundaries of our locally designated historic district established by City Council in 1992
- is considered noncontributing even though it was built during the district's period of significance, which ended in 1929; there probably have been alterations to the house and in order to become a contributing structure it would need to be restored
- Charles Peterson was the builder; referred to as the Meline Duplex

- it's one of the first in the area to have a 2-story box porch with the original construction
- in Sanborn maps, the original porch was a 1-story open porch that went along the whole length of the facade
- up to 1925, it was listed as a flat
- it looks like, historically, the property went all the way to the back to the other street, which is no longer there
- property has 1 garage
- the lots are divided now, she thinks
- inventoried first in the 1983 survey #RA-FPC-2431
- given that this is in the district and it's noncontributing but built within that period of significance, she would recommend forwarding this to the HPC for an historic resource review; also suggested that HPC staff go into the house with VB staff or the building official to do a walk-thru as they have done in other Dayton's Bluff properties that are Cat 3 VB and bring recommendations to the Harbour

Ms. Moermond:

- access to the interior would be informative to Ramsey County about rehab potential and the interest of that particular building but it doesn't have to do with rehab standards per se unless somehow the interior work undermines the exterior appearance
- the code compliance inspection report is 4 years old

Ms. Kujala:

- we can use access to the interior to assess integrity as a whole; if it's been completely gutted - that affects the overall integrity
- we like the neighborhood; people have been doing some renovation in that area - keeping those homes up
- the future of the 4R Program is a little bit in the balance right now; they aren't sure what direction it's going to take; they don't have a lot of feedback coming toward them; so, she doesn't have a solid answer on their 2016 renovation schedule (2015 is full)
- if it's not feasible to put it onto their renovation schedule, they have 2 more options:  
1) nonprofit city developer partners could rehab; they can acquire it at a discounted rate, a new policy put into place; a nonprofit developer can get it at 25% of the market value; right now, nonprofits are picking up vacant land between \$1500-\$2000; on anything existing, \$15,000-\$20,000; or 2) the county could do the demolition
- if the city would partner with a for-profit developer, then, the price is not discounted

Ms. Moermond:

- the only other option she can see is the city petitioning the court for an accelerated forfeiture, in which case, the county could get it a couple months earlier (still at the discounted rate)
- this deserves conversation with the ward office to find out they want to pursue this
- if Dayton's Bluff Nbhhd Hsng Services or Habitat were ready to purchase the property right away in Aug, 2015, would that be possible?

Ms. Kujala:

- not right away in Aug; they would still have to go thru their statutory notifications but it can happen within that 60-day time frame; we could be cued-up to get Notice .... at top speed, we could be talking about Oct 2015, if they were to pay attention to "just this one property"
- the county has had 75 Confession of Judgments cancelled; they will qualify for a second Confession of Judgment request, however; they may all go away or some may not; it's a fairly average year

Mr. Magner:

- DSI inspectors were inside this property in Oct 2012; it's been vacant since May 2010
- the bank has shown no interest

Ms. Moermond:

- it looks like a complete abandonment (30 Work Orders)
- will scan in Ms. Spong's HPC staff report
- CCPH Apr 1, 2015

Ms. Spong:

- their housing director and managers met with staff from the Preservation Alliance of MN; they are trying to get a revolving loan plan up and running for rehab but their real estate coordinator's last day was last week; so, they are several months out from being considered to help match developers; short capital - had a broader discussion about the role they might be able to have; the HRA still has a handful of properties that they need to figure what to do with but in this particular place, that loan program doesn't apply; in general, they talked about the need for another kind of program

Ms. Moermond:

Recommendation is forthcoming.

*FOLLOW-UP: Given the historic nature of the property and the fact that it is about to forfeit for nonpayment of taxes, it makes sense for the neighborhood to look for a 3rd party nonprofit developer. The layover should provide the time to do this. If they are unable to do so, the property will be in Ramsey County hands and we can work with them.*

**Referred to the City Council due back on 4/1/2015**

**3**      [RLH RR 14-27](#)

Ordering the rehabilitation or razing and removal of the structures at 699 HAWTHORNE AVENUE EAST within fifteen (15) days after the February 4, 2015, City Council Public Hearing. (Amended to grant 180 days for repair or removal) (Public hearing continued from February 18)

**Sponsors:**      Bostrom

*Dave Mortensen, Esq., Wilford, Geske & Cook, appeared representing mortgage holder and fee owner, US Bank and HUD*

Ms. Moermond:

- Mr. Mortensen emailed a lot of material yesterday; really good stuff

Mr. Mortensen:

- at last LH, Feb 1, we had submitted a bid from Five Brothers to complete the work
- during that process, there were comments regarding a HUD 2nd bid pending; after that hearing, we had Five Brothers, thru a contractor bid their 1st bid, which totaled \$129,400; a 2nd bid, as required by HUD, from Home Masters was submitted as supplemental
- both contractors went in under Five Brothers request and bid the exact same items, exact same scope of work so they could get an idea; then, Five Brothers and his client went thru those bids to compare; they took the smaller bid for the same work
- he submitted an approved bid sheet, 7 pages, (ready to go for the work to be done)
- the new amount to complete the repairs listed on page 7 is \$96,719.75
- in addition, he submitted a Work Plan/timeline, based on day

- also submitted 2 things from his client on letterhead, dated Feb 25, 2015: 1) letter of commitment from his client; and 2) affidavit, certifying that the amounts in the bids have been approved and set aside for this project (he confirmed that yesterday)  
- at this point, his contractors are ready to go - as soon as the city provides approval and the additional time to do it

Ms. Moermond:

- contractors are estimating 9 weeks

Mr. Magner:

- reviewed the documents this morning and he doesn't see any outstanding issues  
- likes the fact that the the mortgage company is going to rebuild the structure before it's conveyed back to HUD; that certainly solves a problem for a new resident that when they acquire a house in this situation, it will have a Code Compliance Certificate vs. acquiring a property that still needs work and they might not know about that; this seems like a better way of moving forward and doing business

Ms. Moermond:

- agrees; this is a great package that Mr. Mortensen has put together

Mr. Mortensen:

- knows that there have been discussions about the responsibilities of his client vs. HUD; he made sure to clarify yesterday that, with respect to HUD, any issues with payment for repairs that's not contingent, his client is paying all of those repair costs; we don't have to worry about waiting for HUD; these are all approved - ready to go with money set aside

Ms. Moermond:

- will recommend that the City Council grant 180 days from the time that you posted the \$5,000 Performance Deposit (Jan 7, 2015)

Mr. Magner:

- it's imperative that the contractors come in to DSI to get their permits first and later, that they call for their finals; the city has to have Lead Inspector Jim Seeger do a final walk-thru and issue the Code Compliance Certificate  
- he would hate to have to go after the new owner for something that was left un-finaled; once the contractor walks off the site, DSI can't final those permits unless the contractor is there  
- it's in the best interest of Mr. Mortensen's client that they actually have a Code Compliance Certificate in hand before they make final payment to the contractor as part of their contractual deal  
- once the permit is applied for and approved, the permit is issued that day  
- make sure that after your client obtains the Code Compliance Certificate, they send DSI a letter asking for the \$5,000 Performance Deposit back; if they don't ask for it back, DSI doesn't know to whom to send it

Mr. Mortensen:

- it's been a very detailed process; his client has been diligent

Ms. Moermond:

- Mai Vang will send a letter  
- will recommend that the City Council grant 180 days to rehab the building  
- City Council Public Hearing Mar 18, 2015; you do not need to attend  
Remove or repair the building within 180 days.

**Referred to the City Council due back on 3/18/2015**

- 4 [RLH RR 15-6](#) Ordering the rehabilitation or removal of the structures at 684 SIMS AVENUE within fifteen (15) days after the March 4, 2015, City Council Public Hearing. (Amended to grant 180 days for repair or removal) (Public hearing continued from March 4)

**Sponsors:** Bostrom

*Robert Fluegel, general contractor, TRIKIN LLC, appeared on behalf of owner, Ngoc Trinh T Dang*

*Ms. Moermond:*

- there's a little bit of change in terms of your plans for this property
- some materials were submitted recently

*Inspector Steve Magner, Vacant Buildings:*

- Performance Deposit was posted
- we have a current Code Compliance Inspection Report
- they submitted their plans

*Ms. Moermond:*

- we need a Revised Work Plans with timelines

*Mr. Fluegel:*

- he emailed it to Mai about 1 hour ago; has a copy here; just finished it last night; it's a basic timeline which goes along with the scope
- talked with their property manager because there was a problem with their snow removal company, who had been going out only once a month

*Mr. Magner:*

- the last snow issue is listed as done by owner
- work on the property has been on-going
- the original code compliance inspection report had expired; so, a new one was required to identify work that needed to be done
- the original estimate for repairs was listed as \$45,000 working off the old code compliance report
- DSI doesn't have any concerns at this time

*Mr. Fluegel:*

- his bid came up just under \$38,000

*Ms. Moermond:*

- will recommend granting 180 days from when the Performance Deposit was posted
  - you can pull permits today
  - you will get a letter
  - once you get the Code Compliance Certificate, you can send a letter requesting your \$5,000 Performance Deposit back
- Remove or repair the building within 180 days.*

**Referred to the City Council due back on 3/18/2015**

- 5 [RLH RR 15-7](#) Ordering the rehabilitation or razing and removal of the structures at 688 SIXTH STREET EAST within fifteen (15) days after the March 4, 2015, City Council Public Hearing. (Public hearing held and closed; laid over from March 18) (Amended to grant 90 days.)

**Sponsors:** Lantry

*No one appeared.*

*Ms. Moermond:*

- she found that things were not quite where they should be*
- received a letter from Mr. Palen*
- back at CC Mar 18, 2015*
- the information from the back was that they have sufficient funds; they didn't say specifically what the amount was*

*Inspector Steve Magner, Vacant Buildings:*

- read an email here from LH to Bill Barnett with cc's (attached)*
- he hasn't seen anything additional*
- this proposal that they have is rather disjointed; we need it more laid out than that to move forward*
- he thinks that the owner, Mr. Palen, does have funds to complete the project but we need to have someone who is competent to complete the project*
- if Mr. Barnet can't provide the documents to us, he doesn't know if he is competent enough to complete the project*
- the previous \_\_\_\_\_ to this building has clearly not been competent because they have fully admitted that they don't believe that they need to follow the law, which troubles him*
- he doesn't think that the city should have to be forced into a corner of requiring to declare a building to be a nuisance when they are very close to finishing a project but that's what has been necessary to get to the other side on this*
- if we don't get these documents between now and Mar 18, 2015; the CC will be forced to pass a resolution Remove the building; he doesn't want to see that but maybe that's the way it is*

*Ms. Moermond:*

*- let's communicate with Mr. Ubl, Mr. Palen, Mr. Barnett, the contractor - that we need this information before midday next Wed Mar 18, 2015 and that their presence at the City Council Public Hearing is strongly encouraged*  
*Remove or repair within 15 days subject to amendment based on conditions being met:*

- 1) provide a revised letter from Platinum Bank indicating the amount of \$15,000 to do the rehab;*
- 2) provide a revised affidavit indicating the dedication of \$15,000 to be used for this project;*
- 3) provide a signed and notarized sworn construction statement affidavit;*
- 4) provide a revised work plan to include timelines;*
- 5) provide the receipt for the ORSAT test;*
- 6) provide signed bids; and*
- 7) provide the 2nd plumbing bid.*

**Referred to the City Council due back on 3/18/2015**

## **11:00 a.m. Hearings**

### **Summary Abatement Orders**

- 6**      [RLH SAO 15-15](#)      Appeal of Norrita Rech to a Vehicle Abatement Order at 710 LARPEN TEUR AVENUE WEST.

**Sponsors:**      Brendmoen



*Extension given by Inspector Sean Westenhofer to April 15, 2015 so a hearing is not necessary. Appeal withdrawn.*

**Withdrawn**

## 11:30 a.m. Hearings

### Orders To Vacate, Condemnations and Revocations

- 7 [RLH VO 15-12](#) Appeal of Terry Scot Glass to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 646 AURORA AVENUE.

**Sponsors:** Thao

*Terry Scot Glass, owner, appeared.*

*Fire Inspector A. J. Neis:*

- *Revocation of Fire Certificate of Occupancy and Order to Vacate by Fire Inspector Jeremy Hall*
- *Mr. Hall went out and assigned a provisional C of O; then, sent out multiple appointment letters for re-inspection beginning last year: 1) Dec 24, 2-14 for Jan 21, 2015; 2) Jan 23, 2-15 for Feb 9; and 3) Feb 9, 2015 for sometime in Mar*
- *inspector had a hard time gaining access; there was no show after no show after no show*
- *Mar 3: Mr. Glass did meet him at the property and noted several code violations; some immediate life-safety hazards: furnace/boiler not functioning and broken plumbing items; Mr. Glass told him that he lived there; Mr. Hall told him there was no way that he should be living there and noted that his address of record was listed as Cottage Grove*
- *it had been his mother's house and it went to tax forfeiture; he went to great strides to redeem the property*
- *work was done but there are no permits on file*
- *Mr. Hall advised him on what to do and told him that he was Revoking the C of O; Mr. Glass ended the inspection at that point; Mr. Hall noted that it appeared to be abandoned*
- *Mr. Glass was not working and was living with his girlfriend in Cottage Grove*
- *there was a day bed but no sheets or clothes; there were tools in the living room; electrical plates were missing; siding was peeling and rotting, etc.*
- *Mr. Glass said that the house had been winterized*
- *Mr. Glass became argumentative when he was told that he needed to pull permits for the furnace*
- *as a result, the C of O was Revoked*
- *he advised Mr. Glass to file an appeal*

*Mr. Glass:*

- *his mom, Naomi Glass passed away in 2007; his brothers had been staying there; one brother passed away in 2008 and the other brother wasn't paying the taxes; then, he lost his nephew in 2011; at first, his oldest brother was getting things done; then, Mr. Glass just tried to save the house after his brother went to jail; there were 10 siblings; he is the youngest of them*
- *now, he is working a job but his dad is in the hospital with terminal cancer; dealing with that and trying to repurchase the house was too much and his finances got messed up*
- *he got the water fixed; had pulled a \$900 permit or the Water Dept wouldn't give him a meter; after that, he thought that he could get things in order to move in; at that*

time, the furnace worked a little bit but it was old and it broke; he had gone down to the basement and flames were coming out of it; he shut it off and called Xcel Energy; they told him not to turn it back on; a new furnace was going to cost another \$4,000; it got colder and colder and he didn't drain the pipes so, they radiator burst; he didn't have the money to install a new furnace; he went to RAP and after 2 months qualified for the program they had for people who did not have the money to buy a new furnace but when the house was up for a C of O inspection, he became unqualified for the new furnace

- the Fire inspector came out and Revoked the C of O; he was confused as to why he needed a fire inspection because he had re-purchased the house and was going to live in it; he grew up there and didn't have any intention of selling/renting the house
- he wants to get everything fixed but he can't do it all at one time
- \$15,000 was owed in back taxes; he put down \$4,000 (all his savings) and is making payments; he is also paying his child support
- when he repurchased the house in Jul 2014, he had all his siblings sign-off
- he stayed at the house a few nights; has a TV there and a loveseat; also has cases of tools sitting by the door because they were going to start painting; he moved the love seat when the radiators burst; the pipes are fine, just not the radiators

Mr. Neis:

- explained that Water needed a permit to raise the meter out of the pit; it was a water permit, not a plumbing permit
- they didn't know that RAP was involved with the furnace situation; bad timing
- Naomi Glass is on all their records; the reason this got into the C of O Program is because when he registered the repurchase, he put down the address in Cottage Grove, which raised a red flag

Ms. Moermond:

- it speaks well of you that you didn't lie about your address

Mr. Glass:

- Southern Minnesota Regional Legal Services (SMRLS) helped him with the whole process of repurchasing and with RAP; the program had just approved him for the new furnace; now, he's back at square 1
- the whole thing with RAP - they had to make sure that he was going to live there; to qualify for the program, the house has to be owner-occupied
- the furnace was the most major part of what he needed to get done; if he can't get the Revocation lifted, he won't get the furnace
- Inspector Hall was unaware that the water service is currently on; he shut the valve off in the basement

Ms. Moermond:

- wants him out of the C of O Program and wants him to get that RAP money for the furnace

- will recommend granting his appeal of the Revocation of the C of O
- he will be left with the Correction Orders; she will transfer them to Code Enforcement, DSI, and they can follow-up; but before that, Fire needs to make sure that the furnace is in

Grant the appeal on the revocation and order to vacate but owner may not live there until the water, heating units and exposed wiring issues are taken care of by May 1, 2015; grant until July 1, 2015 for the remaining items. Property is released from the Fire C of O Program and transferred to Code Enforcement staff; however, Fire inspector will follow up on the water, heating units and exposed wiring issues.

**Referred to the City Council due back on 4/1/2015**

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Occupancy and Order to Vacate at 207 MAPLE STREET, UNIT 2.

**Sponsors:** Lantry

*Appeal withdrawn.*

*3/10/15: At the request of the Responsible party, Inspector Niemeyer conducted the inspection yesterday and found all interior deficiencies to be taken care of. He notified the tenant who filed the appeal that he was no longer taking enforcement action and that he was going to work with them on the exterior items. When he returned to the office he received a call from a SMRLS attorney and he let him know the same thing. He does not think there should be a reason for the appeal to happen today.*

**Withdrawn**

### 1:30 p.m. Hearings

#### Fire Certificates of Occupancy

- 9      **RLH FCO 15-26**      Appeal of John Wengler for Bilco, Inc. to a Fire Inspection Correction Notice at 857 GRAND AVENUE.

**Sponsors:** Thune

*Rescheduled per owner's request.*

**Laid Over to the Legislative Hearings due back on 3/24/2015**

- 10      [RLH FCO 15-31](#)      Appeal of Scott Black to a Fire Inspection Correction Notice at 1805 HAWTHORNE AVENUE EAST.

**Sponsors:** Bostrom

*Scott Black, owner, appeared.*

*Fire Inspector Leanna Shaff:*

- *Fire Certificate of Occupancy inspection conducted Feb 23, 2015 by Inspector Jonathan Gaulke*
- *photos; measurements*
- *only 1 item being appealed: upper level ceiling height; 7 feet high is required over half the floor area if used for sleeping; this one is 6'2" over half the floor area; the floor square footage also doesn't meet the requirements*
- *the hallway is also at a very steep angle*

*Mr. Black:*

- *met with Inspector Gaulke, who said that he could appeal it*
- *he and his wife bought the house and it was their primary residence until they moved and made this bungalow as a rental; they had used the house as a 3 bedroom; he has provide a fire ladder, a smoke detector and a CO detector; the space is safe and he has provided all he can to make this a usable space*
- *it's typical for these bungalows to be used as a 3 bedroom*
- *the tenant has 2 boys and uses this upper level for sleeping*

*Ms. Moermond:*

- *she can't consider whether or not a realtor said that this could be 3 bedrooms or what even Ramsey County taxation says because they aren't looking at the actual*

structure itself; they look at what's been in the real estate ads  
- her concern is that none of this space is even at the 7 ft requirement; this is down to 6'2", which she has never recommended a variance for  
- there's also a requirement for square footage for a bedroom area; in this space with angled ceiling, it's gets counted for the area that's above the 5' mark; the requirement for a bedroom is 70 sq.ft.

Mr. Black:

- he and his wife actually slept in that space for a year, although it was tough  
- he doesn't think that the older boy stays there very often; perhaps every other weekend  
- the upper level is a large space, just not very high  
- his renter has been there for over 2 years now and is happy there  
- there are 2 bedrooms on the main level

Ms. Moermond:

- the ceiling height is too low for her to recommend that it be used as a sleeping area  
- City Council may look at this differently  
- will recommend that it not be allowed as a sleeping area  
Deny a variance on the ceiling height issue in the upper level room; it cannot be used for sleeping purposes.

**Referred to the City Council due back on 4/1/2015**

**11**     [RLH FCO 15-21](#)

Appeal of Donald Eldred to a Fire Inspection Correction Notice at 784 HOLTON STREET.

**Sponsors:**         Stark

Donald Eldred appeared.

Fire Inspector Leanna Shaff:

- Fire Certificate of Occupancy inspection dated Feb 9, 2015 by Fire Inspector Lisa Martin  
- documented that the electrical panel is too close; electrical code requires a 3 foot clearance  
- photos  
- it looks like the build-out was done without permits  
- there are recent permits pulled but not yet inspected  
- there is a double permit fee for the new bathroom, plumbing/electric

Mr. Eldred:

- provided photo  
- Truth in Sale of Housing Inspection Report (TISH) is attached to the appeal; the report was done Aug 2014  
- the TISH inspector inspected the area indicated on the photo and he did not say anything about it

Ms. Moermond:

- explained that the city won't consider that TISH inspection; the city has its own inspectors  
- is not seeing anything in #8 and #9 that talks about clearance

Mr. Eldred:

- that's #1 on Ms. Martin's report  
- he extended the bathroom in the basement in order to add a shower; the existing wall was next to the electrical panels; it is 28 inches away from the electrical panel;

*the existing wall covered part of the panel; the new wall covers the whole thing; he didn't think much about that when he extended the wall, assuming that the distance was fine; he knew that 36 inches was needed but had just never measured (explained the diagram to Ms. Moermond and Ms. Shaff)*

*- he also has a written diagram attached to the appeal*

*Ms. Shaff:*

*- there is an assumption in the codes that a building is code compliant under the code under which it was built; the city has had it's building code for over 100 years; it used to fit into your pocket; now, with all the reference codes, you could probably fill up your car and then some*

*- what the codes say is that if you alter, change, remodel, add-on, etc... then, you need to bring it up to the current code*

*- the reason for that clearance in front of electrical panels is for servicing or in case of an emergency*

*Ms. Moermond:*

*- doesn't think that you can have the wall that close; perhaps, a different floor plan could work to accomplish the addition of a shower*

*- doesn't see a hardship here that she might be able to consider*

*Mr. Eldred:*

*- then, the whole bathroom will need to come out*

*Ms. Moermond:*

*- is not comfortable leaving the electrical panel clearance as is recommend the Council deny the appeal.*

**Referred to the City Council due back on 4/1/2015**

**12**     [RLH FCO 15-25](#)

**Appeal of Benjamin Roberts to an Inspection Appointment at 124 LEXINGTON PARKWAY NORTH.**

**Sponsors:**        Thao

*Benjamin Roberts, owner, and his daughter appeared.*

*Ms. Moermond:*

*- this is an appeal of the appointment letter*

*Fire Inspector Leanna Shaff:*

*- Fire Certificate of Occupancy inspection is scheduled for Tue Mar 17, 2015*

*- code requires that the owner of record lives at the property in order to be excluded from the C of O inspection process*

*- Mr. Roberts' daughter lives at this property; it's not a rental property*

*- is requesting to be released from the C of O Program*

*- this property has been inspected before when it was a rental; the 2nd cycle*

*Mr. Roberts:*

*- he was at a LH before and while he was here, someone got a variance because his daughter lived in the house, so, when this inspection came up, he filed an appeal; his daughter has lived here for some time; it's not a rental anymore*

*Ms. Moermond:*

*- explained that she grants a variance in some kinds of cases: 1) if there's a financial interest of the child in the property (are they paying the mortgage; is their name on the title; or 2) whether or not the child is in any way dependent upon the parents (an*

*extension of his own household); for instance, someone with physical/mental disabilities, that would require them to have assistance from the family*  
*- essentially, the same household in 2 different locations; (just having a child living there doesn't cut the mustard)*

*Mr. Roberts:*

*- there is a mortgage on the property*

*Ms. Roberts:*

*- she does not pay the mortgage but she is unemployed because of her mental health status and her family provides assistance*  
*- she does not get disability*

*Mr. Roberts:*

*- given medical records, he believes that she would qualify but they haven't gone down that road; they are hopeful that she can pull out of it; she graduated from law school; is diagnosed as manic depressive; there's a chemical imbalance*  
*- she is in counseling and takes her medications; she does what she has to do*  
*- she is still trying to pass the bar so that she can get a job*

*Ms. Roberts:*

*- the only proof that she would have would be from her psychiatrist and therapist; has been seeing the same psychiatrist for 20 years*  
*- does not have her own source of income*

*Mr. Roberts:*

*- he would consider this as an extension of the household: she goes shopping with her mother; she comes over for supper and watches TV every night; then, goes back to her home; their houses are less than a mile apart*

*Ms. Moermond:*

*- a lot of people who come out of law school don't work for a time; they just study for the bar, so that's their full time job*

*Ms. Roberts:*

*- she graduated from law school in 2007 and has tried to take the bar several times but she is not currently preparing*  
*- during that time, she worked at Macy's for about a year around 2010; hasn't had any other type of meaningful employment and has no income at this time*

*Mr. Roberts:*

*- they have explored the option of her coming home but the therapist didn't think she should live back home at this point*  
*- basically, it's a financial hardship but it's in her best interest right now to stay where she is*  
*- the original idea was for her to take over the mortgage after she passed the bar, got a job and started to make money*

*Ms. Roberts:*

*- she cannot pay student loans, otherwise, they'd be garnishing her wages*  
*- she has student loans of about \$130,000*

*Ms. Moermond:*

*- it's an unusual situation; not a clean-cut disability situation*  
*- would like to see something in writing from her psychiatrist*  
*- will LAY this OVER to LH on Mar 31, 2015*

- asked Ms. Roberts to get a letter from her psychiatrist within that time frame  
Layover for Appellant's daughter to submit a letter from her psychiatrist.

**Laid Over to the Legislative Hearings due back on 3/31/2015**

**13**     [RLH FCO 15-28](#)     Appeal of Felicia Reed to a Fire Inspection Correction Notice Updated with Corrected Dates at 1858 MAGNOLIA AVENUE EAST, UNIT 306.

**Sponsors:**     Bostrom

*Felicia Reed, occupant, appeared.*

*Fire Inspector Leanna Shaff:*

- Fire Certificate of Occupancy inspection conducted by Inspector Efrayn Franquis with the assistance of Brian Schmidt on Jan 30, 2015
- 105 deficiencies on the list; items ##90-98 pertain to the Appellant's unit
- photos
- excessive amount of combustibles was especially noted

*Ms. Moermond:*

- she sees a lot of stuff in the photos
- also, what's the connection with this and the storage space and how the landlord plays into all of this

*Ms. Reed:*

- has lived there 4 months short of 19 years; it's been her and her daughter's home since her daughter was 5
- they have kept their apartment clean and neat
- reason she is here is because she doesn't think that she should have to move her things because it's not her fault that she has had to put them in this condition
- she has photos of the condition her apartment was in until Mr. Vue decided that he didn't want to care about where/how his tenants lived in that building
- Mr. Vue has little, if any, contact with her whatsoever; he comes to get money for rent and that's it
- the building has no caretaker and it's not cleaned on a regular basis
- photos show that the boxes are not thrown about; they're all organized
- it was just a horrible twist of fate that Mr. Vue bought the property that they lived in; he's not the original owner
- she never thought that she'd find herself in a position like this
- she is trying to keep her things accessible and secure
- doesn't think it's right that she has to move her things because Mr. Vue hasn't kept the building clean for the entire time that he's owned it
- she has video of cockroaches and pictures of cockroaches that go all the way back to 2010
- Mr. Vue was told several times to have a regular exterminator; he doesn't do that; he doesn't do anything
- the building is a complete eye soar on the interior and exterior all of the time
- her apartment is clean except for a little bit of dust on some things
- their things have been put into a storage like condition because of the roach and mice problem; the roaches started in 2006-07
- she showed Ms. Moermond her photos of life in the apartment before Mr. Vue bought the building; he took away their comfortable way of life in the building (scanned)
- she had to get rid of her couches because they were roach infested
- she got rid of her entertainment center because of the mold
- she has spoken to Mr. Vue about the roaches and mice several times; it appears to her that he has very little regard for that building and it's occupants

- she has lived there longer than any other tenant but Mr. Vue treats her the worst of anyone else who lives there
- when he knows that there's going to be an inspection, he hurries to fix some things a few days before the inspection
- she has broken doors, mold, a filthy laundry room; he doesn't do anything for that building

Ms. Shaff:

- during 2014, there were 2 complaints (inoperable/abandoned vehicles; secondary access from alley)
- in 2013, there were some police issues; exterior sanitation; a couple Xcel shut-offs; tall grass/weeds

Ms. Reed:

- the fire alarms in the building were disarmed
- there was a big fire in the back stairwell right next to her apartment
- she thinks that she's the only person living there who has ever called to complain about anything
- 2012, Mr. Thomas came out because there was an issue with the air conditioner, which has not been corrected; she has brought it up again and again but Mr. Vue doesn't do anything about it
- 2011, Pat Fish inspected her apartment and said that everything was fine; and "as long as her daughter and her had a path going thru so that they could function, there was no issue;" at that time, she still had her couches, entertainment center and china cabinet
- there have been fires consistently when the Hmong communities do their ceremony inside the building; the smoke detectors don't go off
- she calls anonymously
- she told Ms. Shaff when she came to inspect Jan 30 that Mr. Vue threatens and tries to evict you when you try to exercise your rights; the day after the Jan 30 inspection, Mr. Vue gave her a 30-day Notice to Vacate
- she tried to explain to Ms. Shaff that the roaches were very bad; there's little egg sacs all over the place
- her 3 cats have killed mice in her apartment because the mice are bad
- she tries to keep the roaches out of her things; putting them in the containers/boxes seems to work for them
- eventually, when she gets enough money together, they will be able to move
- Mr. Vue and she were in court last year, 2014, in front of Judge Guffman; Mr. Vue was ordered to do a number of repairs; during the trial, she asked her attorney, Lisa Hollingsworth, SMRLS, to present certain evidence to Judge Guffman, showing how bad the mold was in her apartment and the roaches; and she did absolutely nothing; Mr. Vue told a slew of untruths, including that the city of Saint Paul had cited her for something (she has never been cited for anything); never one time did Ms. Hollingsworth interrupt to object, saying that wasn't true;
- Mr. Vue is trying to evict her because she called and asked the inspectors to come out
- SMRLS didn't help her in any way except to keep her in a position where they are stuck in that building because she paid almost \$3,000 into escrow, which they awarded back to Mr. Vue and the repairs that he was to do are still in need of repair; he did nothing and I lost my money
- in 1997, when she moved into the building, the original owner kept everything clean and kept up; there were no issues; today, there's drug parties; Mr. Vue has had 2 tenants dies in the building (one corpse stayed there for almost 5 weeks)
- she and her daughter keep to themselves; they are just trying to save enough money in order to move



*Ms. Moermond:*

*- scanned a copy of the stipulation*

*Ms. Reed:*

*- in the stipulation, Mr. Vue gave her a number to call pest control when she saw roaches or mice but every time that she calls that number, there's no answer; she believes that he has instructed that person to not answer when he sees my number on caller I.D.*

*- when the guy from pest control came into her apartment, she asked for his credentials, but he would not show his credentials; instead, he called Mr. Vue and Mr. Vue threatened her with, "If you're gonna act like that... you know, the other part of that is you're gonna have to find somewhere else to live."*

*Ms. Moermond:*

*- looking at the list, the ones that bother her the most are the egress windows being blocked (taken care of) and the level of combustibles*

*- has this particular unit been Ordered Vacated? (Ms. Shaff: No)*

*- Ms. Reed will need to decrease the amount of material in the unit*

*- your cupboards are empty (Ms. Reed: there's roaches in them; we can't use them)*

*- was set up for re-inspection Mar 4 (the rest of the bldg was re-inspected)*

*- she will give Ms. Reed until Apr 7; there are other ways to handle this than those big containers (zip lock bags and put back into the cupboards; store them differently)*

*Ms. Reed:*

*- she does have zip lock bags but roaches still get in them*

*Ms. Moermond:*

*- she needs to see a lower volume of things in the unit*

*- the inspectors was half of the things gone*

*- perhaps, you should find some place else to live if this can't get cleaned up*

*- without a sprinkler system, there is too much to burn; the amount needs to be decreased*

*- will give you an extra month*

*- City Council Public Hearing Apr 1, 2015; if you can't make that deadline, you can go there to talk with the City Council about getting additional time*

*Ms. Reed:*

*- asked if the city was aware that Mr. Vue likes to hide things from being seen when the inspectors come out*

*- Mr. Thomas came to her apartment several times in 2012 and this issue was never brought up*

*- Ms. Fish came to inspect and this issue was never brought up*

*- when Ms. Shaff came to inspect and she was trying to explain why things were boxed up, etc., Mr. Vue kept interrupting to try to keep me from explaining*

*- she is trying to understand how Mr. Vue can keep passing inspections when there are roaches all over the place every day*

*- even in the report, it says that Mr. Vue is supposed to inform the tenants but he doesn't communicate and doesn't give her any Notice about an exterminator coming*

*Ms. Shaff:*

*- an inspection is only a snapshot in time*

*- in Mr. Thomas' notes from 2009, they say that he spoke with the master tech exterminator for unit 306.... since treatment started nothing in the unit has been ready for the exterminator; nothing has been moved; they have been unable to treat the unit; we do accept consistent reports from exterminators*

*- noted that mice like to run along the walls and with the amount of material in the*

*unit, it would be extremely difficult to exterminate mice; code says to control or eliminate*

*Ms. Moermond:*

- did not see any current Orders on cockroaches*
  - it's reasonable to ask that the volume be decreased; it's an unsafe fire load and needs to come down*
  - she hears Ms. Reed's concerns but the volum needs to be decreased*
  - how the landlord is at fault is a private matter*
- Grant until April 7, 2015 for tenant to reduce the volume of combustibles by 50% throughout Unit 306.*

**Referred to the City Council due back on 4/1/2015**

## 2:30 p.m. Hearings

### Vacant Building Registrations

- 14 [RLH VBR 15-16](#) Appeal of DeMarcus Robertson to a Vacant Building Registration Notice at 1152 BUSH AVENUE.

**Sponsors:** Bostrom

*No show; deny the appeal.*

**Referred to the City Council due back on 4/1/2015**

- 15 [RLH VBR 15-15](#) Appeal of Gary Southward to a Vacant Building Registration Fee at 723 PLUM STREET.

**Sponsors:** Finney

*Gary Southward, owner, appeared.*

*Inspector Rich Singerhouse:*

- Vacant Building file opened Oct 31, 2014*
- code compliance inspection done Dec 16, 2014*
- Nov 26, 2014 - he got a 90-day VB fee waiver*

*Ms. Southward:*

- was here at LH Nov 25*
- he was promised a 90-day VB waiver,*
- was promised that he could get permits and*
- that he would get the VB fee prorated*
- he called the electrician and told him everything was good to go; a week or so later, he called him again and the electrician said that there was something holding up the permits; this went back and forth; he kept calling the inspectors, whose names were on the sheet and asked what was going on, they said, "No, you got your waiver."*
- so he called the electrician again and said, "You're good to go" - a week or so later, he called him again and again, the electrician said that the permit desk wouldn't give him any permits*
- finally, on Jan 6, 2015, he called the permit desk and the person there said, "No, you haven't paid your VB fee; you can't get permits;" so, he called this office and asked Ms. Vang if he had a 90-day waiver; Ms. Vang said, "Yes, you do;" He then asked Mai to call the permit desk and tell them so that his contractors could pull*

permits... so, she did

- again, he called the electrician - and finally, the electrician, plumber, furnace guy, painting contractor were able to pull permits
- in the meantime, he heard from the plumber that the permit was denied; and then, he got a letter saying that he had not paid his VB fee (after he was given 90 days and it'd be prorated); the plumber got the permit in Jan but after 7 weeks DSI sent it back to him, saying it was denied
- called to this office and found out that he should appeal to see if things could be straightened out
- the furnace guy said that he got a permit - but there was a note from the inspector on the furnace saying there were no permits
- he doesn't understand what's going on

Ms. Moermond:

- she doesn't know what's going on either
- sees that he's frustrated with the situation

Mr. Singerhouse:

- will need to look into this because he didn't know anything about the permits being turned down

Ms. Mai Vang:

- the resolution back in summer of 2014 says Waive the VB fee for 90 days and allow permits to be pulled; 1 code compliance inspection has been applied for

Mr. Southward:

- he applied for the code compliance inspection the same day but it wasn't until Dec 16 that they did the inspection

Ms. Moermond:

- is double checking dates of code compliance insp app: Dec 2 application; inspection done Dec 16, 2014; permits should have been able to be issued

Mr. Southward:

- I called the Permit Desk on Jan 6, 2015, after I talked with someone else named on the code comp report, who said it was 'good to go' the Permit Desk said, "No"

Mr. Singerhouse:

- notes say - 90-day fee waiver given on 11-26-14; so, he sees no reason why they wouldn't give him permits; it was never brought up to them

Mai Vang:

- electrical permit: Jan 20, 2015
- mechanical permit: Jan 17, 2015
- warm air permit issued: Feb 18
- mechanical permits: Feb 16 and Feb 19
- warm air active Feb 12, 2015
- another mechanical Feb 12, 2015
- electrical Dec 8, 2014

Ms. Moermond:

- this is an unusual situation that you are in with your contractors

Mr. Southward:

- he got the plumber after the electrician went in; Bonfe Plumbing & Heating, who called and said that they denied his permit (Ms. Shaff is guessing it's Bonfe because

*Bonfe got the electrical permits)*

*Ms. Moermond:*

- the fire occurred Oct 28, 2014 and was put into the VB Program; got the 90-day fire exempt program (that takes you to Jan 30, 2015 to begin with)*
- if a 2nd 90-day waiver were put into place, that would put you at Apr 30, 2015; however, she doesn't think that it will take him that long*

*Mr. Southward:*

- reminded Ms. Moermond that everything's been held up because of the Permit Desk not knowing that they could issue him permits*

*Ms. Moermond:*

- if you get the work done within the 90-day time period, there's no fee*
  - if you don't get it done within those 90 days, then a fee will kick in*
  - those first 90 days overlaps with the length of time that she gave you initially*
  - the goal is to get this done*
  - doesn't know what's going on at the Permit Desk but whatever is happening there isn't consistent with the way that they are supposed to operate; she hasn't heard of this before*
  - your VB fee is waived until Apr 30, 2015 and if things don't work out, you can appeal and I can prorate*
  - Mr. Singerhouse will put those notes into the file*
  - you'll get a letter*
  - City Council Public Hearing is Apr 1, 2015*
- Waive the VB fee until April 30, 2015.*

**Referred to the City Council due back on 4/1/2015**