



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final Legislative Hearings

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651-266-8585

Tuesday, June 11, 2013

9:00 AM

Room 330 City Hall & Court House

10:30 a.m. Hearings

Remove/Repair Orders

- 1 [RLH RR 13-24](#) Ordering the rehabilitation or razing and removal of the structures at 1565 SEVENTH STREET EAST within fifteen (15) days after the June 5, 2013, City Council Public Hearing.

Sponsors: Bostrom

Provide the following by Monday, June 17, 2013:

- a letter from Mr. Meyer stating that he put Ms. Hare in charge of the rehab and that the money is available for financing it*
- verify a joint bank account set aside for this project*
- provide a revised timeline and monthly reports*

RE: 1565 Seventh St E (Single Family)

Kathleen Hare, owner's daughter, appeared on behalf of her father, David L. Meyer.

Ms. Moermond:

- have received packages of material here and there*
- Ms. Hare's dad is out of town a lot for his work*
- the property needs to be rehabbed soon*
- she has received a decent Work Plan and decent bids*
- owner needs to execute the rehab within the time lines provided*
- owner hasn't had time to do this and also is resentful because the city is forcing the issue right now and feeling like the neighbor is making this happen*
- the Work Plan extends to Dec 2013 (full 180 days)*
- she asked Mr. Dornfeld to review the Work Plan/bids*

Ms. Hare:

- has about half of the bids*
- should she be allowed, she would be willing to take the responsibility for getting the rehab done*
- she lives about 1/2 mile away from this property*
- her husband is a stay-at-home son/father - he takes care of his disabled mother and the children, who are out of school for the summer*

Mr. Dornfeld:

- Mr. Wagner did not leave any notes
- he will take Ms. Moermond's lead on this
- make sure the outdoor work is done first

Ms. Moermond:

- is concerned about the deadlines on the Work Plan; they are all in Dec
- normally, the first things that need to be done are done first and everything else falls into place; so, the deadlines would be different for different jobs
- she needs specific deadlines for specific projects: i.e., roof deadline; foundation deadline; plumbing deadline, etc.
- she would like to see a month by month breakdown
- get the weather sensitive things done by mid-Oct, at least

Ms. Hare:

- the roof will be done soon; dad received an insurance settlement on it
- she will be getting reputable licensed contractors
- they may rent out the house instead of leaving it stand empty

Ms. Moermond:

- wants a letter from Mr. Meyer stating that he put Ms. Hare in charge of the rehab and that the money is available for financing it
- verify a joint bank account set aside for this project
- provide a revised timeline and monthly reports
- talk with Jim Seeger if you run into trouble with timelines, etc.
- will grant until Dec 1, 2013 to finish the project
- City Council Public Hearing Jun 19, 2013

Referred to the City Council due back on 6/19/2013

11:00 a.m. Hearings

Summary Abatement Orders

- 2 RLH SAO 13-21** Appeal of Richard Johnson to a Summary Abatement Order at 88 BELVIDERE STREET EAST.

Sponsors: Thune

Grant until June 21, 2013 for compliance except for the wall which is granted until October 15, 2013.

RE: 88 Belvidere St E (Single Family)

Richard Johnson, owner, appeared.

Inspector Scott St. Martin:

- had a complaint about some improperly stored items in the yard
- letter was sent to remove accumulated refuse: scrap wood, metal, recyclable materials, storm door, rims, tires, brush, etc. from yard and alley way
- no photos

Mr. Johnson:

- he has photos from the date he received the letter (May 29, 2013)
- they had just replaced the storm doors (he is out of town a lot)
- he does weird little projects
- he got an extension in the fall because of snow fall but the snow never left

- he still had time on his extension when he got a Summary Abatement
- the metal rack is empty; some scattered stuff will need some time to remove
- he took out a building permit for the repair of the foundation; the excavators came and dug a trough through his yard (foundation is pushed in, so they had to pull the dirt out; the wall will need to be pushed back out, replacing blocks, as needed); the excavators were scheduled to come a month ago but winter never left
- he has some plywood leaned up against the house over the excavating to help prevent water from getting in

Ms. Moermond:

- the alley looks in bad shape - gravel
- there's still a fair bit of material that needs to be removed and a project in process
- advised him to store some of the material inside the garage

Mr. Johnson:

- he is doing the excavating himself; he travels to do different events; he anticipates that it will take him about 3 months before the foundation wall is finished
- he is also fighting some health issues
- he will move some items inside the garage

Ms. Moermond:

- the boards that are shedding water need to go and it can't be there for 3 months; it's not suitable for exterior use (Mr. St. Martin: perhaps, a covered scaffold would work; try to expedite the foundation work)
- it looks like exterior storage of building materials, which isn't OK
- take down the plywood and put up something more weather resistant
- can live with the wheelbarrow outside if it's in active use
- it's not good to have the fuel tank outside the garage

Mr. St. Martin:

- probably not a good idea to use a kerosene heater in the garage

Ms. Moermond:

- advised Inspector St. Martin go to the site and make a suggestion on what to do to keep the water away from the wall
- will grant until Oct 15, 2013 to have the wall done
- get scrap out of the yard by Jun 21, close of business (Inspector can go out and check Jun 24)
- get everything except for the wheelbarrow, etc. those items used to repair the wall either in the garage or off-site
- get the opening property tarped/covered

Referred to the City Council due back on 7/10/2013

3 [RLH SAO 13-22](#)

Appeal of Gregory K. Miller to a Summary Abatement Order, Correction Notice and Order to Provide Garbage Service at 1159 CENTRAL AVENUE WEST.

Sponsors: Carter III

Layover to Jun 25, 2013 LH for photos to be taken.

RE: 1159 Central Ave W (Duplex)

Gregory K. Miller, owner, appeared.

Ms. Moermond:

- *Summary Abatement Order and a Correction Notice and Order to Provide Garbage Service*

Inspector Scott St. Martin:

- *Correction Notice to remove clutter and garbage*
- *noticed materials packed up near window of porch*
- *back yard also has materials scattered: remove improperly stored refuse, appliances, scrap wood, metal, plastic, computer equipment, household items, brush, etc.*
- *Order to Provide Garbage Service*

Mr. Miller:

- *he doesn't have any garbage on the inside porch*
- *the porch is not a living area; it's a storage area*

Ms. Moermond:

- *from what she can see through the windows on the photos, she can understand that the inspector would have thought it could be plastic garbage bags on the porch*
- *doesn't have photo of back yard*

Mr. Miller:

- *he lives in the lower unit; his sister lives up there*
- *porch has no basement underneath; it's not heated; used only for storage*
- *the upstairs porch is also a storage area*
- *he agreed to clean-up the porch and put up curtains*
- *he is asking for more time to get materials thrown away*

Ms. Moermond:

- *when she sees materials stacked up that high as the photos indicate, it makes that space a lot more flammable; also, it's potentially blocking the way for someone getting out of a fire or into a fire to put it out*
- *Mr. Miller needs to reduce the volume way down*
- *reminded Mr. Miller that failure to comply with that Order could force a Condemnation*
- *will recommend granting an extension of 2 weeks to get rid of half of it (to the bottom of the windows); if that's done, she will grant 2 more weeks for the rest of it; work with Inspector St. Martin; same deal on the upstairs porch*
- *is concerned about reducing the fire danger caused by clutter on the inside of the house*
- *suggested that the House Calls Program can help by providing a free dumpster (will provide some information on that); House Calls can also help with other kinds of housing crises (651/266-1285)*

Mr. Miller:

- *he has had garbage service for several years; he has an arrangement with his neighbor, Open Cities House Center, (they accept him putting his garbage into their dumpsters) Inspector St. Martin will check on their service's name and close out this garbage Order*
- *all he needs is more time for the porch*
- *backyard: 1) has an old Maytag, that had been dumped, which he uses as a planter; it was OK with the last inspector (because his property is at the end, people continually dump things on his property); 2) the scrap metal, flashing off the roof, and wood can go; 3) 2-3 bicycles; 4) 3 little recycle bins, stacked; 5) another big plastic box for recycling; 6) computer equipment and brush (dumped)*

Ms. Moermond:

- needs to see photos of this site
- have the appliances gone by Mon, Jun 17

Mr. Miller:

- can't afford to take the washer away (Inspector St. Martin: some scrap places will come and pick it up; check on-line)
- asked how he can help prevent the dumping

Ms. Moermond:

- fake cameras; motion detector lighting; fencing, etc.
- scrap metal, wood, computer, household items, brush - have them gone by Mon Jun 17, 2013
- appliance, plastic - gone in 3 weeks (will give her a chance to view the photos and give the inspector a chance to assess the situation)
- will lay this over for 2 weeks to Jun 25, 2013 LH

Laid Over to the Legislative Hearings due back on 6/25/2013

- 4 [RLH SAO 13-23](#) Appeal of Rob Callahan to a Summary Abatement Order at 893 FOREST STREET.

Sponsors: Bostrom

6/12/13: Ms. Vang contacted appellant via email to confirm whether he is withdrawing his appeal. No response from appellant yet.

6/11/13: when appellant did not show for hearing, Ms. Vang sent an email to Supervisor St. Martin to confirm whether Inspector Gavin has gone to the property. He indicated that Inspector did not do work order on this and that he will re-check on June 18th as per owner's request for extension.

6/11/13: Staff received a call from Rob Callahan, 893 Forest, that his property was cleaned up. He was wondering if the work was done by the City and whether he should appear at the Legislative Hearing on June 11. Staff left him a message that she had no knowledge of the City doing this work and that he should definitely go to the hearing as he did appeal the Summary Abatement Order.

Withdrawn

Orders To Vacate, Condemnations and Revocations

- 5 **RLH VO 13-26** Appeal of Gladstone Brown to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 99 GERANIUM AVENUE WEST.

Sponsors: Brendmoen

Grant until August 1, 2013 for compliance.

Referred to the City Council due back on 7/10/2013

11:30 a.m. Hearings

Orders To Vacate, Condemnations and Revocations

- 6 **RLH VO 13-24** Appeal of David W. Franzen, owner, and Mary Poe, property manager, to a

Revocation of Fire Certificate of Occupancy and Order to Vacate at 1009 SEMINARY AVENUE.

Sponsors: Carter III

Grant the appeal in accordance with the work plan provided.

Referred to the City Council due back on 7/10/2013

7 RLH VO 13-28

Appeal of Ferdinand F. Peters, on behalf of Ghassan Bsharat, Hook Fish and Chicken, to Revocation of Fire Certificate of Occupancy and Order to Vacate at 600 UNIVERSITY AVENUE WEST.

Sponsors: Carter III

Grant the appeal pending a sign off on the permit by June 19, 2013.

RE: 600 University Ave W, Hook Fish and Chicken (Community/Strip Shopping-B-Commercial)

*Ghassan Bsharat, Hook Fish and Chicken
Ferdinand Peters, Attorney*

Fire Inspector A. J. Neis:

- Revocation of the Fire Certificate of Occupancy and Order to Vacate dated Jun 6, 2013 by Inspector Skow-Fiske*
- Inspector Skow-Fiske determined that the tenant space was unoccupied*
- started inspection cycle Jul 12, 2012 when multiple code violations were identified*
- Corrections Orders were issued with re-inspection Aug 24, 2012 at which time the inspector identified 18 code violations*
- Sep 4, 2012 re-inspection - still 18 code violations remaining; she gave the owner until Oct 4, 2012 to continue to occupy*
- Orders: above the freezers, remove the storage from the attic; extension cords; wiring; splices not in junction boxes, etc.*
- what's left is the roof-top heating/cooling*
- Revocation is for long term noncompliance and the building is no longer occupied*

Ms. Moermond:

- she doesn't have a referral to the Vacant Building Program attached to this*

Mr. Neis:

- a referral to the VB Program never occurred because the inspector Revoked it as unoccupied (she did not sent it to VB)*
- that would be forthcoming if this doesn't get corrected*
- since that's the only remaining violation, we don't want to hold the owner up for re-occupying the building if they have only 1 outstanding violation*
- the permit was finally pulled on Jun 7, 2013 by a licensed contractor*

Mr. Peters:

- for purposes of his own edification, how can the city say the it's unoccupied if it actually is never unoccupied?*

Mr. Bsharat:

- the problem with the roof has been there for 7 years and it's the owner's responsibility, not ours*
- we can't do anything about it*
- he talked to Mr. Drake; he thought the problem was solved*

- he spent over \$100,000 on the store
- is sure that Ms. Skow-Fiske was upset because the owner never called her; he doesn't care

Mr. Neis:

- asked if 600 University was ever unoccupied (Mr. Bsharat: Never)
- so, on Jun 6th, you were open for business (Mr. Bsharat: Yes)

Mr. Bsharat:

- do you think that it's possible she used the wrong form?

Ms. Moermond:

- it has no bearing on this but Mr. Neis needs to talk to her about modifying that

Mr. Neis:

- usually when we Revoke for long-term noncompliance, we Revoke the certificate the same day but the Vacate date is usually different unless it's a Condemnation

Mr. Peters:

- he became aware of this Fri afternoon and filed the appeal (it was lunch time)
- he doesn't want to violate any codes/enforcement actions, etc.
- the permit was pulled and is going to be finished today
- the landlord is Double Dragon Bldg Inc; they own the Uni-Dale Mall
- they operate through a guy named Greg and he is one of the worst managers of property that he has ever met

Ms. Moermond:

- will be signed off before the City Council Public Hearing Jun 19, 2013
- will recommend granting this appeal pending a sign-off on the permit by Jun 19, 2013
- she will be able to brief the current councilmember on this; he won't be the councilmember in Jul
- Mr. Peters is to let Ms. Moermond know if he can't get a sign-off on the permit; something will be figured out

Referred to the City Council due back on 6/19/2013

1:30 p.m. Hearings

Fire Certificates of Occupancy

- 8 [RLH FCO 13-98](#) Appeal of Curtis Collins, on behalf of Cynthia Collins, to a Fire Inspection Correction Notice at 1477 ARKWRIGHT STREET, UNIT E.

Sponsors: Brendmoen

Layover for staff report only: Need photos of the dryer vent.

RE: 1477 Arkwright St, Unit E (townhome)

Cynthia Collins, owner, appeared.

Fire Inspector A. J. Neis:

- was laid over awaiting answers from Mr. Ubl or the mechanical inspector
- the issue is a plastic gas dryer venting material that would not be approved under code

- if each row house has a plastic vent, each one was done improperly

Ms. Moermond:

- she contacted Mr. Ubl immediately after the LH on May 14, 2013 but has not heard anything from either Mr. Ubl or a mechanical inspector
- an entire row of houses has this plastic dryer venting material
- #6 and her note says: has plastic vent with unknown discharge; needs to be of smooth bore and metal
- there is also an exiting issue

Ms. Collins:

- the dryer is vented underneath a patio/deck too close to a window
- the heating person said it would be too expensive to change it; it wouldn't be worth it

Mr. Neis:

- many times in these town houses, they ran both electric/gas lines to the laundry room to accommodate either electric/gas appliances

Ms. Moermond:

- we need a mechanical person to take a look at it
- and we need photos
- an inspector will go out and take photos
- we will share them with a mechanical inspector
- send photos to me and I will send them to Jerry Hanson, copying appropriate people
- will lay this over for 2 weeks to Jun 25, 2013 - a housekeeping item

Laid Over to the Legislative Hearings due back on 6/25/2013

9 [RLH FCO
13-112](#)

Appeal of Mary Tichich to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 663 LINCOLN AVENUE.

Sponsors: Thune

Grant until June 24, 2013 for list to come into compliance except for the cracks in the walls and ceilings which is granted until October 1, 2013.

RE: 663 Lincoln Ave (Apartments)

Fire Inspector A. J. Neis:

- Fire Certificate of Occupancy Correction Notice dated Apr 26, 2013 by Fire Inspector Michael Efferson
- it was appealed about 2 weeks ago
- the Appellant alleged that they were targeting her by doing multiple inspections and requested that a supervisor inspect the property
- complaints: water leaking in Unit #4 (last year); received another complaint in Sep 2012; ultimately, the C of O inspection took place
- he inspected Jun 5, 2013 looking for the violations that had been identified to be corrected; he was not out to actively seek other violations unless something was blatantly obvious
- some of the violations had been corrected
- in Unit #4, we looked to see that the cracks in the walls and ceilings were repaired; we found that water was coming from the kitchen light fixture (photos); he asked the property manager to take the globe down so that water would not be pooling around live wires; when he did, he noticed that there was a lot of caulk and duct tape in the light fixture (not OK); he questioned the property manager about that and the property manager said that he did that to hide the active roof leak from them, hoping

they would not find it (very dangerous)

- he issued Orders for the roof leak to be repaired, immediately
- he ordered the property manager to leave the globe off the light fixture until the roof leak was repaired
- he did have additional Orders: a double keyed lock had been placed on the back door of Unit #4 (recently done); not approved
- the smoke detector in Unit #4 was found disabled and inoperable
- he did not accept their smoke detector affidavit because it was signed within the last couple of days (all smoke detectors working); all the smoke detectors are not working
- the cracks in the walls and ceilings look like evidence of long term water damage that's degrading the building's interior
- he did not go onto the roof; it's very difficult to track a leak

Ms. Tichich:

- was not present at the last inspection; the property manager was present
- she appealed because she wanted relief from the inspection that never ends and she did not request that a supervisor come to inspect (Ms. Moermond: I asked Mr. Neis to go inspect)
- there had been 1 complaint on the roof and that was about 2 years ago in Nov; and she spent approximately \$10,000 repairing that flat roof
- she has been checking off and on since it's been raining so much and there had never been a problem until that inspection day when Mr. Neis came over - that very day, it started to leak again
- she has corrected 35 items since Nov 2011
- on each one of these Notices, it says, "Approval will be granted upon compliance of the following deficiency list" but there's always something else
- she called the roofer, who said that he'd go and put on more tar as soon as the roof was no longer wet (believes he did it yesterday)
- Mr. Neis said that all this had to be done in 2 days, which she thinks is unrealistic
- she called the tenant about the smoke detector; the tenant said that she took it off because when she was taking a shower, the steam from the shower was setting off the smoke detector but she forgot to put it up again
- she did not know anything about the duct tape and caulking in the kitchen fixture; she doesn't know what the property manager did; she hadn't told him to do it; the day before Mr. Neis came out, there was no leaking; she had called both the tenant and the property manager
- the rain has been very unusual
- she didn't know there was more leaking; she thought it all had been fixed - \$10,000 worth; she thought they knew best what to fix

Mr. Neis:

- was able to check off the railing in the basement; although, it was haphazard, it was minimally code compliant
- the sill and window trim of Unit #3 bathroom was re-painted
- all light fixture globes in Unit 2 and 4 (except kitchen) were replaced
- acquired copy of the dog license
- explained that the reason for the short 2-day compliance period is that water and electricity do not mix; it's borderline Condemnable

Ms. Tichich:

- as far as she knows, they put tar on the roof yesterday, which should prevent the leak; and the electrician replaced the globe in kitchen under permit
- she doesn't think that everything is done

Mr. Neis:

- clarified that the Orders do not say that replacing the globe "will" require a permit; it

says that is "may" require a permit

- he did tell the property manager that he's very uncomfortable with the person who seems to think that it's OK to re-install a light fixture with caulk and duct tape; that type of work tells him that the property manager is not capable or competent to do this type of work

Ms. Tichich:

- agrees that the roof needs repair; that's why she has spent \$10,000 to fix it but apparently, no one knows where the hole in the roof is

Ms. Moermond:

- hopefully, the company will still be accountable for making sure the roof is repaired correctly

- asked for an estimated deadline that these things can be repaired

- suggested Ms. Tichich have an electrician put together a proposal, try to pull a permit and see if an electrical inspector would agree to sign-off on moving the light fixture; she is hesitant to say that would be OK

Mr. Neis:

- moving the light fixture may abate the electrical hazard but if's there's still a roof leak, that won't correct the issue; water will then be leaking into the sheet-rock or plaster and another habitability issue would be created - mold

- the maintenance person told him that the ceiling has already been replaced once in Unit #4 because of water damage so, until that roof actually gets repaired, it would make the most sense to allow additional time

- needs documentation from roofing contractor that the roof has been repaired

Ms. Moermond:

- there are electrical wires in the walls; this is an old building

- the real fix is getting it all water-tight and replacing damaged parts

- this is a dangerous circumstance, she will recommend granting until Jun 24, 2013 to have the light fixture fixed; the double keyed lock; remove storage and charcoal from the rear entry; smoke detector up and sign a new smoke detector affidavit

- encourages Ms. Tichich to do all repairs under permit and to make sure the roof repair is fully made before making some of the other repairs; if the roof is not repaired properly, some of the other problems will not go away either

- put together a Work Plan to address these issues

- will grant until Oct 1, 2013 to have the cracks in the walls and ceiling filled in and painted

- the next inspection will be with an electrical inspector Jun 24, 2013

Referred to the City Council due back on 6/19/2013

10 [RLH FCO
13-116](#)

Appeal of Gene Peterman, on behalf of the State of Minnesota, to a Fire Inspection Correction Notice at 540 CEDAR STREET.

Sponsors: Thune

Staff report only

RE: 540 Cedar St (state of Minnesota)

Gene Peterman and Bill Lunz, Director of Security, appeared.

Fire Inspector Sebastian Migdahl:

- Fire Certificate of Occupancy inspection Apr 16, 2013

- he observed multiple deficiencies

- appealed: 21, 22, 23, 24, 26, 27 (he thought they were OK with #26)
- the major issue: those exit doors have delayed egress hardware (panic hardware or crash bar where there's a 15 second delay before the door releases); under the Fire Code, they are allowed but the need to meet certain criteria; this delayed egress hardware is located in an assembly area and an assembly area is one of those places where this is not allowed
- he researched the original site plans that had been submitted to Plan Review, which were approved, specifically looking at all the hardware on the door schedule; no where did he see delayed egress hardware on the door schedule (the plans were originally approved but there was no delayed egress hardware in those plans); it was an open floor plan at the time; currently, it's not an open floor plan
- May 13, 2013, he and his supervisor, Angie Weise, went out and met with Mr. Peterman and other folks to discuss the deficiencies
- he is standing firm on these Orders

Mr. Peterman:

- it's a security concern
- when built in 2005, the delayed egress hardware was included in that package
- when the building was approved for initial occupancy (when they signed the building permits, it wasn't called out and they haven't called it out in the C of O inspection process)
- when they met with the inspectors, it was suggested that we appeal these Orders; it would be easy to look at
- is a little surprised that Mr. Migdahl is saying that he is firm in his Orders

Mr. Lunz:

- it may have been overlooked that these doors are directly linked to the fire alarm system - in the event of a fire alarm/fire, these doors immediately unlock
- they are tested regularly; we have drills and they are backed up by an emergency generator system
- they have a secured lobby area; a more probably scenario if a shooter were to come in, they'd be delayed on the first floor area; in case it's an employee, their access card would be deleted right away

Mr. Migdahl:

- there can be other types of emergencies other than fire where 15 seconds can mean the difference between life or death; i.e., an active shooter
- it's an emergency exit, not just a fire exit
- those doors are specifically designed for fire evacuation by the manufacturer

Mr. Peterman:

- the delay would help draw attention to others that someone is trying to get into a secured area
- he has to comply with the IRS Publication 1075 and also with the new MINSURE Program that says he needs 2 security barriers to prevent individuals from accessing protected information
- 2 locations: 1) public areas that lead into stairwells that go up to the upper floors; and 2) floors that have protected information

Mr. Lunz:

- there are no cameras in the stairwells
- there is a camera in the cafeteria that is centered on the door to the stairwell
- there is signage indicating an alarm will sound if the door is opened

Mr. Migdahl:

- there can be multiple emergency situations where the fire alarm or sprinkler system

activation would not release those doors right away; in an emergency, waiting 15 seconds feels like 15 minutes, which could potentially impact a life-safety situation

- added that delayed egress in an assembly area is particularly troubling to him; on the 2nd level, the occupant load is over 500 people
- 1008.1.8.6, p.119 of Fire Code was also cited
- he has no problem with the doors being secured from the stairway side
- he understands that security is very important; but as a fire inspection, he would not be doing his job if he was not firm on this Order; maybe, there's compromise we can arrive at

Ms. Moermond:

- asked whether there are cameras on these sites where there's the 15-second delay?

Mr. Lunz:

- there is a camera on the stairwell side of the door on the one coming from the cafeteria; and there is a camera on the corridor side of the internal assembly area on level 1 looking at the door
- the 80+ cameras are monitored constantly

Ms. Moermond:

- this situation is a strong parallel to Spruce Tree Parking Ramp where now, these are camera monitored 24/7; they have a security service that does this; when someone pushes the hardware, there's an instant view of what's going on and can release it
- perhaps a camera system could also be used here in some way to reduce the delayed time

Mr. Neis:

- asked if it were possible to install a vestibule outside that door where you need security? (You'd have 2 barriers but you would not really need the delayed egress)

Mr. Migdahl:

- another option: panic hardware and an alarm but no delay

Mr. Lunz:

- the federal guidelines don't talk about delays, only about having 2 barriers

Mr. Peterman:

- entered federal documents with guidelines and manufacturer's information

Ms. Moermond:

- needs some time to look over these documents
- this item will be on next week's LH Agenda as Housekeeping
- she will make a decision next week

Laid Over to the Legislative Hearings due back on 6/18/2013

2:30 p.m. Hearings

Vacant Building Registrations

- 11 **RLH VBR 13-30** Appeal of Lisa Miller to a Vacant Building Registration Requirement at 1769 BEECH STREET.
- Sponsors: Lantry

Grant the appeal. (Owner will need to have meter replacement by July 5, 2013)

RE: 1769 Beech St (Single Family)

Lisa Miller, owner, appeared.

Inspector Matt Dornfeld, Vacant Buildings:

- this property was Condemned May 10, 2013 by Fire Inspector Lisa Martin for water shut-off*
- previous water shut-offs in 2011 and 2012*
- Inspector Dave Nelmark opened a Category 2 Vacant Building file May 24, 2013*
- inspector notes: dwelling was vacant and secure; rear fence was locked; dwelling shows worn roof, loose shingles, rotting wood and peeling paint on window frames, eaves and soffits, cracks in foundation, debris inside, same debris in front porch as when previous VB file was opened on Jul 26, 2012*
- the property area is maintained*

Ms. Miller:

- the previous water shut-offs were voluntary until she found out that it would cause this to happen*
- 1 1/2 years ago, both of her parents were suffering from lung cancer within 2 months of each other; they were in their early 60s with no medical coverage living in another state; so she voluntarily shut-off her water because she had been going back and forth caring for them*
- the property is maintained; painted it less than 2 years ago*
- the utilities are on; it's been shoveled; grass mowed*
- she was just unable to coordinate a time let them in to replace the water meter and they shut-off the water; when she called them last week to schedule an appointment, they said, "No, now you need a full Code inspection" (Nelmark)*
- the house is 100 years old; she has lived in it for 20 years without a problem*
- I'm gone frequently; there are no violations; I'm not out of the house; just staying with a friend right now*
- she has a potential buyer, whom she may lose because of this vacant status; they want the land*
- she has had a hired service for the past 10 years that maintained the property but because of financial reasons, she is no longer contracting with them; a friend goes over to do the work and she has been back enough to take care of most of it*
- Water refused to schedule with her because now it's a vacant property*
- her intention is to sell the property; she would like to move in with a friend to save money*
- everything in the property is hers*

Mr. Dornfeld:

- he has seen this action taken before when they couldn't get in to replace the water meter*
- plus, there were some documented violations*
- also, there were a couple of trash complaints and a tall grass and weed complaint (someone dumped tires in the alley)*
- one of the best ways to avoid code inspectors to be at this property is for Ms. Miller to be there on a weekly basis or more*

Ms. Moermond:

- based on the conditions, I'd make it a Category 1; it hasn't been empty for a year; so, she will recommend granting the appeal*
- the new water meter needs to be installed - deadline by Jul 5, 2013*
- Ms. Miller cannot live there until the water is back on*

- the exterior photos show that this property is in pretty decent condition
- City Council Public Hearing Jul 10, 2013
- there are other ways to winterize a house; check on-line
- need to get a Truth in Sale of Housing Inspection if Ms. Miller intends to sell (even if the buyer wants to tear down the house)

Mr. Dornfeld:

- advised to keep the water going because once the water gets shut-off, the Water dept notifies the Vacant Building Program and this can happen all over again
- remember to pay the water bill, too
- will close the VB file, so she can get the water meter replaced

Referred to the City Council due back on 7/10/2013

- 12 [RLH VBR 13-31](#) Appeal of Michael R. Davis to a Vacant Building Registration Notice and Correction Notice at 305 EDMUND AVENUE.

Sponsors: Carter III

Rescheduled per owner's request.

Laid Over to the Legislative Hearings due back on 6/18/2013

- 13 [RLH VBR 13-32](#) Appeal of Jim Nelson, Hammer 23 LLC to a Vacant Building Registration Requirement at 1323 EDMUND AVENUE.

Sponsors: Stark

DSI staff gave 6 months VB waiver.

Withdrawn

Other - 3:00 p.m.

- 14 [RLH OA 13-54](#) Appeal of Gary and Lorraine Vietor to a Letter from Department of Parks and Recreation-Operations at 1566 MONTANA AVENUE EAST.

Sponsors: Bostrom

Layover for staff report: need to read materials and contact public works.

RE: 1566 Montana Ave E (Single Family)

Gary and Lorraine Vietor, owners, appeared.

Ms. Moermond:

- expected Cy Kosell to be here; Mai Vang will give him a call
- hearing paused to get Mr. Kosell on speaker phone
- has a letter from Mr. Kosell which says that Parks cannot remove the tree under Chapter 175
- the Appellants have a tree in the blvd that is affecting the sewer line to the house
- the sewer line goes right down the middle of the street and T's out to each individual house
- the part of the sewer line that goes from the center of the street to their house belongs to the Vietor's and is their responsibility

Ms. Vietor:

- they moved into this house in 1965; it was 10 years old at the time and there was no tree in front of the house on the blvd
- the city came out some time ago (10-15 years ago) and planted a tree on the blvd
- she drew a diagram of tree in reference to the house
- the sewer pipe in the street is clay; their pipe is cast iron
- their sewer backed up May 10, 2013; they had never had a problem with the sewer before; it was full of tree roots, which took the men 6 hours to clean out the sewer pipe out to the street where it was blocked; they believe the root invasion came from the clay pipe
- the cost: \$1,065.80, which they didn't have; (they needed to borrow the money)
- they filed a claim with the city to be reimbursed for the cost
- the people who cleaned out the sewer told them that they would probably need to clean it out every 2 years because of the tree roots
- the pipe in the street has to be very, very old
- they were assessed for the new street and curb (2011); at the time, they had the choice of having that street pipe replaced; accidentally, her husband signed a piece of paper that consented to have the pipe replaced (they weren't going to have it replaced) so, we were assessed another \$2,700 for it

Mr. Vietor:

- when the curb and pipe were put in, they company had a camera and photoed the inside of their sewer pipe and it was perfectly clean; they never had a problem during all those years

Ms. Vietor:

- after it was all done, Xcel Energy told them to call them because sometimes gas piping is run through the sewer line and they wanted to make sure that there wasn't (they had also replaced some gas piping in the street)
- when Xcel Energy was in their basement, she was there, too, and met the man who goes into the sewer lines with a camera to check for gas lines; he told her that gas piping was not running through their sewer pipe; he also said that their sewer line was "in real good shape"
- a couple years later, we have all these tree roots
- they had to call a special truck to "jet out" the sewer line
- the tree is going to continually create problems for them; she would just as soon have the tree taken down but Parks said the tree cannot be taken down because it's healthy
- she didn't ask for the tree in the first place
- entered a copy of the sewer cleaning bill, claim form, etc. (Ms. Moermond scanned the material for the record)

Mr. Vietor:

- after they cleaned it out in May, 2013, they ran the camera down there again and said that it was perfectly clean; but they said that it would happen again because of the roots

Mr. Kosell:

- what the Applicant said is accurate
- the tree is about a 9-inch maple, planted 6-7 years ago
- trees are spaced about every 40 feet along that block pretty much in the center of the lot on the blvd, which could be close to the sewer line; typically, they try to plant a tree on either side of a utility line but they don't avoid planting trees because of people's sewer lines
- Greg, Forestry, who, unfortunately, just retired, reported back that there was nothing unusual about the tree; the tree is healthy so there would be no reason, according to city code, to remove the tree; the only other situation where they would remove the

tree would be if the Vietor's would have to dig up their sewer line and the tree would be directly in the way of that construction; then, typically, they'd come back and replace that tree on the blvd to keep up with the Street Master Plan, which calls for trees every 40 feet

- there is something that is causing the tree to be attracted to that sewer line or there could be another nearby tree that has roots that are attracted to the sewer line*
- typically, tree roots are attracted to a sewer line that has a leak or tile opening; maybe the joints aren't tight, etc.*
- it's either up to the property owner or Public Works*

Mr. Vietor:

- he used to work with sewer lines and is kind of familiar with what goes on*
- when you seal a clay joint, you use cement, which, if you aren't careful, you may not get all the way around tightly; with cast iron, it's done with lead, so you don't have that problem*
- they began to have problems after the city removed part of the sewer from the street to their property; they did not have problems before*
- now, if the tree can't be removed, it is likely to happen again in about 2 years, how can they avoid this?*

Ms. Moermond:

- would like to know what Public Works might be able to share about this situation*
- is not prepared to make a decision on this at this time*
- the code is crystal clear - Mr. Kosell is spot on; they cannot remove healthy trees*
- will lay this over for 2 weeks to Jun 25, 2013 LH; she will put a report on the record at that time*
- City Council Public Hearing Jul 24, 2013*

Laid Over to the Legislative Hearings due back on 6/25/2013

Staff Reports