



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final - Final-revised

Legislative Hearings

Marcia Moermond, Legislative Hearing Officer
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651-266-8585

Tuesday, December 22, 2015

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Remove/Repair Orders

- 1 [RLH RR 15-13](#) Ordering the razing and removal of the structures at 870 FULLER AVENUE within fifteen (15) days after the June 3, 2015, City Council Public Hearing. (To be referred back to Legislative Hearing on January 26)

Sponsors: Thao

Laura Krenz, Lindquist & Vennum LLP, appeared representing E. Diane Smith, owner.

Andy Barnett, NeighborWorks, appeared.

Greg Finzell, Rondo Community Land Trust, appeared.

Inspector Steve Magner, Vacant Buildings:

-read letter from Mai Vang dated Dec 10, 2015 (attached)

-received document from Lindquist & Vennum LLP dated Dec 18, 2015 (attached) including estimated timeline for probate work, which takes us to Jun 2016 provided there are no medical assistance claims, which there may be

Ms. Krenz:

-is doing this pro bono; Ms. Smith signed the agreement to engage her services

Mr. Barnett:

-has a resolution from the board of NeighborWorks about paying money for an attorney if he needs to do that (entered a copy)

-spoke with E. Diane Smith yesterday afternoon; her health won't allow her to be here today; they have moved since he met with here two weeks ago; they live South St. Paul, now

-the interior of the house is not yet cleaned out

Ms. Krenz:

-it will take a long time because it's a process to which some contingencies have been built into; they will do it as quickly as possible

-if there's a medical assistance claim, it will take longer

-Jun 2016 is realistic

Ms. Moermond:

-was troubled that Rondo Land Trust didn't have any knowledge of what Mr. Barnett was doing in their name; it makes her question his ability to handle the coordination of this project moving forward

Mr. Barnett:

-he has email correspondence with Greg Finzell that made it appear to him that the path was clear to them and that was what he was basing his statements to Ms. Moermond on; doesn't believe that Mr. Finzell was copied on Mr. Barnett's email to her two weeks ago

Mr. Finzell:

*-most of our correspondence was by phone
-after the last hearing 2 weeks ago, Mr. Barnett said that Ms. Moermond wanted him to be here, in case it falls through with the family*

Mr. Barnett:

-I said that she wanted you to be here with a letter from your board (has that in an email)

Mr. Finzell:

*-we were still under the impression that the family was involved
-it was the email on Fri and the letter that made no mention of the family nor the Davises and it's his understanding that Malik Davis hasn't been communicated to in 2 months; you called him yesterday at my request*

Mr. Barnett:

-spoke with Malik when they failed to appear at the hearing in Oct, 2015, he said they weren't interested in pursuing the property any more; in his mind, that satisfied him; they had a chance to pursue the same strategy that we're pursuing now and they opted to not do it and to not appear at the hearing

Mr. Magner:

*-he is not clear on the strategy; thinks we need to walk thru it - clear for the record
-right now, we have a nuisance building; no one is caring for it; there's been interest from the neighbors; how will we move forward with one of the parties being deceased and the estate hasn't been probated; there are at least 2 heirs; one party is on the ownership, who, we have been told is willing to transfer title to some agency but we don't have any documentation to verify that....
-we need clear steps as to how moving forward would happen*

Ms. Krenz:

-from the information they've gathered so far, they will be able to file a petition for a determination of dispense (to get done by end of Jan 2016); once that's done, they need to obtain a certificate of clearance from medical assistance (they take whatever time they want; hope that's done sometime before Mar 1, 2016; if there are no medical assistance claims, we can move forward with the hearing on the petition; if there are medical assistance claims, we need to assess (ideally, they would waive the claim because right now, the cost of rehab is probably more than what it's worth); let's assume that there's no medical assistance claims; then, in early Mar or late Feb, we'd have a hearing on the petition; the probate court would put the property in the names of Juanita Oliver's heirs: E. Diane Smith and her brother James Oliver; based on what she's heard from Andy, both have indicated that they are interested and willing to convey the property to Rondo Community Land Trust

Ms. Moermond:

-from her understanding, E. Diane Smith owns 3/4 and her brother owns 1/4

Ms. Krenz:

*-once the property is in James Oliver's name, partially, he would convey his part either to E. Diane directly or to Rondo Community Land Trust
-hasn't yet met with E. Diane Smith but she will*

Ms. Moermond:

-has there been any indication that Mr. Oliver is going to do this?

Mr. Barnett:

*-spoke with Mr. Oliver on the phone a few times; he has expressed his interest in doing whatever his sister plans to do with the property
-haven't been able to get in contact with him to get a quick claim deed or anything like that*

Mr. Magner:

*-concerned that if probate happens and Mr. Oliver owns a quarter, Rondo can't accept the property until both parties file either a quick claim to one another and transfer it or there's some other type of transaction
-we don't have any clear documentation moving forward; his concern is that maybe 6 months down the line, we still can't get a hold on Mr. Oliver nor do we have any type of documentation or proof that this will forward.....,*

Mr. Barnett:

*-he shares all of those same concerns
-he may be the only one in the room that is fighting to mitigate the nuisance in this particular way*

Ms. Moermond:

-with this amount of staff time being spent, the city could have seen 4-5 houses rehabbed, easily; and there are still some big question marks about whether this can happen and it will be cloudy for at least another 7 months; then, we may still not have a viable rehab plan

(A short recess was taken to pull some correspondence)

-email dated Sep 24, 2015, copies her staff, Amy Spong, Vicki Sheffer, Greg, Steve from Mr. Barnett (attached)

-these emails don't prove to her that you are walking arm in arm with Rondo Land Trust; it says that you have an idea

-asked who Mr. Barnett's employer is

Mr. Barnett:

-his employer is The Family Housing Fund; he works for an initiative that they have with the City of Saint Paul called the Frogtown Rondo Home Fund - to work on neighborhood stabilization in Rondo and Frogtown, including vacant buildings, creating home ownership opportunities, etc.

-we were looking at other paths to address vacant buildings and build up an inventory of lower cost rehab projects that can become affordable housing

-we were able to work with the state to create a development subsidy that would help bridge the gap with the county; the county sells it to the HRA; HRA passes it thru to the CDCs and we apply a development subsidy

Mr. Finzell:

-Rondo wants to know where the family is; want to have a sense of what the family really wants; and they want to re-visit one last time with the Davis family to make sure that we're all clear as to their interest, if any; first we need to communicate and make

sure that everyone who has an interest can tell us where they are and what they want; then, collectively, we can make a decision
-we surely can do this project - we are capable but there's a neighborhood piece we need to first figure out with the family
-we are uncomfortable at this point with some of the unknowns and communication

Ms. Moermond:

-we need to know from E. Diane Smith and her brother if they are willing to go forward with this; if they aren't going to sign it over, we are spinning our wheels; if they come into agreement with the Davis family..... - the City will not allow a house to be transferred without having the nuisance condition mitigated once that is has been determined so; she can only transfer it to a nonprofit rehabilitation organization associated with the housing area development agency or to the HRA; if we are working with the Davises, she must retain ownership during the time period in which they are doing the rehabilitation - then, the ownership could transfer from her to them
-thinks that Mr. Finzell is right: we need to have people get together who are interested parties in this transaction
-if Rondo is going to do this project, is the money available in 2016?

Mr. Finzell:

-we would simply update the resolutions passed by the board and double checking with the finance people
-they have 2 funding sources, potentially 3
-we can have all this worked out by Jun 2016

Ms. Moermond:

-at this point, she will be looking at Mr. Barnett as a facilitator
-she is looking for Ms. Smith to be represented by Ms. Krenz
-Rondo Land Trust will be in the receiving end - getting phone numbers to people
-we need to know where James Oliver is
-we need some commitment from Ms. Smith that they are willing to go thru with this - an Affidavit; or Purchase Agreement with the Davises

Mr. Finzell:

-will facilitate getting everyone together; he knows the Davises
-thinks he can get everyone together in early Jan 2016

Ms. Krenz:

-she will try to speak with James Oliver and initiate things

Mr. Magner:

-as part of the package there needs to be a Purchase Agreement; but really, there has to be a Contractual Agreement if the Davis family was to move forward with their original project

Ms. Moermond:

-let's talk again Jan 26 LH to see where things are at and if we will be moving forward
-LAYOVER to Jan 26, 2016 LH

To be referred back to Legislative Hearing on January 26.

Referred to the City Council due back on 1/6/2016

2 [SR 15-113](#)

Reviewing request for Council to reconsider its Order to Remove or Repair the Structures at 929 SEVENTH STREET WEST.

Sponsors: Thune

*Ryan & Tina North, potential buyers, appeared.
They are going to the closing right after this hearing today; the closers bailed on them yesterday*

*Ms. North:
-first bid came in so insanely high, they needed to pause and get other bids
-they needed more time to research the costs of the project*

*Mr. North:
-they talked with a couple general contractors; also explored being their own general contractor with a project manager to help bring costs down
-the project should be able to be done between \$400,000-\$500,000
-brought the checkbook for the performance deposit*

*Inspector Steve Magner, Vacant Buildings:
-talked with his staff this morning; Mr. Soley was in conversation with Mr. Ryan this morning
-so far, there's no code compliance inspection
-will need full architectural drawings with engineering; will take some time to create because their use of the building is different from the other uses that have been brought to this body
-the Vacant Building fee has gone to assessment; they generally get paid at time of closing
-the \$5,000 performance hasn't been posted; will be paid today
-his concern and the concern of Larry Zangs is the parking; after the plans and engineering, how do you overcome the lack of parking issue in order to move forward with your project; you are creating an assembly use, the original use, which means people will be coming*

*Ms. North:
-they are going to apply for a variance; also, they've talked with W 7th Federation about their parking facility; also, the church and school; hoping to come up with good solution to solve any parking problems
-the parking requirement here is 1 space per 4 people = 40 spaces*

*Mr. North:
-speaking with other business owners along West 7th - they are all very excited and we'll have their support*

*Amy Spong, Heritage Preservation Commission (HPC):
-sounds a little like the Stepping Stone Children's Theater; they have a very small lot; they worked out an arrangement with Wm Mitchell Law School (a file to look at)*

*Ms. Moermond:
-they came to the table with some parking space arrangements already; there wasn't a complete variance of all the parking spaces; having that will make your application that much stronger*

*Mr. North:
-they are currently working with Sunrise Bank for a loan; not a full commitment but the agreement is very close
-they also have spoken with Wells Fargo for a loan*

*Ms. Moermond:
-suggested that they look at other resources for grants & loans*

Mr. North:

-it's sounding like their project is falling within the scope of a lot of these grants
-entered a rough sketch (scanned)

Ms. Moermond:

-is happy that they are working on this
-let's talk again in a few weeks; you will have closed by then and have some more concrete numbers from different contractors
-LAYOVER to Jan 12, 2016 LH
-to make sure all bases are covered

The potential buyers need to provide financial documentation and architectural drawing/plans for the next hearing and making sure that the vacant building fee is paid at the closing.

Laid Over to the Legislative Hearings due back on 1/12/2016

3 [RLH RR 15-47](#)

Ordering the razing and removal of the structures at 373 RUTH STREET NORTH within fifteen (90) days after the January 6, 2016, City Council Public Hearing and 90 days for the site work to be finished.

Sponsors: Finney

Robert Dreher & his wife, Vicious Properties LLC, sellers, appeared.
Remi & David Iselewa, buyers, appeared.

Ms. Moermond:

-no one appeared at the hearing 2 weeks ago, Dec 8, 2015

Inspector Steve Magner, Vacant Buildings:

-read the letter that went out Dec 9, 2015 (attached)

-12-9-15: Robert Dreher came to the office thinking the hearing was Wednesday. City Council Public Hearing is January 6; will refer the matter back to January 12 Legislative Hearing.

-he repeated the staff report of Dec 8, 2015:

The building is a one-story, block/masonry and steel girder, commercial building on a lot of 35,284 square feet. According to our files, it has been a vacant building since January 6, 2012.

The current property owner is Vicious Properties LLC per AMANDA and Ramsey County Property records.

On September 17, 2015 an inspection of the building was conducted, a list of deficiencies which constitute a nuisance condition was developed and photographs were taken. An ORDER TO ABATE A NUISANCE BUILDING was posted on September 30, 2015 with a compliance date of October 30, 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 \$228,400 on the land and \$46,700 on the building.

Real estate taxes are current.

The Vacant Building registration fee was paid by assessment on January 30, 2015.

As of December 7, 2015, a Team Inspection has not been done.

As of December 7, 2015, the \$5,000 performance deposit has not been posted.

There have been twenty (20) SUMMARY ABATEMENT NOTICES since 2012.

There have been nine (9) WORK ORDERS issued for:

- Garbage/rubbish
- Grass/weeds

- Snow/ice

Code Enforcement Officers estimate the cost to repair this structure exceeds \$75,000. The estimated cost to demolish exceeds \$12,000.

Amy Spong, Heritage Preservation Commission (HPC):

-this Texaco filling station was built in 1963; it's a modern pre-fabricated commercial property

-it is 52 years old so, technically, it's considered old enough to be considered and evaluated for the national register

-we have very few contact studies completed on the history of the development of the automobile and structures related to that; we have recommendations by consultants and we do have a transportation context study that focuses mostly on University Ave

-we have recommendations that we need to further study auto garages but from the earlier period on Grand Ave and on University Ave before they are mostly lost

-there were no recommendations to look at filling stations, although we have some earlier ones that are threatened because there are fewer garages and filling stations in St. Paul; and there's definitely a movement to be less car dependent

-we do not have enough information to understand the full context to even know if this is a good example of it's style - it doesn't seem like it's been altered all that much

-got a letter from SHPO; they have no information to go off of for these more recent properties; we don't have a mid-century modern context study but we do have some early lists that have been started of mid-century buildings in St. Paul

-this building has a steel frame, pre-fab metal service station area with an angle projecting flat roof and maybe there's been some infill of metal panels; it's obviously been painted over the years

-filling stations are gone and that does impact integrity when we are evaluating filling stations

-no pumping stations left

-this does not have the potential for designation and demolition would not have an adverse effect

Ms. Moermond:

-this has been vacant since 2012

Mr. Dreher:

-purchased property Jan 17, 2015

-he has another business; it's his own fault for not getting together with the city and putting together a plan; he thought that he just fix it up

-inspectors came out; he fixed the windows, etc., they came back in Aug and had a tag and they mentioned this hearing

-he did not want to put any more money into it; so, he decided to sell the property

-the Iselewas are going to close on this Dec 29, 2015 and will tear it down

-tanks have been removed

Mr. Magner:

-all Orders were done by owner

Mr. Iselewa:

-intends to start developing in Feb 2016

-they need to go thru the city to knock it down; they will be taking it down themselves

-they plan to build a laundromat

Ms. Moermond:

-this is scheduled to go before City Council Jan 6, 2016

-normally, they will adopt a Resolution orderinbuilding demolished within 15 days; if that doesn't happen, the city will undertake the demolition and put the cost of the

demo onto the property taxes as an assessment

-noted that the city gets very good prices for knocking down buildings; the city is a very reliable customer

-she'd like to see this demolished before the rehab plans are all pulled together

-she wants to make sure that the zoning is right for what the new owners want to do; if not, you'll need to go thru the process of changing the zoning

Mr. Magner:

-DSI would like to have a definite date in the resolution to act upon; Feb is fine

-the demolition and re-use of the site might have similar business uses; but the site probably needs to be altered and a full site plan would have to be submitted, which would include the paved areas that will be used for parking and for access to the site;

-he spoke with zoning prior to this hearing and they are concerned about the curb cuts and the access to the site; some of those might have to be re-done

-DSI is OK with them tearing the building down but they can't leave the parking lot and curb cuts unless they are planning to re-use the site right away

-signage might also be part of that conversation

-they will need to get a plan from zoning as part of their site plan that clearly identifies where the curb cuts are going to be (there might be some issues because of the proximity to the interstate); you'll need to talk with zoning and Public Works about those curb cuts

-also, a lot of that lot is covered with asphalt; he doesn't think that much coverage will be allowed with the demolition; it's a change of use and a change of use means that you have to start from the beginning; you can't just use what's there

Ms. Moermond:

-the Watershed District would require that it couldn't be 100% asphalt as it is now

Mr. Magner:

-this needs to start with a site plan and how they are going to re-use the site, which will drive the demolition (signage, curb cuts and their parking lot most likely need to be removed or highly modified, if they are going to be used

-his concern is that they don't just tear the building down, leave the parking lot and curb cuts (because there's already an accessory use that's going on without a primary use: one of the neighboring businesses is using the lot for parking, which is not allowable under the code)

Ms. Moermond:

-wondering about the weather - removing asphalt and curb cuts; thinks that they won't be able to complete the site work

Mr. Magner:

-they can take the building down and do everything but replace the curb cuts

-as part of the zoning review when they get the demolition permit, it will be included in that; they need to be prepared and know that they will need to take out some of those curb cuts and replace them

-it's a possibility that the Ruth St. curb cut furthest to the north can stay but the curb cuts closer to the intersection, most likely, can't; although, they may be able to keep the curb cut on Hudson Road (need to be determined by zoning)

Ms. Moermond:

-will recommend that the new owners will have 90 days in which to remove the building (just the building removal knowing that there's going to be site work that will involve setting concrete, etc.); that's 90 days from the Jan 6, 2016 CCPH for the building to be down; the site work can continue and be finished in another 90 days after that

Grant 90 days for new owner to remove the building, knowing that there needs to be an approved site plan for concrete, curb cut and parking through Zoning; and 90 days for the site work to be finished; the property must be maintained.

Referred to the City Council due back on 1/6/2016

11:00 a.m. Hearings

Summary Abatement Orders

4 [RLH SAO 15-83](#) Appeal of Paul Kamp to a Summary Abatement Order at 1075 WESTERN AVENUE NORTH.

Sponsors: Brendmoen

Paul Kamp, owner, & son, Keith Kamp appeared.

Inspector Lisa Martin:

-Dec 10, 2015, an Order was issued for a trailer in the driveway full of appliances and other scrap metal; compliance Dec 16

-there have been previous Orders re scrapping at the property (Aug 14 and Aug 27)

-Inspectors Westenhofer and Seeley have both been out to this property several times for continuous issues

-could not get updated photos; Inspector Westenhofer is not in today

-some photos in the file

Mr. Paul Kamp:

-Kamps is my business next door; also own this house which is next to the business

-in his 32 years of business, he's probably received only 2 complaints; however, in the past 5 months, he's received about 50-60 complaints (has more rental properties)

-someone has some type of vendetta

-Dan scraps a little, he works for the public schools; he's not a full time scrapper; when he has an appliance, he gets rid of it in a day

-we've received complaint after complaint about every property they own for the past 6 months; what scares him is when does it stop?

-Dan's a really good guy; he's not running around the neighborhood grabbing things; he's a really good guy; just does scrapping on the side a little

-he spoke with Fire Inspector David Bergman the last time, who said that this didn't appear to be a big issue, he said that if he leaves it on the trailer and get rid of it; don't let it pile up.... if it's not in the driveway but on the trailer, it'd be OK; it's set back quite a bit; there's no alley; you'd have to be looking for it to find it

-there's a chronic complainer out there, who's directing complaints at him

-going forward, when does this stop?!

-Dan will do whatever it takes to get this to stop; he needs to know the rules; he thought he was following them

-his garage is full of stored holiday decorations for Halloween, Christmas, etc.

-this is sad; they have been in business a very long time and have contributed a lot;

it's sad that one person can do this to Dan and to my family

Ms. Moermond:

-Dan got some bad information; Dave Bergman should not have said that he could have scrapping going on there; there's no scrapping allowed in residential neighborhoods

Mr. Keith Kamp:

-ever since he and his buddy opened up a business that has had opposition (this guy is on the Land Use Cte; he's been at my house taking pictures, etc); since then, we've had complaints on every property we own

Ms. Martin:

*-from code enforcement's standpoint, they need to check out every complaint that they get to see if it's justified; if it's not, they don't send out a letter
-here, you have Dan, who's admitted that he has a scrapping business and we also have a commercial size trailer that he puts everything on; you can't keep that size of a trailer in a residential neighborhood
-we get hundreds of complaints every week throughout the city; if the complaint is founded, we will send a letter; you can always call and talk to that particular inspector (name and number is on the bottom) or you can call me if you need clarification or have questions*

Ms. Moermond:

*-is sorry that you have someone going out checking every one of your properties; that stinks!
-knows that you run a good business
-Dan will need to find somewhere to put the trailer; wants to give him a reasonable time period in which to do that
-deadline: Jan 8, 2016 to get rid of the scrap and the trailer
-MN State law forbids the city from disclosing who calls in the complaint*

Mr. Keith Kamp:

*-it's absurd that one person can have so much control over the rest of us; it's not right!
-will file a restraining order*

Ms. Moermond:

*-you can put up "No Trespass" signs
-put yourself on a rigid schedule of going around to check on your properties
-you can send your tenants a letter telling them the situation and encourage them to keep things in order*

Grant an extension until January 8, 2016 to remove the trailer noting that scrapping is not allowed at the property.

Referred to the City Council due back on 1/6/2016

Correction Orders

11:30 a.m. Hearings

Orders To Vacate, Condemnations and Revocations

- 5 [RLH VO 16-2](#) Appeal of Andrew Carbone to a Notice of Condemnation as Unfit For Human Habitation and Order to Vacate at 899 TUSCARORA AVENUE.

Sponsors: Thune

Grant until December 28, 2015 to restore the water or the property must be vacated. (No one appeared.)

Ms. Moermond:

-the Appellant, Mr. Andrew Carbone, told our front desk that he was going to be seeking county assistance this morning
-we don't know what's going on at this time
-so, either his water has to be turned on again by Mon, Dec 28, 2015 or he needs to vacate Dec 28; it will be checked Dec 29, 2015

Referred to the City Council due back on 1/6/2016

1:30 p.m. Hearings

Fire Certificates of Occupancy

6 [RLH FCO
15-347](#) Appeal of Nadya Poulson to a Fire Inspection Correction Notice at 1035 ARKWRIGHT STREET.

Sponsors: Brendmoen

Nadya Poulson, property manager, LPM Companies, appeared.

Fire Inspector Leanna Shaff:

*-Fire Certificate of Occupancy Inspection conducted Oct 22 by Inspector Brian Schmidt
-appealed is #29 - Repair/Replace parking surface in rear of building; requirement that they be paved with asphalt/concrete, a durable dustless surface
-photos*

Ms. Poulson:

*-entered photos of the back parking area; will email them; staff reviewed them
-the owner is not present; he was sick; he wanted to see if we can possibly leave it the way it is, even with the cracks; this building doesn't make any money; he can't sell it so, can we leave it the way it is or, if that's not an option, maybe we can use cheaper materials than concrete/asphalt to do the repair in the spring*

Ms. Moermond:

-wondering if there is any green on the property

Ms. Poulson:

*-in the front, there's some concrete, some grass and planters
-in the back, there's concrete/asphalt and rock; the back yard is pretty open but the parking area is not that big; there's grass in the back
-how much parking area is needed?
-the parking area doesn't seem to bother anyone; she talked to some of the tenants - they don't care*

Ms. Moermond:

*-we are looking at a mess and it is a violation of code
-would like to see a plan about segregating the parking area vs the rest of the property; looks like the original parking area has migrated; there needs to be a divider of some sort between parking and green grass*

Ms. Poulson:

*-there is no green space behind the bldg
-there are 4 units in one building and 2 units in the other building*

Ms. Shaff:

-pulled up aerial photo

Ms. Moermond:

-looks like one big parking lot

-problem: it's a degraded surface and there's too much hard surface; you need some surface that water can go through

-she can work with them on keeping it a cheaper surface

-she can work with them on some landscaping solutions, as well

-come back with a plan on how to approach that and a timeline

-deadline: Jul 1, 2016; if you can't manage that Jul 1 deadline, we will need to talk about that

-will give you time to discuss this with contractors

-the parking area needs to be limited and it will also be more affordable is it's smaller

Ms. Poulson:

-asked if it would be an option for them to put up a "No Parking" sign to avoid those repairs

Ms. Moermond:

-no, that's not an option; the area is a degraded, hard surface

-draw up a diagram and timeline; send it in by email and we'll review it

-find out costs from contractors; she is flexible on surface types

-do a sketch and we'll figure out lot coverage, dimensions, separate parking area from grass

Ms. Shaff:

-if this building is sharing parking with the other building, it might be in your interest to look at both as a whole; it will depend on the Order

Ms. Moermond:

-will Lay this Over to Feb 9, 2016 LH to discuss your plan

Laid Over to the Legislative Hearings due back on 2/9/2016

7 [RLH FCO
15-346](#)

Appeal of Charles Drake to a Re-Inspection Fire Certificate of Occupancy with Deficiencies at 1004 BEECH STREET.

Sponsors: Finney

Charles T. Drake, Painters Lane Properties, LLC, owner & property manager, appeared.

Fire Inspector Leanna Shaff:

-Fire Certificate of Occupancy inspection conducted Dec 3, 2015 by Inspector Efrayn Franquiz

-Orders \$3 - #8 are being appealed

-#3-basement: provide and maintain orderly storage of materials

-#4-basement: immediately remove & discontinue excessive accumulation of combustible materials

-#5-bathroom: MN State Fire Code 308.2.1 - don't put cigarettes out on the floor

-#6-various throughout the house; walls with unfinished repairs and painting

-#7-repair & maintain floor in an approved manner

-#8-repair & maintain ceiling in an approved manner; ceiling throughout house has large dark yellow stains, black spots and markings; paint the ceiling

-photos

Mr. Drake:

- I also have photos; shared and explained with staff
- he'd like to have those items rescinded
- there's nothing within 36 inches from the water heater and furnace
- doesn't understand why the tenant needs to get rid of storage in the basement
- cigarette burns on bathroom floor are not all the way thru the linoleum; it's still impervious to water
- what's the problem with the carpeting? = carpeting has been replaced
- there are some patches on the wall; the tenant took the liberty of doing the repair herself; it's not professional but there are no holes in the walls; they are painted
- ceiling - it's her style of cooking that is creating this = has been cleaned
- it would have been helpful if the inspector would have pointed things out as he went thru instead of just noting them on his pad

Ms. Moermond:

- that carpeting has been completely worn thru = has been replaced
- patching is pretty unprofessional
- smoke detector is in a really bad location

Mr. Drake:

- there's a smoke detector in the hallway near the bedrooms; that is a battery-operated one inside the bedroom; tenant had taken down some of the smoke detectors

Ms. Shaff:

- whenever a building is upgraded or modified in a unit, the building code is going to drive where the smoke detectors are required; some requirements are made within sleeping rooms; the Fire Code also says that if parts of a smoke detector is there, the whole piece needs to be there and be operable

Ms. Moermond:

- this is easily rectified
- storage should not be stacked right up to the floor joists; should be 2 feet below the lowest structural member
- there's a lot of burning material tightly packed; by the stairway has been taken care of
- looks like some of these conditions have been abated
- you're at least halfway there with orderly storage of materials in the basement
- burned bathroom floor:

Mr. Drake:

- long term plan for bathroom floor: she will be moving sometime this summer; that's when I'm going to be doing professional repairs in the house; it's so difficult to do when tenants are actually living in the house and there's only 1 bathroom
- it's very difficult working with this particular tenant; he wants to get here out so that he can repair & paint
- he is giving her Notice; potentially, she will be evicted
- he's had many fire inspectors before but this one was, by far, the most difficult one to communicate with; he didn't point things out to me as we were going thru

Ms. Moermond:

- looking for a Work Plan:
- smoke detectors in the bedrooms need to be moved, legally located within the next 2 weeks
- combustible materials need to be squared away within the next 2 weeks

-is not crazy about waiting for 6 months to get this work done
-deadline: work plan to be done in 90 days or the C of O will be Revoked
-you can go to the City Council Public Hearing and ask them for more time - make your case

Grant until January 6 for the smoke detectors and combustible materials to come into compliance; grant 90 days for the rest of the items.

Referred to the City Council due back on 1/20/2016

**8 RLH FCO
15-337**

Appeal of Jennifer Patraw to a Fire Certificate of Occupancy Correction Notice at 776 DESOTO STREET.

Sponsors: Brendmoen

Deny the appeal; no one appeared.

12/23/15: Jennifer Patraw came to hearing today. There is no hearing today so rescheduled to January 5.

Laid Over to the Legislative Hearings due back on 1/5/2016

**9 [RLH FCO](#)
[15-342](#)**

Appeal of Jane Hanson to a Fire Inspection Correction Notice at 637 EARL STREET.

Sponsors: Finney

Jane Hanson, property manager, appeared.

Ms. Hanson:

*-only 1 item: the whole upstairs is not considered a 3rd bedroom; the ceiling height is 7 inches too short; sometime after 1887, the third bedroom was put in sometime after 1887; the way the entrance to the third floor looks, it may have been original; don't know what the codes were back then
ceiling ht is 6'5" except for the skylight area which is 6'11"; the room is huge
-has been thru several other inspections and this has not been cited before
-asking for a variance
-she started managing in 2011*

Fire Inspector Leanna Shaff:

*-photos
-Fire C of O Correction Notice dated Nov 25, 2015 by Fire Inspector Joe Brown
-appealed is the upstairs bedroom in unit #2; code requires that all habitable areas have a ceiling ht of 7 ft over half the floor area; maximum ceiling ht here is 6'5"*

Ms. Moermond:

*-attic ceiling tend to be an issue these days
-it has had a C of O in this space
-is not thrilled about the amount of variance that you would require*

Ms. Shaff:

*-it received a Certificate of Code Compliance in Dec 3, 2008; from the record, it had been a Registered Vacant Building
-the last Fire C of O inspection was signed off by our staff at the same time of the code compliance; this folder was opened in 2008 for this process
-there's a gas permit in 2008; we've had some code enforcement issues; there's an active ventilation permit - has not been finalized; had a broken overhead garage door*

in 2011

-the registered VB file was opened in Jan 2007; code compliance certificate was issued Dec 3, 2008

Ms. Moermond:

-bring up the code compliance inspection report (a higher level inspection)

Ms. Shaff:

-it says, item #18 - the code compliance inspection report refers to it as an attic; building inspector was Jim Seeger

Ms. Moermond:

-wants to find out from Mr. Seeger what his standard practice is in these cases; she will also check with the building official on this

Ms. Hanson:

-there's a large walk-in closet in there; have smoke detectors; etc; it's huge and it's cute

-it's 18 x 28 feet; and if she can't rent the house as a 3-bedroom, it's basically unusable space, money-wise

Ms. Moermond:

-will check with Mr. Seeger

-you'll get a letter in a couple of weeks

Recommendation is forthcoming.

Referred to the City Council due back on 1/20/2016

**10 RLH FCO
15-343**

Appeal of Susan Dunlop to a Fire Inspection Correction Notice at 631 SNELLING AVENUE SOUTH.

Sponsors: Tolbert

Susan Dunlop and Joanne E. Schmitt, Joan's In the Park Wine Bar, owners, appeared.

Fire Inspector Leanna Shaff:

-kitchen hood suppression system

-Fire Certificate of Occupancy Inspection conducted Oct 21, 2015 by Inspector Wayne Spiering

-based upon current menu, an approved hood & duct ventilation fire suppression system is required; also the hole in the ventilation duct must be sealed in an approved manner and an approved grease cup must be installed on the exhaust on the roof; all done under permit

-the previous occupant cooked pizza in this kitchen; now, it's changed to broiling steaks, chicken, etc (there are a lot of grease laden vapors)

-Inspector Spiering did go through extensively with the city fire protection engineer, Angie Weise

-noted: bath vent fan permit has not yet been finalized

Ms. Dunlop:

-together each of them has at least 25 years experience taking care of restaurants

-prior to having their own restaurant, she worked for Morton Steak House that used broilers; before that she was with California Pizza Kitchen where she did pizzas

-she knows what's involved in maintaining a restaurant, keeping equipment clean, what produces grease laden vapors and how you have to maintain that and when

suppression is necessary

-they have deck ovens that they use to execute their menu; they're doubled-deck ovens

-they bought Grandpa Tony's Pizza Restaurant and ran it as Grandpa Tony's for 2 months before they converted it to Joan's in the Park with a menu change; when they were Grandpa Tony's, they cooked sausage, meatballs, chicken wings, etc.... her experience with pizza - there's just as much grease - cheese, pepperoni, etc. all kinds of things; pizza ovens produce grease laden vapors

-her position is that the most important thing is keeping everything clean; they clean their oven every Thu; every 6 months, the hood is cleaned

Ms. Moermond:

-what's the industry standard on that? (asking Ms. Shaff)

Ms. Shaff:

-typically, it depends on what is being cooked; for sure, every 6 months

Ms. Dunlop:

-when she was with Morton's and California Pizza, they had to clean it every 6 months

-pizza places operate 7 days a week for at least 12 hours a day with a huge volume; whereas a 38-seat restaurant, dine in only, we probably do an average of 55 covers a day, which is much less volume and much less grease; as you can see the ceiling in the photo, we painted that ceiling 5 years ago when we bought the restaurant and there's very little grease on it

Ms. Schmitt:

-we're open 5-10 pm 5 days a week; a lot less volume

Ms. Dunlop:

-she called 2 suppression companies; one could not schedule it; the other said the job wasn't big enough for them; so when Jerry came out, he looked at it and he called a few people about he didn't even understand how we could do it in that space - inside the flue and maintain it over a course of time; he said that he wasn't even sure how that would happen

-it's their restaurant and the last thing she wants to do it to have it burn down or cause anyone any difficulty or safety issues

-she'd be more than willing to clean it more frequently - 3 times a month or whatever

-it's upward from \$4,000 to do it

-other places don't have it

-Black Sheep Pizza needs to have it but they have a coal burning oven, a different situation; they have an open flame

-we don't have flames

-would like someone to explain how this fire might start because from everything she knows, this would not be something that would produce a fire; you have to have flames, which we don't have; you have to have some kind of stayed intense heat, which we don't have; the highest the temperature gets in the area of the oven on Fri nights when we're super busy is 119 degrees right by the chimney (photo)

Ms. Moermond:

-what's on the menu that has grease vapors?

Ms. Dunlop:

-prepares meats in the over; she has a pan into which grease may drop

-invites anyone to come out to see what and how they are doing what they are doing

Ms. Moermond:

-trying to figure out a way to talk about the food preparation style that would distinguish this from pizza and the expectation of fire associated with it vs pizza; let's carve something out where this could be done under condition (type of food, food preparation process, cleaning schedule, etc.)

-thinks we can work out something for your current tenancy and occupancy of space, if it stays the same

-she will review the code and see if there's a sensible solution with conditions that would allow this vent system to continue

-Gary is going to fix some of the repairs

Ms. Schmitt:

-there's is no flame anywhere in the kitchen; they have stove-top induction so there's none - no lingering heat

Ms. Moermond:

-what food; how it's prepared; cleaning measures you are willing to sign on to, etc.; craft a plan that I can respond to

-will LAYOVER to Jan 19 LH for reviewing materials; have the plan to us a few days ahead of time so she can read it

Owners to provide a proposal plan for what kind of foods is prepared in the kitchen.

Laid Over to the Legislative Hearings due back on 1/19/2016

**11 RLH FCO
15-344**

Appeal of Jeff & Judy Otto to a Fire Inspection Correction Notice at 391 TOPPING STREET.

Sponsors: Thao

Jeff & Judy Otto, Otto Investments LLC, owner, appeared along with general manager, Drew Engleman.

Fire Inspector Leanna Shaff:

-Fire Certificate of Occupancy inspection conducted Nov 17, 2015 by Inspector Mitch Imbertson

-there's a variance on file from 1991 allowing pallet storage to 10 feet high (4 feet higher)

-15 deficiencies were cited in the Orders

-Appellant needs more time to comply

Mr. Otto:

-provided context in which they are currently operating: when they purchased the building 27 years ago, they were given a Certificate of Occupancy; 3 years later, the fire marshal came and said they couldn't do this business here; had they said that on day ONE, 27 1/2 years ago, they would not have purchased the building; at that time, they appealed and received a variance

-the building is huge - 75,000 sq.ft.; we are a small business in a big bldg

-the reason they could afford that building is because it sat vacant for years and it was in bad shape when they purchased it; it's an amalgamation of bldgs;

-in the 27 1/2 years that they have owned it, they have paid in excess of \$1M in property taxes on that bldg; current rate is \$45,500 /yr

-they employ 33 people, 24 of which are minorities

-since 1999, they have paid \$13,000,600 in wages to employees, not including his wife and himself; this last year, they paid \$855,000 for employees

-in the last 10 years to keep their doors open, they have had to borrow just under \$900,000 against that bldg

-when the bad business times hit in 2008-09, they managed to keep the bldg open and keep people employed but they had to do that at great cost to themselves
-he is 70 years old and they planned that the building was to be their retirement income; the building is their biggest asset; we care about the safety of our employees; 3 of their employees have worked for them 30+ years; we've become friends with those people who work for us for a long time - they're not just employees; the majority of the employees are laborers living in the community, which is important to St. Paul; many with criminal backgrounds, who are trying to re-establish themselves; many, also, are overcoming substance abuses; we've cooperated with Ramsey County Workforce

-basically, they need more time

-after 2008-09, his brother and sister-in-law had been managing the business on a daily basis, they burned out and left; everyone took reductions in income, etc; they hired a woman to replace his sister-in-law, who was taking care of the office; she was there about 5 months and one day, she just didn't show up without any notice; the next woman, whose references were checked thoroughly; within the next 6 months, she had embezzled \$85,000 from them; they had insurance but she had an accomplice and they knew what they were doing; they had been convicted of it before; the insurance paid the \$85,000 but she screwed up the books so bad that it took them until 3 months ago, where can once again rely on what they're looking at; in the meantime, they had been trying to manage a business and did not know their financial situation

-the next woman who was hired did everything - all the office work; in Feb 2015, she did not show up for work on a Mon morning; she was 23 years old and we got a call that she was found dead in her apartment; they hired a replacement, a 40-year old guy - wonderful; in Jul, he didn't show up for work; we kept calling, emailing - he didn't answer; he died that weekend from meningitis; he had HIV but he had been healthy for years; he didn't know how sick he was

-we started to comply, our own maintenance man doing the work and last week, he didn't show up for work; by Wed, he called in and said that he wasn't coming back anymore

-we need more time; now, he is no longer with us to do even the minor things

-we don't disagree that these things need to be done; affordability and time are our issues

-2014: he put \$17,000 into the roof; this last year, we put \$1285 into the roof; in 2010, we put \$24,000 into the roof; it still has some leaking spots; he's talked with Peterson Roofing and he estimates it would cost \$216,000 now to do one portion of this huge building (the flat roof); the cost has jumped 20+% from a year ago

-the next biggest item: fire suppression system; in 1991 after that first inspection, he looked into it; the City of St. Paul Water Dept does not have volume of water nor the pressure needed that is being asked of them at this location for the fire suppression water system; then, they were given that variance; the Fire Marshal has known ever since 1991 that is the case; the Water Dept wants he and his wife to pay to bring the water down to the building; the Councilmember said that if the Water Dept doesn't have it there, it should not be his responsibility to bring it down; he asked a lot of people several times over the years as to what that might cost; they told him that they had never seen a requirement as stringent as what is being asked of them; if Summit hasn't seen it, something seems to be askew here

-after the last time he was here, he called the Fire Marshal and asked him to come out and talk with him to see what alternatives they might explore; he never returned the phone call and he never came out to see him; he has tried since then, too

-when someone comes into your door and says, "We're going to put you out of business in the way you are in business;" it's not an easy emotional thing to deal with; they've had other confrontations with the Fire Marshal; he admits that's half is his fault; he doesn't like it when someone comes in and threatens him the way they've been threatened (loud voices, swearing at them); he wants to bring that all to a close

and go on to a new page with the Fire Marshal - actually have some co-operative meetings, where it's not all black and white
-they cannot stay in business in St. Paul with the restrictions that are on them right now

Ms. Moermond:

-asked staff what the critical safety-wise items were in order of safety; how do we approach those things and give Mr. Otto a chance to do a capital improvement plan to deal with those things

Ms. Shaff:

-she sees a couple of critical issues: the high storage level, which has been an issue for a very long time; in 1991, a variance was granted-max of 10 feet; when Inspector Imbertson went thru, the wood pallet stacks were in excess of 16 feet; the aisles also need proper separation; securing the LP cylinders, which needs an electrician to come in; open circuit breaker slots, damaged wiring, frayed extension cords - all the electrical items together with highly combustible materials is a huge concern (a re-distribution of what's being stored and an electrician to repair)
-the big thing for Mr. Otto is the roof; quite a lot of money

Mr. Otto:

-the re-distribution of pallets is the biggest, most unacceptable thing to do to stay in the business that they're in; they go into St. Paul businesses all the time, that have pallets stored higher than ours and next to each other; seems as though they are being singled out (contentious relationship)
-they have continually put money back into this business to keep it going; we've done a good job; but financially, they are strapped; he's not sure there's a lender that would lend to them; several years ago, the Councilmember said that he had some grant money, etc., that he would make available for us; he's no longer the Councilmember; when he called his current Councilmember, they had no money to make available; he's been looking for support from some entity to get this accomplished; all of their insurances were dropped last year because of the embezzlement; had to find new ones; we're paying \$5,000 more per month than they were 1 year ago

Ms. Moermond:

-wants to go back and look at the previous files; perhaps, it might be useful for her to go out there and take a look for herself
-the building is 1 level but ceiling height varies so the storage height would also vary

Mr. Otto:

-some items listed will not be big issues to take care off; maybe looking at 60-90 days just to get someone out to get that stuff taken care of
-certain sections of the building have no power

Ms. Moermond:

-wants to look more carefully at the records; she has looked at this building before

Mr. Otto:

-what seems to be forgotten in the hearing process is that we were given the right to do this in the building in the beginning and it took 3 years for the city to say, "No;" or my wife and I would not have purchased the bldg (changing the rules in the middle of the game)
-is asking for support and co-operation
-we've been told that the people we employ are important; that we're doing a good thing

Ms. Moermond:

- she is hearing this loud and clear*
- will review the past and get a feel for where things are at*
- Layover to Jan 19, 2016 LH*

Laid Over to the Legislative Hearings due back on 1/19/2016

2:30 p.m. Hearings

Vacant Building Registrations

- 12 [RLH VBR](#)
[15-105](#) Appeal of Terrell Bellfield to a Vacant Building Registration Fee Warning Letter Requirement at 950 MCLEAN AVENUE.

Sponsors: Finney

Terrell Bellfield, owner, appeared.

Matt Dornfeld, Vacant Buildings:

- became a Category 2 Vacant Building Jun 17, 2014 per Inspector Dave Nelmark; he found the building vacant and opened to entry, which appeared forced*
- Inspector Nelmark issued a Summary Abatement to have front door secured; numerous cats in dwelling; complaint file with Animal Control; chimney has loose bricks & mortar - appears ready to fall; roof shingles are loose, worn & deteriorated; cracks in foundation; rotting wood, peeling paint on doors, windows, frames, siding & porches; debris on front porch and throughout yard; tall grass & weeds; electricity turned off and Condemned by Code Enforcement Jun 17, 2014*
- Mr. Bellfield went thru our Sale Review process and was approved Aug 31, 2015; he purchased the house from HUD; so, there was a Vacant Building fee waiver in place at the time Mr. Bellfield purchased it*
- Aug 5, 2015, Ms. Moermond granted a 4-month VB fee waiver to have all the code compliant issues taken care of; that extension expired Dec 5, 2015*
- all permits are pulled and still open*

Mr. Bellfield:

- he's been at the mercy of contractors; they are almost done with what they have to do; he is in the process of doing drywall so that the electrician can come and have his things finalized; he's purchased sinks so that plumbers can finish*
- everything that's left is cosmetic or aesthetic*
- he just needs more time; although he did mention to each contractor that time was of the essence, especially the plumber and HVAC guy (they said they'd get back to me when they could)*
- he's close, just not quite there yet*
- asking for an extension*

Ms. Moermond:

- there's already been an extension in place*
- she is not asking him to pay the entire VB fee; however, if this bill goes unpaid, it will become an assessment onto your property taxes; that assessment can be appealed; we will let that process start and you will appeal that assessment when it comes forward; then, she can prorate it*
- now, she will deny your appeal*
- you will get the assessment letter in the mail in about 4-6 weeks*

Deny the appeal; anticipating the VB fee may be decreased at the time of

assessment.

Referred to the City Council due back on 1/20/2016

13 [RLH VBR](#)
[15-106](#)

Appeal of Ian Houmas, Adonis Eco Housing, to a Vacant Building Registration Fee Warning Fee Requirement at 1036 MINNEHAHA AVENUE EAST.

Sponsors: Bostrom

Ian Houmos, Adonis Eco Housing, owner, appeared.

Matt Dornfeld, Vacant Buildings:

-derived from Inspector James Thomas

-per Inspector Tom Friel, this was made a Category 2 Vacant Building Oct 29, 2015

-Mr. Friel's notes: 2-story wood frame single family house is vacant and secured;

referred by Fire Inspector James Thomas due to a Revoked Fire Certificate of Occupancy; house has broken windows, missing/defective screens, storms; back entry door in disrepair; electrical meter missing; holes in retaining wall; tall grass & weeds in yard; wood debris, rubbish, roofing material inside and in back yard

-per Fire Inspector's recommendation, he opened a Cat 2 VB file and issued Correction Notices to cut grass and to clean-up yard

-Inspector Thomas' last notes were back in 2013 but he doesn't appear to have Revoked it until just recently (what he sees in STAMP)

Mr. Houmos:

-Adonis Eco Housing is a small nonprofit; they have had this house for quite some time

-this is their first project; they started to work with the Greater MN Housing Fund; since 2014, have parted ways with Greater MN Housing Fund (was too much for them);

-put a high efficiency boiler into this house; all windows are new (one storm was shot out with a neighbor's BB gun); cabinets are in place in kitchen

-some of their permits have lapsed, which they need to renew, especially for electrical

-had just finished with mechanical and were going to have an inspection and this happened

-they have literally, 4 weeks of work to do yet

Ms. Moermond:

-when you are defined as a Cat 2 VB, you need to get a Code Compliance Inspection Report and do the repairs on that report to bring the property up to minimum compliance; you have already initiated those things; in the normal course of events,

you would not have been able to pull permits until you had that inspection report

-she doesn't want to put him in a position of slowing him down because of this; thinks that there has not been very clear communication

-she will look for him to get this C of O re-instated and to have permits pulled when you need them

-asked Ms. Shaff if we could get a nice thorough C of O inspection on this property (she said, "Sure"); we'll create a new list

Mr. Houmos:

-he didn't even know that the C of O had been pulled or

Ms. Moermond:

-Inspector Shaff will either assign someone or do it on her own

Ms. Shaff:

-Inspector Thomas will do the inspection and a list will be created

Ms. Moermond:

-after the list is created, you need to get those things done and you'll get the Fire C of O back again

-the VB fee is here and you think you'll be done in 4 weeks

Mr. Houmos:

-just recently, Brian from Craig Mechanical had a heart attack (who needs to sign off on our boiler permits)

Ms. Moermond:

-call Inspector Thomas right away today before 4 pm to schedule an inspection; it's Christmas week and he's on vacation tomorrow per Ms. Shaff

-we will talk again in one month: Jan 19, 2016 LH

Laid Over to the Legislative Hearings due back on 1/19/2016

14 [RLH VBR
15-104](#)

Appeal of David R. Busch, DRB #24 LLC, to a Vacant Building Registration Requirement at 435 THOMAS AVENUE.

Sponsors: Thao

David R. Busch, DRB #24 LLC, owner, appeared.

Matt Dornfeld, Vacant Buildings:

-he opened a Category 1 fire exempt Vacant Building file per a fire inspection referral due to a Condemnation due to a fire; he took photos of the exterior fire damage and debris that remained in the yard; posted VB placards

-a couple of days later, he spoke with Mr. Busch over the phone and explained the Cat 1 VB fire exempt process; he also asked him to clean up the yard when he could

-the VB fee has been held for the 90 days due to the Ordinance (fire exemption)

-now, we are monitoring the house until the Certificate of Occupancy is re-instated

Fire Inspector Leanna Shaff:

-they received a referral from the Fire Dept on Nov 24, 2015

-emailed the photos from the fire this morning

-Inspector Huseby was out there and went thru the bldg; she Condemned the bldg in the Fire C of O Program and referred it to the Vacant Building Program

-there's been extensive damage: holes in exterior, etc; some work will need permits; there's extensive clean-up

-no open permits as of today

Mr. Busch:

-the tenant left voluntarily after the fire

-it's a single family home

-he is talking with his insurance company

-in his mind, the inspector jumped the gun; she said that she Revoked it because there were no usable bathrooms; that house has 3 bathrooms; and it's his understanding that the fire was outside the plaster board and the house itself was damaged by the water; he had all the materials pulled out within 24-48 hours

-has a letter from his contractor indicating that it's his view that the house is habitable currently as he does the repairs; there's 4 livable bedrooms and 1 livable bathroom; the damage is exterior except for the water damage in 2 of the bathrooms and the rear entry way; it's relatively unusual that the fire started on the outside of the plaster board

-all systems in the house are workable; he doesn't think it should be Condemned at all

Ms. Moermond:

-most troubling to her is that the fire investigator found that the tenant reported the fire in the ceiling joist above the entry way to the rear kitchen; the tenant reports being home and there was nothing unusual that night until she heard voices and then saw fire above the entry way; there was a very small fire in a different part of the property that was caused by an electrical defect approximately 1 month ago; no breakers were tripped; there was no competent ignition sources in the area of origin apart from electrical; the first material ignited was wood or insulation; the ignition source from heat from a faulty electrical system; accidental factors brought these together; the classification of fire is accidental

-Inspector Huseby writes: building is Condemned for extensive interior fire damage -she is concerned about the electrical system; regardless of the location of the fires, the electrical system operates throughout the house; and that these things occurred but didn't trip the breaker

Mr. Busch:

-he also has a letter from his electrical man, who was out there and secured the place; he, too, says the place is ready for use

Ms. Moermond:

*-she wants an electrical inspector to look at it;
-she thinks that this needs to be a Cat 2 VB given the state of the electrical system and her lack of confidence in it right now
-she needs to know that it can be safely operated*

Mr. Dornfeld:

-noted that this is a Cat 1 VB, fire exempt

Mr. Busch:

*-thinks that the VB fee is waived for 90 days and if you would, in a sense, set this off until Jan 19, 2016, he will have it done by then
-the insurance company has released him to do the work on the property*

Ms. Moermond:

*-thinks that this needs a Code Compliance Inspection; she will send it to the Council as quickly as she can so that you can talk with them sooner than later
-City Council Public Hearing will be Jan 6, 2016*

Mr. Busch:

-he understands that enforcement is stayed pending the City Council meeting

Ms. Moermond:

-that doesn't mean that you can put new people in it; if it's Condemned and a temporary decision needs to be made before it goes to Council because the nature of the Condemnation, she needs to make that decision; and her decision would be 'No, it cannot be occupied in the interim before it goes to Council'

Mr. Busch:

-can I pull permits at this time?

Ms. Moermond:

-No; not until you have a Code Compliance Report unless the Council says otherwise

Mr. Busch:

-and why is that; he has an electrical and construction issues that need to be repaired; no other areas of the building are affected

Ms. Moermond:

-she is not confident about that; she needs to have an inspector go thru and check

Mr. Busch:

-that's 4 inspectors then and a delay of 30 or 40 days

Ms. Moermond:

-she wants an electrical inspector go thru prior to having a permit being pulled so that person could evaluate the space and what needs to be done

Mr. Busch:

-an electrical inspector would come and inspect the work anyway after the work is done; can I ask an electrical inspector to go out there

Ms. Moermond:

-you can ask Mr. Steve Ubl, the building official; he's in charge of all trades; he has all this information in the computer

Mr. Busch:

-it now renders my property open for vandalism, etc., etc.

Ms. Moermond:

Allow for permits to be pulled; fire exempt vacant building category 1; VB fee is held for 90 days. The property must not be occupied until the Fire C of O is reinstated.

Referred to the City Council due back on 1/20/2016