



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final Legislative Hearings

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Tuesday, August 13, 2013

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings - Remove/Repair Orders

- 1 [RLH RR 13-38](#) Ordering the rehabilitation or razing and removal of the structures at 989 BURR STREET within fifteen (15) days after the August 21, 2013, City Council Public Hearing.

Sponsors: Brendmoen

To be laid over to September 10 LH and September 18 CPH.

RE: 989 Butt Street (Three Family Dwelling)

Kris Kujala and Paul Scharf, Ramsey County, appeared.

Steve Magner, Vacant Buildings:

The building is a two-story, wood frame, three-unit building, with a two-stall detached garage, on a lot of 3,485 square feet. According to our files, it has been a vacant building since February 23, 2012.

The current property owner is Tyrone Williamson and Deanna Williamson per AMANDA and Ramsey County Property records. (Note: tax forfeited to the State of MN on July 31, 2013; Ramsey County tax records still show Tyrone and Deanna Williamson as the property owners.)

On June 12, 2013, 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 June 18, 2013 with a compliance date of July 5, 2013. 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 \$8,000 on the land and \$22,000 on the building.

Property was tax forfeited on July 31, 2013.

The Vacant Building registration fees were paid by assessment on March 29, 2013.

As of August 12, 2013, a Code Compliance Inspection has not been done.

As of August 12, 2013, the \$5,000 performance deposit has not been posted.

There have been five (5) SUMMARY ABATEMENT NOTICES since 2012.

There have been six (6) WORK ORDERS issued for:

-Garbage/rubbish

-Boarding/securing

-Snow/ice

Code Enforcement Officers estimate the cost to repair this structure exceeds \$50,000. The estimated cost to demolish exceeds \$15,000.

DSI, Division of Code Enforcement Resolution submitted for consideration orders the property owner to repair or remove this structure within fifteen (15) days, if not the resolution authorizes the Division of Code Enforcement to demolish and assess the costs to the property.

Ms. Moermond:

- questioned that it was 2011 when the Vacate Order was issued but it wasn't until 2012 that it entered the Vacant Building Program*
- LH dealt with this in 2011 when it was Condemned and Ordered Vacated (that was an appealed action)*

Amy Spong, Heritage Preservation Commission (HPC):

- 1888 Queen Anne building; original owner was C.H. Ugland*
- a corner property*
- Sanborn Map notes that it was converted to flats prior to 1925 (probably was a duplex prior to 1925)*
- foundation size: 1,123 sq.ft.*
- first surveyed in 1983 and an inventory form was done*
- there was a Burr Street potential historic area identified and at that time would have required additional survey work*
- most recently, it was surveyed in 2011 but this house did not come up as being potentially eligible (there's been lot of change and loss in this neighborhood, even since 1983)*
- the house itself does retain quite a few historic features*
- has a faceted corner projecting 2-story bay*
- some of the windows have been changed*
- wood detailing remains*
- there is an earlier garage, as well, built for autos*
- does not think there's a potential of this being a contributing building as part of an historic district*
- notes that in the 2011 survey, there were several Burr Street properties that were identified as potentially individually eligible, one is near here; also St. Ambrose Church, and the Whitney House*
- the Minnesota Historic Preservation Office conducted their review of this - if any CDBG funds were going to be used: there are no properties eligible for or listed on the national register that will be affected but they do note that this is a handsome property despite some modifications and condition issues, still retains a measure of its historic form and integrity; we hope that the demolition project will be reconsidered and that a rehab alternative can be found that retains and respects the original design character of this home and the surrounding structures of similar vintage. (In other words, they can't require the city to rehab in this case, because it was determined not eligible for the national register but they can encourage; CDBG funds could be used for its demolition)*
- strongly recommends rehab*

Mr. Scharf:

- the county did a quick review in regards to stabilization*
- he did a brief walk thru and was not able to do an evaluation*
- interior - he found the structure rehabable; they have done homes in worse condition*
- it is a handsome structure and does have potential*
- he needs a little more time to do an in-depth evaluation*
- he will order a Code Compliance inspection ASAP*

Ms. Moermond:

- the house doesn't look large enough to be a 3-unit; would the County be amenable*

to de-converting either to a single family or a duplex?

Mr. Scharf:

- it would be converted back

Mr. Magner:

- turn around for code compliance inspections, currently, is 3 weeks or less

Ms. Moermond:

- City Council Public Hearing Aug 21, 2013; at that time, she will ask for a 1 month layover to Sep 18, 2013

- due back at Legislative Hearing Sep 10, 2013 to get an update on the county's findings

Referred to the City Council due back on 8/21/2013

2 [RLH RR 13-39](#)

Ordering the rehabilitation or razing and removal of the structures at 777 LAWSON AVENUE EAST within fifteen (15) days after the September 4, 2013, City Council Public Hearing.

Sponsors: Bostrom

Continued to August 27. Need to post \$5,000 performance deposit and obtain a code compliance inspection in order to grant additional time for the following:

1) provide a work plan including timelines for completing the work; 2) must submit bids from a general contractor and subcontractors; 3) must provide financial documentation indicating the funds to do the rehab (line of credit, construction loan, or personal bank account); 4) must provide an affidavit indicating the dedication of funds to be used for the project; 5) the property must be maintained. NOTE: City's estimate for rehab exceeds \$50,000.

RE: 777 Lawson Avenue East (Single Family)

Troy Lund, LX Preservation Company, appeared on behalf of the servicer, Five Brothers Mortgage Company.

Steve Magner, Vacant Buildings:

The building is a two-story, wood frame, single-family dwelling, with a detached three-stall garage, on a lot of 4,792 square feet. According to our files, it has been a vacant building since April 21, 2010.

The current property owner is US Bank NA per AMANDA and Ramsey County Property records.

On January 18, 2012, 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 February 14, 2012 with a compliance date of March 15, 2012. As of this date, the property remains in a condition which comprises a nuisance as defined by the legislative code.

Taxation has placed an estimated market value of \$10,000 on the land and \$30,000 on the building.

Real estate taxes are current.

The Vacant Building registration fees were paid by check on June 12, 2013.

A Code Compliance Inspection was done on July 10, 2012 and has since expired.

As of August 12, 2013, the \$5,000.00 performance deposit has not been posted.

There have been fifteen (15) SUMMARY ABATEMENT NOTICES since 2010.

There have been twelve (12) WORK ORDERS issued for:

- Garbage/rubbish
- Boarding/securing
- Grass/weeds
- Snow/ice

Code Enforcement Officers estimate the cost to repair this structure exceeds \$50,000. The estimated cost to demolish is \$10,000 to \$12,000.

DSI, Division of Code Enforcement Resolution submitted for consideration orders the property owner to repair or remove this structure within fifteen (15) days, if not the resolution authorizes the Division of Code Enforcement to demolish and assess the costs to the property.

- this building was previously at LH; then, it went to Council and the Council passed a resolution Sep 5, 2012 to remove this building
- after that Sep date, they were apprised that the property had been conveyed to HUD
- now, they have been informed that the property has reverted to U.S. Bank
- many of the SAs and WOs were prior to the first action (2010, 2011, 2011)
- had 2 complaints this year but no WOs

Mr. Lund:

- he finds himself under prepared; he was sent here by Flve Brothers; does not know much about this property
- U.S. Bank has the intention to repair this property; they are trying to prevent the demolition

Amy Spong, Heritage Preservation Commission (HPC):

- 1920 4-square corner property; 2 1/2 story; original owner: R. Ferguson
- right across the street from a school
- built with an open 1-story full front porch - closed early on
- some non-original windows
- block face is fairly intact with homes of similar periods, design and style
- retains some historic integrity even though the siding's been covered
- the garage is considered non-historic - not part of the early construction
- area surveyed in 1983 and 2011; was not recommended for having potential for individual designation or identified as part of a potential historic district
- encourages rehab: 2 intact block faces; style consistent with other homes

Mr. Magner:

- does not see a new application for a Code Compliance Inspection in the system

Ms. Moermond:

- a letter will be sent to U.S. Bank, Troy Lund and Five Brothers Mortgage Co.
- expectations:
- need to see the ability to finance the rehab (staff estimates upwards from \$50,000)
- need to know that the property will continued to be maintained
- needs to see the Code Compliance Inspection applied for
- \$5,000 Performance Deposit (refundable if done within the time constraints)
- needs to see a Work Plan
- needs to see that either Five Brothers or U.S. Bank will designate the money to finish this project (a letter from a bank official)
- City Council Public Hearing Sep 4, 2013
- will lay this over to Aug 27, 2013 LH; at that time, she will expect that the code compliance has been applied for and the \$5,000 Performance Deposit posted with DSI (act of good faith)
- this is on a short leash because these parties did not take care of this a year ago

Laid Over to the Legislative Hearings due back on 8/27/2013

10:00 a.m. Hearings - Correction Order

- 3 [RLH CO 13-28](#) Appeal of Delmar and Linda Napue to a Correction Notice at 1470 BURNS AVENUE.

Sponsors: Lantry

Grant until October 1, 2013 for the fascia board on the house to be done; grant until July 1, 2014 for the painting to be done. (Inspector will contact City Attorney's Office for advice on the flag)

RE: 1470 Burns Avenue (Single Family)

Delmar and Linda Napue, owners, appeared.

Inspector Paula Seeley:

- *Correction Order*
- *does not have photos; they're in the system*
- *complaint came in Jul 23, 2013: siding is falling off the house; the back yard is a mess*
- *she went out Jul 26 and spoke with Ms. Napue*
- *they went into the back yard where Ms. Seeley explained to her that a lot of the plant growth was rank plant growth and weeds; there were a lot of involuntary maple and other trees, burning nettle, etc. and some nice plants mixed in*
- *Ms. Seeley showed Ms. Napue what to do and re-checked the back yard on a Fri*
- *Ms. Napue still needed to do more pulling and pruning*

Ms. Napue:

- *it's a lot better now*

Ms. Seeley:

- *the complaint also noted the fascia*
- *she gave them until Oct 26, 2013 to scrape and paint the fascia and the siding*
- *they need more time - the fascia is really high and they don't have the scaffolding to get up there*
- *she suggested that they just do the fascia in the back*

Ms. Napue:

- *Mr. Napue is their sole provider currently, while Ms. Napue is working on her PHD (nearly finished)*
- *once she gets employment, they intend to hire professional painters to do the whole house*
- *plus, Mr. Napue's parents went into a retirement home 3 months ago and he is taking care of all of their bills; they had no insurance*
- *asking for more time until spring or summer of next year to get that accomplished (checked out Ms. Seeley's photos in the system)*

Ms. Moermond:

- *Ms. Seeley offered staggered deadlines, giving the Napues a chance to show good faith*
- *you have an on-going situation with neighbors who are cranky*

Ms. Napue:

- *explained that they are taking their neighbors to court; they filed a restraining order against them and hired an attorney*

- basically, they are racist - bottom line
- the Napues have been there for 13-14 years and the neighbors just moved into the area about 18 months ago
- the neighbors treat the Napues like "crap"
- the neighbor stunned them with a gun; he took a power water hose and sprayed it into Ms. Napue's eyes for which she had to go to the doctor - they are just not nice people
- the attorney has helped them gather the evidence they need
- the neighbor has built two 20-foot fences in front of their windows
- the neighbor was flashing lights into their windows all night long (Karen Zachow came over to the house at 11:00 p.m. to see it for herself)
- at one time, he had cameras mounted on his roof that pointed into their windows

Mr. Napue:

- 2 of the neighbor's cars were set on fire in his driveway (Ms. Napue: there was never a fire, burglary or any trouble in that neighborhood since they've lived there but since he came there, these things are happening and he wants to blame black people in the hood)
- they had to get a home security system (camera in the back yard and a camera in the driveway)
- neighbor also said that he had 2 break-ins
- they have a 15-year old child
- the police have been out there to arrest him 3 different times; he's hiding in the house

Ms. Seeley:

- the neighbor has put a huge American flag on the property line in the front of the Napue's window where there isn't a fence (the fence is in the back yard)
- the flag blows over onto the Napue's yard
- Ms. Seeley told the neighbor to move over the flag

Ms. Moermond:

- suggested that Ms. Seeley call Ms. Skarda, City Attorney's Office, about the flag issue

Ms. Napue:

- the police didn't even arrest the neighbor when he assaulted her; he was under the restraining order when he did that

Ms. Moermond:

- asked Ms. Seeley to go back and check out the back yard
- take care of the fascia boards in good faith
- the painting can wait until next summer
- will grant an extension to Jul 1, 2013 to get the exterior scraped and painted
- Ms. Seeley will go out and re-check at about 9:30 a.m. Friday

Referred to the City Council due back on 9/4/2013

10:30 a.m. Hearings - Vacate Order & Summary Abatement Order

- 4 [RLH VO 13-40](#) Appeal of Steven Horvath to a Notice of Condemnation as Unfit for Human Habitation and Order to Vacate at 1322 BURR STREET.

Sponsors: Brendmoen

RE: 1322 Burr Street (Single Family)

Steven Horvath, son of owner, Lois Horvath, appeared.

Ms. Moermond:

- *at the Aug 6 LH, she recommended continuing this and she requested that the inspector take photos of the roof*
- *Mr. Horvath was not to live at the property but he could be there from 8 am - 8 pm to clean and work*
- *some items needed to be done under permit*
- *looked at the photos in Ms. Seeley's file*

Inspector Paula Seeley:

- *the entire roof covering needs replacing but the back porch section needs to be done right away; some places have lost their structural integrity*
- *she went by yesterday*
- *the cable is attached properly and there is a dumpster out there to clean out the house*
- *the chimney needs masonry work*
- *she needs to go inside to check out the excessive accumulation of storage (this Friday between 12-1)*

Mr. Horvath:

- *had a problem with the neighbors putting their materials into the dumpster which left less room for his stuff*
- *he took Ms. Moermond's advice and is doing a good cleaning; by the time he's done, there won't be anything in that house except for the kitchen table, the couch, TV and bed*
- *he thinks that House Calls is going to bring him another dumpster*
- *he would be comfortable with Inspector Seeley doing a walk thru*
- *the electrical items are under control*

Ms. Moermond:

- *unless Ms. Seeley finds a hazard in the interior, she would like to work with Mr. Horvath so that he can live there while the repairs are being done*
- *will lay this over for 1 week to Aug 20, 2013 LH*
- *Mr. Horvath can pull a permit for the porch roof*
- *Mr. Horvath's name needs to be on the ownership papers in order for him to get a loan; his mom will be signing the deed over to him*
- *currently, his mom can write a letter saying that her son is empowered to pull a permit for the roof*
- *instead, she will call Steve Ubl tomorrow, saying that Mr. Horvath will be pulling a permit to work on the porch*
- *a building inspector will check his work*

Ms. Seeley:

- *also, 30 amp service is inadequate for that size of a property; 100 amps is code*

Ms. Moermond:

- *suggests doing 1 thing at a time*
- *right now, the focus is on getting the inside ready for Ms. Seeley to walk thru*
- *for 1 more week, Mr. Horvath needs to stay at his buddy's place*

Laid Over to the Legislative Hearings due back on 8/20/2013

Tall Grass and/or Weeds at 1163 LANE PLACE.

Sponsors: Bostrom

Grant until September 15, 2013 to reduce the plants in the backyard in half. If in compliance, will grant until October 15, 2013 to come into compliance with the other half.

RE: 1163 Lane Place (Duplex)

Lorna Zoe Lentz, owner, appeared.

Inspector Paula Seeley:

- Complaint came in Jul 25, 2013: weeping willow tree hanging over sidewalk; Noah's Ark on sidewalk; back yard is a disaster
- Inspector Gavin went out Aug 1, 2013 and sent Summary Abatement Order: remove hazardous wooden planter box from the blvd; bushes, trees, plants obstructing public sidewalk and alley right-of-way; cut all overgrowth back to inside property line; cut branches to provide a 7 ft height clearance over the public sidewalk
- Ms. Seeley took photos yesterday
- there's rank plant growth, weeds, etc. throughout yard; weeping willow needs to be cut back a little

Ms. Lentz:

- blvd planter is 17 inches tall
- has been working at changing from a mown yard to an attempt at restoring prairie plants
- there seems to be discrepancy in the opinions of different inspectors
- initially, Inspector Hoffman came out after a complaint; she contacted him before he came out and asked him to come and speak with her rather than just drive by and he did; they walked around the premises; she asked him about the plants and when he left he said, it looks fine to me and dismissed the complaint (Jul 30, 2013)
- the next day, she received the Summary Abatement Order from Inspector Gavin, who apparently, had a different opinion
- there is conflict between herself and her neighbors; she has lived there for 23 years
- before she came out as gay, there were no problems but since she came out, there have been nothing but problems
- she wants clarification on what is expected
- realizes that there are a lot of plants that are considered weeds but if you go through the Audubon Society Book, they are considered wild flowers

Ms. Moermond:

- there will be Master Gardeners at the State Fair coming up, who will have some solid information about prairie plantings, which may be helpful in selecting true prairie plantings for this area that may be more acceptable in your neighborhood

Ms. Lentz:

- she notices that in the Powderhorn area of Minneapolis they have blvd with prairie plants and rain gardens, etc. which is her intent, too
- she used different things as therapy: planting, gardening, woodworking, making flower boxes, etc.
- the planter is anchored with four 4 x 4 posts that go about 2 feet into the ground
- she already knows where the sewer, water and gas lines are
- she pruned the weeping willow
- she lives solely of disability income
- she allows plants to come up and if they are OK, she keeps them; otherwise, she pulls them

- had also a photo of her single skull (boat) on the north side of the house; there's also a privacy fence
- her garage is at the back of the parcel

Ms. Moermond:

- explained that Public Works will look at the planter this way: we are in Minnesota and this could damage a snow plow blade
- she kind of likes Ms. Lentz' blvd plantings; her concern is the height of the planter closer to the curb; perhaps, it could be shorter
- she scanned Ms. Lentz' photos; front yard looks pretty organized

Ms. Seeley:

- her concern is the corner post that's close to the sidewalk - someone could hit their head; it looks nice but it could also be dangerous

Ms. Moermond:

- wants to get Ms. Lentz from where the plantings are now to a more traditional prairie planting place
- an argument could be made that this is rank plant growth
- suggested grouping solid prairie plantings

Ms. Lentz:

- has no argument with complying to the best of her ability but there is only her to do the work and it will take some time
- asks that Ms. Moermond tell her specifically what to do and she will do it

Ms. Moermond:

- will think about how to handle the planter and get back to Ms. Lentz
- much of the back yard will need to be pulled out; will divide the work
- suggested that Ms. Lentz get a hold of a book on prairie plantings and pull up everything that's not listed in that category
- wants half of the backyard done by Sep 15, 2013; the other half by Oct 15, 2013
- group plants more like a prairie garden and less like random growth

Referred to the City Council due back on 9/4/2013

1:30 p.m. Hearings - Fire Certificate of Occupancy Orders

- 6 [RLH VO 13-41](#) Appeal of Anne McShane, SMRLS, on behalf of Supphia Mathis, to a Notice of Condemnation Unfit for Human Habitation and Order to Vacate at 605 COOK AVENUE EAST.

Sponsors: Bostrom

Bill paid and power has been restored.

RE: 605 Cook Avenue

Ms. Moermond:

- Southern Minnesota Regional Legal Services (SMRLS) has reported that the electricity has been restored

Fire Inspector Leanna Shaff:

- the electricity was turned back on Aug 9, 2013

Ms. Moermond:

- the problem has been abated
- will recommend granting the appeal

Withdrawn**7** [RLH FCO
13-155](#)

Appeal of Chue Feng Thao to a letter regarding a Fire Certificate of Occupancy Deficiency List at 1062 FOREST STREET.

Sponsors: Bostrom

On 8/16/13, appellant contacted our office requesting that his deadline for compliance be later than Sept 4 because he wants to attend the public hearing. Ms. Moermond granted until September 11 for compliance.

Deny the appeal on the rear stairway footings and grant until September 4, 2013 to get permit signed off; grant the appeal on the ceiling height issue in the third floor.

RE: 1062 Forest Street (Duplex)

Chue Feng Thao, owner, appeared.

Fire Inspector Leanna Shaff:

- this was at LH on Aug 6, 2013
- there are some head room issues on the 3rd Floor
- also some issues with the footings of the rear stairs
- Ms. Moermond has asked her to go out to take some photos and measurements
- photos in the system
- provided a diagram of the floor area/measurements of 3rd floor
- none of the floor area upstairs would meet the minimum height required, including the hallway
- the highest point of any of the ceilings is 6'7"

Ms. Moermond:

- as she looked at the photos, she was not able to get a sense of the floor area above 5 ft
- the minimum floor area for 1 person is 70 sq.ft.
- the area for any of the rooms on 3rd floor is less than 70 sq.ft
- looking at the photos, one of the bedrooms might qualify with a ceiling height variance (Ms. Shaff: but getting to that bedroom has issues with height)

Ms. Shaff:

- she took a lot of pictures
- the Appellant was in the midst of doing some repairs
- when he put the flashing between the structure and the upper deck; there are some broken boards and things that aren't attached to the structure correctly; some of the decking has too much gap; stairs aren't strung correctly; on post is waling off it's foundation
- there is a general building permit, so she spoke with Steve Ubl about this; he said that the building inspector should catch these problems on re-inspection
- Fire Code doesn't require a 2nd exit from this upper level

Ms. Moermond:

- if this back stair and decking is Condemned while this is being figured out, it won't inhibit the use of the rest of the structure
- the Orders did not Condemn the stair and decking; the Orders required repair and inspection by a building inspector

Ms. Shaff:

- she showed the photos of the back stair and decking to Mr. Ubl, who concurred with her assessment
- Inspector Todd Sutter has not inspected this piece
- permit was pulled Apr 30, 2013 and will expire the end of Oct 2013
- walked thru her diagram of 3rd floor
- at the nose of the top stair landing, ceiling is 76 inches high
- the wall at the top is 4'4"; two feet of that are below 60 in (very narrow walkway); code requires at least 33 in, roughly
- take right off the stairs and to the right down the hall is the bathroom where there's a toilet and a sink (it would be very difficult for a person of her height, around 5'4" to use that room)
- next room is a bedroom with a ceiling height of 78 in.
- hallway center is 76 in high, 14 in wide
- room across is a bedroom 77 in high

Ms. Moermond:

- total bedroom area is 108 sq.ft area and the area of the room over 5 ft is 77 sq.ft. - it's only 44 in wide at 78 in high --- so, 1/2 of the area is at 6'6' - and it should be that 1/2 of the area is at 7 ft high
- the other bedroom is pretty much the same
- this 3rd floor of the building is the 2nd floor of the 2nd Unit
- there is 1 bedroom on the 2nd floor
- very big shortfall; this 3rd floor is definitely a converted attic

Ms. Shaff:

- the conversion may go back to before 2004 (before Amanda records)
- TISH lists low head room in the attic space

Ms. Moermond:

- will recommend granting the variance although she is not comfortable going either way, knowing that the 2nd unit would shrink dramatically
- advised Mr. Thao to come to the City Council Public Hearing Sep 4, 2013 in case the Council wants to discuss this separately
- this 3rd floor is way off the code requirement and will be lucky to get this variance; the measurements do not work and ceiling codes have been very stable for decades
- regarding the back stairs and deck, if Mr. Thao can get the building permit signed-off by Sep 4, 2013, it'll be good; if it's not signed-off by Sep 4, the Department of Safety and Inspections (DSI) is fully empowered to Condemn it

Referred to the City Council due back on 9/4/2013

8 [RLH FCO
13-173](#)

Appeal of Bruce Johnson to a Correction Order-Reinspection Complaint at 159 GRANITE STREET.

Sponsors: Brendmoen

Grant until September 11, 2013 for compliance.

RE: 159 Granite Street (Single Family)

Bruce Johnson, Responsible Party, appeared.

Fire Inspector Leanna Shaff:

- at the LH two weeks ago, Mr. Johnson questioned the Orders on the back porch/deck area
- it was understood that Mr. Johnson and she would meet at the property to look it

over

- they emailed back and forth because they hadn't connected
- Aug 8, the tenant called and invited her over to complete the inspection
- photos are attached of stairs/deck/porch
- Mr. Johnson has since hired someone to make the repairs; a permit's been pulled
- she added to the Orders
- photos attached: chain link dog kennel has high weeds and grass; outlets in living room need to be tightened; house does need a little attention; the deck and stairs are really shaky and the wood is starting to rot but she disagrees with the amount of value of the permit (\$500) - it will take more than that to fix it
- the flooring on the deck is pretty spongy

Ms. Moermond:

- is concerned about how long it will take to repair the stairs/deck

Mr. Johnson:

- Ms. Shaff was gone the rest of the week of the last LH
- he went into chemo treatment last week; gone until Sun night
- he emailed his proposed solution yesterday; Ms. Shaff told him to come to the hearing today
- the contractor will remove the steps and re-attach the handrail straight across the deck; there's no need for a stairwell to be there
- he has no knowledge of the other items but with a tenant who doesn't pay her rent, she will do anything she can to not pay her rent; if she untightened the pipes under the sink, she can also untighten electrical outlets
- needs a copy of the extra Orders that Ms. Shaff wrote up (one did go out in the mail; another one was provided by Ms. Shaff)
- contractor can't begin until Aug 22 or Aug 26

Ms. Moermond:

- wants the building inspector to sign-off that the repairs have made the stairs/deck safe and stable as ordered by the fire inspector
- contractor is lined-up; permit was pulled Aug 13, 2013
- granted an extension to Sep 11, 2013 for compliance

Referred to the City Council due back on 9/4/2013

9 [RLH FCO
13-186](#)

Appeal of Jeffrey Martinson, CMS Holdings, to a Fire Inspection Correction Notice at 926 RICE STREET (also known as 924 RICE STREET).

Sponsors: Khaliq

Interior tuckpointing in the basement – next C of O cycle (in 3 years)
Exterior painting (Item 11) – grant until October 15, 2013
Interior residential items (items 12 thru 19) – grant until August 30, 2013
Item 2 (basement pressure relief valve) – immediately
Items 3 thru 10 – commercial space – provide a work plan
Exterior tuckpointing – pull a permit for stabilization only

RE: 926 Rice Street (Commercial/Apartment); also known as 924 Rice Street

Jeffrey Martinson and Daniel Ward, CMS Holdings LLC appeared.

Fire Inspector Leanna Shaff:

- Fire Certificate of Occupancy Inspection conducted Jul 15, 2013 by Inspector Mike Urmann
- 19 deficiency items were identified

- not sure what it being appealed
- the lower level is commercial space with apartments above; the commercial space has not been a certified space for several years
- the building had been Mr. Timothy Fitzgerald's but he passed away
- there was an agreement that the commercial space would remain empty until it was done right; apartments would be OK
- Mr. Urmann added photos to the Amanda file this morning

Mr. Martinson:

- bottom line here is an issue of time
- applied for loans from the Planning and Economic Development Department (PED) but no money is available
- is working with Allison from SPARC to get some additional funds
- he wants to get all the items done and more; unfortunately, he doesn't have the money in his pocket and neither does the city
- he has had plans re-done and they are ready to be submitted subject to getting the financing

Ms. Shaff:

- basement: maintain basement foundation elements - the mortar deteriorating to sand so, it leaks a lot
- needs a pressure relief valve for water heater
- some of the commercial space will be used in the future; hence, some of these Orders
- tuckpointing on the exterior is more immediate
- Units 1 and 2 - walls and ceilings have holes in them and are water damaged (apartment piece is minimal)
- sooner or later the basement will let loose; no immediate danger

Mr. Martinson:

- the residential part is being done now: scraping, painting, caulking in bathroom, etc.
- needs to figure out how to get the work done in the commercial space to get a C or O, which includes finding funding
- there will be nothing in the basement; not really an issue

Ms. Moermond:

- would like to set aside the commercial specific violations; those will take care of themselves with financing when it becomes available
- we need to make sure the apartments are sound and that their supporting systems are being taken care of
- let's go through the list

Ms. Shaff:

- #1 foundation elements - tuckpointing on the inside should be done
- valve for hot water heater - immediate
- through item #10 is all commercial space

Mr. Ward:

- re: the electric on the 1st floor (commercial) - they asked Mr. Urmann what they needed to do in order to use part of that space to which he replied: "You need to fix the electric (exposed ROMAX wires; he wants them in some type of metal conduit and you need a 1-hour separation between the residential and commercial space)"; they had an electrician come out to look at the wiring in the tin ceiling; the ROMAX that's exposed all goes to switches; the lighting is all Greenfeld; all needs to be conduit

Ms. Shaff:

- #11 - needs tuckpointing on exterior; there are a lot of spaces without any mortar - needs to be done and painted
- bathrooms: Unit 1 and 2 already in process; no issues
- multi-plug adaptors - no issues
- extension cords - no issues

Ms. Moermond:

- we will leave the commercial area along; it's uncertified space - it's not adversely affecting the residential space
- need a Work Plan that Appellant wants to use to guide the repair issues: short plan for getting interior work done; longer plan for tuckpointing and painting
- deadline: Oct 15, 2013 for painting and stabilization only
- need bids on the tuckpointing (critical piece is the exterior where a lot of mortar is missing)
- Mr. Martinson can pull the bldg permit for masonry work (CMS Holdings); (Plans Examiner - John Skradzi, great masonry guy)
- residential heating report; Smoke detector affidavit (Aug 30)
- follow-up inspection Aug 30, 2013
- will re-visit masonry piece, if necessary

Referred to the City Council due back on 9/4/2013

10 [RLH FCO
13-172](#)

Appeal of Andrew Dick to a Fire Certificate of Occupancy Correction Notice at 739 SIMS AVENUE.

Sponsors: Bostrom

Deny the appeal for Item 4 and grant 90 days for compliance. See July 30 LH for rest of recommendation.

RE: 739 Sims Avenue (Three/Four Family)

Andrew Dick appeared.

Fire Inspector Leanna Shaff:

- she went out and took some pictures and attached them to the file
- had a discussion with the inspector, as well
- there is some space up near one of the dormer and it really should be addressed; this repair should have been done under permit; it looks as though it was done in an unacceptable manner
- there was water damage - if you look at the fire pictures; also, paint sagging
- none of this was done under permit and should have been; if it were done under permit, we would not have some of these issues

Mr. Dick:

- it's a huge 4-unit building with a flat roof (he owns 4 buildings with flat roofs, all of which have problems with water coming in)
- when the inspector looked at it, it looked like a gap and should be sealed but that's really not a problem
- Ms. Shaff is looking at the top of the roof and that's not a concern; and it's not a repair that he has done - there's not a leak coming in there
- the leak where the bathroom fan is has been repaired
- if the tenants find a problem, they tell us and we fix it (in his notes, the inspector said that the tenants said it was repaired and the property manager verified that it had been repaired; this looked weird to me, I think it should be sealed up)
- if there's a problem, he wants to make sure it's fixed but if it's not broken, there's no

point in fixing it

- that flashing goes up under the siding, which is the way it's supposed to be but you can't see that (the inspector couldn't see that)

Ms. Moermond:

- she's not seeing that the flashing is touching the shingles; some yes, some no.

Mr. Dick:

*- wind, snow, ice bends the flashing a little; a nail would only create another hole
- there never was a leak there, so if it's not leaking, he doesn't want to mess with it
- the inspector actually has a problem with a different gap*

Ms. Shaff:

*- pointed out something that looks like a ridge vent; the repair looks new but it doesn't look right to her; definitely done without permit
- thinks it contributed to water damage in the units*

Mr. Dick:

*- there's no leaks and there's no water damage anywhere inside in that front area
- and that repair wasn't done while he owned the building (since 2010)
- they repainted the whole building and caulked everything*

Ms. Moermond:

- asked about the the building permit history on this property prior to 2010

Ms. Shaff:

*- looking at photos of sagging paint (definite water damage); Mr. Dick: that's not near where those potential problems are that you cited; it's a different part of the building
- after the property was vacated, there were some building permits pulled back in 2009
- permit pulled for the accessory structure in 2010 (4-car garage)
- 2005 - permit closed for inactivity (pocket windows)
- deck tear down and rebuild in 2005 permit
- electrical permit in hallway 2004
- no permit history on repairs that would have affected the roof*

Mr. Dick:

*- the roof repairs that he did were under \$500 and had nothing to do with what they are looking at right now in the photos; those things were that way when he bought the property
- he will be there for the re-inspection*

Ms. Moermond:

- sees an email from the inspector to Ms. Shaff that says the water damage does correlate with the pictures of the roof

Ms. Dick:

*- the interior has no water damage in that front area; the water damage is in the top middle right unit and the other one in the bottom left unit; also some in middle left
- thinks the inspector was trying to say that there was water inside and this outside looks suspicious
- code compliance certificate was issued in 2010*

Ms. Moermond:

- the only Order relating to the roof is #5 - talks about flashing on the dormer in the

Sims Street side

- *Ms. Shaff thinks there are other problems that she identified that she thinks are more pressing on the roof than what has been written*
- *the gap should be addressed; this is a building maintenance issue*
- *grants 90 days to come into compliance with the gaps on the roof*

Referred to the City Council due back on 9/4/2013

11 [RLH FCO
13-184](#)

Appeal of Mary Durkop, on behalf of Hamline Housing Trust, LLC, to a Correction Order at 1731 THOMAS AVENUE.

Sponsors: Stark

Email from Racquel Naylor:

I was just talking to Mary Durkop. She said the following: she will not be appearing at the Legislative Hearing today at 1:30. Durkop was appealing to request additional time on 1731 Thomas Avenue. Lisa Martin is with her now on another property. Martin is willing to give her additional time; therefore, Durkop would like to cancel the hearing because there is no need for her to appear. Martin will contact her supervisor about the additional time being granted Durkop.

Withdrawn

2:30 p.m. Hearings - Vacant Building Registrations - NONE