



# City of Saint Paul

15 West Kellogg Blvd.  
Saint Paul, MN 55102

## Minutes - Final Legislative Hearings

*Marcia Moermond, Legislative Hearing Officer*  
*Mai Vang, Hearing Coordinator*  
*Jean Birkholz, Hearing Secretary*  
*Mary Erickson, Hearing Secretary*  
*legislativehearings@ci.stpaul.mn.us*  
*651-266-8560*

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Tuesday, July 26, 2011

9:00 AM

Room 330 City Hall & Court House

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### 9:00 a.m. Hearings

#### Remove/Repair Orders

- 1 [RLH RR 11-19](#) Ordering the rehabilitation or razing and removal of the structures at 936 EARL STREET within fifteen (15) days after the June 1, 2011 City Council Public Hearing. (To be referred to Legislative Hearing July 26, 2011 and City Council Public Hearing August 3, 2011.)

**Sponsors:** Bostrom

**Attachments:** [936 Earl Appt Ltr 2/7/11](#)  
[936 Earl Order to Abate Nuisance 3/2/11](#)  
[936 Earl Code Compl Rpt 3-10-11](#)  
[936 Earl Pub Hrng Notice 4/15/11](#)  
[936 Earl St McCracken R-R Ltr 5-10-11.doc](#)  
[HPC res 936 Earl - HRR.pdf](#)  
[936 Earl St.Minutes 5-10-11.pdf](#)  
[936 Earl.Photos.2-4-11.pdf](#)

*Ms. Moermond recommends a Layover to Legislative Hearing August 23, 2011 (CCPH Sep 7, 2011).*

*RE: 936 Earl St*

*Steve Magner, Vacant Buildings:*

- layover - last letter May 31, 2011 saying that on May 24, 2011 at LH, no one appeared.*
- Ms. Moermond recommended that the City Council refer the matter back to LH on July 19, 2011 at 9 am in Room 330 CH and City Council Public Hearing on Aug 3, 2011 at 5:30 pm in Room 300 City Hall*
- no other updated information*

*Christine Boulware, Heritage Preservation Commission (HPC):*

- at LH, it was referred to HPC as an historic resource*
- review completed Jun 9, 2011 at HPC business meeting*
- HPC staff recommended that City Council delay demolition in order for alternatives to be explored*
- HPC staff recommends that a qualified historian be hired to evaluate both national*

register and local eligibility not only as a house but as it's contribution to the Payne-Phalen Neighborhood

- HPC staff recommendation was unanimously approved

Ms. Moermond:

- at a LH, there was a very brief conversation about laying this matter over to allow Ramsey County to come up with a plan for rehab because it's going to be forfeited for lack of tax payment

- will go back to City Council Public Hearing Aug 3, 2011

- she will recommend a one month layover (Sep 7, 2011) for Ramsey County to come forward with a plan for rehab

- it will come back to LH Aug 23, 2011

- Ramsey County will be copied on outgoing letters; hopefully, they will be in attendance Aug 23, 2011

**Referred to the City Council due back on 8/3/2011**

- 2      [RLH RR 11-37](#)      Ordering the rehabilitation or razing and removal of the structures at 806 EDMUND AVENUE within fifteen (15) days after the August 3, 2011 City Council Public Hearing.

**Sponsors:**      Carter III

**Attachments:**      [806 Edmund Appt Ltr 5-25-10.DOC](#)  
[806 Edmund Appt Ltr 4-21-11.DOC](#)  
[806 Edmund Order to Abate 5-4-11.pdf](#)  
[806 Edmund Pub Hrng Notice 6-10-11.pdf](#)  
[806 Edmund Ave.R-R FTA & HRA LO Ltr 7-12-11.doc](#)  
[806 Edmund.Photos 4-21-11.pdf](#)  
[806 Edmund Ave 7-12-11Minutes.pdf](#)

Ms. Moermond will recommend the building be removed within 15 days with no option for repair.

RE: 806 Edmund Ave

Ms. Moermond:

- some historic interest

- the question: is anyone who has money interested in buying this building to rehab

Christine Boulware, Historic Preservation Commission (HPC):

- has not received anymore info

- she emailed the HRA to see if they could contact Chase

- it had been laid over for 2 weeks

- she has not heard of any further movement

Steve Magner, Vacant Buildings:

- LH held Jul 12, 2011; no one appeared on behalf of the owner or the bank

- it was laid over to Tue, Jul 26, 2011 at 9 am to consult with HRA

- has not heard from the attorney or the bank on this property

- taxes are current

Ms. Moermond:

- read email from Michelle Vojacek (cc: Sheri Pemberton, Mai Vang, Al Carlson) with attached chain of title currently recorded with Ramsey County indicating significant

issues with the title

- title may not be cleared until it passes through the county in forfeiture
- asked Mai Vang to send a letter to all interested parties listed in Michelle's list asking them to call her office immediately
- HPC staff strongly encourages rehabilitation
- City Council Public Hearing Aug 3, 2011
- if no one steps forward, she will recommend demolition with no option for rehab

**Referred to the City Council due back on 8/3/2011**

**3 RLH RR 11-44**

Ordering the rehabilitation or razing and removal of the structures at 806 THOMAS AVENUE within fifteen (15) days after the August 17, 2011 City Council Public Hearing.

**Sponsors:** Carter III

**Attachments:** 806 Thomas Ave Order to Abate.pdf  
806 Thomas Ave Public Hearing Notice.pdf  
806 Thomas Ave Photos.pdf

*Remove the building within 15 days with no option for repair.*

*RE: 806 Thomas Ave*

*Lori Mattix, owner, appeared.*

*Ms. Mattix:*

- in foreclosure and it's also been Condemned (unsafe for anyone to live in)
- plans to demo the building; will take too much to bring it up to code
- lives on social security and can't afford to demo it, either
- had a candle fire; inside totally damaged

*Steve Magner, Vacant Buildings:*

- 1 1/2 story wood frame single family dwelling with detached garage on a lot of 4,792 sq. ft.
- vacant since Mar 4, 2010
- current property owner listed as Citi Residential Lending
- May 11, 2011, inspection was conducted, a list of deficiencies which constitute a nuisance condition was developed; photos taken
- Order to Abate a Nuisance Building posted May 19, 2011; compliance date of Jun 20, 2011
- as of today, the property remains in a condition which comprises a nuisance as defined by the Legislative code
- estimated market value: \$15,300 on land; \$31,100 on building
- taxes are current
- Vacant Building registration fees were paid by assessment Mar 23, 2011
- Code Compliance Inspection not done
- \$5,000 performance deposit not posted
- 7 Summary Abatements since 2010
- 7 Work Orders:
  - garbage/rubbish
  - grass/weeds
  - boarding/securing
  - snow/ice

- estimated cost of repair: \$90,000-\$100,000; demo: between \$12,000-\$15,000

*Christine Boulware, Heritage Preservation Commission (HPC):*

- built 1895 with multiple additions
- front porch has been enclosed
- original siding covered
- in Frogtown Legacy Survey Area
- because of loss of integrity, HPC staff will allow for demolition with no adverse affect, if approved

*Ms. Moermond:*

- the City Council will vote to have the building removed within 15 days with no option for rehabilitation
- at City Council Public Hearing Aug 17, 2011
- normally, this process will take 4-6 weeks
- remove things you want from the garage/house by Sep1, 2011
- the cost of the building removal will be assessed onto taxes

**Referred to the City Council due back on 8/17/2011**

- 4**      **RLH RR 11-43**      Ordering the rehabilitation or razing and removal of the structures at 736 CASE AVENUE within fifteen (15) days after the August 17, 2011, City Council Public Hearing.

**Sponsors:**      Bostrom

**Attachments:**      736 Case Ave Order to Abate.pdf  
                                  736 Case Ave Pub Hearing Notice.pdf  
                                  736 Case Ave Code Compliance Report.pdf  
                                  736 Case Ave Photos.pdf

*No one appeared. Remove the building within 15 days with no option for repair.*

*RE: 736 Case Ave (duplex)*

*Steve Magner, Vacant Buildings:*

- 1 1/2 story wood frame duplex on a lot of 4,792 sq. ft
- vacant since May 20, 2010
- current owner is Castlerock REO 2 LLC
- Apr 26, 2011 - inspection was conducted, list of deficiencies which constitute a nuisance condition was developed; photos taken
- Order to Abate Nuisance Building posted on May 19, 2011; compliance date Jun 20, 2011
- as of today, property remains in a condition which comprises a nuisance as defined by the legislative code
- estimated market value: \$6,100 on land; \$28,900 on building
- taxes for first half of 2011 are delinquent in the amount of \$850.50
- VB fess were paid by assessment Jun 20, 2011
- Code Compliance Inspection done Jul 30, 2010
- \$5,000 performance deposit has not been posted
- 10 Summary Abatement Notices since 2010
- 10 Work Orders issued for:
  - garbage/rubbish
  - grass/weeds
  - boarding/securing

- snow/ice
- estimated cost to repair exceeds \$50,000; estimated cost to demolish exceeds \$10,000
- DSI recommends removing the building within 15 days

*Christine Boulware, Heritage Preservation Commission (HPC):*

- built 1884 on corner lot
- original owner Cage Beckendor
- 1 story addition added to east facade
- asbestos siding added
- side and front porches removed
- gone through several alterations
- in the Legacy Survey Area for Payne Phalen
- contributes to the context of the neighborhood; however, it would not merit designation on its own
- staff would encourage rehab as it is a corner property and does contribute to the context but not to an individual contribution

*Ms. Moermond:*

- asked Mai Vang to send a confirmation letter to all interested parties although, she is not confident that someone will come forward to rehabilitate
- if someone were to come forward, it would need to be rehabbed as a single family home and all the usual conditions would be put into place
- will recommend removal within 15 days with no option for rehabilitation
- if someone calls or writes, she would be happy to re-visit this

**Referred to the City Council due back on 8/17/2011**

- 5      [RLH RR 11-41](#)      Ordering the rehabilitation or razing and removal of the structures at 580 MINNEHAHA AVENUE EAST within fifteen (15) days after the August 17, 2011, City Council Public Hearing.

**Sponsors:**      Bostrom

**Attachments:**      [580 Minnehaha Ave E Order to Abate.pdf](#)  
[580 Minnehaha Ave E Public Hearing Notice.pdf](#)  
[580 Minnehaha Ave E Photos.pdf](#)

*Laid Over to Aug 9, 2011 Legislative Hearing (CCPH Aug 17, 2011)*

*RE: 580 Minnehaha Ave E (7-unit apartment building)*

*Doug Simek, developer- owner, appeared.*

*Leslie McMurray, Executive Director and Organizer for Payne Phalen District 5 Planning Council*

*Shirlin Thompson, neighborhood resident, appeared*

*Steve Magner, Vacant Buildings:*

- 3-story wood frame and brick multi-unit apartment building on a lot of 10,890 sq.ft.
- vacant since Mar 4, 2010
- current property owner listed as DRS Investments LLC per Ramsey County Property records
- Mar 16, 2011: inspection conducted, list of deficiencies which constitute a nuisance condition developed and photos taken
- Order to Abate Nuisance Building posted May 19, 2011 with compliance date Jun 20, 2011

- as of today, property remains in a condition which comprises a nuisance as defined by the Legislative Code
- estimated market value: \$105,000 on land; \$178,500 on building
- real estate taxes current
- VB fees paid by assessment Mar 23, 2011
- Team Inspection done Oct 28, 2010
- \$5,000 performance deposit posted Jun 8, 2011
- 5 Summary Abatement Notices since 2010
- 7 Work Orders for: 1) garbage/rubbish; 2) boarding/securing; 3) grass/weeds; 4) snow/ice
- 7- estimate cost of repair exceeds \$100,000
- estimate cost of demo between \$15,000 - \$20,000

*Christine Boulware, Heritage Preservation Commission (HPC):*

- built 1971 on corner lot with a driveway that wraps around from Edgerton to Minnehaha
- located in Lower Payne Phalen area
- encompassed in 2011 Legacy Survey Area
- HPC recommendation: allow for Demolition with no adverse affect if approved

*Mr. Simek:*

- has already started working on the Abatement Order; posted \$5,000 Performance Deposit; pulled all the permits
- he entered into a Purchase Agreement to buy the loan (and Closed on the purchase) from the original lender, Chase, in Dec 2010 when it was still a Cat 2
- when he bought the loan, he knew he had to go through the foreclosure process to get title to the property
- in mid-late May, he worked out an arrangement with the borrower/owner to give him a deed in lieu of a foreclosure
- he recorded the title with Ramsey County early Jun 2011 when he had his financing in place
- Jan 5, 2011 - he recorded the Assignment of Mortgage to him at Ramsey County
- Mar 2011 - the receiver of the property got a request to inspect the property
- he met with the inspector in Mar 2011 to take him through the building and inform him of his interest in the property; provided his contact info and plans to rehab once he obtained title to the property
- at the time of the inspection, he was not informed of any issue that would cause the category to be changed to a 3
- when he received the Abatement Order through the receiver to correct these issues, it was the exact same list of the team inspection done in Oct 2010 (cut and paste); but nothing had changed in the condition of the building that warranted a change from Cat 2 to cat 3
- was not provided Notices on this property since he recorded his mortgage interest in Jan 2011, except the Notice of Public Hearings on Jun 24, 2011 - they were all sent to the receiver or to Chase, the original lender
- the Abatement Order, forwarded to him by the receiver, did not have the required language that the Order could be appealed in 7 days of the Order being issued (at that time, he had not yet gained title to the property)
- shortly after obtaining title, he was able to start work; however, he was given 30 days to correct the Abatement, which is not a reasonable amount of time to be able to correct a list of 78 deficiencies that require City permits, inspections and approvals
- in 2008-2009, he had 15 Category 2 properties (duplexes) to repair, which took a minimum of 60-90 days to get the Certificate of Occupancy
- he feels that he has not been given enough time to complete the work, especially, because of the extenuating circumstances gaining title
- as of today, the exterior has been painted; the damaged and soiled flooring has

been removed

- about 3/4 of the electrical and plumbing code compliance work has been completed
- about half of the mechanical work has been completed
- there are some supplies on the property for future work
- is requesting more time to complete the work (his main objective)
- if he had received Notices earlier and known that it was appealable, he would have appealed it earlier
- his attorney notes that there was a case at LH in 2008 where the property owner was granted more time to correct the issues (similarities to this case)
- submitted a letter saying it was DLJ Mortgage Capital vs. City of Saint Paul
- submitted photos of work started taken Jun 15 and Jun 25, 2011
- has concerns about whether he was properly notified
- City Code cites that mortgage holders are to be notified of Abatement Orders and he wasn't
- he doesn't think that City Code was not followed when the building was changed from a Cat 2 to a Cat 3 registered Vacant Building (thinks it was an arbitrary change)
- spoke with Reid Soley, who told him he was not subject to the Bostrom Ordinance
- did not go through a Sale Review in May-Jun 2011 when he acquired the actual title and recorded it (based upon his conversation with Reid Soley)
- he had gone through Sale Review on his previously purchased and rehabbed Cat 2 buildings
- in this case, as a mortgage interest without title, he felt he did not need to go through Sale Review
- if Chase had still owned it, they would not have needed to go through Sale Review

Ms. Moermond:

- for a substantial Abatement Order, it is automatically reviewed in this process and considered by the Council
- 719 Case (issue at LH in 2008) - was a situation where there was a question of notification; since then, the process has been revised. The City was considering re-issuing the Order in that case
- it is not clear to Ms. Moermond - Mr. Simek had gone through Cat 2 sale and Sale Review with previous buildings, so, why he did not go through Sale Review with this building?

Mr. Magner:

- notification procedures: City does ownership research at Ramsey County Property records. If those records are not current, the City will not have access to the most recent ownership information
- as a buyer of a registered Vacant Building, the buyer must go through Sale Review
- specifically remembered Reid Soley asking him about this which was that Mr. Simek, simply held the mortgage on the property (but in reality, from today's conversation, Mr. Simek, specifically, bought the mortgage to obtain control of the property, which in Mr. Magner's opinion, is a sale of the property)
- Mr. Soley told him that the company that holds this mortgage are doing a foreclosure and asked if they have to go through the Sale Review? Mr. Magner told him that if they own the mortgage and are going through foreclosure, then, by default, the recipients of the mortgage do not need a Sale Review (which, in his opinion, is different from actively obtaining a mortgage on a building that's not in foreclosure and then, commencing a foreclosure action because the intent was to obtain the property)
- by default, if Chase had ended up with the asset, since they were the original mortgage holder (before it became a Vacant Building) would not have needed to go through a Sale Review
- intent of the Bostrom Ordinance is to make sure that if someone buys a building after it's declared a Vacant Building, they are subject to the Sale Review
- in this case, by Mr. Simek actively obtaining the mortgage to obtain the property is

*no different from him actively buying a Warranty Deed (the same task is accomplished because the end game is to obtain the property)*

*Ms. Moermond:*

- asked Mr. Wagner what would be different about this situation had Mr. Simek gone through Sale Review (Mr. Wagner replied: had he gone through Sale Review back in Jan 2011, he would have been put into the City's system earlier and he would have been required to do the basics: 1) provide proof of funds for rehab; 2) provide estimates; 3) a work plan; 4) performance deposit; 5) timeline for rehab) and the expectation is 6 months.*
- commented that she doesn't think he had to go through Sale Review (will make that comment to the CC); now, the building has to be fixed*
- Order to Abate Nuisance Building was sent to the owners of record at the time that it was issued*
- Subsequently, when Notice of Hearings was sent, indicating that the Order to Abate hadn't been addressed, all interested parties were notified*

*Mr. Wagner:*

- DSI does an Owner and Encumbrance Report prior to the issuance of the Order to Abate and then an update is done when it goes to public hearings*
- Mr. Simek didn't show up on the O & E Report (Mar); only on the update (late May)*
- DSI standard procedure for 15 years: once a Vacant Building has been vacant for 1 year and the building is boarded and Abatement Work Orders have been sent, and it has multiple deficiencies, DSI will target the building for a change to Cat 3. The Ordinance specifically states that after 2 years, there has to be a good reason why DSI does not change it to a Cat 3. One year is enough to have gone through most standard mortgage foreclosure processes under Minnesota laws.*
- asked that the hearing concentrate on: 1) how the rehab will be accomplished; and 2) how it will be managed in the future*
- no Orders were issued on this property in 2011*
- previous owner goes back to 2001*
- fire damage in a unit in 2004; enforcement plans put into place 2005 because neighbors were afraid of the gathering of many young youths in front of the property (many police calls); police issues nuisance activity in 2006; complaints in 2007; 2008*
- overflowing dumpsters, garbage, debris, snow/ice and continued during the vacancy*
- C of O file lists classification as "B" in 2004; class "A" in 2006; and class "C" in 2008 (complaints initiated inspections after 2006)*
- C of O was revoked in Oct 2010*
- team inspections aren't done unless the C of O has been revoked*

*Mr. Simek:*

- hired a professional management company, Halvorson Blazer Group, to manage it for him*
- brought a representative of Halvorson Blazer to the district council meeting*
- understands the concerns of the neighborhood since it had many problems with this building, it's previous owner and tenants*
- has the funds to maintain the building properly and to properly screen residents*
- willing to evict people who are problem residents*
- estimates rehab to take from mid-Jun to 4 -6 months out*
- from today, he requests 3-4 months time*
- purchased mortgage for \$100,000; appraisal came back at \$315,000; rehab loan: \$150,000*
- deterioration in behaviors at the building and the building itself began when the owner backed out*

*Ms. Thompson:*



- has been a resident in this neighborhood all of her life; a homeowner for 48 years
- submitted a list of a sample of behaviors at the property and all the police calls
- submitted letter from homeowners in the area and also renters
- neighbors would like Ms. Moermond to really hear the plight of their community and keep this building as a Cat 3; they don't want to go through this anymore
- neighborhood used to be called Dago Town and it was beautiful
- neighborhood went from beautiful "good" to "bad" and now is "ugly"
- investors have turned their community into a "hell hole" and a "ghetto"
- you can't walk the streets, safely (she always carries pepper spray); people are called names and are cursed at
- it's not a proper place to raise children; gangs on the corners, shootings, drugs, thievery; domestics, etc.
- neighbors were afraid to go out of their homes while this building had tenants
- this bldg is on a very small corner lot (E Minnehaha and Edgerton) 4-way stop signs and heavy traffic
- bldg has no green space so, there's no room for children to play; the kids go into the streets to play
- neighborhood is inundated with trash that blows all over
- pleads that Ms. Moermond and the City Council listen to the neighbors, "Do not give us any more apartment buildings or duplexes for investors who don't care what the tenants do with them."
- investors might bring the buildings up to code, do a background check on tenants
- first the mother with 5 children moves in; then, her boyfriend moves in and the parties begin, etc., etc.,
- they have gone through dispute resolution to no avail
- music, drugs, drinking, fighting - 580 was the worst
- neighbors should not be afraid to take a walk in their neighborhood
- Mr. Simek knew that it was a Cat 3 but no matter if the building's floors are lined with gold and put platinum countertops in the kitchen, it will end up with the same problems (it's been a problem since day 1)
- investors all say they will manage the bldg better but they don't; all they care about is their checks and the neighbors get stuck with the problems
- wants her neighborhood back (safety of homeowners and the good renters)

*Ms. Moermond:*

- list includes police calls from Jan 1, 2007
- 2 calls in 2010
- 34 calls in 2009
- 31 calls in 2008
- 52 calls in 2007
- majority of calls are disturbance related; quite a number of fights; domestics; aggravated assaults; etc.

*Ms. McMurray:*

- submitted a packet of information
- Bd of Directors of District 5, the Community Planning, Economic Development Cte and the Railroad Island Task Force have all examined the property and have determined that this building should be demolished for the benefit of the neighborhood (has not been an asset but a blight and nuisance)
- too much building for the small parcel (no green space; wrap around driveway; five 3-bedrooms apts; busy intersection; nuisance and criminal behaviors for years; squad cars there every weekend; not enough room for people/children; cramped; impossible to thrive; unsafe for children; bldg in serious disrepair)
- since the bldg has been boarded, the neighborhood has felt relief
- RR Island Task Force has a vacant housing group that examines vacant properties in the neighborhood and some time ago had determined that this is considered a

*nuisance property*

- *bdg is not suitable for rehab; hasn't allowed the neighborhood to thrive; condition of bldg has been extremely poor for a very long time*
- *people in neighborhood were pleased that it was boarded up and they were expecting that it would be demolished*
- *at the district council meeting, Mr. Simek promised he'd be screening tenants*
- *he said that he would not provide a caretaker on site*
- *he said they owned a lot of properties and have a lot of experience*
- *he brought up the issue about the change from a Cat 2 to a Cat 3; said he paid the \$5,000 deposit; etc.*
- *issues brought up: where children would play; code compliance report; overcrowding; condition of the bldg*

*Mr. Simek:*

- *re: boyfriend or other moves in and brings problems - they have found that it makes sense to write 30-day leases*
- *he has the funds to take care of things at the building and he has made a good faith effort to start with rehab and to show the neighborhood his good intentions*
- *in his opinion, if the bldg was in bad enough condition at the time of the Oct 2010 team inspection, it should have then been labeled a Cat 3*
- *it is not correct that we said we would not put a caretaker on site; we would be open to that (the problem is finding the right person)*
- *the Abatement Notices are addressing the physical issues with the building, not past tenants' behavior but he plans on also addressing those issues because he doesn't want trouble-makers in the building, either*
- *has construction contractor*
- *would consider a plan to decrease the driveway and increase green space*
- *asked for a list of things he could address from Ms. Moermond to provide direction*
- *has had questions from contractors about working on a Cat 3 bldg because the City Council can pull the rug out from underneath all of this; and then, will they get paid?*
- *needs more definitive direction from the City so that he and his contractors are not left holding the bag*

*Ms. Moermond:*

- *listening to the neighbors' concerns and her history in dealing with problem properties, she'd say that the interplay between the physical characteristics of the site and the behavioral issues on the site are very tightly interwoven. There are physical issues on the site that can exacerbate behavioral issues (density, green space, how the site relates to the sidewalk and street)*
- *wants to see a physical rehab plan that deals with these concerns*
- *needs to have an itemized work plan and timelines*
- *concerned about the behavioral issues coming back again*
- *would like to have density decreased at this site (has been a nuisance bldg and there are physical attributes of the building that could be modified to decrease its likelihood of continuing to be a nuisance property)*
- *develop a plan that does not foster nuisance behavior*
- *develop a long term plan consistent with the Crime Free Multi Housing Training provided by the Force Unit*
- *it would behoove Mr. Simek to also make use of the police dept's program SEPTED for reviewing the site itself for physical characteristics that could help to decrease the likelihood of on-going crime issues to make it a safe place to live and be a neighbor to*
- *would like to see something in writing about Mr. Simek's plan to mitigate problem behaviors at this property and also a plan for on-going management*
  - garbage pick-up*
  - more green space for children, in particular*

- decreasing density by at least 1 or 2 units
- wants to make sure this is done right
- she feels that a good faith effort has been made by Mr. Simek
- if the plan is good and the conditions are met, she will recommend sufficient time for the rehab to occur
- a letter will be sent setting up another LH date (Aug 9, 2011)
- draft plans are due the Friday before LH (Aug 9, 2011)

Ms. Boulware:

- suggests that perhaps the driveway could be decreased and green space increased (it would decrease and slow traffic)

Ms. McMurray:

- noted that Mr. Simek said he would not be willing to look at changes recommended at the district council meeting (like decreasing the density and doing other modifications) which Mr. Simek disputed.

**Laid Over to the Legislative Hearings due back on 8/9/2011**

6

[SR 11-25](#)

Reviewing progress of rehabilitation for 1456 COHANSEY STREET.

**Sponsors:** Helgen

**Attachments:** [1456 Cohansey St.R-R Ltr 3-8-11.doc](#)  
[1456 Cohansey St.R-R Ltr 3-22-11.doc](#)  
[1456 Cohansey St.R-R Ltr 4-26-11.doc](#)  
[1456 Cohansey St.Burning Fuel Report 3-25-11.pdf](#)  
[1456 Cohansey St.Boyle Ltr 4-25-11.pdf](#)  
[1456 Cohansey St.Boyle Ltr 5-10-11.pdf](#)  
[1456 Cohansey St.Boyle Letter 5-26-11.pdf](#)  
[1456 Cohansey St.Minutes 5-10-11.pdf](#)  
[1456 Cohansey St.Boyle Ltr 7-25-11.pdf](#)

*Appellant must be in compliance by October 12, 2011 or the bond will be forfeited.*

RE: 1456 Cohansey St

Richard Bednar, owner, appeared.

John Boyle, attorney, appeared.

Attorney Boyle: listed items left to be completed by Aug 31, 2011

- basement - provide anti-scald valve
- clean all heating ducts
- re-install handrails at proper height
- install joist hangers on floor joists on east side of basement stairs
- install tempered glass in window at top of second floor stairs
- install safety cables on overhead garage door

Ms. Moermond:

- the deadline has already been blown badly

Mr. Magner, Vacant Buildings:

- the original performance deposit posted Oct 12, 2010 by default because there was an extension until Jun 1, 2011 (will expire Oct 12, 2011)
- Jim Seeger will need to do a final walk-thru inspection; contact him after all other

permits have been finalized  
- all the other permits will need to be finalized or Mr. Seeger won't even talk to you

Mr. Boyle:  
- proposes the first week of Sep 2011 for the final inspection

Ms. Moermond:  
- all work needs to be completed and inspections finalized by Oct 12, 2011 or Mr. Bednar will forfeit the \$5,000 performance deposit

**Laid Over to the Legislative Hearings due back on 10/18/2011**

- 7      [SR 11-52](#)      Reviewing progress of rehabilitation for 640 MINNEHAHA AVENUE WEST. (Reference Council File No. RES 10-530)

**Sponsors:**      Carter III

*Staff Report: 640 Minnehaha Ave W*

*Steve Magner, Vacant Buildings:*  
- Code Compliance Certificate issued Jul 21, 2011  
- brings this property to resolution

**Received and Filed**

## 11:00 a.m. Hearings

### Orders To Vacate, Condemnations and Revocations

- 8      [RLH VO 11-34](#)      Appeal of Mohammed Shahidullah to a Condemnation and Order to Vacate at 1132 CENTRAL AVENUE WEST.

**Sponsors:**      Carter III

**Attachments:**      [1132 Central.appeal.6-21-11.pdf](#)  
[1132 Central Ave W.Photos.6-16-11.pdf](#)  
[1132 Central Ave W.Photos.5-12-11.pdf](#)  
[1132 Central Ave W.Photos.3-17-11.pdf](#)  
[1132 Central Ave W.Fire Inspection Orders.3-23-11.pdf](#)  
[1132 Central Ave W.Fire Inspection Orders.4-28-11.pdf](#)

*Deny the appeal on the Revocation of Certificate of Occupancy and Order to Vacate, thus requiring that the property enter the Vacant Building Program and obtain a code compliance inspection. If the repairs are done within 90 days, Ms. Moermond will waive the vacant building fee.*

*RE: 1132 Central Ave W (single family)*

*Mohammed Shahidullah, C of O responsible party, appeared.  
(LH was re-scheduled from Jul 12, 2011 at homeowner's request)*

*Fire Inspector Urmann:*  
- Revocation of Fire Certificate of Occupancy  
- building has multiple code violations  
- a lot of work has been done without permits or licensed contractors

- because of non-compliance, it became necessary to issue an Order to Vacate and Condemn the Property for non-compliance; also, an unsafe property
- property owner has done the work, however, he is not a licensed contractor nor is he licensed to do the work

Mr. Shahidullah:

- everything was fine last year after I faxed in the boiler test
- they gave him a provisional Certificate of Occupancy
- inspectors came a few months ago and gave him a list of things to do
- in the meantime, the tenant wasn't paying rent and he changed the lock so Mr. Shahidullah could not get in
- he filed an eviction because the tenant was violent
- he didn't get access to the building, so he called the inspector to come and help him; inspector told tenant that he could not change the lock
- inspector called him to change the day of inspection that had been set for Jun 22, 2011 (final)
- when the licensed electrician had come a month before, he said things should be uncovered so the inspector could see what had been done (electrician pulled a permit)
- Inspector said that he wouldn't need to provide a washer and dryer
- Inspector told him to do the Orset Test again but could do it later in the year
- there was a scheduled inspection for Jun 22, 2011 that was not done
- called Jim Seeger and another guy
- is asking that the canceled inspection be conducted

Mr. Urmann:

- noted that this has been a long-term, on-going problem - started in Feb 2011
- they have made several attempts for the owner to take responsibility for the building (pull permits, hire licensed contractors) but he has done the work without benefit of permit or license
- when inspector tries to get back in for re-inspection, he is faced with the problem of not being able to access or a no-show

Ms. Moermond:

- reviewing an inspection letter sent to Mr. Shahidullah dated Mar 23, 2011 with 47 items that needed to be addressed
- reviewing the letter sent to Mr. Shahidullah dated Jun 16, 2011 indicating that there are still 37 items that need to be addressed (the appellant claims that some of them were done; they just weren't checked-off)

Steve Magner, Vacant Buildings:

- according to the record, the Revocation was done; the Certificate of Occupancy has been Revoked; they referred it to Vacant Buildings and a file has been opened; doesn't see a fee paid for the Code Compliance Inspection
- questions who is actually the owner (Mohammed Shahidullah, Shan Shahidullah or Abdul Matin)
- he is representing himself as the owner but he is not
- if he's going to be doing work, he needs a licensed contractor and permits need to be pulled
- the City's standard process: Fire staff goes out and issues a multi-page revocation and those items weren't completed
- the appellant needs to schedule a Code Compliance Inspection with Mr. Seeger
- the appellant then could hire licensed contractors to get the work done, inspected and finalized
- STAMP doesn't show permit activity
- there have been 20 complaints/work orders by Code Enforcement and Fire

- the appellant is really not maintaining this property

Mr. Shahidullah:

- he goes by "Sam" (the record includes a "Shan" which is a mistake) and Abdul Matin is his brother  
 - Abdul Matin gave him the money to buy the building but his name is on the record as owner

Ms. Moermond:

- the building has been empty for 5 months and there have been no permits pulled according to the City's record  
 - an electrical permit had been pulled in Jun 2010  
 - this is a Vacant Building  
 - the appellant will needs to go through a Code Compliance Inspection and get all the permit sign-offs  
 - if the work is done in 90 days, she will recommend the VB fee be waived  
 - she will recommend denial of the appellant's appeal on the Revocation of the Certificate of Occupancy and Order to Vacate  
 - the City Council Public Hearing is scheduled for Aug 17, 2011

**Referred to the City Council due back on 8/17/2011**

- 9 [RLH VO 11-42](#) Appeal of Aaron Durkop, on behalf of K.C. Rabobank, to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 604 HOLLY AVENUE

**Sponsors:** Carter III

**Attachments:** [604 Holly.appeal.7-7-11.pdf](#)  
[640 Holly Ave.Photos.6-15-11.pdf](#)  
[640 Holly Ave.Photos.4-7-11.pdf](#)

Appellant called and wanted to reschedule.

**Laid Over to the Legislative Hearings due back on 8/2/2011**

- 10 [RLH VO 11-48](#) Appeal of Ryan Mahoney to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 1746 LAUREL AVENUE.

**Sponsors:** Stark

**Attachments:** [1746 Laurel.appeal.7-14-11.pdf](#)

Deny the appeal on the Revocation of Fire Certificate of Occupancy and Order to Vacate and grant an extension to September 1, 2011 to vacate the property. Ms. Moermond laid the matter to August 9, 2011 to see if TRA has been filed by tenants of the building. If no action is taken and tenants are moving out, then no hearing is necessary. (Inspector William Beumer) (CCPH Aug 17, 2011)

RE: 1746 Laurel Ave (duplex) (Wesley Schochet, owner)

Tenants: Ryan Mahoney, his wife and child, Angela Whited and Elissa Mallory appeared.

Fire Inspector Urmann:

- still no permits pulled (either they have not been completed or complied with)  
 - received a Work Plan from the building owner on how he intends to handle the Code Compliance issues in the building

- at this time, there is not enough compliance to believe that the building is in a safe enough condition for occupants
- do not have specific timelines
- photos are not in file
- majority of the Orders are the same - they've added some exterior ones

*Mr. Mahoney:*

- asking for more time to find a place to live
- they like the landlord and they like the building but the landlord is not very attentive
- first inspection end of Mar 2011, Mr. Mahoney called owner who said that he would take care of things
- items on the list were not things that the tenants had complained about
- mainly concerned about leaks in one of the bedrooms and one of the kitchens; the structural concern of the porch; and one furnace
- landlord is not taking care of the roof issue
- some of the things the tenants are willing to take care of
- they don't think he has a money issue because sometimes he doesn't even cash their checks

*Ms. Whited:*

- lives downstairs - there's a leak in the furnace
- landlord is usually responsive to their complaints

*Ms. Moermond:*

- current list has 28 items

*Steve Magner, Vacant Buildings:*

- showed up for the first inspection (May 10, no show; Jun 3, no show; Jul 6, no show) - no visible sign of work completed

*Ms. Moermond:*

- tenants can look for somewhere else to live
- if they want to stay, convince the owner to do the fixes or you can do the work yourselves (through a Tenant Remedy Action - where the court would appoint a receiver and start to get the work done: Southern Minnesota Regional Legal Services (SMRLS)-651-222-5863, works with people who are at poverty level and uses Patricia Whitney to be their receiver who gets the repairs affected)
- Frogtown Community Development Corporation has also been a receiver
- this isn't a Condemnation for unsafe conditions, per se; it's for long-term non-compliance with the Orders
- perhaps filing a motion of some kind would wake-up the landlord
- Home Line might be another resource
- she would consider a Work Plan that was proposed to the court system (something a receiver would do) and perhaps allow an extension of time
- she will recommend a vacate extension to Sep 1, 2011
- will recommend a 2 week layover to Aug 9, 2011

**Laid Over to the Legislative Hearings due back on 8/9/2011**

11      **RLH VO 11-44**      Appeal of John Davidson to a Notice of Condemnation as Unfit for Human Habitation and Order to Vacate at 499 MARYLAND AVENUE EAST.

**Sponsors:**      Thune

**Attachments:**      499 Maryland Avenue East.appeal.7-07-11.pdf  
499 Maryland-Photos.pdf

*Ms. Moermond recommends granting the appeal. The property will no longer be vacated but the items still need to be addressed in 90 days. (Inspector Paula Seeley)*

*RE: 499 Maryland Ave E*

*John Davidson, owner, appeared along with his granddaughter, Heather Orten and her husband, David Orten*

*Steve Magner, Vacant Buildings:*

- owner occupied property*
- received complaint regarding the interior conditions*
- subsequently, Ms. Seeley met with Mr. Davidson, his daughter, Lois Schmalee, granddaughter Heather Orten and House Calls representative*
- Mr. Davidson allowed the inspection-he indicated to staff that he was 89 years young and not in the best of health*
- Currently, he is living with his granddaughter, Heather, in Elk River*
- his family is working on providing some other type of arrangements for John Davidson*
- Ms. Seeley informed Mr. Davidson that the City needed to post the building Order to Vacate and that he could not reside there until the interior had been cleaned-up.*
- Subsequently, the City issued a Notice of Condemnation as Unfit for Human Habitation and Order to Vacate Jun 30, 2 011*
- in Mr. Davidson's appeal letter, he is asking for more time to clean up the property and make the needed repairs*
- a few items need to be taken care of before the City can lift the Condemnation*
- DSI is not opposed to granting 30 days to come into compliance*
- DSI will not taken further action until those 30 days had expired; doesn't have a problem with a Sep 1, 2011 date*

*Mr. Orten:*

- since Jul 16, 2011, they have cleaned the entire residence*
- introduced photos to show cleaned-up house*
- have quotes from professional contractors - should have place up to speed in early August, 2011*
- will be getting a new heating system*

*Mr. Davidson:*

- he built the house himself - all hardwood frame*
- has been taking care of his invalid wife who recently passed away*
- will be moving back again in August*
- he will have help keeping track of things*

*Mr. Magner:*

- any permits will need to be signed off by permit inspector*
- an inspection needs to be scheduled with Inspector Seeley*
- contact Xcel - they might require an exterior meter*
- if the house were to be marketed, it would need one hard wired smoke detector*

*Ms. Moermond:*

- will recommend that Council grant the appeal*
- it no longer needs to be Ordered vacated but deficiencies need to still be addressed*
- will grant a 90-day extension to come into compliance*
- Mr. Davidson can move back into the home after the smoke detector and carbon monoxide detector are installed*
- City Council Public Hearing Aug 17, 2011*

**Referred to the City Council due back on 8/17/2011**



- 12      **RLH VO 11-47**      Appeal of Ken Ostlie to a Notice of Condemnation as Unfit for Human Habitation and Order to Vacate at 402 MINNEHAHA AVENUE WEST.

**Sponsors:**      Carter III

**Attachments:**      402 Minnehaha West.appeal.7-11-11.pdf  
                                 402 Minnehaha Ave W.Photos.7-6-11.pdf

*LO to Aug 9 LH and Aug 17 CPH; grant window variance (can continue occupancy until then)*

*RE: 402 Minnehaha Ave W (duplex)*

*Ken Ostlie, owner, appeared.*

*Fire Inspector Urmann:*

- 58 code violations listed
- full rehab done on 2nd floor without permits or approval
- work done in lower unit without permits or approval
- photos in file
- became necessary to Revoke this Certificate of Occupancy because of issues of noncompliance and multiple code violations

*Ms. Moermond:*

- asked if Melanie Michels, listed as homesteader, were a relative

*Mr. Ostlie:*

- Melanie Michels is his wife's sister
- Melanie is on Social Security Disability; his wife acts as her Power of Attorney
- bought the bldg in 1998 as a hospice arrangement for his wife's mother and for Melanie to provide the care; the mother died 2 yrs later
- the property had been a mortgage foreclosure (drug related); the kitchen had been gutted prior to then
- pulled permits for plumbing, sheet rock, cabinetry, flooring, etc
- Melanie occupied the lower unit after her mother died; Norma, his wife, is essentially the family caregiver
- had a couple of tenants but their experience has been that the house goes down hill when it has a tenant, so 2 yrs ago, they stopped having a tenant
- now, we decided to proceed with renovation (have estimates for windows, roofing, siding)
- since they've had the house, 2 furnaces have been installed under permit; 2 water heaters they thought were under permit but were not
- electrical system has been worked on - circuit boxes
- they have been re-painting and putting in cabinetry
- 2 issues cropped up: 1) called a plumber to install sink in upstairs bathroom and fix leak in stack; 2) a bad breaker in the lower level
- exterior light fixtures were replaced
- furnace/water heater professionals pointed out that the 2 water heaters hadn't been installed to code (will be taken care of)
- Ms. Martin referred them to the House Calls Program (they arranged for a dumpster and are in the process of licensing Melanie's animals)
- moving will be very, very difficult for Melanie
- request an extension of time to get the repairs completed
- in 1998, the City did not come in and point out what was not up to code
- their first exposure to code enforcement (some of these things were already in progress)

- still haven't seen someone about the basement stair railing

Mr. Urmann:

- all electrical work needs to be done by a licensed electrician under permit  
 - principle violation leading to Condemnation: combination of all the violations put together (a lot of electrical issues; exposed frayed electrical wires; no smoke detectors or carbon monoxide detectors; plumbing hazards; plastic dryer vent; air conditioning unit obstructing egress window; water heaters done without permit; interior gross unsanitary conditions)

Ms. Moermond:

- will grant a variance on the egress window #25 - 22h x 27w

Mr. Ostlie:

- all electrical things have been taken care of; mechanical issues are in the process of being taken care of  
 - egress window in upstairs unit will be replaced by Sandstone Windows  
 - smoke detectors and carbon monoxide detectors are present in the lower unit (they were pulled in the upstairs unit while painting- are now installed)  
 - the dryer was not functional - it's been removed along with the vent (a metal vent will be installed for the other dryer)

Ms. Moermond:

- the building was Ordered Vacated or Repaired by July 18 - we're passed that now  
 - recommended a Work Plan with deadlines be put together  
 - will recommend a Layover for 2 weeks to Aug 9, 2011 to develop a Work Plan (submit it the Fri before) and update progress  
 - looking for critical items listed by Inspector Urmann to be done soon  
 - there can be continued occupancy during that time  
 - City Council Public Hearing Aug 17, 2011

**Referred to the City Council due back on 8/17/2011**

- 13 [RLH FCO 11-242](#) Appeal of Lorleena Kalangas to a Fire Certificate of Occupancy Reinspection with Deficiencies at 1810 MONTANA AVENUE (Revocation Notice).

**Sponsors:** Bostrom

**Attachments:** [1810 Montana.appeal.7-12-11.pdf](#)

*Inspector did approval with correction, revocation has been withdrawn by Dept. (James Thomas)*

**Withdrawn**

- 14 [RLH VO 11-39](#) Appeal of Paul Jeddelloh, Trustee, to a Notice of Condemnation as Unfit for Human Habitation and Order to Vacate, Vacant Building Registration Notice, and Summary Abatement Order at 2135 BAYARD AVENUE.

**Sponsors:** Harris

**Attachments:** [2135 Bayard.appeal.7-5-11.pdf](#)

*Supervisor Matt Dornfeld is holding VB fee for 90 days to allow money to be put toward the de-cluttering and the clean-up of the home. He will meet with the Trustee of the Estate, Paul Jeddelloh, in a week to 10 days. If clutter and dog feces have been removed, smoke detectors functioning, leaking plumbing repaired and all loose*

wiring (cable TV) have been removed or attached he will change to Cat I. Property owner has agreed to repair bathroom ceiling. (Matt Dornfeld)

**Withdrawn**

15      **RLH FCO  
11-249**

Appeal of Mark Buesgens to a Fire Certificate of Occupancy Revocation and Order to Vacate at 1129 SELBY AVENUE.

**Sponsors:**      Carter III

**Attachments:**      1129 Selby.appeal.7-19-11.pdf

*Ms. Moermond recommends granting the appeal on the Revocation of Fire Certificate of Occupancy and Order to Vacate. (Inspector Rick Gavin)*

*RE: 1129 Selby Ave*

*Mark Buesgens, owner, appeared.*

*Fire Inspector Urmann:*

- spoke with Inspector Gavin this morning; he has worked something out with the appellant
- will be allowed access and do a full inspection Aug 9, 2011
- it became necessary to revoke because they weren't able to get a hold of the appellant for access and long term noncompliance

*Mr. Buesgens:*

- has the inspection date for Aug 8, 2011 with Inspector Gavin
- will get back to Inspector Gavin to confirm the date

*Ms. Moermond:*

- is comfortable with this arrangement
- the Revocation is based on long term noncompliance
- will recommend the Council grant the appeal

**Referred to the City Council due back on 8/17/2011**

## 1:30 p.m. Hearings

### Fire Certificates of Occupancy

16      **RLH FOW 11-99**

Appeal of Patrick Her and Felicia Xong Her to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 595 WELLS STREET.

**Sponsors:**      Bostrom

**Attachments:**      [595 Wells.appeal.7-6-11.pdf](#)  
                                 [595 Wells St.Her Ltr 7-12-11.doc](#)

*Ms. Moermond recommends denying a variance on the window(s) and granting an extension for 90 days to come into compliance. (Inspector Kelly Booker)*

*RE: 595 Wells St (duplex) (layover from Jul 12, 2011 LH)*

*Patrick Her, owner, appeared.*

*Fire Inspector Leanna Shaff:*

- *Fire Certificate of Occupancy re-inspection on May 25, 2011*
- *Unit 2 - escape windows measure 15 1/2"h x 25"w openable (double hung)*

*Mr. Her:*

- *this is an existing home with existing windows that have been OK in the past (was inspected last year, too, and this did not come up)*
- *house is stucco, so, it would be damaging to knock out the stucco*
- *not space available to put in a larger window*

*Ms. Moermond:*

- *escape windows need to open 16" high, at least*
- *requirement is a full 24" high*
- *she usually grants variances if there is enough width to compensate for the lack of height or vice versa (down to 16 inches)*
- *in all properties, it is required that there be a sufficient egress opening (Fire Code)*
- *she will recommend denial*
- *recommends that he go to the City Council (CCPH Aug 3, 2011)*
- *if he chooses to replace the window, she would recommend granting an extension of 90 days (you'd have to go with a casement window)*

**Referred to the City Council due back on 8/3/2011**

- 17      **RLH FCO 11-66**      Appeal of Brett J. Horttor to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 637 HAZEL STREET NORTH.

**Sponsors:**      Lantry

**Attachments:**      637 Hazel N.appeal.5-2-11.pdf  
637 Hazel St N.Horttor PC ltr 5-17-11.doc

*Layover 1 month, housekeeping. At that time assess if more time needs to be granted to complete the vacation petition request. Once that process is underway, we'll be able to get a better idea of what kind of extension should be granted.*

*RE: 637 Hazel St N (single family) (layover)*

*Brett Horttor, owner, appeared.*

*Fire Inspector Leanna Shaff:*

- *view photos in record*
- *re-inspection Fire Certificate of Occupancy (approved with deficiencies) May 20, 2011*
- *Inspector Thomas cited that all the parking spaces needed to be paved with asphalt, concrete or a durable, dustless surface; and discontinue use of all parking spaces that are located on property for which the owner needs to obtain an encroachment permit from Public Works*

*Mr. Horttor:*

- *at the last LH, he explained that he contacted the City about encroachments and they said they won't grant an encroachment unless a try is first made for a petition for a vacation because there's a Saint Paul right-of-way there*
- *he has been working with attorneys and next door neighbors to get all the legal documentation necessary to file a petition for a vacation*
- *as of last week, the neighbors were OK with it*
- *he's good to go; just needs more time*
- *after the petition is finished, he'll mail it to the next door neighbors at their cabin;*

they come back to town once a week  
 - should be able to file the petition in 2 weeks  
 - if the petition fails, he will try for the encroachment

Ms. Moermond:

- views photos  
 - if the petition is filed within 4 weeks, she will continue a Layover for 6 weeks to work on this  
 - if the petition is not filed within the 4 weeks, she will recommend going forward with enforcement  
 - she will put it on the agenda as a housekeeping item one month out  
 - if, for some reason, it doesn't happen, Mr. Horttor should contact Ms. Moermond and show documentation of being worked on

**Laid Over to the Legislative Hearings due back on 8/23/2011**

18      **RLH FCO  
 11-234**

Appeal of Choua Kong to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 1827 ORANGE AVENUE EAST.

**Sponsors:**      Bostrom

**Attachments:**      1827 Orange.appeal.7-7-11.pdf

*Deny the appeal on the ceiling height and windows in the attic. The attic room cannot be used as a sleeping room. (Inspector James Thomas)*

RE: 1827 Orange Ave E

Choua Kong and Blia Lee, owners, appeared.

Fire Inspector Shaff:

- re-inspection of Fire Certificate of Occupancy conducted on Jun 17, 2011  
 - center of ceiling in attic is only 6 feet tall (3 feet in width) - code requires 7 feet over half the floor area

Ms. Kong:

- attic is used as a bedroom - when she bought it, the attic was considered a bedroom  
 - she has been paying tax on a 3-bedroom; how can we change it

Ms. Moermond:

- she will recommend the City Council deny the appeal on ceiling height in the attic; it's too far off the requirement  
 - talk with Ramsey County Records and Revenue to change house to 2-bedroom  
 - that make the window appeal mute  
 - City Council Public Hearing Aug 17, 2011

**Referred to the City Council due back on 8/17/2011**

19      **RLH OA 11-4**

Appeal of Terry L. Fransen to an Inspection Appointment at 658 PLUM STREET.

**Sponsors:**      Lantry

**Attachments:**      [658 Plum.appeal.7-26-11.pdf](#)

*LO to LH Sep 27, 2011. (Inspector Sean Westinhofer)*

658 Plum St (single family)

Terry Fransen, A Home 4U LLC, appeared.

Fire Inspector Shaff:

- an attempted Fire Certificate of Occupancy inspection
- 1st letter went out Jan 5, 2011
- home is listed as "A Home 4U LLC"
- Mr. Fransen states that he is the owner of that company and that the house is owner-occupied
- been going on for quite some time (note from Inspector Cummings dated Jan 13, 2011 - workmen did not allow access)
- also note saying there was work being done without permits
- have had similar issues with Mr. Fransen's company before (another address at a church that was running a shelter, which never did seem to get into the name of the person/church until after they'd given him a considerable amount of money)

Mr. Fransen:

- I buy houses and fix them up; rented some of them; got divorced and had not collected rent on this property since Jun 2010 so, he moved in
- Fire came for an inspection and he told them he lived there
- got a phone call a couple months later from Ms. Shaff who asked, "What's going on?"
- then, got another inspection date date (Ms. Shaff said that he could appeal it)
- owes \$600 in taxes - bank says as soon as he pays that off, he can quick claim it (couple months away)
- if you live in a house and it isn't rental, why would it be inspected?
- doesn't want another "to do" list
- pulled a permit after he came back from out-of-town (thought he could do more being owner-occupied)
- began living there around Feb 14, 2011
- wants some time to get it quick claimed

Ms. Moermond:

- looking for documentation that says Mr. Fransen is A Home 4U LLC
- was there a Revocation of the Certificate of Occupancy Jan 20, 2011?

Ms. Shaff:

- Jan 20, 2011, Inspector Cummings' comments say, "No Show by owner for today's inspection scheduled on phone with him; workmen at site - answered door but refused entry....."

Mr. Fransen:

- will send copy of state license

Ms. Moermond:

- C of O was revoked in Jan 2011
- it's not owner-occupied right now because A Home 4 U LLC owns it not Mr. Fransen
- actually, Mr. Fransen is living as a non-owner occupant in a property with a revoked C of O
- will lay this over for 60 days to give Mr. Fransen time to get the paperwork taken care of
- if things are not taken care of at the end of 60 days, Mr. Fransen will be in the Fire C of O Program and will be inspected forthwith

**Laid Over to the Legislative Hearings due back on 9/27/2011**

- 20 [RLH FCO  
11-217](#) Appeal of Mark Muckerheide to a Fire Certificate of Occupancy Inspection Correction Notice at 389 HERSCHEL STREET.

**Sponsors:** Stark

**Attachments:** [389 Herschel.appeal.6-29-11.pdf](#)

*Rescheduled.*

**Laid Over to the Legislative Hearings due back on 8/9/2011**

- 21 [RLH FCO  
11-230](#) Appeal of Stephanie Scarrella to a Fire Certificate of Occupancy Correction Notice at 1650-1652 DAVID STREET.

**Sponsors:** Bostrom

**Attachments:** 1650-1652 David.appeal.7-26-11.pdf  
1650-1652 David St.Photos.6-29-11.pdf

*Deny appeal on windows, hardware height of door and deadbolt on door. Repair or replace retaining wall by Nov 1, 2011. (Inspector James Thomas)*

*RE: 1650-1652 David St (side by side duplex)*

*Stephanie Scarrella, owner, appeared.*

*Fire Inspector Leanna Shaff:*

- referred to photos
- Certificate of Occupancy inspection Jun 29, 2011
- #10 Bedroom Windows double hung openable 13h x 37w in 1650 and 1652 (code requires a minimum of 24h x 20w)
- #9 Retaining Wall (1652) northside of bldg "in need of repair; pictures speak for themselves" (quite deteriorated with lots of holes, bowing somewhat, half the block face is gone)
- #11 Door hardware height (should be 34" minimum - 44" above finished floor)
- #12 Deadbolt - front and rear doors with a minimum of 1" throw

*Ms. Scarrella:*

- entered photos
- bldg has been in her family; has had long-term tenants
- decided to sell property at the beginning of this year
- got 4 bids on repairing/replacing the retaining wall
- had Truth in Housing done in May 2011
- hired someone to make all the corrections \$2,000
- the retaining wall needs repairing/replacing (preferably replaced); is not a hazard to Fire Code; it is slowly deteriorating; bidders did not recommend that it come down immediately
- received a Purchase Agreement Sat Jul 23, 2011 to which she couldn't respond until after today (would like to close Aug 26, 2011, if deal goes through)
- she is asking that the retaining wall be left for the new owner to decide whether to repair/replace
- will cost about \$800 to put a band aid on it; \$8,500 to replace
- the second owner replaced the windows in the home; for her to replace them would be a financial hardship
- exterior is stucco - would be a mess to replace the windows

- just replaced one of the doors for a tenant a year ago - she needed it farther up (seems like something I shouldn't have to do) for her child's safety  
- home is currently empty

Ms. Moermond:

- #9 - don't need to replace the retaining

Ms. Shaff:

- disagrees - she thinks the wall may go soon

Ms. Moermond:

- #9 - will recommend that the wall be either repaired or replaced by Nov 1, 2011

- #10 - will recommend the appeal on the windows be denied

- #11 - will recommend the appeal on the hardware height be denied

- #12 - will recommend the appeal on the deadbolt be denied

- can talk to the City Council on Aug 17, 2011

**Referred to the City Council due back on 8/17/2011**

## 2:30 p.m. Hearings

### Vacant Building Registrations

- 22 [RLH VBR 11-47](#) Appeal of Charles Vogler to a Vacant Building Registration Notice at 435 WINSLOW AVENUE.

**Sponsors:** Thune

**Attachments:** [435 Winslow.appeal.6-20-11.pdf](#)  
[435 Winslow Ave.Photos 6-6-11](#)  
[435 Winslow Ave-Summary Abatement Order 6-6-11.pdf](#)

**Withdrawn**

- 23 [RLH VBR 11-50](#) Appeal of Seventh Place Associates, LLC to a Vacant Building Registration Notice at 17 SEVENTH PLACE WEST.

**Sponsors:** Thune

**Attachments:** [17 7th Place.appeal.7-6-11.pdf](#)

*Rescheduled.*

**Laid Over to the Legislative Hearings due back on 8/16/2011**

### Window Variances: No Hearing Necessary

- 24 [RLH FOW 11-96](#) Appeal of Chris Beyer to an Egress Window Non-Compliance Determination at 1555-1557 ARKWRIGHT STREET.

**Sponsors:** Helgen

**Attachments:** [1555-1557 Arkwright.appeal.7-05-11.pdf](#)  
[1555-1557 Arkwright St.Beyer Ltr 7-26-11.doc](#)



*No hearing necessary. Grant a 2-inch variance on the openable height of the egress bedroom windows in 1557 and 1555. (Mike Cassidy)*

**Referred to the City Council due back on 8/17/2011**

- 25      **RLH FOW 11-97**      Appeal of Bryan Horton, Renewal by Andersen, on behalf of Elizabeth and Paul Chmelik, to an Egress Window Non-Compliance Determination at 1226 BERKELEY AVENUE.

**Sponsors:**            Harris

**Attachments:**        1226 Berkeley.appeal.6-27-11.pdf  
                                 1226 Berkeley Ave.Renewal by Anderson Ltr 7-26-11.doc

*No hearing necessary. Grant a 1-inch variance on the openable height of four double hung replacement egress bedroom windows measuring 23.125 inches high by 28 inches wide; grant a 2-inch variance on the openable width of two slider replacement egress bedroom windows measuring 44 inches high by 18 inches wide. (Ryan Rehn)*

**Referred to the City Council due back on 8/17/2011**

- 26      **RLH FOW 11-91**      Appeal of Roberto M. Rodriguez, Shoreview Investments, to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 602 BUSH AVENUE.

**Sponsors:**            Bostrom

**Attachments:**        602 Bush.appeal.6-29-11.pdf  
                                 602\_Bush\_Ave.Rodriguez\_\_Ltr\_7-26-11.doc

*No hearing necessary. Grant a 5.5-inch variance on the openable height of the egress window in the first floor bedroom; grant a 4.5-inch variance on the openable height of the egress window in the south upstairs bedroom. (Kelly Booker)*

**Referred to the City Council due back on 8/17/2011**

- 27      **[RLH FOW 11-102](#)**      Appeal of Ignatius Kadoma to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 1739 FIFTH STREET EAST.

**Sponsors:**            Lantry

**Attachments:**        [1739 5th.appeal. 7-12-11.pdf](#)  
                                 [1739 Fifth St E.Kadoma Ltr 7-26-11.doc](#)

*No hearing necessary. Grant a 5-inch variance on the openable height of the egress window in the attic. (James Thomas)*

**Referred to the City Council due back on 8/17/2011**

- 28      **RLH FOW 11-94**      Appeal of Mike and Kim Larson to a Fire Certificate of Occupancy Inspection Correction Notice at 1685 FOURTH STREET EAST.

**Sponsors:**            Lantry

**Attachments:**        1685 4th.appeal.7-1-11.pdf  
                                 1685 Fourth St E.Larson Ltr 7-26-11.doc

*No hearing necessary. Grant a 3-inch variance on the openable height of the egress windows in all bedrooms. (James Thomas)*

**Referred to the City Council due back on 8/17/2011**

- 29      **RLH FOW 11-92**      Appeal of Lee Vang to a Fire Certificate of Occupancy Inspection Correction Notice at 1916 NEVADA AVENUE EAST.

**Sponsors:**      Bostrom

**Attachments:**      1916 Nevada.appeal.6-29-11.pdf  
                                 1916 Nevada Ave E.Vang Ltr 7-26-11.doc

*No hearing necessary. Grant an 8-inch variance on the openable height of the egress windows in all bedrooms. (James Thomas)*

**Referred to the City Council due back on 8/17/2011**

- 30      **RLH FOW  
11-103**      Appeal of Howard Googins to an Egress Window Non-Compliance Determination at 834 PORTLAND AVENUE.

**Sponsors:**      Carter III

**Attachments:**      834 Portland.appeal.7-13-11.pdf

*No hearing necessary. Grant a 6.5-inch variance on the openable height of the egress windows in the first floor, two bedrooms; grant a 4.5-inch variance on the openable height of the egress window in the 2nd floor, front bedroom. (Mitchell Imbertson)*

**Referred to the City Council due back on 8/17/2011**

- 31      **RLH FOW 11-93**      Appeal of Janet Johnson, Millennium Holdings of Minnesota, to a Fire Certificate of Occupancy Inspection Correction Notice at 1291 SAINT PAUL AVENUE.

**Sponsors:**      Harris

**Attachments:**      1291 St.Paul.Appeal.6-29-11.pdf  
                                 1291\_St\_Paul\_Ave.Johnson\_Ltr\_7-26-11.doc

*No hearing necessary. Grant a variance on the sill height issue in the east bedroom, first floor on the condition that Appellant install steps the full width of the egress window. The window is in compliance. (Rick Gavin)*

**Referred to the City Council due back on 8/17/2011**