



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Meeting Agenda Legislative Hearings

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

Tuesday, November 9, 2010

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Remove/Repair Orders

- 1 [RES 10-946](#) Ordering the rehabilitation or wrecking and removal of the structures at 2060 SHERWOOD AVE within fifteen (15) days after the November 17, 2010, City Council Public Hearing.

Sponsors: Bostrom

Attachments: [2060 Sherwood Ave.Summary for Public Hearing.doc](#)

[2060 Sherwood Ave.Photos.7-7-10.pdf](#)

[2060 Sherwood Ave.Order to Abate Nuisance Bldg.8-26-10.DOC](#)

[2060 Sherwood Ave.Public Hearing Notice.9-24-10.DOC](#)

[2060 Sherwood Ave.Owners and Interested Parties.10-1-10.doc](#)

[2060 Sherwood Ave.Demo Bids.9-20-10](#)

[2060 Sherwood Ave.LH ltr.10-26-10.pdf](#)

[2060 Sherwood Ave.LH ltr.11-9-10.doc](#)

[2060 Sherwood Ave.revised work plan.11-14-10.pdf](#)

[2060 Sherwood Ave.tay checking account.pdf](#)

Legislative History

10/26/10 Legislative Hearings Referred to the Legislative Hearings
Ms. Moermond continued this item to the November 9, 2010 Legislative Hearings. The following conditions must be met by November 5, 2010 in order to receive a grant of time:

- 1) *must provide an affidavit indicating the dedication of funds to be used for this project;*
- 2) *the Code Compliance inspection must be obtained;*
- 3) *the property taxes must be paid;*
- 4) *must provide a revised work plan including timelines for completing the work; and*
- 5) *provide revised bids.*

STAFF PRESENT: Steve Magner, Department of Safety and Inspections (DSI), -- Vacant Buildings; Paula Seeley, Inspector, DSI; Amy Spong, Planning and Economic Development (PED), Historic Preservation Commission (HPC)

Patchia Xion Vang and Tay Vang, brother-in-law appeared.

Mr. Magner reported that the building is a two story, wood frame, single-family dwelling with a detached two-stall garage on a lot of 10,454 square feet. According the file, it has been a vacant building since June 26, 2007. The current property owner is Patchia Xiong Vang, per Ramsey Council. The city has had to board this building to secure it from trespass. There have been six (6) Summary Abatement Notices since 2007 and two (2) Work Orders issued for: 1) removal of tall grass and weeds; and 2) boarding/securing. On August 5, 2010, 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 August 26, 2010 with a compliance date of September 27, 2010. As of this date, this property remains in a condition which comprises a nuisance as defined by the legislative code. The Vacant Building registration fees have been paid. Taxation has placed an estimated market value of \$5,400 on the land and \$24,400 on the building. As of September 27, 2010, a Code Compliance Inspection fee has been paid; however, the Code Compliance Inspection has not yet been done. As of September 27, 2010, the \$5,000 performance bond has been posted. Real Estate taxes for the year 2010 are delinquent in the amount of \$2,673.32, plus penalty and interest. Code Enforcement officers estimate the cost to repair this structure to begin at \$60,000; demolition between \$10,000 and \$13,000.

Ms. Spong stated that the structure was built in 1950, possibly as a one-story, with a second story in the process of being added. It is in an area that has not been surveyed for any historic potential and it would not be eligible for individual listing or part of an historical district. Demolition would not have an adverse affect.

Mr. Tay Vang explained that the family has added a second story. It was purchased in 2009 and it is their intention to finish the work and live there. He was told to get bids from the contractor and also provide proof of financial funds to finish the project. He submitted copies.

Ms. Moermond asked about the delinquent taxes. Mr. Vang responded that he hadn't known about that but will take care of paying the taxes as soon as possible. Ms. Moermond asked if the work will be done by Tao Construction. Mr. Vang responded that some will be done by them and some by someone else. Mr. Moermond asked if he had spoken with the inspector. He replied that he has not but his phone is no longer working. When he called DSI, he was told that the inspection had not been done. Mr. Magner suggested that he contact Jim Seeger ASAP at 651/266-9046 or Senior Building Inspector, Steve Ubl, 651/266-9021. Perhaps, they are having a problem with the lock box.

Mr. Vang stated that the building has been stripped to the studs; everything new will be put in.

Ms. Moermond noted that she would like to see an affidavit/letter from Mr. Vang indicating that he will dedicate the necessary funds (\$60,000) to complete this project.

Mr. Magner asked who was doing the electrical work. Mr. Vang replied that the electrician hasn't had time to come out and submit a bid right now. Mr. Magner asked what the upstairs would consist of. Mr. Vang responded that

there will be two (2) bedrooms and one (1) bathroom upstairs. Mr. Magner noted that the construction statement may change a little once the Code Compliance Inspection has been done.

Ms. Moermond stated that Mr. Vang needs to call Jim Seeger right away or Steve Ubl to schedule the inspection to that he can put together a work plan that addresses everything that needs to be done. Tao Construction has a good start. Bids also need to be obtained from bus-contractors. Also, Ms. Moermond needs to see deadlines of when jobs will be completed. The whole project needs to be finished in six (6) months.

Mr. Vang asked if there is any way they could begin working now. Mr. Magner reminded him that they work cannot begin until a permit has been obtained, and a permit cannot be obtained until the Code Compliance Inspection has been done.

Ms. Moermond continued this item to the November 9, 2010 Legislative Hearings. The following conditions must be met by November 5, 2010 in order to receive a grant of time:

- 1) must provide an affidavit indicating the dedication of funds to be used for this project;
- 2) the Code Compliance inspection must be obtained;
- 3) the property taxes must be paid;
- 4) must provide a revised work plan including timelines for completing the work; and
- 5) provide revised bids.

11/9/10

Legislative Hearings

Referred to the City Council

Ms. Moermond recommended granting 120 days for the rehabilitation or wrecking of the building.

If the statement of labor and supplies property owner provided for the project and a separation of the funds for the rehabilitation from other business account is met by close of business on Monday, November 15, 2010.

STAFF PRESENT: Steve Magner, Department of Safety and Inspections (DSI) - Vacant Buildings

Tay Vang appeared.

Mr. Magner reported that the taxes have been paid, an affidavit has been received which states that the applicant will use the money in his account to finish the rehabilitation, and a document from Wells Fargo that confirms the money is in his account. Ms. Moermond asked if this account was his personal account or an account especially set up for the project. Mr. Vang responded that it was both. Ms. Moermond stated that she would prefer to see one (1) account for the project alone, so, he needs to separate the account.

Mr. Magner stated that a revised bid from Tao Construction will be necessary because the owner intends to put in some sweat equity. Ms. Moermond responded that Mr. Vang needs to come up with an estimated number of hours he plans to work on the project, what he intends to pay himself per hour and an estimated cost of the materials that he already has on hand.

Mr. Magner noted that a Certificate of Occupancy was generated on November

4, 2010.

Ms. Moermond will recommend 120 days to finish the project if the applicant provides proof of a separate bank account for the project and turns in an estimate of his sweat equity time and the work of the materials he already has.

- 2 **RES 10-947** Ordering the rehabilitation or wrecking and removal of the structures at 967 MARGARET ST within fifteen (15) days after the November 17, 2010, City Council Public Hearing.

Sponsors: Lantry

Attachments: [967 Margaret St.Summary for Public Hearing.doc](#)
 [967 Margaret St.Order to Abate Nuisance Building.8-26-10.DOC](#)
 [967 Margaret St.Photos.7-7-10.pdf](#)
 [967 Margaret St.Public Hearing Notice.10-1-10.DOC](#)
 [967 Margaret St.Inspection Appt Ltr.6-7-10.DOC](#)
 [967 Margaret St.R-R.LH Ltr.10-26-10.doc](#)
 [967 Margaret St.LH ltr.11-9-10.doc](#)

Legislative History

10/26/10 Legislative Hearings Laid Over to the Legislative Hearings
 Continued to November 9, 2010 to see if Dayton's Bluff Neighborhood and HRA are interested.

STAFF PRESENT: Steve Magner, Department of Safety and Inspections (DSI), -- Vacant Buildings; Paula Seeley, Inspector, DSI; Amy Spong, Planning and Economic Development (PED), Historic Preservation Commission (HPC)

No one appeared.

Mr. Magner reported that 967 Margaret is a two story, wood frame, single-family dwelling with a detached two stall garage on a lot of 5,227 square feet. According to the file, it has been a vacant building since December 17, 2009. The current property owner is listed as Lillie Ryals/Nate Ryals, per Ramsey County. The City has had to board this building to secure it from trespass. There have been ten (10) Summary Abatement Notices since 2009. There have been twelve (12) Work Orders issued for: 1) boarding/securing; 2) removal of tall grass and weeds; 3) removal of snow and ice; and 4) improperly stored refuse, garbage and misc. debris. On July 7, 2010, 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 August 26, 2010 with a compliance date of September 27, 2010. As of this date, this property remains in a condition which comprises a nuisance as defined by the legislative code. The Vacant Building registration fees have gone to assessment. Taxation has placed an estimated market value of \$17,000 on the land and \$51,400 on the building. As of October 21, 2010, a Code Compliance Inspection has not been completed. As of October 21, 2010, the \$5,000 performance bond has not been posted. Real Estate taxes for the years 2009 and 2010 are delinquent in the amount of \$2,750.36 plus penalty and interest. Code Enforcement officers estimate the cost to repair this structure to exceed \$30,000; the cost of demolition between \$10,000 and \$13,500.

Ms. Spong reported that this property is in the Dayton's Bluff neighborhood; it

is outside of the local designated historic district. She doesn't think that it was surveyed when they were determining the boundaries of the Dayton's Bluff historic district. She believes that this was built pre-1880. The porch appears to be pre-1925 but not original. It may have been built from a kit, which was popular at that time. The house has integrity eventhough the siding is covered. It has some of its window features and its porch. She doesn't believe that it would be eligible on its own but she encourages rehabilitation as opposed to demolition. The HRA as well as Dayton's Bluff Neighborhood Housing Services and the Dayton's Bluff Community Council should take a look.

Ms. Moermond recommended laying this over to the November 9, 2010 Legislative Hearing.

11/9/10 Legislative Hearings Referred to the City Council
Ms. Moermond recommended removing the building within 15 days with no option for repair.

STAFF PRESENT: Steve Magner, Department of Safety and Inspections (DSI) - Vacant Buildings; and Amy Spong, Planning and Economic Development (PED) - Historic Preservation (HPC)

No one appeared.

Mr. Magner reported that this was a layover from October 26, 2010 and nothing has changed since then.

Ms. Moermond recommended removing the building within 15 days with no option for repair.

3 [RES 10-961](#) Ordering the rehabilitation or wrecking and removal of the structures at 590 GORMAN AVENUE within fifteen (15) days after the November 17, 2010, City Council Public Hearing.

Sponsors: Thune

Attachments: [590 Gorman Ave.Summary for public hearing](#)
[590 Gorman Ave.Owner Documents.11-9-10.pdf](#)
[590 Gorman Ave.Order to Abate Nuisance Building.8-26-10.DOC](#)
[590 Gorman Ave.Photos.8-2-10.pdf](#)
[590 Gorman Ave.Demo Bids.9-20-10](#)
[590 Gorman Ave.Public Hearing Notice.9-24-10.DOC](#)
[590 Gorman Ave.Owners & Interested Parties.10-1-10.doc](#)
[590 Gorman Ave.Insp Appt Ltr.7-28-10.DOC](#)
[590 Gorman Ave.Photos.10-16-09.pdf](#)
[590 Gorman Ave.LH ltr.11-9-10.doc](#)

Legislative History

10/26/10 Legislative Hearings Referred to the Legislative Hearings
Ms. Moermond laid this matter over to the November 9, 2010, Legislative Hearing. The following items must be submitted:
1) a separate contract so that the title is not transferred prior to completion of rehab
2) a work plan indicating costs of repairs
3) proof of financial resources to do the rehab

STAFF PRESENT: Steve Magner, Vacant Buildings, Department of Safety and Inspections (DSI); Amy Spong, Planning and Economic Development (PED), Historic Preservation (HPC)

Michael Brennan appeared.

Mr. Magner stated that 590 Gorman Avenue is a two-story, wood frame, single-family dwelling with a wood frame shed on a lot of 4,792 square feet. According to the file, it has been a vacant building since October 15, 2009. The property owner is Bryan Litzau, per Ramsey County. The City has had to board this building to secure it from trespass. There have been four (4) Summary Abatement Notices since 2009. There have been four (4) Work Orders issued for: boarding/securing; removal of tall grass and weeds; and removal of snow and ice. On August 3, 2010, 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 August 26, 2010 with a compliance date of September 27, 2010. As of this date this property remains in a condition which comprises a nuisance as defined by the legislative code. The Vacant Building registration fees have gone to assessment. Taxation has placed an estimated a market value of \$16,400 on the land and \$78,700 on the building. A Code Compliance Inspection has not been completed; a performance bond has not been posted. Real Estate taxes for 2009 and 2010 are delinquent in the amount of \$3,357.30 plus penalty and interest. Code Enforcement officers estimate the cost to repair this structure starting at \$50,000 with demolition costs between \$8,000 and \$10,000.

Ms. Spong noted that this structure was built in 1886. It was originally part of a larger parcel of four (4) single family detached dwellings on one lot. Over the years, the lot was divided into separate lots. Originally, it had a full front one-story porch which has been removed. Much of the siding and trim detail is gone. This has not been surveyed for historical significance but is part of a focus area. This property does not have potential for historical resource, so demolition would not have an adverse effect.

Mr. Brennan, resident real estate broker and investor, addressed the hearing. He is also the purchaser of this property. On February 11, 2010, he made an offer to purchase this property from the estate of Mr. Litzau. There was an attorney involved because there were liens, delinquent taxes, unpaid Vacant Building fees, etc. and title issues that needed to be clarified. It dragged on from February to October 2010. Meanwhile, Mr. Brennan has been going by the property to check it out. Finally, he sent a notice to the attorney representing the property, notifying him that the building was going to be demolished. On October 19, 2010, they had a closing settlement that shows Mr. Brennan paid \$4,468 for property taxes for 2009 and 2010 plus penalties, which included a \$1,100 Vacant Building registration fee. The check was dispatched Wednesday, October 20, 2010, so it isn't in the system yet. The water bill of \$178.51 will be paid later this afternoon. On October 25, Mr. Brennan went to DSI and posted a \$5,000 performance bond and also paid \$426 for the Code Compliance Inspection to be done. (He has the receipts.) He has been working to obtain bids; he already has bids for the roof and the windows. He is ready to go to work on the rehab. He estimates repair between \$40,000 - \$50,000 in order to obtain the Certificate of Occupancy.

Mr. Magner noted that there are two (2) issues: 1) the building has been a Category 3 registered vacant building since August 2010, which under the City code would not be allowable for sale until the building is brought into compliance; 2) even if it were a Category 2 registered vacant building, there still would have had to have been a sale review process done by DSI which hasn't been applied for. Mr. Brennan responded that he had a Contract for Deed on the property, so technically, the original title holder is still holding legal title to the property. Mr. Magner stated that he believes that when Chapter 33 was amended, it was the position of the City Attorney to include language which included Contract for Deeds. Mr. Brennan replied that when he read the code on that, it stated that the holder of the unrecorded Contract for Deed would also be able to be a vested partner or owner of the property, having a slight title to the real estate. Mr. Brennan stated that when he made the original offer on February 11, 2010, the building was a Category 1 registered vacant building.

Ms. Moermond stated that Mr. Brennan has applied for the Code Compliance Inspection, he has posted the bond and has paid the taxes and the vacant building registration fee. However, the property was transferred and whether or not that was possible to do and still have time for the rehab is the question. She will review the code. She doesn't think that the City Council will grant any time to do the rehab; however, she will take a second look at it to give Mr. Brennan the benefit of the doubt.

Ms. Moermond recommends laying the matter over for two (2) weeks. In the meantime, she wants to see proof of his financial resources for the rehab and a developed work plan.

Mr. Magner asked if Mr. Brennan went back to the attorney representing Mr. Litzau and he agreed to modify his contract to state that he was going to rehabilitate the structure under a grant of time from the City; and when the rehabilitation was completed, he would obtain title to the property will full review, would this end differently. Ms. Moermond responded, "Absolutely." Mr. Magner added that because there hasn't been a Transfer Warranty Deed and these other steps have taken place, there wouldn't need to be a major modification to the Contract he already has. Mr. Brennan needs a contract that articulates that he will rehabilitate the structure to remove the vacant building status and obtain title. He will need to provide DSI with a rehabilitation plan, financial cost and financial resources to do the rehab.

Ms. Moermond stated that she would find it acceptable to do the separate contract so that the title doesn't transfer prior to the completion of the rehab. Mr. Brennan may submit materials via fax/email. He stated that he could have the necessary copies to her by the end of this week.

Mr. Moermond laid this matter over to the November 9, 2010, Legislative Hearing. The following items must be submitted:

- 1) a separate contract so that the title is not transferred prior to completion of rehab
- 2) a work plan indicating costs of repairs
- 3) proof of financial resources to do the rehab

11/9/10

Legislative Hearings

Referred to the City Council

Ms. Moermond recommended laying over to December 1, 2010 City Council.

Ms. Moermond recommended the following conditions be met by the close of

business on November 30: a Code compliance inspection report to be completed and revised work plan submitted.

If conditions are met, forthcoming recommendation on December 1 City Council Agenda will be to grant time for rehabilitation.

STAFF PRESENT: Steve Magner, Department of Safety and Inspections (DSI), -- Vacant Buildings

Mr. Michael Brennan appeared.

Mr. Magner stated that the following things have been submitted:

- 1) a separate contract so that the title is not transferred prior to completion of the rehab;*
- 2) a work plan indicating timeline;*
- 3) a bond was posted;*
- 4) a bank statement;*
- 5) copies of quote for roof and windows.*

The Certificate of Occupancy Inspection fee has been paid but the inspection has not yet been done. Ms. Moermond stated that Mr. Brennan will need to schedule that ASAP. After the inspection, she will need to see a revised work plan by November 30, 2010.

- 4 [RES 10-1047](#) Ordering the rehabilitation or razing and removal of the structures at 186 FRONT AVE within fifteen (15) days after the December 1, 2010, City Council Public Hearing.

Sponsors: Helgen

Attachments: [186 Front Ave.OTA Inspection Appt ltr.8-4-10](#)

[186 Front Ave.Photos.8-19-10](#)

[186 Front Ave.Order to Abate Nuisance Building.9-10-10](#)

[186 Front Ave.Owners & Interested Parties.10-15-10](#)

[186 Front Ave.Public Hearing Notice.10-11-10](#)

[186 Front Ave.LH FTA ltr.11-9-10.doc](#)

Legislative History

11/9/10 Legislative Hearings Referred to the City Council
Ms. Moermond recommended wrecking and removal of the building within 15 days with no option for repair.

STAFF PRESENT: Steve Magner, Department of Safety and Inspections (DSI) - Vacant Buildings; and Amy Spong, Planning and Economic Development (PED) - Historic Preservation Commission (HPC)

No one appeared.

Mr. Magner reported that this building is a two-story, wood frame duplex on a lot of 3,049 square feet. According to the file, it has been a vacant building since June 9, 2009. The current property owner is the Housing and Redevelopment Authority, per Ramsey County. There have been six (6) Summary Abatement Notices since 2009 and there have been six (6) Work Orders issued for: 1) removal of tall grass and weeds; 2) improperly stored refuse, garbage and mics debris; and 3) other - exterior. On August 18, 2010, an inspection of the building was conducted, a list of deficiencies which

constitute a nuisance condition was developed and photographs were taken. An Order to Abate a Nuisance Building was posted on September 10, 2010 with a compliance date of October 11, 2010. As of this date, this property remains in a condition which comprises a nuisance as defined by the legislative code. The Vacant Building registration fees have been sent to assessment. Taxation has placed an estimated market value of \$12,800 on the land and \$35,400 on the building. As of November 4, 2010, a Code Compliance Inspection has not been obtained and the \$5,000 performance bond has not been posted. Real Estate taxes are current. Code Enforcement officers estimate the cost to repair this structure to exceed \$50,000; cost of demolition between \$9,000 and \$19,000. DSI recommends removing the building.

Ms. Spong reported that this worker's cottage was built before 1889. At one time, there were four (4) of these cottages on the lot; now, there are three (3). There are some remnants of the original structure; the porch has been removed. Demolition would cause no adverse affect.

Ms. Moermond recommends wrecking and removal of the building within 15 days with no option for repair.

- 5 **RES 10-1048** Ordering the rehabilitation or razing and removal of the structures at 105 MANITOBA AVENUE within fifteen (15) days after the December 1, 2010, City Council Public Hearing.

Sponsors: Helgen

Attachments: [105 Manitoba Ave.OTA Appt Ltr.8-11-10](#)
 [105 Manitoba Ave.Photos.8-23-10](#)
 [105 Manitoba Ave.Order to Abate.9-10-10](#)
 [105 Manitoba Ave.Public Hearing Notice.10-15-10](#)
 [105 manitoba Ave.Owners & Intersted Parties.10-11-10](#)
 [105 Manitoba Ave.LH FTA ltr.11-9-10.doc](#)

Legislative History

11/9/10 Legislative Hearings Referred to the City Council
 Ms. Moermond recommended wrecking and removal of the building within 15 days with no option for repair.

STAFF PRESENT: Steve Magner, Department of Safety and Inspections (DSI) - Vacant Buildings; and Amy Spong, Planning and Economic Development (PED) - Historic Preservation Commission (HPC)

No one appeared.

Mr. Magner reported that this building is a two-story, wood frame single-family dwelling on a lot of 4,792 square feet. According to the file, it has been a vacant building since July 6, 2007. The current property owner is listed as Angela Burton, per Ramsey County. The City has had to board this building to secure it from trespass. There have been six (6) Summary Abatement Notices since 2007 and there have been eight (8) Work Orders issued for: 1) removal of tall grass and weeds; 2) improperly stored refuse, garbage and misc. debris; and 3) boarding/securing. On August 25, 2010, an inspection of the building was conducted, a list of deficiencies which constitute a nuisance condition was developed and photographs were taken. An Order to Abate a Nuisance Building was posted on September 10, 2010 with a compliance date of October 11, 2010.

As of this date, this property remains in a condition which comprises a nuisance as defined by the legislative code. The Vacant Building registration fees were sent to assessment. Taxation has placed an estimated market value of \$17,000 on the land and \$19,700 on the building. As of November 4, 2010, a Code Compliance Inspection has not been obtained and the \$5,000 performance bond has not been posted. Real Estate taxes for 2009 and 2010 are delinquent in the amount of \$3,482.88 plus penalty and interest. Code Enforcement officers estimate the cost to repair this structure to exceed \$55,000; cost of demolition between \$9,000 and \$13,000. DSI recommends wrecking and removal of the building within 15 days with no option for repair.

Ms. Spong reported that this worker's cottage pre-dates 1886. The block has some integrity. The siding has been covered; there is some trace of original window trim. Demolition will have no adverse affect.

Ms. Moermond recommends wrecking and removal of the building within 15 days with no option for repair.

- 6 **RES 10-1049** Ordering the rehabilitation or razing and removal of the structures at 646-648 SHERBURNE AVENUE within fifteen (15) days after the December 1, 2010, City Council Public Hearing.

Sponsors: Carter III

Attachments: [646-648 Sherburne Ave.Inspection Appt ltr.8-6-10](#)

[646-648 Sherburne Ave.Photos.8-26-10](#)

[646-648 Sherburne Ave.Order to Abate Nuisance Building.9-10-10](#)

[646-648 Sherburne Ave.Public Hearing Notice.10-11-10](#)

[646-648 Sherburne Ave.Owners & Interested Parties.10-15-10](#)

[646-648 Sherburne Ave.LH ltr.11-9-10.doc](#)

Legislative History

11/9/10 Legislative Hearings Referred to the City Council
Ms. Moermond's recommendation is forthcoming for December 1, 2010 City Council Public Hearing.

If the Code Compliance Inspection Report is completed and the \$5,000 performance bond is posted by November 30, Ms. Moermond will recommend a referral back to Legislative Hearing on December 14, 2010 and City Council Public Hearing on January 5, 2011. At the December 14, 2010 Legislative Hearing, additional conditions will be discussed.

STAFF PRESENT: Steve Magner, Department of Safety and Inspections (DSI) - Vacant Buildings; and Amy Spong, Planning and Economic Development (PED) - Historic Preservation Commission (HPC).

Mr. Matthew Jones appeared.

Mr. Steve Magner reported that 646-648 Sherburne Avenue is a one and one-half story, wood frame, duplex on a lot of 3,920 square feet. According to the file, it has been a vacant building since December 2, 2009. The current property owner is listed as Charles Muhammad, per Ramsey County. The City has had to board this building to secure it from trespass (July 2010). There have been eight (8) Summary Abatement Notices since 2009. There have been nine (9) Work Orders issued for: 1) removal of tall grass and weeds; 2)

improperly stored refuse, garbage and misc. debris; 3) boarding/securing; and 4) removal of snow and ice. On August 25, 2010, an inspection of the building was conducted, a list of deficiencies which constitute a nuisance condition was developed and photographs were taken. An Order to Abate a Nuisance Building was posted on September 10, 2010 with a compliance date of October 11, 2010. As of this date, this property remains in a condition which comprises a nuisance as defined by the legislative code. The Vacant Building registration fees were paid. Taxation has placed an estimated market value of \$12,500 on the land and \$52,500 on the building. As of November 4, 2010, a Code Compliance Inspection has not been obtained and the \$5,000 performance bond has not been posted. Real Estate taxes are current. Code Enforcement officers estimate the cost to repair this structure to exceed \$75,000; the cost to demolish between \$12,000 - \$14,000.

Mr. Jones stated that this property went to a sheriff's sale on October 8, 2010; the property is vacant. He stated that his client would like to get a Code Compliance Inspection done so that they would know what it might cost to repair in order to make a decision on whether to rehab the building or not. He is hoping to get a two (2) week layover to get the inspection done and pay the fees and assessments.

Ms. Moermond asked Mr. Magner about the recent history of Summary Abatements and Work Orders on this property. Mr. Magner responded that the last Summary Abatement notice was to secure the building in July, 2010. The last Work Order was for tall grass and weeds in August, 2010; there were also others: August 3, July, June and May of 2010, all for tall grass and weeds.

Ms. Moermond said that she would be happy to give him time to get a Code Compliance Inspection done. If the Code Compliance Inspection Report is completed and the \$5,000 performance bond is posted by November 30, Ms. Moermond will recommend a referral back to Legislative Hearing on December 14, 2010 and City Council Public Hearing on January 5, 2011. At the December 14, 2010 Legislative Hearing, additional conditions will be discussed.

Ms. Spong stated that the building was built in 1907 as a rental (flat) unit. The original wrap-around porch has been enclosed. The property is within the boundary of the Legacy Survey Project, which will begin this month. It's integrity has been lost. Because of the upcoming survey, she needs more information to help determine its historic significance. Ms. Moermond stated that there will be some time to make that determination.

- 7 [RES 10-958](#) Ordering the rehabilitation or wrecking and removal of the structures at 1107 ROSS AVENUE within fifteen (15) days after the November 17, 2010, City Council Public Hearing.

Sponsors: Bostrom

Attachments: [1107 Ross Ave.Order to Abate Nuisance Bldg.8-26-10.DOC](#)
[1107 Ross Ave.Photos.7-7-10.pdf](#)
[1107 Ross Ave.Public Hearing Notice.9-24-10.DOC](#)
[1107 Ross Ave.Owners & Interested Parties.10-1-10.doc](#)
[1107 Ross Ave.expired CCI.7-22-09.dot](#)
[1107 RossAve.Demo Bids.10-14-10.xls](#)
[1107 Ross Ave.R-R.LH Ltr.10-26-10.doc](#)
[1107 Ross Ave.LH FTA ltr.11-9-10.doc](#)

Legislative History

10/26/10 Legislative Hearings Referred to the Legislative Hearings
Ms. Moermond will recommend a two (2) week layover until the November 9, 2010 Legislative Hearing. At that time, if Ms. Greenleaf has decided to rehab the property, the following conditions must be met: 1) a code compliance inspection must be obtained; 2) the \$5,000 performance bond must be posted; 3) the property taxes must be paid; and 4) the property must be maintained.

STAFF PRESENT: Steve Magner, Vacant Buildings, Department of Safety and Inspections (DSI); Amy Spong, Planning and Economic Development (PED), Historic Preservation (HPC)

Lana Greenleaf appeared.

Mr. Magner reported that the building is a one and one-half story, wood frame, single-family dwelling with a detached garage on a lot of 6,534 square feet. According to the file, it's been vacant since May 29, 2009. The current property owner is Lana Greenleaf, per Ramsey County. The City has had to board the building to secure it from trespass. There have been six (6) Summary Abatement Notices since 2009. There have been thirteen (13) Work Orders issued for boarding/securing, removal of tall grass and weeds, removal of snow and ice, and improperly stored refuse, garbage and misc. debris. On August 3, 2010, 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 August 26, 2010 with a compliance date of September 27, 2010. As of this date, this property remains in a condition which comprises a nuisance as defined by the legislative code. The Vacant Building registration fees have been paid. Taxation has placed an estimated market value of \$19,900 on the land and \$45,400 on the building. As of October 21, 2010, A Code Compliance Inspection has not been completed. (7/22/09 Code Compliance Inspection Report expired.) As of October 21, 2010, the \$5,000 performance bond has not been posted. Real Estate taxes for 2010 are delinquent in the amount of \$2,179.36, plus penalty and interest. Code Enforcement officers estimate the cost to repair this structure to exceed \$50,000; estimated cost of demolition to exceed \$12,000.

Ms. Spong stated that this structure was built around 1890. (All of the index cards for Ross are lost or perhaps, filed under another street.) It is located near the rail line and a lot of industry on the East Side. The large wrap-around front porch is pre-1025 but she doesn't think that it's original. The original siding has been covered. She does not think that it would be eligible for historic significance individually, and this area has not been identified as a potential historic district. The interesting thing about this property is that the Ross

Brothers actually developed this house. This street is named after two (2) brothers who were very early developers in Saint Paul.

Ms. Moermond asked Ms. Greenleaf about her plans for this building. Ms. Greenleaf responded that her plans, originally, were to bring it up to code and live there. But she has been trying to clear some legal issues and hasn't been able to come up with the performance bond. When she bought the property, she had a business partner, who was murdered last year shortly after the property was purchased. She also considered demolition and needs to know how to go about that.

Ms. Moermond noted that there has been returned mail from Ms. Greenleaf. She asked her to sign in with her current address. Ms. Greenleaf noted that her partner had a P.O. address which she had been unable to access and she hadn't had a good relationship with her partner's family, so she was unable to recover any mail that had to do with the property. Ms. Moermond noted that the Bank of New York has the mortgage on this property. She asked Ms. Greenleaf about that. Ms. Greenleaf responded that when she purchased it, she bought it right out for \$17,000 so, there is no mortgage on it. She knows that there are taxes to be paid, etc.

Ms. Moermond asked Mr. Wagner what would be involved if Ms. Greenleaf wanted to demolish the house on her own. Mr. Wagner responded that she would need to submit a signed contract with a licensed demolition contractor prior to the resolution compliance date. If the City Council passes a resolution to remove a building within fifteen (15) days, Ms. Greenleaf would need to have that contract into the DSI office prior to the end of fifteen (15) days. After that time, the City will proceed to hire a contractor to remove the building and put the cost onto the taxes. Practically speaking, Ms. Moermond would estimate that to be before December 1, 2010. So far, the City has not yet received bids on this demolition. Ms. Greenleaf commented that it will really take a lot to get the house up to code, so, her other option is to demolish the structure and build on the lot. Ms. Moermond responded that typically, the fee for the City doing the demolition exceeds \$12,000. (The City gets a very good price on demolitions.)

Ms. Moermond stated that if Ms. Greenleaf decided to rehab at a low estimate of \$50,000, she will need to see: 1) a code compliance inspection which can be applied for on line or she could stop by the DSI office. This inspection with inspectors from the four (4) trades will create a list of deficiencies which will need to be addressed (minimum compliance). Either an appointment will be made for the inspection or a lock box will be used. 2) the \$5,000 performance bond must be posted. The bond is held by the City until the Code Compliance Certificate is obtained. She'll get the deposit back in six (6) months with interest. 3) the property taxes must be paid; and 4) the property must be maintained. Ms. Moermond added that if the bond can't be posted and the taxes can't be paid, then it's unlikely that she can get the rehab done. She noted that there are also Orders accumulating. Ms. Greenleaf said that others are leaving trash and furniture on the property, parking in the back, etc. Ms. Moermond responded that such things will continue to be a problem when a property appears to be abandoned.

Ms. Greenleaf will email her decision to Ms. Moermond.

Ms. Moermnd will recommend a two (2) week layover until the November 9, 2010 Legislative Hearing. At that time, if Ms. Greenleaf has decided to rehab

the property, the following conditions must be met: 1) a code compliance inspection must be obtained; 2) the \$5,000 performance bond must be posted; 3) the property taxes must be paid; and 4) the property must be maintained.

11/9/10

Legislative Hearings

Referred to the City Council

Ms. Moermond recommended wrecking and removal of the building within 15 days with no option for repair.

STAFF PRESENT: Steve Magner, Department of Safety and Inspections (DSI) - Vacant Buildings.

No one appeared.

Mr. Magner stated that this has been laid over from October 26, 2010 and none of the conditions have been met. No bond has been posted. The Code Compliance Inspection report has expired. Taxes have not been paid. The last Work Order was issued in June 2010. The more recent Summary Abatement Notices were to secure the building and to remove yard material. DSI has not heard anything from Ms. Greenleaf. Ms. Moermond will have Ms. Vang send her a letter to find out where she stands.

Ms. Moermond recommends wrecking and removal of the building within 15 days with no option for repair.

11:30 a.m. Hearings

Summary Abatement Orders

8

[ALH 10-333](#)

Appeal of Robert Logan to a Vehicle Abatement Order and a Summary Abatement Order at 845 Fuller Avenue.

Sponsors: Carter III

Attachments: [845 Fuller Ave.Appeal.10-28-10.pdf](#)

[845 Fuller Ave.Summary Abatement Order.10-18-10](#)

[845 Fuller Ave.Vehicle Abatement Order.10-18-10](#)

[845 Fuller Ave.Excessive Consumption Ltr.10-28-10](#)

[845 Fuller Ave.Photos.10-28-10](#)

[845 Fuller Ave.Police Work Order.10-28-10](#)

[845 Fuller Ave.LH FTA ltr.11-9-10.doc](#)

Legislative History

11/9/10

Legislative Hearings

Referred Under Master Resolution

Ms. Moermond recommended denying the appeal.

STAFF PRESENT: Inspector Paula Seeley, Department of Safety and Inspections, (DSI)

No one appeared.

Inspector Seeley reported that the commercial vehicle (tow truck) appears to be inoperable. It is missing windows and has expired tabs.

Ms. Moermond recommended denying the appeal.

9 [ALH 10-355](#) Appeal of Rick T. Wilson to a Summary Abatement Order at 2234 Stillwater Avenue.

Sponsors: Lantry

Attachments: [2234 Stillwater.Appeal.11-2-10.pdf](#)

[2234 Stillwater Ave.Summary Abatement Order.10-27-10](#)

[2234 Stillwater Ave.Photos.10-26-10](#)

[2234 Stillwater Ave.LH ltr.11-9-10.doc](#)

Legislative History

11/9/10 Legislative Hearings Referred to the City Council
Ms. Moermond will recommend that the City Council grant a 30 day extension to December 31, 2010 to finish the project, provided that the permit is pulled and finalized by close of business on December 19, 2010.

STAFF PRESENT: Inspector Paul Seeley, Department of Safety and Inspections (DSI).

Rick Wilson and Carolyn Benson appeared.

Ms. Moermond explained that today she will start with a staff report to find out the condition of the garage and why the Orders were written; then, she will speak with the appellant to discuss why he is appealing. If the appellant is happy with the outcome of today's hearing, it is not required that he go to the City Council Public Hearing. If the appellant is unhappy with today's outcome, Ms. Moermond will set him up at the City Council Public Hearing.

Inspector Seeley reported that she received a complaint on October 26, 2010. She inspected and found an unfinished garage with a permit since 2004. There has been one (1) or (2) complaints each year since then, so she deemed it a nuisance structure and would like Mr. Wilson to take care of it as soon as possible or it will need to be removed.

Ms. Moermond noted that from the photos, the garage looks to be in pretty rough shape.

Mr. Wilson stated that he has removed the wood since Ms. Seeley has been out. There are six (6) inches of concrete filled with rebar. The footings have 1 3/4 inch rebar. The walls have 1/2 inch rebar. Ms. Moermond noticed from the photos that there is grass in the inside of the unfinished garage. Mr. Willson explained that the floor has not yet been poured. There are six (6) inches of recycled class 5 down there already. It will be topped with six (6) inches of sand and then, styrofoam. Ms. Moermond stated that it's not class 5 if you have to mow it; class 5 is durable and dustless. Mr. Wilson responded that it will be scraped. Ms. Moermond noted the construction debris in the photos. Mr. Willson said some of that was the shingles.

Ms. Moermond noted that the appeal says Mr. Wilson has a contractor and materials to complete the project within one (1) month. Mr. Wilson responded that with weather permitted, he is sure they can finish it in a month. It needs a roof and doors to secure it. Ms. Moermond asked how long this project has been going on. Mr. Wilson responded that when he pulled the first permit it was to raze the old garage in 2004. He did the footings and the subwall (7 feet down) in 2005 while he was laid off. He lives near Beaver Lake; needed some solid ground. In 2007, he got the blocks in and poured the walls. He stated that

he has all of the materials to finish. Ms. Moermond asked why he hadn't yet gotten a building permit. Mr. Wilson responded that he wasn't sure what was going to take place today - whether he'd have to tear it down or what.

Ms. Moermond asked Inspector Seeley about the complaint history on this. Inspector Seeley noted that there were several complaints in 2009: a couple of Summary Abatement issues for tall grass and weeds. Mr. Wilson added that in 2009 he also had to store the shingles inside rather than being outside. Inspector Seeley added there was also a tire and some minor storage.

Ms. Moermond stated that this will be scheduled at the City Council on December 1, 2010. She will recommend that they give Mr. Wilson one (1) month to complete the building (garage). So, it needs to be completely done by December 31, 2010. If it's not complete at that time, the Department of Safety and Inspections is authorized to knock it down. She thinks that time frame is more than generous. Ms. Moermond added that because of the special reinforcements built into the structure, it will cost a lot more to demolish it. The permit needs to be pulled and finalized by close of business on December 19, 2010. Mr. Wilson can also go to the City Council on December 1 and ask for additional time.

Orders to Vacate, Condemnations and Revocations

- 10 [ALH 10-354](#) Appeal of A. Espinosa to a Notice of Condemnation Unfit for Human Habitation Order to Vacate at 211 Kim Place.

Sponsors: Lantry

Attachments: [211 Kim Place.appeal.11-1-10](#)
 [211 Kim Place.Condemnation.11-1-10](#)
 [211 Kim Place.Photos.11-1-10](#)
 [211 Kim Pl.Espinosa Email.11-7-10](#)
 [211 Kim Pl.Wittgenstein Email.11-3-10](#)
 [211 Kim Pl.LH ltr.11-9-10.doc](#)

Legislative History

11/9/10 Legislative Hearings Laid Over to the Legislative Hearings
Ms. Moermond will lay this matter over to the December 7, 2010 Legislative Hearing to see how things are progressing.

At the December 15, 2010 City Council Public Hearing, Ms. Moermond will recommend that they left the condemnation and grant an extension of one (1) month or six (6) weeks to finish the work.

STAFF PRESENT: Inspector Leanna Shaff, Department of Safety and Inspections (DSI) - Fire

Armantina Espinosa, Laura Espinosa and Carlos Espinosa appeared.

Inspector Shaff reported that Inspector Wayne Spiering conducted a Fire Certificate of Occupancy inspection on October 29, 2010. He found a lot of work that was being done without a permit. Some windows need attention and there are many interior walls opened up. Photos were taken; Ms. Moermond reviewed them. Plumbing, electrical and mechanical work is being done. The

main concern here was making sure that grandma is safe. Since the inspection took place, many permits have been obtained and some have even been sign-off on. The whole project is moving forward positively. Ms. Moermond noticed that windows are boarded in some places. Some of the upstairs egress windows are opening 20h x 32 w.

Ms. Moermond noted that she has spoken with Ms. Kay Wittgenstein, who says that all is going well and will work out. A question for her is whether or not this property should continue to be in the Certificate of Occupancy Program or is it the equivalent of being an owner-occupied property. Ms. Moermond recommends they get out of the Certificate of Occupancy Program. The current Orders will need to be addressed. Ms. Moermond asked if permits have been pulled for all of the work that needs to be done. Mr. Espinosa responded that they had not known that permits had not been pulled on all of the work that had been done by reputable companies; so, he went and got all the necessary permits. Some of the electrician's work had a permit but a second permit was pulled on November 2, 2010 to make sure that things were in perfect order. That work will begin the week of November 15, 2010. When the electrician finishes, an insulation contractor will finish his work within a week. Following that, a dry wall contractor will begin. Mr. Espinosa stated that he will pull any permits that are necessary to go forward. He still needs to pull permits for all of the windows; Pella will be doing that work in four (4) weeks.

Ms. Moermond asked how many bedrooms were being used. Mr. Espinosa replied that there were three (3) bedrooms being used. He pointed out a mistake on the deficiency list: the northeast bedroom is not a sleeping room; it is currently used as storage and does not require an egress window. Also, all the windows on the southwest are sliding windows, not double-hung. The northwest room is his son's room and the window is boarded. His son will sleep on the couch while his bedroom window is boarded. Mr. Espinosa stated that Inspector Spiering told him that his mom's bedroom (upper floor Southeast) window was up to code. Inspector Shaff noted that she would go out and take a look at them. Ms. Espinosa said that all of these bedrooms windows will be bigger when they are replaced. They will be casement windows and 35w x more than 32h.

Ms. Moermond will lay this matter over to the December 7, 2010 Legislative Hearing to see how things are progressing.

At the December 15, 2010 City Council Public Hearing, Ms. Moermond will recommend that they lift the condemnation and grant an extension of one (1) month or six (6) weeks to finish the work.

1:30 p.m. Hearings

Fire Corrections Notice

- 11 [ALH 10-243](#) Appeal of Kendall Crosby of Kendall's Ace Hardware to a Fire Certificate of Occupancy Correction Notice at 1200 Payne Avenue.

Sponsors: Bostrom

Attachments: [1200 Payne Ave.Appeal.10-26-10.pdf](#)
 [1200 Payne Ave.Fire Inspection Ltr.10-5-10](#)

Legislative History

11/9/10 Legislative Hearings Referred Under Master Resolution
Grant a variance of up to six inches on the width of the five aisles with a noncompliant width. A clear path must be maintained between the aisles. (Thomas, 10/4)

Appellant Kendall Crosby appeared.

Inspector Shaff gave a staff report. She said the orders being appealed addressed the width of the aisles in the hardware store and were from an October 4, 2010 Fire Certificate of Occupancy reinspection conducted by Inspector Thomas. Inspector Thomas reported 38-inch aisles and storage in the aisles; the code requires 44-inch aisles.

Ms. Moermond asked about the order related to the unlicensed dog. Mr. Crosby said the dog belonged to his daughter and was kept in the basement which had an exit to a fenced area outside the building. He said the dog was now licensed.

Mr. Crosby said the storage in the aisles was a housekeeping issue and had been addressed.

Ms. Moermond asked whether the hardware store was considered a hazardous use that required annual inspections. Ms. Shaff said it was inspected every two years.

Mr. Crosby described the layout of the store including the room at the rear of the store with the noncompliant aisles. He said that area contained plumbing fixtures and no flammable items, and had two exits. He said the aisle in question was 38 inches wide, and the others were 41 and 43 inches wide. He said he wanted a safe store and used breakaway hooks which would prevent emergency personnel or customers from getting caught on displayed merchandise. He said it was a clean store and there were two fire extinguishers. He said compliance would require removing a full run of fixtures from each side of the room, which would jeopardize his business. He stated that all aisles were wheelchair accessible.

Ms. Moermond said she was impressed that there were only two items on the deficiency list. She asked how many aisles were narrower than required. Mr. Crosby said two were 38 inches wide, and three others were less than 44 inches. He said they were already using narrow bases for the fixtures.

Ms. Moermond said she would recommend that the Council grant a variance of up to six inches on the width of the five aisles in question. She said none of the aisles should be made narrower and no additional aisles should be allowed to become narrower than the requirement. A clear path must be maintained between the aisles.

12 [ALH 10-330](#) Appeal of Jacquelyn Hanson to a Fire Certificate of Occupancy Correction Order at 2245 Fourth Street East.

Sponsors: Lantry

Attachments: [2245 4th St E.Appeal.10-27-10.pdf](#)
[2245 4th St E.Fire C of O Ltr.10-18-10](#)
[2245 4th St E.PC ltr.11-9-10.doc](#)

Legislative History

11/9/10

Legislative Hearings

Laid Over to the Legislative Hearings

Laid over to December 7. The appellant will submit a work plan for review by the end of business on November 23 and will look into alternate window styles. 90 days will be granted for bringing the windows into compliance; a variance of up to four inches in openable width will be granted if necessary. (Spiering, 10/18)

Appellant Jackie Hanson (1508 20th Avenue N.W., St. Paul, MN 55112) appeared.

Inspector Shaff gave a staff report. She said the orders being appealed were from a Fire Certificate of Occupancy Inspection conducted by Inspector Spiering on October 18. She said the property had been referred to the Certificate of Occupancy program by Section 8. The items being appealed addressed non-compliant egress windows (Item 3), a rotted patio door frame (Item 4), a bathroom floor that was not impervious to water (Item 10), inadequate water pressure in the bathroom sink (Item 11), and exposed wiring in the upper floor bedroom.

Ms. Hanson said she'd owned the property for six years, had rented it in the past, and had lived there herself until October. She said previous tenants had been Section 8, and the windows had not been called out in previous Section 8 inspections. She said the inspector from the most recent Section 8 inspection had told her to call the Fire inspector to see about getting a variance for the windows. She said she hadn't expected a full inspection, couldn't afford the repairs or complete them by the deadline, and she felt the inspector had nit-picked. She said the house was in good shape. She said the patio was being done and she wasn't sure what was needed for the bathroom sink.

Ms. Moermond asked about the bathroom floor. Ms. Hanson said one tile was missing, but the inspector had said the floor needed to be replaced. She said her biggest concern was the windows because she could not collect the Section 8 portion of the rent without the variance or approved windows.

Ms. Moermond asked how Section 8 handled an extension for bringing windows into compliance. Ms. Shaff said Section 8 would typically honor that.

Ms. Moermond said she could not recommend a variance for the windows because they did not have enough compensating width; she suggested that Ms. Hanson look for other window styles. She said she would grant a variance of up to 4 inches on the openable width of the egress windows in the main floor northeast and upper floor bedrooms if there was adequate openable height, and would grant a 90-day extension for bringing the windows into compliance. Ms. Shaff noted that the openable width of a casement window would be limited by the pivot action.

Ms. Moermond said she would lay the matter over to December 7 to allow Ms. Hanson time to look into options for windows. She said a permit would be required to replace the windows.

Ms. Hanson asked whether there would still be a reinspection on November 29. Ms. Shaff said there would be for the other items.

Ms. Moermond asked how much water pressure there was in the bathroom sink.

Ms. Hanson said there was not enough pressure to wash a dish, but there was enough for hand washing. She said there was good pressure in the tub, shower, and kitchen. Ms. Moermond said adequate pressure for hand washing was important in the bathroom; she said she would grant a 90 day extension for compliance.

Ms. Hanson reiterated that the windows hadn't been an issue in the past, and that she hadn't expected the Certificate of Occupancy requirement or inspection. She expressed frustration at having to spend time and money on repairs when the tenant had not complained about anything.

Ms. Shaff said Section 8 staff were generally good about communicating with property owners about the Certificate of Occupancy requirement; she asked Ms. Hanson how she had known a Fire inspection was required. Ms. Hanson said the Section 8 inspector had told her to call the Fire Inspector to get the windows approved, and she had not had additional contact with Section 8 staff before that day (November 9). Ms. Shaff said that was not the standard procedure; she said she would follow up with Section 8.

Ms. Moermond said she would work with Ms. Hanson on deadlines. She asked Ms. Hanson to use the deficiency list to develop a work plan with deadlines, and submit it to her office by the close of business on November 23. She said she would lay the matter over to December 7. She asked Ms. Shaff whether there were any immediate life safety hazards. Ms. Hanson said some of the smaller items had been done including smoke and carbon monoxide detectors. She said a new furnace had been put in and the CO2 test was done.

Ms. Moermond said the reinspection would be scheduled after December 7.

- 13 [ALH 10-334](#) Appeal of Aaron Durkop to a Fire Certificate of Occupancy Correction Order at 1120 Sixth Street East.

Sponsors: Lantry

Attachments: [1120 6th St E.Appeal.10-28-10.pdf](#)
 [1120 6th St E.Fire C of O Ltr.10-24-10](#)
 [1120 Sixth ST E.PC ltr.11-9-10.doc](#)

Legislative History

11/9/10 Legislative Hearings Referred Under Master Resolution
Grant the appeal of Item 1 (foundation elements). Cosmetic damage to the foundation must be corrected per Item 2 (exterior walls). Grant an extension to November 30 for the other items. (Thomas, 10/20)

Appellant Aaron Durkop appeared.

Inspector Shaff gave a staff report. She said the orders being appealed were from a referral re-inspection conducted by Inspector Thomas. The original referral came on October 14 and was for possible overcrowding, which was not an issue at the time of the inspection. The inspector did note mice, some exterior painting issues, and some foundation issues.

Ms. Moermond asked whether a full Certificate of Occupancy inspection was scheduled. Ms. Shaff said she didn't know and would check.

Ms. Moermond read from the appeal that Mr. Durkop felt there was excessive

work and not enough time provided.

Mr. Durkop said that was correct. He said they were not contesting the mouse problem and had had an exterminator out before the inspection; he provided documentation. He said the orders he felt were excessive related to the foundation. He said the building had been inspected in April by an engineer and found to be safe; he referred to the report attached to the appeal. He said the original letter was dated October 14 with a deadline of October 20, but was not mailed until October 18 (documentation was provided with the appeal) and not opened until October 21. He said they didn't contest the minor concrete or plaster pops, but were just appealing Item 1.

Mr. Durkop said they'd received a \$75 fine for missed inspections but weren't sure what it was for. He said the notice referenced Items 6, 7, 8, 9 and 11, but there were only three items on the deficiency list. Ms. Moermond reviewed copy of the letter provided by Mr. Durkop and said they were excessive consumption charges from Code Enforcement. Ms. Shaff read from the property history online that there had been trash issues and a disabled car. Mr. Durkop said he'd been expecting a fine for the missed October 20 inspection. Ms. Moermond said bills would be issued along with the Certificate of Occupancy. She said any fees that weren't paid would come forward as tax assessments and could be appealed at that time.

Ms. Moermond asked whether the property was kept up. Mr. Durkop said the owner had recently put \$75,000 into the building, and the trash issues were due to one bad tenant. He said they were working to address the problem.

Ms. Moermond said she would recommend that the Council grant the appeal of Item 1 (foundation elements) and fold the cosmetic foundation issues into Item 2 (exterior walls). She said she would recommend an extension to November 30 for compliance.

- 14 [ALH 10-352](#) Appeal of Kevin T. Singpiel to a Fire Inspection Correction Notice at 1801 Marshall Avenue.

Sponsors: Stark

Attachments: [1801 Marshall Ave Appeal.11-1-10.pdf](#)
 [1801 Marshall Ave.Fire C of O Ltr.10-18-10](#)
 [1801 Marshall Ave.PC ltr.11-9-10.doc](#)

Legislative History

11/9/10 Legislative Hearings Laid Over to the Legislative Hearings
Laid over to December 7. The appellant will submit a work plan by the end of business on November 23. The tenants have been asked to vacate the third floor. If the matter can be resolved by phone there will be no hearing.
(Beumer, 10/15)

Kevin Walli (332 Minnesota Street, Suite West-1260, St. Paul, MN 55101) appeared on behalf of the appellant.

Inspector Shaff gave a staff report. She said the orders being appealed were from a Fire Certificate of Occupancy inspection conducted by Inspector Beumer on October 15. Inspector Beumer had reported that the openable dimensions of the egress window in the second floor northeast bedroom were 23 inches high by 25 inches wide (Item 1), and in the third floor bedroom were 17 inches high

by 19 inches wide (Item 7). The ceiling height in the stairway leading to the third floor was 51 inches (Item 10); code requires 78 inches. The dryer exhaust duct needed to be repaired or replaced (Item 17), the parking surface did not meet code (Item 21), and the rear porch ceiling was deteriorating (Item 27).

Mr. Walli said licensed contractors were going to the property that week to address the basement stairs and furnace-related issues. He asked for a variance on the window in Item 1. Ms. Moermond said she would recommend that the Council grant a 1-inch variance on the openable height of the egress window in the second floor northeast bedroom.

Mr. Walli said the property owner wanted to comply but needed more time. He said he could submit a work plan in ten days to two weeks, and address life safety issues on a faster schedule. He said the tenants had been asked to vacate the third floor for the time being. He said the contractor would provide an estimate for the third floor items and Mr. Singpiel would make a decision about whether or not to make those corrections.

Ms. Moermond asked that Mr. Walli submit a work plan by the end of business on November 23. She said she would lay the matter over for to December 7, but there would be no hearing if the issue could be resolved by phone or email.

- 15 [ALH 10-356](#) Appeal of Hugh Wegwerth to a Re-Inspection Fire Certificate of Occupancy Deficiency List at 200 Bridlewood Drive.

Sponsors: Lantry

Attachments: [200 Bridlewood.appeal.11-2-10.pdf](#)
 [200 Bridlewood Dr.Fire C of O Ltr.10-20-10](#)
 [200 Bridlewood Dr.PC ltr.11-9-10.doc](#)

Legislative History

11/9/10	Legislative Hearings <i>Appeal denied</i>	Referred Under Master Resolution
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Appellant Hugh Wegworth (1795 Albert Street, Falcon Heights, MN 55113) appeared.

Inspector Shaff gave a staff report. She said the orders being appealed were from a Fire Certificate of Occupancy reinspection conducted by Inspector Spiering on October 15, and involved water heater venting in the main floor furnace room that had been replaced without a permit.

Mr. Wegworth said there was dust on the vent and not rust as the inspector had reported, but he'd had his handyman replace it. He said he'd been cited for doing the work without a permit, but an HVAC contractor had been to the property for the carbon monoxide test and said the repair looked fine. He provided photographs of the old parts.

Ms. Shaff said the inspector had tapped the pipe and seen rust fall out.

Ms. Moermond, Ms. Shaff, and Mr. Wegworth reviewed the photographs. Ms. Shaff said the rust had also been cited on an earlier inspection.

Ms. Moermond said she couldn't make a decision based on the condition of the old part because the replacement had already taken place.

Mr. Wegwerth said he was appearing on principle. He said it was costing him more than \$150 to appear, and he felt the inspections were too in-depth. He said he didn't think there had been a violation, and the HVAC contractor told him the permit would cost \$150. Ms. Shaff said \$150 probably included both the permit and the contractor call.

Mr. Wegwerth said he would like to have the permit requirement removed. Ms. Moermond said she couldn't waive the permit requirement and needed to make sure the installation had been done properly. She asked Ms. Shaff whether Mr. Wegwerth could pull the permit himself. Ms. Shaff said a licensed contractor would have to pull the permit.

Mr. Wegwerth said the two adjacent properties were owner-occupied townhouses, and he expressed frustration over the more stringent requirements for rental properties. He said he felt that rental property owners were being targeted and it was unethical.

Ms. Moermond addressed Mr. Wegwerth's concerns about the permit requirement and the different expectations for rental and owner-occupied properties.

- 16 [ALH 10-357](#) Appeal of Louie Teppen to a Re-Inspection Fire Certificate of Occupancy Deficiency List at 957 Minnehaha Avenue East.

Sponsors: Lantry

Attachments: [957 Minnehaha.appeal.11-2-10.pdf](#)
[957 Minnehaha Ave E.Fire C of O Ltr.10-25-10](#)
[957 Minnehaha Ave E.Photos.10-21-10](#)
[957 Minnehaha Ave E. Fire C of O Ltr.9-29-10](#)
[957 Minnehaha Ave E.Photos.9-28-10](#)
[957 Minnehaha Ave E.PC ltr.11-9-10.doc](#)

Legislative History

11/9/10 Legislative Hearings Laid Over to the Legislative Hearings
Laid over to December 7. The appellant will pull a building permit and have the porch stairs inspected. (Thomas, 10/21)

- 17 [ALH 10-353](#) Appeal of Lawrence J. Schreifels to a Fire Inspection Correction Notice at 1229 and 1231 Juliet Avenue.

Sponsors: Harris

Attachments: [1229-1231 Juliet Ave.appeal.11-1-10.pdf](#)
[1229-1231 Juliet Ave.PC ltr.11-9-10.doc](#)

Legislative History

11/9/10 Legislative Hearings Referred Under Master Resolution
No one appeared. Grant a 2.5-inch variance on the openable height of the egress windows in all bedrooms. (Gavin, 10/18)

2:30 p.m. Hearings

Vacant Building Registrations

- 18 [ALH 10-332](#) Appeal of Corey Doerfler to a Vacant Building Registration Renewal Notice at 59 Wheelock Pkwy West.

Sponsors: Helgen

Attachments: [59 Wheelock Pkwy E.Appeal.10-28-10.pdf](#)
[59 Wheelock Pkwy E.VB Registration.10-18-10](#)

Legislative History

11/9/10 Legislative Hearings Withdrawn
Withdrawn by DSI

Window Variances

- 19 [ALH 10-324](#) Appeal of Tina Lee to a Fire Certificate of Occupancy Correction Order at 1011 Beech Street.

Sponsors: Lantry

Attachments: [1011 Beech St.Appeal.10-29-10.pdf](#)
[1011 Beech St.PC ltr.11-9-10.doc](#)

Legislative History

11/9/10 Legislative Hearings Referred Under Master Resolution
Legislative Hearing Officer Marcia Moermond reviewed the appeal and recommended granting a 1.5-inch variance on the openable height of the egress window in the upper unit front sleeping room. (Shaff, 10/18)

- 20 [ALH 10-325](#) Appeal of Nicolas Nelson to a Fire Certificate of Occupancy Correction Order at 974 Cleveland Avenue South.

Sponsors: Harris

Attachments: [974 Cleveland Ave S.Appeal.10-29-10.pdf](#)
[974 Cleveland Ave S.PC ltr.11-9-10.doc](#)

Legislative History

11/9/10 Legislative Hearings Referred Under Master Resolution
Legislative Hearing Officer Marcia Moermond reviewed the appeal and recommended granting a 5.5-inch variance on the openable height of the egress window in the second floor east bedroom, and a 3-inch variance on the openable height of the egress window in the second floor west bedroom. (Gavin, 10/19)

- 21 [ALH 10-326](#) Appeal of Xai Thao to a Fire Certificate of Occupancy Correction Order at 219 WHITE BEAR AVENUE NORTH.

Sponsors: Lantry

Attachments: [219 White Bear Ave N.Appeal.10-29-10.pdf](#)
[219 White Bear Ave N.Fire C of O Ltr.9-29-10](#)
[219 White Bear Ave N.PC ltr.11-9-10](#)
[219 White Bear Ave N.PC ltr.11-16-10.doc](#)

Legislative History

11/9/10 Legislative Hearings Laid Over to the Legislative Hearings

Legislative Hearing Officer Marcia Moermond reviewed the appeal and recommended granting a 3.25-inch variance on the openable height of the egress windows in the upper floor northeast and northwest bedrooms, and an 8-inch variance on the openable height of the egress windows in the basement southeast, northwest and west bedrooms. (Spiering, 9/29)

On November 12, 2010, Property owner called and wanted to appeal other items. Scheduled hearing for November 16, 2010 at 1:30 pm.

- 22** [ALH 10-327](#) Appeal of Elaine M. Wagner to a Fire Certificate of Occupancy Correction Order at 1843 Colvin Avenue.
- Sponsors:** Harris
- Attachments:** [1843 Colvin Ave.Appeal.10-29-10.pdf](#)
 [1843 Colvin Ave.PC ltr.11-9-10.doc](#)
- Legislative History**
- 11/9/10 Legislative Hearings Referred Under Master Resolution
Legislative Hearing Officer Marcia Moermond reviewed the appeal and recommended granting a 3-inch variance on the openable height of the egress window in the basement west bedroom, and a 7-inch variance on the openable height of the egress window in the basement east bedroom. (Gavin 10/21)
- 23** [ALH 10-328](#) Appeal of Pella Windows on behalf of Hlee Lee to an Egress Window Non-Compliance Determination at 1856 Orange Avenue East.
- Sponsors:** Bostrom
- Attachments:** [1856 Orange Ave E.Appeal.10-27-10.pdf](#)
 [1856 Orange Ave E.PC ltr.11-9-10.doc](#)
- Legislative History**
- 11/9/10 Legislative Hearings Referred Under Master Resolution
Legislative Hearing Officer Marcia Moermond reviewed the appeal and recommended granting a 3-inch variance on the openable height of two double-hung replacement bedroom egress windows measuring 21 inches high by 23 inches wide.
- 24** [ALH 10-329](#) Appeal of Simone Koehler to a Fire Certificate of Occupancy Correction Order at 1141-1143 Goodrich Avenue.
- Sponsors:** Thune
- Attachments:** [1141-1143 Goodrich Ave.Appeal.10-27-10.pdf](#)
 [1141-1143 Goorich Ave.PC ltr.11-9-10.doc](#)
- Legislative History**
- 11/9/10 Legislative Hearings Referred Under Master Resolution
Legislative Hearing Officer Marcia Moermond reviewed the appeal and recommended granting a 1-inch variance on the openable height of the egress window in the north bedroom at 1141, a 2.5-inch variance on the openable height of the egress window in the south bedroom at 1141, a 3.5-inch variance on the openable height of the egress window in the north bedroom at 1143, and a 3-inch variance on the openable height of the egress window in the south bedroom at 1143. (Gavin, 10/15)

- 25 [ALH 10-331](#) Appeal of EMK Holding to a Fire Certificate of Occupancy Correction Order at 1191 RICE STREET.
- Sponsors:** Helgen
- Attachments:** [1191 Rice St.Appeal.10-28-10.pdf](#)
 [1191 Rice St.PC ltr.11-9-10.doc](#)
- Legislative History**
- 11/9/10 Legislative Hearings Referred Under Master Resolution
Legislative Hearing Officer Marcia Moermond reviewed the appeal and recommended granting a 7-inch variance on the openable height of the egress windows in both second floor bedrooms. (Beumer, 10/7)
- 26 [ALH 10-345](#) Appeal of Marie Plourde to a Fire Certificate of Occupancy Correction Order at 581 Pascal Street North.
- Sponsors:** Stark
- Attachments:** [581 Pascal St N. Appeal.11-1-10.pdf](#)
 [581 Pascal St N.Fire C of O Ltr.10-19-10](#)
 [581 Pascal St N.Mai Email.11-9-10.pdf](#)
- Legislative History**
- 11/9/10 Legislative Hearings Referred Under Master Resolution
Legislative Hearing Officer Marcia Moermond reviewed the appeal and recommended granting a 2-inch variance on the openable height of the egress windows in the lower level bedrooms. (Isabell, 10/19)
- 27 [ALH 10-346](#) Appeal of Renewal by Andersen on behalf of Kathy and Frank Schweigert to an Egress Window Non-Compliance Determination at 1655 Blair Avenue.
- Sponsors:** Stark
- Attachments:** [1655 Blair Ave.Appeal.11-1-10.pdf](#)
 [1655 Blair Ave.PC ltr.11-9-10.doc](#)
- Legislative History**
- 11/9/10 Legislative Hearings Referred Under Master Resolution
Legislative Hearing Officer Marcia Moermond reviewed the appeal and recommended granting a 1-inch variance on the openable height of seven double-hung replacement bedroom egress windows measuring 23 inches high by 26 3/8 inches wide.
- 28 [ALH 10-348](#) Appeal of Renewal by Andersen on behalf of owner Doug Earl to a Egress Window Non-Compliance Determination at 2047 Margaret Street.
- Sponsors:** Lantry
- Attachments:** [2047 Margaret St.Appeal.11-1-10.pdf](#)
 [2047 Margaret ST.PC ltr.11-9-10.doc](#)
- Legislative History**
- 11/9/10 Legislative Hearings Referred Under Master Resolution
Legislative Hearing Officer Marcia Moermond reviewed the appeal and recommended granting a 1-inch variance on the openable height of four double-hung replacement bedroom egress windows measuring 23 inches high by 31 inches wide.

- 29 [ALH 10-349](#) Appeal of John Hansen to a Fire Certificate of Occupancy Deficiency List at 386 Kennard Street.
- Sponsors:** Lantry
- Attachments:** [386 Kennard St.appeal.11-1-10.pdf](#)
[386-388 Kennard St.PC ltr.11-9-10.doc](#)
- Legislative History**
- 11/9/10 Legislative Hearings Referred Under Master Resolution
Legislative Hearing Officer Marcia Moermond reviewed the appeal and recommended granting a 3-inch variance on the openable width of the egress window in the bottom unit at 386 Kennard. A full-width step unit must be permanently affixed to address sill height, and the window hardware must be changed. She recommended granting a 3-inch variance on the openable width of the egress window in the upper unit at 386 Kennard, and a 3-inch variance on the openable width of the egress window in the upper unit at 388 Kennard. (Thomas, 10/4)
- 30 [ALH 10-350](#) Appeal of Renewal by Andersen on behalf of Holly Smart to a Egress Window Non-Compliance Determination at 551 Warwick Street.
- Sponsors:** Harris
- Attachments:** [551 Warwick St.Appeal.11-1-10.pdf](#)
[551 Warwick St.PC ltr.11-9-10.doc](#)
- Legislative History**
- 11/9/10 Legislative Hearings Referred Under Master Resolution
Legislative Hearing Officer Marcia Moermond reviewed the appeal and recommended granting a 1 1/8-inch variance on the openable height of four double-hung replacement bedroom egress windows measuring 22 7/8 inches high by 26 inches wide.
- 31 [ALH 10-351](#) Appeal of Renewal by Anderson on behalf of Ching and Marie Wang to an Egress Window Non-Compliance Determination at 861 Parkview Avenue.
- Sponsors:** Helgen
- Attachments:** [861 Parkview Ave.Appeal.11-1-10.pdf](#)
[861 Parkview Ave.PC ltr.11-9-10.doc](#)
- Legislative History**
- 11/9/10 Legislative Hearings Referred Under Master Resolution
Legislative Hearing Officer Marcia Moermond reviewed the appeal and recommended granting a 1 1/4-inch variance on the openable height of one double-hung replacement bedroom egress window measuring 22 3/4 inches high by 34 inches wide.
- 32 [ALH 10-361](#) Appeal of Denise Elliott Thompson to a Re-Inspection Fire Certificate of Occupancy with Deficiencies at 1266 Bayard Avenue.
- Sponsors:** Harris
- Attachments:** [1266 Bayard.Appeal.11-4-10.pdf](#)
[1266 Bayard Ave.C of O.9-14-10.doc](#)
[1266 Bayard Ave.PC ltr.11-9-10.doc](#)
- Legislative History**

11/9/10

Legislative Hearings

Referred Under Master Resolution

Legislative Hearing Officer Marcia Moermond reviewed the appeal and recommended granting a 4-inch variance on the openable height of the egress window in the southwest bedroo, and a 3.5-inch variance on the openable height of the egress window in the southeast bedroom. (Gavin, 9/14)