

City of Saint Paul

*15 West Kellogg Blvd.
Saint Paul, MN 55102*



Minutes - Final - Final

Tuesday, November 9, 2010

9:00 AM

Room 330 City Hall & Court House

Legislative Hearings

Marcia Moermond, Legislative Hearing Officer

Mai Vang, Hearing Coordinator

Jean Birkholz, Hearing Secretary

legislativehearings@ci.stpaul.mn.us

651-266-8560

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](#)

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.

Referred to the City Council, due back on 11/17/2010

- 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](#)

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.

Referred to the City Council, due back on 11/17/2010

- 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](#)

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.

Referred to the City Council, due back on 11/17/2010

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](#)

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.

Referred to the City Council, due back on 12/1/2010

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](#)

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.

Referred to the City Council, due back on 12/1/2010

- 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](#)

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 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.

Referred to the City Council, due back on 12/1/2010

- 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. (Ward 6)

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](#)

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.

Referred to the City Council, due back on 11/17/2010

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](#)

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.

Referred Under Master Resolution

- 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](#)

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.

Referred to the City Council, due back on 12/1/2010

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](#)

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.

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 left the condemnation and grant an extension of one (1) month or six (6) weeks to finish the work.

Laid Over to the Legislative Hearings, due back on 12/7/2010

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](#)

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.

Referred Under Master Resolution

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](#)

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.

Laid Over to the Legislative Hearings, due back on 12/7/2010

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](#)

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

Referred Under Master Resolution

- 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](#)

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.

Laid Over to the Legislative Hearings, due back on 12/7/2010

- 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](#)

Appeal denied

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. Wegworth 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. Wegworth 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. Wegworth's concerns about the permit requirement and the different expectations for rental and owner-occupied properties.

Referred Under Master Resolution

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](#)

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

Laid Over to the Legislative Hearings, due back on 12/7/2010

- 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](#)

No one appeared. Grant a 2.5-inch variance on the openable height of the egress windows in all bedrooms. (Gavin, 10/18)

Referred Under Master Resolution

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](#)

Withdrawn by DSI

Withdrawn

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 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)

Referred Under Master Resolution

- 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 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)

Referred Under Master Resolution

- 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 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.

Laid Over to the Legislative Hearings, due back on 11/16/2010

- 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 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)

Referred Under Master Resolution

- 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 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.

Referred Under Master Resolution

- 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 Goodrich Ave.PC ltr.11-9-10.doc](#)

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)

Referred Under Master Resolution

- 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 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)

Referred Under Master Resolution

- 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 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)

Referred Under Master Resolution

- 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 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.

Referred Under Master Resolution

- 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 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.

Referred Under Master Resolution

- 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 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)

Referred Under Master Resolution

- 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 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.

Referred Under Master Resolution

- 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 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.

Referred Under Master Resolution

- 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 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)

Referred Under Master Resolution