



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final Legislative Hearings

Marcia Moermond, Legislative Hearing Officer
Mai Vang, Hearing Coordinator
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651-266-8585

Tuesday, December 10, 2013

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Remove/Repair Orders

- 1 [RLH RR 13-57](#) Ordering the rehabilitation or razing and removal of the structures at 444 BEACON AVENUE within fifteen (15) days after the December 18, 2013 City Council Public Hearing. (Public hearing continued from December 18)

Sponsors: Stark

Need \$5,000 performance deposit or bond posted by Council date on December 18, 2013.

RE: 444 Beacon Avenue (Single Family)

No one appeared.

Steve Magner, Vacant Buildings:

- layover; was heard 2 weeks ago; at that time, a letter was sent to Brian Stites on Nov 27, 2013 (attached)

- email was received by Ms. Mai Vang from Brian Stites indicating that they are still hoping to have the bond posted today, Dec 10, 2013; that Freddie Mac's letter indicates their intentions; the Vacant Building fee has been paid; they have the bids (attached); and they are maintaining the property

- he reviewed the bids; they seem very comprehensive; total bid \$85,237.27 - so that Mr. Stites can market the property

- just waiting on the \$5,000 Performance Deposit/bond; he called the office and it has not yet been received

- suggested that allow a little more time

Ms. Moermond:

- he still has time to get that posted

Referred to the City Council due back on 12/18/2013

- 2 [SR 13-92](#) Reconsidering enforcement of Council File No. RLH RR 13-25, an Order to Raze or Remove the structures at 1281 THIRD STREET EAST.

Sponsors: Lantry

December 26, 2013 1:03 p.m. - Tammy Washington called and stated that the Bank is not going to rehab the building. Their contractor will be pulling a demo permit to do the demolition. -Mai Vang

US Bank needs to post \$5,000 performance deposit or bond, provide work plan and have property maintained by January 2, 2014 in order for LHO to reconsider to the City Council that this matter be laid over to get grant of time for rehabilitation.

RE: 1281 Third Street East (Single Family)

Tammy Washington and Toni Kvammi, US Bank, appeared.

Steve Magner, Vacant Buildings:

- layover

- background: read letter dated Oct 28, 2013 containing conditions (attached)

Ms. Moermond:

- this is round 2: the Order to Remove/Repair was in front of City Council in Jun 2013; at that time, Ms. Spong's report indicated that demolition would not have an adverse affect from an historic preservation perspective (Ms. Moermond read that report)

Ms. Washington:

- they ordered the Code Compliance Inspection Nov 20, 2013

- it went into US Bank's name after redemption on Jun 27, 2013; a local agent is working the property

- after they received the Code Compliance Inspection Report, they asked the agent to get bids from contractors for rehab

- the agent got one of the contractors' bids late last night: \$85,000 (city's estimate was to exceed \$50,000); this bid did not include some things on the report although, it did include things like ceramic tile in the bathroom to the tune of \$10,000 and a driveway for \$9,000 (doesn't think those things are really needed - the bid needs to be tweaked)

- had a prior estimate of about \$53,000 (the revised estimate has not yet been submitted)

- the third contractor won't have his bid in until tomorrow

- they would like to re-assign the property to an agent who is familiar with the Category 3 process and contractors who know what is needed

- they ordered the \$5,000 Performance Deposit, which was delayed due to the weather last week; it will probably come today

- the building is registered as a Vacant Buiding and is being maintained

- on the flip side, if it is decided that the building should be removed, US Bank will take care of that

Ms. Kvammi:

- they will need to decide if this building is worth the money we need to spend on it

- they didn't think the bids would be coming in so high

- their agent is on his 6th contractor for bids

Ms. Moermond:

- she would have assumed that this financial analysis would have been done sooner

- the city would like this nuisance condition to be abated (demolition or rehab); it's up to the Bank

- post \$5,000 performance deposit or bond by Jan 2, 2014

- provide work plan by Jan 2, 2014

- keep the property maintained
- if conditions are met, she will recommend that the City Council reconsider this matter and that it be laid over to get a grant of time for rehabilitation

Received and Filed

- 3 [RLH RR 13-60](#) Ordering the rehabilitation or razing and removal of the structures at 392 ARBOR STREET within fifteen (15) days after the January 2, 2014, City Council Public Hearing. (Public hearing continued from January 2)

Sponsors: Thune

Need \$5,000 performance deposit or bond posted by close of business on December 27, 2013. Will do layover if condition is met.

RE: 392 Arbor Street (Single Family)

*Janyth Loney, owner, appeared.
Dan Mollner, neighbor from two doors down, appeared.
Christopher Lambert, prospective buyer, appeared.*

Steve Magner, Vacant Building:

- The building is a one-story, wood frame, single-family dwelling on a lot of 3,049 square feet. According to our files, it has been a vacant building since July 20, 2009.
- The current property owner is Janyth K. Loney per AMANDA and Ramsey County Property records.
- On September 25, 2013, an inspection of the building was conducted, a list of deficiencies which constitute a nuisance condition was developed and photographs were taken. An ORDER TO ABATE A NUISANCE BUILDING was posted on October 9, 2013 with a compliance date of November 8, 2013. As of this date, the property remains in a condition which comprises a nuisance as defined by the legislative code.
- Taxation has placed an estimated market value of \$9,600 on the land and \$29,000 on the building.
- Real estate taxes for the second half of 2013 are unpaid in the amount of \$1,843.52 which includes penalty and interest.
- The Vacant Building registration fees were paid by check on August 19, 2013.
- A Code Compliance Inspection was done on April 25, 2013.
- As of December 9, 2013, the \$5,000 performance deposit has not been posted.
- There have been six (6) SUMMARY ABATEMENT NOTICES since 2009.
- There have been two (2) WORK ORDERS issued for:
 - Tall weeds/grass
- Code Enforcement Officers estimate the cost to repair this structure exceeds \$50,000. The estimated cost to demolish is \$10,000 to \$12,000.
- DSI, Division of Code Enforcement Resolution submitted for consideration orders the property owner to repair or remove this structure within fifteen (15) days; if not the resolution authorizes the Division of Code Enforcement to demolish and assess the costs to the property.

Amy Spong, Heritage Preservation Commission (HPC):

- circa 1880; don't have original building permit
- originally, Sanborn Insurance map indicates that 2 buildings were built on 1 lot
- this one was built as a single family dwelling; it had no front porch
- just to the side is a brick veneer house that was built on the exact same lot; is not sure if the lots were divided at some point or if it is still the same lot
- 1983 - first time this area was surveyed for any historic significance
- an inventory form was completed for 392 Arbor St, which says that it is certainly the

oldest house on the block; has a mildly pedimented window and door frame that reveal the age of this house (early kind of Greek Revival), although not much of that can be seen any more

- new windows and doors with cedar shake siding*
- the image on the inventory form is not very legible (need to make a request from the Ramsey County Historical Society to get a better image*
- did not get a chance to look at the Pioneer Context Study, done in 2001, which identifies the earliest houses; because this house had already been inventoried, it could have been part of that Pioneer Context Study*
- it likely was not called out as one for potential historic resource*
- Pioneer houses are some of the hardest to identify because they usually have had layers added to them*

Ms. Moermond:

- if this were a Pioneer house, it has had significant alterations; would it be considered important in that context any longer?*

Ms. Spong:

- because of the alterations, it has poor integrity just from what she sees from the photos*
- staff said that more intensive research would be required to determine any eligibility for the National Register; however, SHPO came back on Nov 1, 2013 and concluded that no properties listed in the National Register would be affected if this property were to be demolished*
- SHPO determined that it wouldn't have eligibility on the National Register and she suspects that it would also not have any eligibility on the local listing*
- another piece of info: this neighborhood was re-surveyed most recently in 2011 and it was not noted then; if there was too much change between the 1983 and the 2011, they were not noted then for more intensive survey work*
- there were a series of additions: 1891 for \$100, perhaps a winter kitchen; 2 alterations and another one in 1938*
- believes that there was another addition in the back of the property*
- non original siding, non original windows, doors, possibly non original chimney*
- at best, it was probably a workers cottage, originally*

Ms. Loney:

- when she purchased the house, she was told that it had been moved from a Colborne site to make way for a new county hospital; that was torn down; now, Saint Paul Schools have their admin offices down there*
- her understanding about the brick house is that at one time, it was owned by the people on the other side of 392*
- she bought this house in the late 1990s for her son and he lived there for a long time*
- when he moved out, she put it on the market and sold it Contract for Deed that defaulted; she was left with all the taxes, fees, etc.; she did put in the windows and the doors*
- her intention is to sell it to someone who has the capability of rehabbing it*
- she understands that she won't be able to transfer title*
- the interested buyer, a private individual, contacted her about the house after her listing ran out*

Ms. Moermond:

- any selling arrangement must be approved by the city*
- she can't wait indefinitely on this; she needs some concrete steps taken*

Mr. Mollner:

- lives at 382 Arbor, and has lived there all of his life (since 1962)
- in the 70s, a little old lady lived at 392 Arbor
- now, it's quite dilapidated and it pulls down the neighbors' property values
- the brick house next to it is charming
- 392 is on a small lot; he went through it when it was for sale; he was curious about it for rental property
- this is just an old house and he can't see it brought back to the necessary standards
- he has had no problems with the property or the owner
- he has written to the Federation and to housing inspection that in his opinion, it should be demolished

Mr. Magner:

- he hasn't had any communication about the house from the Federation; he will reach out to them about their view of this house and communicate that to Ms. Moermond

Ms. Moermond:

- needs to see that the owner and prospective buyer are serious about rehabbing this house
- post \$5,000 Performance Deposit
- the Code Compliance Inspection Report was issued on Apr 25, 2013; so, for the next 4 months, Ms. Loney can set herself up to transfer this property if the sale is approved by the city (Ms. Loney will need an attorney to craft an agreement whereby someone does the rehab while she still owns the title - must be a very trusting relationship there; the transfer of title would take place when the work was all done); when everything is code compliant, it can be transferred; otherwise, Ms. Loney needs to undertake the rehab or the demo on her own; or the city will undertake the demo
- she would like to see Ms. Loney post the \$5,000 Performance Deposit to show good faith
- would like to give Ms. Loney an extra month to sort this out and if she is successful in working this out with a buyer, Ms. Moermond will work with her plan; if she is not successful, she can ask for her Performance Deposit back and pursue demo on her own or the city will demolish it
- Ms. Loney will get a letter confirming this; copies to Mr. Mollner and the West 7th Federation
- will be in front of City Council Jan 2, 2014
- Dec 27, 2013, the \$5,000 Performance Deposit needs to be posted; then, she will ask the Council to lay this over for 1 month to another legislative hearing (including the buyer, who just walked in)

Mr. Lambert:

- is the prospective buyer

Ms. Moermond:

- repeated her condition and explanation

Ms. Spong:

- Correction: this property was not included in the more recent 2011 historical survey; it was not part of the boundary

Ms. Loney:

- parcel is 3,000 sq.ft; a 25-foot lot that can not be built on again if this house were demolished

Referred to the City Council due back on 1/2/2014

1649 ROSS AVENUE within fifteen (15) days after the January 2, 2014, City Council Public Hearing.

Sponsors: Lantry

Need \$5,000 performance deposit or bond posted by close of business on December 27, 2013. LHO will layover if that condition is met.

RE: 1649 Ross Avenue (Single Family)

Attorney James Gasperini, Afton Law Office PA, Afton, MN appeared on behalf of four of the owners of this property.

Attorney Brian Chmielewski, Chmielewski Law Office, Woodbury MN appeared on behalf of Dorothy Lyons, the fifth owner, appeared.

Mr. Gasperini:

- property was involved in a probate; the owner, who had been responsible for the property, passed away; so, it's taken some time to get everything through the probate; now, we're in position to move forward and get it fixed up; have had offers to buy the property

Steve Magner, Vacant Buildings:

- The building is a one-story, wood frame, single-family dwelling, with a detached storage shed, on a lot of 5,227 square feet. According to our files, it has been a vacant building since May 21, 2012.*
- The current property owner is Earl R. Hammes, Dorothy H. Lyons, and Eleanor D. Hammes per AMANDA and Ramsey County Property records.*
- On September 18, 2013, an inspection of the building was conducted, a list of deficiencies which constitute a nuisance condition was developed and photographs were taken. An ORDER TO ABATE A NUISANCE BUILDING was posted on September 24, 2013 with a compliance date of October 24, 2013. As of this date, the property remains in a condition which comprises a nuisance as defined by the legislative code.*
- Taxation has placed an estimated market value of \$12,800 on the land and \$29,100 on the building.*
- Real estate taxes are current.*
- The Vacant Building registration fees were paid by assessment on June 28, 2013.*
- As of December 9, 2013, a Code Compliance Inspection has not been done (inspection fee was paid on December 3, 2013).*
- As of December 9, 2013, the \$5,000 performance deposit has not been posted.*
- There have been fourteen (14) SUMMARY ABATEMENT NOTICES since 2012.*
- There have been seven (7) WORK ORDERS issued for:*
 - Garbage/rubbish*
 - Boarding/securing*
 - Tall grass/weeds*
- Code Enforcement Officers estimate the cost to repair this structure exceeds \$35,000. The estimated cost to demolish is \$12,000 to \$15,000.*
- DSI, Division of Code Enforcement Resolution submitted for consideration orders the property owner to repair or remove this structure within fifteen (15) days; if not the resolution authorizes the Division of Code Enforcement to demolish and assess the costs to the property.*

Amy Spong, Heritage Preservation Commission (HPC):

- constructed in 1917; vernacular with craftsman detailing, like open beams with exposed rafters; hip roof*
- original clapboard is still present along with a couple original windows*
- some alterations*

- don't have a Sanborn Insurance Map
- both of the block faces have properties from a similar era in contact; very few vacant lots
- SHPO determined that the property would not be eligible for the national register
- last surveyed in 1983; this property was not identified; nor were there any potential historic districts (caution: we should not be using survey work that's over 15-20 years old)
- individually, property does not have potential for an historic resource for national register or local designation
- has no interior photos so it's hard to assess the overall condition
- strongly encourages rehab

Mr. Chmielewski:

- they are ready to start construction right away
- want to get the code compliance inspection going; just needs to be scheduled

Ms. Moermond:

- need \$5,000 Performance Deposit posted with DSI; then, we can work on a grant of time
- strongly suggested that they get a contractor to do a walk through and develop a bid (later, it can be modified according to the code compliance inspection report)
- needs to see your ability to pay for the rehab; \$35,000 set aside explicitly for this project
- needs to see an affidavit that the funds will be used for this particular purpose (may be useful to use an escrow account since there's multiple people)

Mr. Chmielewski:

- the funds have not been available before to do the fix up
- there's been a change of circumstances - there will be a family land sale that will bring in some money to cover this expense
- hoping the closing will be in May; but it could be Jun or Jul before it closes
- the money won't be a problem but the timing might be

Ms. Moermond:

- the city gives 180 days in which you need to perform from the City Council's vote

Mr. Gasperini:

- they will get a contractor to do the work under permit (under contract)

Ms. Moermond:

- is very happy that professionals are engaged in this

Mr. Magner:

- hopefully, the inspection can take place before the holidays; he will talk with the building official; usually, we have to wait for the plumbing inspection
- the inspectors won't be coming at the same time (4 trades inspectors)
- have a contractor secure a lock box; submit tininfo to Jim Seeger, 6 51/266-9046

Ms. Moermond:

- get the \$5,000 Performance Deposit in by Dec 27, 2013
- at the City Council Public Hearing Jan 2, 2013, she will ask for a 1-month layover to get the pieces put together
- the title cannot be transferred until the nuisance condition is abated (building fixed or raxed)
- all correspondence will go to both attorneys and their clients

Referred to the City Council due back on 1/2/2014

- 5 [RLH RR 13-62](#) Ordering the rehabilitation or razing and removal of the structures at 929 SEVENTH STREET WEST within fifteen (15) days after the January 2, 2014, City Council Public Hearing. (Public hearing continued from January 2) (To be referred to Legislative Hearing February 25, 2014 and City Council Public Hearing on March 5, 2014)

Sponsors: Thune

12/20/13: \$5,000 performance bond was posted on December 19, 2014. Laid over to January 14, 2014 LH and January 15, 2014 City Council Public Hearing.

*Need a \$5,000 Performance Deposit or bond posted by close of business on December 27, 2013. If that condition is met, LHO will do a layover to January 14, 2014 Legislative Hearing and City Council Public Hearing on January 15, 2014.
NOTE: Owner will need to provide a new structural engineering report.*

*Thomas Hanten and Henry Hanten appeared.
Potential buyer, Sarah Remke, appeared.
Architect, Rebecca Hine, appeared.
Karen Koeppe, 419 Toronto Street, also appeared as a concerned neighbor.*

Ms. Moermond:

- this building has been cleaned out now; a good step*
- this is now considered a dangerous structure*

Mr. Thomas Hanten:

- he bought this from Hymen Simes but Mr. Simes' name is still on the title because Mr. Hanten, to this day, has been unable to pay all of the back property taxes on the building*

Steve Magner, Vacant Buildings:

- The building is a two-story, masonry and steel, commercial building, on a lot of 4,792 square feet. According to our files, it has been a vacant building since November 18, 2010.*
- The current property owner is Hymen Simes (Thomas S. Hanten is listed as tax owner) per AMANDA and Ramsey County Property records.*
- On September 18, 2013, an inspection of the building was conducted, a list of deficiencies which constitute a nuisance condition was developed and photographs were taken. An ORDER TO ABATE A NUISANCE BUILDING was posted on October 1, 2013 with a compliance date of October 31, 2013. As of this date, the property remains in a condition which comprises a nuisance as defined by the legislative code. On November 5, 2013, the property was inspected by the Division of Fire Safety and was deemed a dangerous building with serious structural issues due to support system failure and load stress, as well as excessive interior fire load. (See email and photos from Assistant Fire Marshal Phil Owens)*
- Taxation has placed an estimated market value of \$75,000 on the land and \$47,600 on the building.*
- Real estate taxes are delinquent and are as follows: a Confession of Judgment (CJ) was executed on April 30, 2012 for delinquent taxes in the amount of \$20,520.93; a payment on the CJ was made on April 25, 2013 in the amount of \$3,898.97; the real estate taxes for 2013 are delinquent in the amount of \$4,800.32, which includes penalty and interest; the 2013 delinquent taxes are required to be paid by March 3, 2014 or the CJ will be in default.*
- The Vacant Building registration fees went to assessment on December 3, 2013.*
- As of December 9, 2013, a Team Inspection has not been done.*

- As of December 9, 2013, the \$5,000 performance deposit has not been posted.
- No SUMMARY ABATEMENT NOTICES were issued since 2010 which resulted in no WORK ORDERS being issued.
- Code Enforcement Officers estimate the cost to repair this structure is \$50,000 to \$60,000. The estimated cost to demolish is \$15,000 to \$20,000.
- DSI, Division of Code Enforcement Resolution submitted for consideration orders the property owner to repair or remove this structure within fifteen (15) days; if not the resolution authorizes the Division of Code Enforcement to demolish and assess the costs to the property.

Amy Spong, Heritage Preservation Commission:

- built in 1916 as a movie theatre by the American Theatre Company for \$15,000
- was built as a 1-story, 40 feet wide x 125 feet long; however, the front was designed to look like a commercial store front
- was referred to as the Garden Theatre; lots of workers housing and industry around it; also, a roundhouse rail yard
- it's a masonry load bearing structure; a free-standing structure
- there was one building next to it; tried to find photos but found only a corner of the theater building
- area was last surveyed in 1983 and was not identified
- store front appears to be perma stone (veneer); there have been changes made to the early store front openings
- setback is right at the sidewalk
- this area was not part of the 2011 survey, which also focused on residential buildings
- this building had significance for the neighborhood on the local level; also had a lot of alterations with some structural issues; additional survey work would be necessary to assess any potential historic significance
- the Fort Road Federation requested consideration of expanding the boundaries when the Schmidt Brewery was designated

Ms. Moermond:

- the structure covers the entire parcel
- property taxes are \$25,000 in arrears
- her guess is that the value of the building has dropped down to \$0 (been labeled a dangerous structure)
- the building is paid off
- Hymen Simes owns the Contract for Deed

Mr. Henry Hanten:

- the building has been listed for about 1 month now
- they have an engineer's report that evaluates the building as "sound"; the trusses are in good shape

Ms. Moermond:

- will need to see the engineer report
- the building is red tagged - work was done on the roof without a permit; city engineers are concerned that the roof won't be able to sustain the snow load

Mr. Tom Hanten:

- the real estate agent and his wife just had a baby; he has the engineer's report
- the engineer did consider the snow load when he came in to look at the entire structure's support system (it's all metal support)

Ms. Moermond:

- she cannot rely on what has been said; she needs to see the engineer's report

- Appellant won't be able to pull a permit on this building until this matter is cleared to the satisfaction of the city's building engineer
- Fire Prevention said you have a dangerous condition and the building official red-tagged the Appellant for doing repairs without a permit and those repairs were not adequate for what needed to be taken care of; they will need to be re-done

Mr. Tom Hanten:

- when the Fire Marshal did that (Nov 5, 2013), he got an estimate for \$60,000 to redo the roof

Ms. Moermond:

- that happened in the past; there's been a lot of deferred maintenance
- when she spoke with the building official about allowing some time for this to be sorted out, he thought that some scaffolding needed to be put on the interior to make sure the roof was sound; this is the time to present that engineering analysis

Mr. Magner:

- \$50,000-\$60,000 is just an estimate to stabilize the building; commercial buildings can get a Certificate of Occupancy for just doing 4-walls unlike residential buildings, which need finishes
- probably for \$50,000 or \$60,000, you could get the roof stabilized and get the basic mechanicals

Ms. Moermond:

- sees significant masonry deterioration; (Steve Magner: to be more definitive, it needs to have a team inspection and the city needs to take a look at that engineering report)
- wants to give every break possible to the building because it does have some historic value, which she wants to take into account

Mr. Henry Hanten:

- he has a very interested potential buyer
- he has the money to get the building code compliant; he just wants the nuisance abated
- is confident that the building is in good enough shape to sell it

Mr. Tom Hanten:

- entered some historic photos from the MN architectural Archives
- he can't fix it up; he has kept it patched together

Ms. Moermond:

- the building can be sold right now
- Appellant needs to conclude his Confession of Judgment - all taxes need to be paid; you won't have the title to sell it until the taxes are paid

Ms. Remke:

- lives in the West 7th neighborhood and owns the Black Duck Cafe in Lowertown
- very interested in trying to put together a low cost neighborhood theatre but she needs more time
- Ms. Hine has some ideas about the building
- they are doing research and getting support from the neighborhood
- she has not seen the engineering report

Ms. Hine:

- from what she saw, it has steel trusses; it's been patched in some places; she was surprised at the condition of the building; from the outside, it looks like the brick is

falling off but that's not a structural problem; there are some cracks in back
- can't wait to see the engineer's report

Ms. Moermond:

- the engineer's report is acceptable, that's great
- thinks we may need an update on the 1 1/2 year old report, especially, since the work was done without permit (huge problem)
- another concern: when the walk through happened with the VB inspector, the building was occupied illegally by the owner, Tom Hanten

Mr. Tom Hanten:

- he was the caretaker for 1 1/2 years; he was doing all the work and couldn't get it done, so he stayed down there for a while just to complete this work

- Ms. Moermond:

- now, we have 2 instances where you weren't following the law for VB and dangerous structures, which does not bode well; she does like the fact that he has taken steps with the engineer's report and will go ahead and get another one;
- this is a neighborhood gem; she does not want to see it knocked down; she does want to know that it's safe and on its way to re-use
- the safety concerns need to be squared away
- internal scaffolding would probably make it safe enough to have several months' worth of discussion without concern

Ms. Koeppe:

- lives 3rd house down the alley from the theatre (419 Toronto St)
- she would like to have the building re-purposed if it is structurally sound
- since the neighbors have seen the Demo Notice, she has been hearing stories about the historical significant from people in the neighborhood
- sadly, some people say that this neighborhood is being referred to as the "New Uptown" and they are not at all happy about that
- the neighborhood doesn't want to see modern buildings mixed in their historic buildings; most want this building refurbished

Ms. Spong:

- the Department of Safety and Inspections forwarded the potential demo Notice of this structure to the state preservation office
- Oct 28, SHPO replied: based on their information, they conclude that no properties will be affected by this project
- what's under the exterior of the building might be more historical and thus, have more integrity and make it more eligible for the National Register, which would make it possible to tap into certain financial resources
- for the Legacy Grant Program, the building does not have to be listed to tap into small grants for historic structure assessment (\$7,000 for historic structure report, which would do a more thorough evaluation of the building; some investigative work; maybe help to plan a potential rehab/re-use); these may start up in Mar-Apr to apply; Fort Road Federation could apply for such a grant
- may want to talk to SHPO grant staff about

Ms. Moermond:

- would like to see the old engineering report ASAP but a fresh one needs to be done by the first of the year; send it to her and she will forward it to the city's building engineer, building official and Mr. Magner, etc. (email with an attachment); also need to see the engineer's credentials, too, on that report
- stay in contact with her about when the new engineer's evaluation will occur; make the appointment as soon as you can; she would also like to have that done by the

close of business on Dec 27, 2013, too; have it done or scheduled
- have the \$5,000 Performance Deposit posted by Dec 27, 2013
- if scaffolding is needed, it's not a big deal (it buys them a lot of time)
- on a project this big, you'll need an architect to work with
- if Dec 27th deadline is met, she will ask the City Council on Jan 2, 2014 to lay this over to the Legislative Hearing Jan 14, 2014
- Jan 14, 2014 LH, she will have the city's building official and the city engineer here to discuss remediation

Referred to the City Council due back on 1/2/2014

11:00 a.m. Hearings

Summary Abatement Orders (NONE)

11:30 a.m. Hearings

Orders To Vacate, Condemnations and Revocations

- 6 [RLH VO 13-62](#) Appeal of Diamonte Hickerson to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 35 WINNIPEG AVENUE.

Sponsors: Khaliq

Grant until January 1, 2014 for tenant(s) to vacate the property.

Jacques Wilson and Andrea Williams, tenants; and Renita Wilson, their aunt, appeared. Jacques mother also lives there but she was unable to attend.

Fire Inspector Leanna Shaff:

- *the inspector hadn't had any luck gaining interior access*
- *home is in foreclosure*
- *tenants are looking for more time but she was reluctant to allow that without gaining interior access to check on the life safety issues*
- *since then, Inspector Brian Tonnancour was in there Dec 5, 2013 to take some photos*
- *there is no current residential heating equipment report to check, which is necessary*
- *most items that need attention are property maintenance issues with the exception of the staircase, which doesn't have a guardrail assembly*
- *she would be fine with allowing a Jan 1, 2014 VACATE date*

Ms. Renita Wilson:

- *they have had no success contacting Wells Fargo*
- *time is against them if they have to vacate and the weather hasn't helped, either*
- *hopefully, they will still be able to find something by Jan 1, which is just 2 1/2 weeks away*
- *is asking for a little more time; possibly 3 weeks or so*

Ms. Shaff:

- *she is not comfortable with allowing an extension when there is no heating system report (Renita Wilson asked if they could get one?)*

Ms. Moermond:

- a fuel equipment report can be ordered to be done by someone who is qualified to test the furnace (fuel burning equipment) to make sure it's operating cleanly or properly (licensed plumbing and heating contractor, who is licensed to work within the city of Saint Paul); runs upwards from \$200
- if she would have a clean heating report, she could consider granting a little additional time

Ms. Renita Wilson:

- some additional time would be helpful
- they are scheduled for several upcoming showings and are hopeful that one will work

Ms. Moermond:

- will recommend granting until Jan 1, 2014 to vacate; if they want more time, they can come to the City Council public hearing on Dec 18 with the heating report signed-off by then; she could support extending a small amount of time if the test comes out clean; the furnace needs to be operating safely because it's too cold
- City Council Public Hearing is scheduled for Wed, Dec 18, 2013 at 5:30 p.m.
- need proof of the heating report

Referred to the City Council due back on 12/18/2013

7 [RLH VO 13-66](#)

Appeal of Jaren Johnson, attorney for Brett King, to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 586 REANEY AVENUE.

Sponsors: Bostrom

Need all items to be addressed by June 1, 2014. This includes the approval of site plan by Zoning.

RE: 586 Reaney Avenue (Apartments)

Jaren Johnson, appeared on behalf of owner and manager, Brett King (Trikin Properties).

Fire Inspector Leanna Shaff:

- Fire Certificate of Occupancy inspection process began in 2012
- one outstanding Order was to get a code compliant driveway right away but that didn't happen
- Appellant was to provide a site plan to Legislative Hearing Office by a certain date and failed to do so; appeal was denied
- was given a deadline of Nov 8 for code compliant driveway (Appellant is in Los Angeles)
- she and Inspector Spiering Revoked the Fire C o O; either get it done or have it done by Nov 30, 2013

Ms. Moermond:

- has address for Brett King as 2706 Gannon Road, St. Paul; not in Los Angeles

Mr. Johnson:

- Mr. King maintains his address on Gannon Road; he travels for his business all across the world

Ms. Moermond:

- Fire had 2 choices: 1) criminal tag; or 2) Revocation; and since he travels, they chose to Revoke

Mr. Johnson:

- *Mr. King is not trying to dodge anything*
- *at the Sep LH, Mr. Johnson appeared and we discussed this improved lot and this adjacent vacant lot; at that time, we agreed that we would simply close out that curb cut, put grass in that area and not allow any parking on that adjacent lot; he gave that Order and judgment to the Property Mgmt Team, who either dropped the ball or assumed that he was going to take care of it*
- *he did not get the Notices from Mai Vang of Sep 11 for Sep 26 and so, he apologized; there was no intent to intentionally not appear at Council*
- *going forward, he's going to finish this issue*

Ms. Moermond:

- *she had hoped that Mr. King would provide a site plan so it could be reviewed by Public Works and Zoning - that didn't happen*

Mr. Johnson:

- *that vacant land is a separate lot with a separate PIN; the 2 lots are not joined by any deed restrictions*
- *there's no where in statute that require an adjacent lot to bear the burden of what the improved lot has*
- *his client could sell this separate lot tomorrow and it would not be subject to any of the issues affecting 586 Reaney*

Ms. Shaff:

- *the original Order was to take care of the dirt/gravel lot on 586 Reaney*

Mr. Johnson:

- *the lot to the east is the separate PIN*
- *the staff and City Council probably thought that was one contiguous parcel*

Ms. Moermond:

- *so, you are looking for a separate set of Orders addressing the vacant parcel because it would be in nonconformance with Zoning; you can't have a use on a vacant parcel and parking is a use; (Mr. Johnson: but that doesn't affect the C of O on the improved lot)*
- *she thinks that there are portions of the improved lot that would be affected in the site plan that was supposed to have been presented and so,.... (Mr. Johnson: that's not delineated exactly as to what portions on the 586 lot)*
- *you have a survey, of course; (Mr. Johnson: I can get one)*
- *there still needs to be a site plan for 586 Reaney Ave, just to the side of the bldg*

Mr. Johnson:

- *he will pull a survey to make sure of the property lines; and he will attach some aerial photos*
- *he will escrow the money to plant grass in the spring*
- *is open to Ms. Moermond's suggestions*
- *currently, there are 2 steel posts at the corners of that curb cut*

Ms. Moermond:

- *she would liked to have worked on it with extensions*
- *she, Mr. Johnson and Ms. Shaff viewed an aerial photo*
- *would like this to go to Zoning, the appropriate place for follow-up*
- *if she looked at the property on Jun 1, 2014, she would expect that it would be properly seeded in the back*
- *instructed Ms. Shaff to talk with Zoning to have them issue an Order to the adjacent*

parcel to get that straightened out (residents of 586 Reaney should not part on that parcel)

Mr. Johnson:

- believes that his client intends to sell the vacant lot

Ms. Shaff:

- information: just today, they received a complaint from the Public Health nurse: the range in the upper unit has not worked since Sep and it is her understanding that Mr. Johnson's client has been advised about this before; and the tenant speaks Keran only; no English

- Fire needs access for the full Certificate of Occupancy inspection

Ms. Moermond:

- suggested that Mr. Johnson go through the property to make sure that everything is working properly

- have the site plan reviewed and get the grass taken care of by Jun 1, 2014; Zoning needs to be involved

- all has to be implemented by Jun 1, 2014

Referred to the City Council due back on 1/2/2014

8 [RLH VO 13-67](#)

Appeal of Jonah Ogiamien to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 506 SNELLING AVENUE NORTH.

Sponsors: Stark

Grant until December 27, 2013 to complete everything including the removal of the vehicles or the building must be vacated with the exception of the exterior items which is granted until June 1, 2014.

RE: 506 Snelling Avenue North (General Retail & Svc-B-Commercial)

Jonah Ogiamien, owner, appeared.

Fire Inspector Leanna Shaff:

- Fire Certificate of Occupancy Revocation / Order to Vacate

- the process started May 30, 2013

- Orders written by Inspector Skow-Fiske on Nov 27, 2013

- reinspection Dec 6, 2013; however, Mr. Ogiamien appealed the Order

- commercial bldg with the Fasika Restaurant; Christo's Bargain Store Inc, the wife's; and Mr. Ogiamien's office

- on May 30, Inspector Kris Skow-Fiske noticed that the restaurant had no coverage above the grill; in Aug, she noted that the deficiency list for the restaurant had not been addressed

- Dec, still can't see any progress made on the list

- she has no problem extending time for exterior issues; however, there is great concern that the interior items were not being addressed

- fire extinguishers aren't mounted; ceiling below the restaurant is not being taken care of; vehicles out back are just left to sit there; large appliances are attached through extension cords; there are cooking appliances that aren't covered by a suppression system; appliances that are put in front of electrical panels; cardboard on the ceiling; they don't have panic hardware on the exit doors; exit signs that aren't being maintained; obstructed exits; there's no documentation that the hood system has been cleaned - things are just not being addressed

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Mr. Ogiamien:

- he and his wife own the building
- the problem is the restaurant; he has refused to renew their expired lease; he put everything in the lease that they are supposed to do since 2010 but they haven't done anything
- there is no problem with the upstairs; he had used part of it on the south side before for a dance hall at one time (508); the only thing the inspector wanted him to do was to put in a panic hardware door; he hasn't used the hall for about 1 1/2 years now; he also has a 2 room office up there on the north side
- Metro window is ordering a special window for him; it will take 3 weeks
- this past year, he could not paint because of all the dust created during construction; before that he painted the window frames every 3 years
- 506 is his wife's store, Christo's Bargain Store Inc
- 510 has the problems, the Fasika Restaurant; he met with those guys 4 or 5 times and he is also very frustrated; he has been having problems with it for 3 years

Ms. Shaff:

- address on this building is 506 - 510
- Fire doesn't have any issues except the exterior and the restaurant
- have been waiting an extremely long time for the building owner to take care of his tenant in the restaurant
- if the restaurant piece of the Orders doesn't come into compliance, it will affect the whole building

Mr. Ogamien:

- he doesn't want the restaurant to close him down

Ms. Moermond:

- this is a space with a lot of code violations
- is feeling as though the Appellant wants the city to be the bad guy and evict the restaurant people because he hasn't pursued it in court
- it is Mr. Ogamien's responsibility to make sure that the building is code compliant because he owns the building, he is the landlord, but he hasn't done it

Ms. Shaff:

- the Appellant seems to continue to talk about his tenant
- there were complaints in 2006 and it says in the record that the tenant will not do as the owner asks (grease still goes down the drain, etc., etc.)
- the Appellant is not taking responsibility for these issues; the city is not the one who is supposed to take care of these things

Mr. Ogamien:

- he is the landlord; he is tired; he cleaned up before the restaurant was there
- "now, I will file an Eviction Notice; I'm tired."
- he doesn't want the city to close his building

Ms. Moermond:

- she doesn't care about the tenant; she is concerned with the building conditions; they have persisted since May 30 and there's history, too
- on Nov 27, the inspector gave the Appellant 10 days or the C of O would be Revoked
- she will close things down
- Mr. Ogamien will be given a chance to bring the building into compliance or the city will close the building
- City Council Public Hearing Dec 18, 2013
- the building needs to get fixed or it will be closed
- will recommend granting an extension to Dec 27, 2013 to bring the interior items

into compliance and the vehicles taken care of; the exterior issues will be granted an extension to Jun 1, 2014

Referred to the City Council due back on 12/18/2013

1:30 p.m. Hearings

Fire Certificates of Occupancy

9 [RLH FCO](#)
[13-263](#) Appeal of John Rouleau to a Correction Notice - Complaint Inspection at 2000 MAGOFFIN AVENUE.

Sponsors: Tolbert

Grant until January 21, 2014 for Appellant to get his name transferred as sole owner of the property or added to the title as part owner as well as getting the other items to come into compliance; grant the appeal on the address numbers in front of the house.

RE: 2000 Magoffin Avenue (Single Family)

John M. Rouleau, listed as Homesteader, appeared.

Fire Inspector A. J. Neis:

*- Fire Certificate of Occupancy Correction Notice dated Nov 26, 2013; reinspection Dec 10 by Inspector Urmann
- a complaint came in that the building may be a rental property without a Fire C of O
- Fire Inspector Urmann went out to investigate (possibly student housing)
- Mr. Urmann tried to gain access on Nov 26 but was not able to, so, he sent Orders on violations that he identified: 1) address numbers are not able to be seen in the front because a tree is hiding them; tree needs to be trimmed and numbers need to be placed on the back; 2) dog waste in the yard; and 3) allow access to investigate occupancy*

Ms. Moermond:

- is this house owner-occupied; is it student housing or is it a blend thereof?

Mr. Rouleau:

*- is Michael Rouleau's son and he lives at this property
- his parents purchased the property about 2 1/2 years ago
- presented a notarized letter from him parents saying that they can have his name put onto the title; it's not an issue because he has lived there the entire time of ownership
- a friend lives with him and he is not a contracted renter; different friends have come and gone over the years
- he spoke with Mr. Urmann by phone concerning the numbers; numbers on the back is an easy fix; the numbers on the front will take a little more doing
- questioned the anonymous complaint system because this is an on-going issue with the complaints; apparently, he has done something to offend a neighbor or someone at his job; it seems retaliatory - it's not the first time the inspectors have been out because of complaints (3rd time this year); each time, there's a different list of things without the property changing - he is trying to figure out some way to remedy that
- the system seems to be abused by retaliatory complaints; he cannot remedy that without knowing who it is that has filed the complaint*

Ms. Moermond:

- unfortunately, state law says the city can't reveal who the complainant is
- when someone calls in, it's the city's responsibility to go and figure out whether or not it's a founded complaint
- there hasn't been a definitive determination because the inspector hasn't talked with Mr. Rouleau and he hasn't been given access to the house to resolve some of this
- this was probably aiming towards getting Mr. Rouleau involved in the conversation
- wants to re-read the student housing Ordinance, which she believes strictly addresses rental property

Mr. Neis:

- spoke with Inspector Urmann and found that this property is not in the overlay district
- looking at the record, there's been 3 complaints since Jul: 1) tall grass and weeds (complaint was founded); 2) rubbish and trash; bags of leave stored in driveway; and 3) concern with rodents and dog poop in yard

Ms. Moermond:

- Ordinance talks about owner-occupancy, not homestead status
- she does waivers if it's a trusteeship or there's a dependency
- the letter from his dad saying Mr. Rouleau can have the title makes a big difference; there will be no question if Mr. Rouleau gets his name on the title
- the best thing is to get his name on the title and get him out of the C of O Program
- if a complaint is founded, the Orders will be written
- will recommend granting until January 21, 2014 for Appellant to get his name transferred as sole owner of the property or added to the title as part owner as well as getting the other items to come into compliance; grant the appeal on the address numbers in front of the house

Referred to the City Council due back on 2/5/2014

10 [RLH FCO
13-262](#)

Appeal of L Robert Ostlund, DDS to a Fire Inspection Correction Notice at 1043 PAYNE AVENUE.

Sponsors: Bostrom

Grant a variance on the double cylinder locks for the current ownership, tenancy and use of the building; and that people must be able to exit through one of the doors without having to use a key in case of emergency.

RE: 1043 Payne Avenue (Medical Office/Clinic-B-Commercial)

L. Robert Ostlund, owner, appeared.

Fire Inspector A. J. Neis:

- Fire Certificate of Occupancy dated Nov 19, 2013; re-inspection on or after Dec 23, 2013 by Fire Inspector Sebastian Migdal
- 1 code violation is being appealed: 2 double-keyed, double-cylinder locks on the front door of his business, which were put in as a result of a burglary; he would like to keep the lock
- the Fire Code says you can have a maximum number of 2 locks on a door; in a business, 1 of those locks can be a double-keyed lock as long as there's signage that says that the door must remained unlocked while the building is occupied; the previous inspector Ordered that sign during the last inspection sign
- Inspector Migdal asked for that sign to go back up and to removed 1 of the double-keyed locks

Mr. Ostlund:

- the last time the business was broken into was 15-20 years ago; they came through the front door; at that time, there was 1 dead bolt and a locking lash for the knob; burglars got in by forcing the door, destroying the whole assembly; the responding police officers gave him suggestions for not having a repeated burglary

Mr. Neis:

- this has been a red and blue battle for years: Police will say put on the double lock and Fire will come and say take them off
- this was not called out the last 4 Fire C of O inspection cycles
- the double keyed lock is harder to get into
- there's a very good history of compliance

Mr. Ostlund:

- he took down the sign just to paint and forgot to put it back up again
- he has had 2 other attempts to burglarize and they both failed
- the side door also has a single double-cylinder lock; it's an employee door and you can get out without the use of a key
- the front door is locked when there is only one female employee there alone; there's a sign, "Please ring bell for service"

Ms. Moermond:

- will recommend the City Council grant a variance on this during the current ownership, tenancy and use; and that people must be able to exit through one of the doors without having to use a key in case of emergency.

Referred to the City Council due back on 1/2/2014

11 [RLH FCO
13-260](#)

Appeal of Steve Minor to a Fire Inspection Correction Notice at 652 THOMAS AVENUE.

Sponsors: Thao

Grant until June 1, 2014 for the driveway to come into compliance by putting in two cement tracks.

RE: 652 Thomas Avenue (Single Family)

Steven Minor appeared on behalf of the owner, his father, Stephen Markoe.

Fire Inspector A. J. Neis:

- Fire Inspection Correction Notice dated Nov 15, 2013; re-inspection on or after Dec 15, by Mr. Neis
- Orders are on the driveway, which is being appealed
- the required repairs of the house have been completed; permits are currently being finalized for the deck and the fence insulation, which is new
- the ground cover will be completed in spring
- appealed is the back shed/garage area; photo in file
- the garage on the property was constructed before the city raised the alley and the street, so there's just grass in the back - no paved surface
- his concern with that is that if he were to pave it, he would flood out the garage and potentially, flood out the yard, as well

Mr. Minor:

- they've had the house since 1996 and the garage has been used for long term storage (summer car and other misc items)

Mr. Neis:

- he advised Mr. Minor to file an appeal because the grass ground cover is really containing things
- perhaps, cow paths or tire tracks might be a viable possibility because that would allow maximum grass coverage and vegetation in addition to having a paved surface for tires/vehicles

Ms. Moermond:

- doesn't know how this relates to the rest of the parcel (*Mr. Neis: he took the photo from the alley facing the garage*)
- will recommend the paved paths be installed before Jun 1, 2014
- is not sure whether Mr. Minor will need to go through a permitting process or site plan review (*check with DSI*)

Referred to the City Council due back on 1/2/2014

2:30 p.m. Hearings

Vacant Building Registrations

- 12 [RLH VBR 13-70](#) Appeal of Carole Perg to a Vacant Building Registration Renewal Notice at 497 HOPKINS STREET.
- Sponsors:** Brendmoen
- Waiver of VB fee was given by Rich Singerhouse.*
- Withdrawn**
- 13 [RLH VBR 13-72](#) Appeal of Ronald Forster to a Vacant Building Registration Notice at 353 WHEELOCK PARKWAY WEST.
- Sponsors:** Brendmoen
- This will be heard at 9:00 a.m.*
- Laid Over to the Legislative Hearings due back on 1/2/2014**