



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final Legislative Hearings

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Tuesday, August 11, 2015

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Remove/Repair Orders

- 1 [RLH RR 15-28](#) Ordering the rehabilitation or razing and removal of the structures at 1004 GROTTO STREET NORTH within fifteen (15) days after the September 2, 2015, City Council Public Hearing.

Sponsors: Brendmoen

Sylvia M. Wilhelmi, owner, appeared.

Inspector Steve Magner, Vacant Buildings:

The building is a two-story, wood frame, duplex on a lot of 10,890 square feet.

According to our files, it has been a vacant building since June 21, 2005.

The current property owner is Dale G. Mays and Sylvia M. Wilhelmi per AMANDA and Ramsey County Property records.

On May 6, 2015, 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 May 12, 2015 with a compliance date of June 11, 2015. 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 \$55,300 on the land and \$40,600 on the building.

Real estate taxes are current.

The Vacant Building registration fees were paid by assessment on July 31, 2015.

A Code Compliance Inspection was done on June 8, 2010 and has since expired.

As of August 10, 2015, the \$5,000 performance deposit has not been posted.

There have been sixteen (16) SUMMARY ABATEMENT NOTICES since 2005.

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

- Garbage/rubbish*
- Boarding/securing*
- Tall grass/weeds*

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

-noted that this is not the first rodeo for this property; this building was brought to City Council in 2008; a performance deposit was posted, which was ultimately revoked; time had elapsed; no permit finals; the owner got another code compliance inspection in 2010, which has since expired

Amy Spong, Heritage Preservation Commission (HPC):

- built in 1924; original owner was Nellie Starkey; the builder is unknown
- it's an American 4-square with some prairie elements
- plaster foundation; stucco walls; covered front portico over main entrance
- doors/windows have been replaced; windows, soffits have been wrapped
- alterations to original character of the building
- 1983 -last historic survey; no current historic survey information on this building/neighborhood
- demolition would not have an adverse affect; however, the neighborhood is mostly residential and right adjacent south to this house is an apartment building and a high rise building next to it (change in context)
- SHPO - no potential for national register listing for this building/neighborhood
- all this based on old survey information
- demolition would have no adverse affect

Ms. Wilhelmi:

- agrees that it doesn't have any historic value but it does have housing value; it's a good solid duplex
- a substantial amount of work has already been done on it since 2008
- a number of permits have been completed: plumbing, electrical, new windows, new sheetrock,
- have spent substantially more than \$30,000 so far already; they estimate that it will take about \$10,000 more to finish it and they do have the resources to do that; if they have to, they have the resources to put in another \$30,000
- apologized that the project had not already been completed; they did a lot of work between 2008 - 2011 but then, life got in the way (Dale had a heart attack; her mother died; and Dale's mother went into assisted living); now, they are ready to get back on track and finish it up
- understands why the city would be skeptical since the project has taken so long; but they can finish it if the city allows them to do it
- what's left is the finishing work
- can post the \$5,000 performance deposit today
- she thought that she'd already sent in a FAX for the code compliance inspection a month or two ago and paid for it

Mr. Magner:

- stop at DSI on 2nd floor; fill out both the application for a code compliance and the performance deposit and submit funds; they will be entered into the system today; she will do it today

Ms. Moermond:

- she will need to rely on the result of the code compliance inspection
- needs to see a Work Plan based on the code compliance report
- needs to see contractor bids
- needs financial documentation to do the final bid amounts (est. \$10,000)

Mr. Magner:

- based on the 2010 code compliance inspection, some permits have been finalized, not all
- we need 4 trades experts to go in and check out the work that has been completed, etc.

Ms. Wilhelmi:

- they want the Certificate of Occupancy this year

Ms. Moermond:

- normally, the performance deposit is \$5,000 but the City Council has the authority to

ask for up to \$10,000 if a deposit has been forfeited in the past; she is debating (Mr. Magner: they have 2 forfeitures)

Ms. Wilhelmi:

-already, they have spent a lot money on that and if it hadn't been for Dale's heart attack, they would not have forfeited on the 2nd one but that happened

Mr. Magner:

-he'd like to start with a \$5,000 performance deposit; if estimates for the rehab come in closer to \$40,000+, he'd like to raise the deposit to \$10,000; but he thinks that the intent to finish is there so, let's get it done

-he is encouraging Ms. Moermond to email the building official to expedite this one

Ms. Wilhelmi:

-she can put a lock box on the house today; will call and resubmit the lock box information

Ms. Moermond:

-you can get contractors in to give you initial bids based on your last code compliance inspection

-let's meet again in 2 weeks when she will develop a recommendation to go to City Council

-at that time, we can also figure out if any additional performance deposit is necessary

-City Council Public Hearing is scheduled for Sep 2, 2015; if you need more time, we can work with that

Layover to August 25 for the following conditions:

- 1) post a \$5,000 performance deposit, if have not done so;
- 2) apply for a new code compliance inspection, if have not done so;
- 3) provide a lockbox on the building for inspectors to gain access;
- 4) a work plan or sworn construction statement with timelines for the completion of the rehab;
- 5) submit bids from a general contractor and subcontractors;
- 6) provide financial documentation indicating the amount of funds to do the rehab (line of credit, construction loan, personal bank account);
- 7) if using personal bank account, provide a letter of commitment/affidavit dedicating the fund amount for the project (all account numbers must be whited-out); and
- 8) the property must be maintained.

Laid Over to the Legislative Hearings due back on 8/25/2015

2 [RLH RR 15-31](#)

Ordering the razing and removal of the structures at 1497 MATILDA STREET within fifteen (15) days after the September 2, 2015, City Council Public Hearing.

Sponsors: Brendmoen

Inspector Steve Magner, Vacant Buildings:

The building is a one-story wood frame single-family dwelling, with a detached three-stall garage, on a lot of 4,792 square feet. According to our files, it has been a vacant building since December 11, 2014.

The current property owner is Bruce A. Olstad per AMANDA and Ramsey County Property records.

On May 20, 2015, 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 May 27, 2015 with a compliance date of June 26, 2015. 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 \$40,700 on the land and \$15,700 on the building.

Real estate taxes for 2014 are delinquent in the amount of \$1,371.31 (which includes penalty and interest). Taxes for the first half of 2015 have not been paid and are due in the amount of \$581.94 (which includes penalty and interest). The property is scheduled for tax forfeiture in 2018.

The Vacant Building registration fees were paid by assessment on January 30, 2015. As of August 10, 2015, a Code Compliance Inspection has not been done.

As of August 10, 2015, the \$5,000 performance deposit has not been posted.

There have been three (3) SUMMARY ABATEMENT NOTICES since 2014.

No WORK ORDERS have been issued; however, there were six (6) bills for excessive consumption of services for non-compliance of orders which were all paid by assessment.

Code Enforcement Officers estimate the cost to repair this structure exceeds \$100,000. The estimated cost to demolish exceeds \$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.

-during this process, the builder has been attempting to do something that they are not really sure of; every time they go out there, the site has changed; there is storage of all types; many photos; concerns from neighbors
-believes that this has gone on for as long as it has because it's at the end of an alley; Matilda actually dead ends prior to this site because it was never developed; this runs behind Arlington High School; there's not a paved street in front of this property; the land surrounding the property is pretty much city-owned; over the years, the owner has consistently used this to park motor homes, have bon fires, park additional vehicles, store all types of equipment, etc., which we routinely go in and Order out

Amy Spong, Heritage Preservation Commission (HPC):

-original construction date circa 1900; however, the original index permit card is missing and there's no Sanborn Insurance maps

-if there is an earlier structure in here, it's not identifiable; there's been many alterations and additions; can't make out the original footprint

-the lot is wooded; a gravel frontage road is separate from the road the school is on (Hoyt)

-demolition would not have an adverse affect

-this area has not been surveyed

-SHPO says there's no potential for national register

-first listing on an index card is for a front porch in 1947

Ms. Moermond:

-this is a mixture of messages that the city is getting from this owner

-he is changing things around on the site all the time

-photos from May looks like it's an active construction site plus some junky stuff; looks like someone's out there working but at the same time, no one is paying the taxes; he was personally served at that site, telling him about these hearings today

-he hasn't posted a performance deposit or code compliance or anything

-appears the he's doing other things there apart from doing construction work
-will recommend removal within 15 days with no option for its rehabilitation

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

Referred to the City Council due back on 9/2/2015

3 [RLH RR 15-32](#)

Ordering the razing and removal of the structures at 1297 WOODBRIDGE STREET within fifteen (15) days after the September 2, 2015, City Council Public Hearing.

Sponsors: Brendmoen

Inspector Steve Magner, Vacant Buildings:

The building is a one and one-half story, wood frame, single-family dwelling, with a detached two-stall garage, on a lot of 6,098 square feet. According to our files, it has been a vacant building since October 5, 2012.

The current property owner is Ryan T. Sullivan per AMANDA and Ramsey County Property records.

On May 27, 2015, an inspection of the building was conducted, a list of deficiencies which constitute a nuisance condition was developed and photographs were taken. An ORDER TO ABATE A NUISANCE BUILDING was posted on June 2, 2015 with a compliance date of July 2, 2015. 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 \$13,000 on the land and \$84,700 on the building.

Real estate taxes are current.

The Vacant Building registration fees were paid by check on October 8, 2014.

As of August 10, 2015, a Code Compliance Inspection has not been done.

As of August 10, 2015, the \$5,000 performance deposit has not been posted.

There have been twelve (12) SUMMARY ABATEMENT NOTICES since 2012.

There have been thirteen (13) WORK ORDERS issued for:

- Garbage/rubbish
- Boarding/securing
- Tall grass/weeds
- Snow/ice

Code Enforcement Officers estimate the cost to repair this structure exceeds \$75,000. The estimated cost to demolish exceeds \$15,000.

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

Amy Spong, Heritage Preservation Commission (HPC):

-built in 1921; original owner was Ann Montcomb; builder is unknown

-built in a craftsman bungalow style, 1 1/2 stories

-stucco foundation, stucco exterior walls, windows are 1 over 1 double hung in pairs of 2's and 3's

-vinyl siding on 2nd floor, replacement windows and a later screened-in porch

-still maintains the basic appearance of a 1920's bungalow in shape and form

-it is somewhat representative of the adjacent houses in scale and the era of construction

-surveyed last in 1983; it was not identified at that time; the survey did not identify much in the North End

-it does have context; the blockfaces are contiguous; not a lot of vacant lots

-in that respect, she'd encourage rehab; otherwise, demo would not have an adverse affect

-SHPO letter indicated that there was no potential for national historic register

Mr. Magner:

-Summary Abatement Orders from 2012 to present indicate a lot of activity early on
-city is still doing Work Orders (May 19, 2015 for tall grass/weeds; snow/ice in Feb 2015; tall grass/weeds in Sep, Jul, May 2014; snow/ice Feb 2014, snow/ice Dec 2013;....

-Certificate of Occupancy was Revoked for noncompliance over time (started appointment schedule Jul 2012; sent 3 letters; Revoked in Oct 2012)

Ms. Moermond:

-asked if there has been squatting in this building

Mr. Magner:

-there's no pattern of doing night checks or complaints

-when the city was there in May 2015, they found that the door had been forced open; our contractor secured the property

Ms. Moermond:

-will recommend the building be removed within 15 days with no option for rehabilitation

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

Referred to the City Council due back on 9/2/2015

11:00 a.m. Hearings

Orders To Vacate, Condemnations and Revocations

- 4 [RLH VO 15-39](#) Appeal of Emanuel & Sarah Drumgole to a Vacate Order at 624 JAMES AVENUE

Sponsors: Thune

Appeal withdrawn. Power has been restored.

Withdrawn

11:30 a.m. Hearings

Orders To Vacate, Condemnations and Revocations

- 5 [RLH VO 15-44](#) Appeal of Omobolaji Shadrack (Atty. Karen Marty) to a Fire Certificate of Occupancy Revocation and Order to Vacate at 2203 GLENRIDGE AVENUE

Sponsors: Finney

Appeal withdrawn. Per email: Please notify Marcia Moermond, legislative hearings officer, that the property owner, Mr. O. Shadrack, has chosen to withdraw his appeal filed on 2203 Glenridge. According to inspector George Niemeyer, this appeal is scheduled for tomorrow morning.

Withdrawn

6 **RLH VO 15-46** Appeal of Rafael Fuentes to a Fire Certificate of Occupancy
Revocation and Order to Vacate at 436-438 PAGE STREET EAST

Sponsors: Thune

Rafael Fuentes, owner, appeared, along with Mr. Ortega, employee of Mr. Fuentes and tenant.

Fire Inspector George Niemeyer:

*-Fire Certificate of Occupancy Revocation and Order to Vacate, immediately entered a timeline of events, inspections, phone calls, etc. (attached)
-5-12-15 - this started with a call from animal control; they had been out there for some animal control issues; he did the complaint inspection and scheduled a full C of O inspection for 6-8-15, at which time he found multiple code violations
-was in process of renovation
-2nd page of attachment: building inspector Isaac Stensland's inspection records (attached email)
-the work on the 436 side was not included on the original permit (AMANDA)*

Fire Supervisor Leanna Shaff:

*-building permit pulled for building a storage area for future bedroom expansion issued 9-24-13; it states: "Separate permit required for any future work not covered under this permit" value: \$30,000
-sewer permit for a plumbing vent extension on 4-17-14
-electrical permit 4-25-14 for electrical 2nd level -\$1000
-ventilation permit - \$400 5-27-14
-in 2012 -siding permit - red tagged
-2009 -bldg permit: repair siding, broken windows, touch-up paint, repair handrails, etc; still open; never was inspected*

Ms. Moermond:

*-she has 2 things in front of her: 1) Jul 22, 2015 Revocation of the C of O; and 2) a Vacant Building Registration fee from Aug 4, 2015
-you are appealing the Vacate Order; tell me why*

Mr. Fuentes:

*-had a lot of inspectors coming through the building; some OK, some not
-one inspector would start, then, next time, it would be a different inspector and he would want to start from the beginning again
-first building inspector was Dave Tank, for framing, foundation, etc and approved the work; he inspected and noted some things; then, Isaac took over and he wanted to do the whole thing over again*

Ms. Moermond:

-the permit wasn't finalized; so he didn't actually approve it; sounds like he gave you Corrections; you don't have permits out there that have been signed off

Mr. Fuentes:

-Dave Tank already saw the foundation, sidewalk, now, Isaac wants to see it and in order to do that, I have to break up the concrete sidewalk deep down so that he can see it

Ms. Moermond:

-asked when he hoped to be finished with the rehab

Mr. Fuentes:

-his intension was that the last inspection would be the final one; the problem is the last inspector told me to close up all the walls; the framing inspector wants me not to close anything until he sees it; then, the fire inspector says, "Close the walls." So, now, he doesn't know which way to go

Ms. Moermond:

-the fire inspector is saying that you can't get you Fire C of O Certificate until the walls are closed but you can't close the walls until you get the "sign-off" from the building inspector; when the building inspector signs, you can close the walls and the fire inspector can approve

-the photos provide clear evidence that someone is staying there: bedding, personal products, statements being made about someone living there, etc.

Mr. Ortega:

-have known Mr. Fuentes a long time; he has lived there before and he had lived on the other side; when there were no more people on the other side, he put his stuff on this side and he stays there

Ms. Moermond:

-so your goal, Mr. Fuentes, is to allow Mr. Ortega to continue to live there?

Mr. Fuentes:

-No; my goal is to not have to pay the VB registration fee; it will kill me economically; he and I are working there; my income is very low

Ms. Moermond:

-it's obvious to her when she looks at the open walls that an inspector would not be finaling it that day; and that there's other things going on with the electric, etc., so you weren't going to get a final that day

Mr. Fuentes:

-he will be done in 3 months

Ms. Moermond:

-she can give you that

-with respect to the VB fee, she will give you a 90-day waiver on the VB fee and allow you to continue to pull permits during that time; you will need other permits because the ones you have are outdated, expired

-the bigger question for Mr. Ortega is can he continue to live there while the work continues; her answer is "No" - the building officials haven't issued a Certificate of Occupancy; they haven't given you the green light to move people in; and the Fire Inspection people say that you need to get their list all done before they will give you the green light to move people in; so, no one should be living there; Mr. Ortega needs to find somewhere else to live until the project is done

-all trades people must have signed off first; she needs to see all permits finalized -after 90 days, the VB fee will be proposed to become an assessment; you will give a bill again in 3 months, send the yellow post card back and say you want to appeal it, show up for the hearing and let me know that you are done or close to being done and she can prorate it for you

-suggested that he talk with Neighborhood Development Alliance (NEDA) on the West Side; they do home rehabilitation and they might have resources for you -their office is located at 481 Wabasha Street South, #651/292-0131

Ms. Shaff:

-Mr. Niemeyer is telling her that both sides are occupied

Mr. Ortega:

-the people on the other side moved out Fri morning; then he moved his things to this side

Ms. Moermond:

-everyone needs to be out (vacated) by Fri morning, Aug 14, 2015; the inspector will come by during that day to check
-the house will become a registered VB and your VB fee will be held/waived for 90 days, hoping that you can get it all done by then
-check into NEDA's resources
-you have to straighten things out with the inspectors
-set aside the Fire C of O deficiency list for now and close out the old permits; come up with a proposal to work off the old permits; close them out and get your sign-off on those permits

Grant until Friday, August 14, 2015 for tenant to vacate the property; waive the VB fee for 90 days and allow permits to be pulled. Leave as a Category 2 and hearing officer will talk to Isaac Stensland about whether a code compliance inspection is required. VB staff will confirm vacancy of property on Friday afternoon.

Laid Over to the Legislative Hearings due back on 8/18/2015

7 [RLH VO 15-43](#)

Appeal of Temeka Frye to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 604-606 ROBERT STREET SOUTH.

Ms. Lisa Hollingsworth, Southern Minnesota Regional Legal Services (SMRLS) and Appellant Temeka Frye, Tenant, appeared.

Ms. Karen Marty, Attorney, and Omobolaji Shadrack, property owner, appeared.

Fire Inspector George Niemeyer:

-Revocation of a Fire Certificate of Occupancy inspection spurred by a referral ; 2 no shows by the owner and noncompliance to the referral
-this Revocation is based on the C of O inspection; 2 more no shows
-he has inspected the 606 side only; has not been in the 604 side; Inspector Laura Huseby was also there
-conditions: found plumbing repair conducted without permits; he witnessed a plumber replacing a lavatory faucet without permit in the upstairs bathroom; he noted that in the basement, the water heater had a new date on it; could not find a permit for the water installation; he also noted a soft floor by the back patio door (plumbing issues underneath the kitchen sink; each time the sink drained, water would leak into the cabinet under the sink)
-the enforcement action is not due to the property; it's due to noncompliance
-Inspector Westenhofer 11-4-14 approved the Fire C of O
-2-23-15, we received our first complaint on the building
-Inspector Westenhofer also Revoked the C of O due to noncompliance and no shows by the owner, as well
-almost 2 months of noncompliance now

Ms. Hollingsworth:

-Ms. Frye came to the SMRLS office and explained that she filed the appeal because she resides at her home with a relatively large family, including 4 high school age children; obviously, a vacate for 8-24 is incredibly disruptive to a family with 4 high school age children; she recently relocated here from Madison, WI in the start of the 2014 school year because her 14-year old developmentally disabled daughter whose educational needs weren't being met in the Madison school district; there's a school here in St. Paul that is meeting her educational needs; and so, trying to find housing

in this tight rental market where she won't disrupt her kids' schooling, especially for this profoundly disabled child's schooling, is her primary goal
-she had the opportunity to speak briefly with Ms. Marty this morning; she spoke to her about the possibility of SMRLS filing an Emergency Tenant Remedies Action to put some pressure on the landlord to make his repairs (the list doesn't seem insurmountable from a cost perspective)

Ms. Moermond:

-noted that Inspector Niemeyer hasn't been in the other side of the building; so, it's an incomplete C of O inspection, at this point

Ms. Hollingsworth:

-she understands that the 604 unit is where Mr. Shadrack stays
-Ms. Marty suggested that an Emergency Tenant Remedies Action wouldn't be necessary because at this point, her client is willing to remedy the issues
-we also briefly discussed her client's withholding of the Aug rent, on her advice, because the Fire C of O was Revoked as of Jul 23, 2015; and there's no rent owing as long as the C of O is in a Revoked status; hopefully, Mr. Shadrack's inability to collect rent will be a motivator to get him to do the repairs even if SMRLS doesn't file a Tenant Remedies Action
-we would definitely like more time, if relocation will be necessary

Ms. Marty:

-we would like to join in the appeal and address the 2 units
-Mr. Shadrack is using 604 unit as his office; he also stays there at time
-she spoke with City Attorney Theresa Skarda on Mon and she directed me to talk to another dept about his office usage
-they are working on getting everything cleared up; she has recently become involved and there has been some serious miscommunication
-Mr. Shadrack doesn't get his mail; she knows the city hears that too many times but having been a victim of that, as well, she actually believes him
-he has changed his mailing address
-they are working on taking care of all the problems
-just looking for more time to finish
-the tenant has an excellent point about not interrupting/relocating the disabled child
-Mr. Shadrack will now allow the inspection in 604, which he had denied before

Mr. Shadrack:

-unit 604 is his office; he has done adult foster care since 1998
-understands that the initial Fire inspection is done by the city and subsequent Fire inspection for adult foster care sites by Ramsey County Adult Foster Care License

Mr. Niemeyer:

-he emailed Mr. Shadrack and his attorney a Change of Address form for 604-606; has not received one back yet

Ms. Marty:

-she did get it but it had someone else's name on it and she had no idea what it was about; (a new form was provided)

Fire Supervisor Leanna Shaff:

-understands that not wanting to displace the tenant but this is the same theme that they have been dealing with Mr. Shadrack at all his properties for a lot of years (not getting mail; long term noncompliance; no shows); 2251 Glenridge Ave also suffers from long term noncompliance; when an extension is asked for in this case, that long term noncompliance should be taken into account

Mr. Shadrack:

*-his family lives on Winthrop
-he lives at 604 Robert St and that's his address
-the initial inspection was done by the city inspector Perucca; subsequent inspections have been done by Ramsey County; he has never had an inspection for that unit; there was a point in time when he was renting it out and when he wanted to re-open, the county referred him to the city - Perucca
-he was surprised when saw a notation from the city saying that because they couldn't get inside 604..... he called the inspector and tried to explain himself; he said that because I wasn't there for the inspection of the rental unit, 606, the whole building had to be Revoked; he did not understand that because this was all new to him; he explained that he had a meeting with one of his clients and that's why he couldn't be at the inspection; plus, he didn't even get a Notice; he was trying to change his address with the city; he gave him his email address
-he wants to comply; he is not a handyman but he employs a handyman and he works on the handyman's schedule*

Ms. Moermond:

*-asked staff to pull records on Winthrop & Robert; check on the homesteading situation
-she would like to hear more about Ramsey County licensing perspective on the adult foster care; and see what they have for records*

Mr. Shadrack:

-Winthrop is homesteaded; the address on his I.D. is Robert St; Mr. Niemeyer: he closed 286 Winthrop as an owner-occupied property last year; he verified it

Ms. Shaff:

-she spoke with Ms. Marty late yesterday afternoon and is hearing differently from what she was given the impression happened.... if Mr. Shadrack stays at the 604 side, it's a residential but she was under the impression from Ms. Marty, that he was running his business out of that side.... Ms. Marty: which he is..Ms. Shaff: but that doesn't make it a commercial area; people have home-based offices all the time

Ms. Marty:

-she also has a better understanding; over the phone, Mr. Shadrack's voice is difficult for her to understand, so she has been confused; she apologizes for that; now, she understands that he is at one place; his family's at another

Ms. Moermond:

-if 604 is used as an office, he will need a home-occupation application permit (Zoning)

Ms. Marty:

-she is just getting on board with this = trying to sort it all out so that she can give Mr. Shadrack clear information of what it is that he needs to do; she is having trouble getting all of the information

Mr. Shadrack:

*-he wants a better understanding of what is going on
-for almost 15 years, after the city's initial inspection, Ramsey County has been doing it (licensing inspection); so, why does the city need to inspect that unit because they have not done it all this time
-he is on board with making all the repairs; he has someone scheduled for Mon; he needs time*

-he sent a plumber to fix the leak under the sink; he had hired a handyman to install the water heater 2-3 yrs ago; if he needs a permit for it, he will get it

Mr. Niemeyer:

-the reason that drain was leaking is because the dishwasher was removed; a cabinet was put into it's place but the pipe for draining wasn't capped

Ms. Shaff:

- the only permit she is seeing for 604 Robert St is from 1999 - an electrical permit; it was closed without final approval

Mr. Shadrack:

-owns 4 buildings in St. Paul; at least 2 of them need a Fire C of O; another one is adult foster care
-he has no employees right now

Ms. Moermond:

-is not 100% comfortable that you are an owner-occupant
-a driver's license says his address is 604 Robert but his family lives on Winthrop
-she will check the license
-right now, she doesn't have 100% confidence that he is actually living at 604 Robert

Mr. Shadrack:

-it's adult developmental care; they live there full-time
-he is fine with inspections at 604

Ms. Moermond:

-she is not comfortable without an inspection for 604 to get a better sense

Ms. Shaff:

-no permits on the 606 side since 2006: air conditioning, electrical on a replacement in Aug 2006; refrigeration in Jul 2006; electrical; sewer, gas - all finalized
-after that, no permits

Ms. Moermond:

-there will be no more extensions granted
-she will call adult foster care
-fill out the home occupancy application at Zoning
-if 604 is determined to be an owner-occupancy and a rental at 606, this is a duplex that's owner occupied and that means that the enforcement would be transferred to the Code Enforcement Division, DSI; the file will be transferred; the Orders will be the same

Grant until October 1, 2015 for the unit in 606 to come into compliance or the unit must be vacated; owner to schedule an inspection appt for Unit 604; and Legislative Hearing Officer will contact Adult Foster Care unit. If owner wants to use Unit 604 as an office, he will need to apply for a home occupation status through Zoning.

Referred to the City Council due back on 8/19/2015

8 [RLH VO 15-42](#)

Appeal of Jacob W. Steen, Larkin Hoffman Attorneys, representing Nasseh Ghaffari, to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 877 WESTMINSTER STREET.

Sponsors: Brendmoen

Rescheduled per request.

Laid Over to the Legislative Hearings due back on 8/18/2015

1:30 p.m. Hearings

Fire Certificates of Occupancy

- 9 [RLH FCO
15-138](#) Appeal of Mark Cemensky to a Fire Certificate of Occupancy
Correction Notice at 942 EDMUND AVENUE

Sponsors: Thao

Mark Cemensky, owner, appeared.

Mr. Cemensky:

-he took pictures of the parking lot; he talked to the city about requirements; showed plans and photos to Ms. Moermond

-just to get 4 parking spots back there - thinking he could put in some curb stops so they can't go on the grass

-on the edges, to stop Class 5 from spreading, asked for ideas

Ms. Moermond:

-she's not a landscape architect

Fire Inspector A. J. Neis:

-one of the intents of either putting down asphalt or concrete is to clearly define the driveway - parking area - to prevent any spreading out

Ms. Moermond:

-asked for the plan to attach to the record

-asked him to email the photos

-this is the more challenging of the two (other one being 942 Ivy Ave E); it's abutting asphalt; the asphalt is in pretty reasonable condition which distinguishes it from Ivy, where the asphalt's in horrible condition; this case is similar to one that's in front of the Council right now that they did a layover on to think about it a little more and she wants to hear what the Council is thinking on that one, and then come back to this Edmund case

-layover to Sep 8, 2015 LH

-can communicate by email

Laid Over to the Legislative Hearings due back on 9/8/2015

- 10 [RLH FCO
15-147](#) Appeal of Mark Cemensky to a Fire Certificate of Occupancy
Correction Notice at 942 IVY AVENUE EAST.

Sponsors: Bostrom

Mark Cemensky, owner, appeared.

Mr. Cemensky:

-he is proposing to clean up the one edge; he can get more Class 5

-photos to Ms. Moermond

Ms. Moermond:

-will grant the appeal on this one because the asphalt alley itself is in such terrible condition; it's hard to justify that you have an asphalt surface when the alley is in very

poor shape

Grant the appeal but owner will need to add more Class 5 to the driveway.

Referred to the City Council due back on 9/2/2015

11 [RLH FCO
15-167](#)

Appeal of Howard Hare to a Correction Notice-Complaint Inspection at
1716 LAFOND AVENUE.

Sponsors: Stark

Fire Inspector A. N. Neis:

*-Correction Notice generated by Fire Inspection Division on a complaint inspection for
a pool that was installed*

*-this is an inflatable hardwall pool system can be purchased at stores like Target,
Walmart, Toys 'R Us*

*-the pool was identified during a drive-by; the property was not on the inspection
radar; it was noticed as the inspector was in the area*

*-the inspector noted that the pool was less than 10 feet away from the neighboring
property and that the pool holds over 5000 gallons of water (the code requires that a
pool over 5000 gallons would require a fence to go all the way around with a
self-closing latched opening and some type of obscurement to deter people from
unlawfully entering the pool area unknown to the property owner and to provide some
privacy to people using the pool*

Mr. Hare:

-he didn't know that this pool holds over 5000 gallons

Mr. Neis:

*-there is a formula; this pool is 42 inches high and 15 feet wide and those calculations
would give you around 5200 gallons*

*-the pool has a fence that surrounds it; however, the fence is too close to the pool
and the neighboring driveway; and it does not obscure*

Mr. Hare:

*-if they have to move it, they will; it's quite a process; it has a base underneath it and
it will need to get re-arranged*

-he was looking for more time to correct this

-the pool comes down in about 5 weeks anyway (after about the 2nd week in Sep)

Ms. Moermond:

*-she will recommend that the pool has to stop being used and come down no later
than Aug 21, 2015*

*-we can put you on the City Council agenda Aug 19 and if you want to talk to them,
you can*

-it's a code violation in 2 different ways

Mr. Hare:

-the fence is now obscured; they put bamboo on the existing fence

Mr. Neis:

*-the fence is 4 feet high and that's not a violation; they have not yet been able to
verify the bamboo on the fence*

Ms. Moermond:

-is not thrilled about it because it's not 10 feet away

-looking at the photo, she can see at least a foot of the pool above the 4 foot fence

Mr. Hare:

-I'll leave the fence where it is and move the pool farther away from the fence

Ms. Moermond:

-will recommend denying the appeal

-pool must come down by Aug 21, 2015; City Council can change that if they want to

Grant an extension until August 21 to remove the pool.

Referred to the City Council due back on 8/19/2015

12 [RLH FCO
15-169](#)

Appeal of Colin Brownlow, Director of Environmental Health and Safety, on behalf of University of St. Thomas, to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 2055 SUMMIT AVENUE.

Sponsors: Stark

Colin Brownlow, Director of Environmental Health and Safety, appeared on behalf of the University of St. Thomas.

Fire Inspector A. J. Neis:

-Fire Certificate of Occupancy Correction Notice on a re-inspection by Fire Inspector Kris Skow-Fiske

-Jul 21, she issued a Final Notice to comply with the vent hood installed at Sitzman Hall on the campus

-this has been going on for several months

-appealed is the need to have a hood & duct fire suppression system and to provide an approved hood & duct system that would adequately remove the grease laden vapors instead of venting the hood that circulates the air back into the bldg vs. ducting directly to the outside

-formerly, this building was a private residence before it was donated to the University of St. Thomas and converted into a conference, reception area

-it went thru a major renovation quite some time ago

-the building was previously inspected by Inspector Skow-Fiske; she had not noticed this as a violation on previous inspections; however, after further research and speaking with the mechanical inspector, she did identify this as an issue

-at the minimum, Inspector Skow-Fiske is requesting that they provide some type of a menu as proof that there's no grease laden vapors being used and that the hood system be vented outside

Mr. Brownlow:

-this is beautiful home built in the 1920's and donated to St. Thomas in the 1940's; it's gone thru several remodels as it's changed it's function

-it was remodeled in 2002 from their old music building to The Center for Catholic Studies

-it had a second remodel to classrooms and a chapel in 2009

-this is not a conference center, not a banquet facility; this houses an academic dept, Catholic Studies, and is used by graduate students and faculty; there may be an occasional meetings there, too

-the kitchen is beautiful but it is hardly ever used; is it not used for preparation of banquet foods or as a commercial kitchen; it is not used to sell food; it is used for faculty and staff who are housed in that building; occasionally, when there are catered events, the food will be prepared off the site at their main kitchen, roughly 1 1/2 blocks away, and brought over and staged in that kitchen

-in 2002, in preparation for the major renovation, the plans were prepared by a

professional architect, reviewed by the City of St. Paul at that time; the plans were reviewed and approved; inspection of the construction took place
-St. Thomas acted above board and with great integrity
-Inspector Skow-Fiske saw this in 2010; he accompanied her on the inspection; she commented on what a nice kitchen it was; nothing was said at that time
-there was a major renovation done in 2012 and no objection was made at that time to this

Ms. Moermond:

-she is ready to grant the appeal
-there is no change in the use of the kitchen that would justify treating this as a commercial kitchen now when it hasn't been in the past; and building permits did not indicate any change in use, either
-based on that, this appeal is granted

Grant the appeal.

Referred to the City Council due back on 9/2/2015

2:30 p.m. Hearings

Vacant Building Registrations

- 13 [RLH VBR 15-63](#) Appeal of Leng Vang to a Vacant Building Registration Requirement at 437 ARLINGTON AVENUE EAST

Sponsors: Brendmoen

Leng Vang, owner, appeared.

Inspector Matt Dornfeld, Vacant Buildings:

-was made a Category 2 Vacant Building on Sep 3, 2014 per code inspector Tom Friel

-Inspector Friel's notes: 1 1/2 story wood frame home found vacant and secured; Condemned by Fire Inspector James Thomas Jun 5, 2014; house has peeling paint; deteriorating siding, rotted window frames and foundation defects; also found a detached 2-car garage, a large amount of refuse, garbage and debris inside; garage also has open service door and rotted eaves

-issued Summary Abatement to correct violations

-Mar 26, 2015, Sale Review Officer Reid Soley approved the sale to Mr. Vang

-currently active bldg, mech and plumbing permits

-electrical permit is finalized

-the house has been secured and maintained

-we are here to discuss the VB fee due Sep 3, 2015

Mr. Vang:

-he paid everything up to the closing date; even property taxes, have taken care of everything up until Mar 2016

-last week he got a letter about the VB registration fee for \$2025

Ms. Moermond:

-this VB fee is for 2015 - 2016

Mr. Vang:

-all the violations have been taken care of

-he is waiting for 1 final inspection for heating
-he is here about the VB fee
-the reason the work takes so long is because of the inspectors
-will be done no later than the end of the month; just waiting for final inspection

Ms. Moermond:

-will recommend waiving the VB fee for 90 days and if the rehab is done at that time, there will be no fee to pay; if the rehab is not done, the fee will be proposed to go onto your taxes, which you can also appeal

Waive the VB fee for 90 days.

Referred to the City Council due back on 9/2/2015

14 [RLH VBR 15-55](#) Appeal of Manoj Bhakta to a Vacant Building Registration Requirement at 1377 HOYT AVENUE EAST

Sponsors: Bostrom

Appeal withdrawn. Issue resolved.

Withdrawn

15 [RLH VBR 15-61](#) Appeal of Joe Herschbach to a Vacant Building Registration Requirement at 558 POINT DOUGLAS ROAD SOUTH.

Sponsors: Finney

Joseph Herschbach, owner, appeared.

Inspector Matt Dornfeld, Vacant Buildings:

-was made a Category 2 Vacant Building on Jul 26, 2013 per Inspector Dave Nelmark

-it became a HUD owned property after that

-Mr. Herschbach went thru our Sale Review process and was approved by Inspector Reid Soley Jul 2, 2015

-the code compliance inspection report is on file

-open building permit, currently

-do not see mech, plumbing or elect permits on file

-the house has been maintained and secured

-will discuss the VB fee today, which came due Jul 26, 2015

Mr. Herschbach:

-he recently pulled an electrical permit

-a mechanical contractor is there today and a plumbing contractor

Mr. Dornfeld:

-as of 8-11, 2015, elect permit pulled

-everything has taken so long because of HUD

Mr. Herschbach:

-he did as much as he could: the whole upstairs is painted and he's trying to get the rest of it done

-90 more days will more than enough; could be wrapped up by the end of this month

-we are also doing a garage addition and we finished the basement

-would rather put the \$2,000 into the building than on the VB fee

Mr. Dornfeld:

-since we are past due, maybe we should go 120 days

Mr. Herschbach:

-once it's no longer a VB, he's going to sell the house

-he will keep it maintained

Ms. Moermond:

-once you get your Code Compliance Certificate, you are out of the VB Program

-will recommend granting 120 days waiver (from Jul 26, 2015)

Waive the VB fee for 120 days.

Referred to the City Council due back on 9/2/2015