



# City of Saint Paul

15 West Kellogg Blvd.  
Saint Paul, MN 55102

## Minutes - Final Legislative Hearings

*Marcia Moermond, Legislative Hearing Officer*  
*Mai Vang, Hearing Coordinator*  
*Jean Birkholz, Hearing Secretary*  
*legislativehearings@ci.stpaul.mn.us*  
*651-266-8585*

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Tuesday, July 16, 2013

9:00 AM

Room 330 City Hall & Court House

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### 9:00 a.m. Hearings

#### Remove/Repair Orders

- 1 [RLH RR 13-29](#) Ordering the rehabilitation or razing and removal of the structures at 1033 ARCADE STREET within fifteen (15) days after the July 24, 2013 City Council Public Hearing.

**Sponsors:** Bostrom

*Remove within 45 days with no option for repair.*

*RE: 1033 Arcade St (Duplex)*

*Brian Reed, owner, appeared.*

*Steve Magner, Vacant Buildings:*

*- Laid over from 6/25/13 LH*

*- he read the letter that was sent out Jun 26, 2013 by Mai Vang to Sabrina and Brian Reed (attached)*

*Ms. Moermond:*

*- asked Appellant what has been decided and what have they done*

*Mr. Reed:*

*- they decided not to do the Code Compliance Inspection*

*- they are going to remove the property*

*- will find their own demolition contractor*

*Mr. Magner:*

*- does not yet have a list of bids from different demolition contractors*

*Ms. Moermond:*

*- the city will have that list in the near future*

*- Mr. Reed can call one of those contractors and ask if they are willing to provide the same bid for him as they would the city*

*- the bid does not include hazardous materials*

*- if Mr. Reed hires the demo contractor on his own, then there isn't a city charge associated with that demo*

Mr. Magner:

- an administrative fee of approximately \$1,100 would be added to the demolition cost by the city
- hazardous waste removal costs generally average between \$1,500 - \$3,000 per building

Ms. Moermond:

- list of bids will be provided to Mr. Reed post haste
- will recommend granting 45 days to remove the structure (during those 45 days, Mr. Reed has the opportunity to demolish the building; if the demo pulled has been pulled and there is an active demo contract going on, the city, typically, lets you finish that work and won't step in; if the demo is not done or not even started, the city will take over at that 45-day juncture and start its own removal process) Mr. Magner is the best contact, if problems or changes occur

**Referred to the City Council due back on 7/24/2013**

**2**      [RLH RR 13-33](#)

Ordering the rehabilitation or razing and removal of the structures at 1071 SHERBURNE AVENUE within fifteen (15) days after the July 24, 2013 City Council Public Hearing.

**Sponsors:**      Carter III

*Need the \$5,000 Performance Deposit or bond posted by close of business on Friday, July 19, 2013, in order for recommendation of time for the completion of the rehabilitation.*

*RE: 1071 Sherburne Ave (Single Family)*

*Raymond Vorderbruggen, owner, appeared.*

Ms. Moermond:

- laid over from 6/25/13 LH
- is looking for the conditions to have been met

Mr. Vorderbruggen:

- didn't know what the bond was
- he has the \$25,000 rehab money
- has a roofing contractor lined-up
- talked to the Code Compliance guy last week (Jun 25)

Steve Magner, Vacant Buildings:

- the Code Compliance Inspections are completed; the report was pending as of Jul 11, 2013; doesn't know why it hasn't been sent out; he will check when he gets back to the office and he will make sure it gets out today

Ms. Moermond:

- explained the performance deposit/bond
- take the Code Compliance Inspection Report and get bids
- questioned the Appellant re: Work Plan
- the City Council Public Hearing is Jul 24, 2013

Mr. Vorderbruggen:

- picking away at the Work Plan; has a roofing contractor; is thinking about replacing the garage door, too
- talked with a plumber

Ms. Moermond:

- put together a Work Plan based on the bids with timelines
- need the \$5,000 Performance Deposit posted (if posted by Fri, Jul 19, 2013, she is willing to give a couple more weeks to put together a Work Plan)
- provide the financial documentation showing the money is available (Mr. Vorderbruggen provided a copy of the special account information; Mai Vang scanned)
- get the Work Plan to her by Fri, Aug 2, 2013

**Referred to the City Council due back on 7/24/2013 (Continue Public Hearing to August 7; Work Plan to be submitted by close of business on August 2)**

**3**      [RLH RR 13-34](#)

Ordering the rehabilitation or razing and removal of the structures at 417 CLARENCE STREET within fifteen (15) days after the August 7, 2013, City Council Public Hearing.

**Sponsors:**      Lantry

*Remove within 15 days with no option for repair. (No one appeared.)*

*RE: 417 Clarence Street (Single Family)*

*Inspector Steve Magner, Vacant Buildings:*

*The building is a one-story, wood frame, single-family dwelling on a lot of 5,833 square feet. According to our files, it has been a vacant building since November 16, 2012.*

*The current property owner is Substance of Hope Foundation per AMANDA and Ramsey County Property records.*

*On April 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 April 26, 2013 with a compliance date of May 26, 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 \$20,200 on the land and \$37,300 on the building.*

*Real estate taxes for 2012 are delinquent in the amount of \$1,234.86, plus penalty and interest. The first half of 2013 are due and owing in the amount of \$1,012.61.*

*The Vacant Building registration fees were paid by assessment on January 3, 2013.*

*As of July 15, 2013, a Code Compliance Inspection has not been done.*

*As of July 15, 2013, the \$5,000 performance deposit has not been posted.*

*There have been four (4) SUMMARY ABATEMENT NOTICES since 2012.*

*There have been four (4) WORK ORDERS issued for:*

- Garbage/rubbish
- Boarding/securing
- Grass/weeds

*Code Enforcement Officers estimate the cost to repair this structure exceeds \$50,000. The estimated cost to demolish exceeds \$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 Spang, Heritage Preservation Commission (HPC):*

- 1900 workers cottage
- there's been a lot of change to this area although there is no Sanborn insurance

map of this area

- a large office park/industrial area with a tiny strip of houses that look like they're from the early 1900s
- the area has lost a lot of its context
- was not identified in the 1983 survey
- there are no great examples of architecture or a particular style
- some windows have been changed
- some wrapping of trim
- wood siding is still exposed
- demolition would not have an adverse affect

Ms. Moermond:

- looks as though the property has been abandoned
- we have nothing here to indicate that someone is interested in maintaining/rehabilitating it
- will recommend the Council order the building removed within 15 days with no option for rehabilitation

**Referred to the City Council due back on 8/7/2013**

- 4      [RLH RR 13-35](#)      Ordering the rehabilitation or razing and removal of the structures at 949 GALTIER STREET within fifteen (15) days after the August 7, 2013, City Council Public Hearing.

**Sponsors:**      Carter III

*The following conditions must be met by close of business on Friday, August 2, 2013 in order to receive a grant of time:*

- 1) post the \$5,000 performance deposit or bond;
- 2) provide a work plan, including timelines for completing the work;
- 3) must provide financial documentation to do the rehab (line of credit, construction loan, personal bank account or personal loan). If personal bank account, must provide an affidavit indicating the dedication of funds to be used for the project. If the loan is from a friend, need a loan agreement);
- 4) maintain the property;
- 5) pay the due taxes; and
- 6) provide bids and subcontractor bids.

RE: 949 Galtier Street (Single Family)

Bryan Scott Castle appeared.

Steve Magner, Vacant Buildings:

*The building is a one-story, wood frame, single-family dwelling with a detached two-stall garage on a lot of 3,920 square feet. According to our files, it has been a vacant building since October 2, 2007.*

*The current property owner is Bryan Scott Castle per AMANDA and Ramsey County Property records. (At the time of mailing, LaSalle Bank NA was the property owner of record.)*

*On April 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 May 2, 2013 with a compliance date of June 2, 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 \$11,700 on the land and \$48,900 on the building.*

*Real estate taxes for the first half of 2013 are due and owing in the amount of \$2,421.98.*

*The Vacant Building registration fees were paid by assessment on November 5, 2012.*

*A Code Compliance Inspection was done on November 28, 2012.*

*As of July 15, 2013, the \$5,000 performance deposit has not been posted.*

*There have been twelve (12) SUMMARY ABATEMENT NOTICES since 2007.*

*There have been six (6) WORK ORDERS issued for:*

- Garbage/rubbish*
- Boarding/securing*
- Grass/weeds*

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

- a letter has been submitted by the District 6 Planning Council (attached)*
- the Ownership and Encumbrance Report indicates that Mr. Castle owes some taxes on it so LaSalle hasn't released the title*

*Ms. Amy Spong, Heritage Preservation Commission (HPC):*

- 1892 early cottage; Queen Anne style floor plan*
- originally, there were 3 buildings (all still there) on one lot*
- was built with just a side open porch; at some time, the porch was extended around to the front*
- was also a little shed in back of this particular lot but now is gone and it's been replaced by a more modern garage*
- a lot of the windows are not original; there has been some siding alteration*
- this area was last surveyed in 1983; it wasn't identified as part of any contributing potential historic district and it would not be eligible for individual designation*
- it's a corner property and sits high on the lot*
- has a concrete block retaining wall*
- with the exception that it's on a corner lot, demolition would not have an adverse affect on the neighborhood from an historic perspective*
- notes: across the street on the corner, it looks as though a building has been removed*
- there a lot of early 1890 cottages on these 2 block faces with variable setbacks*

*Mr. Castle:*

- he bought the building from LaSalle in 2007; owes some back taxes on it*
- he was sick for a couple of years; he was married and his wife died; he got remarried and that wife took off with all his settlement (\$300,000) money and belongings - he just went through the divorce last week; he is trying to put things back together and make sure that she doesn't have any rights*
- he plans to live there; now, he's there much of the time; he's done a lot of work on the house*
- he's had the electrician in there; has spent a lot of money on it*
- the house is in fine shape but there still are things that need to be done; it's in good, solid condition*
- he'd like the opportunity to finish it and live there*
- he's at the property nearly every day; the people there know him; nothing criminal happens there*
- there has been no crime at his house*
- currently, he lives in Blaine with his dad, Martin Castle and his mother*
- he is handicapped; he was paralyzed and lived in a nursing home; a major setback*

for him; he's not employed; lives on S.S. disability  
 - he'd appreciate the opportunity to get the house back in order  
 - he has a friend, Kerkowski, a contractor, who will help him financially, too; he had a conflicting appointment today otherwise, he'd be here; he's built 1,400 other houses  
 - he has had issues with people dumping (Mr. Magner: most recent Jul 16, 2013; Jan 2013; Oct 2012; Feb 2012; Aug 2012); it's been a big problem in that neighborhood; he's been taking care of it; today, he is waiting for a truck to show up and help him get the stuff out of there

Ms. Moermond:

- the Code Compliance Report will be the list of things that Mr. Castle will need to do to be able to move back in  
 - she is looking for a plan that demonstrates how those things will get done; she needs to see the bids to support that  
 - she needs to see that Mr. Castle has the money to those repairs (loan agreement; line of credit; bank account, etc.)  
 - he needs to post the \$5,000 Performance Deposit (refundable); she can't waive that deposit (Mr. Magner: perhaps, the contractor could post that as part of his work; and the sooner that he completes the work, the sooner he gets his money back)  
 - the taxes need to be paid  
 - the property needs to be maintained  
 - she needs this information by Fri, Aug 2, 2013  
 - City Council Public Hearing is Aug 7, 2013  
 - a letter will be sent with the details

**Referred to the City Council due back on 8/7/2013**

**5**      [RLH RR 13-36](#)

Ordering the rehabilitation or razing and removal of the structures at 1299 SCHEFFER AVENUE within fifteen (15) days after the August 7, 2013, City Council Public Hearing.

**Sponsors:**      Tolbert

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

*RE: 1299 Scheffer Ave (Single Family)*

*Gary Evers, Attorney, Shapiro and Zielke LLP, appeared.*

*Steve Magner, Vacant Buildings:*

*The building is a one-story, wood frame, single-family dwelling with a detached one-stall garage on a lot of 4,792 square feet. According to our files, it has been a vacant building since February 1, 2011.*

*The current property owner is Cassie Darmody per AMANDA and Ramsey County Property records.*

*On April 24, 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 April 30, 2013 with a compliance date of May 30, 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 \$81,600 on the land and \$83,800 on the building.*

*Real estate taxes are current through the first half of 2013.*

*The Vacant Building registration fees were paid by assessment on March 1, 2013.*

*As of July 15, 2013, a Code Compliance Inspection has not been done.*

As of July 15, 2013, the \$5,000 performance deposit has not been posted.

There have been ten (10) SUMMARY ABATEMENT NOTICES since 2011.

There have been ten (10) WORK ORDERS issued for:

- Garbage/rubbish
- Boarding/securing
- Grass/weeds
- Snow/ice
- Other – cut back vegetation in alley ROW

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.

- no permits but looks as though someone attempted some remodeling (fence permit in 2005)
- in this area, the land value would probably exceed the value of the house
- home mechanicals don't look updated

Amy Spong, Heritage Preservation Commission (HPC):

- this bungalow was built in 1922
- original owner was Louis Patten
- Highland Park neighborhood; this area was last surveyed in 1983 but very little was identified here as being historic
- this is a neighborhood of bungalows (1 1/2 story type); also seeing a lot of "pop tops" in this neighborhood (taking off the roof and going up a 2nd story or "scrape offs")
- these 2 block faces seem quite in tact
- would need to do more survey in this area to see if there is any potential here for a bungalow type district
- probably have been some alterations along the way
- the siding has been covered; some windows seem original but the interior looks pretty damaged
- she would encourage rehab but the condition of the property leans toward demolition would not have an adverse affect

Mr. Evers:

- house looks like some attempt had been made to remodel (Mr. Magner: it looks like that)
- the neighborhood looks very nice
- he wants to take this back to the lender, The Bank of New York Mellon, formerly known as The Bank of New York, as successor trustee to J. P. Morgan Chase Bank, National Association as trustee for the Certificate Holders of the Structured Asset Mortgage Investments to Inc, Behr Stearns Alt A Trust Mortgage Paster Certificates 2005-10
- these things are serviced by other companies; the current servicer and has been for a period of time is J. P. Morgan Chase Bank, their contact
- unfortunately, J. P. Morgan Chase Bank has had it pulled from them effective Aug 1, 2013, when the new servicer is Select ProServicing
- he has been in touch with J. P. Morgan Chase Bank; they wanted him to inquire on this property; the service transfer happened after he was retained
- foreclosure has not yet commenced
- the Order came in and there were some title issues, which were resolved; now, there's some internal documentation issues on behalf of the lender as far as getting foreclosure documents executed
- he will forward the photos to the lender and servicer

Mr. Moermond:

- has been on the Registered Vacant Building list for 2 1/2 years
- taxes are current for first half of 2013
- don't have a good assessment of interior condition because there's no code compliance inspection report (photos)
- no Perf. Dep.; minimal maintenance; 10 SA and WO
- Ramsey County's evaluation of this structure does not seem to be consistent with the reality of the condition of the structure
- sq.ft of the house: 768 sq.ft.
- certified mail was received by MY Melon
- will recommend removal of the structure within 15 days with no option for repair

**Referred to the City Council due back on 8/7/2013**

- 6      [RLH OA 13-61](#)      Making recommendation to the Ramsey County Commissioners on the application of Nationstar Mortgage, LLC, for repurchasing the tax-forfeited property at 715 FRANK STREET.

**Sponsors:**      Lantry

*Allow for repurchase of the property.*

*RE: 715 Frank Street (Two Family Dwelling)*

*Steve Magner, Vacant Buildings:*

- Repurchase Application
- Nationstar Mortgage, LLC is making re-application

Ms. Moermond:

- Nationstar has been maintaining it and because they have been maintaining it, the city does not consider it a code enforcement problem
- therefore, we would allow for repurchase of the property

**Referred to the City Council due back on 8/7/2013**

- 7      [RLH OA 13-59](#)      Making recommendation to Ramsey County on the application of Robin L. Wanless for repurchase of tax forfeited property at 1639 TAYLOR AVENUE.

**Sponsors:**      Stark

*Allow for repurchase of the property.*

*RE: 1639 Taylor Ave (Single Family)*

*Steve Magner, Vacant Buildings:*

- one complaint for trash in the yard in Jul 2012 and a Work Order in Aug 2012
- some permits pulled in 2010
- a shut-off in 2007, 2009

Ms. Moermond:

- they got divorced: she moved out and he lived there; then, he moved out and she moved back in
- there is no reason to disallow repurchase

**Referred to the City Council due back on 8/7/2013**

- 8      [RLH OA 13-60](#)      Making recommendation to Ramsey County on the application of Jo Angela



Maniaci to repurchase the tax-forfeited property at 26 TENTH STREET WEST, UNIT 1602.

**Sponsors:** Thune

*Allow for repurchase of the property.*

*RE: 26 Tenth Street West, Unit 1602 (condo unit)*

*RE: 206 Wacouta Street, Garage Unit P#93 (parking space)*

*Ms. Moermond:*

*- these are connected: 1) a parking space; and 2) a condo unit  
- she had some health issues going on*

*Steve Magner, Vacant Buildings:*

*- no history on either of these*

*Ms. Moermond:*

*- there is no objection to allowing for re-purchase of this property*

**Referred to the City Council due back on 8/7/2013**

**9**      [RLH OA 13-58](#)

Making recommendation to the Ramsey County Commissioners on the application of Bayview Loan Servicing, for repurchasing the tax-forfeited property at 406 WACOUTA STREET, GARAGE UNIT P993.

**Sponsors:** Thune

*Allow for repurchase of the property.*

*RE: 26 Tenth Street West, Unit 1602 (condo unit)*

*RE: 206 Wacouta Street, Garage Unit P#93 (parking space)*

*Ms. Moermond:*

*- these are connected: 1) a parking space; and 2) a condo unit  
- she had some health issues going on*

*Steve Magner, Vacant Buildings:*

*- no history on either of these*

*Ms. Moermond:*

*- there is no objection to allowing for re-purchase of this property*

**Referred to the City Council due back on 8/7/2013**

## 11:00 a.m. Hearings

### Correction Orders

**10**      [RLH CO 13-20](#)

Appeal of Matt Jackson to a Correction Notice at 226 GROTTO STREET NORTH.

**Sponsors:** Khaliq

*Grant until September 1, 2013 for roof to come into compliance.*

*RE: 226 Grotto Street N (Half Double Dwelling)*

*Matt Jackson, owner, appeared.*

*Inspector Scott St. Martin:*

- Orders were sent Jan 14, 2013
- repair or replace the roof covering to a sound, tight of water, impervious condition; permit may be required
- replace all missing or defective bricks; tuckpoint is needed to restore the chimney to a professional state of maintenance and repair; permit may be required
- re-inspection Aug 5, 2013
- no returned mail

*Mr. Jackson:*

- building is a side-by-side duplex; he owns 226; someone else owns 224
- he has wanted to get a new roof for years; he had trouble working with the woman who lived at 224 before; she lost the house in foreclosure
- it's been about 3 years since any one has admitted that they owned the other side; only within the past month has a bank admitted to owning it and it sounds as though they are willing to work with him a little bit
- he faxed the bank's rep the Work Order from the city but because their address wasn't specifically named on it, they can't move forward on it
- he spoke with Paula Seeley, who suggested that he appeal to gain more time
- Ms. Seeley is going to try to add 224 onto this Work Order so that the bank is forced to get a new roof with him
- the woman at the bank is Mary; her number is 651/415-3228
- 224 is currently a Registered Vacant Building so there is an issue with an Order to replace just the roof without bringing everything else up to code
- he spoke to someone at VB, DSI, who said he thought he could get it done but he wasn't 100% sure; DSI has talked about tearing that side down, too
- he doesn't want to put money into a roof and chimney when he doesn't know how this is going to play out
- if he does get a new roof, he wants to do it in conjunction with the other side
- he is living in 226 but is planning to move out Aug 1, 2013 into one of his other buildings; his 2 buddies will still be living there; it won't be vacant

*Mr. St. Martin:*

- he spoke with the building official being it's a VB and not being able to pull permits; the building official gave his consent for giving a permit for the roof
- an Order has been sent to the bank and they will allow the bank to pull a permit without a Code Compliance Inspection

*Mr. Jackson:*

- he would like to get the roof and chimney done ASAP

*Ms. Moermond:*

- needs to know if Mr. Jackson will be an owner-occupant or just the owner (owner puts him in the Certificate of Occupancy Program; owner-occupant keeps him with Code Enforcement)
- any non-owner occupied property puts you into the C of O Program
- is 15 days realistic to get the roof done? Very tight; not sufficient enough time

*Mr. Jackson:*

- he has changed his mind; he will continue to live there

*Ms. Moermond:*

- will grant until Sep 1, 2013 to get the roof / chimney done
- at City Council for Public Hearing Aug 7, 2013
- a Criminal Citation could be issued if one or both parties don't agree to get it done
- 224 Grotto's Orders will run concurrent with Mr. Jackson's at 226
- a letter will be sent

**Referred to the City Council due back on 8/7/2013**

11 [RLH CO 13-19](#) Appeal of Dale Pippin to a Correction Notice at 1867 JAMES AVENUE.

**Sponsors:** Tolbert

*Grant a variance on the conditions that owner dismantle the planting box on November 1, 2013; he can put the box back again on April 1 annually. The planting box nearest the curb must be removed.*

*RE: 1867 James Ave (Single Family)*

*Dale Pippin, owner, appeared.*

*Inspector Scott St. Martin:*

- *the height and location of planters and plants*
- *received a complaint about someone having issues getting out of their car at this address because of raised plant boxes*
- *sent Orders to remove the raised planting boxes and fence from the boulevard; the plants can stay*
- *no returned mail*
- *original date was in Jul*
- *spoke with Mr. Pippin and gave him an extension to Aug 1, 2013 because he wanted to appeal it*
- *the box is located right in front, in the middle of his property next to his sidewalk*

*Mr. Pippin:*

- *each box is 7 ft x 4 ft; top height is 10 inches; the tomato plant is about 15 inches = total 25 inches*
- *it's the first year he put it in; has lived there for 16 years*
- *the home and the property is immaculate and well cared-for*
- *they have been walking around the neighborhood for 16 years and have seen hundreds of raised beds and fencing that's much higher than theirs right up to the curb; based on those observations over 15 years, they concluded that putting a few vegetables on the blvd was going to be OK*
- *they are growing tomatoes, beans, pepper, lettuce*

*Ms. Moermond:*

- *2 issues that the code addresses and she needs to look at: 1) visibility; and 2) snow plow blades - here, it's very close to the curb*
- *this isn't on a corner so, it's OK as far as visibility*

*Mr. Pippin:*

- *it's very contained; it doesn't obstruct the curb, the sidewalk leading to the street or the side walk in front of the home*
- *he'd be amenable to removing the boxes after the growing season*
- *may reconsider putting up the box next year based on the difficulties they are having now*
- *has photos of the other places in the neighborhood that dwarf their raised box in size and in scope*
- *the neighbors, whom he thinks made the complaint, have put an offer on a home in*

*Lake Elmo, which was accepted and they've sold their home next to mine*

*Ms. Moermond:*

*- the box that's closer to the curb has to move*

*Mr. Pippin:*

*- he put in a raised box for the plants because a few years ago, the city put some sewer line into there; the area that had been damaged by that process was either re-seeded or sodded, which never took; they have always had difficulty growing anything there so, it always looked hideous compared to the rest of the blvd; they put in better soil that would actually grow plants*

*- other parts of their yard will not accommodate a vegetable garden*

*- these boxes are screwed into each other at the side and they sit on the ground*

*Ms. Moermond:*

*- recommended he get them out by Nov 1, 2013*

*- they can be back again on Apr 1, 2014*

*- total height allowed here is 36 inches*

**Referred to the City Council due back on 8/7/2013**

#### **Summary Abatement Orders (NONE)**

#### **11:30 a.m. Hearings**

#### **Orders To Vacate, Condemnations and Revocations (NONE)**

- 12**    [RLH VO 13-37](#)    Appeal of Theresa Yarusso to a Notice of Condemnation as Unfit for Human Habitation and Order to Vacate at 461 BEAUMONT STREET.

**Sponsors:**        Brendmoen

*Property will be in the Vacant Building Program and owner can go to the house from 8 a.m. to 8 p.m. to make repairs, clean, etc. but cannot sleep or cook at the property. Legislative Hearing Officer is holding off on a recommendation for the roof. Need feedback from building official. LHO will waive the VB fee for 4 months.*

*RE: 461 Beaumont St (Single Family)*

*Theresa Yarusso and her nephew, Wayne Vanderhof, appeared.*

*Ms. Moermond:*

*- she scheduled this on an emergency basis: 1) thought the conditions described in the Orders merited it; and 2) the deadline had already come and gone*

*Inspector Scott St. Martin:*

*- this property had a fire on the 2nd floor, which was brought to their attention on about Jul 9, 2013*

*- an inspector went out there to find extensive damage to the 2nd floor*

*Ms. Yarusso:*

*- it had been di-converted to a single family*

*- it's been in the family for almost 100 years; her father moved in when he was 4 years old and bought the house in 1954*

*- fire was Jun 30, 2013*

- someone started a fire under the stairwell on the outside that goes upstairs; that stairwell and part of the outside wall are also destroyed

Mr. Vanderhof:

- their goal is to get an extension so that Ms. Yarusso and the family can get the rest of the belongings out of the house  
- my aunt doesn't plan on moving back into the house; currently, she lives with a neighbor  
- you can see through the roof from a back bedroom upstairs

Mr. St. Martin:

- the interior of the house constitutes material endangerment; there's extensive fire damage to the north side of the house including the rear stairway, walls, eaves, upper unit ceiling needs repair; the house has several cluttered rooms and needs to be cleaned out; front porch is deteriorated: walls and ceiling have extensive water damage - roof needs replacement; no smoke detectors; no CO detectors; eaves and soffits are in disrepair; windows and storms are in a state of disrepair; 3 broken windows and broken storm door; basement has standing water from the fire; and there's fire debris and rubbish in the yard

Mr. Vanderhof:

- the house has been in the family a very long time and they have been having a hard time deciding what to do  
- Aunt Theresa lives off unemployment which is \$120/week; she can't afford to stay there any longer; she is trying to get public housing  
- there is 80-100 years of stuff in it; they are in the process of decluttering  
- the back porch became the storage area; it has all been cleaned out now  
- the family was there this past weekend helping to clean  
- questioned whether they needed to board it up so no one would steal copper, etc.  
- hope to get a 30-day extension to remove the rest of the stuff  
- because of hard times, Aunt Theresa didn't have homeowner's insurance which would have covered the front porch and the fire (the family didn't know)  
- no family member is stepping up to fix the house and she's behind on taxes, too (\$8,000-\$9,000) and Mr. Vanderhof doesn't have the ability to step up for it, either  
- it was arson according to the Fire Dept

Ms. Moermond:

- looking at a Condemnation/Order to Vacate  
- asked Mr. St. Martin if there were a waiver keeping them out of the Vacant Building Program

Mr. St. Martin:

- we can turn it over to the Vacant Building Program and they will automatically waive the VB fee for 60-90 days

Ms. Moermond:

- will put you into the Vacant Building Program right away (dangerous and nuisance structure)  
- if no one is investing in it, it will eventually get knocked down  
- the building official will take a look to see that the house is stable enough for the family to get their belongings out (key structural members may have been compromised)  
- Ms. Yarusso can access the property from 8 am to 8 pm to get things out  
- House Calls Program may be able to provide dumpsters to help you get it cleaned out  
- Project Hope, Southern MN Regional Legal Services, another referral to help you

get into new housing

- will recommend granting an extension to Sep 1, 2013
- will hold off with the recommendation until an inspector has gone through the house; if it's too dangerous for the family to go into, there will be a different outcome
- the VB fee will be waived for 4 months

**Referred to the City Council due back on 8/7/2013**

## 1:30 p.m. Hearings

### Correction Orders

13

[RLH FCO  
13-178](#)

Appeal of Jeff Conlin, Anita's Cafe and Catering, to a Correction Order at 75 FIFTH STREET WEST.

**Sponsors:** Thune

*Grant a variance on condition that owner reduce the number of butane burners from four (4) to two (2).*

*RE: 75 Fifth Street West (E-Hall-Dance/Assembly/Rental) -Landmark Center*

*No one appeared.*

*Fire Inspector Leanna Shaff:*

- *Inspector Skow-Fiske went there May 20, 2013*
- *there were issues on a sprinkler report*
- *in cafe #55: contact a qualified contractor to provide an approved hood and duct ventilation for fire suppression system*
- *#56: provide an approved hood and duct ventilation system to remove the grease laden vapors; remove hot plates*
- *Anita's Cafe has a full kitchen in the basement but for breakfast, they do "made to order" on the main floor*
- *the burners are powered by butane cylinders*
- *they are over the allotment for butane cylinders (4) and they also have a pannini maker*
- *even 1 butane cylinder is over the amount that you can have*
- *not sure where they are storing the cylinders; they say they don't have extras but they come in a case of 12*
- *the big issue with putting a kitchen hood system in there, is that the building has an atrium; and should there be a fire, no one knows how the hood system would react with that atrium; and they can't get an engineer who would sign off on the design*
- *code section 609 - Minnesota State Fire Code: at 609.2 - a type 1 hood shall be installed at or above all commercial cooking appliances and domestic cooking appliances*
- *904.2.1.1 - approved automatic fire extinguishing system shall be provided for the protection of existing commercial type cooking equipment that produces grease-laden vapors*
- *904.2.1 - they are required and shall be protected with an approved automatic fire extinguishing system installed in accordance with the code*

*Ms. Moermond:*

- *is there any other kind of fuel that can fire the burners besides butane?*

*Ms. Shaff:*

- these burners aren't permanent and when you start changing fuels around, you have all sorts of issues
- their appeal says that they have been doing this for a long time
- from the record, it appears that they have continued to add more and more burners; four (4) is excessive; not sure that one or two would be the end of the world; however, the code uses the mandatory word, "shall" but it's a catch 22 because of the building configuration and smoke control systems; an engineer doesn't know how that's going to re-act
- Ms. Weise's suggestion: if one cylinder were capped, it could be allowed; but it just keeps growing, which is a huge concern

Ms. Moermond:

- will recommend granting a variance for two (2) of those butane burners; two (2) have to go

**Referred to the City Council due back on 8/7/2013**

### Fire Certificates of Occupancy

14 [RLH FCO  
13-155](#)

Appeal of Chue Feng Thao to a letter regarding a Fire Certificate of Occupancy Deficiency List at 1062 FOREST STREET.

**Sponsors:** Bostrom

*Supervisor Shaff will inspect the building to re-measure the attic space, take photos of the door and look at the rear stairway footings.*

*RE: 1062 Forest St (Duplex)*

*Chue Feng Thao, owner, appeared.*

*Fire Inspector Leanna Shaff:*

- Fire Certificate of Occupancy Inspection conducted by Inspector Tennocore
- started in Jan-Feb, 2013
- in the process, the property was sold and some Orders went with it
- there are 4 Orders left
- Mr. Thao is appealing #1, #2, #3
- #1 & #2 - exterior rear stairs - declared unsafe: the posts sit on some deck blocks that are walking off; this is also the only exit for the 2nd floor unit
- photos in file
- #3- the ceiling height on the 3rd floor - (must be 7 feet over half the floor area): the height of the rooms in the north, west and south are above 6'7" for about a third of the floor area and then they slope (photos)

Ms. Moermond:

- looking at photos of rear stairs and is not quite sure why the posts weren't embedded in concrete (Ms. Shaff: you don't necessarily have to embed them in concrete; just a platform that's not attached to a structure isn't required to be embedded in concrete; if it's there are 3 stairs or fewer; or if it's less than 30 inches above average grade, concrete is not required)

Mr. Thao:

- closed on property Feb 28, 2013
- the first unit includes the first floor and the basement; the 2nd unit includes the 2nd and 3rd floors

*Ms. Shaff:*

- the 3rd floor doesn't require an independent exit
- the 2nd unit requires only 1 exit from the unit
- has a permit from Apr 30, 2013 for various restorations: alterations, repairs, minor repair, no structural work \$3,000 valuation of the work, which has not been inspected
- there was a re-roof permit in 2011 still open; permit for window replacement in 2006
- it looks very much like that 3rd floor was done without permits, at least, without sign-offs

*Ms. Moermond:*

- would like better measurements of the rooms on the 3rd floor to find out the proportions and also to determine if there is enough square footage for a room to be a bedroom above 5 ft (a lot of measurements need to be done)

*Mr. Thao:*

- when he bought the property, he looked on the website to see if there were any Orders on it but he didn't see much; then, he got a letter from the inspector that there were Orders on the house, so, he got the permits to fix the walls, kitchen ceilings, decking, bathroom flooring, etc. (general repair)
- he replaced the old wood on the steps of the rear stairs (he will call the building inspector, Todd Sutter, to get a sign-off 651/266-9024)

*Ms. Moermond:*

- she will rely on Mr. Sutter's impression of the footings on the rear stairs; they look askew
- she also needs dimensions of the 3rd floor bedrooms; the minimum height is supposed to be 7 feet
- will lay this over to Aug 13, 2013 LH at 1:30 p.m.
- Mr. Thao should hold off renting the 2nd floor unit
- we'll hold off on the official fire inspections

*Ms. Shaff:*

- in the TISH report, it notes "low head room in attic space"
- suggested that she go out and do both the measurements and take a look at the stairs; Mr. Thao should call her tomorrow to coordinate a time

**Laid Over to the Legislative Hearings due back on 8/13/2013**

15 [RLH FCO  
13-157](#)

Appeal of Mike Fitzgerald to a Correction Notice-Complaint Inspection at 2118 GRAND AVENUE.

**Sponsors:** Stark

*Need clearer photos of the retaining wall; grant until October 1, 2013 for the roof repair. (Re-inspection will still be conducted on July 23, 2013.)*

*RE: 2118 Grand Ave (Duplex)*

*Mike Fitzgerald, owner, appeared.*

*Fire Inspector Leanna Shaff:*

- complaint inspection came in about tall grass and weeds Jul 2, 2013
- the Fire Certificate of Occupancy was due for renewal and Inspector Urmann responded Jul 2, 2013 and found several code issues on the exterior and sent Orders
- photos in Amanda (black and white)
- Appellant has questions about #1 and #10
- #1 the foundation - you can see where the skim coating is peeling off; some



*tuckpointing issues*

- #10 - repair/replace retaining wall (photos look like the retaining wall is leaning over)
- retaining wall height: 2 1/2 - 3 feet

*Mr. Fitzgerald:*

- #1 the foundation: he didn't know what the inspector meant so, he emailed the inspector for clarification but the inspector never responded to him; parts are crumbling; some parts look bad but are actually solid; he filed the appeal so that he could get clarification; if it's just the skim patching that needs to be done, he has no issue with that (Ms. Moermond: looks like the skim coating is crumbling underneath the surrounding area)
- #10 retaining wall: in 2008, inspectors asked for patching to be done; the wall has a lean but not a huge one
- entered his photos; all the patching from 2008 or earlier is still in tact and there has been no movement of the wall; the wall is very thick; it's not going anywhere; if the wall were moving, he'd expect that all the concrete would be crumbling, too
- the wall does not impede the sidewalk
- the retaining wall on the front of the house is shorter and doesn't have a lean; he patched the parts that were deteriorating
- has removed vegetation

*Ms. Moermond:*

- wants to have another set of photos taken that gives her a better sense of how many degrees it's leaning (is inclined to say "It's been this way for this long--")
- let's have Inspector Neis check out the lean to see how many degrees it's leaning
- will lay this over to Aug 6, 2013 LH

*Mr. Fitzgerald:*

- he is also doing the roof this year (first part of Aug 2013) and having to replace the retaining wall would be another financial hardship to deal with (thinks only 1 section leans)

*Ms. Moermond:*

- have the roof replaced by Oct 1, 2013
- the C of O inspection will be done Jul 23, 2013 (interior)
- the foundation is not an issue anymore; Mr. Neis needs to look at the skim coating and any tuckpointing underneath (she will rely on his judgment)
- Mr. Fitzgerald will contact Inspector A. J. Neis

**Laid Over to the Legislative Hearings due back on 8/6/2013**

## 2:30 p.m. Hearings

### Vacant Building Registrations

- 16 [RLH VBR 13-38](#) Appeal of Greater Metropolitan Housing Corporation to a Vacant Building Registration Renewal Notice at 1151 EDMUND AVENUE.
- Sponsors:** Stark
- VB file has been closed.*
- Withdrawn**
- 17 [RLH VBR 13-40](#) Appeal of Daisy Haung to a Vacant Building Registration Requirement at 792

EDMUND AVENUE.

Sponsors: Khaliq

*Category 1 fire except, a 90 day waiver was given.*

**Withdrawn**