



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final Legislative Hearings

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Tuesday, June 23, 2015

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Remove/Repair Orders

- 1 [RLH RR 15-13](#) Ordering the rehabilitation or razing and removal of the structures at 870 FULLER AVENUE within fifteen (15) days after the June 3, 2015, City Council Public Hearing. (Legislative Hearing July 14, 2015)

Sponsors: Thao

Andy Barnett appeared.

Ms. Moermond:

-she spoke with Greg Finzell yesterday; he is having a contractor go out with him tomorrow to do some pricing on it; they aren't sure that they can fit it into their work schedule, capacity-wise, but they will come up with a bid; if the numbers work, Mr. Finzell would be support but they need a board vote

-not sure what's going on with the mortgages

-it's 1 1/2 year in arrears on taxes

-if the owner is E. Dianne Smith and if she were willing to do an accelerated forfeiture, then, we would simply have the mortgage holder to deal with

Mr. Barnett:

-will speak to Ms. Smith about that

-according to the owner, the mortgages have been satisfied but he hasn't heard back from the bank

Steve Magner, Vacant Buildings:

-update on that:

-in regards to E. Dianne Smith and Juanita Oliver's mortgage with Associated Bank-FKA Liberty State Bank, dated May 9, 2003, the mortgage was satisfied; however, the bank failed to file the appropriate paperwork. A representative from Associated Bank contacted DSI indicating that they were filing a Satisfaction of Mortgage, which document was filed with Ramsey County on May 13, 2013; as such, Associated Bank should be removed as an interested party at this point in time

-have not yet heard back from Western Bank

Mr. Barnett:

-have contacted Western but not yet heard back; he will try again

Mr. Magner:

-we will request that Vicki contact them

Mr. Barnett:

-NeighborWorks was also interested in this but since they've picked up a couple other properties, they have a pretty full list of projects

-Aurora-St. Anthony Neighborhood Development Corp could be interested on their own, separate from Model Cities; Model Cities wasn't interested due to family ties; he has mentioned it to Habitat; they might be interested, although it's not their primary type of project

Ms. Moermond:

-it's back in front of City Council Jul 15, 2015

-let's touch base again on Jul 14, 2015 at LH - 9 am

Forthcoming; July 14 Legislative Hearing.

Referred to the City Council due back on 7/15/2015

2 [RLH RR 14-12](#)

Ordering the razing and removal of the structures at 391 VIEW STREET within fifteen (15) days after the July 23, 2014, City Council Public Hearing. (Public hearing continued from June 3)

Sponsors: Thune

Forthcoming.

Inspector Steve Magner, Vacant Buildings:

-update: code compliance inspector report is done, dated Jun 5, 2015

-waiting to hear back from City Attorney's Office to see if they are going to move forward with a shortened redemption on the taxes

Ms. Moermond:

-had a chance to talk to the Fort Road Federation on this; they have the new code compliance report and the new photos and they think that this could be a rehab opportunity but it would not qualify for traditional rehab dollars so, they will have to shop it around at little; will be in front of their board and vote on it the 2nd Mon in Jul, which does come before Jul 15, 2015 CCPH

-the big concern is the roof

-Betty Moran, Ft Rd Federation, has made contact with one of the sons of the owner, who is deceased (traded voice mails)

Referred to the City Council due back on 7/1/2015

3 [RLH RR 15-15](#)

Ordering the rehabilitation or razing and removal of the structures at 155 WHEELOCK PARKWAY EAST within fifteen (15) days after the June 3, 2015, City Council Public Hearing. (Public hearing continued from June 3)

Sponsors: Brendmoen

Forthcoming.

John Dockry, Shapiro & Zielke L.L.P., appeared.

Inspector Steve Magner, Vacant Buildings:

-read letter dated May 15, 2015 to John P. Dockry from Racquel Naylor (attached); need before Jun 3, 2015: order code compliance inspection; \$5,000 performance

deposit; work plan with timelines; proof of financial ability to complete the work; maintain the property

Mr. Dockry:

*-code compliance inspection has been ordered
-talked with Jim Seeger, who has been out but the mechanical and electrical inspectors have not yet been out
-one issue: still some personal belongings inside the property that Mr. Seeger wanted cleaned out before the other inspectors went in; after that phone call, he informed his client that they needed someone to go out and do that ASAP; haven't heard back from Mr. Seeger or his client as to whether that has taken place
-\$5,000 performance deposit has been made
-has the affidavit of funds available for the project
-has a best estimate bid and work plan of what a contractor believes will need to be done pending inspection
-work plan is fairly detailed; however, it doesn't specify time frames; he has been told by his client through the contractor that they estimate the project to take from 90-120 days, again, pending the final inspection report*

Mr. Magner:

*-looks like Mr. Seeger was out and also the electrical inspector
-explained that the plumbing and mechanical inspectors went out on the 17th and found the building unsecured at the time; generally, if they find the building unsecured, they are not going to make entry; the note in the system says: they attempted to contact the field representative to either meet him or find out what was going on but weren't able to make connection
-his recommendation is to have Mr. Dockry's field staff to reach out to Carl Abrahamson and Christy Dick, DSI, 266-8989; call between 7:30-9:00 am or they could call later today and say that they had re-secured the building and supply the code*

Ms. Moermond:

*-building and electrical inspections have been done
-plumbing and mechanical inspection need to be done
-DSI just needs to get the code compliance inspection report written up; everything else is in place; so, if a layover is needed, she will recommend it but she hopes it's not needed
-she will call Jim Seeger and ask that the report be sent out ASAP*

Referred to the City Council due back on 7/1/2015

4 [RLH RR 15-22](#)

Ordering the rehabilitation or razing and removal of the structures at 812 COOK AVENUE EAST within fifteen (15) days after the July 15, 2015, City Council Public Hearing. (Legislative Hearing July 14, 2015)

Sponsors: Bostrom

*Daniel Reiff, Reiff Law Offices, appeared representing the owner, JBB HD One LLC.
Ms. Tanika Nolan, a neighbor, appeared.
Bill Washington, contractor, appeared.
Linda Stern, US Props, owner's agent, appeared.
Troy Olson, Reiff Law Offices' consultant, appeared.*

Steve Magner, Vacant Buildings:

*-building is a 2-story wood frame single-family dwelling with a detached 2-stall garage on a lot of 4,792 sq.ft.
-it's been a vacant building since Jul 14, 2014*

- current owner is JBB HD One LLC per Ramsey County
- May 15, 2015, an inspection was conducted; a list of deficiencies which constitute a nuisance condition was developed; photos taken
- Order to Abate a Nuisance Building was posted May 20, 2015; compliance date Jun 4, 2015
- as of this date, the property remains in a condition which comprises a nuisance as defined by the legislative code
- estimated market value: \$8,600 on the land; \$31,400 on the building
- real estate taxes are current
- Vacant Building registration fees for 2014 were paid by assessment; the fees for 2015 are due Jul 14, 2015
- a Code Compliance Inspection was done Dec 11, 2014; a new Code Compliance Inspection is required due to a fire which occurred Apr 29, 2015
- as of Jun 19, 2015, the \$5,000 Performance Deposit has not been posted
- 4 Summary Abatement Notices since 2014
- 4 Work Orders issued for: garbage/rubbish; boarding/securing; tall grass/weeds
- estimated cost to repair exceeds \$50,000
- estimated cost to demolish is between \$12,000 - \$15,000
- DSI recommends removing the building within 15 days

Ms. Moermond:

- wondering if the damage is bad enough that it has to go down to the studs and so, a permit and plan review would be equal to a code compliance inspection

Mr. Magner:

- could do that; it would be a Seeger only inspection but we would need a full set of plans from the owner to do that
- he assumes that based on the extent of the fire, the building inspector require structural engineering or the complete replacement of any of those sections
- Fire Report should be attached

Ms. Moermond:

- looking at the fire photos; sees a lot of charred members, melted siding, circuit breaker, smoke/CO detectors checked, exterior damage, open lathe and plaster removed to check internal wall, other wiring
- report lists the building damages at \$50,000; then, it says other exposures: \$25,000/\$25,000; asked Mr. Magner what that is referring to (he was not sure)

Amy Spong, Heritage Preservation Commission (HPC):

- re: \$25,000/\$25,000 - it read in the description that there was nearby exposure to the 2 different addresses; wondering if that could be \$25,000 for each of those (1045 and 1047 Arcade St)
- have 2 original permit index cards: 1) 1883, but it says that's for a 1-story building 16 x 16; doesn't think it's the house; and 2) 1894, is more consistent with the structural that's there now, a 1 1/2 story 18 x 26 feet
- original owner: F. Valsteck - workers cottage
- rectangular frame construction with 2 single forward-facing gables and sits on a limestone foundation
- front porch features a right gable
- alterations over time: aluminum siding was added; vinyl replacement windows; porch enclosed; enclosed knee wall with windows in place of railing, potentially
- updated historic survey information from 2011; it within the boundaries, identified but not recommended for further research; so, there's no potential for historic designation and it's not considered an historic resource at this time; yet, it is indicative of much of the housing stock in the neighborhood
- have a letter from the state historic preservation office; it's not eligible for the national

register

Mr. Reiff:

-the plan: there is an insurance claim out there right now; are awaiting resolution with the insurance company; have a bid from Mr. Washington to completely rehabilitate the house, including all code compliance issues; his client is prepared to move ahead as soon as the insurance company gives them the go-ahead., which could be a very long time

-so far, the insurance company has agreed to pay for cleaning and he suspects that they will be going up significantly, in value on that to roughly \$71,000

-insurance has sent out an estimate for the cleaning; we've retained Mr. Olson and Mr. Washington to deal with the insurance company to get the rest of the claim paid, which will happen within the next month or 2, he believes; then, they will look for 3 months on the rehabilitation, according to Mr. Washington and the property should be ready to go at that time

Mr. Olson:

-typically, with insurance claims, the owners of the other structures will submit claims to their insurance companies and the insurance companies will subrogate between themselves and determine who pays what percentage

-so far, the insurance company provided a \$19,000 estimate, which is mainly, for cleaning

Mr. Reiff:

-they are late on this because there was a tenant with the option of purchasing this, who was a general contractor when the fire happened; he only recently found out that they were not working on this house; otherwise, they would have done this deal back in Feb 2015

-JBB HD One LLC are a group of many real estate investors from Arizona, from whom they go back to for approval

Ms. Stern, US Props (from the audience):

-the group is represented by US Props, Mpls; we are a real estate management investment company and they have investors; they take care of the investment

-this particular investment was given over to a contractor, who was supposed to fix it up; it was a wonderful deal for this young man; he had the opportunity to renovate and he did not have to put up a payment for about 3 months; it was only during this period that they found out that he had not done any of the repairs, so, we go re-involved

Mr. Washington:

-property is very repairable; estimate completion in about 90 days

-they would do a total gut; install new trusses; new joists; total new decking and roof - 25-year shingle; remove all siding and put on new; interior - they would spray to seal; 5/8 sheet rock on the exterior and ceilings; vapor barrier and insulation

-cost: approximately \$111,000 on the high end

Mr. Reiff:

-his client has set aside monies to cover the difference

-they suspect that the property is worth \$144,000

Ms. Moermond:

-it bothers her that the owner lost track of this which leads her to have a lot less faith in the ability to conduct this rehab; so, she will be looking for commitments from the ownership group

Mr. Magner:

- there was a sale of this property in Oct 2012 for \$47,000 - considered a non-qualified sale (most likely a sheriff's certificate)
- another sale in May 2009 for \$38,000; again, a non-qualified sale (perhaps a foreclosure)
- sale in Sep 2005 (prior to the economic crisis); \$167,400 - a qualified sale
- prior to that in Jun 2005, sale for \$117,000
- estimate market value: in 2014 by Ramsey County was \$75,000; in 2015, estimated market value was \$91,500

Ms. Nolan:

- read a letter she addressed to Steve Magner (attached)
- own property and business at 1045 Arcade St
- entered police and fire reports beginning from about 10 years ago for the property at 812 Cook Ave
- talked about the flood that happened before Thanksgiving 2014

Mr. Magner:

- doesn't know whether the flood damage was repaired prior to the fire

Ms. Nolan:

- the Wed before Thanksgiving 2014, water came flooding out of 812 Cook; a city inspector came out to check it out but he could not get into the building to do an estimate; there was a lot of trenching done by Mr. and Mrs. Nolan and also the property to the west; they were able to divert the water from entering their properties. The Water Dept and SPPD were unable to reach any landlord or owner regarding this issue. After much struggle, the Water Dept was able to turn the water off to the address at the main. This incident left the alley treacherous due to the freezing temperatures outside.
- Apr 29, 2015 a horrific fire began at 812 Cook Ave E (see Fire Report); she went out to fight the fire with the garden hose before the Fire Dept arrived..... they closed their windows but at the time, they did not know that there was asbestos siding and lead in the paint that was burning until their service dog, Lucy, became violently ill the next day with diarrhea, vomiting and blisters over half her body. She took her to the vet and found that the blisters were chemical burns from what came off the house. She is still suffering from chemical burns today and our back yard is not usable; it's contaminated. Our carpenter urged us to take a soil test - a positive reading came back for asbestos and lead. We cannot open our windows due to contaminants in the air; we are concerned about our physical well-being
- urged the city to have this property fixed or removed so that they can return their property and building back to a safe and habitable place again; the insurance will not let them do anything to their building until something is done with 812 Cook Ave E
- now, they don't have a service dog; their situation is vulnerable
- entered emails and letters from neighbors; photos (scanned); (attached)

Mr. Washington:

- re: hazardous material abatement - he has a guy from Aardvark Asbestos Removal; he doesn't do any real testing until he has a contract; they looked at some of the siding and noted 3 different kinds; the old slate like siding has the possibility of having asbestos
- he is lab certified and Aardvark is a certified asbestos removal company in the State of MN

Mr. Magner:

- part of the structure here has Transite Siding, which has asbestos fibers in it; it is not a product that would normally have to be removed but in this situation, because of the

extensive damage to the structure and where the siding is located, he doesn't know how they would not repair the structure without trying to match the siding or re-side; in that case, the siding would need to be removed; if the city were to raze the structure, they would hire an asbestos survey company and do the inspection - all those items would be tested; anything that came back positive would be abated

Mr. Washington:

-that has not been included in the proposal for of \$111,000

Mr. Magner:

-that siding cannot be transported or put into a C&D landfill; it has to be transported in containment and it has to go to a contained landfill; currently, the county is monitoring all demolition/partial demolition sites; they are getting more into the rehab side of this -whenever we see these situations where Transite Siding is removed, we will refer them to either the MN Dept. of Health or the MPCA

-it's important to recognize that and include that in any cost, maybe \$2500-\$3000 -part of the bigger problem is the soil contamination issue that also needs to be dealt with; asbestos fibers don't burn but they become friable during the burning they fall to the site; soil remediation becomes much more expensive than a straight survey/testing/removal of Transite Siding; it's a concern and he doesn't know how the owners and insurance companies are going to deal with that -that issue has been raised and it needs to be inspected and dealt with

Mr. Reiff:

-the \$19,000 for clean-up has already been rolled into the \$111,000 -the asbestos issue is another issue, entirely; it's new to him

Ms. Spong:

-re: soil contamination - it's possible that it's also on neighboring property; so, the neighboring properties also need to be addressed; guesses that the Fire Report does not include those types of costs

Mr. Magner:

-these types of situations can get dragged out for years (asbestos and soil contamination issues after a fire) -even though the subrogation happens in the background, we need to make sure that there's a commitment from the insurance company, that if the plan is to rehabilitate, that they're going to put this money up front -he doesn't want to get a month down the line and find out that they aren't going to take that route

Mr. Washington:

-there are multiple types of siding; they really don't know how much of it contains asbestos, maybe about 40% - the side that the fire was on had some of the Transite Siding and Hardy Siding

Mr. Magner:

-introduced a picture of the east side of the elevation of the property; it's clearly Transite Siding, where the fire is; it's exposed the original lathe siding -the property owner needs to investigate that -the city's average demolition cost is around \$10,000 including asbestos abatement; however, when there needs to be materials transported to a contained landfill, the cost is more like \$24,000 (all those sites have to be site-supervised by asbestos abatement contractors; the operators and the people there have to be certified; etc., everything gets double-bagged and goes into a special container that needs to be transported to a contained landfill)

Mr. Reiff:

- he works for the owner*
- the asbestos part is new to him*
- the owner would like to rehabilitate this property, contingent upon how things with the insurance company shakes out; they want something from the insurance company that says that they will be covering these costs, as they are supposed to under the terms of the policy*
- is asking for time to negotiate that*
- entered copy of contract with Mr. Washington; 90 days from start to finish*
- the Order to Abate is also attached to that as part of the Scope of Work*
- the contract says that Mr. Washington must do what Ms. Moermond orders him to do*

Ms. Moermond:

- not seeing a timeline on the contract; talked about 3-4 months*
- she has no patience with waiting for the insurance company before the hazardous material abatement begins; that has to be done, not as a part of the construction process for doing the rehab but prior to that; there's a lot hinging on that from the neighborhood perspective; the asbestos materials and the soil remediation must be taken care of immediately - that's #1 on the list; is not inclined to wait for the insurance settlement before that is done*

Mr. Olson:

- the insurance company that is insuring 812 Cook won't pay for repairs for the neighbor; she has to make a claim with her insurance company; (Ms. Moermond: and she can't do that until you are done doing your work)*
- he is willing to meet with her afterward because that should not be the case*

Ms. Moermond:

- you taking care of your property is important for the public's health; it's also important for what Ms. Nolan's situation is; so, regardless, we have public health concerns about the hazardous materials, we have friable asbestos and we have contaminated soils*

Mr. Olson:

- the asbestos wouldn't be friable until we start to disturb it*

Mr. Magner:

- technically, it's friable now, because it's not contained in something; he is not an asbestos expert but what he would say is that we have contamination, apparent by the fact that Ms. Nolan has produced testing results that states that there is asbestos and lead contamination; although those levels of contamination and what needs to be done are unknown at this time, it behooves the property owner to investigate that and make a determination of what needs to be done and move forward with the clean-up*

Ms. Moermond:

- we have a report from Legend Technical Services that will put online with all of this other material; there's also a statement from Joe's Home Repair and Remodeling that indicates Ms. Nolan's backyard was tested*
- she wants to know that the money is available to do this rehabilitation (Is there money only contingent upon insurance money being available? or Is there money to do this even if insurance money isn't available?)*
- assuming that if we can't get the insurance money squared away in a timely fashion that the owner would choose to pursue the demolition*

Mr. Reiff:

-that is also his assumption

Ms. Moermond:

-will presume that you will want to do the rehab like you're saying and we're going to have time to get this insurance situation squared away being mindful that we want to split off the clean-up of the property first

Mr. Reiff:

-I don't know if they knew or if any of us knew about the asbestos; everything you're telling us is new; it will be a high priority for us and we will bring it up immediately

Ms. Moermond:

-all the documents entered will be loaded onto the city's website

-Ms. Vang will scan and email these new materials to Mr. Reiff

-asked Mr. Magner if an engineering analysis should be done in addition to a code compliance inspection report? (Mr. Magner: let's leave that to the building official; that determination has to be made when they apply for their new code compliance inspection; call Mr. Seeger at 266-8989)

-after we get the code compliance inspection report or equivalent thereof; we need a Work Plan with timelines; the one submitted needs additional information added with respect to hazardous materials abatement and soil remediation

-need \$5,000 performance deposit (refundable upon completion of the project within the time frame allotted by City Council)

-the property needs to be maintained

Mr. Magner:

-beware of creating the most expensive house on the block, which could sit unoccupied for a long period of time; some are vandalized; make sure that you don't end up spending too much - don't overprice yourself out of the market

Ms. Moermond:

-let's talk again at the Jul 14, 2015 LH at 9 am

-City Council Public Hearing will take place Wed, Jul 15, 2015; she anticipates that she will do a layover at that time so that details can be wrapped up

July 14 Legislative Hearing for conditions:

- 1) obtain a new code compliance inspection;*
- 2) a revised work plan with timelines to include hazardous materials/asbestos abatement*
- 3) post a \$5,000 performance deposit; and*
- 4) maintain the property*

Referred to the City Council due back on 7/15/2015

5 [RLH RR 15-23](#)

Ordering the razing and removal of the structures at 605 DALE STREET NORTH within fifteen (15) days after the July 15, 2015, City Council Public Hearing.

Sponsors: Thao

Jacie Tyler, owner, appeared.

Carol Lansing, Attorney representing Mr. Tyler, appeared.

Mr. Tyler's social worker, Matt Olson, appeared.

Andy Barnett

Giles _____

owner of property next door appeared

Steve Magner, Vacant Buildings:

-Summary:

-the building is a 2-story wood frame commercial/residential building with a detached 1-stall garage on a lot of 3,049 sq.ft.

-has been a vacant building since May 8, 2015

-current property owner is Jacie Tyler per Ramsey County

-May 18, 2015 an inspection was conducted; list of deficiencies which constitute a nuisance condition was developed; photos taken

-Order to abate a Nuisance Building was posted May 20, 2015; compliance date Jun 4, 2015

-as of this date, the property remains in a condition which comprises a nuisance as defined by the legislative code

-estimated market value of the land: \$19,200; the building: \$40,000

-real estate taxes for the first half of 2015 are delinquent in the amount of \$713.44, which includes penalty and interest. A Confession of Judgment was executed for delinquent tax years 2011, 2012, 2013 and 2014; total amount currently owing is \$7,223.23

-Vacant Building registration fees in the amount of \$2,025 are currently due and owing

-the city will not perform a code compliance inspection on this property; a \$5,000 performance deposit has not been posted

-2 Summary Abatement Notices with No Work Orders issued

-estimated cost to repair exceeds \$100,000

-estimated cost to demolish exceeds \$20,000

-DSI is seeking a resolution to Remove the building within 15 days

-it has been determined that this structure is dangerous by the building official and the city engineer; the building would need to be torn down entirely in order to re-build again; it would probably not be cost effective to shore it up to do any work

-an engineering analysis would need to be done to determine whether the building is safe to go into; and shoring would need to be in place in order to make it safe to do any work

-DSI is not allowing people to go into the building; they are not going to be able to work on the building; they just can't go in and start remodeling; first of all, it would be an extensive project - far exceeding the value of anything that would be done there

Amy Spong Heritage Preservation Commission (HPC):

-Sanborn Insurance Maps show that there were possibly 2 store fronts, although, it almost looks like there were 4 stores built on 1 parcel that may have been divided later

-the first 1-story building was built in 1885, a kitchen; it no longer there

-this building is a 2-story frame, store and flats constructed in 1915, based on information she has

-there's a full load bearing masonry store on the corner; a detached auto garage was added in 1923-24

-additions/alterations: vinyl siding; windows/doors changed; store front appears to have been closed - boarded up

-original owner was J. Fanning

-this area was last surveyed in 1983; this area was identified as potential Frogtown Historic District but in 2011 the neighborhood was re-surveyed and the building was identified but not recommended for further research, which means that it doesn't have potential for historic designation and it wasn't identified as a potential historic district or neighboring area

-based on that demolition would not have an adverse effect on the historic area

Ms. Lansing:

-their recent information is that Mr. Tyler's neighbor, owner of the brick store front on

the corner, who is here, has been interested in this property for a long time; he reached out to Mr. Tyler in recent days about the potential of purchasing the property; not to keep the building

*-they have no plan today but are going to seek a possible Purchase Agreement; would like to have a 2nd hearing to see if any progress toward that has been made
-Mr. Tyler wants to contact a demolition contractor for an actual bid
-would like to know the city's requirements for a demolition bid
-asked if they could sell the property before a demolition*

Mr. Magner:

*-the city has let this for bid but has not yet received the bid tab back; should have it quickly; as soon as they get it, they will share it with Mr. Tyler
-regarding a sale: that is somewhat problematic; this is a Category 3 Vacant Building and as such, because it has a residential component to it, the city would not allow a sale transaction to occur, which doesn't mean that it can't be done but the demolition would have to occur before the actual transfer of title could occur; if a perspective buyer would agree to pay for the demo and Mr. Tyler would like to enter into a contract, it could be done*

Ms. Moermond:

-if Mr. Tyler will be seeking his own demo contractor, the contractor has to be licensed and they would know the requirements of the city; they would also have to pull a permit, which also would state the requirements of the city

Mr. Magner;

*-there are multiple things that have to occur that a demo contractor must do
-this will not be an easy demolition because it has zero lot line on a major artery with power lines and no access to the rear; so, it won't be a simple deal and based on the deterioration of the structure, there are going to include that into their cost right up front because they don't know what's going to happen as they go about their business; they don't know how this property will fall because it has been significantly compromised; plus, they will need to include monies to shut down the sidewalk; shut at least 1 lane of traffic down, possible 2 lanes; protection for the adjacent building; utilities; replacing the sidewalk; it's a complicated demo; this job needs a lot of experience and knowledge*

Ms. Moermond:

*-fence between the neighbor's property and this property
-asked the neighbor if he'd be willing to allow access to this property (to take down the fence) and use that as a space to launch the demo in order to decrease the cost*

Neighbor:

*-he has a parking lot behind his building
-as long as they put back the fence, it's OK*

Mr. Magner:

-that's possible but we'd have to be able to protect the surface; otherwise, we'd be replacing the surfaces there, too; they need to run a 25,000 lb machine over it

Ms. Moermond:

*-so, you can't sell the property before the demolition takes place but there can be a contract in place between Mr. Tyler and the neighbor that would allow for the sale; asked Ms. Lansing to draft up something; she would be comfortable recommending that situation to the Council
-there are 3 costs out there: 1) back taxes; 2) demolition cost; and 3) any profit that Mr. Tyler could take away*

-in her view, it's shaping up to look like the city will be doing the demo

Mr. Magner:

*-this is a dangerous structure; the city can't allow this to remain out there in the public for too long; we can't go much beyond the Jul 15 City Council Public Hearing
-doesn't know if there's been a conversation with Ramsey County but it is his understanding that failure to maintain payments is a term violator of your Confession of Judgment*

Ms. Moermond:

*-that's correct but then there's a 2nd bite at the apple; you get 2 chances to do a Confession
-sometimes when an owner wants to do the demo, DSI allows that to happen if they pull the demo permit by a particular time; asked Mr. Magner if that's true for a dangerous structure?*

Mr. Magner:

*-depending on the time passed by Council, DSI would still grant that option provided that there's a signed contract with a demolition date and a permit pulled prior to the expiration of the Council resolution time; if the Council voted for demo in 15 days, that document has to be in DSI's hand on that 15th day; if not, the city will proceed with their demo contractor
-the owner would have a deadline of 30 days to have the project completed*

Ms. Moermond:

*-Mr. Tyler may want to hire an appraiser to value the property
-City Council Public Hearing will be held Jul 15, 2015; at that time, she will recommend that the building be demolished within 15 days with no option for its rehabilitation
-understands that Ms. Lansing is working with Mr. Magner to gain access to the front of the building so that Mr. Tyler can get some things out*

Ms. Spong:

*-added: got a form from the state historical preservation office, and if the city does utilize federal funds to demo the building, they determined that the property was not eligible for the national register
-there was a collapse of the back part of the building caused by water*

Mr. Magner:

-because of timing, DSI won't be using CDBG funds; they will be using regular standard nuisance payment funds

Ms. Moermond:

-we will meet again here Tue, Jul 14, 2015 for an update

Mr. Tyler:

-asked if he could pull a permit to tear down just the back porch; it's not attached to the main foundation of the building

Ms. Moermond:

-No

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

Referred to the City Council due back on 7/15/2015

AVENUE within fifteen (15) days after the July 15, 2015, City Council Public Hearing.

Sponsors: Brendmoen

Steve Magner, Vacant Buildings:

- photos
- received a phone call from the owners; they do not plan to attend today's hearing
- they have a contract with a local demolition contractor and they have a permit; it will be done any day
- believes that the asbestos survey has been completed
- waiting for Ramsey County to do their final walk-through (was scheduled for this week) before they do the physical demolition
- read Summary into record
- 2-story wood frame duplex with a 2-stall detached garage on a lot of 6,534 sq.ft.
- it's been a vacant building since Nov 9, 2006
- current property owner is Michele A. Miller and Patrick D. Keeler per Ramsey County
- Mar 23, 2015, inspection was conducted; list of deficiencies which constitute a nuisance condition was developed; photos taken
- Order to Abate Nuisance Building was posted Apr 16, 2015; compliance date May 16, 2015
- as of this date, property remains in a condition which comprises a nuisance as defined by the legislative code
- estimated market value: \$44,700 on the land; and \$167,400 on the building
- real estate taxes are current
- the Vacant Building registration fees were paid by check Dec 1, 2014
- Code Compliance Inspection was done Mar 8, 2013 which has since expired
- as of Jun 19, 2015, the \$5,000 Performance Deposit has not been posted
- 18 Summary Abatement Notices since 2006
- 6 Work Orders for: garbage/rubbish; boarding/securing; tall grass/weeds; snow/ice
- estimated cost to repair exceeds \$50,000; estimated cost to demolish exceeds \$15,000
- DSI is seeking a resolution to remove the building within 15 days

Amy Spong, Heritage Preservation Commission (HPC):

- appears to have originally been built as flats or a duplex in 1914
- builder was Alto Strongberg; original owner was G.M. Daugh
- Warrendale, Tangletown Neighborhood (5 of these neighborhoods were developed during a housing boom in the early 1900's)
- 2-story wood frame flat with a full width 2-story porch on the front facade and a 2-story porch in the rear
- single story auto garage was at the rear facing the alley
- house has cross-gabled roof and chimney in rear
- appears to have been vinyl siding added; some windows altered
- this area was identified in the 1983 Historic Site Survey as a potential Warrendale Historic District; again in 2001, city completed a Residential Real Estate Context Study that recommended all 5 of our Tangletown Neighborhoods in St. Paul for additional study for potential historic designation; none of those neighborhoods have been studied since 2001 but we are currently working on the Macalester Park Neighborhood with Historic Saint Paul
- got a letter from the state preservation office on this says that based on the limited information available regarding this property, we are unable to complete our review regarding the proposed demolition; therefore, pursuant to Code of Federal Register 800.4c, we recommend that your agency complete an evaluation of the residential property located at 1059 Van Slyke, which we have determined might have national register significance and part of a residential historic district. Although, the

documentation submitted, this property was constructed in 1914 and although it appears to have been altered to a minimal extent, the residential neighborhood in which it is located appears to retain a very high level of historic integrity and therefore, should be evaluated for national register eligibility

-she was going to recommend this for potential as an historic resource based on the survey work that the city has completed and also the letter from the state preservation office

Ms. Moermond:

-we have an owner out there with a demo permit pulled

Mr. Magner:

-it's his understanding that the building will have been razed by the time the City Council meets on Jul 15, 2015

Ms. Moermond:

-if the demo has not yet been completed, we will re-assess on Jul 14 LH

Remove the building within 15 days with no option for repair. (A July 14 Legislative Hearing is scheduled, if necessary.)

FOLLOW UP: Demolition permits issued 6/26/15. Permits not closed as of 7/7/15.

-MCM

Referred to the City Council due back on 7/15/2015

11:00 a.m. Hearings

Summary Abatement Orders

- 7 **RLH SAO 15-46** Appeal of Thomas Adamson to a Vehicle Abatement Order at 1519 ALMOND AVENUE.
- Sponsors: Stark
- Rescheduled per owner's request.
- Laid Over to the Legislative Hearings due back on 7/7/2015**
- 8 **RLH SAO 15-43** Appeal of Robert J. McCarthy to a Vehicle Abatement Order at 1356 JEFFERSON AVENUE.
- Sponsors: Tolbert
- Robert J. McCarthy, owner, appeared.
- Inspector John Peter Ross:
- a complaint came re: non working vehicles parked on unapproved surfaces
 - issue last visited in 2010
 - an extension was given for them to be repaired
 - new Orders were sent Jun 3, 2015; compliance Jun 15
 - there were 3 vehicles parked on unapproved surfaces
 - he spoke with property owner, who said that paving might damage a tree
 - photos
 - when Mr. McCarthy came in to appeal, he was looking for documentation under

which statute this was enforced; references were for Chap 45 and 163; Chap 34 has since been added (Order will be amended.)

-on Mr. McCarthy's particular Orders, in red print: Residential Parking on unapproved surface: All residential parking spaces shall be paved with asphalt, concrete or other suitable surfacing as determined by Zoning Enforcement. Cease parking on unapproved surfaces. For information on installation of an approved parking surface, contact Zoning Enforcement at 651/266-9008 regarding submittal and approval of a site plan.

Ms. Moermond:

-some of this is her's; some is Board of Zoning Appeals'

Mr. McCarthy:

-situation: when he moved into this house in Dec 1999, this house had been a trash house; they had used the entire back yard for parking; when spring came, the Zoning officer came out and we had a long talk; the house is classified as a nonconforming duplex, so, we talked about what we could do to rectify that; we changed it to a single-family dwelling and discussed what we could do about the parking situation -there's a 150 ft high tree in the back of the house that has been butchered over the years by the city and Xcel but it's still there and it still grows; it's a place for birds, squirrels, etc and he doesn't want to lose it; the only place that that tree gets water from is from this path that he has; we talked to zoning, and at that time, they said that we could put crushed rock in there; so, they built a berm around the edges off the back alley, framed off in brick and he put rock in then and more in 2007; he was planning to put more rock in 2014 but he wife is totally disabled and he's been too busy taking care of her; his plan was to now to put rock in again this year -the inspector said I was parking on an illegal surface -the cars are handicapped vehicles except for the Green For Aerostar; parked there temporarily; does run -the White Caravan and the White Ford Econoline Van are both handicapped cars; have handicapped stickers and one had a wheelchair and walker inside -used by his wife's PCA to transfer her; the big van is used for trips and has a scooter in the back -has photos -all 3 cars have handicapped stickers because he's handicapped, too; the inspector totally ignored that -inspector said I couldn't put more rock in there; it has to be asphalt, concrete or brick; that will kill the tree and it will fall on his neighbor's property -he wants to save his tree -he just wants the ability to put crushed rock back into his driveway as he normally would -lives on Social Security; he can't afford anything else -that requirement makes it impossible for them to use that for parking; will have to turn it into a dog pen because there is so much rock in there -all he's asking for is to be able to put rock back down; it already has a frame -the green van is gone (Aerostar) -the white car was parked there by his son-in-law for a few moments -this parking space is adjacent to an asphalt alley -wants a copy of Chap 34

Ms. Moermond:

-she often accepts a Class 5 surface for parking purposes; however, this space abuts an asphalt alley so, she would like to see the parking surface in the yard the same as the surface of the alley -she sees a lot of green coming through the rock, which should be Class 5

Mr. McCarthy:

-all the green is now gone because we put weed killer on it all

Ms. Moermond:

-it may be surprising to hear but a Class 5 gravel surface is not the best way to filter water through to the ground; it is somewhat more permeable than asphalt

Mr. McCarthy:

-he would not use Class 5; he would use river rock or he has in the past, a gray type of granite

-he went from Pascal to Hamline, from Jefferson to Randolph, an 8 square block area and took pictures of all of the nonconforming surfaces; there are 26 of them in an 8 square block area

-the only problem here is that he has not been able to get to putting more rock in because of he and his wife's disabilities; we are struggling to hold on

-he will not kill that tree

Ms. Moermond:

-asked Mr. McCarthy to diagram his lot and how the parking area fits in, where the tree is, garage, etc; will give him 2 weeks to do that

-we will have a conversation on what a solution will look like

-on the plan, indicate what you would like to do

-solutions that would allow for water getting through: 1) permeable pavers; or 2) carriage tracks - old fashioned driveways

-will talk again on Jul 7, 2015 LH

Owner needs to provide a diagram of the parking area.

Laid Over to the Legislative Hearings due back on 7/7/2015

9 [RLH SAO 15-44](#) Appeal of Victor Callahan to a Summary Abatement Order at 1818 LAFOND AVENUE.

Sponsors: Stark

Victor Callahan, owner, appeared.

Inspector John Peter Ross:

-a complaint came in early Jun 2015 regarding a tree trunk and debris on the blvd

-Inspector Essling went out and issued a Summary Abatement Jun 4, 2015;

compliance date Jun 12; to remove the tree trunk and tree debris from blvd

-follow-up photo on the screen (debris gone; tree trunk still there)

-before the compliance date, the respondent attempted to contact Inspector Essling -

he wanted an extension but by the time, it reached Mr. Ross, the request a 6-week

extension because the chain saw was in the shop; he suggested and gave him a

6-week extension

-the Orders are being appealed today

Ms. Moermond:

-photo: shows tree stump in the yard; tree debris on blvd

Mr. Callahan:

-before Nov 4, before he took access of the property, the tree was a hideous tree and it needed to be cut down; the neighbors were complaining about it

-he's been working on this property continuously

-between Jan 22 and Jan 30, an inspector came by and said, "I'm going to be all over you in regards to this property."

-he's doing the best he possibly can; he's a disable vet on a fixed income

-the Notice gave him only a couple of days to have that stuff removed; thinks it was unfair

-the stump is no longer there; he and his friends removed it

-he feels as though the inspectors are bullying him

Ms. Moermond:

-the Order is about the tree stump in the blvd and it's gone now

Mr. Callahan:

-he called the office and spoke with Connie Sandberg; I was referred to Joe, the supervisor

-how do I go about pursuing this bullying?

Ms. Moermond:

-you can contact the dept's director, Ricardo Cervantes; you can go to the Mayor's Office or to Human Resources

-that's a personnel issue

-this Order is about the tree log or stump and that's been taken care of

Grant the appeal as the issue has been resolved.

Referred to the City Council due back on 7/15/2015

10 [RLH SAO 15-45](#)

Appeal of Henry Miller to a Summary Abatement Order at 1283 SAINT CLAIR AVENUE.

Sponsors: Tolbert

Henry Miller, owner, appeared.

Inspector John Peter Ross:

-complaint came in regarding tons of stuff in the rear yard

-photos

-issued Summary Abatement on Jun 4, 2015; compliance date Jun 15

-he wonders what the inside of the house looks like; hoping that he can take a look
-not only is the rear yard full of all types of debris, there's a trailer somewhere in there (he couldn't tell whether or not it was on an approved surface or not); homeowner has also tried to conceal the situation by putting tarp over one side of the chain link fence

Mr. Miller:

-60-65% of that recyclable material; mainly aluminum that he's been collecting; he's retired and he and his wife are in financial difficulties on taxes; they are in a bad situation money-wise; he was hoping to collect the aluminum and recycle it; some of the items he was hoping to sell at a yard sale

-he agrees that it's an eye soar

-tarps are there in an attempt to hide/isolate the back yard; he doesn't like having to expose his neighbor to it but they have been very understanding; they know about his financial situation and he has talked with them

-as for the time allotted from Inspection Ross, initially, he got an extra week when he appealed the process

-during the time period of his appeal, it has rained at least 50% of the time and the day after the rain, it's muddy so, he can't work too much

-he has cleaned up the brush behind the garage; neighbors were also dumping brush there

-he is under a Dr.'s care; he has chronic pain; fibromyalgia; numerous joints in need of surgery; he has had numerous surgeries already and he doesn't want any more so he's taking pain medication; he is depressed because of his financial situation and

because of the condition of the back yard
-he is not employable and he is trying to do his best to meet his obligations
-asked for some additional time, maybe 30 days; he is committed to getting it taken care of during that time frame
-he's done research and much of it is good household material: tables; chairs; etc.
-he intends now, to contact the DAV to come and take some items

Ms. Moermond:

-this situation looks like a hoarding situation and it's not uncommon
-contact the DAV and Epilepsy Foundation soon; they do monthly collections
-also contact the Housecalls Program; they can schedule a "free" dumpster for you for the leftover items
-the city will pick it up if it's not all gone in the time allotted; and it will have a hefty price tag
-thinks that there are also poor conditions in the house, too

Mr. Miller:

-he started to remodel inside years ago and they have accumulated more things; it's not much better than the yard; his wife is extremely irritated with him

Ms. Moermond:

-Housecalls is not enforcement; they can work with you; you can use this dumpster for items inside the house, too; they will have a dumpster available for a specific amount of time
-Housecalls can also hook you up with someone who can help you organize these things
-will grant an extension to Aug 7, 2015
-City Council Public Hearing on this will be Jul 15, 2015 and if you know that you aren't going to make the deadline, you need to let us know ahead of time so she can try to get you more time

Grant until August 7, 2015 for compliance.

Referred to the City Council due back on 7/15/2015

Correction Orders

- 11 [RLH CO 15-11](#) Appeal of Sia Lo, Lo Law Firm, on behalf of Ying Vang and Chee Xiong, to a Correction Notice and Summary Abatement Order at 2153 BEECH STREET.

Sponsors: Finney

Sia Lo, Attorney, Lo Law Firm, appeared on behalf of Ying Vang and Chee Xiong.

Inspector John Peter Ross:

-case of a collapsed retaining wall
-we heard from the adjacent property last week
-this is 2153 Beech; received Orders May 18, 2015 with Jun 18 compliance date
-repair / replace the damaged retaining wall to eliminate erosion issues; a permit is required
-reason for appeal is the debate over the ownership of the retaining wall and where the property line is
-the Orders were issued by Inspector Martin
-photos

Ms. Moermond:

*-we are looking for survey information; she has some
-there's a legal dispute going on*

Mr. Lo:

*-there is a legal dispute going on as to who built the retaining wall and who owns it
-has photos
-Mr. & Mrs. Vang have hired a surveyor who came out and put up the stake and it's still not clear who owns the retaining wall; if you look at the photos, you'll notice that the main structures that keep the retaining wall together are embedded deep within the sidewalk and into the garage
-their evaluation and opinion was that the wall was constructed before the garage; and that if the retaining wall belongs to Mr. & Mrs. Vang, it was negligently constructed because it would not hold based on the weight of the garage and the lack of gutter to direct the water away from the retaining wall; so, it was the water from the neighbor's garage that caused this retaining wall to fail
-it's our position that this retaining wall was constructed by the neighbor along with the garage and they did not put in the proper retaining wall and that's why it failed and so, they need to fix it
-we've also tried to locate any documents to determine who built this retaining wall
-if the city determines that this wall belongs to Mr. & Mrs. Vang, he'd like to see the documentation of the original engineering drawing
-they have been able to locate the permit for the neighbor's garage that was built in 1977 (entered a copy); it was built in the same year as Mr. & Mrs. Vang's house was built
-asking for my time to deal directly with the other party to find a possible solution because on our expert, we need to put in a proper retaining wall; otherwise, the neighbor's garage could cave; that would lead to a more serious problem; it will be very costly
-waiting for a response from opposing counsel before he files in court (to see what they think based on what ha been discovered)*

Ms. Moermond:

*-we recently received a settlement agreement from the attorneys on 15 Baker Street West and 642 Hall Ave West; it was a similar case that I heard over 1 1/2 years where there was a retaining wall sort of underpinning a garage; the retaining wall was in failure and collapsed into the one yard (not identical but very similar); we will send both property owners copies via email
-you can look up the whole thing on the city's website (Murphy & Hodge); it has just been settled
-will put a deadline on it
-the city will not go in and fix this for you; all the city can do is to remove the fallen material
-suggested that staff convert this Order from a Summary Abatement to a Correction Order
-this Order will be Withdrawn and the Correction Order will be under appeal
-we will touch base in one month on Jul 21, 2015 at 11 am*

Dept has withdrawn the Summary Abatement Order and will reissue a Correction Notice. Layover so owners can gather more information on retaining wall.

Laid Over to the Legislative Hearings due back on 7/21/2015

12 [RLH CO 15-13](#)

Appeal of Michael J. Miller to a Correction Notice at 2006 NORFOLK AVENUE.

Sponsors: Tolbert

Michael Miller and Susan Zarambo, owners, appeared.

Inspector John Peter Ross:

-complaint came in regarding a driveway to nowhere; it interrupts the flow of the front lawns on the block

-he went out to inspect and talked with the Zoning Administrator, Wendy Lane, who helped him find the appropriate language in the Zoning Code, which is 63.310; it says, "When driveways no longer lead to legal off street parking, the driveway and curb cut shall be removed and landscaping and curb cut shall be restored."

-sent a Correction Notice to that effect

-anticipating that this might be contentious, suggested that Mr. Miller may be interested in appealing the Order

-perhaps the proper venue may be the application for a legal nonconforming use

-the Appellant does site many other properties in the neighborhood that have that type of driveway

Mr. Miller:

-understands it's a nonconforming use

-it's very consistent with Highland Park and even on Summit Ave; it's consistent with their block and the neighborhood

-the driveway has probably been there 30-40 years

-a red oak has literally grown over part of the driveway and to remove the driveway could threaten the tree

-technically, because they have an alley, they understand that they no longer need the front driveway to actually access their garage; however, they do access the back of their yard using that curb cut and driveway

-they feel that the driveway is totally consistent with the neighborhood and would like to leave it as is rather than go through the expense and possible damage to the tree, which to him would be a greater disservice to the neighborhood than the driveway as it stands

-they have lived at this property for 3 years

Ms. Moermond:

-the driveway goes up to a gated fence and there's a walkway on the other side of the fence

-she wants to talk with Zoning and Public Works about this; How did we end up with this curb cut to begin with?)

Ms. Zarambo:

-when she purchased the property, there was parking going on in the driveway; they park on it only occasionally

-2 houses down from them, a house has their garage in the front with the driveway

-they didn't put in the driveway; they just want to maintain things as they were when they purchased the property

-they like it because it's a little safer for their daughter to navigate to the sidewalk with her bike

Ms. Moermond:

-will discuss the history of this with Public Works

Mr. Ross:

-suspects that part of it because the alley doesn't go thru

-curb cuts may have been put in initially

Ms. Moermond:

-will send this to PW director, Kathy Lantry

-will lay this over for 3 weeks to Jul 14 LH
 -if the driveway has to be removed, she will grant plenty of time for that

Layover so that Legislative Hearing Officer can talk to Public Works about the curb cut.

Laid Over to the Legislative Hearings due back on 7/14/2015

- 13 [RLH CO 15-10](#) Appeal of Steven Wertz to a Correction Notice at 1449 SAINT ALBANS STREET NORTH.

Sponsors: Brendmoen

Appeal has been withdrawn. Issued to wrong address.

Withdrawn

11:30 a.m. Hearings

Orders To Vacate, Condemnations and Revocations

- 14 [RLH VO 15-35](#) Appeal of Gonzo Guerra to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 717 SMITH AVENUE SOUTH.

Sponsors: Thune

Gonza Guerra, Jag Realty LLC, owner, appeared.

Fire Inspector Leanna Shaff:

*-Revocation of Fire Certificate of Occupancy (duplex) by Inspector George Niemeyer
 -history -initial appointment letter was sent Oct 2014 for a Nov inspection
 -10-30-14 and on 12-14 Insp Niemeyer notes: property owner asks for re-schedules;
 we inspected on Jan 8, 2015; the list has remained unchanged since then; we have
 yet to gain access to the B side or access again to the A side
 -on 2-9 and 4-8-15, he requested again to re-schedule
 -appointment on Jun 3, property owner was a "no show"
 -at that point, Inspector Niemeyer took direction that this is in excess of time
 requirements and Revoked the Fire C of O*

Mr. Guerra:

*-he spoke with Insp Niemeyer, who said he was going to be there on Jun 30 at 1 pm
 -this is a 3-unit property, not a duplex; it's a mixed use building;
 commercial/residential
 -he occupies Unit A as his office
 -Unit C is vacant and has been since Jan; he is holding that unit for a family member
 -Unit B houses a young woman, who is tough to work with; she doesn't like anyone in
 her house when she or her mom are not there; she has been there for years
 -the work in Unit C was done; it was very simple
 -he just hasn't been able to meet Inspector Niemeyer there for personal reasons
 -Jun 3, he was out of town; he honestly did not know about it
 -he is welcome to walk through Unit B and Unit C
 -he wants me to finish the bathroom in my basement office; there is a working
 bathroom upstairs; the bathroom is roughed-in in the basement; he has photos; but
 he doesn't need the basement bathroom because there's a working bathroom
 upstairs (toilet & sink); downstairs is a bathtub, toilet & stubs for the sink -done by*

Mid City Mechanical; it wasn't finished because they didn't need it; at that time he had employees, which he no longer has; he goes to the office only 2-3 times per month -he lives in Rosemount; his business address is Unit A, 717 Smith Ave S; has been that way for years

Ms. Shaff:

-the plumbing permit or the basement bathroom work was pulled in Aug 2006; it was closed for inactivity

-the electrical permit for the basement lists 6 circuits was pulled in Aug 2006 and closed for inactivity

Mr. Guerra:

-he was not able to make connection with Mr. Niemeyer; he did send him pictures of the basement and he brought them with

-he doesn't want to take out a permit on the basement bathroom because he doesn't need it

Ms. Moermond:

-suggested that he talk with plumbing inspectors to find out what needs to be done to let the basement bathroom be abandoned

-right now, we don't have a complete list of what needs to be done in this building

-let's go with the Jun 30 inspection at 1 pm to get a complete list for the entire building

-coordinate with the tenant so that access will be provided for Unit B

Mr. Guerra:

-he will make sure that he is there for that inspection; he has already spoken with the tenant

Ms. Moermond:

-will talk again on Jul 7, 2015 LH

Layover to get new Fire C of O list.

Laid Over to the Legislative Hearings due back on 7/7/2015

1:30 p.m. Hearings

Fire Certificates of Occupancy

- 15** [RLH FCO 15-93](#) Appeal of Nikolai Alenov to a Fire Inspection Correction Notice at 1756 UNIVERSITY AVENUE WEST.

Sponsors: Stark

Nikolai Alenov, owner of Russian Tea House appeared.

Fire Inspector A. J. Neis:

-update: Fire Inspection Correction Notice by Inspector Wayne Spiering

-was here on appeal about 1 month ago for the Order to provide the required 6-month servicing of the hood and duct fire suppression system

-this is an older system; now, it's required that the hood be upgraded to a UL-300 suppression system and due to the new code, this older system is no longer an approved means for extinguishing; no private company will go in and do an inspection and certify that it's in operating condition because of the new required

standards

-Appellant is asking that they get an extension because they are closing the business in a couple of years

-Ms. Wiese said that it absolutely has to be done because while it may appear to be in working order, it may not be

Mr. Alenov:

-you gave me another month to come up with some options

-after a lot of research to find a solution to come into compliance with the kitchen's hood suppression system, he found that the options were too expensive and would increase the work load many times

-the upgrade would be too expensive an investment for his business, not knowing that there will be a restaurant there in the future

-he has decided to close down his restaurant; he has taken steps to start the process

-he has applied to the city to forgive the 2 years he has left on his forgivable loan; he spoke with Isabella Chancellor, Director of Neighborhood Development Center; she said that he has a very good chance for the city to forgive his 2 years; he has not heard back yet

-he asked the Health Dept Specialist Plan Reviewer to go through the restaurant and list all the upgrades he needs to do to certify a rentable restaurant; he has the list

-he has started to upgrade the general maintenance of the building to make it rentable to any kind of business; if a restaurant wants to use the space, they will have to upgrade it to the required specifications of the city

-once he gets his answer about the forgivable loan, he will list and advertise his space for rent; until then, he will keep his business open; he will close it down as soon as he gets a renter

-they still depend on that 1 day a week income

-he is asking that he be able to stay in business until he has a renter

Mr. Neis:

-May 23, 2013; 2002; 1990 (tested)

Mr. Alenov:

-added that he has no deep fat fryer, which is the purpose for the new system; he has looked at the regulations and videos, etc. All the tests were done for a deep fat fryer; no tests were done for burners or a grill (those very rarely flare up)

-he uses the grill only once a month

-on the day that they are open, he uses only the burners for boiling water and soups; no frying; no oils; there's absolutely no possibility for any flare-ups

Ms. Moermond:

-will grant an extension until Jan 1, 2016

Grant until January 1, 2016 for a new renter or to be in compliance.

Referred to the City Council due back on 7/15/2015

16 [RLH FCO](#)
[15-113](#)

Appeal of Barbara Otto, Program Manager at Lifetrack, to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 709 UNIVERSITY AVENUE WEST.

Sponsors: Thao

Barbara Otto, Program Manager, Lifetrack Resources, appeared along with Tammy Kittelson, teacher, and Jeri Mullan, occupational therapist.

Fire Inspector A. J. Neis:

*-Fire Certificate of Occupancy Correction Notice by Fire Inspector Sebastian Migdal
-1 Order is being appealed; for a gate on the rear exit of the building that serves a play area; also serves as the 2nd exit required for 2 of the classrooms
-this gate has a magnetic lock, which releases upon the activation of the fire alarm system
-the reason for the gate being there is because they don't want the children going out onto University Avenue
-the code is clear - that type of locking system is not approved
-it needs to be a panic system with a delayed egress or just a regular panic bar, which would allow someone to get out automatically
-codes have changed because times have changed; egress is not just for fires but for any necessary emergency
-options: 1) provide a panic bar with a release (push the door and get right out); this option does not alleviate their concern for their special needs children; or 2) provide a delayed means of egress*

Ms. Otto:

-she understands from their engineer that option 2 is not a possibility; the delayed response will not work with their building (something about the electrical grid and the way it's set up)

Mr. Neis:

-the delayed egress is commonly seen in building like Target's back exit, which prevents a shoplifter from getting out quickly

Ms. Otto:

*-they work with a specialized group of kids; it's a preparatory pre-school; all of their kids have experienced stress or trauma (child protection kids; kids who have been participants in domestic violence by observation; homeless kids; incarcerated parents; kids who may have witnessed murders or other violent acts, things that keep their whole system highly elevated
-are asking that the city look at the bigger picture of safety for their children; their more immediate danger is for their kids to run out onto University Ave
-these kids are in "fight or flight" mode
-are asking for a variance on this*

Ms. Kittelson:

*-children do bolt and sometimes they can't get to the child fast enough; she has had to pull one child back as he was getting ready to bolt right out onto the street; it's very dangerous with these kids and their stress in "fight or flight" mode; they aren't thinking about the dangers of the street; in order to keep them safe, there has to be some kind of lock to keep them in
-their priority is to keep their kids safe
-there's a key pad on the gate now; there's no physical key*

Ms. Otto:

*-they have a 10-foot high fence and the top of the fence is tarped so that the kids can't climb over it; previous to the tarp, they have had kids bolt and climb to the top of the fence; there is vinyl in some places; the kids are very fast
-they have children that have been kicked out of daycare centers, public schools, etc. because they'd run out and their first order is to keep the kids safe in their environment - on a daily basis, minute by minute*

Ms. Kittelson:

-typical children will stop when someone yells stop but their children don't even hear "stop" because of their stress levels
-their program is very relationship-based because all of their children have not had positive relationships with adults (abuse, neglect, etc.) so, they are constantly reminding them that they are going to keep them "safe"
-the gate not being locked, as a teacher it's like her telling them that she's not going to keep them safe; it's a big concern for her because then, she isn't doing her job to keep them safe

Ms. Otto:

-if there's an actual fire, there's an automatic release of the gate

Ms. Mullan:

-when the children have an adrenal reaction - in the defensive mode, they are stronger and faster
-all the spaces in the building are secure spaces
-she has had kids jump into the bus driver's seat and put it into gear - ready to take off (their high level of arousal)
-they are only 3-5 years old and need to be watched all the time

Ms. Kittelson:

-they have systems in place within the building for visitors coming in
-the pre-school wing is very protected
-talked about their fire drills; keeping them close
-they all have had very extensive training thru the U o M to help these children

Mr. Otto:

-as a licensed early child care program, they are required to have a Risk Reduction Plan and they are required to revise that plan each year; will make that available for Ms. Moermond
-their Emergency Plan has buses available; each class would have its own bus

Mr. Neis:

-there will be an amended Order coming indicating the need for an approved exiting sign over that gate, as well

Ms. Moermond:

-you are not a part of the public school system but you work with them
-you are licensed by the DHS for the child care component

Mr. Neis:

-looking online, see a product that doesn't have a delayed action (Advantics battery powered alarmed exit device that's weatherized is designed for doors and gates requiring a stand alone battery powered alarmed weathered panic device. The alarm with approximately 100 decibels will sound when someone attempts to exit alerting management that an unauthorized exit has occurred. The internal alarm with both remote bypass and remote signaling capabilities ideal for applications for both security and life-safety are a concern.) It's code compliant, as well

Ms. Otto:

-they need either delayed release or be able to keep that door locked

Ms. Mullan:

-by the time they're at the door and the alarm goes off, it's too late; and the alarm could set off more "flight"
-with the trains, now, on University, there's even more danger for the kids

Mr. Neis:

-I'm sure there are other options out there
-they have manual pull stations in the building, so, a potential solution may be to install a 2nd fire alarm pull station somewhere outside that's not right next to the gate; they sell buzzer boxes that will make a sound; so, in the event of an emergency, they would pull that and then, the fire alarm activates, therefore, the door opens (it's not 100% code compliant)

Ms. Moermond:

-the Fire Engineer, Angie Weise, could take a look at this
-will also call the police chief's office to see if they have any one to help

Ms. Otto:

-at that point, she would want their building engineer to be involved; he knows the building and what would work

Ms. Moermond:

-will lay this over for 1 month to get police, Angie Weise, your building engineer, etc. on site to discuss this
-will find a time that would work (building engineer works from 6:30 am - 2:30 pm)
-her office will coordinate the meeting on site

Laid Over to the Legislative Hearings due back on 7/21/2015

2:30 p.m. Hearings

Vacant Building Registrations

- 17 [RLH VBR 15-48](#) Appeal of Daniel Veesenmeyer to a Vacant Building Registration Notice at 171 GRANITE STREET.

Sponsors: Brendmoen

Daniel Veesenmeyer, occupant, appeared.

Fire Inspector A. J. Neis:

-Revocation of Fire Certificate of Occupancy/Order to Vacate, which also coincided with an extension that was given by Code Enforcement after a previous appeal on some code enforcement issues regarding a Summary Abatement; these were done several months ago and the Appellant was given until May of this year
-he went out to the property to do the inspection and verified that not all the work had been completed; since it was not done on the re-check, he advised the Appellant that he was going to Revoke the C of O / Order it Vacated
-many of the items that were required in the C of O were not finalized, so, he went out with Code Enforcement Inspector Westenhofer; work was not completed
-advised the Appellant to appeal the VB status if he wished for a different outcome

Mr. Veesenmeyer:

-he's been working hard on this property; the yard is cleaned-up good; pictures on his phone; he takes pride in his yard
-he still hasn't gotten all of the garden in because he's been working on the house
-house was built in 1871; they are taking their time on replacing the wood; have scaffolding up; he wants it to look nice
-he finally go a permit for the kitchen and the sheet rock is up; all the cabinets are in;

tile is in; still needs to sand and paint
-windows are all done; the majority of the things on the list are done
-he is looking forward to getting his kitchen back
-he just needs more time to get it buttoned up
-there's an unapproved alley; he has Class 5 on the driveway
-he is a little behind; admits that his yard was a mess last year; he did some scrapping and pulled the kitchen apart; then, he got slowed up because he went to jail, so that his yard sat like that for most of last summer; he was embarrassed to tears; he got out and got the extension; then, in Feb, he was run over by a bobcat and he couldn't walk for 4 1/2 months; finally, he got healed up
-Mr. Berget, owner, is available by phone; he is very busy; Mr. Berget is 72 years old and is like a 2nd dad to him; he's a wonderful guy
-he bought the house and then he went to jail for the year; house went thru a fire sale; his family had started to move his things out of the house; then, Mr. Berget said that he bought the house, so that Mr. Veesenmeyer would have his place to live when he got out of jail; he and Mr. Berget had done business a lot over the years; he doesn't want to put Mr. Berget through any more hassles because he had helped him out
-he has been in the construction business all of his life; when he does something, he takes pride in what he does
-entered his photos
-he gardens; he collects antique gardening tools; in the summer, it looks like a park
-just needs a little more time and he doesn't want to rush it
-will be done in a couple more weeks but he has to work to and there's only so many hours in the day
-house is mechanically sound; there no burning fuel in the house; he has all electric baseboards
-he put all new wiring and plumbing in when he first bought the house under permit; all new thermal pane windows
-he lost time being in jail and laid up with his leg; he'll be happy with a couple more weeks

Mr. Neis:

-has been an on-going issue for some time
-he continues to park cars on an unapproved space

Mr. Veesenmeyer:

-the city did come out and take some stuff
-now, the yard is cleaned up
-all the vehicles have been removed but he'd like to park at least 1 car in the yard; the Class 5 has been there for years
-thinks that Mr. Berget will finance the building of a garage; the house is very small
-there's an unapproved alley alongside and behind his property

Ms. Moermond:

-would like to have a diagram of your property showing where the driveway and parking area is in relation to the house, etc.

Mr. Neis:

-in this case, it's basically, parking in the front yard and it would not be approved with Class 5
-entered photos

Mr. Veesenmeyer:

-it's not in front of the house; it's alongside the house on another lot, his lot; has photos on his phone

Ms. Moermond:

*-needs to get a better overhead picture of what's going on
-deadlines:*

*Appellant to provide a diagram of where the driveway and parking area is by July 7;
grant until August 1, 2015 for interior and siding repair; and grant until October 15,
2015 for painting.*

Referred to the City Council due back on 7/15/2015

18 [RLH VBR 15-47](#) Appeal of Wa Moua Lee to a Vacant Building Registration Fee at 1159 KENNARD STREET.

Sponsors: Bostrom

Wa Moua Lee, (United Hmong Investment LLC), owner, appeared.

Inspector Matt Dornfeld, Vacant Buildings:

*-goes back to Jun 16, 2014, when Code Enforcement Officer James Hoffman was sent to the property and issued an Emergency Abatement to remove an enormous amount of garbage, refuse, junk, furniture, scrap wood, etc. from the back yard
-he was able to contact a person with US Bank, who informed Inspector Hoffman that the house was vacant and that they would not be able to clean up the mess in time; so, the city abated the property and Inspector Hoffman transferred it to Inspector Nelmark, who opened a Category 2 Vacant Building on Jun 18, 2014; documented that the dwelling was vacant, lock box on front door, roof shingles deteriorated and worn, siding broken and cracked, window screens missing and torn, peeling paint and rotting wood on garage and dwelling, tall grass/weeds, water off as of Jun 9, 2014, gas meter valve open
-fast forward to Apr 13, 2015: Mr. Lee went through our Sale Review process and was approved under United Hmong Investment LLC
-currently, building and plumbing permits are open
-VB fee is past due (Jun 18, 2015)
-rehab is on-going
-Inspector Nelmark has had no issues with the property
-has had a code compliance inspection*

Mr. Lee:

*-he is nearly finished
-he can't pull an electrical permit because the VB fee is due
-anticipates being done Aug 15, 2015 - ready to move into*

Ms. Moermond:

*-will recommend you get a 3 month VB fee waiver; if the project is not done, you will get another bill
-will allow DSI to issue your permits so you can finish more quickly*

Waive the vacant building fee for 3 months and allow necessary permit(s) to be pulled.

Referred to the City Council due back on 7/15/2015

19 [RLH OA 15-7](#) Appeal of Mark Mason to a Code Compliance Requirement at 1177-1179 SAINT PAUL AVENUE.

Sponsors: Tolbert

Mark Mason, owner, appeared.

Inspector Matt Dornfeld, Vacant Buildings:

- currently, this is a Category 2 Vacant Building, a duplex in Highland Park
- originated by Code Inspector St. Martin, who was called to the property via a neighborhood complaint on Nov 5, 2013 for tall grass & weeds and found the property vacant with an unsecured garage
- Inspector St. Martin noted that and issued a Correction Order to cut the grass and secure the garage; the city did the work and it was transferred to the Vacant Building Program
- he was out there Nov 13, 2013 and opened a Cat 2 VB
- he noted that both units were vacant, secure, lock boxes on the front doors, the garage remained open to entry at 1179; gutter damage, dilapidated wood siding, small holes in NW corner, soffits & eaves, possible rodent damage, loose litter, newspapers, trash, etc...
- the property ownership was with Wells Fargo and ended up at HUD; (HUD doesn't do a good job of disclosing any of the city's VB legislation)
- current property owner purchased the house from HUD and nothing was disclosed
- he called and requested for Mr. Dornfeld to look into changing it from a Cat 2 to a Cat 1; Mr. Dornfeld told him that he did not have the authority but wouldn't mind discussing this here in appeals
- on the exterior, the violations are minor, at best
- TISH was done Mar 22, 2013; it does have a few H's and B's on it but nothing glaring to him
- owner stated that he has contractors and it's ready to go but when he went to pull the permits, he was told that he could not because it was a Cat 2

Mr. Mason:

- he is the owner and he's also a licensed builder in the State of MN
- he has done many Cat 1 and Cat 2 buildings in the past and is familiar with the process
- he, his contractors and subcontractors take a lot of pride in their work; they are not the "normal" flippers, who hide things
- he won't sell this house; he is going to rent it and he will probably put twice as much money into it than he would into a house he intended to sell
- he has already bought and had delivered LP siding, triple tree vinyl in the back, the whole front's stone, new gutters, all new windows, wood/tile floor, granite countertops; everything's been ordered
- all his contracts are signed with subcontractors
- has already done some of the demo but had to stop because he doesn't want to get caught doing work on a house without a permit
- they are tearing down the dilapidated garage and will rebuild one
- will be done in 3-4 weeks
- he has people interested in moving in on Aug 1, 2015
- permits are filled out and are ready to submit
- if things had been disclosed, we would have done things normally
- entered a Scope of Work to review
- the VB fees were all paid when Wells Fargo transferred ownership to HUD
- the only fees that haven't been paid are the inspection fee and the \$275 approval transfer

Mr. Dornfeld:

- Wells Fargo did pay both of the VB fees
- the 2015-2016 VB fee is due in mid-Nov

Ms. Moermond:

-you could get the code compliance inspection report but you have to get your Fire Certificate of Occupancy if this will be a rental

-Mr. Neis said that they will fit in a Fire C of O inspection to make an Aug 1, 2015 occupancy work

Ms. Moermond:

-the Fire C of O needs to be issued before it can be occupied

-will change it from a Cat 2 to a Cat 1 VB

-Mr. Dornfeld will arrange it so that you can pull permits this afternoon

Change from Category 2 to 1 and allow permits to be pulled; need to get Fire Certificate of Occupancy issued before occupancy.

Referred to the City Council due back on 7/15/2015