



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final Legislative Hearings

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Friday, May 10, 2013

9:00 AM

Room 330 City Hall & Court House

1:30 p.m. Hearings

Orders To Vacate, Condemnations and Revocations

[RLH VO 13-23](#)

Appeal of Charles Nosie to a Notice of Condemnation-Unfit for Human Habitation-Order to Vacate at 1093 EUCLID STREET.

Sponsors: Lantry

Deny the appeal and the property must be temporarily shored, under permit, prior to re-occupation and a permanent repair must be in place by June 10, 2013 to DSI's satisfaction or enforcement action will be taken, which could include the vacation of the building.

Re: 1093 Euclid Street

Friday, May 10, 2013, 1:30 P.M.

The following appeared: Charles Nosie, owner; Leanna Shaff, Inspector; Brian Karpen, Structural Engineer

Moermond:

-this is an emergency hearing today

-when there is an order to vacate, you want your tenants to stay there, and there are children there, she hears the case right away so there is an immediate resolution

-her job is to develop a recommendation for the City Council to consider; they are the ultimate decision makers.

-with condemnations, her job is to determine what will happen from now until the public hearing

-she looked at the photos and the paperwork at 1:10 p.m.

Ms. Shaff

-it started out as a referral with too many people living in the property, block access, rental with no certificate of occupancy

-Inspector Beumer went to the property on February 19 and was allowed access

-when he went in the basement he found major structure issues

-he transferred the property over to a certificate of occupancy

-there were 15 items on the correction order

-when asked about the description of the foundation problems on the original list,

Shaff responded removed excessive storage, orderly storage of materials, provide and maintain foundation elements, this work will require a permit, repair and maintain structural members

-that inspection took place on March 18

- subsequent inspection was on May 9
- on March 29, the property owner wanted to discuss issues at the property
- on April 1, he met the property owner to discuss the issues
- on April 13, he met the property owner and Dave Nelson, building inspector at the property.
- he took the pictures on April 3
- he was out on inspection yesterday (May 9), a lot of items were taken care of
- the basement is condemned because the basements walls were failing
- Inspector Beumer consulted with Mr. Karpen. Ms. Moermond added also Mr. Nelson.

Ms. Shaff:

- they were worried about the occupants
- it was to be vacated this morning at 9:00
- the tenants are still there

Ms. Moermond:

- orders were written on the 9th for a vacate on the 10th
- the appeal is filed today
- this is a single family home
- asked how many people live there

Mr. Nosie:

- he responded 5 people, 2 minor pre-school children, 3 adults
- they have been very good tenants
- he was surprised to have an inspector at the property without his knowledge
- it was not made clear to him why there was a referral

Ms. Moermond:

- she has photos taken in April and yesterday
- she asked what is Mr. Karpen's assessment of the conditions

(The group looked at photos.)

Mr. Karpen:

- he spoke with Bill Beumer yesterday and they walked him through the photos
- this section of the wall has failed; the wall is tipping inward away from the floor joists;
- May 9 photo
- what concerns him the most is the pictures show it is progressing over the month and appears to be worse
- water is running through and possibly underneath and further degrading it
- it could be undermining the whole wall
- it will take the grout and ruin the cohesion between the stones

Ms. Moermond:

- (drew a diagram of what she thought was going on)
- the wall is falling inward
- the water is coming in here and down and under; it could be running down the wall
- it looks like a dirt floor
- she wasn't clear if the water was rising from underneath
- the wall is wet

Mr. Karpen:

- there is another photo showing the water was running on the floor
- the inspector felt the water had been running down or through the wall and down the floor

-if the wall has detached at the top, the detachment to the floor plane is integral to the structural stability of the wall
-the wall is supported at the base and the top and there is a simple beam
-it would bend in the middle as opposed to a retaining wall that is unsupported at the top.

Ms. Moermond:

-the concern is that this would sink: that wall of the house would go down in the basement and that would perhaps drop the kitchen down three feet and maybe bring the roof into the basement

Mr. Karpen:

-if it falls an inch, the whole thing would stay stable
-if it falls 3 feet, then the whole thing will fall
-this gives suspicion there is water running through or down the wall
-the water itself is always going to be there, if it is going through, it is taking materials with it, eroding away

Ms. Moermond:

-asked if someone would bring in a building permit to do a fix, what would he look for in review of the permit application

Mr. Karpen:

- they were proposing to stabilize the wall
-if it was a temporary shoring, they would need to shore the wall for moving further in
-when asked about the supporting member resting on cinder block, he responded that is a possible fix
-they would need to support all the effective joists and support that wall
-if the wall caved in, it would knock over the shoring supporting the joists
-when asked if there is no mortar and does that make a difference for stability, he responded in a temporary situation, no; long term solution, yes.

Ms. Shaff:

-it appears the blocks are moving

Mr. Karpen:

-one photo looks like a newer piece of masonry

Mr. Nosie:

-this is a crawl space
-the previous owner must have dug it out by hand
-he brought in block and stacked it around the perimeter
-it is a dirt floor and not a concrete floor; the dirt is pretty much sand
-hard to believe there is water running from that area onto the concrete floor
-you do not get muddy feet
-there is a window and then a crawl space
-he thinks the water came from that window.

(Ms. Moermond invited everyone to stand and look at the photo at the same time. There was some discussion.)

Ms. Moermond:

-she is looking at the most recent photos from yesterday
-the boulders seem more displaced
-the concern is that these would pop

Mr. Nosie:

- the water has washed them out without question
- the foundation is not collapsing
- there is a lot of stone in this wall

Ms. Moermond:

- this is in a state of failure

Mr. Karpen:

- there is one where you can see the rimboard that is the exterior of the house
- it appears that this joist is not supported because the wall is falling away completely
- as this progresses, if that is the case, then what supports the house aboard is the rim board spanning across that gap, which the rim board is not meant to do
- when asked the rate of compromise, Karpen responded it is progressing
- that area of failure extends to that area (referring to a photo)
- it is something caused by water infiltration likely and perhaps accelerated during the snow melt
- when is he familiar with the definition of dangerous building, Karpen responded he does not know the official definition, but he would characterize this as a dangerous building
- when asked about the fixes, Karpen responded if that has been excavated to the point where this no longer has soil pressure behind it, either that would act and then shoring up the joists across there where they are unsupported by the wall, and protecting the shoring from loud pieces coming in, that would be sufficient

Mr. Nosie:

- they have excavated it.

Mr. Karpen:

- when asked about recent building permits, Karpen responded no
- his definition of a dangerous building is different
- it is sitting on a stone foundation
- part of that foundation does not load anywhere

Mr. Nosie:

- when asked if he has a building permit, Nosie responded he has one with him
- he is going to remove the deteriorated section of the wall
- he will pour it down to the existing concrete
- at that point, they will tuckpoint other areas that look like they will be a problem in the future
- he will back plaster that whole wall
- he will pull the permit
- he is a general contractor
- he would like to get another opinion before he starts any structural repairs because he is doubtful it needs all of these repairs, although it needs some
- when asked if he is differing with the structural engineer's opinion, Nosie responded yes
- he cannot even tell what part of the basement it was taken in
- he was at the property when Dave Nelson was there
- he was not willing to make a commitment to that foundation being done
- he suggested Jim Seeger come out there, who inspected it four years earlier

Mr. Karpen:

- when asked is there a chance a building permit would be issued without his approval, Karpen responded he would like to see what needs to be removed and have it assessed before issuing the permit

Mr. Nosie:

-he could get this done in a week because he is a general contractor
-he was asking for more specific details as to what type of work the fire inspector wanted.

Ms. Moermond:

-the inspector will look at it and make a determination as to whether it is sufficient code-wise
-it is not the building inspector's place to design a solution.

A small break was taken for Ms. Moermond to get code books:

Ms. Shaff read Section 110.1. to the Fire Code:

General. If during the inspection of a premises, a building or structure or any building system, in whole or in part, constitutes a clear and inimical threat to human life, safety or health, the fire code official shall issue such notice or orders to remove or remedy the conditions as shall be deemed necessary in accordance with this section and shall refer the building to the building department for any repairs, alterations, remodeling, removing or demolition required.

Ms. Moermond read Legislative Code Chapter 45.3:

(1) Dangerous structure. A structure which is potentially hazardous to persons or property including, but not limited to:

- a. A structure which is in danger of partial or complete collapse; or*
- b. A structure with any exterior parts which are loose or in danger of falling; or*
- c. A structure with any parts such as floors, porches, railings, stairs, ramps, balconies or roofs which are accessible and which are either collapsed, in danger of collapsing, or unable to support the weight of normally imposed loads.*

Ms. Moermond:

-this property meets every point of that definition
-until the nuisance is abated, she would be remiss if she allowed the building to continue to be occupied
-the danger of collapse is enough
-we have to deal with the issue of the people living there
-she will recommend that this house be vacated effective the close of city business today at 4:30
-if there were lawyers involved on behalf of the tenants, they would say the tenants should be put in a hotel
-until we have a building permit signed off by Mr. Karpen or Mr. Ubl, this can't be occupied
-she is looking for a real fix or it can be monitored if it is temporarily fixed to make sure it is safe every step of the way
-when Nosie asked if he could temporarily shore that area, Moermond responded if the temporary shoring is sufficient to provide safety for the occupants
-her concern is a temporary shoring solution that works for two months and then fails, then there is a condemnation and a gray situation where it is not fixed or falling
-she is looking for something that gives a time certain for temporary or permanent

Mr. Karpen

- the temporary shoring would need to be incorporated into a process for the

permanent fix with a deadline
-the permanent can be done within a week

Mr. Nosie:

-he wants to get it done as rapidly as possible, but he will get a second opinion

Ms. Moermond:

-let's talk about time lines
-it must be temporarily shored to DSI's satisfaction
-the permanent fix in place within four weeks from today
-if not, the property must be vacated until it is signed off as a permanent fix
-one month on a permanent fix
-if people are back in on a temporary basis, they go

Mr. Nosie:

-he will clean the area out, pull the failed areas
-at that point, he'll call the building inspector so he can inspect prior to pouring
-he will put a post and a footing where the jack is now

Ms. Moermond:

-when Shaff asked who will sign off on the permit, Moermond responded she is going to defer to Mr. Ubl
-the owner will take care of the tenants
-he provided the tenants with another house for them to go
-they have the keys in their possession

Mr. Nosie:

-when Shaff asked can she go there and verify that the tenants are not there, Nosie responded they have the keys in their possession

(Mr. Nosie called the tenants at the end of the hearing, but no one answered.)

Referred to the City Council due back on 6/5/2013