



# City of Saint Paul

15 West Kellogg Blvd.  
Saint Paul, MN 55102

## Minutes - Final Legislative Hearings

*Marcia Moermond, Legislative Hearing Officer*  
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Tuesday, September 8, 2015

9:00 AM

Room 330 City Hall & Court House

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### 9:00 a.m. Hearings

#### Remove/Repair Orders

- 1 [RLH RR 15-31](#) Ordering the razing and removal of the structures at 1497 MATILDA STREET within fifteen (15) days after the September 2, 2015, City Council Public Hearing. (Public hearing continued from September 2)

**Sponsors:** Brendmoen

*Ms. Moermond:*

*-at City Council Public Hearing Sep 2, 2015, they referred the matter back into Legislative Hearing because the owner, Bruce Olstad, came to the CCPH with his friend; and indicated that he had no idea what was going on; that his house was almost completely rehabbed; he was in very poor health (his breathing was extremely labored) and he had trouble hearing what was going on, which was one of the main reasons the Council sent it back so that there could be some clearer communication -after the hearing, she met with Mr. Olstad and his friend and wrote out on their paperwork, the date and time of this hearing as well as the possibility of a hearing 2 weeks from now and then, the Council's Public Hearing -she called Mr. Magner the following day and asked him to see if we could get a House Calls person involved because he also said that he was living in the property, which is a serious concern -she personally called Southern Minnesota Regional Legal Services (SMRLS) to let them know that she had referred him to them so that he could have some legal representation -she thinks that there's a strong need to find out if he has a social worker of some kind in place -she will send a letter to Mr. Olstad indicating where we are in the process right now and let him know the kinds of things that she's concerned about at this juncture; he needs to be aware that this property is likely to be demolished about 30 days from mid-Oct - probably around Dec 1, 2015; so, he would need to have all of things out of the property mid-Nov 2015*

*Mr. Magner:*

*-once they turn over the Notice to Proceed, the contractor has all rights to salvage; so, anything he has on site needs to be removed from the site prior to DSI sending the Notice to Proceed*

*Ms. Moermond:*

*-wants to clarify the health concerns; Mr. Olstad mentioned that he receives cancer*

*treatments everyday; his breathing is profoundly labored and he can't hear in the Council Chambers; she thinks that he would do a lot better in a conversation in this setting*

*-thinks that letter is the only way to go right now - let him know we have another hearing*

*Mr. Magner:*

*-obviously, you think things have changed; you saw him in Jul 2014 when he appealed the Condemnation on this property; at that time, you gave him 2 weeks to make progress, which he was not able to accomplish, so we had to move forward with the vacant building status; that appeal failed to bring the building into compliance*

*-things at the property seem to have gotten worse*

*-his medical condition seems to have worsened*

*-perhaps the hearing officer could have a conversation with House Calls staff and see if they think that it's also prudent to make a referral to the County*

*-he does not know who replaced Kay Witgenstein; Sade has asked that most things come to her*

*Ms. Moermond:*

*-will call Diane Holmchrist because she doesn't think that Sade is an actual social worker; and she may not have access to the same kind of information that Kay used to have available from Social Services*

*Recommendation is forthcoming.*

**Referred to the City Council due back on 10/7/2015**

**2**      [RLH RR 15-37](#)

Ordering the razing and removal of the structures at 2227 BEECH STREET within fifteen (15) days after the October 7, 2015, City Council Public Hearing (Amended to 30 Days).

**Sponsors:**      Finney

*Inspector Steve Magner, Vacant Buildings:*

*The building is a one-story wood frame single-family dwelling with a tuck-under two-stall garage on a lot of 5,227 square feet. According to our files, it has been a vacant building since September 27, 2012.*

*The current property owner is Bank of America per AMANDA and Ramsey County Property records.*

*On February 25, 2015, an inspection of the building was conducted, a list of deficiencies which constitute a nuisance condition was developed and photographs were taken. An ORDER TO ABATE A NUISANCE BUILDING was posted on July 1, 2015 with a compliance date of July 31, 2015. As of this date, the property remains in a condition which comprises a nuisance as defined by the legislative code.*

*Taxation has placed an estimated market value of \$25,800 on the land and \$109,800 on the building.*

*Real estate taxes are current.*

*The Vacant Building registration fees are due and owing in the amount of \$2,025 (fee for 2014 was paid by check).*

*As of September 4, 2015, a Code Compliance Inspection has not been done.*

*As of September 4, 2015, the \$5,000 performance deposit has not been posted.*

*There was one (1) SUMMARY ABATEMENT NOTICES since 2012.*

*There was one (1) WORK ORDER issued for:*

*- Garbage/rubbish*

*Code Enforcement Officers estimate the cost to repair this structure exceeds \$50,000. The estimated cost to demolish exceeds \$12,000.*

*DSI, Division of Code Enforcement Resolution submitted for consideration orders the*

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

Amy Spong, Heritage Preservation Commission (HPC):

- 977 split level home; original owner was B. Smitney
- don't have Sanborn Insurance maps
- house is only 38 years old - the vintage arena; not historic
- is contiguous with the surrounding houses in that neighborhood; cul-de-sac
- demolition would not have an adverse effect

Ms. Moermond:

- there's no one here
- it's in the possession of Bank of America

Remove within 15 days with no option for repair. (No show.)

**Referred to the City Council due back on 10/7/2015**

### Staff Reports

- 3      [SR 15-88](#)      Reviewing request of owner to have Council reconsider its Order to Remove or Repair the Structures at 929 SEVENTH STREET WEST.

**Sponsors:**      Thune

Henry Hanten, owner, appeared.

Steve Magner, Vacant Buildings:

- read Aug 27, 2015 letter into the record (attached) with conditions to be met; if the conditions are met, a new resolution granting stay enforcement will be on City Council Public Hearing for Wed Sep 16, 2015 at 5:30 pm in Room 300 Council Chambers
- since then, we received email from from Mr. Hanten with a number of attached documents (there is a receipt from the Dept of Safety and Inspections (DSI) for the amount of \$10,000 Performance Deposit; a letter dated Sep 1, 2015 from Isaac Graham, Western Bank regarding approval of \$100,000 cash secured loan to Mr. Hank Hanten for the purpose of making improvements to property located at 929 West Seventh Street, St. Paul; loan approved subject to the performance of the conditions of 2 and 5 as outlined in your letter dated Aug 27, 2015. Mr. Hanten has been a valued customer with Western Bank for more than 30 years and has maintained 6-figure depository accounts with the bank. Should you need further assistance, please feel free to contact me.
- there's an additional letter from building engineering, that talks about the recent inspection at the property; the conditions and observations
- there are drawings from Greg Hackett, Architect, re: the building and potential use of it

Ms. Moermond:

- the taxes haven't been paid and the title hasn't been transferred since Andre Stouvenel owned the building; so, she's puzzled about how your brother has it back and you are going to get it from him; and there's money to pay for the Performance Deposit and not money to pay for the taxes, etc. (?)

Mr. Hanten:

- he has the deed in lieu of foreclosure; as soon as he gets thru here today, he will go

and file it

Ms. Moermond:

-she doesn't know how the bank will approve anything if the property isn't in your name; so, this pre-approval letter does not suffice as evidence of financing (unless the property is in your name)

Mr. Hanten:

-he was following the advice of counsel, Ferdinand Peters; he's representing me in this process

-"I will take care of having the property put into my name, immediately."

Ms. Moermond:

-there are 2 transactions: 1)getting the property back into your brother's name; and 2)getting it into your name; because Andre Stouvenenl still shows up on county records as the owner; so, if there was a cancellation of contract, it was not registered with the county

Mr. Hanten:

-he was not aware of that but will take care of that

-he paid the taxes last week; it showed all current in the computer yesterday; I have the numbers

Ms. Moermond:

-she will not count the pre-approval letter as financing, right now

-wondering about a work plan; RayCo COstruction submitted something for the roof

Mr. Hanten:

-no company would come out to do a bid until he had an architectural plan; his architect is working with Larry Zangs, DSI; will be done in the next couple of days

-he has 2 contractors lined-up

-intended use: an office with space in back for storage

-he can start his sales and leasing office in there

-the architect says it would be perfect for an artist/sculptor; it's a perfect bldg for art

-he wants to get the building code compliant so that someone can come in and use it

-initial plan: get a new floor on; contractors say - 2 weeks

-Mr. Zangs said that as long as there are no stairs to the mezzanine and it's not accessible, it would OK to just leave it

-he can't get a Work Plan ready until Greg, the architect can finish the drawings; he has 2 contractors lined-up

Mr. Magner:

-Mr. Hanten's original email indicated that taxes are current but he had no receipt; according to Ramsey County website, the first half of 2015 has been paid; there's a payment for 2014 & 2015= \$3973.07; 2013 was paid \$4926.76; Mr. Hanten paid those taxes; an Oct payment will be due

-referred to the Doby Engineering Report and the listed "cosmetic" repairs; he doesn't consider repairs to the exterior walls as "cosmetic"

-big issue: we have a structure of 4 walls and a roof of which 2 walls definitely need a lot of attention and the roof needs a lot of attention

-he spoke with Larry Zangs re this

Mr. Hanten:

-there will be office space in some part of the front of the building; the drawings show that

Mr. Magner:

-informed Mr. Hanten that Mr. Zangs is their Zoning/Project Facilitator/Coordinator but he can't ultimately give approvals on plans; it has to go to Plan Review for final approval, along with structural engineering approval; and the building official, Steve Ubl has to approve all of it

Mr. Hanten:

-he and the architect think the building is savable; it's more valuable "saved"  
-he will be getting an appraisal at the end of Sep

Mr. Magner:

-total estimated market value: for 2016 is \$139,900; for 2015 \$122,600; land value for 2015-16 staying the same at \$75,000; 2015 structure value \$47,600; 2016 structure \$64,900; according to the county, currently, the building is worth less than the land value, according to the county

Ms. Moermond:

-that's really not an accurate value for the building; this building is subject to demolition because of a lot of deferred maintenance  
-out of the list of conditions, we have no money adequate for financing; we have the Performance Deposit; we have paid taxes; we do not have a detailed Work Plan or Construction Statement; the property has been maintained  
-she has little or no confidence in Mr. Hanten's ability to execute the project based on what she's seen so far  
-she doesn't know "for real" what he's going to do and if he's going to be able to do it  
-this deadline is blown

Mr. Magner:

-DSI has the demo Purchase Order (\$35,000, which does not include asbestos); and they could send the "go ahead" letter right now  
-there's no heating system to deal with; some concrete has been removed from the floor  
-re an engineering analysis, he thinks that we need to defer to Plan Review to see if we need an engineering analysis  
-because it was a theater, the floor actually goes down below the outside grade

Mr. Hanten:

-a previous tenant leveled the floor; but there's still no direct grade level access in the back

Mr. Magner:

-last structural report is dated Aug 25, 2015  
-one dated Dec 24, 2013 from Doby Engineering  
-one dated Aug 2, 2010 from Doby Engineering  
-there were appeals all along the way; Fire declared it a dangerous building

Mr. Hanten:

-he lent his brother the money for the reports and that's why he has the building now  
-he provided a \$10,000 Performance Deposit; he paid the taxes  
-he would have walked away

Ms. Moermond:

-the Performance Deposit comes back to you if you don't pursue the rehab or get approval for it

Mr. Magner:

-this was first in front of the hearing officer for a Remove or Repair on Dec 10, 2013; and at Council Jan 2, 2014; so, we are just shy of 2 years; and the Vacant Building status on this goes back to Nov 18, 2010; so the city and the community have been dealing with this for nearly 5 years plus the chaos that was going on prior to it becoming a VB; this is not a new issue and nothing has worked, so for -you were representing Mr. Stouvenel with a Work Plan, financing, etc; it was going to happen but it didn't - that's why there's a lot of hesitance on the city's part to go forward with any plan short of the city demo

Ms. Moermond:

-will recommend against granting a stay; will be on the City Council Public Hearing agenda Sep 16, 2015

-Mr. Hanten can speak to the City Council

Legislative Hearing Officer will draft a new Resolution to deny a grant of stay for September 16 Public Hearing.

Received and Filed

## 11:00 a.m. Hearings

### Summary Abatement Orders

- 4 [RLH SAO 15-65](#) Appeal of Guadalupe Gonzalez to a Summary Abatement Order at 863 CHEROKEE AVENUE.

Sponsors: Thune

Guadalupe Gonzalez, owner, appeared along with his daughter, Felicia Ortega.  
Interpreter

Inspector Paula Seeley:

-came over from Fire; it's a Category 2 Vacant Building

-Mr. Senty has been out there; apparently, they are occupying the house and they aren't supposed to be there

-thinks they are appealing the boarding of the house

-was Condemned Apr 10, 2015

-May 8, 2015, Inspector George Niemeyer Orders: provide & maintain window screens; repair & maintain walls; tiles are falling off the shower; first floor hallway smoke detector; first floor living room - repair & maintain all.... inoperable segway; smoke detector chirping; repair & maintain all required supplies & equipment; dead bolts; missing globe; electrical appliance wiring & damage; heating report; -3 appointment letters were sent

Ms. Moermond:

-she also has 389 Edith as an address for Mr. Gonzalez; he lives there

-863 Cherokee is a rental; 867 Cherokee is also a rental

-why is someone living at 863 Cherokee Ave?

-were they trying to get into property for a long time and they Revoked the Certificate of Occupancy because they didn't have access?

Mr. Gonzalez:

-everything is fixed

Ms. Seeley:

-looking at inspector's notes  
-owner had not been notified of his coming  
-4-10-15: no show at appointment; received call from X-wife and she asked about the appointment that was missed in Mar  
-2 appointments were missed  
-5-18-15: appears to be vacant  
-6-15-15: small deficiency list  
-7-15-15: comment -conducted re-inspection 7-13; owner not present; no one was home to allow access; posted Revocation placard; owner called this morning and asked why his building had been placarded; I let him know that it's because he had not shown up for any inspections; he stated there was a death in the family and he no longer got his mail in Mendota Heights; obtaining new mailing address

Ms. Moermond:

-in the letter from Fire on May 8, was there a date listed when there would be a re-inspection?

Ms. Seeley:

-re-inspection would be made Jun 4, 2015 at 11 am

Mr. Gonzalez:

-all the mail used to get to my house at 1435, where my wife used to live and she would send the mail to me everyday but when she got very ill and passed away, I wasn't able to get my mail; at the very end, he found 3 letters..... but the inspectors were already on this case  
-everything is fixed now; don't know if it's 100% but I left a letter on Jackson St where the inspectors are and left another one with a woman  
-its' called Condemned, something about the house; so now,... I couldn't read it so I gave it to my daughter

Ms. Ortega:

-he went to DSI to leave the heating report but was too late  
-she doesn't know anything about this whole process

Mr. Gonzalez:

-is willing to talk with the inspectors and fix everything; now, he can rely on his daughter

Ms. Moermond:

-asked Ms. Ortega: when you read the letter of Condemnation and Revoking the Certificate of Occupancy, did you understand that it would be vacated if the items in the letter weren't addressed by May 8, 2015?

Ms. Ortega:

-the first letter I saw, she tried to call Inspector Niemeyer but she wasn't able to get a hold of him; she then talked to Dave \_\_\_ to find out what she needed to do and he said to try to call George and schedule a re-inspection; then, you can file an appeal; so, after she talked to George, she filed the appeal; paid \$25 on the same day

Ms. Moermond:

-wondering, were these letters from Fire translated into Spanish? Do you feel that you were competent to translate and understand what was going on or would it have benefited from a translation?

Ms. Ortega:

-if she had seen the letters earlier but she didn't have enough time; mom passed

away the day before Jun 4 and dad didn't access to the mail until Aug; she was just brought into this in Sep; she had no knowledge of the previous letters; dad just didn't understand or know what to do; he fixed it all but didn't get to re-schedule

Ms. Moermond:

- would like to have the Fire Inspector go in and confirm that all of the repairs have been done; and get your Certificate re-in-stated
- it should not be that big of a deal to get an inspector in there
- is hoping that the Vacant Building fee hasn't yet been paid (?) (Ms. Seeley: don't see that it's been paid)
- it's all minor deficiencies and the Order was not translated into Spanish; she has a big concern about that; it's the law
- Elizabeth Munich is the person you engage to translate the Orders; the SA Order was translated to Spanish
- the translation didn't happen in this case for the Condemnation; will talk to Fire about that; maybe Inspector Franquiz could be put on this case (A.J.'s team)

Mr. Gonzalez:

-he won't be a problem from now on; his daughter will be in charge of it

Ms. Moermond:

- she will ask that all Orders that come to you will come both in English and Spanish
- will have Ms. Ortega put her contact info onto the Fire C of O Form; also write onto the form that Orders should be provided in both English and Spanish
- we will get a Fire Inspector in

Fire Inspector A. J. Neis just arrived.

Ms. Moermond:

- explained all this to Mr. Neis; and that in the future, we need to use the Language Line to communicate with Mr. Gonzalez
- will recommend granting this appeal on the Order to Board the property
- Fire will set up an inspection
- this property should also be released from the VB Program and sent back to Fire Inspections
- Mr. Gonzalez and Ms. Ortega will get a letter in the mail regarding the upcoming inspection and another one confirming today's results

Mr. Neis:

-he called Inspector Neimeyer, who will be out at the property at 1 pm tomorrow, Sep 9, 2015; the Appellants OK'd that time

Ms. Moermond:

Grant the appeal on the boarding issue; owner to be released from the Vacant Building Program and sent back to Fire C of O Program. Fire inspector to send out an appointment letter in Spanish and English.

**Referred to the City Council due back on 10/7/2015**

## Correction Orders

5 [RLH CO 15-25](#) Appeal of Cynthia Hawkins to a Correction Order at 1067 CONWAY STREET

Sponsors: Finney



On September 8, I contacted James Hoffman to see if gas has been restored. He stated that he spoke to Xcel and they have an order in place to have gas turned back on. It was not turned on at the time of hearing; however, it was confirmed that the gas been restored. Therefore, the appeal is moot.

Appeal withdrawn.

**Withdrawn**

6 [RLH CO 15-23](#) Appeal of Patricia A. Denny to a Correction Order at 1067 EDGERTON STREET.

**Sponsors:** Brendmoen

Patricia Denny, owner, appeared.

Inspector Paula Seeley:

-she was out there in Jan and the entire yard wall mud and vehicles were parked back there

-she Ordered owner to file a site plan for residential parking of vehicles and boat in the back yard

-she spoke with Ms. Denny a couple times; there are a couple other driveways in the same alley in this situation

-photo

Ms. Moermond:

-sees gravel that has migrated and plant growth; now, it's compacted dirt

Ms. Denny:

-they have leveled and prepared the soil; done the seeding of grass

-the approved surfaces are prohibitively expensive; she couldn't do that

-she can, however, afford to put in more Class 5

-she needs 2 parking spots

-she did put in new Class 5 about 15 years ago when she built the retaining wall

Ms. Moermond:

-asked Ms. Denny to diagram her parcel with house, other structures and demonstrate where she wants the parking; she wants to see some landscaping solution to keep the gravel and grass separated; she is comfortable going with Class 5 but needs a clear plan with landscaping; mail that plan to her office by Sep 22; then, they will talk about specifics; she would like it all addressed by Nov 1, 2015

Ms. Denny:

-when they graded the back yard, they also graded the parking area to keep it from eroding; so, there's no erosion

Ms. Seeley:

-noted that a minimum parking pad has to be 9 x 18

Ms. Moermond:

-if the submitted plan is not acceptable, she will call her about changes that need to be made

Owner to provide a diagram of the parking surface (class 5) to address the landscaping solution to keep gravel and grass separate by September 22, 2015 and if approved, grant until November 1, 2015 to come into compliance.

Referred to the City Council due back on 10/7/2015

- 7 [RLH CO 15-26](#) Appeal of Jennifer Patraw, representing Thomas DeLisle, to a Correction Notice at 1395 THOMAS AVENUE.

Sponsors: Stark

*Deny the appeal; no show. Jennifer Patraw submitted a water bill receipt today from St Paul Water Regional Services; however, the total payment was \$598.06 and only \$266.61 was paid. Need to confirm with inspector to see if water has been restored.*

Referred to the City Council due back on 10/7/2015

### 11:30 a.m. Hearings

#### Orders To Vacate, Condemnations and Revocations

- 8 [RLH VO 15-52](#) Appeal of Deborah Horne to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 975 FLANDRAU STREET.

Sponsors: Bostrom

*Deborah Horne, tenant and Ian Colville, new owner, appeared.*

*Fire Inspector A. J. Neis:*

*-Revocation of Fire Certificate of Occupancy by Inspector Efrayn Franquiz  
-the process started with previous ownership and Orders were sent to Renters Warehouse, property mgmt  
-the work had not been completed in a timely manner, so Inspector Franquiz Revoked the C of O; the process has been under Revocation since Aug 17, 2015  
-the new owners took ownership of several properties (approx 20) and had basically, given Orders to Vacate to the tenants because they were not going to be making any required repairs while the buildings were occupied  
-still multiple violations exist at this property  
-Supervisor Shaff had instructed the Appellant to file the appeal due to the challenges she faces with medical issues of her children; the violations do not appear to be the fault of the tenant; they are due to changing ownership  
-none of the violations appear to be life safety hazards, so, the Revocation was extended to avoid displacement of the occupants while the repairs are being made  
-Supervisor Shaff said that she had been in contact with the owners to try to make some temporary arrangements for the tenants (hotel, other property, etc.)*

*Mr. Coleville:*

*-they bought 20 properties that are in bad shape; took over mid-Aug; they inspected them all and realized that they were in worse shape than they thought they were  
-they have a \$500,000 budget for all of them  
-it's been more of a timing struggle  
-they were told that there were no outstanding Orders on this particular property but found that there were after going on the city's website; so, they asked Renters Warehouse for a copy of those Orders; they were given something that didn't have the most recent deadline on it; so, they knew they had a lot of work to do but we didn't know that it needed to be done by the 2nd; these tenants are on a month-to-month lease, so they were given a standard 30-day move out Notice and move ahead with there rehab plan; last week, they found out that the tenants would be kicked out unless these things were fixed*

*Ms. Horne:*

*-at that time, we requested an additional 30 days from Mr. Coleville, until the end of Oct*

*-we have 4 kids are just trying to re-settle a family in a short time frame*

*Mr. Coleville:*

*-re: these Work Orders: his team had told him that this was a significant amount of work; Ms. Horne just described the work to him and it's actually much smaller than his team described; he thinks it can be finished this week; they will wait until the tenants move out to do the full rehab*

*Mr. Neis:*

*-looking at the Orders, in regard to some of these violations, if permits are pulled, and we know that there's a substantial renovation that's going on, he'd be open to extending that timeline out as long as some of the minimally compliant items would be taken care of: like the loose toilet, etc*

*-from a life-safety, habitability standpoint, he would not be opposed to letting the tenant continuing to occupy through that as long as they had a plan of action*

*Mr. Coleville:*

*-has the rehab budget; this particular contractor thinks it will take a month but he developed it not knowing that he might have to do the work in an occupied property; he entered it into the record*

*Ms. Horne:*

*-they are planning to move out by the end of Oct, so, if the vacate date could be extended that long, they would be appreciative*

*Mr. Coleville:*

*-ideally, if they'd fix the minimum stuff in a week and then do the rest after the end of Oct but if they have to get it all done by the end of a week, they will also do that*

*Ms. Moermond:*

*-looking at the list, she sees the toilet and the electrical items: #2 - light fixture that's hanging and also #6- GFCI in the kitchen; that should be working properly; also #5 - toilet*

*-deadline of Sep 29, 2015*

*-City Council Public Hearing Oct 7, 2015*

*-rest of the items deadline: Nov 1, 2015*

*Grant until September 29, 2015 to address Items 2, 5, and 6; grant until November 1, 2015 to address the rest of the items.*

**Referred to the City Council due back on 10/7/2015**

**9**      [RLH VO 15-51](#)

Appeal of Gerardo Chavez to a Revocation of Certificate of Occupancy and Order to Vacate at 1033 LOEB STREET.

**Sponsors:**      Brendmoen

*Gerardo Chavez, owner, and Ms. Viridiana Escobar, appeared  
Yvette Baudelaire, Interpreter*

*Fire Inspector A. J. Neis:*

*-Revocation of Fire Certificate of Occupancy / Order to Vacate*

*-multiple complaints came in about people living in the attic and in the basement*

-Inspector Perrier investigated and initially, he found this issue in May 2015; he was assisted by Inspector Franquiz  
-tenants were advised that they could not use the basement for sleeping and they complied with that Order  
-other Orders were also issued  
-then, Inspector Perrier received another complaint in Aug about people living in the attic and the basement; he investigated and again, found people sleeping in the basement  
-he consulted with Supervisor Shaff and a Criminal Citation was recommended; also recommended was to Revoke the Fire C of O and order the building vacated due to noncompliance  
-it's his understanding that there were some translation issues, so, I had received a call last week while he was out of the office that the Orders needed to be translated into Spanish and re-sent  
-main issue we have is that people cannot live in unapproved sleeping areas; they have been notified previously and they continue to do so even though it is extremely dangerous  
-they did translate the Notices into Spanish and it was made clear, previously, not to use the basement for sleeping; they had complied with the Orders, previously but as soon as the inspector left, they did it again

Mr. Chavez:

-5 people live here: me, my wife, my 2 girls and a cousin  
-no one was sleeping downstairs; the basement is used for storage, only; there are mattresses stored down there; they don't use them  
-the girls go downstairs to play when their mom is doing the laundry; sometimes, the cousin goes downstairs when her boyfriend comes during the day; they don't sleep there but he spoke with the cousin and told her not to go downstairs when her boyfriend comes  
-several times, they did not notify them when the inspector was coming; and we told him that they did not understand the process; his wife did not understand; she told him that and he said, "I don't care."  
-they received the papers yesterday in Spanish

Ms. Moermond:

-asked how many bedrooms

Mr. Chavez:

-a big room upstairs and 2 little bedrooms in the middle part; the downstairs is for laundry and storage; there's another room and we had a problem before with some flooding; we moved everything there and the people who were supposed to be fixing put it against the window and that's why... there are 2 windows; it's not fair because, we don't have anybody sleeping in there basement; and we removed the things near the furnace and under the stairs  
-the landlord came and put alarms that were needed  
-the neighbors don't like them there; he spoke with the real owner and he said that that he always had problems with that neighbor; she is lying; we don't know why she's calling on us; when we leave the house, the cousin comes with her boyfriend and they do go downstairs

Ms. Escobar:

-last time inspector came to the house, he said that there were too many people living in the house; he said that he had to go inside for 2 seconds...he found my cousin and the boyfriend downstairs; he was very angry and arrogant; she didn't understand what he was trying to say; then he said he would come back tomorrow and I want you to get rid of all of this or I will give you a ticket; then, he asked what time I would

be there; we agreed to meet at 2 pm  
-the next day, I didn't get home until 2:10 from the dentist; there was a note already on the door; I called and he said he left because I wasn't home yet; he came back and said that I had to leave the house in 10 days; if I wasn't gone, he'd arrest me; my daughters were very scared; I told him to send the Orders in Spanish

Mr. Chavez:

-possibly a month ago, my mom came and my sister from TX and my brother came, too, while they were here; and they used to leave late; probably this woman called for that reason

Ms. Moermond:

-question about the windows in the basement; there's a note here that there is not an approved escape window in the basement; she asked Mr. Neis to describe an approved escape window

Mr. Neis:

-although there may be a window in the room, that window is not the proper size to safely consider a legal means to escape  
-much of what is said does sound like an accurate reflection about what the inspector's notes were about on the property  
-May 7, 2015: when Inspector Franquiz inspected, he did find the illegal bedroom in the basement; it was noted that people were living in the basement - the complaint was valid  
-then, Jun 30: the tenant admitted to the inspector that he had family in town last week and they were sleeping in the basement; then the property mgr and the tenant removed the mattresses from the basement; it was understood that no one could be sleeping in the basement  
-additionally, on the complaint that they received in Aug, he did find the cousin in the basement; she was lying on the mattress; by all intents and purposes for an inspector, that would be evidence and enough reason to believe that someone was living in there

Mr. Chavez:

-he and his wife sleep in one bedroom; his girls and the cousin sleep in the other bedroom; the room upstairs is finished and clean; has carpet and 3 windows, one is small, no one could get out of it; north window opens up and down; south window opens to outside; his mom and sister were using it when they were here; now it's empty

Mr. Neis:

-not known if the attic is a legal sleeping area  
-looking at the photographs, it's hard to determine if there's a legal escape window; (Mr. Chavez: he rented the place as a 3-bedroom house - 2 on the main floor and 1 upstairs)

Ms. Moermond:

-the mattresses have to leave the basement; they can't be stored down there  
-looks like there's a big dresser down there, shoes, slippers; it looks like a bedroom  
-we need to determine if the attic is a legal bedroom; let's get an inspector out there to measure the attic and at the same time, confirm that there's no mattresses in the attic

Mr. Neis:

-advice to Appellants: the reason why a Criminal Citation was not issued was because the owner lives in TX; the inspector does not have arrest powers nor would

he physically arrest you; however, he does have legal authority to issue you a Criminal Citation for occupying the basement; if there was confusion about your being arrested vs the Citation, he sincerely apologized; however, if he does find anyone sleeping in the basement or finds mattresses there on re-inspection, he will issue a Criminal Citation

Ms. Moermond:

-the only way that a warrant would be issued would be for not coming to court to deal with the Criminal Citation

Ms. Escobar:

-will there be a problem if she stores mattresses in the attic?

Ms. Moermond:

-don't know yet; the ceiling may be too low; they need to be at least 7 feet high over half of the floor area

Mr. Chavez:

-I work in construction; estimates that the attic is 12 ft wide, 22 ft long and half of it is between 7-8 ft high

Ms. Moermond:

-we need to confirm that the room is a legal sleeping area; if it is, the mattresses can be in the attic

-when the inspector comes out again to check if the basement is clear of all mattresses, he will measure the attic as well and if it is close to meeting the legal requirement, she would be happy at looking at granting a variance so that it could be used for sleeping

Mr. Neis:

-the inspector is out sick today; will communicate with him tomorrow about a re-inspection date and the call will come to you in Spanish

-some one will be home on Mon or Tue

-since it was a Revocation, not a Condemnation, he is comfortable with them removing the sign on the door

Grant the appeal on the Revocatin and Order to Vacate provided that the mattresses and bedding materials are removed from the basement room within 48 hours.

**Referred to the City Council due back on 10/7/2015**

**10**     [RLH VO 15-48](#)

Appeal of Nancy Neidt to a Condemnation and Order to Vacate at 2025 NORTONIA AVENUE.

**Sponsors:**     Finney

Nancy Neidt, owner, appeared.

Inspector Paula Seeley:

-Condemnation /Order to Vacate

-compliant on Jun 24: back yard full of trash; junk all over yard; rodents seen running around yard; hoarding situation going on; Inspector Lisa Martin tried to gain access; she finally made entry Aug 12 and she took Sade, House Calls, along; found interior with excessive clutter; fire hazards; narrow walking paths; egress/doors blocked; unsanitary conditions -flies all over; smell from cats was horrendous; Condemned the building Aug 12, 2015

-many photos

*-she has done hundreds of hoarding houses*

*Ms. Moermond:*

*-Condemned Aug 12 but knowing that Ms. Neidt was going to be at the North Shore, the city gave her a longer time to appeal  
-scanned document from Ms. Neidt*

*Ms. Neidt:*

*-exterior is done  
-the problem from the beginning - Ms. Martin asked to come into the house; Ms. Neidt has an old cat that has seizures and a heart condition, so, she told Ms. Martin that she was not willing to have her come into the house; that made her very angry (Ms. Neidt said that it wasn't clear to her that it was a legal process)  
-she came Aug 12 into the house, looked briefly at everything and said that she was going to get me smoke/CO detectors; she went out to the car and brought back a social worker  
-on Jun 29, she said that if I did not allow her in, she would arrest me and there would be legal charges; otherwise, she would bring in a social worker  
-she got a call from the social worker but she did not respond because she doesn't want people telling her what she needs to do and not to do  
-Aug 12-Ms. Martin took pictures and initially said that I would need to work with the social worker to throw out a lot of things  
-I had built shelves in the garage (photos); also made more storage area in the basement; Ms. Martin got very angry with me again  
-1 1/2 yrs ago, she had a flood in the kitchen; she had been filling up her cats' water bowls, turned water on and walked away, left water running; she went to work; water flooded her house for 8 hours; so, both the kitchen & dining areas were emptied to dry; and stuff was piled in the living room, etc, to dry  
-in the meantime, she developed heart condition and had to take time off from work and when she's working, she doesn't have the energy to things around the house; she also had knee surgery and then, shoulder surgery; she was out of work for 11 months and had no income for 3 months; 8 months with only about 40% of her income; she racked up about \$30,000 debt and her credit tanked  
-she agrees that there is still clutter and a few boxes in the living room  
-everything that was still in the house she put into plastic containers so that they are secured and not all over the place  
-she also has shelves that she will put up upstairs to storage some things*

*Ms. Moermond:*

*-why haven't you gotten rid of stuff?*

*Ms. Neidt:*

*-I'm 64 and will retire in a year  
-over the last 2 years, she has collected things to keep her busy when she retires; they are stored in plastic boxes; she plans to make jewelry and do something with Barbie dolls; she has been collecting, not because she's a hoarder but planning for retirement  
-she is not hoarding  
-she has 5 degrees in education  
-Ms. Martin was actually bullying her that if she did not get rid of the stuff, that she would Condemn the house; she told her that she has purposes for the items and she can store them elsewhere; she sees no reason to get rid of it  
-she has thrown out about 20 bags of trash, etc. in the last 2 months; when she finds "crap" she throws it out but she's not going to throw away perfectly good stuff*

*Ms. Moermond, Fire Inspector A. J. Neis and Ms. Seeley looked at the photos*

*provided by Ms. Martin and those on Ms. Neidt's lap top; Ms. Neidt explained the photos*

*Ms. Seeley:*

- looks like all your bedrooms are full, too*
- egress windows need to be accessible*
- Ms. Martin and Sade both indicated a strong smell of mouse feces*

*Ms. Neidt:*

- Ms. Martin said there was rotten food but Ms. Neidt doesn't know what she was referring to; but she has diabetic cats and ....*
- noted that there were mice at least 2 places in the house; her plan is to get rid of them*
- noted that which items she would be moving to the garage; she had planned to move things out of the house for the last couple of years; so, she's not opposed to that*

*Mr. Neis, commented on the photos from a Fire Prevention standpoint:*

- Fire Service avoids using the term "hoarder;"*
- many comments that they received from people who have issues often indicate that the things are not garbage/junk; they are things that are to be re-purpose, etc; they use "heavy content" to describe how full a building is; when they classify homes, there are 4 categories of "heavy content:" types 1 - 4; type 4 is where multiple rooms are stacked floor to ceiling with goods making it rather inaccessible for anyone other than the occupant; based on these photos and clutter, a fire responder would classify this as a type 3 or type 4, which is extremely dangerous to the occupants but also to the responding fire fighters; most firefighters would not even make entry into this building due to their personal safety; it needs to be taken care of right away*

*Ms. Neidt:*

- she and her cats have been staying at the state campgrounds in her travel trailer; it's small but doable*
- hasn't been home for a while*
- Ms. Martin came in with a number of people and totally tore up her driveway; she threw away a number of items that were not trash*
- her plan is to move stuff out to the garage and if she needs to, she will get a storage area*
- these are things that have been saved up - worked on for years and she is not willing to throw them away*
- she would like to call in the rodent people and have them eradicate the rodents, which she could not; she couldn't put out poison because of her cats*

*Ms. Seeley:*

- the rodent people won't come out until all of that stuff is out of the house*

*Ms. Neidt:*

- that will be her first step, then*
- she had talked with the social worker about the dumpster; they were almost in agreement about working Mon and Tue mornings and then, for some reason, she mentioned that someone had suggested that she talk with a lawyer - and Ms. Martin flipped-out at that and she started talking about doing an Emergency Condemnation*
- she sounded excited about that, too, which was very disturbing and distressing to Ms. Neidt; they had already talked about her living outside with her cats in the travel trailer - and working with the social worker on emptying stuff out; and all of a sudden Ms. Martin decided that was not what we were going to do - it was totally confusing to me*



*Ms. Moermond:*

*-suggested that Ms. Neidt get an attorney if that's what she wants to do; it would be a second set of eyes to look at these materials but she isn't concerned one way or another*

*Ms. Neidt:*

*-first, she needs the driveway repaired; she can't get into it now  
-she would like to put her travel trailer back onto her patio; the cats and she can live there just fine; she would sleep in the trailer while she is cleaning out the house with the social worker  
-she has talked with the garbage people; they have come and gotten one load already*

*Ms. Moermond:*

*-you can file a claim to get the driveway repaired; it's a separate process; we have the forms*

*Ms. Neidt:*

*-after the driveway is repaired; she'd like permission to move her travel trailer back  
-she needs some guidance about lighting; Ms. Martin said that "shop lighting" was illegal and everything would need to be hard-wired  
-also, is it acceptable to plug into the garage for light, heat and air conditioner for the travel trailer; if not, I do have a generator  
-then, I want to move back into the house but needs to get the mice out first*

*Ms. Moermond:*

*-you can't move back into the house again until you have a Certificate of Compliance  
-she sees significant issues  
-the language that you are using is consistent with the language we hear from "hoarders"  
-right now, you need to do some radical decision making instead of sifting*

*Ms. Neidt:*

*-she is willing to put it all in a storage locker (Ms. Moermond advised against that)  
-she doesn't know what language to use to put it any other way - what you have of value, you don't want to throw out randomly  
-up until I had the flood, I didn't have such a situation; it's been the last year and a half that this situation has existed; she thinks that she can dig herself out of it and she's willing to have help  
-noted that there were some empty rooms, too, where this stuff came from*

*Ms. Moermond:*

*-she is looking at an extreme fire hazard  
-we haven't re-visited the issue of extreme smell of urine i the house, which tells her there's a sanitation problem going on  
-concerned about the inability to do rodent extermination without having the house cleared*

*Ms. Neidt:*

*-asked about the possibility of having a different inspector*

*Ms. Seeley:*

*-Ms. Martin is very clam; very good with people; so, she doesn't understand  
-she will go with Ms. Martin*

*Ms. Neidt:*

*-she will leave the house if Lisa comes back out  
-because she's had knee surgery and all these credit problems, she is struggling financially and is considering bankruptcy and just walking away, especially with the level 3 sex offender living next door and peeking at her all the time*

*Mr. Neis:*

*-concerning to him: cat urine is dangerous enough because of the ammonia; however, even more dangerous is rodent urine and feces; it can be even more toxic; and they carry additional viruses and diseases*

*Ms. Neidt:*

*-that odor is on the front porch, not in the bedrooms or bathroom*

*Ms. Moermond:*

*-you can't live here any more  
-she does not have an Order saying that you can't live in your trailer; but she would take a dim view of it  
-running a generator as a permanent source of power is not acceptable; you can't use an extension cord between house and trailer  
-Code Enforcement will write a fresh Order on living in that trailer  
-City Council Public Hearing is Oct 7, 2015; you can talk with the Council directly about this  
-next, the property will go into the Registered Vacant Building Program after Oct 7, 2015 and be monitored as a VB, which will also affect how you can use the land; you can be present there from 8 am to 8 pm to do clean-up, repairs, etc; but you can't be there over night*

*Ms. Seeley:*

*-between now and Oct 7, get a dumpster and get your son/friends to help you get stuff out  
-you don't want this to go into the VB Program*

*Ms. Seeley:*

*Deny the appeal and the property will be transferred to the Vacant Building Program. In the meantime, owner cannot use generator, cords running from house to trailer and can only be there from 8 am to 8 pm.*

**Referred to the City Council due back on 10/7/2015**

## 1:30 p.m. Hearings

### Fire Certificates of Occupancy

- 11 [RLH FCO 15-130](#) Appeal of Reverend Tilman Bergman to a Fire Certificate of Occupancy Correction Notice at 499 CHARLES AVENUE

**Sponsors:** Thao

*Reverend Tilman Bergman and Dave Olson, Church Council President, appeared.*

*Fire Inspector A. J. Neis:*

*-Fire Certificate of Occupancy Correction Notice Jun 18; re-inspection Aug 5  
-Inspector Spiering identified 11 code issues; only 1 is being appealed: to provide a kitchen hood suppression system in the church basement (now required for this type*

of occupancy)

-the church kitchen is leased/donated to Loaves and Fishes Program, which provides means to the homeless, etc.

-some cooking is done that produces grease-laden vapors at least once a week  
-based on the findings and the code, a commercial kitchen fire suppression hood system is required

Ms. Moermond:

-when we talked before, a bid wasn't discussed; you thought it would be around \$30,000

Mr. Bergman:

-they talked with a technician from Summit Companies; he said it would not be a cheap fix; he said that he would need to have an inspector out to tell him exactly what the expectations are before he could estimate the cost

-the concern is not only with the church but also with Loaves & Fishes because there was another item in the inspection regarding their licensure; Inspector Spiering looked for that license and the custodian told him that he had been told by the on-site coordinator of Loaves & Fishes that it was not necessary

-he discussed this with Patricia Wald, Bishop of St. Paul Area Synod, formerly the Director of St. Paul Council of Churches and she became very concerned about this because there are a bunch of small congregations in St. Paul and the metro area, and it all of them are going to be hit, what determines when a congregation is going to asked to do this and when not asked to do that; she was concerned about making sure that all congregations were informed of this possibility

Ms. Moermond:

-your appeal talked about no deep fat frying going on; mainly heating vegetables, cooking pasta, using the flat grill twice a year for cooking pancakes, etc.

Mr. Neis:

-from a congregation standpoint's use, the suppression system is not needed but if the kitchen is used as a commercial use, the hood suppression system is needed; it was mentioned that hamburger is being fried/cooked once a week (grease-laden); and this kitchen is used on a frequent basis, similar to an incubator kitchen

Ms. Moermond:

-but an incubator kitchen isn't for profit, ever

Mr. Neis:

-for profit or not; it's the safety issue

Ms. Moermond:

-we talked about browning hamburger being a problem; would a limitation on the types of foods being prepared and signage increase the safety?

Mr. Neis:

-the more cooking that's done, the greater the odds of something happening; it's frequency and types of foods being prepared, yes

-the #1 cause of fires throughout the state of MN is cooking

-grease-laden vapors can accumulate; there are professional services that cleans hoods

Reverend Tilman:

-their hood is cleaned by professionals on a regular basis

Mr. Neis:

-stove top fire stops are excellent products but he's almost certain that they are rated for commercial applications; they are designed for the typical 2-burner on each side of the range; not grills; if they have that type of range in the basement, the stove top fire stops would be a possible solution to the issue

Rev. Tilman:

-they use only one burner anyway; they are not using the whole range/grill area  
-when Summit was out, they made sure that the fire extinguishers were located near the range in the kitchen; ones rated for grease-laden fires

Ms. Moermond:

-reviewing photos  
-is struggling; one of the types of ways of limiting food being prepared would be to not brown meat, frying

Mr. Olson:

-that seems to be the only issue - browning meat  
-they don't deep fry or use heavy oils  
-they'd had numerous discussions for years and all the other inspectors knew exactly what we were doing; Loaves & Fishes has been doing this for years; and this has never been called out before; when he asked about it last time, he was told that there had not been a recent code change; no other inspector has ever given any indication that there was an issue; it's that inconsistency of inspections that troubles him; if this is a big deal... why wasn't it called out earlier?  
-this puts our whole ministry to the community in jeopardy

Rev. Tilman:

-this raises an issue for Loaves & Fishes because any of the sites that they presently serve at does not have this requirement; they may need to drastically change their menu or stop serving  
-if Loaves & Fishes is forced out of the neighborhood, the community will be devastated (some absolutely need the food and others need the fellowship)  
-entered a copy of a document from MN Dept of Health; it talks specifically about exemption affecting faith based organizations from licensure

Ms. Moermond:

-wants to Lay this Over for some time to get some additional research on it; specifically, financing sources; there may be other organizations who may have sponsors who are willing and able to write a check (?) In the meantime, let's keep it going with the following conditions: 2 people need to be in the kitchen; no grease-laden vapors - no browning of meat; signage saying, "No Meat Browning"  
-will try to get Fire Engineer Angie Wiese, out there to take a look with Inspector Spiering (Mr. Neis will coordinate); would be good to also have the expert from Summit there, too

Rev. Tilman:

-Loaves & Fishes pays a stipend that covers a variety of things (covers part of the utilities)  
-was frustrated to find out after the 5th when he called his custodian and asked how the inspection went; the inspector told their custodian, Mr. Grossman, that he was really upset that they had gone with the appeal; he was angry about it; the people on the property committee were concerned about that, too

Ms. Moermond:

-you shouldn't be getting that kind of response at all; we try really hard to educate

*everyone that appeals are part of the process for a reason - to sort out these situations that aren't clear cut; and they're not personal*

*Mr. Neis:*

*-the appeals process is your right to have not ours to give*

*Ms. Moermond:*

*-she would also like to go on this inspection with Inspector Wiese so that she can also hear what's talked about*

*Mr. Olson:*

*-wants to summarize how he understands all this - as President of the Council, he as to report back; so, we have down a road that makes it impossible to do any cooking in our kitchen without a fire suppression system; suppose if we gut that kitchen and turned it into gymnasium or .....*

*-he is trying to find a way that will allow them to continue this ministry without bankrupting the church... there's has to be another route between these 2 extremes*

*Mr. Neis:*

*-when Ms. Wiese comes out, I'd have that discussion with her; she's very open*

*Ms. Moermond:*

*-let's go with a 2-month Layover*

*-Angie Wiese, she and the person from Summit could all be out there at the same time looking at the same time and will be able to discuss it more*

*-Ms. Wiese's office will send out an appointment letter set for 2-3 weeks out*

*-for the moment, let's hold off on menu changes*

*Mr. Tilman:*

*-everything else on the list is completed; Inspector Spiering already did that on the 5th*

*Layover so that Legislative Hearing Officer, City Fire Engineer Angie Wiese and Ms. Moermond can do an inspection of the kitchen with their representative from Summit Co. within the next two weeks.*

**Laid Over to the Legislative Hearings due back on 11/10/2015**

**12**     [RLH FCO](#)  
[15-138](#)

Appeal of Mark Cemensky to a Fire Certificate of Occupancy  
Correction Notice at 942 EDMUND AVENUE.

**Sponsors:**     Thao

*Staff Report Only -*

*Ms. Moermond reviewed the photos that were emailed by Mr. Cemensky regarding the parking spaces issue.*

*-the Class 5 definitely needs to be maintained*

*-we do not have clean boundaries on this at all*

*-there was a question as to how deep the parking was up to the house; he had said that it was 1 car deep and it looks that way*

*-gravel is quite compacted and it's migrating; we have only weeds; no grass*

*-some type of landscaping solution is necessary*

*-deadline: Oct 9, 2015*

*Grant until October 9, 2015 to address the driveway issue.*

Referred to the City Council due back on 10/7/2015

- 13 [RLH FCO 15-181](#) Appeal of Jeff DeLisle (Del Co Ltd.) to a Fire Certificate of Occupancy Correction Notice at 1140 WESTERN AVENUE.

**Sponsors:** Brendmoen

*Mai Vang:*

*-we were looking for a work plan and site plan for the parking area but we did not receive anything*

*Ms. Moermond:*

*-will recommend the appeal is denied*

*Deny the appeal; representative from Delisle Co stated she will not be attending the hearing.*

Referred to the City Council due back on 10/7/2015

## 2:30 p.m. Hearings

### Vacant Building Registrations

- 14 [RLH VBR 15-68](#) Appeal of Jennifer Patraw, representing Thomas DeLisle and DeLisle Company Limited Partnership, to a Vacant Building Registration Renewal Notice at 430 EDMUND AVENUE.

**Sponsors:** Thao

*Deny the appeal; representative from Delisle Co stated she will not be attending the hearing.*

Referred to the City Council due back on 10/7/2015