

City of Saint Paul

*15 West Kellogg Blvd.
Saint Paul, MN 55102*



Meeting Minutes 3

Tuesday, October 26, 2010

10:00 AM

Room 330 City Hall & Court House

Legislative Hearings

Marcia Moermond, Legislative Hearing Officer

Mai Vang, Hearing Coordinator

Jean Birkholz, Hearing Secretary

legislativehearings@ci.stpaul.mn.us

651-266-8560

10:00 a.m. Hearings**Remove/Repair Orders**

- 1 [RES 10-945](#) Ordering the rehabilitation or wrecking and removal of the structures at **300 EDMUND AVE** within fifteen (15) days after the November 17, 2010, City Council Public Hearing.

Sponsors: Carter III

Attachments: [300 Edmund Ave.Summary for Public Hearing.doc](#)
[300 Edmund Ave.R-R.LH Ltr.10-26-10.doc](#)
[300 Edmund Ave.Order to Abate Nuisance Bldg.8-11-10.DOC](#)
[300 Edmund Ave.Photos.7-29-10.pdf](#)
[300 Edmund Ave. Owners & Interested Parties.10-1-10.doc](#)
[300 Edmund Ave.Public Hearing Notice.9-24-10.DOC](#)
[300 Edmund Ave.Demo Bids.10-18-10.xls](#)
[300 Edmund Ave.Photos.10-7-09.pdf](#)

Ms. Moermond recommends removing the building within fifteen (15) days with no option for repair.

No one appeared.

STAFF PRESENT: Steve Magner, Department of Safety and Inspections (DSI), -- Vacant Buildings; Paula Seeley, Inspector, DSI; Amy Spong, Planning and Economic Development (PED), Historic Preservation Commission (HPC)

Mr. Magner reported that this building is a two story, wood frame, duplex on a lot of 3,920 square feet. According to the file, it has been a vacant building since October 7, 2009. The current property owner is Sharrie Warner, per Ramsey County. There have been nine (9) Summary Abatement Notices since 2009. There have been six (6) Work Orders issued for: 1) removal of tall grass and weeds; 2) removal of snow and ice; and 3) improperly stored refuse, garbage and misc debris. On July 28, 2010, 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 August 12, 2010 with a compliance date of September 20, 2010. As of this date, this property remains in a condition which comprises a nuisance as defined by the legislative code. The Vacant Building registration fees went to assessment. Taxation has placed an estimated market value of \$14,400 on the land and \$41,500 on the building. As of October 21, 2010, a Code Compliance Inspection has not been completed. As of October 21, 2010, the \$5,000 performance bond has not been posted. Real Estate taxes for 2009 and 2010 are delinquent in the amount of \$3,231.44 plus penalty and interest. Code Enforcement officers estimate the cost to repair this structure is between \$60,000 and \$70,000; the estimated cost of demolition between \$12,000 and \$15,000. DSI is seeking a resolution to remove the building.

Ms. Spong reported that this property is located both in an ISP area and the Legacy Survey area; it is in the potential Frogtown Historic District. It was built around 1888; however, the original building permit appears to have been lost or not recorded property. The porch has been altered and the siding is more recent. Some of the windows and trim are still apparent. She has no interior photographs. She

recommends encouraging rehab or consider allowing for a little more time to get some additional results.

Ms. Moermond stated that no bond has been posted; no Code Compliance Inspection has been ordered and there's a couple years of back taxes. She recommended bringing it to the attention of the HRA.

Ms. Moermond recommends removing the property within fifteen (15) days with no option for rehab.

Referred to the City Council, due back on 11/17/2010

- 2 **RES 10-946** Ordering the rehabilitation or wrecking and removal of the structures at **2060 SHERWOOD AVE** within fifteen (15) days after the **November 17, 2010**, City Council Public Hearing.

Sponsors: Bostrom

Attachments: [2060 Sherwood Ave.Summary for Public Hearing.doc](#)
[2060 Sherwood Ave.Photos.7-7-10.pdf](#)
[2060 Sherwood Ave.Order to Abate Nuisance Bldg.8-26-10.DOC](#)
[2060 Sherwood Ave.Public Hearing Notice.9-24-10.DOC](#)
[2060 Sherwood Ave.Owners and Interested Parties.10-1-10.doc](#)
[2060 Sherwood Ave.Demo Bids.9-20-10](#)
[2060 Sherwood Ave.LH ltr.10-26-10.pdf](#)
[2060 Sherwood Ave.LH ltr.11-9-10.doc](#)
[2060 Sherwood Ave.revised work plan.11-14-10.pdf](#)
[2060 Sherwood Ave.tay checking account.pdf](#)

Ms. Moermond continued this item to the November 9, 2010 Legislative Hearings. The following conditions must be met by November 5, 2010 in order to receive a grant of time:

- 1) *must provide an affidavit indicating the dedication of funds to be used for this project;*
- 2) *the Code Compliance inspection must be obtained;*
- 3) *the property taxes must be paid;*
- 4) *must provide a revised work plan including timelines for completing the work; and*
- 5) *provide revised bids.*

STAFF PRESENT: Steve Magner, Department of Safety and Inspections (DSI), -- Vacant Buildings; Paula Seeley, Inspector, DSI; Amy Spong, Planning and Economic Development (PED), Historic Preservation Commission (HPC)

Patchia Xion Vang and Tay Vang, brother-in-law appeared.

Mr. Magner reported that the building is a two story, wood frame, single-family dwelling with a detached two-stall garage on a lot of 10,454 square feet. According the file, it has been a vacant building since June 26, 2007. The current property owner is Patchia Xiong Vang, per Ramsey Council. The city has had to board this building to secure it from trespass. There have been six (6) Summary Abatement Notices since 2007 and two (2) Work Orders issued for: 1) removal of tall grass and weeds; and 2) boarding/securing. On August 5, 2010, 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 August 26, 2010 with a compliance date of September 27, 2010. As of this date, this property remains in a condition which comprises a nuisance as defined by the legislative code. The Vacant Building registration fees have been paid. Taxation has placed an estimated market value of \$5,400 on the land and \$24,400 on the building. As of September 27, 2010, a Code Compliance Inspection fee has been paid; however, the Code Compliance Inspection has not yet been done. As of September 27, 2010, the \$5,000 performance bond has been posted. Real Estate taxes for the year 2010 are delinquent in the amount of \$2,673.32, plus penalty and interest. Code Enforcement officers estimate the cost to repair this structure to begin at \$60,000; demolition between \$10,000 and \$13,000.

Ms. Spong stated that the structure was built in 1950, possibly as a one-story, with a second story in the process of being added. It is in an area that has not been surveyed for any historic potential and it would not be eligible for individual listing or part of an historical district. Demolition would not have an adverse affect.

Mr. Tay Vang explained that the family has added a second story. It was purchased in 2009 and it is their intention to finish the work and live there. He was told to get bids from the contractor and also provide proof of financial funds to finish the project. He submitted copies.

Ms. Moermond asked about the delinquent taxes. Mr. Vang responded that he hadn't known about that but will take care of paying the taxes as soon as possible. Ms. Moermond asked if the work will be done by Tao Construction. Mr. Vang responded that some will be done by them and some by someone else. Mr. Moermond asked if he had spoken with the inspector. He replied that he has not but his phone is no longer working. When he called DSI, he was told that the inspection had not been done. Mr. Wagner suggested that he contact Jim Seeger ASAP at 651/266-9046 or Senior Building Inspector, Steve Ubl, 651/266-9021. Perhaps, they are having a problem with the lock box.

Mr. Vang stated that the building has been stripped to the studs; everything new will be put in.

Ms. Moermond noted that she would like to see an affidavit/letter from Mr. Vang indicating that he will dedicate the necessary funds (\$60,000) to complete this project.

Mr. Wagner asked who was doing the electrical work. Mr. Vang replied that the electrician hasn't had time to come out and submit a bid right now. Mr. Wagner asked what the upstairs would consist of. Mr. Vang responded that there will be two (2) bedrooms and one (1) bathroom upstairs. Mr. Wagner noted that the construction statement may change a little once the Code Compliance Inspection has been done.

Ms. Moermond stated that Mr. Vang needs to call Jim Seeger right away or Steve Ubl to schedule the inspection so that he can put together a work plan that addresses everything that needs to be done. Tao Construction has a good start. Bids also need to be obtained from bus-contractors. Also, Ms. Moermond needs to see deadlines of when jobs will be completed. The whole project needs to be finished in six (6) months.

Mr. Vang asked if there is any way they could begin working now. Mr. Wagner reminded him that they work cannot begin until a permit has been obtained, and a permit cannot be obtained until the Code Compliance Inspection has been done.

Ms. Moermond continued this item to the November 9, 2010 Legislative Hearings. The following conditions must be met by November 5, 2010 in order to receive a grant of time:

- 1) *must provide an affidavit indicating the dedication of funds to be used for this project;*
- 2) *the Code Compliance inspection must be obtained;*
- 3) *the property taxes must be paid;*
- 4) *must provide a revised work plan including timelines for completing the work; and*
- 5) *provide revised bids.*

Referred to the Legislative Hearings, due back on 11/9/2010

3 [RES 10-947](#)

Ordering the rehabilitation or wrecking and removal of the structures at **967 MARGARET ST** within fifteen (15) days after the November 17, 2010, City Council Public Hearing.

Sponsors: Lantry

Attachments: [967 Margaret St.Summary for Public Hearing.doc](#)
[967 Margaret St.Order to Abate Nuisance Building.8-26-10.DOC](#)
[967 Margaret St.Photos.7-7-10.pdf](#)
[967 Margaret St.Public Hearing Notice.10-1-10.DOC](#)
[967 Margaret St.Inspection Appt Ltr.6-7-10.DOC](#)
[967 Margaret St.R-R.LH Ltr.10-26-10.doc](#)
[967 Margaret St.LH ltr.11-9-10.doc](#)

Continued to November 9, 2010 to see if Daytons Bluff Neighborhood and HRA are interested.

STAFF PRESENT: Steve Magner, Department of Safety and Inspections (DSI), -- Vacant Buildings; Paula Seeley, Inspector, DSI; Amy Spong, Planning and Economic Development (PED), Historic Preservation Commission (HPC)

No one appeared.

Mr. Magner reported that 967 Margaret is a two story, wood frame, single-family dwelling with a detached two stall garage on a lot of 5,227 square feet. According to the file, it has been a vacant building since December 17, 2009. The current property owner is listed as Lillie Ryals/Nate Ryals, per Ramsey County. The City has had to board this building to secure it from trespass. There have been ten (10) Summary Abatement Notices since 2009. There have been twelve (12) Work Orders issued for: 1) boarding/securing; 2) removal of tall grass and weeds; 3) removal of snow and ice; and 4) improperly stored refuse, garbage and misc. debris. On July 7, 2010, 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 August 26, 2010 with a compliance date of September 27, 2010. As of this date, this property remains in a condition which comprises a nuisance as defined by the legislative code. The Vacant Building registration fees have gone to assessment. Taxation has placed an estimated market value of \$17,000 on the land and \$51,400 on the building. As of October 21, 2010, a Code Compliance Inspection has not been completed. As of October 21, 2010, the \$5,000 performance bond has not been posted. Real Estate taxes for the years 2009 and 2010 are delinquent in the amount of \$2,750.36 plus penalty and interest. Code Enforcement officers estimate the cost to repair this structure to exceed \$30,000; the cost of demolition between \$10,000 and \$13,500.

Ms. Spong reported that this property is in the Dayton's Bluff neighborhood; it is outside of the local designated historic district. She doesn't think that it was surveyed when they were determining the boundaries of the Dayton's Bluff historic district. She believes that this was built pre-1880. The porch appears to be pre-1925 but not original. It may have been built from a kit, which was popular at that time. The house has integrity eventhough the siding is covered. It has some of its window features and its porch. She doesn't believe that it would be eligible on its own but she encourages rehabilitation as opposed to demolition. The HRA as well as Dayton's Bluff Neighborhood Housing Services and the Dayton's Bluff Community Council should take a look.

Ms. Moermond recommended laying this over to the November 9, 2010 Legislative Hearing.

Referred to the Legislative Hearings, due back on 11/9/2010

4 **[RES 10-948](#)**

Ordering the rehabilitation or wrecking and removal of the structures at **922 THOMAS AVENUE** within fifteen (15) days after the **November 17, 2010**, City Council Public Hearing. (Ward 1)

Sponsors: Carter III

Attachments: [922 Thomas Ave.Summary for Public Hearing.doc](#)
[922 Thomas Ave.LH Ltr.10-26-10.doc](#)
[922 Thomas Ave.Order to Abate Nuisance Building.8-11-10.DOC](#)
[922 Thomas Ave.Photos.7-21-10.pdf](#)
[922 Thomas Ave.Fire Report.12-18-09.pdf](#)
[922 Thomas Ave.Team Inspection Report.9-13-10.dot](#)
[922 Thomas Ave.Public Hearing Notice.9-24-10.DOC](#)
[922 Thomas Ave.Owners & Interested Parties.10-1-10.doc](#)
[922 Thomas Ave.Demo Bids.10-18-10.pdf](#)
[922 Thomas Ave. Photo #1.JPG](#)
[922 Thomas Ave.Photo #2.JPG](#)
[922 Thomas Ave.Photo Basement#1.JPG](#)
[922 Thomas Ave.Photo Basement#2.JPG](#)
[922 Thomas Ave.Documents.pdf](#)

Ms. Moermond stated that the following conditions must be sent to her office by November 5, 2010:

- 1) must provide a work plan including timelines for completeing the work from Artisan;
- 2) the property taxes must be paid;
- 3) a copy of the insurance checks; and
- 4) a copy of the public adjuster's claim and estimates.

STAFF PRESENT: Steve Magner, Department of Safety and Inspections (DSI), -- Vacant Buildings; Paula Seeley, Inspector, DSI; Amy Spong, Planning and Economic Development (PED), Historic Preservation Commission (HPC)

Mr. Jerome Ritter, Attorney, representing Abdul Tel/Naifha Wraidat, appeared.

Ms. Moermond noted that there is a mortgage on the property and there has been a fire.

Mr. Magner reported that the building is a one story, wood frame, commercial building on a lot of 4,356 square feet. According to the file, it has been a vacant building since December 22, 2009. The current property owner is Abdul Tel / Naifha Wraidat, per Ramsey County. There have been three (3) Summary Abatement Notices since 2009 and three (3) Work Orders issued for: 1) removal of snow and ice; and 2) improperly stored refuse, garbage and mics. debris. On July 20, 2010, 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 August 12, 2010 with a compliance date of September 20, 2010. As of this date, this property remains in a condition which comprises a nuisance as defined by the legislative code. The Vacant Building registration fees have been paid. Taxation has placed an estimated market value of \$33,900 on the land and \$191,100 on the building. As of September 13, 2010, a Team Inspection has been completed. As of August 27, 2010, the \$5,000 performance bond has been posted. Real Estate taxes for the year 2010 are delinquent in the amount of \$9,550.60 plus penalty and interest. Code Enforcement officers estimate the cost to repair this structure to exceed \$75,000; the estimated cost of demolition to be between \$13,000 and \$20,000. Mr. Magner noted that he spoke with Mr. Ritter yesterday; he has submitted the document date October 22, 2010, indicating that his client has spent an enormous amount of time fighting with the insurance company to process his loss claim. He believes that the matter has been fairly well resolved. Some funds have already been remitted. They have had the Team Inspection and posted the bond. They plan to finish the rehabilitation and, hopefully, obtain a Certificate of Occupancy so that they can re-open their store.

Ms. Spong reported that the building was built in 1947. She stated that she was unable to get the building permit index card. It appears that the building is just outside of the legacy survey area. It was not noted in any of the Neighborhood Commercial Corridors context studies, which identified neighborhood commercial nodes (2001). She does not believe that it would have any potential for designation as an historic property and likely is not in an historic district (needs to be more fully determined). A demolition would not have an adverse affect.

Ms. Moermond noted a lot of fire damage.

Mr. Ritter indicated that the owner has good intentions to repair the property. The fire took place December 18, 2009. The insurance agency had investigators at the building while it was still hot; and they went through it multiple times, continuing their investigation. Mr. Tel acquired the building in August 2008. It had been a convenience store at the corner for many years. In 2009, Mr. Tell did some remodeling to put in a deli. Plans were submitted to the City and permits were pulled and work was inspected. It was completed around September-October 2009. The fire happened in December 2009. For reasons that escape him, Mr. Ritter stated that the insurance company was protracting the investigation. Mr. Ritter became involved in May 2010 and he did a walk through. He discovered that the fire had started because of a malfunction of the furnace. The insurance company just didn't want to pay. One of the photographs shows the scorched fire cabinet. During the remodeling of the deli, there was a conversion to high pressure gas to handle the increased appliance load. Everything was done as it was supposed to be done; but when the high pressure gas was installed, they had to install pressure reducing regulators, which they didn't list on any of the permits. Consequently, they didn't get a special inspection form, and it became evident that once the pressure reducing regulator was installed, they didn't actually test the furnace to make sure that it was operating properly. The furnace failed. In any event, the insurance policy that covered this loss had very specific language in it. His client was under threat of non-coverage if he

destroyed, disposed of, or changed any of the evidence. He was not permitted to clean it out even though it was a nuisance. The furnace needed to be preserved because there was potential liability against other people; and Minnesota law prevents removing evidence. The Team Inspection took place in mid-August 2010; the City issued a report dated September 13, 2010. The insurance company has not sent a letter saying that they would cover the damage but his client received the first check for loss in early September, 2010. As soon as his client began to receive checks, he proceeded to start cleaning-up. Artisan Construction has begun pulling permits. As of yet, there is not a work plan. In his understanding from talking with Jim Whalen, the public adjuster, at the time that the permit was pulled, the City agreed that they would continue to use the plan that was in place when his client did the remodeling in 2009.

Mr. Ritter provided photos of the damage and the clean-up. The work is being done. He will see to it that the taxes are paid, promptly. A payment was received for structural repairs. He can provide copies of the reimbursement checks. The insurance company has advanced funds based upon the estimates that were prepared by the public adjuster. In addition to these funds, the insurance company is holding in reserve approximately \$57,000 to finish the remodeling; there's an additional \$20,000 to replace some of the equipment. Mr. Ritter stated that he avoided putting this case in suet because it would have delayed the project, probably, another year. The expectation is that the store will be up and running by mid-December 2010 or January 1, 2011. He added that just within the last couple of weeks, some scappers got up on the roof and broke loose brand new replacement air hearing systems, put in last year while remodeling for the deli. Fortunately, they were caught doing it.

Mr. Magner commented that he thinks that DSI will be looking for the insurance documentation, which spells out the loss and what they provided to cover it. Mr. Ritter said that all they received back from the insurance company was an envelope with a detachable check (\$99,683) for "business income loss for twelve (12) months" and another check (\$157,791.76) for "structural repair" without any further documentation. Mr. Magner said a copy of the public adjuster's claim estimate should also be provided; and the taxes need to be paid.

Ms. Moermond stated that the following conditions must be sent to her office by November 5, 2010:

- 1) must provide a work plan including timelines for completeing the work from Artisan;
- 2) the property taxes must be paid;
- 3) a copy of the insurance checks; and
- 4) a copy of the public adjuster's claim and estimates.

This should come before the City Council on November 17, 2010.

Laid Over to the City Council, due back on 11/17/2010

5 [RES 10-958](#)

Ordering the rehabilitation or wrecking and removal of the structures at **1107 ROSS AVENUE** within fifteen (15) days after the November 17, 2010, City Council Public Hearing. (Ward 6)

Sponsors: Bostrom

Attachments: [1107 Ross Ave.Order to Abate Nuisance Bldg.8-26-10.DOC](#)
[1107 Ross Ave.Photos.7-7-10.pdf](#)
[1107 Ross Ave.Public Hearing Notice.9-24-10.DOC](#)
[1107 Ross Ave.Owners & Interested Parties.10-1-10.doc](#)
[1107 Ross Ave.expired CCI.7-22-09.dot](#)
[1107 RossAve.Demo Bids.10-14-10.xls](#)
[1107 Ross Ave.R-R.LH Ltr.10-26-10.doc](#)
[1107 Ross Ave.LH FTA ltr.11-9-10.doc](#)

Ms. Moermond will recommend a two (2) week layover until the November 9, 2010 Legislative Hearing. At that time, if Ms. Greenleaf has decided to rehab the property, the following conditions must be met: 1) a code compliance inspection must be obtained; 2) the \$5,000 performance bond must be posted; 3) the property taxes must be paid; and 4) the property must be maintained.

STAFF PRESENT: Steve Magner, Vacant Buildings, Department of Safety and Inspections (DSI); Amy Spong, Planning and Economic Development (PED), Historic Preservation (HPC)

Lana Greenleaf appeared.

Mr. Magner reported that the building is a one and one-half story, wood frame, single-family dwelling with a detached garage on a lot of 6,534 square feet. According to the file, it's been vacant since May 29, 2009. The current property owner is Lana Greenleaf, per Ramsey County. The City has had to board the building to secure it from trespass. There have been six (6) Summary Abatement Notices since 2009. There have been thirteen (13) Work Orders issued for boarding/securing, removal of tall grass and weeds, removal of snow and ice, and improperly stored refuse, garbage and misc. debris. On August 3, 2010, 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 August 26, 2010 with a compliance date of September 27, 2010. As of this date, this property remains in a condition which comprises a nuisance as defined by the legislative code. The Vacant Building registration fees have been paid. Taxation has placed an estimated market value of \$19,900 on the land and \$45,400 on the building. As of October 21, 2010, A Code Compliance Inspection has not been completed. (7/22/09 Code Compliance Inspection Report expired.) As of October 21, 2010, the \$5,000 performance bond has not been posted. Real Estate taxes for 2010 are delinquent in the amount of \$2,179.36, plus penalty and interest. Code Enforcement officers estimate the cost to repair this structure to exceed \$50,000; estimated cost of demolition to exceed \$12,000.

Ms. Spong stated that this structure was built around 1890. (All of the index cards for Ross are lost or perhaps, filed under another street.) It is located near the rail line and a lot of industry on the East Side. The large wrap-around front porch is pre-1025 but she doesn't think that it's original. The original siding has been covered. She does not think that it would be eligible for historic significance individually, and this area has not been identified as a potential historic district. The interesting thing about this property is that the Ross Brothers actually developed this house. This street is named after two (2) brothers who were very early developers in Saint Paul.

Ms. Moermond asked Ms. Greenleaf about her plans for this building. Ms. Greenleaf responded that her plans, originally, were to bring it up to code and live there. But

she has been trying to clear some legal issues and hasn't been able to come up with the performance bond. When she bought the property, she had a business partner, who was murdered last year shortly after the property was purchased. She also considered demolition and needs to know how to go about that.

Ms. Moermond noted that there has been returned mail from Ms. Greenleaf. She asked her to sign in with her current address. Ms. Greenleaf noted that her partner had a P.O. address which she had been unable to access and she hadn't had a good relationship with her partner's family, so she was unable to recover any mail that had to do with the property. Ms. Moermond noted that the Bank of New York has the mortgage on this property. She asked Ms. Greenleaf about that. Ms. Greenleaf responded that when she purchased it, she bought it right out for \$17,000 so, there is no mortgage on it. She knows that there are taxes to be paid, etc.

Ms. Moermond asked Mr. Magner what would be involved if Ms. Greenleaf wanted to demolish the house on her own. Mr. Magner responded that she would need to submit a signed contract with a licensed demolition contractor prior to the resolution compliance date. If the City Council passes a resolution to remove a building within fifteen (15) days, Ms. Greenleaf would need to have that contract into the DSI office prior to the end of fifteen (15) days. After that time, the City will proceed to hire a contractor to remove the building and put the cost onto the taxes. Practically speaking, Ms. Moermond would estimate that to be before December 1, 2010. So far, the City has not yet received bids on this demolition. Ms. Greenleaf commented that it will really take a lot to get the house up to code, so, her other option is to demolish the structure and build on the lot. Ms. Moermond responded that typically, the fee for the City doing the demolition exceeds \$12,000. (The City gets a very good price on demolitions.)

Ms. Moermond stated that if Ms. Greenleaf decided to rehab at a low estimate of \$50,000, she will need to see: 1) a code compliance inspection which can be applied for on line or she could stop by the DSI office. This inspection with inspectors from the four (4) trades will create a list of deficiencies which will need to be addressed (minimum compliance). Either an appointment will be made for the inspection or a lock box will be used. 2) the \$5,000 performance bond must be posted. The bond is held by the City until the Code Compliance Certificate is obtained. She'll get the deposit back in six (6) months with interest. 3) the property taxes must be paid; and 4) the property must be maintained. Ms. Moermond added that if the bond can't be posted and the taxes can't be paid, then it's unlikely that she can get the rehab done. She noted that there are also Orders accumulating. Ms. Greenleaf said that others are leaving trash and furniture on the property, parking in the back, etc. Ms. Moermond responded that such things will continue to be a problem when a property appears to be abandoned.

Ms. Greenleaf will email her decision to Ms. Moermond.

Ms. Moermond will recommend a two (2) week layover until the November 9, 2010 Legislative Hearing. At that time, if Ms. Greenleaf has decided to rehab the property, the following conditions must be met: 1) a code compliance inspection must be obtained; 2) the \$5,000 performance bond must be posted; 3) the property taxes must be paid; and 4) the property must be maintained.

Referred to the Legislative Hearings, due back on 11/9/2010

6 [RES 10-959](#)

Ordering the rehabilitation or wrecking and removal of the structures at **869 SELBY AVENUE** within fifteen (15) days after the November 17, 2010, City Council Public Hearing. (Ward 1)

Sponsors: Carter III

Attachments: [869 Selby Ave.Summary for Public Hearing.doc](#)
[869 Selby Ave R-R.LH Ltr.10-26-10.doc](#)
[869 Selby Ave.Photos.7-28-10.pdf](#)
[869 Selby Ave.Order to Abate Nuisance Building.8-12-10.DOC](#)
[869 Selby Ave.Owners & Interested Parties.10-1-10.DOC](#)
[869 Selby Ave.Public Hearing Notice.9-24-10.DOC](#)
[863-869 Selby Ave.Demo Bids.10-18-10.pdf](#)

Ms. Moermond recommends removing the building within fifteen (15) days with no option for repair.

No one appeared.

STAFF PRESENT: Steve Magner, Department of Safety and Inspections (DSI), -- Vacant Buildings; Paula Seeley, Inspector, DSI; Amy Spong, Planning and Economic Development (PED), Historic Preservation Commission (HPC)

Mr. Magner reported that 869 Selby is a one story, wood frame, single-family dwelling on a lot of 5,227 square feet. According to the file, it has been a vacant building since July 27, 2007. The current property owner is the Saint Paul Urban League, per Ramsey County. There have been ten (10) Summary Abatement Notices since 2007 and twelve (12) Work Orders issued for: 1) removal of tall grass and weeds; 2) removal of snow and ice; and 3) improperly stored refuse, garbage and misc. debris. On July 27, 2010, 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 August 12, 2010 with a compliance date of September 20, 2010. As of this date, this property remains in a condition which comprises a nuisance as defined by the legislative code. The Vacant Building registration fees have gone to assessment. Taxation has placed an estimated market value of \$72,400 on the land and \$23,500 on the building. As of October 21, 2010, a Code Compliance Inspection has not been obtained and a \$5,000 performance bond has not been posted. Real Estate taxes for 2009 and 2010 are delinquent in the amount of \$2,791.40 plus penalty and interest. Code Enforcement Officers estimate the cost to repair this structure to exceed \$65,000; the cost to demolish between \$8,000 and \$9,000.

Ms. Spong reported that the property was constructed in 1910. It originally did not have a front porch. It has been stuccoed over the original siding. The pictures show all of the windows boarded. It is outside the Hill Historic District. Demolition will have no adverse affect.

Ms. Moermond recommends removing the building within fifteen (15) days with no option for rehabilitation.

Referred to the City Council, due back on 11/17/2010

7 **RES 10-960** Ordering the rehabilitation or wrecking and removal of the structures at **1644 REANEY AVENUE** within fifteen (15) days after the **November 17, 2010**, City Council Public Hearing. (Ward 7)

Sponsors: Lantry

Attachments: [1644 Reaney Ave.Summary for Public Hearing.doc](#)
[1644 Reaney Ave.R-R.LH Ltr.10-26-10.doc](#)
[1644 Reaney Ave.Order to Abate Nuisance Building.8-5-10.DOC](#)
[1644 Reaney Ave.Photos.7-7-10.pdf](#)
[1644 Reaney Ave.Owners & Interested Parties.10-1-10.doc](#)
[1644 Reaney Ave.Public Hearing Notice.9-24-10.DOC](#)
[1644 Reaney Ave.Demo Bids.9-20-10.xls](#)

Ms. Moermond recommends removing the building within fifteen (15) days with no option for repair.

No one appeared.

STAFF PRESENT: Steve Magner, Department of Safety and Inspections (DSI), -- Vacant Buildings; Paula Seeley, Inspector, DSI; Amy Spong, Planning and Economic Development (PED), Historic Preservation Commission (HPC)

Mr. Magner stated that this is a 1-story wood frame single-family dwelling on a lot of 5,227 square feet. According to the file, it has been vacant since April 8, 2009. The current property owner is listed as Wells Fargo Bank, per Ramsey County. The City had to board the building and secure against trespassing. There have been three (3) Summary Abatement Notices since 2009; there's been five (5) Work Orders for removal of tall grass and weeds. On July 14, 2010, an inspection of the building was conducted with a list of deficiencies which constitute a nuisance. Conditions were developed; photographs were taken. An Order to Abate a Nuisance Building was posted on August 5, 2010 with a compliance date of September 20, 2010. As of this date, the property remains in a condition which comprises a nuisance legislative code. The Vacant Building Registration fees were paid through assessment. Real Estate estimates a market value of \$20,800 on the land and \$52,000 on the building. As of October 21, 2010, a Code Compliance Inspection has not been completed; a bond has not been posted. 2009 and 2010 taxes are delinquent in the amount of \$5,209.80 plus penalty and interest. Code Enforcement estimates repairs to the structure starting at \$15,000 with demolition starting between \$5,000 and \$11,000.

Ms. Spong reported that this building is located in the Greater East Side neighborhood. It was built in 1915. There are a lot of integrity issues. The siding has been all covered up. This property does not have any historic potential and demolition would have no adverse affect.

Ms. Moermond recommends removing the property within fifteen (15) days with no option for rehabilitation.

Referred to the City Council, due back on 11/17/2010

RES 10-961

Resolution ordering the rehabilitation or wrecking and removal of the structures at **590 GORMAN AVENUE** within fifteen (15) days after the November 17, 2010, City Council Public Hearing. (Ward 2)

Sponsors: Thune

Attachments: [590 Gorman Ave.Summary for public hearing](#)
[590 Gorman Ave.Owner Documents.11-9-10.pdf](#)
[590 Gorman Ave.Order to Abate Nuisance Building.8-26-10.DOC](#)
[590 Gorman Ave.Photos.8-2-10.pdf](#)
[590 Gorman Ave.Demo Bids.9-20-10](#)
[590 Gorman Ave.Public Hearing Notice.9-24-10.DOC](#)
[590 Gorman Ave.Owners & Interested Parties.10-1-10.doc](#)
[590 Gorman Ave.Insp Appt Ltr.7-28-10.DOC](#)
[590 Gorman Ave.Photos.10-16-09.pdf](#)
[590 Gorman Ave.LH ltr.11-9-10.doc](#)
[590 Gorman Ave.Reinspect Fee Invoice.pdf](#)

Ms. Moermond laid this matter over to the November 9, 2010, Legislative Hearing. The following items must be submitted:

- 1) a separate contract so that the title is not transferred prior to completion of rehab*
- 2) a work plan indicating costs of repairs*
- 3) proof of financial resources to do the rehab*

STAFF PRESENT: Steve Magner, Vacant Buildings, Department of Safety and Inspections (DSI); Amy Spong, Planning and Economic Development (PED), Historic Preservation (HPC)

Michael Brennan appeared.

Mr. Magner stated that 590 Gorman Avenue is a two-story, wood frame, single-family dwelling with a wood frame shed on a lot of 4,792 square feet. According to the file, it has been a vacant building since October 15, 2009. The property owner is Bryan Litzau, per Ramsey County. The City has had to board this building to secure it from trespass. There have been four (4) Summary Abatement Notices since 2009. There have been four (4) Work Orders issued for: boarding/securing; removal of tall grass and weeds; and removal of snow and ice. On August 3, 2010, 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 August 26, 2010 with a compliance date of September 27, 2010. As of this date this property remains in a condition which comprises a nuisance as defined by the legislative code. The Vacant Building registration fees have gone to assessment. Taxation has placed an estimated a market value of \$16,400 on the land and \$78,700 on the building. A Code Compliance Inspection has not been completed; a performance bond has not been posted. Real Estate taxes for 2009 and 2010 are delinquent in the amount of \$3,357.30 plus penalty and interest. Code Enforcement officers estimate the cost to repair this structure starting at \$50,000 with demolition costs between \$8,000 and \$10,000.

Ms. Spong noted that this structure was built in 1886. It was originally part of a larger parcel of four (4) single family detached dwellings on one lot. Over the years, the lot was divided into separate lots. Originally, it had a full front one-story porch which has been removed. Much of the siding and trim detail is gone. This has not been surveyed for historical significance but is part of a focus area. This property does not have potential for historical resource, so demolition would not have an adverse effect.

Mr. Brennan, resident real estate broker and investor, addressed the hearing. He is also the purchaser of this property. On February 11, 2010, he made an offer to purchase this property from the estate of Mr. Litzau. There was an attorney involved

because there were liens, delinquent taxes, unpaid Vacant Building fees, etc. and title issues that needed to be clarified. It dragged on from February to October 2010. Meanwhile, Mr. Brennan has been going by the property to check it out. Finally, he sent a notice to the attorney representing the property, notifying him that the building was going to be demolished. On October 19, 2010, they had a closing settlement that shows Mr. Brennan paid \$4,468 for property taxes for 2009 and 2010 plus penalties, which included a \$1,100 Vacant Building registration fee. The check was dispatched Wednesday, October 20, 2010, so it isn't in the system yet. The water bill of \$178.51 will be paid later this afternoon. On October 25, Mr. Brennan went to DSI and posted a \$5,000 performance bond and also paid \$426 for the Code Compliance Inspection to be done. (He has the receipts.) He has been working to obtain bids; he already has bids for the roof and the windows. He is ready to go to work on the rehab. He estimates repair between \$40,000 - \$50,000 in order to obtain the Certificate of Occupancy.

Mr. Magner noted that there are two (2) issues: 1) the building has been a Category 3 registered vacant building since August 2010, which under the City code would not be allowable for sale until the building is brought into compliance; 2) even if it were a Category 2 registered vacant building, there still would have had to have been a sale review process done by DSI which hasn't been applied for. Mr. Brennan responded that he had a Contract for Deed on the property, so technically, the original title holder is still holding legal title to the property. Mr. Magner stated that he believes that when Chapter 33 was amended, it was the position of the City Attorney to include language which included Contract for Deeds. Mr. Brennan replied that when he read the code on that, it stated that the holder of the unrecorded Contract for Deed would also be able to be a vested partner or owner of the property, having a slight title to the real estate. Mr. Brennan stated that when he made the original offer on February 11, 2010, the building was a Category 1 registered vacant building.

Ms. Moermond stated that Mr. Brennan has applied for the Code Compliance Inspection, he has posted the bond and has paid the taxes and the vacant building registration fee. However, the property was transferred and whether or not that was possible to do and still have time for the rehab is the question. She will review the code. She doesn't think that the City Council will grant any time to do the rehab; however, she will take a second look at it to give Mr. Brennan the benefit of the doubt.

Ms. Moermond recommends laying the matter over for two (2) weeks. In the meantime, she wants to see proof of his financial resources for the rehab and a developed work plan.

Mr. Magner asked if Mr. Brennan went back to the attorney representing Mr. Litzau and he agreed to modify his contract to state that he was going to rehabilitate the structure under a grant of time from the City; and when the rehabilitation was completed, he would obtain title to the property will full review, would this end differently. Ms. Moermond responded, "Absolutely." Mr. Magner added that because there hasn't been a Transfer Warranty Deed and these other steps have taken place, there wouldn't need to be a major modification to the Contract he already has. Mr. Brennan needs a contract that articulates that he will rehabilitate the structure to remove the vacant building status and obtain title. He will need to provide DSI with a rehabilitation plan, financial cost and financial resources to do the rehab.

Ms. Moermond stated that she would find it acceptable to do the separate contract so that the title doesn't transfer prior to the completion of the rehab. Mr. Brennan may submit materials via fax/email. He stated that he could have the necessary copies to her by the end of this week.

Mr. Moermond laid this matter over to the November 9, 2010, Legislative Hearing.

The following items must be submitted:

- 1) a separate contract so that the title is not transferred prior to completion of rehab*
- 2) a work plan indicating costs of repairs*
- 3) proof of financial resources to do the rehab*

Referred to the Legislative Hearings, due back on 11/9/2010

RES 10-862 DELETE Resolution ordering the rehabilitation or wrecking and removal of the structures at 578 THOMAS AVE within fifteen (15) days after the November 3, 2010, City Council Public Hearing.

Sponsors: Lantry

Attachments: 578 Thomas.OTA.7-23-10
578 Thomas.BDI.6-15-10
578 Thomas.Photos.6-15-10
578 Thomas.Appt.5-17-10
578 Thomas Ave.Docs.pdf
578 Thomas Ave.CD doc.pdf
578 Thomas Ave.R-R.11-19-10.Ltr.doc

Summary Abatement Orders

9 [ALH 10-270](#) Appeal of Sandra Fearson to a Vehicle Abatement Order at **782 FULLER AVENUE**.

Sponsors: Carter III

Attachments: [782 Fuller Ave.Appeal.10-14-10.pdf](#)
[782 Fuller Ave.Vehicle Abatement Order.10-11-10.DOC](#)
[782 Fuller Ave.Photo.10-19-10.DOC](#)
[782 Fuller Ave.Police Tow Work Order.10-21-10.DOC](#)

Ms. Moermond recommends denying the appeal and granting an extension to November 12, 2010.

STAFF PRESENT: Steve Magner, Department of Safety and Inspections (DSI)

Benjamin Pool appeared.

Mr. Pool stated that he owns the property; Sandra Fearson owns the vehicle.

Mr. Magner stated that Code Enforcement issued a Summary Abatement on October 11, 2010 in regard to a vehicle: Cadillac Fleetwood - lacks current license tabs and appears inoperative. The compliance date was October 15, 2010. As of this date, the vehicle is not in compliance. A Work Order had been sent but since the appeal has been filed, DSI emailed and called Bob Windsor, Saint Paul Police Officer, and asked that he cancel the tow.

Mr. Pool stated that Ms. Fearson has been trying to contact the previous owner to get the title. She isn't able to get a hold of him and wonders what she can do. She would like an extension of time.

Ms. Moermond asked if the vehicle is inoperative. Mr. Pool responded that the engine runs but the car needs some work; it does move. Mr. Magner stated that from DSI's standpoint, the vehicle has to be able to be driven down the road legally, have a current license and be parked on a legal parking surface.

Mr. Magner clarified that the vehicle is licensed by the previous owner; the title has never been transferred. He suggested that he or Ms. Fearson contact the State of Minnesota's Department of Transportation to find out how to proceed. If she has proof that the vehicle belongs to her (bill of sale), she can bring it to the state and they could either provide her with the last known address or the previous owner and they can sign-off on the title; or they can "quiet the title." It is something the City can't do.

Ms. Moermond said that the vehicle can be parked inside of a garage when it's not legal to operate it on the street.

Ms. Moermond recommends denying the appeal and granting an extension to November 12, 2010.

Referred to the City Council, due back on 11/17/2010

Orders to Vacate, Condemnations and Revocations

- 10 [ALH 10-205](#) Appeal of Daniel Burton to an Order to Vacate at 251 King Street West. (Ward 2)
- Sponsors: Thune
- Attachments: [251 King St W.Appeal.10-12-10.pdf](#)
 [251 King St W.Order to Vacate.10-11-10.DOC](#)
- 11 [ALH 10-247](#) Appeal of Jean O'Brien to an Order to Vacate and Condemnation for Unsafe Conditions at 842 RICE SREET.
- Sponsors: Helgen
- Attachments: [842 Rice St.Appeal.10-18-10.pdf](#)
 [842 Rice Street.Order to Vacate.10-8-10.dot](#)

Ms. Moermond recommends denying the appeal

STAFF PRESENT: Adrian Neis, Fire Inspector, and Steve Magner, Code Enforcement - Vacant Buildings - Department of Safety and Inspections (DSI)

Ms. O'Brien appeared.

Inspector Neis reported the on October 8, 2010, he conducted an inspection at the property and found that the building was in the process of being vacated. He found what he thought to be a hole in the floor. At re-inspection he found that the roof leaked. Ms. O'Brien stated that she was not going to be doing repairs; the building was for sale.

Ms. O'Brien stated that she has already spoken with a contractor and the repairs can easily be made. What the inspector thinks is a hole in the floor is really just a soft spot that can be cut out and a new section put in. She thought that the leak had been taken care of but it was still leaking today. The building is 120 years old and there was an addition built out from the old building which she believes is where the leak is coming from. Ms. O'Brien can not afford to heat the building anymore and so, the water needed to be shut-off. The building costs her \$40,000 a year. Some of the things on the list have been there forever. She has been in the building since 1996 and these things have never been an issue before. Inspector Neis stated that the second and third floors have falling plaster; he has photographs. Ms. O'Brien responded that she hasn't seen any falling plaster and it was never called before. Inspector Neis said that since Ms. O'Brien has cleaned out the building, deficiencies are much more identifiable; some of them are fire issues. Ms. O'Brien commented that there is not going to be anyone in there; it's been empty and she has been trying to sell it for four (4) years. However, with a condemnation sign on it, who's going to buy it and the sign will only encourage break-ins. She just can't see the building being condemned; it has stood for 120 years and there has never been a fire in there.

Ms. Moermond stated that she thinks Ms. O'Brien's main concern is the label "condemned." In the terms of the code, she stated that there's not a question in her mind that this building should be condemned. Orders have been issued and there are photographs; it could also be categorized as a dangerous structure. This isn't a safe environment for a firefighter to walk through. Ms. O'Brien responded that was not the impression she got from the District Fire Chief, who accompanied Inspector Neis along with other firefighters. They did not make a determination on the structure of the building but looked at it from the event of a fire occurring; obviously, they would need to be very careful of the floor.

Ms. O'Brien stated that nothing about the building has changed outside of the small area where the floor is bad and there were outlets on the third floor that were not up to code, so she blocked them. Ms. Moermond responded that they need to be brought up to code. Ms. Moermond believes that the conditions merit the condemnation. She sees conditions here that do constitute dangerous circumstances. She added that Ms. O'Brien is more than welcome to bring her appeal to the City Council. In the meantime, she instructed Ms. O'Brien that she can be in the building only during the hours of 8:00 a.m. - 8:00 p.m. Ms. Moermond asked how long it has been since she has operated a store from that building. Ms. O'Brien replied, "Four (4) years."

Ms. Moermond asked Mr. Wagner at what point does this building become a registered Vacant Building. Mr. Wagner responded that if the City Council upholds the condemnation, then, Inspector Neis would report to DSI and then DSI would open a Category 2 Vacant Building file based on the fact that it has multiple code violations.

Ms. Moermond asked Inspector Neis if he has already placarded the building. Inspector Neis replied that he has not. Ms. Moermond asked that it not be placarded until some of this is resolved.

Ms. Moermond will recommend denial; it will be scheduled at the City Council Public Hearing at 5:30 p.m., Wednesday, November 17, 2010. Ms. O'Brien will receive a letter. She added that if City Council upholds her decision, it will be approximately one (1) week before the building is referred to the Vacant Building Program. At that time, it will need to be a registered Vacant Building and the building will require a Code Inspection from which is developed a Deficiency List - a list of things that need to be done in order to bring the building up to code before the building can be re-occupied.

Mr. Moermond asked if there are any restrictions on the sale of this building. Mr. Magner informed Ms. O'Brien that since this is commercial property, there are no restrictions on the sale of the building. Ordinance requires a placard on a condemned building.

Referred to the City Council, due back on 11/17/2010

1:30 p.m. Hearings

Fire Corrections Notice

- 12 [ALH 10-179](#) Appeal of Nancy Rowe to a Fire Certificate of Occupancy Correction Notice at 1522 Hague Avenue. (Ward 1)

Sponsors: Carter III

Attachments: [1522 Hague Ave.Appeal.10-4-10.pdf](#)
[1522 Hague Ave.Fire C of O Ltr.9-24-10](#)
[1522 Hague Ave.Photos.10-7-10](#)
[1522 Hague Ave.Fire C of O Ltr.9-3-10](#)
[1522 Hague Ave.Fire C of O Ltr.7-21-10](#)

- 13 [ALH 10-243](#) Appeal of Kendall Crosby of Kendall's Ace Hardware to a Fire Certificate of Occupancy Correction Notice at 1200 Payne Avenue.

Sponsors: Bostrom

Attachments: [1200 Payne Ave.Appeal.10-26-10.pdf](#)
[1200 Payne Ave.Fire Inspection Ltr.10-5-10](#)

No one appeared.

- 14 [ALH 10-246](#) Appeal of Jim and Lisa Campbell to a Fire Certificate of Occupancy Correction Order at 1596 McLean Avenue.

Sponsors: Lantry

Attachments: [1596 McClean Ave.Appeal.10-18-10.pdf](#)
[1596 McLean Ave.Fire Inspection Ltr.9-22-10](#)
[1596 McLean Ave.PC ltr.10-26-10.doc](#)
[1596 McLean Ave.PC ltr.11-12-10.doc](#)

Deny the appeal. The appellant may submit a floor plan within a week and Ms. Moermond and the Fire supervisor will review it at the November 2 hearing. A

variance will be considered if there is at least a 30 inch clearance.

Appellant Jim Campbell (2024 Oakridge Street, St. Paul, MN 55119) appeared.

Inspector Shaff gave a staff report. She said the order being appealed addressed clearance in front of the electrical panels and was from a Fire Certificate of Occupancy inspection conducted by Inspector Thomas on September 22. She said the required clearance was 36 inches.

Ms. Moermond read from the appeal that the appellants were able to get 30 inches in clearance. Mr. Campbell said they could get 30 inches if they removed a dryer. He said building was an up-and-down duplex and each unit used and was metered for its own dryer. He said if they had to remove one dryer, they would probably just remove both because there would not be a good way to split the charges. He said the room was tight and had been arranged that way for 20 years. He said Inspector Thomas had encouraged him to appeal. Ms. Moermond asked whether there were any notes as to why the inspector would have suggested an appeal. Ms. Shaff said there were not.

Ms. Moermond asked Mr. Campbell whether they had considered a stackable washer and dryer. Mr. Campbell said they didn't have the money for that. He said if they removed the dryer, the tenants would store things in the empty space and it would be difficult to maintain the required clearance.

Ms. Moermond said she could work with 30 inches in clearance but not with the zero clearance that was provided now.

Mr. Campbell said he'd spent over \$200 bringing the dryer vents to code to comply with Item 9 on the deficiency list. He said he didn't feel Inspector Thomas would have written that order if he hadn't been confident the appeal would be successful.

Ms. Shaff and Mr. Campbell reviewed the photograph provided by Mr. Campbell and discussed options for changing the arrangement of the appliances in the laundry room and/or removing the sink. Ms. Moermond suggested that Mr. Campbell draw a floor plan. Mr. Campbell asked what the minimum acceptable clearance was. Ms. Moermond said she would accept a minimum of 30 inches.

Ms. Moermond said she would recommend that the Council deny the appeal. She said Mr. Campbell could submit a floor plan within a week, and she and the Fire supervisor would review it at the November 2 hearing.

Laid Over to the Legislative Hearings, due back on 11/2/2010

15 [ALH 10-249](#)

Appeal of Brad Cartier to a Fire Certificate of Occupancy Correction Order at 1746 Sims Avenue.

Sponsors: Bostrom

Attachments: [1746 Sims Ave.Appeal.10-18-10.pdf](#)
[1746 Sims Ave.Fire Inspection Ltr.10-4-10](#)
[1746 Sims Ave.Diagram & Email.pdf](#)
[1746 Sims Ave.12-21-10.doc](#)

Decision forthcoming. The appellant will provide measurements and a diagram showing the portion of the room that has a ceiling height of at least six feet.

Appellant Brad Cartier (21441 Iverson Avenue N., Forest Lake, MN 55025)

appeared.

Inspector Shaff gave a staff report. She said the orders being appealed were from a Fire Certificate of Occupancy inspection conducted by Inspector Fish on October 4. In the upper floor west bedroom, the dimensions of the area with a ceiling height of at least 7 feet were 2 feet by 14 feet, and the room dimensions were 13 feet by 14 feet. In the upper floor east bedroom, the dimensions of the area with a ceiling height of at least 7 feet were 2 feet by 16 feet, and the room dimensions were 14 feet by 16 feet.

Ms. Moermond asked for a description of the ceiling. Mr. Cartier said the ceiling went down at an angle to a height of about three feet then went straight down. He said the rooms were listed and used as bedrooms before he bought the property, had been used as bedrooms in the five years he'd owned it, and he'd replaced egress windows twice to comply with code.

Ms. Moermond asked Mr. Cartier to provide better measurements and a diagram showing the amount of floor space under a ceiling at least 6 feet in height. Her decision is forthcoming.

Laid Over to the Legislative Hearings, due back on 11/2/2010

16 [ALH 10-268](#)

Appeal of Gregg Johnson to a Fire Certificate of Occupancy Correction Order at 1439 Ashland Avenue.

Sponsors: Carter III

Attachments: [1439 Ashland Ave.Appeal.10-15-10.pdf](#)
[1439 Ashland Ave.Fire Inspection Ltr.10-6-10](#)
[1439 Ashland Ave.Fire Inspection Ltr.8-26-10](#)
[1439 Ashland Ave.Photos.8-26-10](#)
[1439 Ashland Ave.PC ltr.10-26-10.doc](#)
[1439 Ashland Ave.PC ltr.11-12-10.doc](#)
[1439 Ashland Ave.photos1.pdf](#)
[1439 Ashland Ave.photos 2.pdf](#)

Grant a 2.5-inch variance on the openable height of the egress window in Unit 9. Deny the appeal on the remaining items. Grant an extension to May 31, 2011 for Item 9 (chipped and peeling paint on windows). Decision forthcoming on an extension for Item 8 (damaged window frames); the inspector will assess and prioritize the window frames at the reinspection. On November 10, 2010, Ms. Moermond reviewed the photographs submitted by Mr. Johnson of the window frames and stated that Mr. Johnson would need to work with the inspector to assess and prioritize the window frames accordingly.

Appellant Gregg Johnson, Johnander LLC (3128 Lyndale Avenue S., Suite A, Minneapolis, MN 55408), appeared.

Inspector Shaff gave a staff report. She said the orders being appealed addressed window sashes that didn't stay up (Item 13) and egress window size (Item 20), and were from a Fire Certificate of Occupancy reinspection conducted on October 5 by Inspector Beumer. The openable dimensions of the egress window in Unit 9 were 21.5 inches high by 28 inches wide. Ms. Shaff noted that the inspector had received and approved the heating facility report that day. She said the inspector had also noted that some hard wired smoke detectors and carbon monoxide alarms weren't working, and battery powered detectors were being used temporarily.

Ms. Moermond asked how many units were in the building and how many smoke detectors weren't functioning. Mr. Johnson said those had been taken care of and he was only appealing the window orders.

Ms. Moermond said she would recommend that the Council grant a 2.5-inch variance on the openable height of the egress window in Unit 9. She asked about the sash cords. Mr. Johnson said none were intact; he asked what his options were for compliance. Ms. Shaff said sash clips were acceptable.

Mr. Johnson asked whether he could have until next spring to do the upper windows (Items 8, 9 and 10); he said the lower level was done. Ms. Moermond said she would like to keep repair of the cracked windows on the same deadline as the other items. She asked Mr. Johnson to provide photographs of the windows frames so she could assess the damage, and said she would recommend an extension to May 31, 2011 for the chipped and peeling paint. She said Mr. Johnson and the inspector could work together at the reinspection to assess and prioritize the window frames.

Referred Under Master Resolution

17 [ALH 10-269](#)

Appeal of Abby Barber to a Fire Certificate of Occupancy Correction Order at 288 Birmingham Street.

Sponsors: Lantry

Attachments: [288 Brimingham St.Appeal.10-15-10.pdf](#)
[288 Birmingham St.Fire Inspection Ltr.10-14-10](#)
[288 Birmingham St.Fire Inspection Ltr.10-6-10](#)
[288 Birmingham St.Fire Inspection Ltr.8-18-10](#)

Deny the appeal and grant an extension to December 3 for replacing all painted circuit breakers.

Appellant Abby Barber and property owner Alex Eaton (333 Washington Avenue N., #413, Minneapolis, MN 55401) appeared.

Inspector Shaff gave a staff report. She said Inspector Spiering had conducted a reinspection for the Fire Certificate of Occupancy and reported five units with circuit breaker panels that were painted over with excessive paint. Inspector Spiering had noted that the extent of paint coverage was in violation of the cited national code section and was such that the breaker amperage could not be identified. There were no photos.

Mr. Eaton provided a photograph of one of the boxes. He said the primary breaker panel was in the basement but each unit had a small uncovered panel. He stated that the breakers were originally painted years ago, there was no paint inside the panel, and most of it had worn off over the years. He read from the code that internal parts of electrical equipment should not be damaged or contaminated by foreign materials such as paint, and reiterated that there were no contaminants inside the box. He said they had consulted with their own electrician who told them that the existing paint posed no problem in and of itself, and he provided a copy of email correspondence with the City's senior electrical inspector. He said he had tested every breaker and would like to replace only those that were sticking.

Senior electrical inspector Cari Williamette said breakers were considered to be internal parts, and there was no good way to remove the paint. She said a loose piece of paint could cause a breaker to become nonfunctional at any time.

Ms. Moermond asked how many units there were. Mr. Eaton said there were twelve units in the building and five had the painted breaker panels.

Ms. Moermond said she would recommend that the Council deny the appeal and grant an extension to December 3 for replacing all painted circuit breakers. She said she could put the matter on the agenda for a City Council public hearing; Mr. Eaton declined.

Referred Under Master Resolution

18 [ALH 10-271](#)

Appeal of David Leventhal of Cecil Delicatessen to a Fire Certificate of Occupancy Correction Order at 651 Cleveland Avenue South.

Sponsors: Harris

Attachments: [651 Cleveland Ave S.Appeal.10-19-10.pdf](#)
[651 Cleveland Ave S.Fire Inspection Ltr.10-12-10](#)
[651 Cleveland Ave S.PC ltr.10-26-10.doc](#)
[651 Cleveland Ave S.PC ltr.12-13-10.doc](#)

Laid over to December 14. The appellant will attempt to locate a floor plan. Ms. Moermond will review the records from the 2009 remodeling, and will consult with licensing and CAO staff.

David Leventhal appeared representing Cecil's Delicatessen.

Inspector Shaff gave a staff report. She said the order being appealed reduced the occupant load to 44 from 85, and was from a Fire Certificate of Occupancy reinspection conducted by Inspector Skow-Fiske on October 12. She said the occupant load for the 660 ft² restaurant was 44, and she didn't know how 85 had ever been allowed. Records showed the occupant load had been changed to 65 in 2003 and 2004 and then to 85 in September 2006 and December 2008, but there was no explanation for the changes. Ms. Shaff provided a drawing from the inspector.

Ms. Shaff asked when the exterior freezer had been built. Mr. Leventhal said it was added in June 2009 and the plan had been approved by the City. Ms. Shaff said exiting through the rear door required passing through the serving area and food preparation area which the code didn't allow.

Ms. Moermond and Mr. Leventhal reviewed photographs provided by Mr. Leventhal. Mr. Leventhal said the restaurant had had seating for 85 for 40 years with no problems, and no significant changes to the restaurant's structure. He provided a copy of an undated City-issued sign allowing an occupancy load of 85 and signed by Inspector Zaccard.

Ms. Shaff and Mr. Leventhal reviewed an old file diagram of the restaurant showing a deli counter. Mr. Leventhal said the restaurant had had the current configuration since 1990 when the counter was removed and replaced by tables. He said he felt the current occupancy allowed plenty of room for the customers, and he would not jeopardize the safety of himself or family members who worked there every day. He said a 44 seat restaurant was not sustainable, and because he didn't own the property on either side of his building he couldn't change the configuration of the restaurant. He said the exit to the rear of the building was approved by the City in June 2009, was handicapped accessible, and provided easy egress. He said he felt it was unreasonable for the City to reduce the occupancy from 85 when it had been approved for many years.

Ms. Moermond asked whether the building was sprinkled. Mr. Leventhal said it wasn't. Ms. Shaff noted that there was a variance on the front door swing and vestibule.

Ms. Moermond asked whether Inspector Skow-Fiske had considered changing the occupant load to 65 rather than 44 since it had been 65 in the past. Ms. Shaff said the occupancy was determined based on the square footage calculation. Ms. Moermond said it looked as though the occupancy calculation had been made using 1090 ft² in the past. Ms. Shaff said that was total area and not just the dining area.

Ms. Moermond asked whether measuring the square footage was standard practice. Ms. Shaff said it was if the space looked tight.

Mr. Leventhal said the seating hadn't changed since 1990 when the restaurant was remodeled and was approved by building inspectors. Ms. Moermond asked how long the restaurant had been at its present location. Mr. Leventhal said it had been there since 1949.

Ms. Moermond said she would like to check the records from the 2009 remodeling to see whether there was a floor plan. Mr. Leventhal said he would try to locate one too. Ms. Moermond said she would also consult with licensing about the occupancy history and with the City Attorney's office about possible grandfathering. She laid the matter over until December 14.

Laid Over to the Legislative Hearings, due back on 12/14/2010

Window Orders

- 19 [ALH 10-244](#) Appeal of Kent Peterson to a Fire Certificate of Occupancy Correction Order at 1756 and 1758 Ashland Avenue.

Sponsors: Stark

Attachments: [1756-1758 Ashland Ave.Appeal.10-20-10.pdf](#)
[1758 Ashland Ave.Fire Inspection Ltr.10-19-10](#)

1756: Grant a 4-inch variance on the openable height of the egress window in the second floor south bedroom; grant a 3-inch variance on the openable height of the egress windows in the second floor north and middle bedrooms.

1758: Grant a 3-inch variance on the openable height of the egress windows in the second floor north, south and middle bedrooms.

Referred Under Master Resolution

- 20 [ALH 10-245](#) Appeal of Richard Distad a Fire Certificate of Occupancy Correction Notice at 1133-1135 Saint Clair Avenue.

Sponsors: Thune

Attachments: [1133-1135 St Clair Ave.Appeal.10-19-10.pdf](#)
[1133-1135 Saint Clair Ave.Fire Inspection Ltr.10-14-10](#)

1133: Grant a 5.5-inch variance on the openable height of the egress window in the north bedroom; grant a 3.5-inch variance on the openable height of the egress window in the south bedroom

1135: Grant a 2-inch variance on the openable height of the bedroom egress

window.

Referred Under Master Resolution

- 21 [ALH 10-248](#) Appeal of Alaa Aqel to a Fire Certificate of Occupancy Correction Order at 1789 Maryland Avenue East.

Sponsors: Bostrom

Attachments: [1789 Maryland Ave E.Appeal.10-18-10.pdf](#)
 [1759 Maryland Ave E.Fire Inspection Ltr.10-11-10](#)

Grant a 1-inch variance on the openable height of the egress window in the second floor south bedroom.

Referred Under Master Resolution

- 23 [ALH 10-251](#) Appeal of Scott Gikling on behalf of Martha Tracy to an Egress Window Non-Compliance Determination at 1166 Juliet Avenue.

Sponsors: Harris

Attachments: [1166 Juliet Ave.Appeal.10-19-10.pdf](#)

Grant a 2-inch variance on the openable height of two double-hung replacement bedroom egress windows measuring 22 inches high by 24.5 inches wide.

Referred Under Master Resolution

- 22 [ALH 10-250](#) Appeal of David R. Broenen to a Fire Certificate of Occupancy Correction Order at 83 Cook Avenue West.

Sponsors: Helgen

Attachments: [83 Cook Ave W.Appeal.10-18-10.pdf](#)
 [83 Cook Ave W.Fire Inspection Ltr.10-6-10](#)
 [83 Cook Ave W.PC ltr.11-12-10.doc](#)

11/10: Deny the appeal on the bathroom fans - need to confirm both are working properly. Deadline for all extended to December 3.

10/26: Grant a 3-inch variance on the openable height of the egress window in the loft.

Referred Under Master Resolution

- 24 [ALH 10-252](#) Appeal of Jeanne Schuldt on behalf of the Estate of Keith Pederson to a Fire Certificate of Occupancy Correction Order at 1208 Kent Street.

Sponsors: Helgen

Attachments: [1208 Kent St.Appeal.10-10.pdf](#)
 [1208 Kent St.Fire Inspection Ltr.10-18-10](#)

Grant a 5-inch variance on the openable height of the egress window in the basement bedroom; grant a 4-inch variance on the openable height of the egress windows in the upper bedrooms.

Referred Under Master Resolution

- 25 [ALH 10-253](#) Appeal of Chase E Suchomel to a Fire Certificate of Occupancy Correction Order at 929 Flandrau Street.
- Sponsors:** Bostrom
- Attachments:** [929 Flandrau St.Appeal.10-20-10.pdf](#)
 [929 Flandrau St.Fire Inspection Ltr.10-7-10](#)
- Grant a 2-inch variance on the openable height of the egress windows in all bedrooms.*
- Referred Under Master Resolution**
- 26 [ALH 10-254](#) Appeal of Renewal by Anderson on behalf of Nancy Borzo to an Egress Window Non-Compliance Determination at 50 Mounds Boulevard.
- Sponsors:** Lantry
- Attachments:** [50 Mounds Blvd.Appeal.10-20-10.pdf](#)
- Grant a 1-inch variance on the openable height of four double-hung replacement bedroom egress windows measuring 23 inches high by 24 inches wide.*
- Referred Under Master Resolution**
- 27 [ALH 10-255](#) Appeal of Renewal by Anderson on behalf of Julie Konop to an Egress Window Non-Compliance Determination at 1352 Almond Avenue.
- Sponsors:** Stark
- Attachments:** [1352 Almond Ave.Appeal.10-20-10.pdf](#)
 [448 Burlington.PC ltr.11-2-10.doc](#)
- Grant a 1 1/8-inch variance on the openable height of one double-hung replacement bedroom egress window measuring 22 7/8 inches high by 35 7/8 inches wide.*
- Referred Under Master Resolution**
- 28 [ALH 10-256](#) Appeal of Renewal by Anderson on behalf of David Peterson to an Egress Window Non-Compliance Determination at 1047 Orange Avenue East.
- Sponsors:** Bostrom
- Attachments:** [1047 Orange Ave E.Appeal.10-20-10.pdf](#)
- Grant a 1-inch variance on the openable height of six double-hung replacement bedroom egress windows measuring 23 inches high by 29 inches wide.*
- Referred Under Master Resolution**
- 29 [ALH 10-257](#) Appeal of Jim McCorkell to a Fire Certificate of Occupancy Correction Order at 1139 Norbert Lane.
- Sponsors:** Harris
- Attachments:** [1139 Norbert Lane.Appeal.10-20-10.pdf](#)
 [1139 Norbert Lane.Fire Inspection Ltr.10-14-10](#)

Grant a 3.5-inch variance on the openable height of the bedroom egress windows in 1139 and 1141.

Referred Under Master Resolution

- 30 [ALH 10-258](#) Appeal of Patricia Stotzheim to an Egress Window Non-Compliance Determination at 794 Pascal Street North.

Sponsors: Stark

Attachments: [794 Pascal St N.Appeal.10-13-10.pdf](#)

Grant a 1 1/8-inch variance on the openable height of three double-hung replacement bedroom egress windows measuring 22 7/8 inches high by 24 inches wide.

Referred Under Master Resolution

- 31 [ALH 10-259](#) Appeal of Renewal by Anderson on behalf of Catherine Jordan to an Egress Window Non-Compliance Determination at 1446 Hythe Street.

Sponsors: Stark

Attachments: [1446 Hythe St.Appeal.10-13-10.pdf](#)

Grant a 2 1/8-inch variance on the openable height of six double-hung replacement bedroom egress windows measuring 21 7/8 inches high by 28 3/8 inches wide.

Referred Under Master Resolution

- 32 [ALH 10-260](#) Appeal of Erica Dalager to a Fire Certificate of Occupancy Correction Order at 790 Dayton Avenue.

Sponsors: Carter III

Attachments: [790 Dayton Ave.Appeal.10-18-10.pdf](#)
[790 Dayton Ave.Fire Inspection Ltr.9-24-10](#)

Grant a 3.5-inch variance on the openable height of the bedroom egress window in Unit 1.

Referred Under Master Resolution

- 33 [ALH 10-261](#) Appeal of James Swartwood to a Fire Certificate of Occupancy Correction Order at 904 Beech Street.

Sponsors: Lantry

Attachments: [904 Beech St.Appeal.10-14-10.pdf](#)
[904 Beech St.Fire Inspection Letter.10-4-10](#)

Grant a 5.5-inch variance on the openable height of the egress windows in the south and east bedrooms. Grant a 5.5-inch variance on the openable height of the bedroom egress window in Unit 1.

Referred Under Master Resolution

- 34 [ALH 10-262](#) Appeal of Phyllis M K Smith to a Fire Certificate of Occupancy Correction Order at 575 Cleveland Avenue South.

Sponsors: Harris

Attachments: [575 Cleveland Ave S.Appeal.10-13-10.pdf](#)
[575 Cleveland Ave S.Fire Inspection Ltr.10-6-10](#)

Grant a 5-inch variance on the openable height of the bedroom egress window in Unit 1.

Referred Under Master Resolution

- 35 [ALH 10-263](#) Appeal of Victor Chan to a Fire Certificate of Occupancy Correction Order at 2101 Como Avenue.

Sponsors: Stark

Attachments: [2101 Como Ave.Appeal.10-15-10.pdf](#)
[2101 Como Ave.Fire Inspection Ltr.10-8-10](#)

Grant a 3-inch variance on the openable height and a 0.7 ft² variance on the glazed area of the bedroom egress window.

Referred Under Master Resolution

- 36 [ALH 10-264](#) Appeal of Dede Magnuson to a Fire Certificate of Occupancy Correction Notice at 302 Ryan Avenue.

Sponsors: Thune

Attachments: [302 Ryan Ave.Appeal.10-13-10.pdf](#)
[302 Ryan Ave.Fire Inspection Ltr.10-4-10](#)

Grant a 4-inch variance on the openable height of the egress window in the first floor south bedroom, and a 5.5-inch variance on the openable height of the egress window in the second floor bedroom.

Referred Under Master Resolution

- 37 [ALH 10-265](#) Appeal of John Ewen to a Fire Certificate of Occupancy Correction Order at 1814-1816 James Avenue.

Sponsors: Harris

Attachments: [1814-1816 James Ave.Appeal.10-18-10.pdf](#)
[1814 James Ave.Fire Inspection Ltr.10-1-10](#)

1814: Grant a 1-inch variance on the openable height of the bedroom egress window.

1816: Grant a 5-inch variance on the openable height of the bedroom egress window.

Referred Under Master Resolution

- 38 [ALH 10-266](#) Appeal of Rick Schoolmeesters to a Fire Certificate of Occupancy Correction Order at 1719 Orange Avenue East.

Sponsors: Bostrom

Attachments: [1719 Orange Ave E.Appeal.10-21-10.pdf](#)
[1719 Orange Ave E.Fire Inspection Ltr.10-20-10](#)

Grant an 8-inch variance on the openable height of the egress windows in all bedrooms.

Referred Under Master Resolution

3:00 p.m. Hearings

Laid Over Items

39 [ALH 10-134](#) Appeal of James Yacoub to an Order to Vacate at 638-640 Oakdale Avenue.

Sponsors: Thune

Attachments: [638-640 Oakdale Ave.Appeal.9-16-10.pdf](#)
[638-640 Oakdale Ave.Fire C of O Ltr.9-9-10](#)
[638-640 Oakdale Ave.Fire Photo Document.9-1-10](#)
[638-640 Oakdale Ave.Placard Photos.9-17-10](#)
[638-640 Oakdale Ave.VB Registration Ltr.9-17-10](#)
[638-640 Oakdale.Referral to VB.9-17-10](#)
[638-640 Oakdale Ave.Summary Abatement Order.9-24-10](#)

Certificate of Occupancy approved. The order for the retaining wall was pulled pending a determination on its ownership.

Inspector Shaff said the Certificate of Occupancy had been approved. The order for the retaining wall was pulled pending a determination on its ownership.

Referred Under Master Resolution

40 [ALH 10-140](#) Appeal of Justin Bowser to a Fire Inspection Order at **312 BURGESS STREET.**

Sponsors: Helgen

Attachments: [312 Burgess St.Appeal.9-22-10.pdf](#)
[312 Burgess St.Fire Inspection Ltr.6-23-10.dot](#)
[312 Burgess St.Fire Inspection Order.9-16-10.dot](#)

11/2/10: Recommend denial of appeal pertaining to porch foundation. Extension granted until July 1, 2010. Recommend Council layover from 11/3 to 11/17 for notification of property owner.

No response yet from the building inspector; decision forthcoming.

Ms. Moermond said she had not heard back from Dave Tank and would follow up with Steve Ubl.

Laid Over to the Legislative Hearings, due back on 11/2/2010

41 [ALH 10-150](#) Appeal of PRO Real Estate Services, represented by Leah Frenning to a

Fire Certificate of Occupancy Order at 784 Agate Street. (Ward 5)

Sponsors: Helgen

Attachments: [784 Agate Street.Appeal.9-23-10.pdf](#)
[784 Agate St.Fire C of O Ltr.8-20-10](#)
[784 Agate St.Fire C of O Ltr.7-20-10](#)
[784 Agate St.Bedroom door.JPG](#)
[784 Agate.Main door.JPG](#)

October 19, 2010

Recommendation: Grant a 5-inch variance on the openable height of the egress window in the Unit 1, third floor south bedroom. The issue of egress from the north bedroom is laid over for one week; the appellant will provide photos of the door or documentation of inspector sign-off.

Notes: Appellant Leah Frenning (3570 Lexington Avenue N. #202, Shoreview, MN 55126) appeared.

Inspector Shaff gave a staff report. She said the appeal involved egress window orders from a Fire Certificate of Occupancy inspection conducted by Inspector Cassidy on August 20. The inspector reported that the openable dimensions of the egress window in the Unit 1 third floor south bedroom were 19 inches high by 27 inches wide and in the north bedroom were 13 inches high by 25 inches wide. Ms. Shaff read from the appeal that there was an exterior door in the north bedroom.

Ms. Frenning said the inspector had okayed the north bedroom and would amend the orders.

Ms Moermond said she would recommend that the Council grant a 5-inch variance on the openable height of the egress window in the Unit 1, third floor south bedroom. She asked Ms. Frenning to provide photographs of the north bedroom exterior door, or documentation of the inspector's sign-off; she laid the matter over for one week.

Ms. Frenning asked whether there was a decision on the basement door height at 1648 East Fourth Street (September 28 hearing). Ms. Moermond reviewed the property information and said she would grant an extension to November 30 for bringing the door into compliance. She said Ms. Frenning could have a public hearing on the matter before the City Council on November 3 if she chose to.