



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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651-266-8585

Tuesday, March 24, 2015

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Special Tax Assessments

- 1 [RLH TA 15-96](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1504, Assessment No. 158803 at 361 BATES AVENUE. (Amended to VB1504A, Assessment No. 158813)

Sponsors: Lantry

No show; approve the assessment.

NOTE: Appellant showed up at public hearing and I rescheduled him to come to LH on 3/24. He did not appear. Today, April 1, he called and wants to reschedule again due to his oversight of the legislative hearing date. After consulting with Ms. Moermond, she stated that he will need to attend the public hearing tonight to contest. I contacted him and explained the VB fee.

Referred to the City Council due back on 4/1/2015

- 2 [RLH TA 15-157](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1507A, Assessment No. 158506 at 695 BLAIR AVENUE.

Sponsors: Thao

No show; approve the assessment.

Referred to the City Council due back on 4/15/2015

- 3 [RLH TA 15-167](#) Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1504E, Assessment No. 158303 at 1751 BUSH STREET.

Sponsors: Finney

Dennis Peabody, owner, appeared.

Inspector John Peter Ross:

 - Excessive Consumption fee for noncompliance
 - appeal was made after the compliance date of Oct 20, 2015; rechecked Oct 20
 - Orders were issued Oct 14, 2014 to remove trailers from grass, an unapproved

surface

- photos were taken
- there's something in the file from Zoning: "The property has exceeded the maximum amount of impervious surface and all they're allowed to do is maintain the existing Class 5."

Ms. Moermond:

- there's a follow-up email Mar 9, 2015 on this from Inspector Seeley, who talked with Zoning; they said that the measurements that Mr. Peabody provided were not accurate; from the alley, it's 36 feet and his measurement said it was 50 feet
- therefore, she will recommend approval of the assessment

Mr. Peabody:

- doesn't think that he should pay for this Excessive Consumption fee when he received only 1 Notice; then, he started to get things going; he came here to appeal
- Mr. Hoffman has yet to come out and talk to him about it
- he talked to Zoning finally, after 2 weeks of back and forth
- he got it to 36 feet - everything's parked on that 36 feet; he doesn't know where they are coming up with 50 feet
- according to our last conversation 2 weeks ago, you were going to send both inspectors back to make sure that everything was done right; they have yet to come back

Mr. Ross:

- has pictures from Mar 11, 2015 on the screen (Mr. Peabody: that's all parked on 36 feet)

Ms. Moermond:

- what happened with the follow-up inspection on that?

Mr. Ross:

- he's checking; Ed Smith was the last inspector out there and he states on Feb 13, 2015: "Property is now in compliance."

Ms. Moermond:

- this was not in compliance when the Orders were written; that's why you got the Excessive Consumption assessment
- Orders were written Oct 14; compliance Oct 20; re-checked Oct 20 and wasn't yet in compliance; therefore, the charge is for a wasted trip
- now in Feb it is in compliance

Mr. Ross:

- the appeal was filed in Nov, after the compliance date

Mr. Peabody:

- he filed the appeal on Oct 20 or something like that

Mr. Ross:

- looking at history; the appeal was filed on Nov 4, 2014 - "Property owner has until Dec 12, 2014 to kill off weeds in driveway and install additional Class 5 rock; property owner must also contact Zoning regarding the installation of additional parking areas."

Ms. Moermond:

- will recommend this assessment be deleted
- Delete the assessment.

Referred to the City Council due back on 4/15/2015

- 4 [RLH TA 15-176](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1504E, Assessment No. 158303 at 608 CASE AVENUE.

Sponsors: Bostrom

No show; approve the assessment.

Referred to the City Council due back on 4/15/2015

- 5 [RLH TA 15-172](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1507A, Assessment No. 158506 at 663 COOK AVENUE EAST.

Sponsors: Bostrom

3/24/15: Owner to send in letter for appeal; no letter - approve the assessment.

3/30/15: Theresa Moore emailed photos of before and after service done by vVector Services, MN LLC. Will review City's video and photos at the April 7 LH. After sending photos back and forth, Ms. Moore indicated that vVector cleaned up what was in the truck but she was not sure if they cleaned out the furniture from the front; therefore, she is not going to appeal.

Referred to the City Council due back on 4/15/2015

- 6 [RLH TA 15-177](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1507A, Assessment No. 158506 at 1011 EDGERTON STREET.

Sponsors: Brendmoen

Khai Vang, owner, appeared.

Inspector John Peter Ross:

- clean-up: carpet, tires, appliances, cabinets, wood, rubbish in rear yard*
- Summary Abatement sent Dec 9, 2014; Compliance Dec 15; re-checked Dec 15*
- some clean-up was done but more materials were added*
- another Summary Abatement was sent*
- Work Order sent Dec 16, 2014*
- no returned mail*
- a vehicle was also towed but not part of this assessment*
- the property has been pretty problem free*
- history shows 1 SA/WO for garbage/rubbish in 2011 that was done by owner*

VIDEO - shows clean-up of lots of stuff

Mr. Vang:

- doesn't know how to read; his son, 15, reads for him*
- his son didn't give the SA to him; he did give him the letter to come here*
- when the 2nd SA came, he opened the letter and didn't tell him about the Notice*
- usually his daughter reads the letters*
- realizes lack of communication from his son*
- is requesting a reduction; is willing to pay part of it*

Ms. Moermond:

- not 1 but 2 Notices were sent and there is some responsibility for managing the mail
- a problem of lack of communication between Mr. Vang and his son, not with the city
- will recommend approval - 2 Notices were sent; he has a good record and 2 weeks were given for the work to be done; in the end, the city did the work
Approve the assessment.

Referred to the City Council due back on 4/15/2015

- 7 [RLH TA 15-195](#) Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1504P, Assessment No. 158403 at 50 FILLMORE AVENUE EAST.

Sponsors: Thune

Delete the assessment; waiver on file.

Referred to the City Council due back on 5/6/2015

- 8 [RLH TA 15-153](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. VB1506, Assessment No. 158805 at 605 FRONT STREET.

Sponsors: Brendmoen

Patrick Hauer, employee of BJS Properties LLC, appeared.

Inspector Joe Yannarely:

- Vacant Building Registration fee
- a fire with a 90-day fire exemption on the fee
- Category 2 VB was opened Nov 13, 2014; inspector let it go to assessment after the 90 days lapsed

Mr. Hauer:

- is asking for an extension because they have not come to a settlement with the insurance company
- he spoke with Mai and Mike Kalas, who told him to come down to this meeting

Mr. Yannarely:

- Mr. Kalas would have, naturally, granted an extension if Mr. Hauer would have called

Mr. Hauer:

- there was significant damage: 20-25% of the building was damaged by fire but the whole building was damaged by smoke and water
- the Fire Dept did a great job of putting out the fire
- it's a large claim (\$950,000 - \$1M+) so the insurance company is taking it's time
- found it overwhelming to deal with the insurance company on their own, so they hired a public adjuster, who is going back and forth with them now
- plan options: 1) rebuild; 2) knock it down and sell the land; or 3) sell it as a VB
- the owners are in CA right now and they really want to rebuild
- asking for at least a 60 day extension on the VB fee so the owners know how much the insurance company is willing to put out, so they can make a decision

Mr. Yannarely:

- thinks that with this amount of damage, a Code Compliance would be required

Ms. Moermond:

- the VB fee is prospective, from Nov 2014 - Nov 2015; and for the next 7 months, it probably won't get done
- decision will be made in the next few months, then, executing the decision

Mr. Hauer:

- they were told that once the decision is made, it will take 4-5 months to complete construction (the decision will be made in 60 days)
- they have 3 different bids

Ms. Moermond:

- it will probably be a full year from the fire to end of construction
 - VB fee is a 12 month fee; and this should take 12 months, so, it's a pretty good fit
 - the building is considered vacant during the re-construction phase
 - you will need to get a Code Compliance Inspection Report, she thinks
 - the contractor will pull the building permit
 - will recommend approval of this assessment
 - you can pull permits
- Approve the assessment.

Referred to the City Council due back on 4/15/2015

- 9** [RLH TA 15-187](#) Deleting the Appealed Special Tax Assessment for Real Estate Project No. CRT1507, Assessment No. 158206 at 1066 HAZELWOOD STREET.

Sponsors: Bostrom

Delete the assessment; payment received and processed at DSI on 2/14/15. (No hearing necessary)

Referred to the City Council due back on 5/6/2015

- 10** [RLH TA 15-193](#) Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1506B, Assessment No. 158105 at 793 PARKWAY DRIVE.

Sponsors: Bostrom

John Trojakk, Attorney, appeared representing the estate of Johnelle Zimney, the decedent; because Barbara Skluzacek, sister and personal representative of Johnelle Zimney, decedent, had to be out of town.

Inspector Joe Yannarely:

- emergency boarding ordered by SPPD Dec 27, 2014
- cost: \$261.95 + \$160 service charge = \$421.95
- there's an extensive police report attached

Ms. Moermond:

- read the police report
- squads dispatched at 11:30 am
- comments: A 70-80 year old female had fallen outside near the front door to the residence and she was covered with snow. Upon arrival, we met with the complainant, Andre Glen Trudeau, who stated that he, Doug Joseph Schneider and Robert William Noonan had discovered the female, later identified as Johnelle Zimney, while they were snow blowing the victim's walk-way

- will recommend this assessment be deleted
Delete the assessment.

Referred to the City Council due back on 5/6/2015

- 11 **RLH TA 15-118** Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1502C1, Assessment No. 152005 at 578 POINT DOUGLAS ROAD SOUTH.

Sponsors: Lantry

Rescheduled per owner's request.

Laid Over to the Legislative Hearings due back on 4/21/2015

- 12 [RLH TA 15-186](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1507, Assessment No. 158206 at 1919 RANDOLPH AVENUE.

Sponsors: Tolbert

Reduce from \$325 to \$170 (delete service charge. All orders and billing were sent to the previous address. Inspector updated the information in the incorrect folder. Property owner will pay \$170 inspection fee to Real Estate Office when billed). No one appeared.

Ms. Moermond:

*- will delete the processing fee per staff's recommendation
Reduce assessment from \$325 to \$170.*

Referred to the City Council due back on 5/6/2015

- 13 [RLH TA 15-188](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1507, Assessment No. 158206 at 2033 RANDOLPH AVENUE.

Sponsors: Tolbert

Joseph Travers, tax owner, appeared.

Fire Inspector A. J. Neis:

*- Fire Certificate of Occupancy fee: \$209 + \$155 = \$364
- routine inspection
- doesn't know what's being appealed*

Mr. Travers:

*- this was his first Notice; he called DSI office and apparently, the bills were mailed to his brother, William Travers, Houston TX, the owner but he has never gotten anything
- Joseph lives at this property
- it's the 3rd inspection he's had at this property and he never got any mail on it; never gotten any bills for C of O inspections unless Bill, his brother paid them
- he does get the appointment letters
- his brother didn't forward any letters to him*

Mr. Neis:

*- William Travers is listed as the owner according to Ramsey County Tax Records
- the last bill was paid by Ambroise Sheronski (Mr. Travers' uncle, deceased)*

- everything was going to Houston, TX

Ms. Moermond:

- asked him to fill out the C of O Responsible Party form
- will recommend deleting the service charge (\$155)
- the regular fee is \$209; she will recommend approving that Reduce from \$364 to \$209 (delete service charge).

Referred to the City Council due back on 5/6/2015

- 14 [RLH TA 15-191](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1507, Assessment No. 158206 at 234 ROBIE STREET WEST.

Sponsors: Thune

No show; approve the assessment.

Referred to the City Council due back on 5/6/2015

- 15 [RLH TA 15-192](#) Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1504P, Assessment No. 158403 at 571 SNELLING AVENUE NORTH.

Sponsors: Stark

Delete the assesement; waiver on file since November 7, 2014 which was before the work was done. (No hearing necessary)

Referred to the City Council due back on 5/6/2015

- 16 [RLH TA 15-197](#) Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1504P Assessment No. 158403 at 846 UNIVERSITY AVENUE WEST.

Sponsors: Thao

Delete the assessment; weiaver on file. (No hearing necessary)

Referred to the City Council due back on 5/6/2015

- 17 [RLH TA 15-196](#) Deleting the Appealed Special Tax Assessment for Real Estate Project No. J1504P, Assessment No. 158403 at 860 UNIVERSITY AVENUE WEST.

Sponsors: Thao

Delete the assessment; waiver on file.

Referred to the City Council due back on 5/6/2015

- 18 [RLH TA 15-194](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1504E, Assessment No. 158303 at 737 VAN BUREN AVENUE.

Sponsors: Thao

No show; approve the assessment.

Referred to the City Council due back on 4/15/2015

- 19** [RLH TA 15-171](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1504E, Assessment No. 158303 at 1436 WESTMINSTER STREET.

Sponsors: Brendmoen

No show; approve the assessment.

Referred to the City Council due back on 4/15/2015

- 20** [RLH TA 15-175](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1504E, Assessment No. 158303 at 343 WINIFRED STREET EAST.

Sponsors: Thune

Andrew Dunbar, owner, appeared.

Inspector Joe Yannarely:

- *Excessive Consumption*
- *Inspector Dornfeld said that you knew about this and he recommended that it be deleted; the Ex Con for a furnace permit has been taken care of*
- *everything is finalized and in compliance*
- *he issued 4 EC's altogether: 10-3, 10-30, 11-18, 1-12-15*
- *Nov 18, 2014 - "Permit for furnace installation remains open; issuing another \$120 EC; warned property owner numerous times." Matt Dornfeld*
- *Matt may have been confused with the one that he had just issued (1-12-15)*

Ms. Moermond:

- *there's a 2nd Ex Con coming; is that for the same thing?*
- *take a look at J0150E, Nov 12, 2014*

Mr. Dunbar:

- *he replaced the furnace within 2 days; the inspector found fault with it; they fixed it; then, the inspector said that he was going to close out the permit but that took a really long time*
- *he called Joe Collins to help him with this*

Ms. Moermond:

- *will see if she can get to the bottom of this and make a decision and get back to you via email*

Recommendation is forthcoming.

FOLLOW-UP: Original compliance date in the orders was not clear. Subsequent compliance dates were clear in the EC letters sent. Will recommend \$50 reduction.

Referred to the City Council due back on 4/15/2015

- 21** [RLH TA 15-201](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1506B, Assessment No. 158105 at 630 FULLER AVENUE.

Sponsors: Thao

Lee Yang appeared, representing his niece, Pa Nhia Vang, owner, who is out of town.

Inspector Joe Yannarely:

- *Emergency Boarding by the Saint Paul Fire Dept. after a fire on Dec 12, 2014 at 12:15 pm*
- *cost: \$317.80 + \$160 service charge = \$477.80*

Mr. Yang:

- *he was confused this morning but he understands now*
- *he thought that he was here because they thought you would ask about what they were going to do with it*
- *the fire damaged the upstairs; they did get money from the insurance company; they are thinking about tearing down the house*
- *he's not here to argue about the fee; he was just confused*

Ms. Moermond:

- *viewed the photos*

Mr. Yannarely:

- *they secured 5 openings with boards; secured 2 other openings*

Ms. Moermond:

- *normally, the insurance covers that fee*
- Approve the assessment.*

Referred to the City Council due back on 5/6/2015

22 [RLH TA 15-202](#)

Ratifying the Appealed Special Tax Assessment for Real Estate Project No. CRT1507, Assessment No. 158206 at 1596 TAYLOR AVENUE.

Sponsors: Stark

Francis Crowley, owner, appeared.

Mr. Crowley:

- *he owns the building and is also the Certificate of Occupancy Responsible Party*
- *had a few minor things on inspection; the inspector came back out*
- *it cost \$170; he was surprised that it was so much*

Fire Inspector A. J. Neis:

- *was a routine C of O inspection*
- *1 appointment letter; 1 inspection*
- *C of O fee of \$170 for the initial inspection and re-check*
- *the bill was sent out but not paid on time*
- *it was mailed to Francis Crowley, 1769 Snelling Ave N, St. Paul*
- *there's \$155 service charge for nonpayment*
- *total: \$325*

Mr. Crowley:

- *he sent in the payment \$170 on a credit card; it came back to him unpaid with "this has already gone to assessment" as of Dec 30, 2014*
- *he called and was told the total was \$325*
- *he is willing to pay the \$170 as he was doing*

Mr. Neis:

- initial bill was mailed Nov 12, 2014
- final notice was billed out Dec 12, 2014 due Dec 27, 2014
- anything paid after Dec 27 would have already gone to assessment
- it just wasn't paid in time
- this is a Class A building

Ms. Moermond:

- 2 1/2 months between the initial bill and the actual payment

Mr. Crowley:

- he has already had so much expense
- he doesn't know if he ever got the first bill; he couldn't find it

Ms. Moermond:

- there was adequate time to pay the bill or you could have called the inspector but that didn't happen
 - will recommend approval of this assessment
 - the good news is you won't have this fee again for 5 years
- Approve the assessment.

Referred to the City Council due back on 5/6/2015

Staff Reports

- 23 [RLH TA 15-181](#) Ratifying the Appealed Special Tax Assessment for Real Estate Project No. J1507A, Assessment No. 158506 at 1024 SIXTH STREET EAST.

Sponsors: Finney

Ms. Moermond:

- he said he got out there right away and removed the snow
- Snow Order was issued Dec 2, 2014
- checked the precipitation chart; it did not snow Dec 1, 2014 per the national record service

VIDEO - shows old snow/ice accumulation

Note, last snowfall of any significant measure was 2" on 11/26/14

Approve the assessment.

Referred to the City Council due back on 4/15/2015

Special Tax Assessments - ROLLS

- 24 [RLH AR 15-18](#) Ratifying the assessments for Collection of Certificate of Occupancy fees billed October 13 to November 12, 2014. (File No. CRT1507, Assessment No. 158206)

Sponsors: Lantry

Referred to the City Council due back on 5/6/2015

- 25 [RLH AR 15-19](#) Ratifying the assessments for Graffiti Removal services from November 1 to December 30, 2014. (File No. J1504P, Assessment No. 158403)
Sponsors: Lantry
Referred to the City Council due back on 5/6/2015
- 26 [RLH AR 15-20](#) Ratifying the assessments for Boarding and/or Securing services during December 2014. (File No. J1506B, Assessment No. 158105)
Sponsors: Lantry
Referred to the City Council due back on 5/6/2015
- 27 [RLH AR 15-21](#) Ratifying the assessments for Tree Removal services during December 2014. (File No. 1504T, Assessment No. 159003)
Sponsors: Lantry
Referred to the City Council due back on 5/6/2015

11:00 a.m. Hearings

Summary Abatement Orders - STAFF REPORT

- 28 [RLH SAO 14-50](#) Appeal of Anastasia Mastrogiorgos to a Vehicle Abatement Order at 30 MISSISSIPPI RIVER BOULEVARD NORTH. (Public hearing continued from April 15)
Sponsors: Stark
Recommendation is forthcoming.
Ms. Moermond:
- Public Works has done an assessment visually using the aerial
- it is their opinion, looking at the aerial photograph, that the red car is partially in the ROW
- it is so close that she would like a 2nd opinion on it; so, they are going out to the property today at lunch to get an on-site look
- clearly, the red car is in the ROW but they thought that the ones next to it ---- the ROW is askew right there
- they also thought that where the Corvette is parked -- the alley is narrowing
- they also said that this is going to be kind of screwed up because there aren't proper irons out there along Mississippi River Blvd; so, it really needs the eyes of an engineer, which will happen today at lunch
Inspector John Peter Ross:
- in the meantime, another complaint has come in on the same thing about an adjoining property
Referred to the City Council due back on 4/15/2015

Correction Orders**11:30 a.m. Hearings****Orders To Vacate, Condemnations and Revocations**

- 29 [RLH OA 15-2](#) Appeal of Robert H. Brandtjen to an Inspection Appointment Letter from Fire Inspection and a letter requiring \$120 payment from Code Enforcement at 2097 NILES AVENUE.

Sponsors: Tolbert

Robert Brandtjen, owner, appeared.

Inspector John Peter Ross:

- couple issues: 1) appealing the Excessive Consumption fee for noncompliance from Code Enforcement and 2) an appointment letter from Fire Inspection
- EC: a complaint came in regarding scaffolding in front of the house; it's been there over 1 year
- he inspected Jan 27, 2015 - photo on the screen of scaffolding and doing obvious repair to the chimney; he expected that it was near completion and gave it a few more weeks
- went back Feb 16 and it looked identical as it had on Jan 27; no further progress
- sent a Correction Notice to have the scaffolding down by Feb 27, 2015
- Mar 6, he re-inspected and found the scaffolding still up with no further progress
- he contacted building inspection realizing that any home repair greater than \$500 requires a permit; Inspector Tank concurred that this would be needing a permit, which was then applied for and approved on Mar 9
- following the Feb 27th due date, with the scaffolding still up, he sent a fine - letter of noncompliance EC on Mar 2 with a new due date of Mar 10
- since then, it's been appealed
- scaffolding remains and may attract a nuisance; doesn't expect work to be done anytime soon

Mr. Brandtjen:

- asked Mr. Ross if he had gone up the scaffolding and checked all around the chimney to check on work progress
- his labor is worthless when he works on his own property; he would have to consume over \$500 in mortise mix (it's about \$7/bag) - he is not going to be using \$500 worth of mortise mix on it, so, he does not need to pull a permit
- he did pull a permit because of the damage, which was caused by a roofer, hired in 2010 to roof the house, took out a permit and did not replace the flashing (it was written into the contract with them) and it's also code
- that roofer had a long history of not having inspections and DSI was aware of that but they were not policing him; the city should have sued that contractor
- besides this chimney, he had another \$4500 worth of interior damage and there needs to be more repair work done on the roof, itself before he can sell it
- this is not cosmetic work: you're looking at the scratch coat; underneath, all the mortise was removed from each layer of brick and completely replaced; you can't do that all at once; you can do only so many courses a day or you'll get sag and collapse; inspections should be aware of that
- no Notice was left on the door and the mail - Notices were sent to his X-wife in West St. Paul (divorced since 1999); and his X-wife has never had the name Terese

Brandtjen; 2097 Niles Avenue has been his legal residence for almost 24 years; he lives there with his son; he is also in a custody battle with his son's mother; his X-wife changed the address at Ramsey Co; she has severe mental health issues

- all that has to do with the Fire Inspection as well because this is not rental property
- Mr. Tank left a calling card and a note in Jan to call him and he did call Mr. Tank;
- Mr. Tank suggested that he pull the minimum amount permit, about \$30+ so that he could go up there when it was done and inspect it and then act as a witness for Mr. Brandtjen in court because he has to sue the contractor
- the back side of the chimney was worked on in Jan during the warm spell and subsequent work has been done and continues to be done; the complaint that he's not working on it is ridiculous
- he brought up the photos
- the job will take at least 3 more days of tuckpointing; then, at least 3 days to put the scratch coat and brown coat on; then, it has to have another day to do texture work; then, the color/poly coat; it might take another month because the mud has to cure somewhat before you can apply the next coat (standard procedure for this type of work; he is not being slower than a professional crew would be); he is experienced in brick/block work
- it isn't his fault that the chimney is like this; all in all, this will have cost him \$40,000, which he may get back in the lawsuit but first he has to win it and then, he needs to go after his insurance because he is out of business now; and his lives in Washington County

Mr. Neis:

- Ramsey County record shows Mr. Brandtjen's Niles Ave address; it was changed as Mar 14, 2015
- he will close the Fire C of O file

Ms. Moermond:

- needs a date that he can comfortably say he will be done with this repair

Mr. Brandtjen:

- by the end of Apr

Ms. Moermond:

- will give you a finish date of Jun 1, 2015; if it's not done then, enforcement action will be taken

- this appeal is granted

Grant the appeal on the excessive consumption charge; grant an extension until June 1, 2015 to come into compliance with the project and removal of the scaffolding.

Referred to the City Council due back on 4/15/2015

30 [RLH VO 15-11](#)

Appeal of Eugene Kotz to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 315 BLAIR AVENUE.

Sponsors: Thao

Eugene Kotz, owner, and Matthew O'Hara, prospective buyer, appeared.

Fire Inspector A. J. Neis:

- Fire Certificate of Occupancy Revocation by Mr. Neis
- SPPD contacted him in Feb re an inspection; SPPD did a raid at the house
- found multiple code violations; issued Orders
- front porch was pulling away from the house; was Condemned; advised Occupants not to use the porch
- missing handrails; dryer not vented to any thing; was running-emitting CO into

house; storage too close to water heater; foundation support were not sitting on the footings in the basement; unapproved locks on the doors; unsanitary conditions; plumbing stack in basement for sewer was leaking; other unapproved code issues

- based on those violations, he Revoked the Certificate of Occupancy
- Occupants advised him that they were moving out the end of Feb; they indicated that the house was to be re-rented; he agreed to give them until Mar 2, 2015 to Vacate
- photos attached

Mr. Kotz:

- he met with DSI a couple of times and Mr. Neis about this property
- had the Renter from Heck; a group that was sponsored by Mentoring Young Adults, headed by Dora Jones, who was supposed to be here today
- rented to them in Dec 2014; right away his neighbors told him they were a nuisance; they were wrecking the place; bad, bad, people
- worked with the group to first get her out; there was a lot of lip service
- filed an Eviction Action because lip service wasn't getting him anywhere
- prior to this raid, he was trying to get them out; they were destroying his property and causing a nuisance in the area
- a very scary ordeal for him; hasn't had such bad tenants before
- he went to court with Judge Yannish and it was super difficult to get them out; they disobeyed the Condemnation and Vacate Order
- they were actually still at the property a couple days after they were supposed to be out
- he got a Writ of Recovery to force them out
- photos show how he has made efforts to get things restored
- the front porch is being worked on by a contractor; the house has been cleaned up
- many of the items have already been remedied; the rest will be done
- the house will be sold to Matthew O'Hara, who will take over with whatever repairs are left to do

Mr. Neis:

- noted that the eviction was filed on the 17th, 3 days prior to the complaint of Mar 20
- the Police Report was bad; it's an on-going investigation
- he went out 3 days later and found that the Occupant had not left; she was less than truthful with him when he asked about why she was still there; actually, she hadn't even shown up for court
- many of the issues in the house were tenant related; however, some were not

Mr. O'Hara:

- has flipped 40-50 houses over the years
- plans to take care of all the misc. things when he buys the house; he is selling the one he lives in now at 1681 Juno
- he would like to live in this house provided that the neighbors are good
- will homestead the house

Mr. Neis:

- noted that he will need several substantial permits to finish the rehab

Mr. Kotz:

- the damage to the 3-season porch was recent: the house/porch were re-roofed recently and according to the neighbors and the police incident, there were about 100 people at this house; about 30 people were jumping on the porch - trying to wreck it according to the neighbors; there were also people on the roof of the porch

Ms. Moermond:

- if you can get the Fire C of O re-instated in 6 weeks, it will be out of the Vacant Building Program; if not, you are in the VB Program; call ahead for inspections
- suggested that he get to work quickly; all things need to be addressed; all permits need to be finalized
- if the house is going to be owner-occupied, the basement floor will need to be remedied

Mr. Neis:

- permits will be needed for: front porch; plumbing permit for the bathtub; repair on sewer stack; basement floor, foundation and footings

Ms. Moermond:

Grant 6 weeks for owner or potential buyer to get Fire C of O reinstated. If not reinstated, the file will be transferred to Vacant Building Program.

Referred to the City Council due back on 4/15/2015

31 [RLH VO 15-14](#)

Appeal of Gordon and Nancy Barnes to a Notice of Condemnation Unfit for Human Habitation and Order to Vacate at 1159 PASCAL STREET NORTH. (To be laid over to Legislative Hearing on May 5; City Council Public Hearing to be continued to May 20)

Sponsors: Stark

Gordon Barnes, owner, and his daughter, Nancy Barnes, occupant and new owner, appeared. Ms. Barnes and her 3 children live there: twins are 14; her son is 16.

Mr. Barnes:

- we are switching the title to Nancy; then, she can get a loan and we will fix up the property

Fire Inspector A. J. Neis:

- May 2014 - complaint for water shut-off, which was then, turned back on
- Inspector Lisa Martin went out for a routine inspection appointment
- letter sent out for an appointment on Dec 22, 2014 - appointment not made
- another letter sent out for Jan 2015
- Ms. Martin inspected on Mar 12, 2015; she found multiple code violations
- most notable: no working heat at time of inspection; Appellant was working with RAP to get furnace restored
- the furnace has been restored to operate fully; Appellant has a copy of approved Orsat Test
- Ms. Martin found that there was a conflict of interest; her and the Appellant go back to high school, so she thought it would be better if he take over the file
- when Ms. Martin consulted with him after the initial inspection, she noted the heat; also some structural deficiencies - there was a spiral staircase that was put in without permits and an older staircase had been sealed off; apparently, someone had fallen down the old steps so, they decided to put in, what they thought, was a safer staircase; they put in a spiral staircase from the basement up to the 2nd floor, which appears to be lacking substantial stability
- photos taken at initial inspection; he has them up on the screen and is in the process of putting them into the file
- property appears to have had attempts at rehabbing but they didn't quite complete it (wall was opened up where lath and plaster had been removed but never been resealed - exposed electrical was a result)
- his understanding, after talking with Mr. Barnes, the owner, the house went into tax forfeiture and he was able to recover it recently by paying the back taxes; now, he may be eligible for a home improvement loan

- Mr. Barnes' grandfather built this house for his sister in 1885; it's been in the family all this time
- he advised Ms. Barnes to appeal the Orders for more time (this was prior knowing that the taxes had been paid)
- they will be abating the issue on the heat once Ms. Barnes provides him with the furnace report
- there still are structural, as well as, other deficiencies in the house that need to be repaired

Ms. Barnes:

- taxes are totally paid up
- Ramsey County said that it takes 3-4 weeks for the deed to be transferred

Mr. Barnes:

- once the title is clear, they want to get a loan to do bring the house up to code
- he has never had a problem with the spiral staircase; he thought it was covered under his building permit
- introduced his photos of the work he did in the house

Ms. Barnes:

- she has taken care of 11-12 items on the list and she brought the receipts and photos (window glass; switch covers; window locks; deadbolts; etc.)
- it was always their intention to finish the rehab but without the title, there was no way they could get a loan
- no one has ever gotten hurt in the house since she has lived there or she might have acted differently

Mr. Neis:

- he and Ms. Moermond are checking out the photos that Ms. Martin took
- water heater - permit was filed and approved
- kitchen ceiling down with exposed wires (ceiling is ready to be put up)
- light fixture-basement; felt and fabric have been removed from wall
- clutter (has been cleaned up)
- 2nd floor-spiral staircase (railing has been put up)
- opened up walls (they moved a door from one place to another)
- one of the issues when floor was cut for spiral staircase is that the area would need to be properly reinforced because the floor trusses have been cut out (there are jack stands under that beam)
- beam for house and jack stand; you can see that the beam is tilted
- exterior
- missing handrails
- deck
- #4 has been abated; #3 on exterior; #5 should be abated; #6 is abated; #7,#8,#9, #10 can't yet be abated (electrical); #11 storage in attic, etc. - get storage lowered
- is not a hoarding-type house; just excessive clutter that can be stored more orderly
- #12 spiral staircase is the main concern together with the structural issues it has caused (there's deflection in the floor when you walk over it)
- this is a balloon-type construction house, which are particularly dangerous when there's fire in the basement, especially, in this case with the spiral staircase that works like a chimney (in most cases, spiral staircases are prohibited)
- #12, #13, #17, #19 main concerns
- Ms. Barnes says that the ceilings and wall coverings have been removed (was still up when he was there); smoke detector affidavit has been turned in;

Ms. Moermond:

- looked at Ms. Barnes photos on camera

- haven't had the money to hire an electrician yet

Mr. Barnes:

- he's replaced all the sash cords with aluminum spring devices; windows stay up
- the windows leak and are breezy; Ms. Barnes had plastic covering all of them when Ms. Martin inspected
- the heating company that was fixing the furnace dropped off 2 space heaters for the time that they were repairing the furnace

Ms. Moermond:

- Fire gave occupants a month to vacate; and then, extended it to Apr 13, 2015

Mr. Barnes:

- until the title can be cleared and the loan set, they can't hire a contractor; once they have the loan, the general contractor will take care of everything to do all the work

Mr. Neis:

- there's a good chance that the spiral staircase won't be approved, so you won't get the permit; a conventional staircase may have to be installed instead
- there are a lot of variables in the spiral staircase which he assumes will most likely have to be removed

Ms. Moermond:

- believes that's an accurate assessment
- a building permit will need to be pulled to address the staircase; floors need to be stabilized; and the main support beam needs to be plumb and safe
- she can call the county to make sure the title stuff can be expedited
- Appellant needs to talk to a bank or a nonprofit that works on redevelopment issues; Frogtown Redevelopment may extend to Pascal
- try contacting RAP to see if they have other contacts that may be able to help with rehab loans

Mr. Neis:

- Habitat may be starting a program for residential rehab; he will get the contacts name to Ms. Barnes

Ms. Moermond:

- she also has contact information at her desk; she will provide those for Ms. Barnes
- will not change the vacate date for now
- will continue this for 2 weeks until Apr 7, 2015 LH to discuss progress
- she might have a building inspector go out to take a look to get his opinion

Laid Over to the Legislative Hearings due back on 4/7/2015

32 [RLH VO 15-13](#)

Appeal of Amy Nephew and Franklin Neeland to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 548 VAN BUREN AVENUE.

Sponsors: Thao

Franklin Neeland, occupant, appeared.

Mr. Neeland:

- the owner, Twin Cities Real Estate Partners LLC, hasn't been doing the repairs
- we had been homeless and Elizabeth (last name unknown) gave us a chance to move in; we paid everything we needed to pay; we moved in
- they live in the upper unit of this duplex

- they haven't paid Mar rent because he had his hours cut down to only 2 days a week; Amy is going to school and doesn't work; they have 3 children
- they have talked with Southern Minnesota Regional Legal Services (SMRLS), who told them to come here to LH first
- actually, most of the repairs he can do himself
- he has a friend who's a contractor who will help him

Ms. Moermond:

- the deadline for taking care of these things was yesterday, Mar 23, 2015

Fire Inspector A. J. Neis:

- Fire Certificate of Occupancy Revocation
- their office had tried for several months to gain access; 5 appointment letters were sent
- finally, Inspector Perrier Revoked the C of O in Feb 2015
- 9 items were identified in that Revocation letter; 3 were exterior
- the repair deadline was Feb 23, 2015 or Vacate
- Inspector Perrier went back on Feb 23; property owner did not show; the Revocation placard had been removed; he spoke with both tenants and explained the process and decided to give them an additional 30 days to vacate (Mar 23); he contacted the owner of record, who stated that they did not own or manage the property; neither tenant had information on how to contact the property owner or responsible party
- Mr. Perrier did not want to put anyone out on the street immediately; gave 30 more days to vacate - Mar 23
- there are still 9 code violations; Revocation not a Condemnation because he has not yet gained complete access

Mr. Neeland:

- on Feb 23, Mr. Perrier came into their unit and found exposed wires, so they capped them and covered it
- Mr. Perrier said that Mr. Neeland wasn't authorized to do any of the repairs or to even show the property but he has emails from Elizabeth where she authorized him to do the repairs and she asked for them to be home when the inspector got there; if feels like she's just throwing them under the bus, now

Mr. Neis:

- looks like there was another change in address of ownership; on Mar 7, they received a Twin Cities Real Estate Partners LLC for another address in Minnetonka; the addresses have changed so many times; one was in Wayzata; one in Mpls; then, Farmington; back to Wayzata; Farmington (Mr. Neeland has a St. Paul address for them); New Brighton; Excelsior; ... (Ms. Moermond: They're a mobile group)... continuously changing their location

Ms. Moermond:

- she knows of some problems in this building but not all because the whole building has not been inspected
- she knows that the landlord is not showing up for inspections and hasn't taken responsibility for doing the necessary repairs
- so, this is a case where the city needs to get the tenant out of the building; it's gone on long enough and it isn't going to get better; looks like it's been abandoned
- she needs to have this property Vacated and give the tenants a decent chance to do that; this also needs to be communicated to the landlord so she knows that if these things are taken care of by them, the place won't need to be Vacated

Mr. Neis:

- suggested that he go to the property tomorrow between 9 am and 1 pm to insure that there were no life-safety issues, if the tenants allowed access
- Mr. Neeland can talk to the lower unit's tenants so that they also allow access

Mr. Neeland:

- he is there all day and will allow access

Ms. Moermond:

- good suggestion; if Mr. Neis can confirm that there are no life-safety issues, she will extend the Vacate date to May 1, 2015
- Grant an extension until April 15, 2015 for tenant(s) to vacate if the inspector finds life safety issues at his inspection; if there are no life safety issues found, grant until May 1, 2015 for owner to come into compliance or tenant(s) must vacate the property.

3/26/15: received an email for Mr. Neis indicating that he inspected the property and it in major need of repair; however, there are working smoke and carbon monoxide detectors. He is issuing new orders with a vacate date of May 1, 2015 as recommended by the hearing officer.

Referred to the City Council due back on 4/15/2015

1:30 p.m. Hearings

Fire Certificates of Occupancy

- 34 [RLH FCO 15-26](#) Appeal of John Wengler for Bilco, Inc. to a Fire Inspection Correction Notice at 857 GRAND AVENUE.

Sponsors: Thune

Julie Wengler, John Wengler, Jeff Weissbach, Bilco Inc, and Attorney Jim Jorgenson appeared.

Fire Inspector A. J. Neis:

- Inspection done by Ms. Skow-Fiske; report Feb 10, 2015
- appealed are items #22 and #24 re: the patio bar and the sprinkler system; (the patio bar and the old stairs by the kitchen are missing sprinkler coverage)
- re-inspection Scheduled for Apr 3, 2015
- called under the NFPA (fire code)
- there's been work on here on and off; in 2012: the addition of sprinklers for the indoor patio (The Green Room); permit filed and completed
- now, it's the patio bar on the outside sprinkler and under the stairway sprinklers; so, it would be the addition of a sprinkler in the patio bar area
- doesn't see any photos

Mr. Wengler:

- that bar has not been modified in the last 25 years

Mr. Weissbach:

- he is here because he built that bar a long time ago; there's very little burnable material there
- the roof is metal; all the fixtures are stainless behind the bar; the bar top is wood
- the bar closed at night behind metal garage doors and it's abutted to a building with about 2 feet of masonry and a layer of brick on it; so, at night, it is totally enclosed and no one goes in there; it's locked from the outside with a padlock; it's encased in

metal; during the day, it's open; the bar tender has a fire extinguisher
- the area is not heated and there's no smoking on the open patio

Ms. Wengler:

- the bar is about 20 feet long and open on both ends

Mr. Wengler:

- Inspector Skow-Fiske came out twice; Mr. Wengler spoke with her but this and she was not very clear on it
- she did come back to take photos

Mr. Jorgenson:

- he went thru the fire code and 1306.010010 - there's nothing saying what is required for a commercial building
- the citation in the inspection deals with part of the code about "how to install" and if it's required
- Mr. Weissbach said there's very little flammable material
- it's open maybe 100 days a year

Mr. Weissbach:

- the bar is on a roller system on top of stainless; the whole bar rolls back
- when you are sitting at the bar, you are hardly under the roof, which is corrugated metal
- there are steel beams and about 2 feet of masonry; it sits on concrete
- it's not technically or entirely enclosed because it's not heated; there's ample air movement

Mr. Neis:

- looking at past inspection reports
- this is open only weather-permitting
- assuming this was brought to their attention now because the inspection took place during a time when it was enclosed
- he will need to look at this further
- if sprinklers are needed here, it would be very involved, technically

Ms. Moermond:

- would like to see a floor plan-layout, photos to explain how this fits together; which would help the City Council interpret this better
- it makes sense to her that the appeal is granted on this; however, she needs documentation

Mr. Wengler:

- under the stairs is already being taken care of; it's a real easy fix according to Viking Sprinkler
- everything in the bar/patio area gets unplugged and gets put inside

Ms. Moermond:

Recommendation is forthcoming. Owner to provide floor plans and photos of the patio bar area for review.

Referred to the City Council due back on 4/15/2015

35 [RLH FCO 15-39](#)

Appeal of Jeff Martinson, TBG Holdings LLC, to a Fire Inspection Correction Notice at 1032 RYDE STREET.

Sponsors: Brendmoen

Jeff Martinson, TBG Holdings LLC, owner, appeared.

Fire Inspector A. J. Neis:

- *Fire Certificate of Occupancy Correction Notice issued Mar 4, 2015 by Inspector Lisa Martin*
- *re-inspection May 5, 2015*
- *20 code violations*
- *appealed: #13, 17, 19 should not have been called*
- *asking for additional time for extensive list*

Mr. Martinson:

- *#13 - interior egress windows; will require extensive modification to put in an egress window; possible framing in the structure; siding*
- *bought in Mar 2014; inherited all the deficiencies*
- *prohibitive costs and time consumption*

Ms. Moermond:

- *Builders Association of MN case and Morris V. Sax*
- *#13 - the argument under the Builders Association of MN would be that this window has always been in existence in these dimensions*
- *her question is "How long has this space been used for sleeping purposes?"*

Mr. Martinson:

- *zoning is R-2; multi-family; the occupants have lived there for the last 20 years, according to them - as a single family; he has been using all the rooms as they were since he moved into the place; it's been a bedroom as long as he's been there*

Mr. Neis:

- *the way the building was built - in it's original condition - those would not be permissible for them to call out*
- *in this case, it's tricky because the house was built as a single family; then, converted into a duplex; then, converted back into a single family; so, the house was modified when it became a duplex and again when it was converted back*

Mr. Martinson:

- *the upper kitchen is not really a kitchen - just a counter top and a sink; no appliances*
- *the way the upper floor is laid out, any one of those rooms could have been a living room or a bedroom because there are 3 bedrooms up there; they're all smaller rooms*

Mr. Neis:

- *the inspector's call is correct; an egress window can't exit into a porch; perhaps, when the house was a duplex, that porch was then a bedroom and the sleeping area was the living room*
- *in this case, we can't determine what was "original"*
- *this is not about building code; it's about use*
- *photos*

Mr. Martinson:

- *doesn't know if the porch is insulated or heated; he hasn't done any remodeling there himself; he doesn't actually go there; Daniel takes care of things there*

Ms. Moermond:

- *doesn't know the situation of the 2nd story; if it was originally an open porch, then, it would have exited to the outside; it seems as though the space was altered if there's a window in the closet*

- one of the fixes would be to remove the barrier between the porch and the bedroom so that the exit is directly to the outside

Mr. Neis:

- there's a couple of options: 1) if porch is insulated and heated, they could be sleeping there - make that the bedroom; or 2) if this wasn't an addition, you could open up that wall on the inside and it becomes part of that room (one big bedroom)
- the windows on the porch are huge

Ms. Moermond:

- asked for a floor plan/diagram of that space; better photos
- one of the ways to get out of the bedroom has to go directly outside
- there have been obvious alterations to this space (new windows; could have been an open porch; a window in a closet)
- doesn't know how it looked originally; she needs better knowledge
- forthcoming on this item #13

Mr. Neis:

- #17 - will abated this one; erred on calling that a violation; you can make a house into fewer units but not into more without going thru some hoops

Ms. Moermond:

- #19-Handrail height; a good case for *Morris V. Sax*
- how high were the handrails supposed to be when the house was built, if they are original? If not original, we'd need to look at the code from the era when the handrails were installed
- she needs to find out more

Mr. Martinson:

- there's 1 handrail on basement stairs, probably 30-32"
- is not familiar with the 1 going up to the 2nd floor
- he needs additional time to take these measurements and photos; check on plumbing permits, etc.
- looking for 60-90 days extra to get this stuff done, excluding #13 and #19

Ms. Moermond:

- get back to me with diagram; photos by the end of 2 weeks (Staff Report)
Grant until May 5, 2015 to get Items 1, 15, 22, 23 and 25 into compliance; grant 2 weeks for compliance on the smoke detectors; and grant until June 1, 2015 for the remaining items with the exception of the painting/exterior items which is granted until July 1, 2015.

Referred to the City Council due back on 4/15/2015

36 [RLH FCO 15-33](#) Appeal of Eric Meyer, AFS Properties (management company), to a Fire Inspection Correction Notice at 85 SEVENTH PLACE EAST.

Sponsors: Thune

Eric Mayer and Pat Wolf, HFS Properties (management company), appeared.

Fire Inspector A. J. Neis:

- Fire Certificate of Occupancy Correction Notice issued by Inspector Sebastian Migdal on Jan 31, 2015; re-inspection scheduled for today, May 24, 2015
- appealed: elevator lobbies, secured to the exit off the floors (when you exit the elevator, if you don't have a keycard, you can't enter the staircases); an occupant of a floor has access to get into their space with the keycard; inside the tenant space is

the staircase from which they can evacuate in the event of an emergency
- the elevator itself is not an approved means of escape
- if someone gets off on the wrong floor via the elevator; the doors close behind them and in the event of an emergency, like a fire, they are basically, stuck in that elevator lobby

Ms. Moermond:
- asked how long this has been like this

Ms. Wolf:
- floors 3 & 4 have been that way since 1998; floors 5 & 6 have been that way for at least 10 years
- noted that the hallway doors fail safe (they fail open); they are integrated into the fire life-safety system and have been for years; so that in the event of a fire, the smoke detectors will go off and the doors fail safe open

Mr. Neis:
- that's one of the requirements for that system to be operable
- another requirement would be a manual "pull" in those lobbies to activate if the fire alarms didn't sound right away

Ms. Wolf:
- on floors 5 & 6 there is a fire pull
- they would be happy to install those on floors 3 & 4, as well, to conform
- photos

Mr. Meyer:
- thinks that Mr. Migdal is leaning towards a push button, which can complicate things
- for consistency, they can add fire pulls on 3 & 4 and add some signage to let people know that the doors automatically opened if the fire alarm was pulled
- he thinks that meets the code

Mr. Neis asked for a Recess to discuss a question with Ms. Angie Weise, Fire Protection Engineer, who joined the hearing.

Ms. Weise:
- the one struggle they have with using pull stations is that it does call the Fire Dept and there may "not" be an emergency; perhaps, a person is just stuck

Mr. Neis:
- one of the most dangerous aspects of fire fighting, isn't fire fighting itself; it's sending 3 engines, a ladder, a chief and a squad because someone pulled the fire alarm; you're putting an increased danger on the public of those trucks responding in addition to the 30 people who otherwise could be responding to a true emergency, which is another reason for the "push button" approach; it may be an emergency to them but not to the general public

Mr. Meyer:
- that makes sense on the surface but this is a commercial building in which most of the tenants are state offices; it has security and secure areas where you don't want people just pushing a button; if they install a button, it would only be pulled in an emergency situation, so someone would need to come because of today's environment; however, that is their cheapest option for all 4 floors vs doing a fire pull
- they have security staff 7 days a week, 24 hours a day; they have cameras in the lobbies, so, they would know who pulled the alarm

- it's a high traffic area so no one will be there waiting and wondering what's going on
- if the building lost power, security would be checking immediately to see if anyone were on the elevators and those spaces
- you need a card access to get to those floors, first of all; Mr. Migdal's concern was that if someone were just riding along and gets out

Mr. Neis:

- let's say an elevator breaks down - goes out of service and a person is in the lobby; what now?

Mr. Meyer:

- there's enough traffic from work space to work space so that someone will be coming thru or going up and down the elevator (there's 4 elevators)
- when that lever is pulled, it really needs to be for an emergency; by using the fire pull, we can get to that level of emergency; people will think twice about pulling a fire pull; not so much about pushing a button

Ms. Wolf:

- has been in the building since 1988, and they have never had a false alarm fire pull; and no one has ever pulled the fire pulls in the lobbies of the 5th and 6th floors
- they want an integrated and consistent system throughout the building; to put fire pulls on 3 & 4 would continue that consistent system
- the situation: someone is in that elevator lobby, there's smoke and the smoke hasn't yet activated the overall system and they want to get out
- there are 1200 people in the building; each floor is 45,000 sq.ft. each; there's a lot of density
- she thinks that it's unrealistic to think that they would not have those doors fail open; and then, she thinks it's unrealistic to think that somebody would not be coming thru that door to allow them access; it would mean that the doors would have to not fail correctly and that somebody wouldn't come thru the door to let them out
- people know what a fire pull station means

Ms. Weise:

- people are really hesitant to pull a fire alarm pull station when there is no fire; they might be trapped.... and every space does require a viable exit and an elevator doesn't qualify as a viable exit
- understands about consistency; from her perspective, that would be the only reason to think about using a pull station in this particular building

Mr. Meyer:

- the code we are referencing for these 2 items is the 2007 MN State Fire Code; not a Safety Code; not a Building Code...

Ms. Moermond:

- the Fire Code is the Safety Code

Mr. Meyer:

- fire pulls were used to drop locks on the doors - the direction for many years
- fire pulls allow the security level that that need
- the code doesn't specifically say which option they should use to meet the code
- this is a commercial building where they are required to provide some level of security to their tenants
- using a floor diagram, explained how far the staircases were from the elevator lobbies

Ms. Weise:

- want to be consistent with plan review (building plans); they are pushing the corridor on all of these tenant build outs so that there doesn't need to be a lock; so, you can always get into that corridor straight to the stairs; here we're not talking about a tenant build out

- in years past when there was a lack of technology, they used what was available, which was a pull station; that could also have predated any monitoring where there were local alarms and they got people out of the building but not necessarily called the Fire Dept

Mr. Meyer:

- that's what they want in case of an emergency

- of course, it could happen that someone just pulls it; however, that's unlikely to happen in a professional building

- 3 out of the 4 floors are secure; no public traffic; 1 floor has a reception area and there is some public traffic

- they agree with Mr. Migdal that it's a great idea to add a pull on floors 3 & 4 and to have a method to release the lock on the doors

Ms. Wolf:

- the 2 floors in question are totally private floors; the agencies that lease the space expect that their security won't be breached for somebody who happens to be trapped; they have never had it happen that someone was "trapped;" they've never had a false alarm; you cannot get to those floors without a security badge

- they would like to maintain the security for their tenants and the fire pull system is consistent with the one that they have; people understand what to do with the fire pull station; it's the best solution for this situation

- they have gone thru several C of O inspections and guarantees that those locks have always been in place; not newly installed; that's never been called out before - it's really concerning to them to know that somebody knew that they can push a blue button and gain access to a whole floor and several hundred people

Ms. Moermond:

- what has changed from the last C of O cycle where this gets called out when it's not a new condition?

Ms. Weise:

- doesn't know but locks get put on at any time

- asked if they've considered the blue button that says, "Push to Exit" - double action pull stations

Mr. Meyer:

- that requires a lot of extra wiring and cost; if you do it the way Ms. Weise described it, the cost would be twice the cost of doing a fire pull

- to do just the "blue" is \$1900; to add our 3 fire pulls and signage is \$2655; to do the "blue-wired" is \$4305

- they meet the intent and the requirement of the codes either way; they are just looking for some latitude on being able to meet the code; it doesn't specifically say that they have to use a blue button or a fire pull

Mr. Neis:

- there are many types of emergency; the "blue-wired" is really the best solution, especially if it provides you notification at your security location

Ms. Moermond:

- don't see any proposals in the appeal of things that you've talked about; that would be very useful - some concrete information

- something that would be affordable and still meet the intent of the code
- bring in some options for staff to discuss in order to reach some accommodation that would meet as many needs as possible
- send emails to both her and to Ms. Weise
- deadline: 2 weeks to address both #11 and #12
- will wait to set the next inspection date until the best approach for #11 and #12 has been resolved
- will continue this LH in 3 weeks to Apr 21, 2015 LH or discuss via emails (this is in error. 3 weeks from 3/24 is April 14; however, no hearing conducted for Fire inspections so April 13 at 10:00 a.m.)

Owner to provide couple proposals/options for coming into compliance with the access control system and locks from the exit doors in the elevator lobbies and commerce lobby.

Laid Over to the Legislative Hearings due back on 4/13/2015

37 [RLH FCO 15-34](#) Appeal of John Lanners to a Fire Inspection Correction Notice at 275 WHITE BEAR AVENUE NORTH.

Sponsors: Finney

John Lanners, MGM Wine and Spirits, appeared.

Mr. Lanners:

- entered document; been at this location since 1980 when it was built
- they always comply with ordinances and code
- all the items on the list have been taken care of except #1 - sprinkler system - need clarification

Fire Inspector A. J. Neis:

- Fire Certificate of Occupancy Correction Notice issued by Inspector Wayne Spiering on Feb 18, 2015
- re-inspection Mar 20, 2015
- 3 items were identified; 1 is being appealed: fire sprinklers in the basement has some obstruction

Fire Protection Engineer Angie Weise:

- Mr. Spiering talked to her about this one
- there are some very deep beams in the basement that are acting as obstructions to the sprinkler coverage; they are close to one side of the beam; on the other side of the beam, they are really far away; spacing between sprinklers is very important; the beam is acting like a wall so, the other side has inadequate coverage; believes that it's 9 feet away, if not further in some locations
- her main issues with this: inadequate coverage in a basement with some combustible storage (the nature of the business)
- left a message with Mr. Lanners with the explanation and encouraged him to get bids, which he did; an inspector met with a contractor on site to discuss the options (the best way to accommodate this inadequacy with the least amount of money);
- one option would be to change out the head that's 9 feet away to an extended coverage head; it would have to be calculated by a Fire Protection contractor back to the city main to make sure there was enough water to do that
- any solution would require a calculation; the design work is where the cost comes in

Ms. Moermond:

- the I-beams are not new and the sprinkler heads are not new
- it's striped coverage

Mr. Lanners:

- which code applies here? the present code or the code when it was built? When it was built, there weren't many buildings sprinklered in St. Paul but this building was built according to code at the time and has been approved many times
- Ms. Weise has identified an issue
- it would be wise to consider doing some of these improvements as the sprinkler system ages
- do not have all the bids; the one they have is \$4,000
- is the code from 1980 relevant or is today's code relevant for this?
- they don't store much alcohol in the basement but they do have a lot of boxes; the floor, walls and ceiling are concrete; it's a concrete block building
- they have a sprinkler system down there which most businesses don't have

Ms. Weise:

- in 1980, plumbers approved and inspected sprinkler work
- she struggles with this because it's been in place for many, many years; on the flip side, it's a basement which is traditionally, really a difficult fire to fight; if this were an office building and it was too far from the wall, she would not bat an eye at it
- cardboard poses more of a hazard than the alcohol
- the concrete is not structural; and the beams are steel, which doesn't hold up very well in fire
- is not opposed to an extended time for compliance

Ms. Moermond:

- there's pretty good fire separation in the building
 - because you have a sprinkler system, it must be maintained; deadline: the end of 2016 to come into compliance
- Grant until the end of 2016 to come into compliance with the basement sprinkler coverage issue.

Referred to the City Council due back on 4/15/2015

Staff Reports

- 38 [RLH FCO 15-22](#) Appeal of Steve Shea to a Re-Inspection Fire Certificate of Occupancy with Deficiencies at 849 SEVENTH STREET EAST.

Sponsors: Lantry

STAFF REPORT: Need photos from owner or inspector on all the work done under permit(s).

Ms. Mai Vang:

- has not heard from Steve
- Mr. Shea wrote an email; and a letter to DSI

Ms. Moermond:

- Fire file
- is not seeing a note in the Orders about an old permit
- 2 things need to happen:
- last Thu, Mar 26, a note was sent to Steve Ubl, building official, to ask for his feedback and we haven't gotten that back from him yet; probably hasn't had a chance to get to it yet
- Supervisor Shaff's staff report, she indicated that #12 in Building 849 Provide and maintain fire-rated corridor construction with approved materials and methods

2-hour minimum rated; it's missing fire the protections along the corridor walls and ceiling; her understanding from Inspector Smith is that it's just stud walls; no rock or insulation; we need to get photographs to confirm what exactly it is to give Ms. Moermond and Mr. Ubl something to respond to (photos from the owner or photos from staff)

Laid Over to the Legislative Hearings due back on 4/7/2015

2:30 p.m. Hearings

Vacant Building Registrations

- 39 [RLH VBR 15-18](#) Appeal of Abera Mulugeta to a Vacant Building Registration Notice at 622 BUSH AVENUE.

Sponsors: Bostrom

Appeal withdrawn. Inspector met with property owner on March 18, 2015 and inspected and lifted the condemnation. Vacant building file has been closed and appellant won't be attending the hearing.

Withdrawn

- 40 [RLH VBR 15-19](#) Appeal of Blake and Noelle Elliott to a Vacant Building Registration Notice at 339 PELHAM BOULEVARD.

Sponsors: Stark

Blake Elliott, owner, appeared.

Inspector Matt Dornfeld:

*- Category 1 Vacant Building by Inspector Dennis Senty per a Certificate of Occupancy Revocation by Fire Inspector Mike Cassidy
- documented that house appeared unoccupied; secured by normal means; rear deck has deterioration; unapproved hand and guard rails
- see the C of O Revocation for additional deficiencies: affidavits for furnace and smoke detector*

Mr. Elliott:

*- house has been a rental for 9 years
- in Nov 2014, we decided to do a renovation; will put a 2nd story on it
- ran across some problems with their architect in Nov: soil conditions and pilings; because of the location of this property. it requires pilings, which all delayed the renovation; first got some answers about all that in Feb 2015
- the plan just was finished last week
- pull building permit within the next week or two*

Ms. Moermond:

*- will recommend the appeal is granted to get out of the VB Program conditioned on getting that permit pulled and work underway; will pass the inspection to re-occupy it
Grant the appeal and appellant is out of the VB Program.*

Referred to the City Council due back on 4/15/2015

- 41 [RLH VBR 15-17](#) Appeal of Ken Swanson and Corine Kurtti to a Vacant Building Registration Notice at 1172 SEMINARY AVENUE.

Sponsors: Stark

Ken Swanson, owner and Corine Kurtti appeared.

Inspector Matt Dornfeld, Vacant Buildings:

- Vacant Building Registration fee
- became a Category 2 Vacant Building by Inspector Dennis Senty per a referral from Saint Paul Fire Dept
- Mr. Senty was called to the property on Feb 24, 2015 for a complaint of basement flooding
- Inspector's notes: the dwelling had been secured by RESPRO; basement window was boarded; the garage was also secured; found the house to be boarded; he posted VB placards; took photos; spoke with property owner, who explained that there was interior flooding; he stated that someone broke into the house; gas meter is off because of nonpayment of the bill (now, it's current, per property owner); Xcel is supposed to be coming out to turn on gas; inspector was not in the house but the owner said he was doing a bathroom remodel
- no permits on file for the bathroom remodel; work was being done

Ms. Kurtti:

- introduced pictures of the damage of the break-in: boxes are turned and strewn and the couch was not covered like it was; nothing was like it had been

Mr. Swanson:

- they went out of town Feb 23; on Tue he realized that his bank account had been messed with; so, he went to his house and noticed that the back basement window had been boarded up; he went into the house and found that there had been a break-in; his safe and computer were stolen; it looked like a tornado went thru his house
- both he and Ms. Kurtti have a house; they were in the process of cleaning out this one, his house; and they found a mold issue in the house
- previous owner had put plywood up against the brick with no water barrier and it developed mold
- there were also problems in the bathroom; he removed the wall board that the previous owner had put into the shower

Ms. Kurtti:

- they plan to move into the house as soon as they can; had planned on end of Apr, which probably won't happen now
- house payments and insurance are up-to-date
- first they need to get someone in to fix the water damage in the basement (either a pipe broke or was cut during the break-in) and ice was everywhere
- her 2 older boys will be living in one unit of her duplex; her mom lives in the other unit
- they can't even get insurance people into the house until the building is no longer a VB

Mr. Swanson:

- he thinks that the people who broke in cut his water line, which created a scene out of Frozen
- he spoke with someone from Service Master, who said that the ice has to be gone and heat in the house before they can come in and do anything
- he also spoke with Xcel and they said they couldn't do anything with the furnace until it was thawed out; so, he got some large heaters to thaw out the furnace; then, Xcel told him he needed to get a special person to check it out first (Catch 22)
- the VB status/fee plus more \$\$\$ for another inspection

Ms. Kurtti:

- once they get into the basement, they will gut it
- will probably also need a new furnace
- the reason why the gas was off is because Mr. Swanson got hurt in Mar and he had no income; he didn't get paid for 2 months because he didn't fall at work; the gas did get paid up; not yet turned on
- insurance adjuster will be in the day after they get it cleaned up

Mr. Swanson:

- he was going to install a new furnace; it was setting near the back door; that's gone now
- also, items from the garage were stolen

Ms. Moermond:

- you will need to pull permits to get this work taken care of
 - she wants to treat this like a fire
 - wants to waive the VB fee for 90 days and also wants to waive the requirement that you get a Code Compliance Inspection
 - if after 3 months, this isn't squared away, we will talk again
 - if you had a fire, we would not require a Code Compliance Inspection; we'd let you and the insurance people figure it out and get out of your way
 - you may need a permit to demo the basement; it just depends on the damage
 - her office will send you a letter of confirmation
 - it will be 90 days from today (Jun 24); share that with insurance
 - call Matt Dornfeld if you have any questions; it will still be in the VB Program but as a Cat 1; you can take off the placards
 - if we need to revisit this, don't panic
- Waive the VB fee for 90 days and no code compliance inspection is required.*

Referred to the City Council due back on 4/15/2015

3:00 p.m. Hearings

Other