



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final Legislative Hearings

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651-266-8585

Tuesday, September 10, 2013

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Remove/Repair Orders

- 1 [RLH RR 13-40](#) Ordering the rehabilitation or razing and removal of the structures at 676 WELLS STREET within fifteen (15) days after the September 18, 2013, City Council Public Hearing.

Sponsors: Bostrom

To be laid over to September 24, 2013 Legislative Hearing and City Council Public Hearing on October 2, 2013.

RE: 676 Wells Street (Single Family)

Ms. Moermond:

 - there was a request from the District 5 Council to lay this matter over to allow the Board to consider the matter
 - recommends a layover to Legislative Hearing Sep 24, 2013
 - at the City Council Public Hearing on Sep 18, 2013, she will ask for a layover to Oct 2, 2013, which would allow District 5 Council to provide feedback reflecting the neighborhood conversation, etc.

Referred to the City Council due back on 9/18/2013

- 2 [RLH RR 13-38](#) Ordering the rehabilitation or razing and removal of the structures at 989 BURR STREET within fifteen (15) days after the August 21, 2013, City Council Public Hearing. (To be laid over to September 10, 2013 Legislative Hearing and September 18, 2013 City Council Public Hearing)

Sponsors: Brendmoen

To be laid over to October 8, 2013 Legislative Hearing and City Council Public Hearing on October 16, 2013.

RE: 989 Burr Street (Three Family Dwelling)

Ms. Vang:

 - Kris Kujala, Ramsey County, called this morning and stated that she has no update

but that they ordered the Code Compliance Inspection and it is scheduled for 9/26. Until the CCI is conducted, they can't make a decision on the building.

Ms. Moermond:

- once the Council has the results from the CCI, they can evaluate the property for rehab or demo*
- City Council Public Hearing is scheduled for Sep 18, 2013*
- she will ask for a layover to Oct 16, 2013*
- asked Mr. Magner to try to expedite the CCI*
- the Legislative Hearing is scheduled for Oct 8, 2013*
- Mai, let Ms. Kujala know that we'd like an assessment*

Referred to the City Council due back on 9/18/2013

- 3** [RLH RR 13-42](#) Ordering the rehabilitation or razing and removal of the structures at 1485 HAMLIN AVENUE NORTH within fifteen (15) days after the October 2, 2013, City Council Public Hearing.

Sponsors: Stark

Remove within 30 days with no option for repair.

RE: 1485 Hamline Avenue North (Single Family)

Diane and David Krinkie, appeared. Charles E Nightengale, owner (deceased); Diane is the deceased's cousin and special administrator of the estate. On Oct 15, 2013, she will be appointed personal representative; she has all property rights.

Steve Magner, Vacant Buildings:

- The building is a one-story wood frame single-family dwelling with detached one-stall wood frame garage on a lot of 5,227 square feet. According to our files, it has been a vacant building since July 9, 2013. Note: The property was condemned on July 8, 2013 as a result of a severe fire, which resulted in a casualty, causing major structural damage and was deemed unsafe for entry by the Saint Paul Fire Department. The building was then boarded and secured by the city's boarding contractor.*
- The current property owner is listed as Charles E. Nightingale (deceased) per AMANDA and Ramsey County Property records.*
- On July 23, 2013, an inspection of the building was conducted, a list of deficiencies which constitute a nuisance condition was developed and photographs were taken. An ORDER TO ABATE A NUISANCE BUILDING was posted on July 25, 2013 with a compliance date of August 9, 2013. As of this date, the property remains in a condition which comprises a nuisance as defined by the legislative code.*
- Taxation has placed an estimated market value of \$39,000 on the land and \$85,100 on the building (pre-fire).*
- Real estate taxes are current.*
- The Department of Safety and Inspections has waived the vacant building registration fees for 90 days.*
- As of September 9, 2013, a Code Compliance Inspection has not been done.*
- As of September 9, 2013, the \$5,000 performance deposit has not been posted.*
- There have been two (2) SUMMARY ABATEMENT NOTICES since 2013.*
- There have been two (2) WORK ORDERS issued for:*
 - Garbage/rubbish*
 - Boarding/securing*
- Code Enforcement Officers estimate the cost to repair this structure exceeds \$100,000. The estimated cost to demolish exceeds \$20,000.*

- DSI, Division of Code Enforcement Resolution submitted for consideration orders the property owner to repair or remove this structure within fifteen (15) days, if not, the resolution authorizes the Division of Code Enforcement to demolish and assess the costs to the property; although
- the owner has submitted to the city a proposal from Ray Anderson and Sons; so, he will amend his previous statement to say that the city should move forward with a resolution to remove the building giving 30 days.

Amy Spong, HeritPreservation Commission (HPC):

- house built in 1926
- kind of a Cape Cod style, maybe a little more bungalow
- front porch has been enclosed; porch has craftsman detailing
- original owner was Ann Scott
- outside wood siding is wrapped in aluminum
- located in the West Como Neighborhood
- 1983 last surveyed
- this property is not located in an historic district
- the 2 block faces - houses all seem to be from similar era with different styles; there are no vacant lots on these 2 block faces
- the building has no potential to be an historic building on its own merit nor be contributing to any potential historic district
- also, there's the fire damage
- demolition would not have an adverse affect from an historic preservation perspective

Ms. Krinkie:

- Ray Anderson and Son's bid: \$15,200 (no asbestos was found)
- the family wants to demo the building

Ms. Moermond:

- the parcel's estimated value of \$39,000 should cover the cost of the demo
- will recommend to the City Council that the building be removed within 30 days with no option for rehabilitation

Mr. Magner:

- will need a signed copy of Ray Anderson and Son's proposal for demo between now and the resolution compliance date
- at City Council Public Hearing Oct 2, 2013
- the building should be down by Nov 1, 2013
- the parcel will still need to be maintained by the Appellant

Ms. Krinkie:

- will sign the contract today

Ms. Moermond:

- also, watch for dumping trash, garbage, etc. because you will also be accountable for that, as well

Referred to the City Council due back on 10/2/2013

11:00 a.m. Hearings

Summary Abatement Orders

- 4 [RLH SAO 13-40](#) Appeal of Richard Varberg to a Summary Abatement Order at 1466 COMO

AVENUE.

Sponsors: Brendmoen

RE: 1466 Como Avenue (Duplex)

Richard Varberg, owner, appeared.

Inspector Scott St. Martin:

- received a complaint about selling snow blowers and lawn mowers at this property
- inspector went out and found several lawn mowers and snow blowers between the houses, covered; inspector explained that they needed to be stored inside or somewhere else and to discontinue the snow blower repair business with a compliance date of Sep 3, 2013
- the yard and home appear to be meticulously maintained

Ms. Moermond:

- there are a lot of lawn mowers here

Mr. Varberg:

- there are just so many people in the area that have that need and he doesn't know what to do; he doesn't need it and doesn't want it so he's been referring people to a guy down the street who used to do repair of lawn mowers and recently lost his job
- he has people coming to him all the time who can't take care of their equipment anymore; they hear about him and one person passes it on to another, and so on....
- and people find out that he makes no profit on the repair; he gives it away
- some hardware stores charge \$15 just to get rid of a lawn mower and a lot of them are still very good lawn mowers
- he has worked 40 years in the Philippines and all of this "throw away" we have around here.....
- he's a guy who just can't sit and watch television; he's got to be working...got to be helping people
- he used to do carpentry work; people get broken into - they'd know about him and he'd go and repair their place for nothing
- he sits on his chair in the garage and he can repair any engine that is brought to him
- he grew up on a farm and he started a business in the Philippines, nonprofit also, using used engines and parts from Japan and re-building--- we were in an area where there was no electricity, no nothing; they ended up building threshing machines, irrigation systems, etc. - he's done it all his life; it's kind of relaxation for him
- he doesn't need the money; they give away a lot; he just wants to help people and he wants something to do
- he is shocked that the city is trying to shut him down because everybody who comes by is praising him for what he's doing
- is looking for direction
- his son owns the corner house next to his, so, he's not encroaching on anyone else
- without his knowledge, his neighbor on the other side of his house came to the hearing today, too

Curt and Kathy Stock, the neighbors:

- "We're here to support"

Inspector St. Martin:

- Inspector Paula Seeley wrote up these Orders
- 2 issues: 1) exterior storage of snow blowers and lawn mowers; and 2) zoning -

home business

- *running a business out of his garage is a prohibited use but he can repair his own engines, etc.*
- *the exterior storage is the most severe in this case but it's not being done for money, so, it's really not a home business/occupation; they received a complaint based upon the storage between the 2 houses (his house and his son's house)*

Mr. Varberg:

- *the Zoning people told him to appeal this*
- *he thought he was just serving people and not harming anyone*

Curt and Kathy Stock, neighbors:

- *live on the adjacent property to the west:*
- *they are the only ones who can see any of these lawn mowers; they are always in a neat row; there is never piles of junk laying around*
- *it's not a visual nuisance to them, at all*
- *there's no one across the street*
- *the machines between his house and his son's house are all under a tarp*
- *this can't really be termed "a business"; it's more of a service because he donates the money that people give him*
- *Mr. Varberg doesn't start anything before 8:00 a.m.; there's no noise being made, at all*
- *when it snows, he snow blows the whole block and he helps everyone*
- *another important part is the recycling and re-using of these machines*

Mr. Varberg:

- *has a 2-stall garage; in the winter, the cars are parked in the garage*
- *there is concrete between the 2 houses so they can park several cars there*
- *it's a duplex, so their tenant also parks there - there's plenty of space*
- *he doesn't always sell lawn mowers; sometimes, he just gives lawn mowers - it depends on the need of the people*
- *he has too many people coming to him; one of his weaknesses is that he can't say, "No"*
- *has approximately 10-12 lawn mowers at his property now*
- *has approximately 40 snow blowers, which are gone in a flash when the time is near winter (30+ snow blowers are in his garage)*
- *what money he makes, he gives away; but many machines are given away, too; mostly, he doesn't charge - he asks people to donate what they can*
- *with his background of being in a very poor country, he can't stand to see all the "throw away" around here*

Ms. Moermond:

- *is trying to figure out a way to get the exterior storage down*
- *doing the repair for charitable purposes is fantastic*
- *wondering who he could partner with in the community who would have this kind of space that he could use*

Mr. Varberg:

- *when there are the 2 buildings, both theirs, a concrete slab in between and with a tarp over the machines, roped down - he doesn't see that it's a big problem to anyone, except him*

Ms. Moermond:

- *strickly speaking, it's a violation (Mr. Varberg: not all laws cover all situations)*
- *she will try to problem solve this with Mr. Varberg*
- *how can we demonstrate that this is not a home occupation; that it's a service, not*

for profit

- "nonprofit" doesn't mean that you wouldn't fall under "home occupation"
- if it were on a smaller scale it would work out so much better

Mr. Varberg:

- I would much rather have a smaller scale
- he will be much stricter next year on what he takes to try to keep it down
- let the people decide what's best for the city; he's here to help the city, not himself
- there will be no inventory in the winter; all snow blowers will be gone
- he really doesn't want all the work he has

Mr. St. Martin:

- suggested that Mr. Varberg put up a shed to meet the storage requirements
- he already has a cement slab

Ms. Moermond:

- a shed would work for some storage
- getting the volume way down would work
- is concerned also about the charging for repairs here, so she wants to contact the City Attorney's Office
- thinks that Mr. Varberg is doing really good work for the community - no question
- will lay this over for 1 month to Oct 8, 2013 Legislative Hearing
- in the meantime, do not keep lawn mowers/snow blowers in the front yard

Laid Over to the Legislative Hearings due back on 10/8/2013

5 [RLH SAO 13-39](#) Appeal of Channa R. Pittman to a Summary Abatement Order at 817 MARSHALL AVENUE.

Sponsors: Khaliq

Grant until October 1, 2013 to address the issues in the Summary Abatement Orders.

RE: 817 Marshall Avenue (Single Family)

Channa, R. Pittman, owner/occupant, appeared.

Inspector Scott St. Martin:

- received a complaint about garbage and rubbish in the yard and no trash service
- Orders were sent Aug 16, 2013 with a re-inspection date of Aug 21, 2013
- Aug 21, 2013 - at re-inspection, found more things, so, another Order was sent to remove toilet, old sewing machine on east side of house; plastic buckets, containers, tarps, misc. refuse around rear yard area; no outside storage is allowed; compliance date Aug 27, 2013
- photos taken yesterday

Ms. Pittman:

- they contacted Logan Trash Service
- left town on the 15th and the trash was overflowing
- they are empty-nesters and were taking kids to college in Atlanta
- when they came back on the 21st, she got the letter; she called immediately and left a message to explain but the person never returned her call
- she bought the house from Rondo Land Trust and she got a letter from them, too
- she never had a problem
- the boys were at home and were cleaning out everything
- they were going to get a dumpster but they live on the corner of Marshall and Fisk; they can't have a dumpster on Marshall so it would have to be on Fisk and be quick

because Fisk is a mess; they need Logan to put the dumpster out, we fill it up and they pick it up immediately; hopefully, that will happen - that was their plan for after they came home; and they had other stuff that they wanted to get out of the house, too

- when, they came home, they got the letter and she thought that Logan had picked it up
- there was a big storm which knocked off a big limb from the huge tree in front of their house; the city said to put it on the curb and someone will come to pick it up but no one ever came to pick it up - her husband had set those on the side thinking that maybe Logan would take them (back in May-Jun)
- Logan finally picked it up and said that he would bring another can with his name on it but that hasn't happened yet; at least, he's been coming regularly
- so the reason there was so much in the yard was just because they were cleaning out the house and anticipating getting a dumpster when they came back
- they had remodeled their bathroom, thus, the toilet in the yard
- while they were gone, her son-in-law was staining the inside of their fence and their deck
- she had explained to Cynthia that they were going to get a dumpster for the furniture, etc. that they would be getting rid of it; none of this can be seen from the street
- she didn't even know that there was a law that you couldn't bring things out of the house to get your house cleaned out so that you can move into another place
- Cynthia said that no one had complained; she had been out there for another house and she happened to see the back of their house
- Cynthia talked with Dawn, Rondo Community, who shared with her that Channa doesn't keep their property in a mess like that; it is always kept up neat
- they just put it outside to be later transferred to the dumpster
- if it doesn't get done this Sat, it will get done next Sat
- they can't get a dumpster up the driveway, so, they need to put it on Fisk and they want to do that quickly so other people won't get a chance to put too much other stuff in it
- they don't have a garage

Ms. Moermond:

- you can take the tree branches to a composite on Pierce Butler Route and get that pile of branches out of there quickly
- Logan will need a right-of-way permit to put the dumpster on the street
- will recommend granting until Oct 1, 2013 to have all of this addressed

Referred to the City Council due back on 10/2/2013

Orders To Vacate, Condemnations and Revocations

1:30 p.m. Hearings

Correction Orders

Fire Certificates of Occupancy

6 [RLH FCO
13-204](#) Appeal of Patricia Palmen to a Correction Notice - Re-Inspection Complaint at 1520 ALBANY AVENUE.

Sponsors: Stark

Laid over for owner to provide a work plan to address the parking space issue.

RE: 1520 Albany Avenue (C-Mixed)

Paul Brazelton appeared; son-in-law of Ron and Patricia Palmen, owners.

Mr. Brazelton:

- entered a letter from the Palmens, indicating that he has their permission to represent them

Fire Inspector Leanna Shaff:

*- photos in Legistar
- Fire Certificate of Occupancy referral came into their office Jul 24, 2013
- Inspector Urmann responded on Jul 26 and Aug 15, 2013
- 7 exterior issues and gaining access to building
- maintain all exterior stucco walls, windows, screens, trim, frames, sashes; and the parking space with dustless, durable surface*

Mr. Brazelton:

*- 2 units upstairs are residential
- 2 units downstairs are commercial
- the owners have medical issues
- at this time, the facade of the building is being addressed
- he is here for the parking conditions; everything else has been addressed*

Ms. Moermond:

*- access to the interior of the building has not yet been addressed, either
- the gravel parking driveway is very over grown - running along the side of the building*

Mr. Brazelton:

*- 2 points of access to the driveway
- entered a rough sketch of the parcel
- given the owners current expenses and medical conditions, paving the entire area with asphalt or concrete would be a financial hardship that they cannot bear; they just spent over \$10,000 in stucco
- the driveway estimates have been between \$10,000 - \$15,000*

Ms. Moermond:

*- the photos show barely no lawn (Mr. Brazelton: there is "0" lawn)
- however, there is vegetation growing through the gravel, so, it's no longer a class 5 dustless surface if you have to mow it
- and, there's no structure to the layout; should be definite boundaries between lawn and parking
- Zoning would not allow this much parking surface on a lot of this size
- the code is concerned with drainage, aesthetics, too; and the back yard here is all gravel and is not consistent with its neighbors*

Mr. Brazelton:

- there's a 3-car garage to which they also need access

Mr. Shaff:

- provided an aerial view; looks like only the blvd on the east side of the building is the only green space for the parcel

Ms. Moermond:

- they could do access to the garage with half the coverage that they currently have
- is looking for the owner to come forth with a proposal to improve this; gravel should not be everywhere; there needs to be clean lines and boundaries with green space
- this happened over time and needs to be corrected to divide space among driveway, parking, grass and living
- in this case, the parcel is framed by cement and so asphalt or concrete is the appropriate durable, dustless surface to go with; if the parcel were abutting a gravel alley, she could allow gravel
- to save money and also to provide drainage and green space, you could go with pavers/old fashioned wagon tracks
- the back yard needs green space
- need to talk to Zoning about what is needed
- come back with a proposal after talking to Zoning
- the project probably can't be completed this season anymore; let's plan for next spring/summer
- she needs a plan that they all can agree upon so that she can put explicit expectations into the resolution
- let's also get access to the interior of the property
- will lay this over for one month to Oct 8, 2013 Legislative Hearing
- deadline for the stucco is unchanged - Sep 20, 2013

Laid Over to the Legislative Hearings due back on 10/8/2013

7 [RLH FCO
13-213](#)

Appeal of John Semmer to a Fire Certificate of Occupancy Approval with Corrections at 785 ASHLAND AVENUE.

Sponsors: Khaliq

STAFF REPORT ONLY: Need to get clarification from Supervisor Neis about the driveway.

RE: 785 Ashland Avenue (Three/Four Family Dwelling)

John Semmer, PDA for Lynn Taplin, owner, appeared.

Fire Inspector Leanna Shaff:

- Fire Certificate of Occupancy approval with Corrections
- provided additional photos and an aerial photo from 2011
- only 1 item left: provide durable, dustless surface for driveway/parking; class 5 driveway is not being maintained and there is evidence of a former concrete slab
- A. J. Neis was the inspector

Mr. Semmer:

- entered his photos; many from other properties down the same alley, all with gravel surfaces
- they do have green space on both sides and also in the back of the parking
- they have room for 4 cars
- he did talk with Zoning about those spaces
- he has had a heart attack and his friend is retired

Ms. Moermond:

- the correct amount of parking spaces has been made available for the triplex
- the area cannot be crushed rock anymore, it is no longer consistent under the Zoning Code or the Property Maintenance Code
- if the alley were gravel, the parking area could also be gravel but the alley is asphalt, which makes snow plowing very difficult
- she is not in any hurry to work through this; nothing will be done this year anymore;

perhaps, next spring/summer
- this driveway looks maintained to her

Mr. Semmer:

- the driveway was fixed up a little but Inspector Neis encouraged him to appeal the Orders

Ms. Moermond:

- this can't remain the way it is for the long-term but what can be done in the meantime (?)
- she would like to speak with the inspectors about this
- would like a staff report from Inspector A. J. Neis next week in the afternoon
- will lay this over to Legislative Hearing Sep 17, 2013
- she will also drive the alley herself in the meantime

Laid Over to the Legislative Hearings due back on 9/17/2013

**8 RLH FCO
13-206**

Appeal of Brett King to a Correction Notice - Complaint Inspection at 586 REANEY AVENUE.

Sponsors: Bostrom

STAFF REPORT ONLY: owner to provide a site plan addressing the parking issue and the dumpster. LHO wants to run it by Public Works and Zoning.

RE: 586 Reaney Avenue (Three/Four Family)

Jaren Johnson, attorney for Brett King, Trikin Properties, owner, appeared.

Fire Inspector Leanna Shaff:

- photos
- Fire Certificate of Occupancy inspection conducted by Inspector Wayne Spiering
- it was approved with deficiencies
- the exterior surfaces are left; also the parking surface
- Inspector Spiering specifically put into the notes that the Appellant had agreed to have it done by Sep 1, 2013

Mr. Johnson:

- Mr. King is out of the county
- he can speak only to #1 - the driveway/parking surface issue
- the adjacent lot is part of the property and is being used as a parking facility; there is also parking to the west
- the adjacent lot is really unnecessary for parking so, Mr. King proposed to turn it into grass
- the residents have sufficient parking to the west

Ms. Moermond:

- she has no problem with Mr. King turning it back into grass
- she sees a dumpster in the photo; an appropriate surface needs to be provided for that dumpster

Ms. Shaff:

- has an aerial photo

Mr. Johnson:

- explained what was where on the photo
- there's a curb cut on the separate lot (pin)

Ms. Moermond:

- if that lot is a separate pin, you can't park on it
- asked that they write up a plan as to what it would look like; she would like to run it by Public Works and Zoning; that dumpster should also be in that diagram
- the lot may need some soil replacement; grass seed thrown onto gravel doesn't work well
- needs the plan/diagram in 2 weeks, Sep 24, 2013 Legislative Hearing (staff report item); she will review it, provide feedback and Mr. Johnson will be notified by mail
- City Council Public Hearing Oct 16, 2013
- if the painting is not done, enforcement action will follow

Laid Over to the Legislative Hearings due back on 9/24/2013

9 [RLH FCO
13-210](#)

Appeal of Lon LeVitre to a Correction Notice - DHS Licensing Inspection at 1585 RICE STREET.

Sponsors: Brendmoen

Grant the appeal.

RE: 1585 Rice Street (Community Residential)

Lon LeVitre, Community Options, appeared.

Mr. LeVitre:

- Rescare is part of a transition process
- re-applying for a license
- Community Options works with mental illnesses and provides group living environments and psychiatric rehabilitation
- their clients are adults 18 - age 65
- the business is "for sale;" the building will continue to be owned by Community Options owner, Diane and Eugene Wright

Fire Inspector Leanna Shaff:

- Fire Certificate of Occupancy Correction Notice written Aug 15, 2013 by Inspector James Perruca
- appealing #2 - provide panic hardware for the main exit doors and rear exit doors; currently, the exit doors have a padded-type hardware, which are acceptable; however, you could not build this building with this type of hardware today

Ms. Moermond:

- will recommend that this appeal be granted

Referred to the City Council due back on 10/2/2013

10 **RLH FCO
13-208**

Appeal of Marcia Lowry to a Fire Inspection Correction Notice at 1859 SAINT CLAIR AVENUE.

Sponsors: Tolbert

Supervisor Shaff will re-inspect the property. Owner will need to install a handrail according to code.

RE: 1859 St. Clair Avenue (Duplex)

Marcia Lowry, owner, appeared.

Fire Inspector Leanna Shaff:

- *Fire Certificate of Occupancy Correction Notice by Inspector Jay Bohan*
- *photos in Amanda*
- *3 items left; last inspection done May 10, 2013*
- *#1- provide an approved guardrail with intermediate balustrade or rails 4 inches or less apart; repair or replace the stucco framing around the back stairs of the home; seal all openings around the home in the stucco and brick to prevent water penetration; cap off the vent on the east side of the building*
- *#2- repair and maintain the window in good condition; repair the wood under the window on the north side of the home next to the back stairs*
- *#3- repair and maintain both front and back hallway walls in an approved manner; also, paint the inside and outside of both front doors of the home*
- *also noticing on the 2nd picture - the brick fascia is peeling away from the foundation; this issue needs to be addressed also (water infiltration)*

Ms. Lowry:

- *that's a minor issue; has no problem with fixing it*
- *the expensive fix is rebuilding the back staircase, which is perfectly solid; the interior looks bad*

Ms. Moermond:

- *sees that the back staircase is pulling away from the house*

Ms. Shaff:

- *the photos of the back staircase show lots of rotted wood, which will get water behind it and it will continue to rot - it will become very major if not addressed in the spring, at least; could be problems before then*

Ms. Lowry:

- *the inspector treated that very casually and said that his supervisor questioned why it was on the list since it looked solid*
- *didn't really need to be addressed yet*

Ms. Moermond:

- *she sees that it's pulling away from the house and so the porch itself is compromised and the failure in the porch could cause some failure in the foundation*
- *the stairs are livable but don't look good*
- *there is also no handrail/guardrail; there should be a grippable handrail there before winter*

Ms. Lowry:

- *it never had a handrail; that's the way it was built*
- *it would cost over \$1000 to do a bare minimum staircase*
- *she is going through a temporary transition, a divorce, where she has full responsibility of 3 rental properties and 2 children; and the emergency account that had been available for replacing boilers and appliances for the tenants had to be closed because it was a joint account*

Ms. Moermond:

- *let's get a grippable handrail installed the full length of the stairs to code with turnbacks required at both ends (34-38 inches high)*
- *we can put off some of this until next spring*
- *doesn't have a good assessment; feels as though she's getting mixed messages from the inspection staff about the severity of the problem*

Ms. Lowry:
 - the handyman will fix the brick fascia pulling away

Ms. Moermond:
 - painting - Jul 1, 2014
 - needs to get more information from the inspectors
 - let's lay this over for 2 weeks (Sep 24, 2013 at 1:30 pm)
 - Ms. Shaff will take a look this week to see what repairs need to be done this fall and what can be put off until next spring

Laid Over to the Legislative Hearings due back on 9/24/2013

11 [RLH FCO
13-201](#)

Appeal of Nuchami Hurshuajer to a Fire Inspection Correction Notice at 285 SHERBURNE AVENUE.

Sponsors: Khaliq

Grant until August 1, 2014 to address the driveway issue by putting down asphalt; must be done under permit.

RE: 285 Sherburne Avenue (Duplex)

Nuchami Hurshuajer, owner, appeared.

*Fire Inspector Leanna Shaff:
 - Fire Certificate of Occupancy Inspection conducted Jul 10 by Inspector Jeremy Hall
 - #1 - Driveway - it needs a durable dustless surface (being appealed)
 - photos also show some fire damage*

*Ms. Hurshuajer:
 - also has photos
 - the fire took place and everything was chaos
 - driveway is in good condition; they put in new gravel 1 1/2 years ago
 - got an estimate for paving: \$4,500; they are planning to do it in the future
 - currently, have no money to do the driveway*

*Ms. Shaff:
 - doesn't see that a permit was pulled for the gravel*

*Ms. Moermond:
 - noted that the whole backyard cannot be gravel
 - the alley is paved
 - asked Appellant to draw a diagram of what they'd like to do for the driveway; Zoning will need to look at the plan and they will need to sign-off
 - in the short term, we need to fix the gravel; and in the long term, the driveway needs to be asphalt
 - have the driveway turned into asphalt under permit by Aug 1, 2014*

Referred to the City Council due back on 10/2/2013

12 [RLH FCO
13-214](#)

Appeal of R David Reynolds to a Fire Inspection Correction Notice at 1246 UNIVERSITY AVENUE WEST.

Sponsors: Khaliq

Forthcoming. LHO would like to consult with the commercial Fire inspector supervisor regarding the Halon system.

RE: 1246 University Avenue West (General 1-story Walk-Up Office-B-Commercial)

R. David Reynolds, owner, appeared.

Mr. Reynolds:

- he owns Menlo Park; it had been the Bureau of Criminal Apprehension Building before he bought it

Fire Inspector Leanna Shaff:

- Fire Certification of Occupancy Inspection conducted on Aug 2, 2013 by Sebastian Megdal

- will follow up with info regarding delay of Orders for a month

- item #15 is being appealed: this is the old data center; it has a Halon Fire Suppression System that hasn't been tested since 2003; halon is a very nasty substance, which robs the room of all oxygen; it's not a required system anymore for this use and it can be removed; however, if it's there, it needs to be maintained; they don't know if the emergency shut off even works; maintain it or remove it

- item #16 is being appealed: security gate; there are a couple security gates in the building because of the way the building is configured; the occupant load requires the exits; one of those gates needs to be removed; the other one can stay as long as it's in the locked "open" position; it's at an exit way so that after hours, people can't come through and access the hallway while anyone is still in that building

- there are fixes for item #16: 1) remove the gate completely and lock the offices (inexpensive option); and 2) build a door there or a wall at the door with the required egress (appropriate hardware that would release from the occupied side) - expensive option

Mr. Reynolds:

- entered pictures of what's in the office

- regarding both items: as he told the inspector, he is the only one in the building; his desk is in what was built as the computer room; it has a raised floor with the expensive Halon System; when the previous people left, they took all their computer equipment with them and the Halon System was no longer needed; if he had the opportunity to rent the space to someone who wanted to use it as a computer room again, as it was built, then, he'd have to put in a new fire suppression system; he asked the inspector if he could leave the piping and panels there and just remove the tank; the inspector said, "No, you have to rip out everything and if you'd use it for computers again, you'd have to put everything back."

- what difference does it make?; it's only him that's there; it's been like this for 10 years (no tenants)

- why tear out the whole system?

- he'd be happy to have it re-certified if and when he'd ever rent it as a computer room

Ms. Shaff:

- the Fire Code is specific and requires consistency in the functioning of fire suppression systems; if it's there, it should work

- leaving it there gives a false sense that it has coverage to any emergency responder

Mr. Reynolds:

- thinks that it would not give a false sense of security to anyone if he placed a large IN-OP sign on it so that everyone would know

- he is the only one who uses that space; he owns the building and yet, that seems to mean nothing

- he suggests taking out the Halon while leaving in the system
- he understands that the city doesn't really care what it costs (the city also ruled that all elevators in the city, regardless of age or working condition had to replace the hydraulic systems last year which cost him \$100,000; and the elevator works the same way as it did before); does anyone ever stop to consider what it costs to the individual?
- this is an unreasonable expense to bear over nobody's sake
- the building is sprinklered

Ms. Moermond:

- the Fire Code doesn't work that way
- let's talk about how we can make this a temporary fix
- doesn't know much about how Halon operates
- she is balancing the facts of the situation: the rules, the use and how that affects everything else

Ms. Shaff:

- this is not just about Mr. Reynolds; it's also about emergency personnel
- they discussed the situation while looking at Mr. Reynolds' photos

Ms. Moermond:

- needs to discuss this with a commercial Fire inspector supervisor

Mr. Reynolds:

- regarding the security gate: he would like to just take it out - the last person leaving this area secures the area; the gate doesn't have anything to do with the exit; that gate has also been there for 10 years and it hasn't bothered any other inspector; how does it hurt anyone? he just doesn't get it
- he felt that he should come down today and tell Ms. Moermond how the inspectors are doing

Ms. Moermond:

- the inspectors are looking out for everyone, including the emergency personnel, who may need to go in
- Mr. Reynolds can take out the security gate and she will work with him on the Halon
- will lay this over for 2 weeks
- the security gate should be removed by Sep 24, 2013

Laid Over to the Legislative Hearings due back on 9/24/2013

13 [RLH FCO
13-209](#)

Appeal of Richard Menz to a Fire Inspection Correction Notice at 1905 WILSON AVENUE.

Sponsors: Lantry

Grant until October 1, 2014 for owner to get rid of the fish in Unit 104.

RE: 1905 Wilson Avenue, Unit #104

Richard J. Menz, owner, appeared.

Fire Inspector Leanna Shaff:

- Fire Certificate of Occupancy inspection conducted by James Thomas, letter dated Aug 19, 2013
- photos in Legistar
- item #5 is being appealed: Use of this property does not conform to zoning

ordinance; discontinue unapproved use of unit 104 as a fish hatchery or convert to legal use

- Inspector Thomas said there are 28 fish tanks in that unit; it's not an owner-occupation business; it wouldn't qualify in a multi-unit building; it's the appellant and his son's small business (hatching and selling fish)

Mr. Menz:

- he is not sure where Inspector Thomas got the idea about hatching and selling fish; this is his hobby and it has nothing to do with his son

- he has owned this building for 25 years, and for 20 years, the fish have been in there

- he has had many inspections and never had a problem

- in a hatchery, you'd be hatching salmon, walleye or northern artificially and disseminating the eggs in a separate facility and re-stocking lakes

- this is his hobby; they are ornamental fish: African Cichlids, in particular; some Angel fish, etc.

- he does not raise them to sell them; it's a hobby - that's all it is

- if he takes them out of the room, he trades them for fish food, plastic plants, other things that he might need for the hobby

- there is no one coming into the building to buy fish

- he is here today because he couldn't get an explanation from Mr. Thomas about exactly what he meant as a fish hatchery; he doesn't have fish hatching equipment; he has mostly mouth-brooder type fish; if there's hatching going on, it's in the mouths of the fish

Ms. Shaff:

- the other Zoning issue is that, according to Karen Zachow, this is zoned RM-1, multi-family residential, this unit is not owner-occupied and this is out of the storage room, so you can't claim it as a home occupation either; this building in this area is for residential use only; Mr. Menz doesn't live there so he couldn't claim it as a home occupation-hobby

- if the Appellant lived there and he had some fish tanks, this may not be an issue but he doesn't live there and this is out of the storage room so, it's a different use from someone living there doing that

Mr. Menz:

- it's not an occupation at all; Inspector Thomas referred to the use as a fish hatchery per Saint Paul Legislative Code 62.101 - so Mr. Menz pulled that and it's about intent -- it doesn't say anything specific about whether you can have fish in your apartment

Ms. Shaff;

- Mr. Thomas told her that this used to be an apartment and everything's been moved out of it and it's being used as.....

Mr. Menz:

- there's a sink, refrigerator, drains; it is an apartment #104 but he doesn't live in that fish room

- he goes there every day; it's what he's been doing for 20 years

- never had a problem; it's been inspected before

- fish is not on a list of pets that you can't have

- there's nothing in the residential pre-inspection checklist that says you can't have fish

- he could put all the males in one tank and all the females in another to stop the hatching if that would satisfy this or he could shut it down

Ms. Moermond:

- would like to talk to the City Attorney's Office about this or what constitutes a hatchery vs. a couple of fish tanks - where is that enforcement line?

Ms. Shaff:

- when the inspector tells her that's what Mr. Menz' son said - that's his and his dad's small business.....
- there is no indication as to when this supposed conversation with his son took place (Ms. Moermond: a little more information from Mr. Thomas about that might help to understand better how we come to this place and how he came to be under that impression)

Mr. Menz:

- "I'm the only one that talked to the inspector that day; I'm the only one that was in the room with him that day. My son didn't talk to him that day; I don't know where that came from. My son didn't talk to him another time either. Mr. Menz talked to his son about that and his son indicated that he hadn't talked to Mr. Thomas at all about the fish; so, he's not sure where all that came from."
- he just wants things to be on the level - what really was said; what really we were talking about; he doesn't want things being said that didn't really happen; he's the one who was there; he went through the entire apartment with Mr. Thomas and they were the only 2 who went into the fish room
- he tried to get more information from Mr. Thomas; Mr. Thomas was going to bring over a hand out that would explain more about it but he didn't come back

Ms. Moermond:

- would like more background info from Mr. Thomas about conversation with son
- also, wants to talk about what is and what isn't a hatchery

Mr. Menz:

- Webster's Dictionary describes a hatchery as a hatchery of fish or chickens where eggs are incubated and hatched, artificially
- he doesn't do any of that; these are African Cichlids - they hatch the babies in their mouth; the females carry them for 2 weeks; then, they spit them out; and if you're lucky enough to catch a few before the rest of the fish eat them, you can save a couple; if any leave the building, they go a pet shop where they are traded for fish food, fish supplies, etc., to support his hobby
- he doesn't see the danger in having some aquariums in this room; it hasn't been a problem before so, he really surprised that it's a problem now
- however, it's getting to the point where he's not that interested anymore
- if they can agree on a timeline to get it shut down (to filter everything out of the room
- eventually, sell all the aquariums, etc.)
- he anticipates that would take about 2 years; the fish live from 5-8 years

Ms. Moermond:

- 1 year is the maximum amount of time she will go on anything
- the next occupancy inspection is Aug 19, 2014
- will grant an extension to Oct 1, 2014 to have all the fish gone
- we'll deal with the tanks later

9/25/13 Note: The Zoning Code citation used in the Fire Orders is not accurate. It references SPLC 62.101 on non-conforming use, rather than the correct code is 66.101(c)-prohibited use. This does not change the appeal or findings.

Referred to the City Council due back on 10/2/2013

2:30 p.m. Hearings

Vacant Building Registrations

- 14 [RLH VBR 13-50](#) Appeal of Donald Klemmer to a Vacant Building Registration Notice and Summary Abatement Order at 1060 AVON STREET NORTH.

Sponsors: Brendmoen

Grant until Friday, September 13, 2013 to have the power restored or DSI inspector will take enforcement action on Monday, September 16, 2013.

RE: 1060 Avon Street North (Duplex)

Donald Klemmer, owner, appeared.

Mr. Klemmer:

- has an appointment to fill out paper work tomorrow to get Xcel paid
- also, has possible sale of the car
- he's been communicating with Kay Wittgenstein
- he got a she for his yard
- he is making progress
- would like to ask for an extension

Matt Dornfeld, Vacant Buildings:

- received a complaint about a truck and small utility trailer parked out front
- he talked with Parking Enforcement; they will monitor it; as long as it's not there for 48 consecutive hours, it's fine

Ms. Moermond:

- concerned about Xcel's meter having been tampered with; is not sure how Xcel will handle that; also, that his electricity has been working and it's been running off of a tampered meter

Mr. Klemmer:

- the meter is not tampered with right now but yes, he's been staying there and has had the electricity on although Xcel has tried to turn it off

Mr. Dornfeld:

- added that his electricity is going to be cut at the pole by Xcel some time shortly; it will no longer be connected to the grids so, tampering will be useless

Ms. Moermond:

- the fact that it's been tampered with is going to screw up Mr. Klemmer right now; if Xcel is going to cut the power at the pole, we need to find another approach to get the bill paid first and then, have the connection re-done

Mr. Klemmer:

- feels like a victim of the system
- he's done whatever he's been asked to do
- he is trying to get emergency assistance; do you know how difficult it is?
- he owns this home and is trying to live there
- who else do you turn to for power; Xcel has monopolized it
- who has the right to come into my home and tell me that I can't live there
- I have a right to be upset but things are getting better for me
- he is asking for a week's extension on this
- if the car is sold, he'll have some money but he can't guarantee that

Mr. Dornfeld:

- the bottom line is that Xcel needs the \$2,500
- it would be helpful if the Appellant could call up Xcel even if he had half the money or some of it at least

Ms. Moermond:

- she's going back to the meter tampering; she had assumed that you didn't have any power there; Xcel will cut it at the pole...
- unless Mr. Klemmer has his electric/gas back on again by Fri, Sep 13, 2013, Enforcement will happen on Mon, Sep 16, 2013

Mr. Dornfeld:

- he knows that this is tough but there's pressure on Enforcement's end, too; this isn't personal, although it may seem like that
- there are people paying attention to what happens here
- Mr. Klemmer has been given an earlier extension and now, a little more time
- in the end, the police will vacate the house and they'll board it up
- the police will monitor the house and if they see him there, they will arrest him
- if it's not done by Fri, Mr. Klemmer will need to go through a full Code Compliance Inspection; it's another \$500 - a full inspection with 4 tradesmen; they will go through the house and write up anything that may be wrong and he won't be able to live in it again until he fixes everything on the list
- it's imperative that he gets this taken care of

Mr. Klemmer:

- he understands the safety point
- it's not fair; I own that house; I paid for it and it's mine
- what gives the city the right?
- there's been nothing but consequences handed out by the city; no solutions, no help
- I don't know anything about emergency assistance; I never had to use it

Ms. Moermond:

- for the record, the responsibility here lies with Mr. Klemmer; there is no responsibility for people to show him ways to help him get out of the straights he's in; the warning's been given; now, things need to get squared away
- the power needs to be on by Fri or the house will be boarded up by Mon
- it's her job; it's not personal

Referred to the City Council due back on 9/18/2013

15 RLH VBR 13-51 Appeal of Rhonda Paoli to a Vacant Building Registration Fee at 113 ANNAPOLIS STREET EAST.

Sponsors: Thune

9/18/13: owner called and stated they received my letter but didn't received notice of hearing date and time so I rescheduled owner to September 24. -mxv

9/10/13: No one appeared; deny the appeal.

Laid Over to the Legislative Hearings due back on 9/24/2013

Other

Staff Reports

