



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final Legislative Hearings

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Tuesday, September 25, 2012

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Remove/Repair Orders

- 1 [RLH RR
12-71](#) Ordering the rehabilitation or razing and removal of the structures at 878 AURORA AVENUE within fifteen (15) days after the October 17, 2012, City Council Public Hearing.

Sponsors: Carter III

RE: 878 Aurora Ave (duplex)

Tia Lee, owner, appeared. (Mai Vang interpreted)

Steve Magner, Vacant Buildings:

- 2-story wood frame single-family dwelling with detached 2-stall garage on a lot of 4,792 sq. ft.
- it's been vacant since Feb 19, 2002
- current property owner is Ying Moua and Tia Lee per Ramsey County Property records
- Apr 25, 2012 inspection conducted; list of deficiencies which constitute a nuisance condition developed; photos taken
- Order to Abate Nuisance Building posted Jul 17, 2012; compliance date Aug 16, 2012
- as of this date, the property remains in a condition which comprises a nuisance as defined by the legislative code
- estimated market value of \$13,500 on the land; \$93,100 on the building
- real estate taxes are current
- Vacant Building registration fees were paid by credit card Mar 27, 2012
- a Code Compliance Inspection was done Sep 19, 2012
- \$5,000 Performance Deposit was posted Aug 7, 2012
- 13 Summary Abatement Notices since 2002
- 1 Work Order issued for garbage/rubbish
- estimated cost to repair this structure exceeds \$45,000
- estimated cost to demolish exceeds \$12,000

Amy Spong, Heritage Preservation Commission (HPC):

- built 1900 although the original building permit says 1888
- original owner: L.G. Kilborne; contractor: Larsen and Houstad
- would have been part of 1983 survey work; not the recent 2011 survey work
- just one block off University Ave
- originally clapboard wood sided house; stucco added later
- built as a single family but it has 2 doors; could have been turned into a duplex early on
- full front porch is not original
- side addition and some alterations
- has some unique windows (round, half arch window)
- has had a lot of changes
- 2 block faces fairly intact and contiguous except for a large hole
- hardwood floors still present
- may have been in process of some rehab
- hasn't been identified as having historical significance

Mr. Magner:

- it's a nonconforming duplex, which zoning will allow it to remain
- electrical permit pulled and finalized
- 2 mechanical permits pulled and finalized
- need a new plumbing and building permit unless Mr. Seeger would allow the permit from Oct 1, 2008 to remain open
- looking for 2 new permits and the completion of the project

Mr. Lee:

- tried to finish it last year; the problem was with the heating contractor, who delayed the job for a year
- now, inspector said he needed to remove a wall for electrical and plumbing
- was supposed to finish Aug 16, 2012
- yesterday he had the final inspection for everything
- introduced a sketch of the basement window at the bottom of the stairs (needs some type of barrier, like a 2 x 4 across the window)
- he has 2 things left to do; then, Mr. Seeger will sign-off

Mr. Magner:

- needs to have a conversation with Mr. Seeger to find out exactly what's left to do here
- recommends a 2 week layover
- if Mr. Lee gets the sign-off, DSI will withdraw it

Ms. Moermond:

- will lay this over for 2 weeks until Oct 9, 2012 Legislative Hearing; if Mr. Lee gets the sign-off, he won't need to come back
- will get a letter from Mai Vang

Laid Over to the Legislative Hearings due back on 10/9/2012

2 [RLH RR
12-72](#)

Ordering the rehabilitation or razing and removal of the structures at 1279 GALTIER STREET within fifteen (15) days after the October 17, 2012, City Council Public Hearing.

Sponsors: Brendmoen

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

RE: 1279 Galtier St (single family)

No one appeared.

Steve Magner, Vacant Buildings:

- 2-story wood frame single family dwelling with a detached 1-stall garage on a lot of 6,098 sq. ft.
- been a vacant building since Jan 26, 2012
- current property owner is Coastal States Mortgage per Ramsey County Property records
- Jul 10, 2012 inspection conducted; list of deficiencies which constitute a nuisance condition developed; photos taken
- Order to Abate Nuisance Building posted Jul 13, 2012; compliance date Aug 12, 2012
- as of this date, property remains in a condition which comprises a nuisance as defined by the legislative code
- estimated market value: \$23,900 on the land; \$73,000 on the building
- real estate taxes for first half of 2012 are delinquent in the amount of \$1,259.84
- Vacant Building registration fees were paid by assessment Mar 30, 2012
- as of Sep 24, 2012, a Code Compliance Inspection has not been done
- as of Sep 24, 2012, the \$5,000 Performance Deposit has not been posted
- 6 Summary Abatement Notices since 2012
- 7 Work Orders issued for: garbage/rubbish; boarding/securing; grass/weeds
- estimated cost to repair exceeds \$50,000
- estimated cost to demolish exceeds \$12,000

Amy Spong, Heritage Preservation Commission (HPC):

- built 1947; fashioned after a salt box
- 2-story - very simple form
- this whole area was built up at the same time in cookie cutter style
- vinyl siding; window openings are quite small (altered)
- this area doesn't have a Sanborn Insurance Map because of when it was built
- Como neighborhood
- this area was not surveyed
- has no potential for any historic district or individual listing
- demolition would not have an adverse effect

Ms. Moermond:

- will recommend the building be removed within 15 days with no option for rehabilitation

Referred to the City Council due back on 10/17/2012

3 [RLH RR
12-73](#)

Ordering the rehabilitation or razing and removal of the structures at 1000 JESSAMINE AVE EAST within fifteen (15) days after the October 17, 2012, City Council Public Hearing.

Sponsors: Bostrom

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

RE: 1000 Jessamine Ave E (single family)

No one appeared.

Steve Magner, Vacant Buildings:

- 1 1/2-story wood frame single-family dwelling with detached 1-stall garage on a lot

of 4,792 sq. ft.

- been a vacant building since Jun 5, 2008
- current property owner is Delores C. Dochniak (deceased) per Ramsey County Property records
- Jul 11, 2012 inspection of building conducted; list of deficiencies which constitute a nuisance condition developed; photos taken
- Order to Abate Nuisance Building posted Jul 18, 2012; compliance date Aug 17, 2012
- as of this date, property remains in a condition which comprises a nuisance as defined by the legislative code
- estimated market value: \$9,800 on the land; \$40,200 on the building
- real estate taxes for 2007, 2008, 2009, 2010, 2011 and first half of 2012 are delinquent in the amount of \$19,693.72 (Note: this property is scheduled for tax forfeiture Jul 31, 2013)
- Vacant Building registration fees were paid by assessment Jun 29, 2012
- as of Sep 24, 2012, a Code Compliance Inspection has not been done
- as of Sep 24, 2012, the \$5,000 Performance Deposit has not been posted
- 22 Summary Abatement Notices since 2008
- 21 Work Orders issued for: garbage/rubbish; boarding/securing; grass/weeds; snow/ice
- estimated cost to repair \$50,000
- estimated cost to demolish \$12,000
- the Department of Safety and Inspections (DSI) recommends removing this building

Amy Spong, Heritage Preservation Commission (HPC):

- built 1910 / 1911
- synthetic siding over clapboard
- not identified as a potential historic resource in the 1983 survey nor was it included in the 2011 survey
- this is one of 2 identical houses built side-by-side, which started out as single family; looks like they were turned into flats in 1916
- they have full front 1-story porches
- this one is on the corner
- permastone was added around the porches
- a lot of alterations
- interior photos show major water damage
- 2 block faces are somewhat contiguous
- demolition would not have an adverse effect

Ms. Moermond:

- there's an Edina Realty sign on the property; they are not taking care of the property
- will recommend removing the building within 15 days with no option for rehabilitation

Referred to the City Council due back on 10/17/2012

4 [RLH OA
12-66](#)

Making recommendation to Ramsey County on the application of Gordon Monroe Barnes for repurchase of tax forfeited property at 1159 PASCAL STREET NORTH.

Sponsors: Stark

RE: 1159 Pascal St N (single family)

Steve Magner, Vacant Buildings:

- Re-purchase application of Gordon Monroe Barnes for tax forfeited property made to Ramsey County
- submitted to the city for review and recommendation

- there have been 6 complaints between 2003 and 2011
- last complaint was for exterior junk and debris in yard from Jun 2009
- Mr. Barnes' daughter thought that he had been paying taxes on the property but during that time period, he had actually filed for bankruptcy and the trustee got involved claiming that he had an interest in the property and now the issue was resolved (Ms. Moermond: doesn't know whether that's true if a property isn't occupied the person)
- when you file bankruptcy and if you have an on-going mortgage foreclosure, it's usually stayed; specifically if it's your residence
- here you have a bankruptcy and it's not his residence
- really, Elizabeth Barnes is listed as the owner (deceased); she is Mr. Barnes' great aunt
- Mr. Barnes is the heir of Elizabeth Barnes
- thinks this is a question for the attorneys
- without any other information, he believes that this is up to Ramsey County to figure out if they have the legal rights to move forward with that

Amy Spong, Heritage Preservation Commission (HPC):

- 1 3/4 story built in 1885
- all of it's wood
- it has little window hoods over original windows

Ms. Moermond:

- not sure how the pieces fit together here
- there is not significant history with code enforcement issues but the city does note some complicating legal factors; therefore, she will withhold recommendation

Referred to the City Council due back on 10/17/2012

5 [RLH RR
12-68](#)

Ordering the rehabilitation or razing and removal of the structures at 601 WESTERN AVENUE NORTH within fifteen (15) days after the September 5, 2012 City Council Public Hearing. (Laid over from September 5)

Sponsors: Carter III

To be referred back to Legislative Hearing on November 13 and 27, 2012 and City Council Public Hearing on December 5, 2012.

RE: 601 Western Ave N (restaurant / bar)

Ameena Samatar, owner, appeared.

Staff: Steve Magner, Vacant Buildings, the Department of Safety and Inspections (DSI); Amy Spong, Heritage Preservation Commission (HPC); Craig O'Brien, Planning and Economic Development (PED); and Larry Zangs, DSI

Ms. Moermond:

- this is an informal conversation - a lot of things need to happen before the City Council can vote on this
- one concern here is that the cost of the rehabilitation may exceed the amount the Appellant has available; loans / grants may be available
- 2 things are going to be tricky: 1) the building needs to be stabilized (engineer can help with); and 2) to pick a use, we need to get the zoning in place specific to the use
- scanned documents

Ms. Samatar:

- the 2nd floor will be a rental hall (weddings, other occasions)

- the 1st floor has 2 suites: one for a restaurant and another for a grocery store/retail space
- an architect and a structural engineer have been hired through Mark Balay Architects
- they have a equity line of credit

Mr. Zangs:

- background - the building sits on commercially zoned property; the northern half of those lots is actually zoned residential (historically, there was a house there); a letter dated Jun 23, 2009 to Moua Yang and Pao L Yang, the owners at the time, that indicated there was some work being observed on this northern half in Sep 2008; the building inspector stopped by and the contractor was told to come into the office to get a permit; at that time, it was discovered that the area was on residentially zoned property; they had intended to put in a parking lot; they were informed that they needed to obtain rezoning and site plan approval, which they never pursued; however, the lot was paved.
- since that time, there was a Revocation of the Liquor License at this location (the building may not have a liquor license for at least 15 years)
- explained that a wine and beer license is different from a liquor license (appellant will not be using any wine or beer)
- this is a 2-story building with its last use being a place of assembly - a bar with a restaurant and entertainment
- retail on the lower level would clearly be a change in occupancy under the code
- the rental hall on the 2nd floor: given the scope of work that needs to be done, it would be extremely important and to the Appellant's advantage to hire a professional architect to guide the process (the code needs to be discussed when planning)
- explained the property on a zoning map
- he has put a Summary together, addressed to Mr. Jerome that outlined some of these things (entered into the record)
- a rental hall license is also required
- they will need to rezone the parcel to continue to use the area as parking or they need to scrape off the asphalt and turn it into green space by sodding or seeding; it also would need to be fencing (grass vacant lot)
- off- street parking would also need to be examined for this property and use; the parking calculation is based on sq. footage of use rules; the old use would need to be checked out as far as parking is concerned
- it's possible that parking requirements may be grandfathered-in (legal non-conforming)
- first the use needs to be established; then, parking can be calculated
- even though the zoning code may be silent on the parking issue, the neighbors may not be

Ms. Moermond:

- the architect will be putting together plans that show how the building will be used, which can be used to apply for the building permits and plan review
- some zoning issues will need to be worked out

Mr. Zangs:

- has instructed them to go through a feasibility plan with their architect; then, suggested a preliminary meeting with DSI, where they can identify zoning issues, licensing issues, etc.; if there are no zoning issues, they go to construction level detailed plans, etc. probably 6 weeks from the date of filing an application
- if they need to rezone this property, that will take between 60-90 days; within that time, you can do a site plan review
- when the rezoning and site plan are moving forward positively, they may want to engage their architect/designer into full level construction detailed plans

- possible 4-5 months before the building permit can be issued
- if the re-zoning piece is not in the package, you could possibly shorten up the time by 2 months

Mr. Magner:

- until we hear from the structural engineer and the architect, we will not know what is needed beyond what inspection has indicated
- everything can move forward once their evaluations are in
- with a minimum impact use, as Mr. Zangs has indicated, things will move faster
- most likely, there will be no problem with the first floor

Ms. Moermond:

- in a nutshell, they could file the plans for everything and do the build-out with an assembly use assumed on the 2nd level and simultaneously apply for the assembly license to get the neighbor noticed on that so we're not waiting for the build-out to be done
- in short, extra parking could hold up the process
- the upper floor could wait with development while the bottom is being finished

Mr. O'Brien:

- he works with small business loans through PED
- Appellant first should communicate to the architect that they might be applying for city funds and they ought to incorporate prevailing wages into the cost estimate
- it's their philosophy to provide "gap" financing (10%-20%) between the private sector and the total project cost; (not primary financing)
- it's a loan; they underwrite the same way a bank does
- the only grants are through the STAR Program, which has an annual application cycle (timing is the problem, here; may not be able to get approved before Jul 2013) must be applied for Feb or Mar 2013
- there is a sprinkler assessment program
- if timing is an issue, an appraisal might be needed

Ms. Spong:

- Historic Saint Paul gets a STAR loan

Ms. Moermond:

- suggested that the Appellant sit down with Historic Saint Paul (application filled out and architecture plans in place) and Mr. O'Brien and any bank to figure out a financing plan (more detailed information on cost is due Fri)
- she needs to report back to City Council on this next week; clearly, this will need more time allotted
- suggested Appellant do an exploration of additional financing just to be on the safe side (especially, for a grant)
- Historic Saint Paul's applications are online

Mr. Zangs:

- very important conversation Appellant needs is with the architect and structural engineer
- good idea to talk with some in the real estate world to figure out the marketability of the space of the property

Ms. Moermond:

- there is an Order to Abate hanging on this; within 6 weeks, the processes should be underway
- will recommend a 6 week layover to Nov 13, 2012, a follow-up LH hearing
- City Council Public hearing layover to Dec 5, 2012, a status report at that time

Staff Comments

Owner must provide a work plan with timelines for the project by the close of business on August 28. Recommendation is forthcoming. Need Letter to Owner attached to record. Can't find letter to owner. Owner came into the office and dropped off documents, I told owner that I need a revised work plan and an affidavit.

Referred to the City Council due back on 10/17/2012

6 [RLH RR](#)
[12-50](#)

Ordering the razing and removal of the structure(s) at 924 ELEANOR AVENUE within fifteen (15) days after the August 1, 2012 City Council Public Hearing. (Public hearing continued from September 12)

Sponsors: Thune

Remove within 15 days with no option for repair.

RE: 924 Eleanor Ave (duplex)

Steve Magner:

- 2 weeks ago, Wells Fargo had just given the case to their attorneys
- Stephanie Nelson was here as representative; she said that they needed some time to figure it out
- they have not responded (there has been no communication; nothing was entered into the record - no work plan; no financial information; etc. - Mai Vang)
- as of this morning, there is no application for a new Code Compliance Inspection (last one expired in 2010) and there is no performance deposit

Ms. Moermond:

- send Stephanie Nelson a letter indicating that she didn't show for today's hearing and none of the items required were forthcoming
- therefore, she will recommend the building be removed within 15 days with no option for rehabilitation
- City Council Public Hearing Oct 3, 2012

Referred to the City Council due back on 10/3/2012

11:00 a.m. Hearings

Summary Abatement Orders

7 [RLH SAO](#)
[12-29](#)

Appeal of Darlene Evans to a Summary Abatement Order at 1009 SIMS AVENUE.

Sponsors: Bostrom

9-27-12: owner called and indicated she missed the hearing. Rescheduled to Oct 2.

9-25-12: No show; deny the appeal.

Laid Over to the Legislative Hearings due back on 10/2/2012

Staff Reports

- 8 [RLH SAO](#)
[12-26](#) Appeal of Brent Adams to a Summary Abatement Order at 635 CANTON STREET.
- Sponsors:** Thune
- 2/14/13-owner called and wants the 6/4 hearing to be canceled because now he owns the adjacent land. LHO stated that she wants to put this on for housekeeping on 2/19.*
- DSI staff is recommending this be laid over until on or about 5.31.13. by which time Mr. Adams will have either removed the car port, obtained a permit for the car port or submitted an engineering report stating the car port meets code requirements. The car port will be safe structurally until that date. Mr. Adams has contacted Ramsey County Department of Records and Revenue, Division of Tax Forfeited Land, and started the process to purchase the strip of forfeited land adjacent to the property.*
- Laid Over to the Legislative Hearings due back on 2/19/2013**

Orders To Vacate, Condemnations and Revocations

- 9 [RLH VO](#)
[12-96](#) Appeal of Francis X. Viggiano to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 581 PARK STREET.
- Sponsors:** Carter III
- Owner called front desk and got rescheduled.*
- Laid Over to the Legislative Hearings due back on 10/2/2012**
- 10 [RLH VO](#)
[12-97](#) Appeal of Louis Frillman to a Fire Certificate of Occupancy Revocation and Order to Vacate 461 HOLLY AVENUE, UNIT 4.
- Sponsors:** Carter III
- Need permit for the staircase finalized by December 1, 2012 or need to vacate the property by January 1, 2013.*
- RE: 461 Holly Ave Unit 4 (condominium)*
- Louis Frillman, Frillman Family Properties I, owner, appeared.*
- Fire Supervisor Leanna Shaff:*
- Fire Certificate of Occupancy Inspection - Revocation / Order to Vacate
 - inspections started Mar 2011 by Mitch Imbertson
 - one of the items was 3rd floor unit 4: the second exit was in pretty rough shape with rotting wood (code requires a code compliant staircase)
 - through a series of events, they ended up Revoking this C or O in Aug 2011 for noncompliance
 - the Fire Marshal, Ms. Shaff and Inspector Imbertson met Mr. Frillman at the property at which time the Revocation was extended in order to give Mr. Frillman time to comply
 - as of today, there is still no code compliant staircase
 - first set of plans that was approved was a switchback staircase (it was decided that it was too big for the lot)
 - next was a spiral staircase, which took time to get submitted and approved by HPC

the beginning of Aug 2012

- about 1 1/2 weeks ago, the completed plans were submitted to a planning exam, including the engineering issues for that spiral staircase*
- the permit has been pulled*
- because this has been going on so long, Fire has enforced the Revocation (only affecting Unit #4)*
- Unit #4 is unoccupied at this time, has been unoccupied for months*
- the unit can be occupied again after the staircase is in place and has been approved by the city (permit finalized)*

Ms. Moermond:

- understands that the key issue here is the drop between the bottom of the staircase and the ground*

Mr. Frillman:

- is looking for the Fire C of O to be re-instated so that the unit can be occupied through the winter*
- he owns this through a family partnership; the house was subdivided about 25 years ago*
- he and his wife used to occupy the house; they no longer do so*
- there was a fire caused by a plumber who was trying to sweat a pipe 4 years ago (started on the 2nd floor and it quickly moved to the 3rd floor); the Fire Dept saved the house and no one was hurt*
- the cost of the renovation/re-construction was \$300,000; there was an insurance shortfall of \$100,000*
- the contractor's wife was dying of cancer; he was faced with the choice of suing the plumber and contractor or swallowing the \$100,000 themselves and they decided to swallow themselves*
- have replaced all of the porch spindles; painted the house 3 times in 12 years; re-painted the porch many, many times*
- his point is that they continue to invest a lot of money into this property because they believe in it*
- the property survived 8-10 fire inspections and no one, previously, ever said a word about the fire escape; if they had, it would have been resolved at some point in the past*
- he has worked through 47 items on the list at an approximate cost of over \$30,000*
- in the last 90 days: the architect they hired at their expense to design the staircase simply did not point out to him until he got on the site with the plan, that the staircase was going to, practically, eat up the back yard (it had already passed HPC)*
- they love the neighborhood and that design would have destroyed the back yard; so, he decided that he couldn't do that; the design actually omitted the fact that the sidewalk to one of the 4 units was going to have to be moved in a way which would have discombobulated the back yard*
- this was late June and he decided it was not workable*
- at some point in Jul, the spiral fire escape design was submitted to the building inspector; he thought that the HPC was reviewing it as well and it was working it's way through the city process*
- the last tenant left Unit #4 mid-Jul or early Aug (has been vacant 2 months)*
- Ms. Shaff called him early Sep 2012 expressing some irritation at the length of time this was taking; he had just become aware of the fact that the HPC process hadn't been completed and hadn't wound it's way back to Inspector Bloom; at the same time, he also became aware of the fact that there had to be a structural guide to follow (the architect had not informed him about that); he hired a structural guide, who designed the foundation and he brought it to DSI*
- apparently, HPC approved this Aug 2, 2012 and it's a little unclear from Ms. Spong's voice mail (has copy) that somehow it didn't get to building inspections - it was*

approved and sent out but Mr. Bloom didn't provide approval until Mr. Frillman became aware of it within the last couple of weeks

- he bid the work with a contractor from Zumbrota within the last 4-6 weeks; he's out from 10-12 weeks for delivery (he's now very concerned about weather, at this point)
- he found another contractor, Bauer Custom Welding, East Side and he prefers them simply because they are located here; and they will also do the foundation and the installation work; so, they are ready to go
- a building permit was pulled last week
- the Revocation was for Oct 1, 2012
- they have spent a lot of money maintaining this property, which they will continue to do; the project is ready to go
- the frustration with Fire inspection is largely due to the fact that the documents didn't get from the HPC to the building inspector
- finally, vacation orders will add financial hardship to the ownership of this property; the fire escape project will cost somewhere around \$20,000 and the unit to continue to be empty thru spring will cost close to \$10,000; he is asking for some relief

Ms. Shaff:

- the building permit is good for 180 days
- the original HPC approval - Apr 2011
- this has been a long difficult process

Mr. Frillman:

- the building has been occupied continuously for 20-15 years and has survived multiple inspections with the exact situation that currently exists; he is not asking for that to continue - he is simply asking to occupy the unit
- the minute he knew there was an issue, he jumped on it
- probably it is his fault that the architect dropped the ball; on the other hand, he has been completely diligent about working through a list of approximately 50 items; this seems to be more about other things - why can't we just move forward; get the unit occupied so that it's paying rent; the footings will be in the next 2 weeks
- Bauer Custom Welding is saying that it will take 7 weeks to finish completely; he went over to the shop himself to validate that they are real - this is exactly what they do; they have been in business a very long time; they appear to have a great business; he has great references on them

Ms. Moermond:

- wants to give Mr. Frillman a chance to do this
- will recommend granting an extension to Dec 1, 2012 to have the permit finalized; if not, enforcement of the Revocation / Order to Vacate will occur Jan 1, 2013
- Mai Vang will send a letter
- City Council Public Hearing Oct 17, 2012

Referred to the City Council due back on 10/17/2012

11:30 a.m. Hearings

11

[RLH VO
12-95](#)

Appeal of Richard Ostaba to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 1501 YORK AVENUE.

Sponsors: Bostrom

Need building official staff report on the roof.

RE: 1501 York Ave (single family)

Richard Ostaba, tenant, and Tim Copeland, owner, appeared.

Fire Supervisor Leanna Shaff:

- heard this last Feb 7, 2012
- Ms. Moermond had denied the appeal and granted an extension to Jul 1, 2012 to repair or replace the roof
- no permit has been pulled for fixing or replacing the roof
- Inspector Thomas talked to the area building inspector about this
- Inspector Notes: 9-11-12 owner called and said he spent the whole day replacing the portion of the roof that had blown off (without permit); from what she understands, he used 2 rolls of roofing
- Mr. Thomas spoke to Inspector Dave Nelson about that and Mr. Nelson said that the work that was required would require a permit, so as far as Fire is concerned, the roof is not repaired or replaced (the permit needs to be pulled and signed-off)
- Mr. Copeland needs to contact the building inspector
- no photos

Mr. Copeland, also the contractor:

- he fixed the roof on Aug 11, 2012 with roll roofing; wasn't aware that he needed a permit
- asked what legal language requires him to contact the building inspector

Mr. Ostaba:

- the wind blew off the old shingles and he called Mr. Copeland to say he had a leak in one corner
- Mr. Copeland came the next day and fixed the roof; he hasn't had any water come in there since
- Mr. Copeland always takes care of things; either Mr. Copeland or Mr. Ostaba's son fixes things
- he has lived there for 21 years and has never had any trouble except for a little leak now and then
- he gets along beautifully with his neighbors
- his older son lives with him, now
- he has the best looking yard in the whole neighborhood
- doesn't know why there's all this fuss about the roof (it leaked and now it's fixed)

Ms. Moermond:

- the answer to the roof issue here lies in the state building code (Mr. Copeland has a copy); she needs the building official's interpretation for this particular situation; based on that interpretation, she can make a determination on the Fire Orders
- does this job require a permit?
- does the repaired roof meet the requirements of the building code?
- these questions will be answered by the Sr. Trades person; she wants him to affirm what Mr. Copeland is saying

Mr. Copeland:

- the roof does not leak; it has no defects; it does not admit water nor dampness into the interior; he has a letter from a roofing contractor that says the same thing (he put it into the record later in the hearing)
- he said that he submitted an appeal in his name Jan 2, 2012 with a check; both the appeal form and check were mailed back saying Ms. Moermond wouldn't accept his appeal (there are 7 items on the list all of which have been removed from the list and the 2nd one is a new item, which he appealed; he was called by someone saying that he wasn't granted an appeal because there were no new items on the list and everyone was on the fire list)
- roof was repaired Aug 11, 2012; on Sep 10, 2012 he got a letter saying "be out in 14

days" and it was under appeal during that time

- one more thing for the record: the previous person sitting here talked about Inspector Thomas calling the police; Mr. Copeland told that at the hearing last time he was here; and how he said he didn't get a reply back - that's the same thing that happened to Mr. Copeland - 4 times; maybe, someone can get back to me this time
- he is going to judicial review on this
- suggested an alternative plan: if the building inspector says this roof isn't adequate for the city, we get Mr. Ostaba out but not in 18 or 14 days; we'll move him out in 3 months; if that's workable, we'll have a deal; the guy needs time; he's been there for 21 years

Ms. Moermond:

- after the building official makes a determination, she will use that information to develop a recommendation for the City Council
- if a vacation is necessary, she most certainly will be sympathetic to allowing more time for Mr. Ostaba to move

Mr. Ostaba:

- there is no way he could be out by the 28th;
- he has a lifetime of stuff there
- he has a little dog
- if he has to move; he has to have time (Ms. Moermond: she will make sure that Mr. Ostaba has more than enough time if he has to move; an appellant court would also grant time, as well)
- he doesn't want to worry about it; it's hard for him to go out and find a place after all these years
- he knows that he could never live in a high rise
- he doesn't want to spend his last years in a strange place
- this is his biggest worry; he doesn't understand this stuff

Mr. Copeland:

- he is not keeping this property just to have rental property; he is keeping it so that Mr. Ostaba can stay there for life
- once Mr. Ostaba is done with the house, so will he be
- suggested that we all work toward that goal
- James Thomas mentioned nothing about a permit; he said that no work was done when it had been done; he said he took pictures
- also, what is the defect that is cited by the inspector
- noted that if Ms. Moermond or Ms. Shaff ever want to see Mr. Thomas threaten to arrest somebody and get on his radio to call for backup, he has it on video; 4 times he has said that someone ought to see it besides the Y-tube audience

Ms. Moermond:

- the recourse to this situation is to pull a permit; the inspector believes that a permit should have been pulled due to the nature of what needed to be repaired
- she needs more information to make a determination

Ms. Shaff:

- on Sep 7, 2012, the inspector said the roof was leaking; he said it wasn't fixed; he said, "The elderly tenant is catching leaks with buckets in the house." (Mr. Ostaba said that he never told the inspector that; one time when it did leak, his son put a bucket out on the floor so the rug wouldn't get wet; this was all before the roof was fixed)

Ms. Moermond:

- will lay this over until the Oct 2, 2012 legislative hearing

Laid Over to the Legislative Hearings due back on 10/2/2012**12** [RLH VO
12-98](#)

Appeal of Charles McCarty to a Notice of Condemnation Unfit for Human Habitation and Order to Vacate at 1734 SEVENTH STREET EAST.

Sponsors: Lantry

On September 26, 2012 owner submitted a copy of the power of attorney. Ms. Moermond reviewed the documentation and recommended granting the appeal to be out of the Fire C of O program. File will be transferred to Code Enf. for follow-up.

Need owner to provide power of attorney by October 2, 2012. If condition is met, the file will be transferred to Code Enforcement for further inspection relating to exterior work.

RE: 1734 Seventh St E (single family)

Charles McCarty, owner, and Peter McCarty, his father appeared.

Ms. Moermond:

- has heard an appeal on this already and the question was whether or not this should be allowed to come forward as another appeal; her answer is "yes" because the enforcement is moving from a Correction Order to a Revocation / Order to Vacate*
- she will determine whether the conditions rise to the level that would require that enforcement action*

Fire Supervisor Leanna Shaff:

- the last time, Ms. Moermond said that if the work isn't done by Aug 27, 2012, she would recommend the building vacated by Sep 14, 2012*
- Aug 27, 2012, she had still not received a call for an inspection*
- Sep 10, 2012, the water was shut-off by Saint Paul Regional Water Services*
- Sep 13, 2012, Fire wrote an Order condemning the structure due to lack of basic utilities*
- the tenant moved out Mon Sep 17, 2012*
- water was restored on Sep 20, 2012 per Amber, Saint Paul Regional Water Services*
- in STAMP yesterday, the building is still owned by Charles McCarty; there is no record of it being changed to any one else*

Mr. Charles McCarty:

- he first found out that the water was shut off on Sep 20*
- his father moved into the property on Sep 20*
- he homesteaded the property on Sep 20; later that afternoon, they tagged it Vacant*
- does he need a Certificate of Occupancy for homesteaded property?*
- his father is dependent upon him (he is unemployed - unable to work for mental health issues; he's not on disability-SSI; he has no insurance)*
- introduced photos*

Mr. Peter McCarty:

- he signed over Power of Attorney to his son, Charlie, for any and all of his affairs because of his mental health issues; being the great son that he is, he provides for him; he doesn't need to be on any kind of disability because he has a son who takes care of him*

Ms. Moermond:

- needs documentation of his father's dependency*
- homestead status does not matter here*

- city code is interested in owner-occupied vs non-owner-occupied
- in this case, it's a relative homestead; so, she looks for whether there is a dependent relationship - are you, essentially, one family unit
- water has been restored
- some of the issues on the list are exterior issues and still are in play; some are interior
- viewed Appellant's photos; however, an inspector will need to take a look (Inspector Thomas went through Sep 13, 2012)

Mr. Charles McCarty:

- doesn't know whether or not Mr Thomas was there on Sep 13 but all the items on the list are complete
- the contractor did the ORSAT Test; he said that he would send it in
- he has made several requests to Fire in regards to James Thomas, going back years; the last time he met Mr. Thomas at a property, they got into a shoving match and Mr. Thomas was using curse words - he was way out of line; he got on his radio and called somebody from dispatch for back up

Mr. Peter McCarty:

- the last time he was here, he asked Ms. Shaff about the complaint that was made about James Thomas and at that time, Ms. Shaff had emailed him and told him that she would get back to him about it but at the last hearing she said that it was still under investigation

Ms. Moermond:

- under state law, if it's a personnel matter, there's only so much that can be released; there's potential for appeal and grievances at several levels

Ms. Shaff:

- she cannot substantiate Mr. McCarty's claims against Inspector Thomas; the Saint Paul Police Dept has no record that Inspector Thomas called for police assistance (Ms. Moermond: if Inspector Thomas called 911, there'd be a real clear record; but if he called the non-emergency line, they don't keep the same kind of records)
- she understood from the allegation that Inspector Thomas used his radio and there's no record of Mr. Thomas calling

Ms. Moermond:

- have the contractor re-Fax the ORSAT Test to DSI
- she wants to see the Power of Attorney by next Tue, so that she can establish the dependent relationship between Charles and his father
- the documented findings, which the Appellant says are finished, need to be verified; a code enforcement inspector will confirm that
- enforcement is stayed right now
- Mai Vang will send a letter of confirmation
- City Council Public Hearing Oct 17, 2012 at 5:30 p.m.

Referred to the City Council due back on 10/17/2012

1:30 p.m. Hearings

Correction Orders

13

[RLH CO
12-15](#)

Appeal of Marcus A. Brown to a Correction Notice-Complaint Inspection at 400 ERIE STREET.

Sponsors: Thune

Grant a variance on the northwest bedroom size but only for the duration of the current tenant and its use as a juvenile bedroom with a twin size bed and no furniture blocking the window.

There was a question about the two locks on the door. Inspector Cassidy checked the lock and there is no cylinder in lock so there is no way of locking the door from the outside.

Referred to the City Council due back on 10/17/2012

Fire Certificates of Occupancy

14

[RLH FCO
12-522](#)

Appeal of Trudie Ellsworth and Stephen Ellsworth to a Fire Inspection Correction Notice at 788 CHARLES AVENUE.

Sponsors: Carter III

On Sept 27, 2012, Ms. Vang asked Ms. Moermond for clarification relating to the other items. Ms. Moermond reviewed the file and recommended granting an extension to December 1, 2012 for exterior trim repair, furnace testing until October 5 and rear landing/porch/handrail until October 19, 2012.

Deny the appeal and grant until October 1, 2013 for painting to come into compliance.

RE: 788 Charles Ave (duplex)

Trudie Ellsworth, owner, appeared.

Fire Supervisor A. J. Neis:

*- layover from Aug 21, 2012 hearing from a routine Fire inspection conducted Aug 8, 2012 by Fire Inspector Mike Efferson
- we just getting an update on the progress today / schedule to get the work done*

Ms. Ellsworth:

*- she has gotten 3 bids all around \$10,000
- the contractors can't schedule us now but can in spring
- haven't been able to get an answer from one contractor about what the carpentry work would cost
- getting another bid today
- the other issue - the back porch hasn't been finished; her husband is working on it*

Ms. Moermond:

- is most concerned about the rear landing; (Ms. Ellsworth: that's been replaced)

Mr. Neis:

*- there have been active permits and inspections
- Aug 20, 2012: the footings were approved for the rear porch
- regarding the scraping and painting: a couple of holes in the soffit and fascia need to be sealed up right away to prevent critters from getting into the building (Ms. Ellsworth: the holes are filled with foam)*

Ms. Moermond:

- will recommend granting an extension to Oct 1, 2013 to finish the painting

Referred to the City Council due back on 10/17/2012

15 [RLH FCO
12-540](#)

Appeal of Mary Johnson, Shamrock Court Investors LP, to a Correction Notice-Complaint Inspection at 2196 LOWER AFTON ROAD.

Sponsors: Lantry

Deny the appeal.

RE: 2196 Lower Afton Road (multi-family)

Mary Johnson, Shamrock Court Investors LP, owner, appeared.

Ms. Moermond:

- update

- there isn't any Order or decisions on the city's record about lifting the requirement that a fence be there or for giving that requirement that a fence be there

- the Order was called out by Fire appropriately

- with what's out there right now, they will need to come into compliance; she can give you until mid-summer 2013 for fence repair and complete the Order

- imagines that Ms. Johnson will want to go to the City Council Public Hearing and ask that requirement be lifted

- City Council Public Hearing Oct 17, 2012 at 5:30 pm

- Mai Vang will send out a letter

Referred to the City Council due back on 10/17/2012

16 [RLH FCO
12-554](#)

Appeal of Bee Vue to a Fire Inspection Correction Notice at 1067 BRADLEY STREET.

Sponsors: Brendmoen

Deny the appeal and grant extension until November 1, 2012 to bring the driveway into compliance by adding more class 5 where needed and provide timber lining to both sides of the driveway and boundaries.

RE: 1067 Bradley St (single family)

Bee Vue, owner, appeared.

Ms. Moermond:

- we had laid this over for photos of the driveway

Fire Inspector A. J. Neis:

- photos were taken yesterday by Fire Inspector Ben Ellis

Ms. Moermond:

- the alley looks coated

- the Order indicates that all parking spaces shall be paved with asphalt, concrete or durable dustless surfacing,,,,,,,,,and a site plan is required

- she looks to see whether the gravel is thoroughly covering the driveway / parking area; are there clean lines about what is and isn't parking area; is there growth through the gravel

- in this case, she is seeing problems with each one of those concerns

Mr. Vue:

- there was a definite line there 3 years ago when he bought the property and went

through a full Code Compliance Inspection
 - it's always been a gravel parking lot
 - the gravel has been compacted

Ms. Moermond:

- needs a definite line perhaps landscaping timbers would help
 - new Class 5 needs to be added
 - the lawn should be seeded (better drainage)
 - will recommend granting an extension to Nov 1, 2012

Referred to the City Council due back on 10/17/2012

- 17 [RLH FCO
12-553](#) Appeal of Joy Albrecht to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 1529 GRANTHAM STREET.

Sponsors: Stark

Laid Over to the Legislative Hearings due back on 10/2/2012

- 18 [RLH OA
12-63](#) Appeal of Lisa Heikkila to a Code Compliance Report at 1805 MINNEHAHA AVENUE EAST.

Sponsors: Lantry

Forthcoming.

RE: 1805 Minnehaha Ave E (single family)

Lisa Heikkila, owner, appeared.

Ms. Heikkila:

- looking to get some items omitted from the list so that she could move into the house
 - entered a list indicating when the requirements would be done
 - she bought the house "as is" and it is in very fair condition except for the handrails, screens on the some of the windows
 - she did some of the smaller work - door knobs, paint, etc.
 - had a general contractor come in and then they didn't show; others also never came back
 - got a plumbing break down of items but a lot of that isn't part of what has to get done
 - she doesn't want to repair the garage before winter and before she moves into the home because it's getting cold out
 - is asking for an extension on exterior light at the back entry; venting of the bath; gutters and the garage
 - she got rid of the volunteer little trees
 - she repaired the 1 board on the soffit / fascia
 - the tuckpointing of the chimney will be done this fall
 - the deck will be done fall

Ms. Moermond:

- the venting in the lower bathroom must be finished before Ms. Heikkila moves in; she will recommend that to the building official; if he agrees, this will be separated out from the Code Compliance and turned into Correction Orders
 - the gutters, the garage, and the exterior light at the back entry can wait until she moves in

Fire Inspector A. J. Neis:

- explained that sewer gases may be problematic if venting is not done properly; it's part of a system

Ms. Moermond:

- will forward this to the building official; will talk to the Sr. Plumbing inspector, Steve Fernland

- Mai Vang will send a letter

- Appellant can be the general contractor for the building items; a permit must be pulled

Ms. Heikkila:

- doesn't want to keep the lower bathroom there in the first place; she wants to move it

Referred to the City Council due back on 10/17/2012

19

[RLH FCO
12-528](#)

Appeal of Robert W. Orth to a Fire Inspection Correction Notice at 812 STEWART AVENUE.

Sponsors: Thune

Grant the appeal on the garage issue.

RE: 812 Stewart Ave (single family)

Swan Anderson, who works for Robert Orth, owner, appeared.

Fire Supervisor A. J. Neis:

- follow up from a Fire Certificate of Occupancy inspection that was previously heard at LH

- re: garage being inspected and painting the garage trim, etc. (Inspector Michael Cassidy)

- has been informed by Inspector Cassidy that he thinks the scraping and painting of the garage has been corrected - the Order has been withdrawn

- currently at hand is allowing access to inspect the garage interior

- he asked Mr. Cassidy why he wanted access to the garage; Mr. Cassidy indicated that his standard practice is to request access to all garages in his inspections (Chap 34 Section 19 - allows inspectors access to accessory structures on the property)

- another reason for requesting access to property garages is to make sure the garage is free from illegal occupancy (living in the garage) and hazards

Mr. Anderson:

- Mr. Neis said that the scraping and painting of the garage had been corrected but they never scraped or painted at all this year (doesn't understand why Mr. Cassidy said that); he saw the inspector drive by as he was mowing lawn there

- understands that the Certificate of Occupancy is for a rental unit; the garage on this property is not part of the rental unit

- entered a copy of the lease which clearly states that the garage is not part of the rental unit

- the 4-car garage is used for storage (paint; scaffolding; ladders; tools; etc. for fixing their 7 properties); there's not too much in there

- he felt intimidated by Inspector Cassidy's insistence that the garage be inspected and Mr. Anderson and Mr. Orth feel they have a right to say no, especially since garage use is not part of the lease agreement

- at the last hearing, Supervisor Leanna Shaff insisted that there was a band using the garage but there is absolutely no band there
- there's a concrete driveway in front of the house that is used for parking 2-3 cars

Ms. Moermond:

- explained the concern for safety regarding storage in an accessory structure
- garage inspection has a lot to do with the use of the garage and she has gone both ways on this issue

Mr. Neis:

- typically, in certain circumstances a building may be an accessory use and have it's own Fire Certificate of Occupancy even though it's on the same parcel; sometimes, that use may be an illegal use
- an inspection usually is just to verify that there's no illegal use and that it is safe

Ms. Moermond:

- the lease shows that the garage is not included in the rental agreement
- will recommend this appeal be granted

Referred to the City Council due back on 10/3/2012

20

[RLH FCO
12-566](#)

Appeal of Jeff DeLisle, DeLisle Co. Realtors, to a Re-Inspection Fire Certificate of Occupancy With Deficiencies (updated) at 1085 HATCH AVENUE.

Sponsors: Brendmoen

Deny the appeal and grant an extension until November 1, 2012 to bring the driveway into compliance by removing the mulch and adding more Class 5.

RE: 1085 Hatch Ave (single family)

Jeff DeLisle, Del Co Limited Partnership, owner, appeared.

Fire Inspector A. J. Neis:

- re-inspection of a Fire Certificate of Occupancy conducted on Aug 30, 2012 by Fire Inspector Sebastian Midgal
- requirement was to provide an approved parking space / driveway
- the inspector suggested that the owner appeal the driveway due to expense
- photos
- unique driveway circumstance: wood chips as a driveway
- wood chips, typically, deteriorate into mush in about 1 year
- wonders what's underneath the wood chips

Mr. DeLisle:

- this is Section 8 housing; the tenant is having a problem paying the rent
- it appears that they will be going through an eviction process; then, they will put the house on the market
- the inspector suggested that he appeal the Order
- they did not put down the wood chips (must have been the tenant)
- when he bought the property, there was Class 5 on the driveway

Ms. Moermond:

- Class 5 should be there
- the wood chips need to be raked out and Class 5 put down
- the driveway has good clean lines
- will recommend an extension to Nov 1, 2012 to rake out mulch and add Class 5

(before the snow flies)

Referred to the City Council due back on 10/17/2012

21

[RLH FCO](#)
[12-563](#)

Appeal of Sharon L. Smith to a Fire Certificate of Occupancy Correction Notice at 1063 VAN BUREN AVENUE.

Sponsors: Carter III

Grant the appeal on the roof for this inspection cycle; deny the appeal on the parking issue and will need to disclose an addendum to tenant's lease as well as putting seeds down; deny the appeal on the front sidewalk boards; deny appeal on Items 8, 9 and 12 (deadline is October 8, 2012); and grant an extension for the remaining balance until January 15, 2013.

RE: 1063 Van Buren Ave (single family)

Sharon Smith, owner, appeared.

Fire Inspector A. J. Neis:

- appeal of a Fire Certificate of Occupancy Inspection Correction Notice Aug 30, 2012*
- re-inspection Oct 2012*
- 17 code violations*
- Appellant has written a letter regarding her appeal*
- #2 Repair / Replace garage roof - appellant says the roof is weather tight*
- pave parking space with asphalt*
- need for requiring a permit to tighten deck boards*
- #12 - permit needed to replace damaged light fixtures*
- clarification on requirements for permits: the inspector actually is not requiring permits; its canned wording reads, "may require a permit"*

Ms. Moermond:

- anyone who is doing electrical work that rises to a particular level would need to pull a permit, whether that's something the homeowner could do or a licensed and bonded electrician*

Ms. Smith:

- the guy from Crisco Construction actually went up on the roof and said that there were some shingles that may have some hail damage but there's no leakage and it's completely weather-tight; she is asking that this violation be retracted*
- bought this house 7 years ago; these have been her only tenants*
- these tenants were great until they had a little boy, who literally destroyed the property when he was 2-3 years old; this kid is a monster (he ran his tricycle down the stairs into the drywall; he took a small scissors and cut the screens; etc.)*
- 80% of this list is her tenants' damage*

Ms. Moermond:

- will recommend the appeal be granted right now on the roof based on the letter from Crisco but the Order may come up again next year*
- she would like to see the Appellant write an addendum to the lease prohibiting parking on the grass and also sow some grass seed this fall (water is good)*
- won't require a permit to replace 1 board of the decking - #7*

Ms. Smith:

- regarding the light fixtures: they just needed light bulbs (Inspector Martin assumed that the fixtures were broken because when she switched them on, they didn't work but the tenants had just not replaced the burnt out bulbs)*

- the tenants ripped-up the carpet because they said there were bugs underneath it
- would like an extension on the whole list, probably 120 days (besides #1)
- if she finds that the tenants aren't going to work with her in Oct, she will probably need to evict them in Nov; then, she will be able to get things done in Dec

Ms. Moermond:

- she will recommend granting an extension to Jan 15, 2013 on everything except the following: 1) #8 provide an escape window (just the latch); 2) #9 provide a carbon monoxide detector; and 3) # 12 put bulbs into the light fixtures and repair broken fixtures - these must be done by the Oct 8, 2012 inspection

Referred to the City Council due back on 10/17/2012

22

[RLH FCO
12-565](#)

Appeal of Tony Joseph to a Correction Notice-Reinspection Complaint at 381 BATES AVENUE.

Sponsors: Lantry

Deny the appeal and grant until July 1, 2013 for painting and repairing the west damaged soffit if the house is not sold to Metro State.

RE: 381 Bates Ave (multi-family)

Tony Joseph, Two Ten Investments LLC, owner, appeared.

Fire Inspector A. J. Neis:

- Fire Inspection Correction Notice date Aug 30, 2012
- complaint inspection by Fire Inspector Sean Westenhofer
- re-inspection Sep 17, 2012
- Orders: to scrape and paint the building exterior walls and repair west soffit damage
- the building is the process of being sold to Metro State University, who intends to demolish the property
- has no opposition to allowing the extension to next spring or mid-summer, if the building is not demolished

Mr. Joseph:

- entered the Purchase Agreement signed Sep 17, 2012
- working on a closing date of Nov or Dec 2012
- tenants were notified about 1 month ago; all have agreed to move out by Oct 31, 2012
- right after the purchase, Metro State U will demolish the building

Ms. Moermond:

- if for some reason the sale doesn't go through, the city needs to follow up on these existing Orders

Mr. Joseph:

- if the sale falls through, he will still occupy the building
- he has no problem scraping and painting next spring if the sale falls through

Ms. Moermond:

- will recommend granting an extension to Jul 1, 2013 if the building is still there

Referred to the City Council due back on 10/17/2012

23

[RLH FCO
12-562](#)

Appeal of Eunyoung Oh to a Fire Certificate of Occupancy Correction Notice at 1679 MINNEHAHA AVENUE WEST.

Sponsors: Stark

Item 1 - order withdrawn. Deny and grant until October 1, 2013 to bring the driveway into compliance.

RE: 1679 Minnehaha Ave W (apartments)

Eunyoung Oh, owner, appeared.

Fire Inspector A. J. Neis:

*- Fire Inspection Correction Notice dated Sep 4, 2012 by Fire Inspector Lisa Martin
- re-inspection Oct 15, 2012 at 10 a.m.
- appeal asks for additional time to work on the 6 code violations due to financial reasons*

Ms. Oh:

*- also appealing #1 and #2
- #1 - extermination of mice; a tenant with whom they have had some problems told the inspector that there were mice; the inspector found some droppings; mice may come in but they do not stay; after the cleaned up the droppings, they set traps but the traps weren't even touched; they asked the other tenants if they had seen mice and no tenant had
- an extermination company will charge approximately \$400*

Mr. Neis:

*- the tenants confirmed that there was no issue with mice
- he will withdraw the mouse issue #1, if upon re-inspection, there is no indication of mouse droppings*

Ms. Oh:

*- the driveway is sand; parking space is a concrete slab
- they intend to fix the driveway (there may be an easement issue with the neighbor)
- they got a bid for \$9,925 for asphalt - have a long driveway
- would like an extension*

Ms. Moermond:

- will grant an extension to Oct 1, 2013 to come into compliance with the driveway

Referred to the City Council due back on 10/17/2012

24

[RLH FCO
12-573](#)

Appeal of Yahya Abukhudeer to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 1500 MARYLAND AVENUE EAST.

Sponsors: Bostrom

Grant the appeal for the parking issue in Unit 4.

RE: 1500 Maryland Ave E (multi-family)

Yahya Abukhudeer, owner, appeared.

Fire Inspector A. J. Neis:

*- item #1 in the deficiency list is being appealed for Unit #4
- Appellant indicated that the property does not conform to zoning ordinance for it to*

be legal

- the Orders say the owner has to have another parking space because the building zoned TR-3; he can have only 3 parking space in front of the building and they need a parking space in the rear of the building
- looking at this file is rather confusing for him because it appears that this went through a full code compliance inspection (2004), previously where the building was approved for a 4th unit; also, approved as a 4-plex in 2007; then, it was a Cat 2 Vacant Building from Feb 2006 - Jun 18, 2007 when it received a new Code Compliance Inspection for a 4-unit building; new records show that it's a 3-unit building

Mr. Abukhudeer:

- when he bought it, it was a 4-unit building
- but they found out that there's no long things grandfathered in so, they have to bring it up to code; there were a lot of expenses to consider
- with the 4th unit, they said he'd have to have a separate fee and they were broke at that time (\$8,000)
- they used it as an office and they said we have to have a parking spot
- the back is impossible - you can't even access the back unless they tear the garage down
- and there is no alley

Ms. Moermond:

- looked at photos
- could you put 4 parking spots in the front?
- will recommend this appeal be granted

Referred to the City Council due back on 10/17/2012

2:30 p.m. Hearings

Vacant Building Registrations

25

[RLH VBR](#)
[12-66](#)

Appeal of Doan Nguyen to a Summary Abatement Order and a letter from Department of Safety and Inspections at 535 VIRGINIA STREET.

Sponsors: Carter III

Change vacant building status to Category 1 and allow occupancy. An inspection will be made to address any remaining life safety issues that are on the TISH report. Summary Abatement Order is withdrawn as the owner is in compliance.

RE: 535 Virginia St (single family)

Doan Nguyen, his uncle, aunt and cousin appeared. (owner's mom and dad)

Matt Dornfeld, Vacant Buildings:

- he opened a Category 2 Vacant Building Feb 24, 2010 per a referral from the Saint Paul Police Dept (SPPD) due to a vacant home with an unsecured rear door
- at the time of his inspection, he found the home unoccupied with multiple exterior violations: soffit - fascia damage; cracks in foundation; overflowing commercial dumpster and trash receptacles in driveway; dilapidated metal accessory shed in the yard; junk and refuse strewn throughout the yard
- until Aug 31, 2012, the home remained unoccupied
- the house became occupied Aug 31, 2012

- it did not go through a sale review
- there is no Code Compliance Inspection Report
- there is a Truth in Sale of Housing (TISH) on file with multiple "H's" on it
- vacant building is checked in the TISH Report
- he stopped at the house and spoke with the current property owners (had a little difficult time communicating)
- the owner, Linda Nguyen, Doan's cousin, is not here today
- some work has been done on the house; no permits have been pulled
- the house conforms to the neighborhood
- the yard is maintained: grass is cut

Doan Nguyen:

- living in the house are: his uncle, aunt and 2 cousins (Linda's parents and her 2 siblings)
- Victor Nguyen was the realtor
- Linda does not speak English well; she was raised in Viet Nam

Mr. Dornfeld:

- can follow up on the TISH Report
- turn it into a Cat 1 VB; he can inspect
- deficiencies: floor drains; water piping, gas piping; heating system installation; window and door condition; electric outlets and fixtures; water flow

Ms. Moermond:

- asked if these findings could be converted to a Correction Order (Mr. Dornfeld: Code Enforcement could handle it- give them some time to make repairs)
- asked Mai Vang to look up the realty firm
- on the surface, it looks as though, because of the language difficulty, it wasn't adequately disclosed to Linda that this was a Registered Vacant Building and that there were requirements because of that
- is assuming that Victor was aware of Linda's English capacity (he knew that she didn't understand)
- she has a complaint about the way the real estate transaction occurred
- now, the family is living there with violations and the hazardous items on the TISH list must be fixed

Mr. Neis:

- looking at the TISH: there are a lot of the Hs on the list but some are very small; he is going to point out the life-safety issues
- doesn't see anything that's dangerous; Fire could assist code enforcement on this

Ms. Moermond:

- asked Inspector Neis to consult with code enforcement and work out how they will get the inspection done and write Orders that are appropriate
- we will allow the house to be an occupied structure - make it a Cat 1 VB
- will probagly grant time on the Hs - 90 days; could appeal if that's not enough time
- will recommend granting the appeal
- outlined the items considered hazardous on the TISH list

Mr. Dornfeld:

- will change it to a Cat 1 and set up an appointment with Doan Nguyen and get Orders sent out; they will need to make a few repairs

Referred to the City Council due back on 10/17/2012

26 [RLH VBR](#)
[12-67](#)

Appeal of Thomas McKay, M & E McKay LLC, to a Vacant Building Registration Notice at 651 UNIVERSITY AVENUE WEST.

Sponsors: Carter III

VB file closed and file transferred to Fire C of O program. Grant 6 months for re-occupancy or get building sold.

RE: 651 University Ave W (commercial / apartment)

Thomas McKay, M & E McKay LLC, owner, appeared.

Matt Dornfeld, Vacant Buildings:

- Inspector Mike Kalas opened a Category 1 Vacant Building Sep 10, 2012 for a Certificate of Occupancy Revocation referral as a Cat 1 VB by Inspector Sebastian Migdal

- Inspector Migdal's notes: Revoked the C of O; sent to VB; building has been unoccupied for over 1 year; spoke to listed owner and the owner informed me that the building is unoccupied; owner stated that he is in the process of selling the building and he does not know whether or not the new owners will immediately occupy the building

Mr. McKay:

- entered a signed Purchase Agreement, dated Mar 5, 2012; plans to close Oct 5, 2012; NBC is buying it*
- has had the building "for sale" or "lease"*
- owns 651 and 633 University - right next to each other*
- has more parking at 633 University*
- with the light rail going through, they have eliminated all the parking on Univ Ave so, he moved his business from one location to the other, trying to sell or lease 651 Univ*
- with light rail going through, it's been a nightmare for businesses along Univ*

Fire Inspector A. J. Neis:

- it's standard practice for their office to do a Vacant Building monitoring status after 90 days*
- once the building is determined to have been vacant for a year or longer, the file gets sent to the Vacant Building Program*
- looking at photos: the building appears to be maintained; would not be opposed to taking the building back to it's unoccupied status or Mr. Dornfeld could classify it as a "Preliminary VB" (to make the VB fee go away)*

Mr. McKay:

- spoke with Mike Tamale today and they are planning to develop it as they did the Frogtown Center; he is working with the nonprofits to raise money; he may need a 3-month extension*
- he wants it sold because while he is making payments, he is also paying roughly \$21,000 in property taxes*

Ms. Moermond:

- wants the building to reviewed at some point (Mr. Neis: - the building could be classified as "Revoked - Unoccupied or Preliminary" for up to an additional 6 months)*
- then, we can revisit it at 6 months to see if things have changed so that it would be justifiable to put it into the VB Program at that time*

Ms. McKay:

- he actually could occupy the building with his temporary staffing company*
- he will find out Monday whether or not Mike Tamale needs a 3-month extension*

Referred to the City Council due back on 10/17/2012