



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final Legislative Hearings

Marcia Moermond, Legislative Hearing Officer
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651-266-8585

Tuesday, September 22, 2015

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Remove/Repair Orders/Repurchase Applications

- 1 [RLH RR 15-13](#) Ordering the razing and removal of the structures at 870 FULLER AVENUE within fifteen (15) days after the June 3, 2015, City Council Public Hearing. (Amended to grant 15 days removal of the structure)

Sponsors: Thao

Mai Vang:

-received a call from Malik Davis this morning; he stated that the brother in TX won't give up his part ownership of the property; so, he believes that they can't buy the property to do the rehab

Steve Magner, Vacant Buildings:

-thinks that's been the issue all along - that the title can't be cleared; even if we were to start this over and do a short redemption or start an action to shorten the forfeiture to the county, we would still have the brother's issue; he could come in and take action

-in response to the fact that this is a nuisance, the best action at this point would be to move forward with an Order to Remove/Repair within 15 days

Ms. Moermond:

-will recommend the building be removed within 15 days of the Council's hearing
-we will send out a letter to all these different people

Remove the building within 15 days with no option for repair.

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

- 2 [RLH OA 15-11](#) Making recommendation to Ramsey County on the application of Kristopher Robert Capuzzi for repurchase of tax forfeited property at 253 BELVIDERE STREET EAST.

Sponsors: Thune

Inspector Steve Magner, Vacant Buildings:

-the individual indicates that he lost his job of 12 years with St. Paul Public Schools; now, has found steady work with steady income and wants to repurchase (application attached)

-according to Amanda/STAMP records: only 1 compliant and it was a sweep generated complaint in 2003
-property was foreclosed in 2008; he probably purchased it after that; since then, there was a building, warm air and mechanical permits
-no other STAMP activity
-there's not any reason to not allow for repurchase

Ms. Moermond:

-this property does not represent a municipal problem
-will recommend to allow for repurchase

Allow for repurchase.

Referred to the City Council due back on 10/21/2015

3 [RLH OA 15-12](#)

Making recommendation to Ramsey County on the application of Antuan Yancy for repurchase of tax forfeited property at 598 LAFOND AVENUE.

Sponsors: Thao

Ms. Moermond:

-there's \$9,546.88 owed in property taxes
-Repurchase application from Antuan Yancy
-at start of the year, he lost his job and couldn't find work; on unemployment for a while
-then went through divorce; was not able to make the date of my payment plan
-sounds like Confession of Judgment

Inspector Steve Magner, Vacant Buildings:

-based on him mentioning payment plan, yes, Confession of Judgment
-have had some activity here but don't know how long he has owned the property but we have a Summary Abatement/Work Order from Aug 2012 for overgrown bushes on property

Ms. Moermond:

-his name shows up in the description of the problems starting in 2008

Ms. Magner:

-Sherman Harris owned it in Jun 2008; by Sep 2008, Antuan and Danielle Yancy own it
-building permits for Brad Nillis and mechanical permits
-another tall grass/weeds in Sep; clean-up in Nov; from Nov 2009 - 2012, it's fairly clean
-then, overgrown bushes complaint in Aug 2012; squatters have been seen sleeping under the bushes; also inoperable vehicle
-nothing in 2013, '14, '15
-not a lot of activity and not a lot of recent activity

Ms. Moermond:

-back in 2006, it was vacant; signed off in Mar 2009
-a pipe burst causing a lot of problems

Mr. Magner:

-thinks we can allow for repurchase; it's been resolved

Ms. Moermond:

-will recommend allowing for repurchase

Allow for repurchase.

Referred to the City Council due back on 10/21/2015

11:00 a.m. Hearings

Summary Abatement Orders

- 4 [RLH SAO 15-59](#) Appeal of Ryan Kaess (Kaess Law LLC) to a Summary Abatement Order at 205 SEVENTH STREET WEST. (To be referred back to March 8, 2016 Legislative Hearing)

Sponsors: Thune

Owner has until March 8, 2016 to keep the graffiti artwork on the sidewalk. There will be discussion from Public Works in the Spring about a policy for these types of artwork in the community.

Mai Vang's Report:

-this was laid over today for the owner to submit an application with Public Works and have a plan to continue having the graffiti on the sidewalk

Ms. Moermond:

-we don't have an encroachment application and, to the best of her knowledge, don't have a request in to the Director of Public Works to determine whether this constitutes public art; if it is public art, it needs PW's permission to exist

-the councilmember is inclined to call it public art

-believes that this is ripe for discussion with urban art becoming a bigger deal

-is inclined to say that we can keep this through the winter and over the winter have

PW come back with a policy on what constitutes public art and what's graffiti

-she has talked with both Ellen Biales and Dave Keibler in PW

-will lay this over to Mar 8, 2016 LH

-she will talk with Ellen Biales and Dave Keibler about a memo on this topic

Correction: layover at Oct 21 PH to March 8, 2016.

Referred to the City Council due back on 10/21/2015

- 5 [RLH SAO 15-68](#) Appeal of Houa Yang to a Summary Abatement Order at 1126 ALBEMARLE STREET.

Sponsors: Brendmoen

Appeal withdrawn; owner in compliance.

Withdrawn

- 6 [RLH SAO 15-66](#) Appeal of Steven Backlund to a Summary Abatement Order and Vehicle Abatement Order for 543 JESSAMINE AVENUE EAST.

Sponsors: Brendmoen

Steven Backlund, owner, appeared.

Inspector Paula Seeley:

-received a complaint about commercial vehicles and possible landscape/roofing home occupancy
-Aug 20, 2015, we out and sent a Zoning enforcement letter; commercial truck in driveway; bobcat, pallets, roofing tile, ladders -improper storage all over the driveway
-also, she wrote up the yellow commercial vehicle in the street with commercial trailer attached
-commercial truck in driveway with expired tabs - appears inoperable
-home occupation Order and 2 Zoning documents
-later on Sep 3, 2015, she sent a Summary Abatement Order on the bobcats, roofing tiles, pallets - all improper storage in the yard
-sent Vehicle Abatement Order on the white Ford with expired tabs illegally parked in a residential district
-2 Zoning documents and 2 Code documents
-talked with YaYa and Steven - Mr. Backlund went to DSI and they told him that it would be \$50 to file for a variance and he didn't want to do that; YaYa had told him that it probably was a waste of time and money

Mr. Backlund:

-he went to Zoning because he had originally filed an appeal because he's not looking to rezone; he's not in a business; he owns land in WI and up North and he bought equipment to clear the land up there; plus, his house in on a big corner lot
-there's stacks of (80 lb) block in the driveway (has bldg permit) for replacing the wall that's about to blow out; he has a mini excavator and a bobcat there; he bought the mini excavator to clear his land and also do boulder walls on his house, etc.
-he brought his tax records; there's no income from any of this equipment and there are no write-offs for it; his all his own personal stuff
-he's had his bobcat on this property since 2003; he uses it to plow his driveway and all his neighbor's, too
-the white truck is gone and so it the other truck; it's up on his property; is sure that he'll have bullet holes in it because there are no buildings up there; and vandalism and theft run rampant
-when Ms. Seeley was there, there was a gravel bucket and a concrete breaker, which he'll need to tear the wall out; there was nothing in his driveway; there's 2000 sq.ft. in front of his garage and his garage is 60 ft. long
-his driveway needs to be done and he's doing a boulder planter up there (250 lb boulder); you can't move them without his mini excavator; it's not very big
-he did have wood pallets, a queen size mattress with a tarp on it; the mattress was for dropping the boulders off the truck
-he had sheets of plywood that need to be over the city sidewalk with 2 x 4's so that when the wall is pulled down, you don't destroy the sidewalk
-when he's done with the work on his property, he'll find a place to put the equipment; he can't put it onto his property in the country because it'll either be destroyed or stolen; the walls on the other side of the house need to be done and he has paved brick for his driveway; he can't do the driveway until the wall is settled
-his neighbor's yard is pushing his wall out from frost heave; he told her that he would replace the wall and move her fence to do it; he will follow her wall when he does it; they need to draw up papers to make it all legal; the permit people told him to get all that settled first

Ms. Moermond:

-it seems like this stuff has been here a long time

Mr. Backlund:

-he bought the block several years ago; he got a good deal on it; then, he

procrastinated on doing it; now, he has to do it
 -he is going to start this soon; he has shrubs to transplant; he can work into early Nov; he has 180 days with the permit
 -the wall will be over 4 feet; under 4 ft you don't need a permit; the wall has to be engineered
 -roofing tiles are for my roof; is having an architect look at it to see if the roof can handle the weight of the tile
 -for the wall, he needs the mini excavator, the bobcat with forks, the dump truck; will need to haul all the old block off and bring in recycling to compact for base; have to bring in drainage rock and it has to stay on the truck; has a blvd so there's no place to dump the material; so, he'll have to bring it in and at the end of the day, take it out
 -he will have to deal with people parking there

Ms. Moermond:

-you can get a ROW Encroachment Permit from Public Works
 -she will give a time specific to have this work done and if the work isn't done in that time, all the equipment will need to go; materials on pallets will need to go; everything will need to be cleaned out regardless of whether the wall is done and you'll have to bring it in specifically for the project and remove it out at the end of the day
 -for the long term, these commercial vehicles can't be stored/parked in a residential zoning district
 -she's looking at Dec 1, 2015 - have it all done; equipment and materials removed from the property; if you don't get the roof done, you can't store the tiles outside; they can go into the garage
 -City Council Public Hearing Oct 21, 2015

Grant until December 1, 2015 to have the commercial equipment at the property to make repairs. Once done, all commercial equipment must be removed from property or stored inside a shed or garage.

Referred to the City Council due back on 10/21/2015

Correction Orders

7 **RLH CO 15-30** Appeal of Jocelyn Sweet to a Correction Notice at 123 ISABEL STREET WEST.

Sponsors: Thune

Jocelyn Sweet, owner, appeared.

Inspector Paula Seeley:

-office received a complaint about the walls, the siding and the windows
 -Inspector Kaisersatt went out on Sep 9, 2015 and gave until Sep 24 to come into compliance
 -will have photos up this afternoon
 -there's plywood over 1 window

Ms. Sweet:

-needs more time
 -she is having trouble making the house payment; is trying to sell it; there's a "For Sale" sign out in front
 -obviously, she doesn't want to have broken windows; winter's coming and she has a 16-year old living there
 -her mother has volunteered to pay for the window (the one with the plywood); it was a leaded glass window, beautiful window - that her dog, who was protecting them,

knocked out; so, her neighbor came along and put up the plywood; he's a contractor -needs time for the siding on the back of the house (could be part of a negotiation, if possible)

-she looked at the photos with Ms. Moermond and explained

-has tried to restore this 1895 house for the past 17 years

Ms. Moermond:

-this Correction Order is telling you to please take care of this; you've appealed, so we can talk about it; if you aren't in compliance by the time the Council gives the property, then, the dept. has the enforcement option to do a criminal citation, which would put you into housing court to talk about this; more than likely, they'd be talking about deadlines, work plans, etc, as I will

-she is much more concerned about with what's going on with the back of the house and the tarping - wondering what's underneath that torn tarp?

Ms. Sweet:

-some plywood and insulation

Ms. Moermond:

-not thrilled about that in terms of moisture infiltration (it's more like having a hole in the house)

Ms. Sweet:

-whatever we need..... I'd hate to put up fake siding; it's an historical house; I wish the historical people would have funds to help people; I'm low income at this time and I don't know what resources are available

-my mother will pay for the window (leaded, beveled glass); as a temporary solution, we will probably put in some glazed glass

Ms. Moermond:

-sounds like a good plan to me for now; will need to find a glazer

Ms. Sweet:

-she has spent the last 3 years since her divorce cleaning out the inside of the house; now, it looks like a hotel; it's so spare and so clean and so beautiful; I focused only on the inside; the next step was to focus on the garden and exterior but then, she became exhausted from the entire house; she will do her best to make it better for the neighborhood

Ms. Moermond:

-getting a glass window to replace the plywood: 3 weeks

-with the plywood and insulation on north side of the house, what would you consider fixed? Getting the tarps back up again or something more sturdy way of enclosing the house? (Ms. Seeley: thinking about giving her more time to get it properly sided)

Ms. Sweet:

-they had to tear off that breezeway; it was fully plumbed and heated (L-shared back to the garage)

Ms. Shaff:

-is concerned about the wood left open to the elements; insulation or plywood would probably not be OK to use anymore; that all has to be replaced when the fix is done; will need a permit to repair it

Ms. Sweet:

-insulation is exposed now because the tarp is missing; thinks her ex-husband used

to tarp over it every year
 -how much time would we have?
 -if I can't fix it - financial hardship, what happens then?

Ms. Moermond:

-will give you to deadlines: 1) a quick one for tarping/sealing the area; and 2) rebuild/replace the wall (the new owner will have to have a contractor come and do it); don't think there's any weather consideration here; behind that door is the kitchen and the stairwell to the 2nd floor and attic

Ms. Sweet:

-there's been a lot of interest; a lot of showings; her realtor is feeling very positive about someone in particular; it's listed at \$385,000 and it's 4700 sq.ft. Victorian mansion; Larry Millet wrote about it as the premier Queen Anne in St. Paul
 -her realtor suggested that she come down here to see if she could get more time
 -her hope is that the house goes to a private preservationist

Ms. Moermond:

-doesn't think that it should go thru the winter as it is
 -have you gotten a bid on doing this work if you were to be responsible for it

Ms. Sweet:

-she has not

Ms. Moermond:

-let's get it re-tarped; stapled in to keep the rain out knowing full well that the inerds are going to all have to go; next, get a contractor's bid to do this
 -suggested she get 3 contractor's bids and a work plan on how it will be addressed
 -will lay this over for a few weeks to talk about the bids
 -step 1: re-tarp the area in 1 week
 -step 2: have window installed in 3 weeks
 -step 3: get 3 contractor bids to me by Oct 6; then, we can start talking about a work plan
 -Lay Over to Oct 13 LH

Layover to October 13; grant until October 13 to have the glass window replaced;
 re-tarp the exterior exposed walls of the house and get contractor bids so that a work plan can be developed to make the repairs to the exposed walls.

Laid Over to the Legislative Hearings due back on 10/13/2015

11:30 a.m. Hearings

Orders To Vacate, Condemnations and Revocations

- 8 [RLH VO 15-50](#) Appeal of Charlotte Mahone and Casey Borrego to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 649-651 IVY AVENUE EAST.

Sponsors: Bostrom

Fire Inspector Leanna Shaff:

-last week we talked about the fact that there is no responsible party; and the house is going through foreclosure
 -the woman who lives there and (the person who lives in the other unit, who was

supposed to show up and didn't last week) are both not here today
-the woman in Unit #1 had some poor health issues but someone was coming around collecting rent and she was paying them anyway
-the woman's PCA was here along with her sister
-she has not heard anything other than the PCA called and wanted to know how she was going to get her rent money back
-she hasn't heard anything else from anyone including SMRLS or House Calls or her sister
-is not feeling real good about continuing this

Mai Vang:

-it looks as though her confirmation letter didn't go out; she was waiting for something
-she called them yesterday and talked with the tenant in Unit #2, letting him know about the hearing today; he was aware of the hearing and said that he was going to come
-she left a message with Tanya Green, the sister of tenant in Unit #1, about the hearing today

Ms. Moermond:

-we haven't heard back from the sister
-original vacate date was 2 weeks after Aug 17, 2015, which was Aug 31, 2015
-we conducted a hearing on this Sep 15, 2015
-this place should be vacated by Oct 1, 2015 and enforcement can happen after that
-let's get the letter out

Grant until October 1, 2015 for tenants in Units 1 and 2 to vacate the property. (No show.)

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

9 [RLH VO 15-53](#)

Appeal of David Ku Vang to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 1667 AMES AVENUE, APT 2.

Sponsors: Bostrom

David Ku Vang, owner, appeared.
Revocation of Apt #2

Fire Inspector A. J. Neis:

-Revocation of the Fire Certificate of Occupancy and Order to Vacate dated Sep 4, 2015 by Fire Inspector Efrayn Franquiz with compliance by Sep 30, 2015
-appealed: shed and driveway
-about 3 years ago, this driveway was appealed; the owner was given until the spring of 2013 to take care of it; those Orders were initially issued by Fire Inspector James Thomas; it wasn't completed in spring of 2013; so, Inspector Thomas transferred the Orders to Fire Certificate of Occupancy Inspection, which was due in Mar 2013; the inspection did not happen in Jun 2013 and the Orders on the driveway were unknown to the new inspector until the new C of O was scheduled; so, essentially, the owner had 2 additional years to take care of the problem
-Inspector Franquiz scheduled the new inspection for May 13, 2015; he identified some code issues and re-inspection was scheduled for Jul 13, 2015; Mr. Franquiz did not call out the driveway on May 13
-the first Order on the driveway in this cycle was issued on Aug 10, 2015
-the next inspection happened on Sep 4 and the C of O was Revoked due to the fact that the initial driveway Orders were not completed
-12 violations were called out in May
-no photos on the driveway

Mr. Vang:

-in 2013, I appealed the driveway and I was told to put up driveway markers and parking markers; Inspector James Thomas came out and looked at it and saw that there were markers up; Mr. Thomas told him that it would cost over \$40,000 to pave that driveway

-he has an old house that has a "horse carriage" driveway

-after I appealed it, your office sent me a letter stating that if I put up driveway markers and parking markers, it would be OK

-on top of that, the reason he's here is to ask for more time; recently, he's had a couple of deaths in his immediate family, which were very difficult and made it financially hard to keep up to date with all the things that Mr. Franquiz asked me to do; both deaths were uninsured; it was very hard on his family

Mr. Neis:

-brought up the letter dated Nov 20, 2012 by Office of the City Council:

Dear Mr. Vang:

This is to confirm that on Nov 27, 2012 at the Property Code Hearing, Marcia Moermond, Legislative Hearing Officer, recommended continuing the matter to Tue Dec 4, 2012 at 1:30 in Room 330 City Hall for you to provide photos of the parking space. As for the dryer vent issue, you will need to contact your contractor to get the permit filed.

After the hearing, photos were found in DSI system, so you don't need to provide photographs of the driveway if you have not done so. Ms. Moermond reviewed the photos and based on the photos, she recommended the City Council deny your appeal on the driveway and grant an extension to Jun 1, 2013 to clean-up the driveway by adding more Class 5 to areas where needed and add boundaries as marked in the attached photos.

Note that the Dec 4, 2013 hearing is cancelled. The Public Hearing is scheduled for Wed Dec 19, 2013 at 5:30 in Room 300 Council Chambers.

Sincerely,

Mai Vang

Mr. Vang:

-he has the receipts for the Class 5 that was put in

Ms. Moermond:

-she has no choice but to wait to see the photographs and compare them to where we were a couple of years ago

-you wanted an extension on the other items in the Orders

-your first set of Orders was in May 2015; and it looks like you have about the same number of Orders now as you did then; so, haven't you been able to knock off some of these?

Mr. Vang:

-I've knocked off quite a bit; he's done everything inside the house

-due to all the rain we've been having, it's been difficult to do the chimney repair; you need at least 24 hours of dry weather to mold and set; and all that's been going on in my family, just asking for more time to finish the work

Ms. Moermond:

-the Orders look like nothing's been crossed off

Mr. Vang:

-the inspector didn't come inside at all

-he emailed and called the inspector multiple times to inform him of his family

situation and to ask for more time

Ms. Moermond:

-it looks like you got more time

Mr. Vang:

-originally, he gave 60 more days and if I really needed it, he could give me an additional 30 days but then during the 60 days, his grandmother passed away and another one of his family members passes.... and, it was kind of overwhelming and it was very difficult to finish all of things that were on the list

-thinks that he needs an additional 3 weeks

-has been working diligently on the inside of the house: walls, windows, doors; everything inside that can be fixed has been fixed

-he is really concerned about the shed and the driveway; Mr. Franquiz suggested that he appeal the shed because he told him how much it would cost and he said that since it's over 200 ft away from the house and it's not being used, it's about the size of a 1-car garage and has been around since the house was built

Ms. Moermond:

-about that size of shed could run anywhere from \$1500 - \$5000 to tear down

-asked if wanted to keep the shed or tear it down?

-if you want to keep it, it needs to be well repaired

Mr. Vang:

-he will keep it; the foundation is a little uneven

Mr. Neis:

-looking at photos in the file: it's in pretty rough shape; lap siding is deteriorated; we have open windows and you can see that the roof is deteriorated - there's a lot of daylight; maybe failure in one of the trusses, which has caused buckling

Ms. Moermond:

-also looking at the photos: pretty tough shape; demolition will cost less since there's no hazardous materials; doesn't think it will hold the snow load

-you can pull the demo permit on your own

Mr. Neis:

-noted that there are some salvage companies that will come out and dismantle it for free; in fact, you could get paid for the wood; google it and find out

Ms. Moermond:

-let's have shed handled by Oct 31, 2015

-other items done by Oct 9, 2015

-she'll wait for photos of the driveway; will email her recommendation

Mr. Neis:

-he will instruct Mr. Franquiz to send out a new letter indicating date and time of re-inspection

Ms. Moermond:

-will grant the appeal on conditions; waiting for the driveway

Grant the appeal on the revocation and order to vacate with the condition that the shed is removed by October 31, 2015 under permit; forthcoming on the driveway issue.

Referred to the City Council due back on 10/21/2015

- 10 [RLH VO 15-54](#) Appeal of Lorna Rosebrock to a Notice of Condemnation as Unfit for Human Habitation and Order to Vacate plus Summary Abatement Order at 2079 MARGARET STREET.

Sponsors: Finney

An inspection will be conducted to inspect the inside of the building and owner can put together a work plan to address the issue(s).

Lorna Rosebrock, owner, appeared.

Code Inspector Lisa Martin:

-was called out by SPPD for behavioral issues; she is not the area inspector on this; Inspector Ed Smith is but he was on vacation that day

-power had been disconnected by Xcel; when she appeared with SPPD, Ms.

Rosebrock's adult son and she took a walk around the property to talk about things; the power was still out at that item

-she was advised to write up what she saw at the property and return it to Inspector Smith, who unfortunately, cannot be here today

-they had asked to allow access

Ms. Rosebrock:

-was at work at the time that Ms. Martin and the SPPD came out; she had received Notice from the city to have the vehicle parked on the grass in the back removed; she removed it

-shortly after that while she was at work, she got a call that said whoever was at her house was going to board it up and the people inside were to vacate because the power was out; she had not received any Notice; (she thought you had 2 weeks to get the power back on before anything like that happened; she didn't see it as an issue because she knew it was going to be turned back on the next Tue; she didn't have all of the money the Fri before that

-she still doesn't know why the police were there; her 2 sons (28 & 29) were home; they called her and she said that she'd be coming home from work; when she got there, SPPD was gone

Ms. Moermond:

-asked if a 617.80 letter had been sent on this?

Ms. Martin:

-she was not sure; Inspector Smith had this file

-when she was on site, there were generators going with extension cords and there were multiple people inside the house; she was met by her adult children; they allowed access to the shed and the back yard; there was a camper trailer in the back yard; one son had mentioned that someone had been living in the shed and in the back yard but no longer was there; there's a large pile of tree debris in the back yard; also, there's a very large pool with a lot of green water in it; the rear deck and the deck where the pool is are rotting (Ms. Rosebrock: all that wood has been replaced; and the pool is clean as of today)

Fire Inspector Leanna Shaff:

-there is no letter written

Fire Inspector A. J. Neis:

-this property has had a long term history; and about 5 years ago, he issued a Criminal Citation to Ms. Rosebrock for illegal burning and a multitude of other issues

Code Inspector Paula Seeley:

*-she has been out there numerous times with Officer Keenan
-the report from the police is that it's probably overcrowding; so, we would like to have Ms. Rosebrock in to do an interior inspection or they are going to see the City Attorney to get an administrative search warrant*

Ms. Moermond:

-Notice in Orders that there's a couple that are interior related; asked how Ms. Martin identified them?

Ms. Martin:

-her son Earl told her that there was a plumbing leak and that they had to remove some flooring and sheet rock; as they were standing near the back deck, she had a clear view of that space through the window and there definitely was some work being done; according to the appeal, there was a faucet leaking but she thinks that it's more since flooring and sheet rock had to be removed

Ms. Rosebrock:

*-her son Earl doesn't live there and he sees the construction but that's not correct; the faucet was leaking and the sheet rock that was behind the faucet has been ripped out; there was no damage on the floor although, she does want to re-do the tile but the last time she was here was because the city had taken all of her tile that she was going to use to re-do her bathroom with
-there is a functional bathroom downstairs which they've been using; so, she wasn't in a big hurry to get it done
-a friend of her son had been living downstairs so, she wasn't able to do what she had intended to do down there; after she left, they just started to re-do the sheet rock, etc; there had been damage on the lower part of the sheet rock from the washer leaking and they cut all of that out and replaced since the inspectors were out there
-the bathroom is in the process of being done
-the buildings outside all have locks on them
-the pool has been cleaned out
-the rotted wood on both decks has been replaced
-she has not yet gotten a licensed contractor to check her furnace for CO; she has the CO detectors
-she has not yet done the screens (in process)
-she has the panels for the garage door but they are not installed at this time; the garage has been cleaned out*

Ms. Moermond:

*-who was living in the back?
-there's quite a history*

Ms. Rosebrock:

*-her son must have been referring to Ronnie, her friend's brother, who lived in the camper years ago but no one has ever lived in her shed; it's always been only storage; when Ronnie lived in the back, he lived in his camper
-one of her son's girlfriends was living in the basement
-no one is living in the fish house (it's an old camper turned into a fish house)
-the generator was used because the power was off; the power was turned back on that same day they were out there (actually, the power should never have been turned off because she was on the Power On Program); there had been some miscommunication and she didn't understand that this was going to happen (boarding up the house) if the power was shut off
-she has a big lot; it's deep and she owns all the property behind 3 houses to the right; and she's accumulated a lot of stuff in 22 years*

-she doesn't make a lot of money so, she gets materials to fix things little by little and it has to be stored; the last time inspectors came out, they took away the tile, etc. that she was going to use to repair the bathroom; she had taken it out of the shed to get it closer to the house; then, it snowed but she couldn't push the cart up to the house because it had snowed (was frozen)
-asked why she can't keep a trailer in her yard; down her block there are a lot of trailers, etc. but she can't have things (?)

Ms. Moermond:

-you need to schedule an interior inspection

Ms. Rosebrock:

-she would like more time to fix what she was doing

-she works from 6:45 am - 3:15 pm

Mr. Neis:

-the fire equipment safety test absolutely needs to be done because the furnace is 20 years old (found permit form 1995 mech warm air and elect) but it was never finalized so, we don't even know if it was properly installed 20 years ago)

Ms. Moermond:

-those things need to be inspected sooner than later and we hear you saying it's not done

-need to take some time away from work

Ms. Martin:

-will schedule 8:30 am on Mon, Sep 28 (Ms. Rosebrock: OK; I'll go into work at little later)

-will look at minimum property standards: plumbing, furnace, dryer vent, smoke detectors, CO detectors, general safety issues

-you can get started by having the furnace inspected

Ms. Moermond:

-will Lay this Over to Oct 6 at 11:30 am

-enforcement on this Order to Vacate is stayed; she wants to give a chance for things to be worked on & to put together a plan; part of the plan is to get the inspection inside so we have a complete picture of the property

-if we can't get in Mon, we will need to go forward with a warrant

-Ms. Martin will write a letter with all of the findings

-she will be able to make decisions based on Mon's inspection results

-will try to do as much as we can over the phone; if we cannot get this resolved by phone, she will put in a legislative hearing date of Oct 6, 2015 at 11:30 am

-when you get the full list from Ms. Martin, start by figuring out how you are going to tackle it - put together a work plan with the more critical issues first

-get bids, if necessary

Laid Over to the Legislative Hearings due back on 10/6/2015

1:30 p.m. Hearings

Fire Certificates of Occupancy

11

[RLH FCO
15-113](#)

Appeal of Barbara Otto, Program Manager at Lifetrack, to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 709 UNIVERSITY AVENUE WEST. (Public hearing continued from August

19)

Sponsors: Thao

*Trixi Goldberg, President of Lifetrack
Chuck Repke
Angie Wiese, Fire Protection Engineer, DSI-Fire*

Ms. Moermond asking for a staff report.

Ms. Wiese:

-the locking arrangement use at the property is currently not in compliance with the requirement for an E (educational occupancy) which they are currently designated as -hearing what the applicants describe theirs as business practices and their clientele, asked to get their paperwork, what the State license is and go back to our shop and figure if an I-1 would be appropriate designation for the occupancy type.

-she spoke with the Sr examiner Jim Williamette, Bldg Official, Stephen Ubl and Larry Zangs with Zoning to make sure that if we do one thing we are not causing another problem and that the bldg itself by virtue of bids, current constructions and make up is in compliance with an I-1 already and that locking arrangement would be allowed then as an I-1 occupancy.

-bldg official asked that plans be submitted that shows the classroom layout and where the doors are and how to get to the exit ways, etc. so we can record the change of occupancy from an E to Institutional 1.

Mr. Repke:

-so we are able to stay with the same locking arrangements but would need a drawing of the classrooms and the routes out both through the gated area (the play area) and through the rest of the building so there is no impediment in and out in the other directions, correct.

Ms. Wiese:

-yes and if you can put occupancy counts (the number of kids and adults) in each of the rooms designated for

-a short narrative about the children that you serve, hours of operation, etc.

-if the change of use is changed in the future, we understand how we got to where we are.

Ms. Moermond:

-get those to the building officials by September 30th and copy me on them.

-Council hearing on Oct 7

-intention is to grant the appeal pending the drawings

Grant the appeal pending the drawings. Appellant need to submit a drawing of the two classrooms leading to the playroom and number of occupancy counts for those two rooms by September 30 to building official.

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

12 [RLH FCO
15-239](#)

Appeal of William Coleman to a Fire inspection Correction Notice at 1424 ARLINGTON AVENUE.

Sponsors: Bostrom

William Coleman, owner, appeared.

Fire Inspector A. J. Neis:

-Fire Inspection Correction Order issued by Fire Inspector Efrayn Franquiz on Sep 10, 2015 with re-inspection Sep 18

-primary issue being appealed: an abandoned swimming pool on the property; the pool was previously in an operative state; the owner was in an agreement with previous tenants; tenants were to do the proper winterization and all required maintenance of the pool; unfortunately, that was not done; and this pool became unsalvageable within the course of a year so, essentially, we have a large hole in the ground, which creates a public nuisance; there is a fence around the pool; some areas of the fence are open or accessible; from his understanding, the owner was given a very short deadline to at least, get the fenced-in area secured to prohibit any unauthorized entry; that has been done but we still have a very large hole in the ground; Mr. Neis instructed Inspector Franquiz to write up the "large hole" as a nuisance condition under the city ordinance

Ms. Moermond:

-you didn't send it over to Code Enforcement?

Mr. Neis:

-after some of the previous events that have happened during the year, Fire Inspection Division has taken the lead role in "pool" enforcement

Ms. Moermond:

-is asking because if it's written up under the nuisance code, it means that it could be abated and Fire Inspection Division does not have abatement authority; Code Enforcement does

Mr. Neis:

-we have given the owner the initiative to try to get the pool filled in by himself in a very short time; if that is not done, then, they would have to turn it over to Code Enforcement to issue the Summary Abatement to have the city fill in this pool

Ms. Moermond:

-are there clear guidelines for how to remove the cement surround of the pool

Mr. Neis:

-not necessarily; speaking from previous pool issues that he's dealt with this year - the pool itself can be deconstructed under permit; it can be filled-in; any of the concrete portions need to be broken up but not necessarily fully demolished and brought in; a permit would be required to have any drains in the pool area to be properly cut and capped to avoid any infiltration; once that's done, the hole can be filled in with an earth-type matter

-this pool, right now, does not have any water in it; however, after a snowfall, freeze and thaw, it could create an additional hazard

Mr. Coleman:

-the pool won't hold water; the cement is cracked; the fence has some broken panels; now, it is tightly secured around the hole

-tenants were there over 8 years; he walked them thru the maintenance the first few years and had professionals come in, too; had a new pool liner put in about 3 years ago; last winter, tenants left unannounced; he hadn't heard from them and it was the 10th of the month; he went over there and looked over the fence; he thinks that they didn't drain the water past the jets, which breaks up the cement; so, the cement on the bottom of the pool and the sides are cracked, so, it won't take water; he looked at it this spring and he realized that it would take a lot more money than he has to fix it

-tenants moved to New Mexico, according to the neighbors; they left him a note to keep their \$1600 deposit

-initially, he sought estimates on dirt - \$700 for 3 dump trucks but what he didn't consider was that each dump truck load must be compacted so, there's no sink holes; so, from what he's learned, he just doesn't have that type of money
-his goal here today is to have until spring to deal with it
-it is tight, secured and pad locked; the current tenants don't even have access to that area; it's in the lease
-he wasn't told that he needed a permit and plumbers by the pool people he spoke to
-estimates: between \$4000 - \$6000 bids just for the dirt and compacting
-he's looking for the most reasonable financial fix: have the dirt dumped; have a bobcat guy haul it and compact it
-he doesn't want to cover the cement part - walk around the pool

Mr. Neis:

-looking at previous file from this year on a pool of about the same size, the permit valuation of the demo was \$10,000; this was in an area that was easily accessible by heavy equipment; Mr. Coleman's property will not be easy to even back-up a dump truck to the hole; it'll be more labor intensive and will cost more

Ms. Moermond:

-thinking about how we can improve the security on this site because if she's goes out any length of time, she'd want to see: no trespassing signs and keep out signs on all sides; fencing around with no entry

Mr. Coleman:

-there is a wood privacy fence with 1 gate and it's locked; you can't enter from either the front or back of the house; the fence abuts the house and tenants do not have access to the pool area

Mr. Neis:

-if that fence is maintained from having tenants to come in, then, for life-safety issues and based on all the information, he would be willing to extend time farther out

Ms. Moermond:

-this will not be doable in the short term; it's too much work and too much money
-the site can be secured; the pool can drain so, water will not be accumulating
-will grant time until Jul 1, 2016; time enough to figure out strategy for dealing with this

Mr. Coleman:

-there is no bottom drain; the cement is gone; he installed a submersible pump near the filter and pumped the water into the yard; he however had to drain it all the way - just below the jets for the winter

Mr. Neis:

-if there's no drain, there's nothing to worry about capping

Mr. Coleman:

-Orders: one of the windows is over-lubed so, now, it's too loose and doesn't stay open; what does he do?

Ms. Moermond:

-talk with a hardware store about that

Grant an extension until July 1, 2016 to remove the pool and grant an extension for 2 weeks to repair the NE basement window so that the window is able to stay open.

Referred to the City Council due back on 10/21/2015

13 [RLH FCO](#)
[15-235](#)

Appeal of Anura Si-Asar to a Fire Inspection Correction Notice at 964 IGLEHART AVENUE.

Sponsors: Thao

Anura Si-Asar, owner and Metric Giles appeared.

Fire Inspector A. J. Neis:

-Fire Inspection Correction Notice issued by Fire Inspector Mike Urmann dated Aug 26, 2015; re-inspection Sep 28

-25 code violations

-appealed are 2 items: 1) discontinue the unsafe heating equipment - contact a licensed contractor to repair the heating system to code under permit; and 2) a dryer vent; the chimney flue may have been red-tagged by Xcel

Mr. Si-Asar:

-looking for time, mainly; but on the chimney flue, he had to get an inspection to verify because the Xcel person said there was only 4 ft of it but he couldn't be 100% sure of that; the lowest bid he got on the chimney liner is \$2200

-they are trying to keep the house in the family; it's not a rental; it's family - are trying to have it owner-occupied by his mom and do these repairs as they can; do the major ones first

-especially need time on the chimney flue for \$2200 - a few months; will be hard to come up with that considering the other things that need to be done, too

-no one's there right now; was emptied Aug 31, 2015; his mom and sister will be living there in Oct

-his name and his mother's name is on the property

Ms. Moermond:

-there's nothing stopping your mom and sister from living there in Oct; they can move in

-she'd like to cherry pick the list looking for the more critical issues

-put together a Work Plan with time lines that you can do

-yes, there should be a chimney liner but not doable right now; will work with you

Mr. Neis:

-looking at the CenterPoint tag more closely, they did not check the Warning box that says, "You are cautioned not to use the appliance until proper corrective action has been taken." If they felt it was an immediate hazard, they would have undoubtedly checked that box

Mr. Si-Asar:

-he was out there for a tune-up; he said everything was fine but it doesn't look like your liner goes all the way up

Mr. Neis:

-would be more comfortable if that were tested by a licensed contractor to determine that the system is operating safely

Ms. Moermond:

-let's get the fuel burning equipment test and put together a plan for getting the chimney liner in

-don't need to continue with the rest being it's owner-occupied

Ms. Moermond:

-would like to close out the C of O Order completely; it will be owner-occupied in Oct

2015

-just look at the hazardous items; life safety issues
-furnace test; plan for chimney liner by Jun 1, 2016
-you will be out of the Fire C of O Program as soon as your mom moves in

Grant property to be out of the Fire C of O Program provided that owner moves back into the house; however, owner needs to address the chimney liner by June 1, 2016 and the furnace needs to be tested by a licensed contractor. Owner has withdrawn his order on the dryer vent as he indicated it has been corrected noting that inspector will need to confirm if it's done correctly.

Referred to the City Council due back on 10/21/2015

14 [RLH FCO
15-233](#)

Appeal of Charles Neve to a Fire Certificate of Occupancy Correction Notice at 217 MACKUBIN STREET.

Sponsors: Thao

This case looks to be almost an exact duplicate of the appeal for 901 Portland Ave., St. Clement's Episcopal (RLH FCO 15-173). In that case all that was being appealed was emergency lighting in the sanctuary and it is also a Cass Gilbert building (both churches are inventoried by the HPC for their historic significance.). I have attached the records of that appeal. Emergency lighting in the sanctuary is the only item under appeal. Appeal granted based on precedent of RLH FCO 15-173.

No hearing necessary. MCM

Referred to the City Council due back on 10/21/2015

15 [RLH FCO
15-232](#)

Appeal of Cleo H. Kelly to a Fire Inspection Correction Notice at 798 SEVENTH STREET EAST.

Sponsors: Finney

Cleo H. Kelly, Trustee and Charlotte E. Kelly, Trustee, appeared.

Fire Inspector A. J. Neis:

*-Fire Certificate of Occupancy Correction Noticed dated Sep 5, 2015 with re-inspection for Sep 14, 2015 by Inspector James Thomas
-Unit #2 had been Condemned for disorderly storage, requiring 90% of excessive combustibles to be removed
-Unit #1 - remove grill in bedroom and remove 80% of combustible fuel load
-the Orders are not being contested
-they are asking for additional time to comply*

Ms. Kelly:

*-we got the grill out of the basement
-have 2 tenants
-both units have issues*

Mr. Kelly:

*-the sale of the property is closing Oct 15, 2015 (the closing had been scheduled for Apr but hasn't been yet)
-wants to give his tenants a little more time to comply with the Orders; he has talked with them and told them they need to remove a considerable amount of their items
-he has done about 50% of what needs to be done and would like a re-inspection
-#6 is done; \$5 is done*

-Unit #1 - the guy has thousands of paperbacks and he said, "These books are my life!"

Ms. Moermond:

-is hoping the inspector shared resources about help that he can get (learning more about hoarding and getting him a dumpster from the House Calls Program); today, please leave the contact information for your tenants, which we can forward to the House Calls Program, part of Public Health; they have public health social workers, who can hook him up with a dumpster and explain how to manage your life or re-house someone)

-we need to move more quickly; can't give them much of an extension; the books create a fire load

Mr. Neis:

-books create a dead load on a building - "Heavy content" - there are 4 categories based on how much stuff is located in each room; this is on the severe end of the categories; the structural members of the building can become compromised, especially in a fire situation

-we want a short deadline to protect the occupants and protect the responders, who may have to go to that building

Ms. Moermond:

-we will put in a new deadline but in some cases, the occupants may need to leave the building while things get cleaned out

Ms. Kelly:

-these people have been tenants about 4 years; they go together; she's the caregiver and they let us into only 1 apartment; they have not been in Unit #1 for a very long time

Mr. Kelly:

-thinks that we should have Inspector Thomas come back in very shortly; they won't listen to us

Ms. Moermond:

-thinks we need to do the re-inspection; set a date that they will need to leave if it's not cleaned up adequately and first, we need to get them in contact with House Calls, 266-1290, so that the cost and trouble of getting a dumpster out there to actually load things into is already taken care of

-this is a dangerous circumstance; we can't allow it to continue

-looking at the material, unless they deal with it, they are going to have to find some alternative housing for a couple of weeks - for their own safety

-thinks the place should be cleaned up or emptied of people by Oct 1, 2015

-asked if the purchaser is aware of these conditions?

Mr. Kelly:

-no

Ms. Moermond:

-it would probably serve your interests to disclose this or it may cause issues later

Mr. Neis:

-asked if the inspector posted a Condemnation sign on the door?

Mr. Kelly:

-no

Mr. Neis:

-he has a Condemnation Order for Unit #2; it sounds like the entire building should have been posted as Condemned (90% and 80% reduction)

-he will have Inspector Thomas modify the Orders as a Condemnation and Order to Vacate by Oct 1, 2015

-he will advise the inspector to post that on the building tomorrow or Thu at the latest

-thinks it's important that the new owner knows that when they purchase a building they also inherit the tenants and the deadlines that are imposed by the city

Grant an extension until October 1, 2015 to come into compliance with the Correction Notice or the tenant(s) must be vacated.

Referred to the City Council due back on 10/21/2015.

16 [RLH FCO](#)
[15-221](#)

Appeal of Jim Kunz, Kleinman Realty, to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 2034 YORKSHIRE AVENUE.

Sponsors: Tolbert

Mark Jossart, President and CEO and Principal of Kleiman Realty; and Chris Grote, Lindquist Firm (Mr. Jossart asked him to review the position of the City and help with an appearance today)

Fire Inspector A. J. Neis:

-a lot of background on this

-Fire Certificate of Occupancy Notice dated Aug 26, 2015; re-inspection scheduled on or after Oct 26, 2015

-the C of O is being held up by a permit pulled for a window replacement in 2014 not having been finalized by the building inspector; this issue is also present in other Kleinman Realty buildings; the City Attorney has been involved

-dispute: when new windows are replaced, under the building code - more smoke detectors are required; when there's a major remodel inside the dwelling unit, smoke detectors are required not only near the outside of individual bedrooms but also inside the bedroom itself

-if windows are being replaced in only 1 unit of a 10-unit building, they would only need to comply with that requirement in that particular unit

-City Attorney has responded back to Kleinman Realty on this; email message was sent Mar 25, 2015 from City Attorney Theresa Skarda: "Dear Mr. Kukuska, Thank you for your patience. I have reviewed the following question, 'Does window replacement which requires a permit, require an additional smoke detectors in bedrooms at the apartment building referenced above?' After review of all city codes, which I believe would apply, it is the City's position that the Minnesota State Building Code under 1300.0050 adopts 1311, which is the Minnesota Conservation Code for existing buildings. A review of Chapter 4 of the Conservation Code termed, Alterations & Repairs to a Building states: '401.1 General Existing Buildings or Structures within the scope of these guidelines shall meet the minimum standard set forth in this chapter as well as any specific occupancy requirement set forth in these guidelines.' Chapter 4 then goes on to discuss the requirements for smoke detectors. 408.1.1, which I believe we are under; the provision states: 'In use groups R-1 and R-2 (this particular building would be an R-2), individual guest rooms and individual dwelling units in any work area (defined as dwelling unit) shall be provided with smoke detectors complying with the International Building Code provisions 907.2.10.1 and 907.2.10.1.2. There is an exception when the work is not occurring within an individual guest room or dwelling unit.' From what I understand of the fact of the scenario, the exception would not apply. The previous code section that I just

referenced says they need to be installed in each room for sleeping purposes. The building official for the City of St. Paul has also conferred with the building official in Mpls and there is a consensus on this interpretation. They also believe that smoke detectors are required under 299f.362 and if you have any questions, they would refer to contact the state building official."

-This has been something that Sr. Building Inspector Mike Palm also took to the Lakes Chapter of the ICC; they concurred that this requirement should be followed; the Building Official Steve Ubl concurred that it should be followed; this is something under the Conservation Code, which basically pertains to existing buildings would be an applicable code section; therefore, the existing building provisions like Morris B. Sax would not apply because it's specifically stating an existing building

Mr. Grote:

-they did receive the email from CA Skarda

-there's an additional email from Mr. Neis, dated Dec 23, 2014

Ms. Moermond:

-Order: open bldg permit; have it inspected/approved; normally, a contractor would do that: pull the permit, have it inspected and reviewed; what's the concern here?

Mr. Jossart:

-this has been going on for many years now in the City of Saint Paul

-he had managed nearly 3000 units in St. Paul for 30 years and they're all upper tier properties - one of the finest property managers in the city

-this is the first time in his history of doing business in St. Paul that they could not find anything other than the fact that there's an open permit; he's replaced millions of windows in St. Paul and up until 3 years ago, we'd open the permit, replace the windows and the permit is closed; this is a new trick - they've put a deficiency list on here; they will come out and say we can't close the permit on the deficiency list so, you're in violation here because you haven't put the smoke detectors in the bedrooms

Mr. Grote:

-that is what we understand is the issue; city wants smoke detectors in each individual bedroom before they'll close the permit; so, consequently, we've got to go to the statutes and ordinances to see what is required and not required because we're going to have a difference of opinion there

-does the code require an extra smoke detector in each sleeping room?

-he could follow up with a letter position

-starting point is MN Stat 299.362 It requires smoke detectors in each dwelling unit in an apartment house; that same statute says that cities can't require more than the statute requires; then, the building code stat says the building code has to require compliance with the statute that requires the smoke detectors... so, now, we get to what the requirements are

pursuant to the State Fire Marshal Division, they have their codes; this is an existing R-2 building (built long ago); the state code says that with existing buildings, Sec 6.2.3.1 Smoke detectors shall be installed in hallways or areas giving access to each separate sleeping area; there's no dispute that the building at issue complies with that directive; so, now, the city raises the issue that there's been an alteration (change of windows in the building), so consequently, the change in windows under the conservation section of the building code then, requires lifted to the higher requirement of new.....

Ms. Moermond:

-when do you think this new enforcement mechanism happened?

Mr. Grote:

-we're hearing about it now for the first time

Mr. Jossart:

-there will be a re-inspection and there will be additional action taken including suspension of my license and a fine, that's why I'm having a code attorney represent me

Ms. Moermond:

-11 or 12 years ago, the house that she was living in at the time, had window replacement for all of the windows; and they had the same requirement = that there be smoke detectors put inside the room as well as outside; this has been out there for a while

Mr. Grote:

-there is a distinction between single family homes and apartment buildings; and the impact, ultimately, is different; for a single family home, it might be a relatively small issue; here, we're talking about 100's and thousand's of apartments that may be affected and the issue becomes a little bit different

-wants to talk about Conservation Code for existing buildings; their interpretation is different from what was relayed by Ms. Skarda in her email of Mar 25, 2015; the Conservation Code is viewing an alteration as some type of level 3 alteration, which would be treating it as a new building but this alteration is not; the Conservation Code breaks out types of alterations in 3 different levels, which is defined in the code itself (Level 1; Level 2; Level 3)

-Level 1 Alteration: is the window replacement - "Level 1 alterations include the removal and replacement or the covering of existing materials, elements, equipment or fixtures using new materials, elements, equipment or fixtures that serve the same purpose; Level 1 Alterations shall comply with the provisions of Chap 7

-Level 2 and Level 3 Alterations are very different types; they both require some type of reconfiguration of the building structure itself; so, in both instances, the term reconfiguration of the building is involved; that's important because we're just talking removal and replacement of windows here; a relatively simple task but a very large scope (it doesn't reconfigure the building)

-the bigger reconfigurations that would give rise to a change that may trigger an updating of the building with regard to the Fire Code involve reconfigurations of the structure itself (walls, rooms; tear out and replace)

-a Level 1 Alteration send you to the provisions of Chap 7 of the code; Section 703 of Chap 7 talks about fire protection; 703.1 says Alterations (Level 1) shall be done in a manner that maintains the level of fire protection provided (you leave the fire protection as it is); that's what Kleinman has done here; that's our position; we're reading the code as it's intended to be read in that this is a Level 1 Alteration; the city is viewing it on a different level, a higher level

-the email from Ms. Skarda suggested that the city was going for a higher level of alteration but all the higher level alterations involve reconfigurations and that's not what's going on here

-ultimately, it's their position that they respectfully request that you recommend that the condition be removed; the building permit be closed and the Fire C of O issued

Mr. Jossart:

-gave Ms. Moermond an information sheet (matrix) from the State Fire Marshal Division that talks about the condition of the building and existing buildings constructed before 8-1-89 and it provides the standard for where the smoke detectors have to be located (cited earlier 6.3.2.1)

-there isn't any dispute that the building's been in compliance with the fire code; the only issue now is the city's position that the building's been altered in a fashion by this change in windows that gives rise to a different level of fire protection need; and we

just don't think that's the case

*Ms. Moermond:
-what do we have in writing?*

*Mr. Grote:
-he hasn't put this in writing for anybody because he just got into the game
-he will put it in writing as a letter to you, Ms. Moermond*

*Ms. Moermond:
-that would be great; it's easier if it's written by you; have it on my desk by Fri Oct 2,
2015*

*Mr. Neis:
-the DSI stance on this is that it's a building code issue because the building code is
what's driven the smoke detector requirement in the bedrooms; however, because it's
a fire-related issue is why we are holding out to not approving the C of O's; there's a
list of buildings*

*Mr. Jossart:
-he'll find all the open permits and will take care of it all at once
-he has circled a couple of things on the Fire Marshal document he provided; 2
professional opinions: 1)Fire Marshal, State of MN; and 2)Fire Chief, Mpls;*

*Mr. Neis: agrees 100%; however, he pointed out that it's once the windows are
installed, this requirement kicks in
-also wanted to point out from the State Fire Marshal sheet that their requirement
under conditions under New Buildings... but it also says, for existing buildings,
regardless of when it was built, and we find that a smoke detector was gone, missing,
disabled, the State Fire Marshal Code says...according to that matrix,,,,... for those
existing buildings that do not have any smoke alarms, they must comply with the
buildings that are the same as new
(he brought this up because it's not about "existing buildings" but about "modifications
and alterations")*

*Mr. Grote:
-we'd also have a strong disagreement about that*

*Ms. Moermond:
-you have written up this open permit in a fire deficiency letter and she is not seeing a
code citation for why it's written here; she would assume that you are writing it under
other municipal codes that apply; can you give me a specific on why it shows up on
these Orders*

*Mr. Grote:
-share that with us, too*

*Ms. Moermond:
-when she gets materials, they are put into a file which is accessible on-line; on the
city's website, under the picture of the City Council, there's a All Meetings label that
will bring you to a calendar of city meetings; you can do a search for this file by
address, file number, etc.
-will Lay this Over to Oct 13, 2015 LH at 1:30 pm*

Inspector to get building permit code to Legislative Hearing officer by October 2.

Laid Over to the Legislative Hearings due back on 10/13/2015

2:30 p.m. Hearings**Vacant Building Registrations**

- 17 [RLH VBR 15-73](#) Appeal of Robbie Bluhm to a Vacant Building Registration Fee at 1239 COLETTE PLACE.

Sponsors: Tolbert

Robbie Bluhm, owner, appeared.

Inspector Matt Dornfeld, Vacant Buildings:

- Category 2 Vacant Building file was opened Aug 24, 2012
- Mr. Bluhm went thru city's sale review and was approved May 11, 2015
- code compliance inspection on file
- all trade permits open
- property's maintained/not been a nuisance
- here to discuss VB fee

Mr. Bluhm:

-very close to being finished; maybe 60-75 days

Ms. Moermond:

-will recommend granting 90-day waiver on the VB fee, which should more than cover you to finish this project

Waive the VB fee for 90 days from Council Public Hearing.

Referred to the City Council due back on 10/21/2015

- 18 [RLH VBR 15-74](#) Appeal of Michael Zamarripa to a Vacant Building Registration Requirement at 53 ELIZABETH STREET EAST.

Sponsors: Thune

Michael Zamarripa, owner, appeared.

Inspector Matt Dornfeld, Vacant Buildings:

- received complaint on Jul 8, 2015 from Xcel that the gas/electric was shut-off Jun 8, 2015
- Code Inspector Mark Kaisersatt documented that the house appeared occupied at the time but gas/elect was off; he confirmed that with Xcel Jul 14, 2015; Xcel stated that it was actually shut off May 13, 2015
- the inspector also documented that there is severe soffit-eave damage along with fascia deterioration; he sent Correction Notice Jul 14 to have elect/gas restored and exterior violations
- as of Jul 24, 2015, still no change with Xcel; Inspector Kaisersatt Condemned the property, placarded the property and Ordered it to be vacated by no later than Jul 31, 2015
- as of Aug 5, 2015, he noted that the utilities still remained off; placards had been removed and the trash bins were full of garbage; he transferred the file to the Vacant Building Program
- Aug 20, 2015, Inspector Senty opened a Category 2 VB and stated the house appeared unoccupied; was secured by other than normal means; front door boarded on inside; house was Condemned by Inspector Kaisersatt; gas meter locked off;

electric meter yellow-tagged and off; deteriorated chimney mortar joints; rotted and open eaves; deteriorated roof covering; etc.

-photos attached

-posted VB placards on front door and issued a Summary Abatement Order for an open garage door and window; and general debris in yard

-Aug 28, 2015, Inspector Senty had to issue Work Orders to not only secure the garage but also to clean up yard

-Sep 10, 2015, Mr. Senty re-issued another Work Order to re-secure the garage

Mr. Zamarripa:

-appeal the VB registration

-he told Inspector Kaisersatt that he hadn't stayed at that property since mid-Mar 2015; and he told him that since he went from working nights to days and moved back in with his X-wife, there is really no point for him to stay there; he occasionally goes over to check on the house; do yard maintenance; see if there's any mail

-the first Notice that he got was after the house had been Condemned; he spent a good 2 weeks playing phone tag with Inspector Kaisersatt, and the inspector also was on vacation part of that time; finally, in the 3rd week, he met with the inspector, who told him that all he had to do was turn the power on, he was trying to get that taken care of when the VB fees popped up; then, someone said he need to bolt the door; more phone tag with the inspector, who also said that he sent the file to Dennis Senty, VB; then, he played phone tag with Mr. Senty for a couple more weeks trying to get it all resolved

-he told Mr. Kaisersatt that he hadn't received any of the Notices except the final one; he sent to his office and said that they were all there but the Appellant hadn't gotten them; he asked for more time....

-he appealing the VB and to go back to turn the power back on and occupying it; correcting the other items

-he lived in this house before; now, he's not

Ms. Moermond:

-moving forward, what's the plan?

Mr. Zamarripa:

-he wants to get the power back on; he wants to repair the roof and everything else; it's a nice little house and a nice neighborhood

-he wants his aunt to move into the house and stay there as long as possible

Ms. Moermond:

-looking at the outside photos of it, it looks like there's a fair bit wrong with it, especially, roof, soffit, eaves..

Mr. Zamarripa:

-he told Mr. Kaisersatt that he wanted to get the roof in before it's too late in winter

-now, the process has slowed and he has to go thru all these other steps, which he doesn't want to go thru; even Mr. Kaisersatt agreed; also Mr. Ross and Mr. Senty (to get the roof on, power on and rest of the items before winter)

Ms. Moermond:

-the code says that when you get to this place - when it's in the VB Program and there's a couple things going on... violations..; she sees deterioration in the shell of the building, which gives her pause of what the entire condition of the house is

Mr. Zamarripa:

-when his work schedule changed, it dramatically changed how he could work with the repairs on the house

-he wants to make all the repairs

Ms. Moermond:

-she doesn't know what's going on inside the house; what conditions are there
-she asked Mr. Dornfeld if he would be comfortable doing a walk thru; she needs some eyes on

Mr. Dornfeld:

-he will do that
-since there are severe exterior violations, he will most likely find some interior stuff, too

Ms. Moermond:

-if there are a lot of violations on the inside; she doesn't think that she can help
-she could help with the VB fee for a little while so....
-you can't pull a permit until the VB fee issue is straightened out and she needs more information
-she doesn't want to assume marginal or bad conditions inside the house; without a staff assessment on the inside, there's no question that she will need to require a code compliance inspection
-let Mr. Dornfeld inside and if you don't need to be in the VB Program, you can pull permits; if you need to be in the VB Program, then, you will need to get a code compliance inspection; set an appointment with Mr. Dornfeld (Mr. Dornfeld: I will have someone call you tomorrow)

Supervisor Matt Dornfeld will conduct an inspection of the interior of the building to determine whether it needs a code compliance inspection.

Laid Over to the Legislative Hearings due back on 10/6/2015

19 [RLH VBR 15-71](#) Appeal of Eugene Kotz to a Vacant Building Registration Requirement at 1052 ROSS AVENUE.

Sponsors: Bostrom

Eugene Kotz, owner, appeared.

Fire Inspector Leanna Shaff:

-Fire Certificate of Occupancy inspection
-at the last LH, you granted until Jun 1, 2015 for everything to come into compliance; if not in compliance, all units must be vacated by Aug 1, 2015
-we did not get compliance for the building
-tenants vacated so we sent the file the Vacant Building Program as a Category 2 VB; we did not inspect until Aug 5, 2015; still no compliance
-we could not inspect the whole building because Mr. Kotz was out of town; she'd been in contact with some of the residents to see if we could get entry into the property to check whether we could get some kind of level of compliance
-list requirements: water heater; that permit was not finalized until Aug 18, 2015; it was pulled in May
-the leaking faucet in unit #4; she was wondering how that was resolved; if replaced?
-elect permit unit #3 where the wiring had run across the ceiling; needed to be done by a licensed electrician; Mr. Kotz said that he had done it; that permit was finalized Sep 1, 2015; pulled Jul 12, 2015; the valuation of that permit was \$100
-in units #1, #2, #4, we had some GFCI's that wouldn't reset; questioned what happened with those
-unit #3 had a gas shut-off valve for the stove that wasn't working properly & the operation of the stove was questionable (if we did some gas work - there are no

permits for any gas work)

-we followed the requirements of the City Council that this building wasn't in compliance; sent it to VB as a Cat 2 (fit definition)

Inspector Matt Dornfeld, Vacant Buildings:

-Inspector Nelmark opened a VB file Category 2 per that referral; documented some violations that already been documented by Fire Inspection

-Mr. Nelmark stated as of Sep 11, 2015: he advised Mr. Kotz to file this appeal or to go through the Cat 2 code compliance inspection process

Mr. Kotz:

-there's an error in Ms. Shaff's summary: permits are closed; the elect permit was to also check the GFCI's, which were remedied by Collins Electric and inspected by the city's trade inspector; when Collins came out, they did a remedy on the ceiling fixture; they put up a weird looking box, which made it look funny so he told them that he didn't like the way it looked and it took them a couple weeks to come back to adjust that; the elect trade inspector said that she didn't like that box either; that was done, finalized and completed; was included in email to you yesterday with the context of that trade inspector

-water heater was inspected; plumber who did the work has a back injury, so he couldn't make it out there, Mr. Nerfeld came in and inspected it and passed it off; so, all closed out - fine; so, all open permits have been taken care of

-had troublesome tenants, who moved out Aug 1, 2015 per your mandate; he instantly had everything remedied; that building is perfect; sent link

-he tried to get a hold of Inspector Franquiz, who said that he would get together with Ms. Shaff and arrange a time to come out to do a final check; he waited until the 11th; he put it up for sale; it's all restored

-now, when he went out there, he saw the VB Notice; then, he called Mr. Nelmark, who told him to work with Mr. Franquiz since the list should all be taken care of -they will come out and check; that didn't happen; he finally got an email from Mr. Franquiz saying, "I have nothing to do with this. It's in Vacant Buildings and I don't need to inspect it any more." At that time, he called Mr. Nerfeld and asked if he should file an appeal; I called and talked with Andrew, who said, "Try to work with Mr. Franquiz."

Mr. Franquiz got back to him saying he's not doing it; that's why he's appealing now -the building is finished

-re gas line: Vandalia Plumbing did change a little gas valve and put in a new oven in that location

-everything is done; run that VIDEO and you will see inside and out; it's stellar

-he wants this done; it's been very terrible for him; he had tenants who really wrecked his building; it had a code compliance inspection Nov 2013 and a year later, these people just tore it up; then, they said it was I who wrecked the building; it was almost impossible to evict these people; they had children and they had their ways of getting around the system

-now, he needs to sell it because it's nearly cost him financial ruin

Ms. Moermond:

-will ask the electric and plumbing inspectors to find out what they did look at

Mr. Kotz:

-when Ms. Schlicty came, she saw that one of the receptacles in Unit 3 had a GFCI outlet because that bldg has duplex wiring; he's an electrical engineer for Xcel and he does this daily; he did the Light Rail Design;----- she said that since the bedroom had a GFCI replaced, she wanted upgraded to a tamper-proof arc bulb receptacle (?); Collins Elect did that; the 2nd inspector came over and said, "That's nice but I'd rather have you do an arc-bulb circuit breaker in the panel and put the GFCI's back in the room;" so, they did that; it was extra work; they both, electrically, do the same

thing but whatever the inspector wants is what we gave them

Ms. Moermond:

-will do the follow-up; will not comment one way or another until then

-she got a phone call right away from Dino Guerin indicating he was casually walking through the building, but that he did not do any kind of an inspection

Mr. Kotz:

-he went thru it

-he did walk thru every unit

Ms. Moermond:

-but, he wasn't doing an inspection

-will make a decision after she talks with the building official

Recommendation is forthcoming. Legislative hearing officer will follow up with trade inspectors on the electrical and plumbing permit issues.

FOLLOW-UP: Revocation of Fire C of O effective 8/1/815. VB file opens 8/11/15. Electrical Permit Final 9/1. Plumbing Permit Final 9/1/15. Grant appeal, issue resolved in 2 weeks.

Referred to the City Council due back on 10/21/2015

- 20** [RLH VBR 15-70](#) Appeal of Trikin Properties to a Vacant Building Registration Notice at 1642 YORK AVENUE.

Sponsors: Bostrom

Appeal withdrawn. Due to a fire, inspector gave 90 days VB waiver.

Withdrawn