



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final Legislative Hearings

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Tuesday, October 9, 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
- Owner received Certificate of Code Compliance.*
- Withdrawn**
- 2 [RLH RR
12-74](#) Ordering the rehabilitation or razing and removal of the structures at 774 FORSTER STREET within fifteen (15) days after the November 7, 2012, City Council Public Hearing.
- Sponsors:** Thune
- No show; Remove the building within 15 days with no option for repair.*
- RE: 774 Forster St (single family)*
- Steve Magner, Vacant Buildings:*
- 1-story wood frame single family dwelling on a lot of 4,356 sq. ft.
 - been vacant since Dec 5, 2011
 - current property owner is Federal Home Loan Mortgage (at the time of mailing, JP Morgan Chase Bank NA was the property owner of record) per Ramsey County
 - Aug 8, 2012, inspection was conducted; list of deficiencies which constitute a nuisance condition was developed; photos taken
 - order to Abate Nuisance Building posted Aug 10, 2012; compliance date Sep 9, 2012
 - as of this date, property remains in a condition which comprises a nuisance as defined by the legislative code
 - estimated market value: \$18,800 on the land; \$63,400 on the building
 - real estate taxes are current
 - Vacant Building registration fees were paid by assessment Feb 29, 2012

- Code Compliance Inspection done Sep 6, 2012
- as of Oct 8, 2012, the \$5,000 Performance Deposit has not been posted
- 3 Summary Abatement Notices since 2011
- 3 Work Orders issued for: garbage/rubbish; boarding/securing; grass/weeds
- estimated cost to repair is between \$35,000 - \$50,000
- estimated cost to demolish exceeds \$12,000

Amy Spong, Heritage Preservation Commission (HPC):

- workers cottage built in 1900 - shot gun style
- this is an odd block; this house faces the garages of the block in front of it
- behind this house - all has been re-developed with newer row housing
- was not identified in 1983 survey and hasn't been surveyed since
- demolition would not have an adverse affect
- caution: this is the one area where Saint Paul still has a lot of remaining pioneer houses
- the permit card says "moved to current location 1923; east side addition possibly in 1933
- they did not pull the full permit

Ms. Moermond:

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

Referred to the City Council due back on 11/7/2012

3 [RLH RR
12-75](#)

Ordering the rehabilitation or razing and removal of the structures at 752 JESSAMINE AVENUE EAST within fifteen (15) days after the November 7, 2012, City Council Public Hearing.

Sponsors: Bostrom

Need to post the \$5,000 performance bond by October 30, 2012 and order the code compliance inspection forthwith; if conditions are met, Ms. Moermond will do a layover to LH on November 27, 2012 and CPH on December 5, 2012.

RE: 752 Jessamine Ave E (duplex)

Sarah Adam, Wells Fargo Bank, appeared.

Steve Magner, Vacant Buildings:

- 1-story wood frame stucco duplex with a small plastic shed on a lot of 4,792 sq. ft.
- it's been a vacant building since Aug 6, 2011
- current property owner listed as Thomas R. Helget per Ramsey County
- Jul 17, 2012 inspection was conducted; list of deficiencies which constitute a nuisance condition developed; photos taken
- Order to Abate Nuisance Building posted Aug 1, 2012; compliance date Aug 31, 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 land; \$50,200 on building
- real estate taxes are current
- vacant building fees were paid by assessment Aug 30, 2012
- as of Oct 8, 2012, a Code Compliance Inspection has not been done; the \$5,000 Performance Deposit has not been posted
- 5 Summary Abatement Notices since 2011
- 5 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):

- was originally built as a side-by-side duplex in 1928, revival style
- after time period for Sanborn Insurance Maps
- much of the two block faces were already well established by that time
- was not identified in the 1983 survey
- this area was recently surveyed in 2011; this property was not called out then for potential historic designation nor was it identified as part of a potential historic district
- from the outside, it looks as if it's in fairly decent shape
- the block face is fairly contiguous - consistent with the others in size
- waivers from recommending demolition would have no adverse affect to encouraging rehab but doesn't know the actual condition of the structure

Mr. Magner:

- this is a legal nonconforming lot; it could remain as a duplex at this time; zoned RT-1
- no recent Work Orders

Ms. Adam:

- this went into a foreclosure sale on Aug 7, 2012
- was sold at sheriff's sale for \$93,869.45 back to Wells Fargo
- it would normally have a 6 month redemption period but because it was vacant, they have gotten a court order to shorten the redemption period (entered Aug 6, 2012); so, the redemption period will expire this week; Wells Fargo will probably become the owner on Fri, Oct 12, 2012
- currently, they are getting bids for possibly, doing the rehab
- their first bid was for \$73,000

Ms. Moermond:

- to show that Wells Fargo is serious about a possible rehab; she needs to see the \$5,000 Performance Deposit posted and the Code Compliance Inspection ordered
- once the Code Compliance Inspection Report is completed, she will recommend a Layover from the City Council
- City Council Public Hearing Nov 7, 2012
- needs the \$5,000 Performance Deposit by Tue Oct 30, 2012; order the Code Compliance Inspection forthwith

Referred to the City Council due back on 11/7/2012

4 [RLH RR
12-78](#)

Ordering the rehabilitation or razing and removal of the structures at 877 WILSON AVENUE within fifteen (15) days after the October 3, 2012, City Council Public Hearing.

Sponsors: Lantry

LH Sept 11, 2012

Re-notice owner - Legislative Hearing date is Oct 9 and CC Nov. 7, 2012

LH Oct. 9

Laid over to October 23, 2012 Legislative Hearing

RE: 877 Wilson Ave (duplex)

Gary Evers, Shapiro & Zielke LLP, appeared.

Mr. Evers:

- haven't yet started to foreclose this property
- they are not actively involved at this point
- their lender has no ownership interest in this property and they won't until it's foreclosed and they obtain the property

Steve Magner, Vacant Buildings:

- 2-story wood frame duplex on a lot of 3,049 sq. ft.
- has been a vacant building since Sep 3, 2010 (Revocation Aug 3, 2010 of the Certificate of Occupancy; referred o VB 30 days later; Fire Inspector Sean Westenhofer found 27 code violations for building maintenance)
- current owner listed as Mie Vang per Ramsey County
- Jun 13, 2012 inspection was conducted; a list of deficiencies which constitute a nuisance condition was developed; photos taken
- Order to Abate a Nuisance Building posted Jun 25, 2012; compliance date Jul 25, 2012
- as of this date, property remains in a condition which comprises a nuisance as defined by the legislative code
- estimated market value: \$11,300 on the land; \$33,400 on the building
- real estate taxes are current
- the vacant building fees were paid by assessment Sep 28, 2012
- as of Oct 8, 2012, a Code Compliance Inspection has not been done or applied for
- as of Oct 8, 2012, the \$5,000 Performance Deposit has not been posted
- 12 Summary Abatement Notices since 2010
- 11 Work Orders issued for: garbage/rubbish; grass/weeds; snow/ice
- last Work Order is from Aug 9, 2012; they started Sep 9, 2010
- estimated cost to repair exceeds \$50,000
- estimated cost to demolish exceeds \$10,000
- would need to have a Code Compliance Inspection done to find out its current condition and violations

Amy Spong, Heritage Preservation Commission (HPC):

- the HPC conducted an Historic Resource Review on this property
- the HPC adopted the resolution unanimously
- this is the Redman Corner Saloon and Apartment constructed in 1885 by a builder names Neuhauser
- flat roof frame construction with stucco over the clapboard and a limestone foundation
- the facade is divide into 3 bays
- the historic character of this building has been retained in small scroll madalions and turn columns
- the pressed metal cornice has small cut out brackets similar to the store front cornice
- the first floor store front area has been recessed to meet the 2nd story
- has a 2-story rear porch addition
- the Redmans developed this and the adjoining property
- Mr. Redman lived in the building and operated the saloon
- according to the 1989 inventory form, the property at 867 Wilson had already been developed by 1881; the lot on the Sanborn Insurance Map show that there's a single family dwelling at the rear that straddled over the property line
- the house next door was also developed by the Redmans
- turned into flats prior to 1925
- 1983 historic site survey identified the building as a much altered commercial building, which may be historically significant to the neighborhood as an early business with possible links to Hudson Road

- HPC resolution (attached)
- HPC recommended that demolition be delayed and alternatives be explored
- HPC staff recommends that a qualified historian be hired to evaluate both national register and local eligibility
- there was no street car line here
- the city has been investing in some of the hardest hit neighborhoods (4th Street Preservation Project in this neighborhood); HRA and several partners take them on; then, encourage single family - owner-occupied dwellings

Mr. Evers:

- he is gathering facts to take back to the lender
- maybe in the process of transferring it

Ms. Moermond:

- some of these corner storefronts have been returned to TN - mixed use: store on bottom; apartment on top
- the mortgager could see if the HRA might be interested in it as an acquisition
- getting the Code Compliance Inspection (\$564 for a duplex) would be the first step to find out the baseline of what needs to be corrected

Ms. Spong:

- project manager contacts in the Department of Planning and Economic Development (PED): Roxanne Young 266-6581; and Marty McCarty 266-6552

Ms. Moermond:

- will lay this over for 2 weeks to legislative hearing Oct 23, 2012 to give Mr. Evers time to talk with his client

Laid Over to the Legislative Hearings due back on 10/23/2012

**5 RLH OA
12-75**

Making recommendation to the Ramsey County Commissioners on the application of Maureen Mariano, on behalf of Mariano Investments LLC, for repurchasing the tax-forfeited property at 954 PAYNE AVENUE (located directly behind 956 Payne Avenue).

Sponsors: Bostrom

Forthcoming

RE: 954 Payne Ave (general retail and service)

No one appeared.

Steve Magner, Vacant Buildings:

- Re-purchase application for a rear vacant lot (954) that was separate from the existing building location at 956 Payne Ave (front)
- Marie Marianno would like to re-purchase the lot
- economic factors allowed it to go back to the state
- they have obtained a purchase offer to acquire the 956 Payne lot but the requirement is to have the 954 parcel so that they can use it to make improvements to the 956 Payne building
- the improvements include: ventilation system for the kitchen, which would penetrate into the rear 954 Payne lot
- it would create a real hardship to try to re-develop the existing building at 956 (front) without being able to re-purchase the 954 lot (rear)
- there are no code enforcement issues at this site

Ms. Moermond:

- she had asked Christine Rozek to look into this one because of the licensing history at this location
- will lay this over for 2 weeks to give licensing staff at the Department of Safety and Inspections (DSI) a chance to provide this hearing with information

Laid Over to the Legislative Hearings due back on 10/23/2012

11:00 a.m. Hearings

Summary Abatement Orders

6 [RLH SAO](#)
[12-32](#) Appeal of Nicholas Onsted to a Vehicle Abatement Order at 1156 BLAIR AVENUE.

Sponsors: Stark

Deny the appeal and grant until November 1, 2012 for the vehicle to come into compliance.

RE: 1156 Blair Ave (652 Dunlap St N); duplex

Nicholas Onsted, tenant, appeared.

Inspector Joel Essling:

- Vehicle Abatement Order issued Sep 20, 2012; compliance date Oct 1, 2012
- complaint came in under 652 Dunlap St N
- vehicle that is inoperable and obstructing the public sidewalk
- since 2009, they have issued 11 Orders at this address

Mr. Onsted:

- he lives at 1156 Blair Ave
- the vehicle is owned by his mother, Elizabeth Onsted; the vehicle is in her name
- there seems to be one thing after another wrong with the vehicle
- first it was a tire, then a leak, etc.
- he was saving money to buy a whole new shell for the motor in this Explorer so that he could scrap this vehicle; the body is crap and the motor is fine; there's no title to this vehicle; there's a lean against it because of an accident; he was going to buy the other vehicle next week but the guy he was in contact with sold it on him; now, he's waiting to tow it to a mechanic and he can deal with it; the mechanic needs to free up some space before he can get this car and it will take Mr. Onsted a little longer, now, to fix; he had it running but the 2 front wheels locked up in reverse and the back passenger tire will need replacing again
- the trailer hitch of the vehicle was on the sidewalk but he pushed the car more toward his garage
- he will be ripping the motor and transmission from the vehicle in the driveway and dropping them into the other vehicle; the scrappers can have the rest
- there is a garage; however, there is not enough room in it to store it or work on it
- another complaint on the yard was that he had to move the swings, slide, little kids' pool, etc., into the garage
- the garage also has a lawnmower and stuff the tenants have left in the past and the landlord won't bring over a trailer so they can clean out the garage

Ms. Essling:

- normally, we give the vehicle owner 30 days to work on a vehicle, if it's registered to

someone who lives at the property

Ms. Moermond:

- will treat this the same way as if Mr. Onsted's mother lives at this property
- Order was sent Sep 20 with a deadline of Oct 1, 2012
- she will recommend granting until Nov 1, 2012 to come into compliance if the public sidewalk remains unobstructed
- if the situation is not rectified at that time, the vehicle(s) will be towed

Referred to the City Council due back on 11/7/2012

Orders To Vacate, Condemnations and Revocations

7

[RLH VO
12-99](#)

Appeal of Brian D. Alton, on behalf of John A. Lampland, to a Notice of Condemnation as Unfit for Human Habitation and Order to Vacate at 737 RIDGE STREET.

Sponsors: Tolbert

Deny the appeal and grant until December 1 for the siding/trim/threshold/gutters and paint to come into compliance and January 1, 2013 for the remaining items. (Owner needs to reduce the volume of materials by January 1, 2013; he noted that the vehicle is taken care of.)

RE: 737 Ridge St (single family)

John A. Lampland, owner, and Brian D. Alton, attorney, appeared.

Inspector Joel Essling:

- Condemnation issued Sep 17, 2012 with a Vacate date of Sep 21, 2012
- result of a Correction Notice issued Nov 9, 2011
- items on Nov 9, 2011 list: interior storage; roof; siding; trim; threshold; gutters; exterior walls, etc.
- received a call from Mr. Lampland on May 31, 2012 saying that the items on the Correction Notice would be in compliance by the end of Jun 2012
- as of Sep 17, 2012, they were not, so, the Condemnation was issued
- his main concern is storage on the interior of the dwelling; there are also some exterior issues
- he has not inspected the interior
- he can see into the garage and it's completely full; no movement possible
- he can see into the front door of the house at little; it appears the house is full of storage, based on his experience
- this property has been a Vacant Building twice before (Aug 23, 2006 and Oct 12, 2004)
- there is an open permit from Sep 12, 2012 for a new roof (Mr. Alton has advised him that the roof has been replaced)
- concern: fire; would be hazardous for emergency personnel
- entered a photo through glass of the interior of the garage

Mr. Alton:

- goes through list:
- the car's tabs were in place before Jun 10, 2012; it starts and is operable (currently, is not driving it); the battery had been dead
- 6 items for house:
- there is just one step with deteriorated concrete - in process of being addressed; will be completed by sunset today

- paint - has photos; also in process; not yet complete (it's not unsafe); should be done in 15 days

Ms. Moermond:

- asked when the painting became an issue? (Essling: was on original Order Nov 9, 2011)

Mr. Lampland:

- he now has time off from work to be able to complete these items
- over the summer, he worked all the hours he could so that he could afford the new roof

Mr. Alton:

- Mr. Lampland wasn't employed for many months (17); he became employed earlier this year
- he is working on these things now
- siding, trim, threshold, gutters - wooden gutters are in process of being repaired
- has photo showing new roof
- last item on list is interior storage: excess accumulation in the house and garage - he will continue to remove some of that storage but will need more time; it's his homestead and he lives there himself

Mr. Lampland:

- expedient repairs will be done within a week; some of the restoration work will probably take 15 days or more
- storage is mostly papers, some of which are easily disposed of; some are valued; not too organized
- the garage has patio porch furniture; will be going to a friend's cabin; also, tools, construction material and an inoperable car
- first floor of house and 2 rooms upstairs contain a fair amount of storage also, including many books

Mr. Alton:

- Mr. Lampland is dealing with a disorder which he is dealing with professionally (psychologist and his assistant coach)
- within this past year a substantial amount of storage has already been removed
- introduced photos taken yesterday

Mr. Essling:

- if Mr. Lampland is interested, he may be able to provide a roll-off for disposable items
- re: gutters - the house doesn't necessarily have to have them
- overall, depending on finances, there may be some loans available for Mr. Lampland to do work on the house (Mr. Lampland has researched that, somewhat)
- the Correction Notice may also help to open doors to resources

Ms. Moermond:

- is looking for a percentage of the material to be decreased over a given period of time
- decrease the volume by 1/4 by 6 weeks
- decrease the volume by another 1/4 by Jan 1, 2013

Mr. Lampland:

- has worked with Ms. Wittgenstein and had a roll-off once, which was painful experience

Ms. Moermond:

- would like Mr. Lampland to provide interior access to the inspector

Mr. Alton:

- has concerns; this is Mr. Lampland's private residence; it's not rented out; if it's not necessary, they would prefer that it not be done

- it's not a fire hazard or unfit for human habitation

Ms. Moermond:

- will ask the City Attorney about getting an administrative search warrant to enter this dwelling

- deadlines were given on getting the volume decreased

- if access can be gained within the next 2 weeks, the Jan 1, 2013 deadline will continue to work for 1/2 the volume

- other items on list, a deadline of Dec 1, 2012

- will be in contact with Mr. Alton regarding access

Referred to the City Council due back on 11/7/2012

11:30 a.m. Hearings

Summary Abatement Orders

- 8 [RLH SAO
12-33](#) Appeal of William G. Wilson to a Vehicle Abatement and Correction Order at 1610 UPPER AFTON ROAD.

Sponsors: Lantry

Rescheduled to November 6, 2012 on the Vehicle Abatement Order and grant an extension until July 1, 2013 to resurface the driveway with Class 5.

Laid Over to the Legislative Hearings due back on 11/6/2012

Orders To Vacate, Condemnations and Revocations

- 9 [RLH FCO
12-556](#) Appeal of John Sattler to a Fire Inspection Correction Notice at 1422 OSCEOLA AVENUE.

Sponsors: Tolbert

Deny the appeal and grant until January 1, 2013 for tenant in the basement unit to vacate the property.

RE: 1422 Osceola Ave (duplex)

John D. Sattler, owner, appeared.

Fire Inspector Leanna Shaff:

- has been here before; was laid over to today for a progress report

- Inspector Bohan found a 3rd unit in the basement; although, the house is supposed to be a duplex

- everything else is done on the list

Mr. Sattler:

- has not had a chance to contact zoning people

- he agrees with everything Mr. Shaff said except for one detail: a supervisor was going to be coming out with the inspector to talk about what it would take to be able to use this unit
- discussed last time was to either make it a 3rd unit by going through a rezoning, etc. or attaching it to one of the other units
- not knowing where to begin, Ms. Shaff suggested that a supervisor was going to come out with the inspector to talk about it
- by going through a rezoning and the costs involved, he wants to get a better understanding about what is needed
- wants to know first if it makes sense for him, economically, to go through the rezoning, etc.
- the basement tenant will be vacating by the end of the month

Ms. Shaff:

- believes that there has been a misunderstanding
- she thought it was pretty clear and according to the hearing notes, Mr. Sattler should hire a professional to do that
- the City can't design for a person; they can, however, make limited suggestions

Ms. Moermond:

- if the Appellant is going with 3 units, there needs to be an adequate fire separation between the 3 units which depends on the kind of heating/ventilation systems; the kind of sheet rock; the doors, etc.
- suggested that Mr. Sattler hire a general contractor, architect, etc.

Ms. Shaff:

- Appellant needs to go to the Department of Safety and Inspections (DSI) to find out about what it would take to get it zoned properly for a triplex
- talk to a zoning staff person to find out what is needed for the zoning application

Mr. Sattler:

- has already made the decision to go with the triplex; now, needs to rezone and meet code for compliance

Ms. Moermond:

- will recommend denying the appeal and granting until January 1, 2013 for tenant in the basement unit to vacate the property
- City Council Public Hearing Nov 7, 2012 at 5:30 p.m.

Referred to the City Council due back on 11/7/2012

10 [RLH VO
12-103](#)

Appeal of Arthur E. Thom, Inc. to a Condemnation and Order to Vacate 1258 FOURTH STREET EAST.

Sponsors: Lantry

Deny the appeal and grant an extension to October 18, 2012 for compliance or vacate the property.

RE: 1258 Fourth St E (single family)

Arthur Thom, Arthur E. Thom Inc., owner, appeared.

Fire Inspector Leanna Shaff:

- there are a lot of photos on this
- Condemnation by Inspector Bill Beumer, who responded to a referral which came into the office Sep 21, 2012 about overcrowding, etc.

- he responded and found overcrowding and gross sanitation issues; smoke detectors didn't work
- inspector went back the next business day and found the smoke detectors working (some of the other things had also been taken care of)
- re photo of plastic soda bottles - that's urine in those bottles - perhaps someone is mentally ill / playing video games and too involved to go use the restroom
- 2nd floor are some bedrooms - some of the doors are cut at an angle because of the roof lines; in one of the rooms, the ceiling isn't high enough
- a couple people are sleeping in the living room
- there's a sleeping area set up in the basement with no egress window or door
- too many people and too much stuff
- there are sanitation issues; concerned about the health and welfare of the residents
- until it's cleaned out, they'd like the building unoccupied

Mr. Thom:

- 8 years ago, he rented the property to 3 occupants and at some time within the past few months, 6 additional people moved in without his awareness
- the male occupant's daughter and 4 children and 1 other adult moved in
- they had seen the children there; they said they were babysitting
- the house is too small for all those people; it's really a 1-bedroom house (upstairs has 1 bedroom the rest is for storage); downstairs is living room, dining room, kitchen
- it was last inspected 2 years ago; there were some minor things but no indication that these people were living there at that time
- he talked to the occupants last Thu; the 2 adults and children have found a place and a lot of their personal belongings have been removed
- he has talked to an electrician and will be setting up a time for him to come in
- the furnace man will be coming in 8 a.m. Fri morning to test the furnace
- has talked with the Department of Safety and Inspections (DSI) zoning about the parking in the rear; hasn't gotten them a site plan yet but will be doing is very soon
- asked for an additional 30 days to get everything done; it's much cleaner than when the inspector went in
- conditions were terrible; had they been aware of the living conditions, they would not have allowed it

Ms. Shaff:

- read referral: "possible overcrowding; house has 2 bedrooms and 9 people have been seen living there; some living in the basement; sometimes there's movement of furniture out of the basement and then back into the basement soon after"
- Inspector Beumer' notes on Sep 25, 2012: "transferred to the Fire Certificate of Occupancy Program"
- she doesn't think this just happened within a couple of months
- the last C of O inspection was completed Aug 6, 2010 by Inspector Booker; was rated "B"
- at that time, some items: exterior latch; window; address; screens; some interior walls; light fixture globes;

Ms. Moermond:

- when she considered these types of issues, she is looking at: 1) how long the department originally proposed between the Order and the Vacate date; and 2) the nature of the principle violations that led to the Condemnation; there are a lot here - too many people; cleaning up; very unsanitary conditions, etc.

Mr. Thom:

- after he had talked with the inspector, he went out to the property the next day and the tenants had already cleaned a lot of it up; so, he didn't see some of the things described

- he had received a call from a neighbor around July who complained about the loud noise of the son riding his motorcycle up and down the alley; so, he talked to the tenants and told them not to do that
- he wished the neighbor would have said something about overcrowding at that time but she didn't
- they get to their properties quite often - mostly to repair something
- they own properties and manage properties and try their best to keep them decent

Ms. Shaff:

- the inspector came back from there thinking he had fleas (they don't believe he did have fleas but lots of little things were jumping around out there)
- this is one of the worst they have seen; the inspector said it was impossible to describe the smell

Ms. Moermond:

- things are bad enough here, she thinks some drastic steps need to be taken
- City Council Public Hearing Oct 17, 2012 at 5:30 pm
- tenants can stay there until the end of business on Oct 18, 2012
- her recommendation on Oct 17 will be to deny the appeal; Order the property vacated; the property will be referred into the Vacant Building Program; then, it will need to go through a Code Compliance Inspection
- the Fire inspectors on Oct 17 could walk into the house and find everything great; then, Mr. Thom will get his C of O restored (that is in the discretion of the Fire staff); if that doesn't happen, everyone is out
- so, Mr. Thom needs to have this entire list completed and he needs to call for inspection on Oct 17, 2012

Mr. Thom:

- they will do their best to get it done the 17th
- the parking area is class 5 gravel; zoning wants a 9 x 18 concrete or black-top, which won't be ready Oct 17, 2012
- he will contact Inspector Beumer

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

11 [RLH VO
12-101](#)

Appeal of Etoi Sidney to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 442 BEACON AVENUE.

Sponsors: Stark

Deny the appeal and grant until November 15, 2012 for compliance with possible extension to December 1, 2012 at the discretion of the DSI.

RE: 442 Beacon Ave (single family)

Etoi Sidney, occupant, appeared.

Fire Inspector Leanna Shaff:

- Fire Certificate of Occupancy Inspection Revocation by Inspector Jay Bohan (vacate by Oct 15, 2012)
- been going on for quite some time
- Revocation is due to lack of compliance
- spoke with owner, Ryan McGovern, on Sep 17, 2012 and his properties are going back to the bank; he has no intention of putting any money into them
- just a matter of giving people time to find somewhere else to live

Ms. Sidney:

- is looking for more time
- yesterday, the judge found the case in her favor; once the owner gives her the money she will be able to move (Ms. Moermond: since he's walking on his properties, he may also walk on the judgment)
- the owner just doesn't care
- she has paid rent all up front; she moved in May and gave him a lump sum to Sep
- was represented by SMRLS but no attorney showed up at the hearing - the owner filed bankruptcy and the judge overruled that
- she talked to a "Jerry" at SMRLS over the phone
- she will be looking at a place at Selby and Prior

Ms. Moermond:

- will deny the appeal and grant until November 15, 2012 for compliance with possible extension to December 1, 2012 at the discretion of the DSI

Referred to the City Council due back on 11/7/2012

- 12 [RLH VO 12-102](#) Appeal of Jordan O'Connell to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 444 Beacon Avenue.

Sponsors: Stark

Rescheduled to October 16 at 1:30 p.m. per owner's request.

Laid Over to the Legislative Hearings due back on 10/16/2012

1:30 p.m. Hearings

Fire Certificates of Occupancy

- 13 [RLH FCO 12-586](#) Appeal of L.C. Frazier to a Fire Certificate of Occupancy Correction Notice - Re-Inspection Complaint at 586 CENTRAL AVENUE WEST, #305.

Sponsors: Carter III

Deny the appeal and grant an extension until October 16, 2012 for compliance.

RE: 586 Central Ave W (apartments)

L. C. Frazier, tenant, appeared, along with his son, Leon Frazier and his friend, Nicholas Campbell.

Fire Inspector A. J. Neis:

- Condemnation of Unit #305 at 586 Central Ave W by Fire Inspector Wayne Spiering
- in early Sep, 2012, a complaint was made the Unit #305 had bed bugs; and the ownership was trying to do the extermination and ultimately contact their Department of Safety and Inspections Office (DSI) to see if the exterminator could be allowed access because the tenant was refusing access to do the extermination
- Fire issued Orders to the property owner, Nathaniel Khaliq, to advise the tenant that he needs to allow them access to exterminate the bed bugs
- a re-inspection was scheduled for Sep 28, 2012; at that time, according to the inspector, they were still not allowed access to conduct the extermination; the tenant did allow the inspector access
- inspector noted a substantial infestation of bed bugs through out the unit (he lifted up a couch cushion and counted approximately 15 bugs jumping)

- Mr. Neis instructed Inspector Spiering to Condemn the unit since an extermination cannot be conducted; if the extermination is not done, it will adversely affect the rest of the building
- there are 74 units in this complex

Mr. Frazier:

- someone was sent out 3 time but they didn't spray anything
- once he took all of his stuff out of the cabinets and no one came; he waited 5-6 days

Mr. Neis:

- the owner wants to do the extermination
- the Appellant is not allowing him to do the full extermination; they need the cooperation from the Appellant to bag up some of his belongings: the couches, next so that they can do a proper extermination; the owner is more than willing to spend the money to do it

Mr. Frazier:

- he has lived there for 12 years and he has never seen the hood act like this before
- he had lived at 175 Carroll Ave for 16-17 years and at another address for 10 years

Mr. Campbell:

- someone brought an eviction summons
- there was a court date for that yesterday, Oct 8, 2012 but Mr. Frazier put the appeal in Oct 1, 2012
- Mr. Frazier didn't go to court
- he hasn't seen any bed bugs

Ms. Moermond:

- an eviction is handled in the district court system
- a Condemnation is handled here in the city system and this is more pressing; this would mean Mr. Frazier would need to get out really quickly vs an eviction which would allow you more time to find something
- is struggling with the differences in positions of the Appellant, Mr. Frazier and Mr. Khaliq
- getting rid of bed bugs is a complicated thing
- if the exterminators want to come in, Mr. Frazier has to let them in; if they want to have his clothing and other fabric items, he needs to let them; those items need to be treated; she can't risk an entire building needing to be vacated
- this is fixable

Mr. Leon Frazier:

- he hasn't seen the bed bugs
- ownership seems to be nitpicking at his dad in different ways; his dad is caught up on his rent
- another tenant was a district court yesterday; he said that he was told his unit had bed bugs, too
- there are 4 buildings - connected
- doesn't know why they are doing this to his dad and a few others in there
- no one said anything about coming and spraying until the last minute
- he doesn't know what the eviction was for; it wasn't for the bed bugs - it's for something else, but what?
- the manager said they came around and wanted to spray; his dad says they came around but had nothing to spray; and he himself hasn't seen anyone come to spray
- his dad says that no one came to inspect to see whether or not he had bed bugs

Mr. Frazier:

- he doesn't bother anyone; he lives there by himself

Mr. Neis:

- repeated the staff report for Mr. Frazier's son

Ms. Moermond:

- she has to go with the inspector

- this unit needs to get cleaned-up because the bed bugs will move to other parts of the building

- might be helpful for Leon to stay involved until the unit is treated

Leon Frazier:

- he will go there today and try to straighten this out

- there is lack of cooperation between his dad and the owner

- he will serve as intermediary

- this will be done next Wed

Ms. Moermond:

- she will give them a week to get this taken care of

- City Council Public Hearing Oct 17, 2012 at 5:30 p.m.

- Inspector Spiering will follow-up next week

- letters will be sent to both Mr. Frazier's and Mr. Campbell

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

14

[RLH FCO
12-574](#)

Appeal of Paul Ellringer to a Fire Inspection Correction Notice at 613 BAY STREET.

Sponsors: Thune

Owner to provide title documentation showing son is in an ownership position by November 1, 2012. If condition is met, will grant the appeal to be out of the Fire C of O Program and file will be transferred to Code Enforcement for follow-up inspection on Items 4, 8 and 10.

RE: 613 Bay St (duplex)

Paul Ellringer, owner, and Jack Rossbach, friend and helper, appeared.

Fire Inspector A. J. Neis:

- Fire Inspection Correction Notice Sep 12, 2012 conducted by Fire Inspector Michael Cassidy

- 15 code violations

- appealed is being in the C of O Program (is this an owner-occupied home?)

- based on city records, Mr. Ellringer lives at 1640 Sheffer and his son lives at the lower unit of 613 Bay St, which would then be considered a Fire C of O building which would require the inspection

- it appears the property owner is in agreement with what needs to be done

Mr. Ellringer:

- sent in photos when he filed his appeal

- his son and wife and their 2 kids live in the lower unit

- there is no landlord / tenant situation here at all

- they are his family and they are living there

- he and his wife also spend a lot of time there - they babysit the kids 3 days a week; he spends nearly as much time there as he does in his own home

- he considers this relative-occupied and not eligible for this inspection
- his son and family are dependent upon Mr. Ellringer because they would be homeless otherwise
- they were doing fine until 2008 when both lost their jobs; then, his son went back to school - goes full time with a part time job; his wife just recently got a full time job - they are just starting to get back on their feet
- Mr. Ellringer doesn't receive any grant

Ms. Moermond:

- explained that if it's owner-occupied, you are not in the Fire C of O Program (single family / duplex)
- here we have distinct households in 2 different buildings
- even though they are financially dependent upon Mr. Ellringer to some degree, they are not disabled or very old

Mr. Neis:

- Mr. Ellringer indicated on his appeal that the original plan was that he would buy the house from his wife's mother and then sell it on a contract for deed to his son and his family, who are the occupants right now
- apparently, the sale fell through (Mr. Ellringer had no intention of becoming a landlord there)

Mr. Ellringer:

- he could easily put his son on the title next week, which would make it an owner-occupied home

Ms. Moermond:

- that would get the Appellant and his son out of the Fire C of O Program
- still, she would need to check the list to see what is critical and really needs to be addressed
- she will need to see evidence that the title has been changed
- the Orders would then be transferred from Fire staff to Code Enforcement staff

Inspector Neis:

- holes and cracks in ceiling and walls; light globes; empty smoke detector brackets; refrigerator on an extension cord; scraping and painting
- he doesn't see any critical life-safety issues but the empty smoke detector bracket needs to be taken down (state law) and the refrigerator needs to be plugged into its own outlet
- remove exposed wiring #4 - hallway ceiling
- clear the items on top of basement stairs

Ms. Moermond:

- take care of items #4, #8 and #10
- an inspector will need to sign off to see that it's taken care of

Mr. Ellringer:

- he put in over \$30,000 within the past 4 years
- thinks some of these items are very frivolous and it's insane to have 15 code violation items on this house
- they do a furnace test every 2 years

Ms. Moermond:

- owner to provide documentation of son being on the title by Nov 1, 2012; then, she will recommend this be out of the C of O Program
- the file will be transferred to Code Enforcement and an inspector will check to see if

items #4, #8 and #10 are in compliance
- City Council Public Hearing Nov 7, 2012

Referred to the City Council due back on 11/7/2012

Other

15

[RLH OA
12-74](#)

Appeal of Jeanette Howey to a Code Compliance Report at 795 PIERCE BUTLER ROUTE.

Sponsors: Carter III

Forthcoming. (MM to talk to plumbing inspector)

RE: 795 Pierce Butler Route (single family)

Jeanette A. Howey, owner, appeared.

Ms. Moermond:

- Code Compliance Inspection Report
- plumbing and gutters are being appealed

Ms. Howey:

- had a new Code Compliance Report Sep 13, 2012
- she passed plumbing last year - has photo - wants to be done with it
- the building had been empty for 4 years and they never capped the chimney so the water problem was coming from the chimney - going through the weep hole; they have since capped the chimney; now, there's no water coming into the basement
- brought up photos
- she graded the side of the building
- have new windows in the basement
- since there are no water problems, she doesn't want to put on gutters
- she has the plumbing permit and was standing there when the inspector went through last summer
- original Code Compliance Inspection report was done in Jan 2012
- has photo of soil waste clean-out; access panel; no toilet - sealed -they took it out last year when she was told to

Ms. Moermond:

- is comfortable with no gutters
- she will communicate her recommendation to the building official
- is checking on the previous code compliance inspection to see if the permit covers all of the items
- there's an active plumbing permit (\$3,000) but there's been no sign-off on it yet (Ms. Howey: "I was standing right there when the city inspector and plumbing guy came through and signed off on it; Tschida Bros told her it was done..."); there's a disconnect; maybe the computer system hasn't caught up
- wants to get a hold of the inspector on this; will make a couple of calls to see if she can clear this up
- if Tschida thinks the permit is signed off; chances are that it is

Referred to the City Council due back on 11/7/2012

2:30 p.m. Hearings

Vacant Building Registrations

16

[RLH VBR
12-72](#)

Appeal of Dan Mohr to a Vacant Building Registration Requirement at 942 GALTIER STREET.

Sponsors: Carter III

Laid over to October 23, 2012 LH for follow-up inspection by Matt Dornfeld and Electrical Inspector.

RE: 942 Galtier St (single family)

Dan Mohr, mgr, Home Sweet Home LLC, Bohlen Properties LLC, Certificate of Occupancy Responsible Party, appeared.

Rich Singerhouse, Vacant Buildings:

- Sep 20, 2012 Inspector Dornfeld was called out by the Saint Paul Police Dept FORCE Unit; he inspected the property and Condemned it for open wiring; open ventilation systems; inoperable smoke detectors; boards and steel bars covering interior windows*
- many photos*
- there were growing marijuana*

Mr. Mohr:

- has been involved as soon as he was notified about what happened there*
- this property was sold on a contract for deed; was not recorded*
- the person, Leonard McClean, who bought it put down between \$7,000 - \$10,000 down*
- they never had an issue there for many years*
- the McClean died in Apr of this year*
- when the police called him, he immediately called Matt Dornfeld because he didn't know what to do - they had sold the property*
- he found out that Mr. McClean had died, which allowed them to take over the property immediately*
- he talked to Mr. Dornfeld, who told him to talk with SPPD*
- he was notified on a Fri; he got a dumpster the following Tue and on Wed night everything that didn't belong there was gone*
- it was a Cat 2 VB when they bought it; they had rehabbed it and all passed inspection; much of it was new*
- has photos of all they did in the past 10 days*
- the ventilation system they created had nothing to do with the property heating system*
- they also had their own electrical system; he had an electrical contractor come in and check things and al was OK; nothing had been changed*
- he wished Mr. Dornfeld were here today*
- within a week, they had the property cleaned and cleared*
- he had never seen anything like that in his whole life*
- basically, the house is not a Cat 2 VB; it's still up to code*

Ms. Moermond:

- we have the issue of whether of not there is a registered Vacant Building fee and whether or not it needs a Code Compliance Inspection and become a Cat 2 or whether it should be a Cat 1*
- is concerned about the electrical; jot sure how they had it jerry-rigged to make it happen; she would like an electrical inspector to look at it*

Mr. Singerhouse:

- Inspector Dornfeld said that he would be happy to go back to look at the house
- if everything that Mr. Dornfeld saw was fixed, he would certainly change it to a Cat 1

Ms. Moermond:

- have Inspector Dornfeld go back with an electrical inspector
- will lay this over for 2 weeks to Oct 23, 2012 LH
- if it ends up being a Cat 2 VB, she would put the fee out a good 3 months

Laid Over to the Legislative Hearings due back on 10/23/2012

17 [RLH VBR
12-71](#)

Appeal of Chueyi Lor to a Vacant Building Registration Requirement at 914 UNIVERSITY AVENUE WEST.

Sponsors: Carter III

Grant the appeal.

RE: 914 University Ave W (general retail and service / commercial)

Chueyi Lor, owner, appeared.

Rich Singerhouse, Vacant Buildings:

- there was a Revocation Sep 19, 2012
- Inspector Kalas opened a Category 1 Vacant Building here Sep 25, 2012
- he believes this building has been unoccupied for at least, a couple years
- the exterior is in good shape as well as the interior

Ms. Lor:

- she has a realtor who is trying to sell the property for a couple of years but no one is interested
- light rail construction is turning buyers away
- when the buyers call, they are interested but when they come and see the construction and that there's no street parking, it just turns them off
- entered photos
- she thinks that her building should not be considered a Registered Vacant Building; her property is in good condition and she takes good care of it; she pays her taxes and utilities; in the winter, she heats it

Fire Inspector A. J. Neis:

- this has been a Revoked unoccupied building since approximately Aug 2007 (5 yrs)
- typically, Fire will monitor these buildings for a period of time
- this should have been sent to the Vacant Building Program 5 years ago
- a new inspector took over this district and followed the standard operating procedure (after they are monitored for so long, they are transferred over to VB)

Ms. Lor:

- she used to lease the building to a tenant who sells retail clothing but he moved out and no one leased it after him
- she tried to sell it a couple times; she switched realtors a couple times
- she owns 2 buildings on University (491 University is the other one)
- her husband is a dentist at 491 University
- every year they lose money on 914 University but they are trying to hang in there

Ms. Moermond:

- pulled up the code looking for the definition of a VB (vacant, unoccupied for more

than a year; she is not seeing any major code violations)
- this building is in good shape inside and out
- there have been no Orders written within the past year
- will recommend granting this appeal; the building does not meet the definition of a Vacant Building under Chap 43.02 of the code

Referred to the City Council due back on 11/7/2012

- 18 [RLH VBR
12-69](#) Appeal of Roger Berres to a Vacant Building Registration Renewal Notice and Summary Abatement Order at 702 PREBLE STREET.

Sponsors: Bostrom

Deny the appeal on the Summary Abatement Order and grant an extension to October 17, 2012; grant the appeal on the VB fee.

RE: 702 Preble St (single family)

No one appeared.

Ms. Moermond:

- will recommend granting the appeal on the Registered Vacant Building fee
- will recommend denying the appeal on the Summary Abatement Order and grant an extension to Oct 17, 2012, consistent with the City Council Public Hearing on it

Referred to the City Council due back on 11/7/2012

Staff Reports

- 19 [SR 12-75](#) Reviewing Request of Additional Extension for Appeal of Riaz Hussain to a Correction Notice-Complaint Inspection at 1170 SEVENTH STREET EAST.

Sponsors: Bostrom

Grant additional extension to April 1, 2013.

RE: 1170 7th St E (apartments)

Ms. Moermond:

- got an email request from Riaz Hussain, the owner, which indicated that they put in fire block and found out that it was not approved; then, they decided to go ahead and install a sprinkler system
- they need more time
- original deadline Oct 1, 2012
- will recommend granting additional extension to Apr 1, 2013 to install the sprinkler system

Received and Filed