



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final

Legislative Hearings

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Tuesday, November 24, 2015

9:00 AM

Room 330 City Hall & Court House

9:00 a.m. Hearings

Remove/Repair Orders

- 1 [RLH RR 15-40](#) Ordering the rehabilitation or razing and removal of the structures at 719 PAYNE AVENUE within fifteen (15) days after the November 4, 2015, City Council Public Hearing. (To be referred back to Legislative Hearing on March 8, 2016)

Sponsors: Finney

Abdiwoli Ali and Abdirahman Ali, Alka Inc, owner, appeared; also, Rich Thomasgard, African Development Center.

Ms. Moermond:

*-we are here to talk about some more numbers and about tank removal
-is this going to make financial sense?*

Inspector Steve Manger, Vacant Buildings:

- read Nov 12, 2015 letter into the record

Mr. Thomasgard:

-have prepared a sources and uses document (entered)

-Flannery Construction & Architect Peter Kramer prepared estimates for rehab (new storefront, new roof, service bay wall removal, new HVAC, new plumbing & electrical, etc.); budget number cost \$250,000

-additional costs include: acquisition \$39,000; real estate taxes; tank removal \$11,000; equipping the deli \$20,000; furniture, fixtures, equip \$13,000; inventory \$50,000; financing, architectural fees, etc. \$10,000

-total cost: \$405,000

-funding side: talked to STAR staff, City; Dan Bayers, PED; East Neighborhood Dev Co - sketched an outline of sources

-biggest source is equity that the family is going to put in \$140,000

-public money: ESNDC -\$50,000 not committed yet

-he shared the performa with Dan Bayers, Michelle Swanson PED & STAR; Mr.

Bayers said it looked reasonable

-HRA monies - Mr. Bayers supervises; he sending an application

-STAR monies - Michelle Swanson

-estimate \$100,000 - either HRA or STAR or both

-other funding source from African Dev Ctr, other lenders - they met with family last

week; talked about their loan process and what is needed; they agreed that the \$115,000 list is within the realm of possibility for them and other lenders to put into the deal; also will take a process
-still need to work on firming up the construction numbers and the financing side of it with African Dev Ctr & their partners

Ms. Moermond:

-questions: did architect develop a scope of work that could be shopped out to anyone besides Flanery?

Mr. Thomasgard:

-not yet

-intend to develop a scope of work; or could work with a general contractor who will get 3 or 4 competitive bids from subcontractors

-will take some time to do this plus secure financing

Ms. Moermond:

-the city will look for multiple bids and the use of a targeted vendor with this

-she thinks these numbers are on the high side; it's important to have a scope of work to shop around

-scope of work seems to be the first order of business

Mr. Ali:

-his family has talked this thru Fri night and all have agreed on this

Mr. Magner:

-re the dollar amount; it's hard to estimate it without a scope of work

-all boils down to the cost and if the money is there for the rehab

Mr. Thomasgard:

-to develop the scope - probably will take a couple of weeks to have something to begin to work off of

Ms. Moermond:

-is looking to have interim deadlines on this so we don't end up 4 months down the road with nothing happening

-will go back to City Council Public Hearing Dec 2, 2015; at that time, she will ask for a Layover to Jan 20, 2016 City Council Public Hearing

-meet together here again at LH Jan 12, 2016

-during that time: develop a scope of work; shop it around to get additional bids besides the Flannery one; apply for monies thru these community development corporations and the city; additionally, she's looking for a timeline - schedule

To be referred back to legislative hearing on January 12, 2016 and continue the public hearing to January 20, 2016.

Conditions to be met:

-provide scope of work and additional bids for the rehab

-apply for fundings through the community organizations and the STAR fund

-provide timelines for the project

Referred to the City Council due back on 12/2/2015

2 [SR 15-113](#)

Reviewing request for Council to reconsider its Order to Remove or Repair the Structures at 929 SEVENTH STREET WEST.

Sponsors: Thune

Tina and Ryan North, appeared.

Ms. Moermond:

*-the City Council has Ordered this building demolished
-the conversation today is about whether or not the City Council should be interested in doing a Stay of that Demolition Order; if the City Council does not do a Stay, this building will be demolished
-there's a lot of history with this building
-there was a Council vote concerning Mr. Hank Hanten's proposal to the City Council that it Stay the Demolition and the vote was "No" based on the proposal that he brought forward; at that juncture, there was a potential Purchase Agreement; the City Council was amenable about hearing more about that proposal and that particular proposal evaporated; believes that Purchase Agreement was cancelled because the potential purchaser's unwillingness or ability to move forward with their plans
-at this juncture, she has zero patience and would (almost happily) walk away from this one; it's been years that she has been dealing with this
-you, now, have a Purchase Agreement and are inheriting that frustration
-sent the Norths an email (attached) outlining the expectations would be for anyone wanting to undertake a rehabilitation of this property and you are it; she will not entertain any more potential buyers*

Inspector Steve Magner:

-read the email from Ms. Moermond to the Norths (attached) with the following conditions:

- 1) A \$5,000 performance deposit will need to be posted with the Department of Safety and Inspections by December 2, 2015. The City Code allows that the deposit can be waived in lieu of a bond. However, I will require a deposit in this case.*
- 2) The annual Vacant Building Fee in the amount of \$2,025 is past due. The bill is due within 15 days of the November 18, 2015 warning. It should also be paid by December 2, 2015.*
- 3) Plans will need to be developed to execute the rehabilitation. In the case of this building, architectural and structural plans will be needed. Depending on your intended use, a code analysis may need to be conducted. Your intended use may also require a parking variance. This application should be filed as soon as practicable. I believe a 4-6 week time period for the development of a scope of work is appropriate. Therefore, there will be a deadline of January 15, 2016 for all materials necessary for a plan review to be in at DSI. It is anticipated it will take DSI 4-6 weeks to complete review of the complete submitted application, which I would then estimate as March 1, 2015.*
- 4) The scope of work provided should provide an estimate of costs for the work to be completed. Preferably, a sworn construction statement outlining costs could be provided to my office. Based on these estimates, I will establish the amount of financing/cash on hand you must demonstrate for the work to go forward. Pending the completion of the scope and construction statement, you must demonstrate \$150,000 in funds to do the work.*
- 5) Work must be undertaken no later than April 1, 2015.*
- 6) Work must be completed, as evidenced by issuance of a Certificate of Occupancy, no later than January 1, 2017.*

7) *The property must be maintained.*

Ms. North:

-everything sounds fine; no problem; everything sounds achievable; only exceptions: 1) they don't actually take occupancy of the property until Dec 14, 2015 (closing date); is there a possibility of pushing that architecture date back a little bit? We are talking with someone but they work on a more large scale so they are trying to set us up with an appropriate firm; consider the holidays; and 2) we won't actually own the property on Dec 2, when you are asking that the \$5,000 Performance Deposit be posted; can we push that to the day of closing?

Mr. Magner:

-there is probably an option for both the Vacant Building fees and the Performance Deposit and it would be up to the current owner to submit those; then, those costs can be worked out at the closing table

Ms. North:

*-in their research they found that the previous Purchase Agreement was cancelled due to sewer issues; will be a \$40,000 - \$50,000 investment to fix that; they are aware of it and it's not a problem
-expediting the closing depends upon whether they are able to close through Coldwell Banker Burnett (both the buyer and the seller)
-asked the date the demonstration of \$150,000 in funds was needed by*

Ms. Moermond:

*-it should have the same deadline - Mar 1, 2016
-you need to have everything in together to DSI by Mar 1, 2016
-will talk again after the closing
-will Lay this Over to Tue, Dec 15, 2015 at 12 Noon
-a letter will be sent confirming these results*

Layover to Tue, Dec 15 at 12:00 p.m.

Laid Over to the Legislative Hearings due back on 12/15/2015

- 3** [SR 15-139](#) Reviewing request for Council to reconsider its Order to Remove or Repair the Structures at 2227 BEECH STREET.

Sponsors: Finney

Recommendation is forthcoming. (STAFF REPORT ONLY)

Laid Over to the Legislative Hearings due back on 12/8/2015

- 4** [RLH RR 15-44](#) Ordering the rehabilitation or razing and removal of the structures at 689 CONWAY STREET within fifteen (15) days after the December 16, 2015, City Council Public Hearing. (To refer back to Legislative Hearing on March 8, 2016)

Sponsors: Finney

John Dockry, Attorney, representing Wells Fargo Bank, current servicer of a loan that has gone through foreclosure and will eventually be the owner of the property following the redemption period, which expires Feb 25, 2016, appeared. They are seeking approval from their client to seek a shortened redemption period. Deutsche Bank, Trustee. Sheriff's sale took place around Aug 25, 2015.

Neighbors: Carol Carey; Karin DuPaul; Matt Moznick

Inspector Steve Magner, Vacant Buildings:

- 2-story wood frame single family dwelling with a detached metal shed on a lot of 4,792 sq.ft. Has been a Vacant Building since Mar 2, 2015*
- current property owner is Jose G. Gonzalez per Ramsey County Records*
- Sep 3, 2015, an inspection of the building was conducted and a list of deficiencies, which constitute a nuisance condition was developed; photos were taken*
- Order to Abate a Nuisance Building was posted Sep 11, 2015; compliance date Oct 11, 2015*
- as of this date, the property remains in a condition which comprises a nuisance as defined by the legislative code*
- estimated market value: \$10,500 on the land; \$73,100 on the building*
- real estate taxes are current*
- Vacant Building registration fees was paid by assessment Apr 30, 2015*
- Code Compliance Inspection was done Nov 4, 2015*
- as of Nov 23, 2015, the \$5,000 performance deposit has not been posted*
- 7 Summary Abatement Notices since 2015*
- 8 Work Orders for garbage/rubbish; boarding/securing; grass/weeds*
- estimated cost to repair exceeds \$80,000; estimated cost to demolish exceeds \$12,000*

Amy Spong, Heritage Preservation Commission (HPC):

- is located within the Dayton's Bluff Heritage Preservation District*
- was in front of the HPC on Nov 19, 2015*
- known as the John Case House; it's a 2-story wood frame Queen Anne style residence constructed in 1888 by L. Metz*
- has cement asbestos shingles obscuring the clapboard exterior*
- has a gabled balcony off the attic and East Lake style brackets*
- the 2-story front bay is typical of many Queen Anne style houses in the district*
- original open 1-bay front porch was replaced by a stoop*
- Dayton's Bluff Historic District was established by City Council Ordinance in 1992; this property, at the time, in this similar condition, was categorized as contributing to the character of the Dayton's Bluff Historic District, which weighs into any recommendations or decisions when the HPC is reviewing potential removal of the building*
- Dayton's Bluff Historic District categories: contributing or noncontributing based on National Register criteria and defined by the National Park Service*
- in order to be contributing, a property has to be built within an established period of significance, which this one is; it has to have enough integrity, which is the ability of the house to convey its significance*
- will email staff's HPC report*
- HPC looks at the same findings as they are required to look at when they review any demolition permit, in whole or in part in the Dayton's Bluff District*
- staff recommended 9 findings in HPC resolution (attached)*

Ms. Moermond:

- asked whether any indication of a decision has been made after receiving the code compliance inspection report*

Mr. Dockry:

- he was present for this code compliance inspection; the building was in pretty rough shape but after speaking with Mr. Seeger and those others present, it seemed promising for potential rehabilitation; the interior just has a lot of garbage in it right now*
- Wells Fargo is obtaining bids for both rehabilitation and conformance with the code*

compliance report and the historic district guidelines from several contractors in addition to the demolition; as of right now, he has recommended to his client that rehabilitation is likely in their best interest because of its proximity to downtown and Metro State University; just waiting for the bids to come in
-the sheriff's certificate is not in his file; he's uncertain as to his client's bid
-has not yet run into a property with the historic significance that this house does

Mr. Magner:

-file: Jun 6, 2006 - the original loan was \$184,000

Ms. Spong:

-will re-draft the HPC resolution to reflect the fact that real estate taxes are current

Ms. Moermond:

-noted that the maintenance of the property hasn't been very good in this past year; asked that Wells Fargo recommit themselves to mowing the lawn and shoveling the sidewalk, etc., which is actually a condition in order to obtain a grant of time as is posting the \$5,000 performance deposit, which can be returned if this doesn't go through

Neighbors/Others who appeared:

Carol Carey, 635 Bates Ave:

-wants to encourage you to take some time to work with the property owner to identify solutions
-was interesting that SHPO also contributed their opinion that the property is worthy of further study for National Register
-within the Dayton's Bluff Historic District there is an historic character of it's collective presence of its buildings; and the rehabilitation and re-occupancy of a structure vs. the negative affect of creating a vacant lot really can't be overstated

Karin DuPaul:

-she feels that it's important to keep this building; it has a lot of character and it adds a lot to the block
-she supports all the other things that people have said

Ms. Spong:

-she typically reports on the SHPO so appreciates Ms. Carey bring that up
-has a letter that has to do with the pending Gold Line work that is going to be coming into the Dayton's Bluff Historic District, so, she believes that the city we be receiving more letters from SHPO because now there is a federal undertaking in this district and there is a re-survey of the neighborhood; so, they are saying that because of this federal undertaking of the Gold Line, there is potential here now

Matt Moznick, member of the HPC and also lives in the neighborhood:

-echoes others' ideas - the property still does retain a fair amount of original fabric and character on the exterior and losing that would be detrimental to not only the neighborhood but to the block, as well; much of that block has buildings that were constructed during the period of significance, so they all kind of relate to each other, not only in age but scale, massing, rhythm, etc.
-the code compliance inspection report was only very recently issued and in his mind it seems a bit premature to think about demolition

Ms. Spong:

-SHPO letter: "689 Conway may have National Register significance in accordance with 36CFR8004b the property should be fully evaluated in order to determine it's

eligibility for listing on that National Register and an intensive level survey and evaluation includes in depth research on the history and construction of the building, an evaluation of its significance and historic integrity." This is being recommended prior to the City Council if they were to make a recommendation on its demolition

Ms. Moermond:

-City Council Public Hearing Dec 16, 2015 at which time she will ask them to Lay this matter Over to Jan 20, 2016

-would like to meet with Mr. Dockry again on Jan 12, 2016 to review their progress and consider granting more time to develop work plans and to demonstrate the financial willingness of Wells Fargo to undertake the project

To be referred back to legislative hearing on January 12 and continue the public hearing to January 20, 2016.

Conditions to be met:

-post the \$5,000 performance deposit;

-maintain the property

-complete clean out of the interior

-provide bids

Referred to the City Council due back on 12/16/2015

5 [RLH RR 15-41](#)

Ordering the razing and removal of the structures at 421 CURTICE STREET WEST within fifteen (15) days after the November 18, 2015, City Council Public Hearing. (To continue the Public Hearing to January 6, 2016)

Sponsors: Thune

Michael Schleisman appeared, representing the holder of the Sheriff's Certificate, Faye Servicing LLC (the foreclosure sale took place Jul 9, 2015, subject to a 6-month redemption period, so, Jan 9, 2016)

Inspector Steve Magner, Vacant Buildings:

-updated the record

-read letter sent out re the Order to Remove/Repair 421 Curtice St W (no one appeared at LH Oct 27; Ms. Moermond, LH Officer recommended that this property be Removed within 15 days with no option for repair; CCPH Nov 18, 2015 at 5:30)

Ms. Moermond:

-we heard from you after the fact; so, she asked Council to Lay the matter over for a couple of weeks to give your client a chance to pull things together and a few things have been done

Mr. Schleisman:

-code compliance inspection application has been submitted; there was a delay getting into the system; he recently spoke with Mr. Seeger and provided him with the lock box code; he said that he would try to expedite the matter; although, he has a pretty big case loan (their pivotal item)

-performance deposit has been posted late last week, as well

-they have preliminary bids; once code compliance insp report is available, they will review it and secure bids

-his client is more than willing to commit funds but are apprehensive without having seen the code compliance report

-they have decided to go forward with the rehabilitation

Ms. Moermond:

-at last LH, they talked about the number of Work Orders that had been issued for maintenance of the this property; it's her expectation, that there will be no Work Orders moving forward

Mr. Schleisman:

-understood

-received the Vacant Building fee bill yesterday; he submitted it to his client; if they don't pay that VB fee, we will be going down a different path, of which you will be the first to be notified

Ms. Moermond:

-will give you a bit of time to figure out what your client wants to do

-back at City Council Dec 2, 2015; she will ask them to Lay this Over to Dec 16, 2015 City Council Public Hearing

-we will meet here again on Dec 8, 2015 to review available materials

To be referred back to legislative hearing on December 8 and continue the public hearing to December 16, 2015.

Referred to the City Council due back on 12/2/2015

6 [RLH RR 15-45](#)

Ordering the razing and removal of the structures at 1659-1669 GRAND AVENUE initiating no later than February 1, 2016 and concluding by May 1, 2016.

Sponsors: Tolbert

Appearing:

Mr. Fred Kueppers, Attorney, representing Grant Heritage Properties LLC, owner of 1659-1669 Grand Ave.

Eugene Sitzmann and Lee Basha

Carol Carey, Historic Saint Paul

Mr. Kueppers:

-would like an opportunity to explore the rules under which the city is proceeding and come up with a plan to make everyone happy

Inspector Steve Magner, Vacant Buildings:

-2-story commercial/apartment building on a lot of 6,534 sq.ft; has been a Vacant Building since Apr 20, 2015

-current property owner is Grand Heritage Properties LLC per Ramsey Co records

-Sep 9, 2015, inspection was conducted, a list of deficiencies which constitute a nuisance condition was developed and photos were taken. An Order to Abate a Nuisance Building was posted on Sep 15, 2016; compliance date of Oct 15, 2015.

-as of this date, the property remains in a condition which comprises a nuisance as defined by the legislative code

-estimated market value is \$190,400 on the land; \$529,000 on the building

-real estate taxes are current

-the Vacant Building registration fee was paid by check on Jun 5, 2015

-a team inspection was done on Jun 3, 2015

-a \$5,000 Performance Deposit was posted on Sep 18, 2015

-there were 2 Summary Abatement Notices since 2015

-there was 1 Work Order issued for Emergency boarding/securing

-Code Enforcement Officers estimate cost to repair exceeds \$150,000; estimated cost to demolish is between \$40,000 - \$50,000

Amy Spong, Heritage Preservation Commission (HPC):

-has a lot of information on this and they were prompted to do some additional research given the letter they got back from the State Historic Preservation Office; they believe that this structure may have national register significance; in accordance with 36CFR800\$B, this property should be fully evaluated in order to determine it's eligibility for the national register; and an intensive level survey evaluation includes and in-depth research on the history and construction of the building; and an evaluation of it's significance and historic integrity

-so, this is not officially designated on a local level or on a state or national level but the information that we have on file and the information that SHPO has - essentially, they are saying that if the city takes action to demolish the building, that an intensive level evaluation needs to be done before that action (if any federal funds are to be used); once this evaluation is completed, it should be submitted to their office along with the federal agency's determination of effects for this project; we have a programmatic agreement to act on behalf of HUD with the use of any federal funds -this is a 3-bay commercial building (just asked Mr. Wagner if the small wood frame building is also part of this - the research did not include the smaller wood frame structure that's attached to this but the Order is for the whole structure, as the brick structure and the adjacent wood frame structure)

-built in 1891; original owner was F.C. Walsh; architect was Charles A. Wahlingford; builder was Ira White

-has a brick cornice, a corbel cornice and a dwelling in the rear of the eastern bay

-original permits note a sky light with prism glass

-open wood frame full width 2-story porch on the rear was noted on Sanborn Insurance Map

--we have the whole packet of original building permits and early changes, several maps; so, we know that it's a full brick construction as opposed to a brick veneer -for several years, it served as a grocer and people who lived upstairs actually worked for a grocer across the street

-Stoltz Dry Cleaners was there from 1917 - 1946, at least; they are still in business today at 1580 Grand Ave

-Wahlingford came to St. Paul with Allen H. Stem; at one point the firm was known as Reed, Stem and Wahlingford

-this is one of few known commercial buildings designed by Wahlingford; he also designed several residences in Warrendale, which is the little Tangletown neighborhood near Como and lived at 1259 Como Blvd in 1886; he also designed Geneva Flats at 110 St. Albans St and Stickler Row, 733-739 Lincoln Ave

-have Sanborn Ins Maps and aerial views that show how the neighborhood and Macalester interacted with this little commercial corridor

-added that Grand Ave was also a street car avenue; aerial photos are from 1923

-added that this was part of the neighborhood that was platted as Macalester Park, one of our little Tangletown neighborhoods, of which St. Paul has about 5; this neighborhood was originally planned to go all the way up to Summit, Fairveiw, Macalester and then to St. Clair as boundaries but this section of Grand Ave did not fully develop as residential; it was more commercial because of the street car and because of Macalester; so, there's very few residences; the neighborhood of Macalester Park has recently funded along with Historic St. Paul and Macalester College an updated inventory and survey; she just got a draft; although the commercial buildings were excluded from that survey

-we do not have updated inventory but what they have is fairly in-depth

-has a lot about the importance of the architect; he's been featured in several books (Western Architect in 1909 and also written about in St. Paul's Architecture Book, which the HPC funded

-have some interior photographs

-with all this, she would recommend that there's potential as an historic resource for this building and that it should be forwarded to the HPC for review for further

evaluation

Mr. Kueppers:

-that report throws a whole new piece into this that we were not the least bit aware of
-the Order from the city references the inventory number for the HPC and he did check with the HPC office; the lady on the phone said that it was not in any historic district (and it's not); Ramsey County gave him the inventory report from 1982; the reference there is that the level of significance is local as opposed to state and federal

-this information is important; however, it's brand new to them

-the principals of Grand Heritage LLC are here: the only member of it is a trust within the Sitzmann family; there are 2 trustees - 2 children, Lean Basha and Eugene Sitzmann, Jr; they are the responsible individuals who take care of this property; Ms. Basha is here from the State of Virginia, where she lives and works; Eugene lives and works in Michigan

-his concern for the moment is the difference this historic information makes to anyone or to the situation; from meeting with the family, he can report that they care; that they would like to know exactly the basis upon which they are proceeding; he'd like to discuss how to proceed from here; he doesn't know the consequences or significance of the historic information they have just received from Ms. Spong

Ms. Moermond:

-the HPC report is background information for the City Council to consider when this goes in front of them

Mr. Kueppers:

-the Order to Abate dated Sep 15, 2015 references a building deficiency inspection report dated Sep 9, 2015; the family tells him that they are not aware that anyone was in the building or came to the building; does the city have a key?

Mr. Magner:

-the inspectors went to the property; before that, they sent a letter to the owner asking them to meet them there; the owner failed to meet them there; so, they operated off the information that they collected, previously, which includes photographs and the team inspection that had been generated; they asked for access to the interior of the building but no one showed up; there was an exterior inspection at that point

-to their knowledge, no work has been done to remediate the violations that were originally generated and if work has been done, it has been done illegally because no permits have been pulled to complete the necessary repairs to the structure

-read inspector's notes: on Sep 9, 2015, he met with the property owner, Gene Sitzmann, and his assistant at 10 am to perform the building inspection. I explained the Order to Abate process to them; both stated that they understood the terms of the conditions.... so, the inspectors did meet with Mr. Sitzmann at the property; although, you indicated that no one had knowledge of that

Ms. Moermond:

-the Jun 3, 2015 letter covers numerous items on the interior of the structure and they are assumed to be in the same condition because no building permits have been pulled to rectify those items

Mr. Kueppers:

-the code compliance inspection was in May; the letter came out Jun 3 and the family is aware of it; they have acknowledge and not challenged any of the findings in that report

-when he talked with the family about the inspection, they said, "I don't remember"

- 139 conditions need to be attended to
- the family paid a \$2000 Vacant Building fee in Jun; how long is that good for?
- what is a "nuisance" about the exterior of this bldg?

Mr. Magner:

- the VB fees are renewed annually; so, if the building is still in this condition and does not have a code compliance certificate issued by the time the anniversary date (4-20-2015) comes up, the VB fee will need to be paid again
- we really need to have a plan submitted to the city from a contractor saying that he has reviewed the document and entered a Scope of Work
- if a code compliance inspection report becomes more than 1 year old, the city will need a new one
- a nuisance isn't regulated to the interior or exterior of the bldg; if the bldg has code violations, as well documented with this property, they are considered "nuisances" (nuisance is defined in the definition section of Chap 45)

Mr. Kueppers:

- wants to work from the physical facts in the ordinances and then work from there to what can be done
- timing is the concern from their perspective; they are not ready to go ahead; first of all, the responsible parties don't live in town; they have done a lot of background work - meeting with people, like the officials with Macalester College to see their level of interest in acquiring the property but there was no deal; they spent time with architects; met with 6 reputable developers to try to determine the economic feasibility of rehab; there's been a lot of interest shown in demolishing the bldg to make space for something else; none developed into a proposal and no negotiation of price
- asked that this matter be laid over with appropriate conditions to assure no health, life safety issues would be place, assuming that no one is in the building, ever, except to see that things are still as they are; they are not aware of any vagrants hanging out there or any life safety conditions outside that would affect the public; if that's all true, they suggest that we let the matter gel a little bit over the next few months; if there were life safety concerns on the exterior, then, they would think differently; but there's no rush, here to get something done; he's not suggesting that it should sit there forever like this
- asked Mr. Magner if he had information about anyone occupying the property and/or if there have been any complaints

Mr. Magner:

- the notes indicate that the building is secured and vacant at the current time; the rear of the bldg was boarded the last time he was there
- there have been complaints: one in Aug about a concern about a trapped bird in the structure; also have a letter from the Ex. Dir of Macalester Groveland Community Council on Nov 18, 2015; the Council passed a resolution requesting that the city grant no further extensions and require the responsible party to take immediate steps to repair the property. If not done, they request that the property be demolished and made safe (he provided a copy to Mr. Kueppers)

Ms. Spong:

- added that Liz Boyer, Mac-Groveland Comm Cncl contacted her but she did not have a chance to get back to her before this hearing and let her know about the potential historic significance

Mr. Kueppers:

- in light of this new information, they'd like to set a target date for a replacement proposal developer or the removal of the building next spring so that things can be

done in an economical fashion

Ms. Moermond:

-in her vast experience, there is no difference in price if you do the demolition undertaking at the time of new construction or if it's done as an individual act separate from

Mr. Magner:

-so that I can understand what you are asking for ... you are saying that you'd like this matter Laid Over for 6 months so that your client can shop around to get the best dollar amount for the project because they have no intent on rehabilitating the structure (?) -They want time from the city so that they can find the best offer rather than taking an offer that exists today or that they don't have an offer today and need 6 months to shop this around to get an offer so that someone can come and tear down the buiding and build something new

Mr. Kueppers:

-you say it very well

Mr. Magner:

*-our expectation is that the owners rehabilitate the structure and if it's not economical feasible, they remove the building
-you're clients are looking for someone else to buy it out and deal with the demolition*

Mr. Kueppers:

-the family does not choose to rehab this building

Ms. Spong:

-if the buiding is as the State Historic Preservation Office expects, is eligible for the national register, and if listed, ultimately on the national register, this does allow for both the federal historic investment tax credit and we have a state historic investment tax credit, which is almost a 40% tax credit based on an income producing use; maybe there's another type of developer, who knows how to use these credits and rehab buildings and work with consultants, who know that kind of process; she can get them a list of names

Mr. Kueppers:

-suggests that we pause and give this a moments thought before someone goes and tears down the building

Mr. Magner:

-one other thing: Chap 33 of the Legislative Code specifically talks about Category 3 Registered Vacant Buildings and the sale of those; this buiding is actually a residential and commercial building, a mixed use; so, he believes that Chap 33 would be in place here on not allowing sale of this property; we can talk with our City Attorney to make sure

Ms. Moermond:

-received a letter from Brian Rosenberg, President, Macalester College re: Condemnation of 1659-1669 Grand Ave, which has become an increasing hazard in an otherwise wonderful neighborhood; want to emphasize that in view of Macalester, it is past time for the building to come down; time after time the city has cited the property owners and has asked for or mandated repair and improvements. During the past 7 months, there has been absolutely no effort on the part of those owners to improve the situation but a strikingly contemptuous disregard for the city and their neighbors. As I have written before, that property is literally surrounded by buildings

in which Macalester students are housed; the safety of those students is something I think about every single day. Surely, there must come a point by which all of us say, "Enough."

Ms. Lee Basha, trustee:

-the family does take seriously the condition and events that leading up to it were related to family matters: her mother died in March of this year; my father was giving 100% of his efforts to caring for her; and no one in the family is going to fault him for putting his priorities where it was important

-we have not been ignoring the existing situation; needless to say, we explored whether or not it would make sense to do rehabilitation of the property; father had some discussions with Macalester; we've met with 2 separate architectural firms to look at developing it ourselves; we do have the capability to do it ourselves without looking at a third party; we are looking to market the property to the highest bidder within the next 6 months

-the goal of the family is to find the best path for this property, taking into consideration the community around it

-my brother and I are coming aboard as co-trustees to assist and rectify the situation to see if someone else is better suited to developing the property; we've had at least 3 written offers for the property and we've not accepted any of them because they are exploring all the options

-end goal is to have something that they can be proud of as a legacy to her father and the family and also for the community

-it's highly likely that the structure will be removed; we will take this new historic information into consideration

-the request for additional time is so we can figure all of this out; we've made incredible strides within the last few weeks

-the course of action is aimed at improving the community and this property; we are not looking to kick the can down the road

-the family requests to have sufficient time to put things in order in order to accomplish those objectives which she thinks are aligned with the city and the neighborhood.

Concerned Citizens:

Carol Carey, Historic St. Paul:

-when we have an historic resource and the city and property owners can only come to the table when there's a demolition order is imminent, it's frustrating; this is a clear indication that we have some tools missing in our tool box when it comes to historic resources

Ms. Moermond comments:

-she has been through every inch of this property; she heard the appeal on the Condemnation/Order to Vacate and in that context she did this walk thru with the building official and she is very versed in what the conditions actually are; noted that there are structural concerns based on what was found in the basement: extremely peculiar supports underneath the commercial space on the western side of the building - not sound at all; noted that on the exterior, the stairs should be condemned; they are extremely dangerous

-Mr. Sitzmann has owned this property for a very, very long time and she has a long history with this property; it is remarkable to her the amount of extreme neglect that this property has experienced; she understands that this has partly been the result of the failing health and eventual passing of Mrs. Sitzmann; this building has such a long history that this is only a little part of the explanation of what is happening here

-on the interior there were holes to the sky in the ceiling and roof; there were broken windows on the 2nd level; everything on this list represents an incredible investment

that will be necessary - the whole bldg will need to be re-wired; there are asbestos encased furnaces/boilers; there's so much clean-up that will have to occur; so, demolition makes sense to her in that context

-the rehab with an historic consideration doesn't look any different to her than one without an historic context; it's the same exact process

-is puzzled because one of the appeals she heard earlier this year was from St. Thomas having to do with the building named after Mr. Sitzmann (presumably he sponsored the construction of that building); it had to do with the kitchen within that building and whether or not it could be used for commercial food preparation or just for faculty lunch warming, etc; she was struck by how incredibly pristine that building is; that is noteworthy because this is exactly the opposite end of the spectrum; so, she sees the behaviors of neglect in that light; this isn't someone who has lost his ability to do this work; it's actively choosing not to when this other property show such remarkable good shape

-she doesn't know if there's any capacity at all to do any fixing; months and months have passed since the building was vacated and prior to that, years passed without it being properly repaired

-will need to LAY this OVER for 2 weeks; she is looking for a definitive answer from the City Attorney's Office as to whether they look at a mixed use commercial building differently from a residential; how would they call this? It's important under Chap 33 of the code

-Chap 33 of the Legislative Code together with parts of Chap 45 say that a residential structure in this position cannot be sold until the nuisance condition is abated; abatement of the nuisance condition can mean that the building is rehabilitated and ready for occupation or it can mean that it's removed

-if it's a commercial structure, it can be sold under Chap 33 and 43; we need to get to the bottom of this classification because it will be pivotal in terms of your options

-is taking a dim view of waiting at all because of the past record of no activity despite some of the most serious Orders that the city can issue having been issued to no avail

-she will endeavor to get an answer to her question this week and get that sent to you so you have a chance to reflect on it prior to our hearing in 2 weeks; she will go to the head of the Civil Litigation division, Jerry Hendrickson, to start; he could farm that out to one of his assistants

Mr. Magner:

-Chap 45 is fairly clear as to the definition of a nuisance and a nuisance building; he noted that he cannot provide a legal answer to a legal question that Mr. Kueppers has concerning these definitions; he would need to contact the City Attorney's Office

-recommended that Mr. Kueppers read the Ordinance and if he chooses to read the law in a different fashion, he needs to bring a different challenge to the city, which will be heard at the City Council

-the code compliance inspection in its totality that declares the building to be a nuisance; it's not an individual item of the code compliance inspection or the Order to Abate; the Order to Abate gives you a reference or a description of the violations and that in its totality is why this property is a nuisance

Ms. Moermond:

-added that 1) the references within the code that make it constitute a nuisance are listed in the Condemnation/Order to Vacate from the spring and also the Order to Abate a Nuisance Building; it would say, "MN State Fire Code MSFC" and give you the citations specifically within the code - those reference are present in the Orders; and 2) the building will continue to be considered a nuisance and she would argue, a dangerous structure until it receives it's Certificate of Code Compliance or Certificate of Occupancy; that is the measure by which we shall determine whether or not it constitutes a nuisance moving forward

-will lay the matter over for 2 weeks
 -she will talk to the City Attorney and get an opinion from them and let you know
 -City Council Public Hearing is Dec 16, 2015

Legislative Hearing Officer wants to get opinion from City Attorney's Office about the mixed use of the building.

Laid Over to the Legislative Hearings due back on 12/8/2015

- 7 [RLH OA 15-14](#) Making recommendation to Ramsey County on the application of Household Industrial Finance Company for repurchase of tax forfeited property at 1148 HOYT AVENUE WEST.

Sponsors: Brendmoen

Inspector Steve Magner, Vacant Buildings:

-he reviewed this Repurchase Application
 -noted that there was only 1 call for service by SPPD; it was an Advice in 2010
 -currently, it's a Registered Vacant Building because it was referred to them after the person abandoned it and went to the county
 -TISH in 2014
 -2011 - was a defective sewer
 -no Code Enforcement activities
 -reason for Repurchase: borrower failed to pay taxes, which led to tax forfeit; borrower failed to make payments under Contract for Deed, which led to the Contract for Deed being cancelled
 -Household Industrial wants to buy the property back
 -DSI doesn't have any opposition
 -will recommend that Repurchase will not cause a problem

Ms. Moermond:

-she concurs
 -will recommend to allow for Repurchase

Allow for repurchase.

Referred to the City Council due back on 12/16/2015

11:00 a.m. Hearings

Summary Abatement Orders

- 8 [RLH SAO 15-80](#) Appeal of Mike Stoffel to a Vehicle Abatement Order at 1329 JUNO AVENUE.

Sponsors: Tolbert

Rescheduled per owner's request.

Laid Over to the Legislative Hearings due back on 12/1/2015

- 9 [RLH SAO 15-79](#) Appeal of Katrina Gadwa to a Vehicle Abatement Order at 1689 MINNEHAHA AVENUE EAST.

Sponsors: Finney

Owner was given additional extension from Inspector Sean Westenhofer.

Withdrawn

Correction Orders

10 [RLH CO 15-34](#) Appeal of Larry Trebelhorn to a Correction Order at 700 JAMES AVENUE.

Sponsors: Thune

Larry Trebelhorn, owner, appeared.

Inspector Lisa Martin:

- Orders were issued Nov 5, 2015 by Inspector John Peter Ross
- this is a single family home and Mr. Trebelhorn has been using it as a duplex
- he has been using the property in this manner for the last 10 years
- there have been no complaints at the property
- in 2003 there's a building permit clearly stating that it's a single family home
- TISH done Oct 26, 2004 clearly indicates a single family home
- Jan 11, 2006 TISH showing it's a duplex
- no record of changing the status from a single family to a duplex

Mr. Trebelhorn:

- has lived there since 2006; it was finished as a duplex with a kitchen, etc. upstairs
- the previous owners kids lived up there; the owners had been there for about 40 years
- the tenant upstairs pays rent to Mr. Trebelhorn

Ms. Moermond:

- a relative living in that kind of circumstance is sometimes different from a tenant

Mr. Trebelhorn:

- soon after he moved in, he got a room mate because he was living there along and there was a lot of space
- we both benefit because I charge him minimal rent; we share utilities meters; there are no locked doors, although she can lock her bedroom door at night
- we work with 1 thermostat; no cars on the curb
- it's really no different than if my daughter was living at home as far as activity, etc.
- he would like to keep it with the stove and refrigerator upstairs because she went to school to be a chef; and many times, her mom will stay over in the winter and it's nice that they can cook their own meal; her mom lives up North; he'd like to keep it that way
- he has a brother who lives in Arizona so when he's gone down there, it's nice to have someone in the house (crime deterrent)
- if necessary, he will make the changes to conform to a roommate situation
- he is requesting to keep it the way it is
- there's a front stairway that both of us can enter to get into each of our living quarters
- on the back of the house, there's 2 separate entry ways; there's a stairway leading upstairs with a locked door at the top of the stairs that she could use; he uses his back entry to go to the garage; the stairs in the back were there when he bought the house
- it's a 100 year old house and the Pierces lived there for 40 years
- he talked with the neighbors and got signatures (he misunderstood what he needed to do); and either they didn't know the house was a duplex because it's so

inconspicuous or it didn't bother them whatsoever

Ms. Martin:

-there's no permit showing that there was another exit added to this home at any time

Ms. Moermond:

*-has mixed feelings about this; as a general rule, she's OK with a refrigerator in 2 parts of the house and she's usually OK with 2 stoves
-she is concerned here about the separation coming in the front and what that actually is between the 2 living areas; she wants to talk with the City Attorney's Office (Zoning Attorney) about this and ask him whether or not this needs to go before the Board of Zoning Appeals
-needs a 2nd set of eyes on this and photos of the separation
-either you get to keep this as is or you'll need to go to the Board of Zoning Appeals and ask for this to be a duplex; if you get turned down at the Bd of Zoning Appeals, we will need to re-negotiate what the separation looks like*

Mr. Trebelhorn:

-would rather not go through the process of making it a duplex; he would sooner make it conform to a roommate (take out the stove and refrigerator)

Ms. Moermond:

*-she is more concerned about the separation of the spaces than the appliances
-do we call this as the owner renting out a room in a single family home and that room is the locked space; or do we have an entire unit upstairs
-she is OK with a stove and refrigerator existing in 2 parts of the home; she is much more concerned about the separations and existing and how that functions in practice
-asked Ms. Martin to go out to look at the separations and door locks; photos
-will Lay this Over for 2 weeks to Dec 8, 2015 LH
-Ms. Martin will give you a call next week*

Layover so that Supervisor Lisa Martin can go out and take a 2nd look at the front entry way and take photos.

Laid Over to the Legislative Hearings due back on 12/8/2015

11 [RLH CO 15-33](#) Appeal of Mary Sulonteh to a Correction Order at 643 KENT STREET.

Sponsors: Thao

Mary Sulonteh, owner, appeared.

Supervisor Lisa Martin:

*-Nov 6 Correction Order sent
-sent to Bob & Mary Sulonteh, 643 Kent St and Occupant
-all vehicles must be correctly licensed, operable, secure from entry, parked on approved surface
-many vehicles in back yard on the grass, covered with tarps; can't tell if they're operable or not
-the driveway is small but nothing is parked on the driveway; vehicles are all parked in the yard*

Ms. Sulonteh:

*-her husband is in Africa; he will be shipping those cars to Africa once he comes back to the US in Jan 2016
-previously, he's shipped over 2 cars*

-those cars aren't parked in the driveway because all our cars go in and out of the driveway: mini van, Toyota Camry, Toyota Corolla, Ford 500, a Cobalt and a Mazda (her family uses those cars)

-she can't move the other cars because she doesn't have the keys for all of them; (doesn't have the keys for the brown one or the white one)

-there's really no where to park all of these cars

-they are thinking about expanding the driveway; husband works at Menards so he know how to do these types of things

Ms. Martin:

-the issue with the cars and junk goes back to Jun 8, 2011; same owners

Ms. Sulonteh:

-they always remove their junk from the yard

-they built a shed to put the lawn mower into, etc. but it's not big enough to store everything

-yard is fenced all the way around

Ms. Moermond:

-you can't park on the grass; you'll have to figure something out

-you want to wait until Jan to begin the process of shipping some cars to Africa

-you will have to find somewhere else to park because you can park only on an approved surface

Ms. Sulonteh:

-she asked the inspector how they are supposed to go about correcting this while she is waiting for her husband to return from Africa; he said to go and get some car covers to cover the cars and it would be fine; but that inspector left that area, so, when the new inspector came over a week later, he issued the Correction Order

Ms. Moermond:

-that is not correct what you were told about tarping

Ms. Martin:

-spoke with Inspector Westenhofer, who was the previous inspector at the site; he stated that he never said that tarping the vehicles was acceptable

-is there a home business here? Who's buying those vehicles?

-Jul 24, 2015 there's a Public ROW permit obstruction for an export shipping company, M&B Sulonteh

Ms. Sulonteh:

-no one buys the vehicles; husband uses them himself, his brother and his cousins

-2009, husband also went to Africa and he had a lot of problems with transportation and decided to bring his own car over, which he will leave for his brother

-that was the container that her husband used to ship the car; somebody delivered a container from CA (went online to find people that will provide a container to ship your stuff over there); we are not a shipping company

Ms. Moermond:

-you have to get the cars off the grass; she doesn't want the cars to freeze to the ground

-you don't have an approved parking surface; an approved surface would be asphalt, concrete or Class 5 gravel but first, you need to go to the Dept of Safety and Inspections (DSI) and have them review a parking plan for you - do a diagram of what you want for parking

-you need to get those cars moved to somewhere they can be parked

-Deadline will be Dec 18, 2015

Ms. Martin:

-she met Ms. Sulonteh at DSI to talk about zoning, a garage, etc; she will need to get a site plan for parking there and they will see what she can do with the measurements of this property

Ms. Moermond:

-you are going to have to solve this; those cars cannot be parked on that surface any more; if they aren't movable, that's another violation

-you can build a garage or get permission from DSI to build a shed

-approved surfaces include asphalt, concrete or Class 5 gravel; not grass

-the cars will need to be off the grass by Dec 18, 2015 or Code Enforcement will issue another Order if they aren't moved, which will order a tow; but if you are working with DSI and are moving toward having those plans together.....

Grant until December 18, 2015 to remove all the cars parked on the grass or a vehicle abatement order will be issued.

Referred to the City Council due back on 12/16/2015

12 [RLH CO 15-35](#)

Appeal of Sara Benner to a Correction Notice at 109 LEXINGTON PARKWAY NORTH.

Sponsors: Thao

Sara Benner, owner, appeared.

Supervisor Lisa Martin:

-original Orders were sent by Inspector John Ross Jun 18 for repairing the deteriorating front steps; a permit will be required

-spoke with Ms. Benner and her son and explained the importance of getting this taken care of ASAP

-photos

Ms. Benner:

-her plan is to get it done; she is the only one living in that house right now

-her issue is money

-knows that the steps are bad; is using a PO Box because she doesn't want anyone coming up those steps; any one who comes to visit comes in the side or the back, right now

-is appealing because if she keeps getting these fines, it's not helping her save enough to get the steps repaired

-she did get an estimate but it was about 5 years ago: \$1,000

-appealing to ask for more time

-her sons are strung out now trying to help her stay in the house; at one time there were six of us: 4 kids and 2 adults; her husband had a stroke and went to live at his mother's house with his sister and gave someone else control of the finances; the little bit of money she gets every month helps her pay for medication and food

-after her husband's stroke, she ended up with congestive heart failure and cancer surgery

-she intends to fix the repairs but she needs more time, like summer; we are going to get it done (letter attached)

Ms. Moermond:

-asked if she has looked for financial assistance; there's money available to help with rehabilitation projects for something like this through a community development

corporation

Ms. Benner:

-she would like to pay for what she can out of her own pocket but she may have to resort to that

-noted that she did not get the first letter on this; explained the mix-up with the mail - every letter with his name on it gets sent over to husband's sister's house first; then, some of it comes back to me (she doesn't like trying to explain why he does what he does)

Ms. Moermond:

-we're at that place right now; you got the Orders on it and you are getting charged for having too many inspections

Ms. Benner:

-please hold off charging us every 10 days or so until it gets done; it will get done; just need time

Ms. Martin:

-now, there's 2 Excessive Consumption fees at \$120 each

-Inspectors John Peter Ross and Westenhofer have been out there; no compliance since Jun and no contact with owner

-she contacted the Water Dept to contact Ms. Benner and she knows that Ms. Benner wants to get the steps done

-she would like to remove the EC fees if they got the steps done (one EC has gone to assessment)

-have also gotten tall grass/weeds complaints; we have winter coming up, too

-if we are out at your property more than 3 times in a year, you automatically get charged a fee

Ms. Moermond:

-we won't get a good cure on cement right now

-will grant until May 15, 2016 to come into compliance

-you need to get help and you can pay back the loan

-referred her to Neighbor Works

Grant until May 15, 2016 to repair or replace the steps.

Referred to the City Council due back on 12/16/2015

11:30 a.m. Hearings

Orders To Vacate, Condemnations and Revocations

- 13 [RLH VO 15-57](#) Appeal of Bee Vue to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 107 FRONT AVENUE.

Sponsors: Brendmoen

Steve Schmitz, owner of 111 Front Ave, appeared.

Mr. Schmitz:

-he thought that owners of 103 and 107 Front would also be here today

Ms. Moermond:

-right now, it looks like this retaining wall belongs to Bee Vue, 107 Front Ave; that's what the survey looked like

Mr. Schmitz:

-he didn't think it was his but then, he got this Order; he called Leanna Shaff

Ms. Vang:

-Mr. Vang submitted the survey but there was no drawing; he wanted the inspector to go back and locate the pins

Ms. Moermond:

-there should be pins or property markers

Mr. Schmitz:

-he was out there yesterday; he didn't see anything; but it just makes sense that it's not his wall; that wall is right against the house

Ms. Moermond:

-went thru photos with Mr. Schmitz; recently, orange caps were put on the pins; the pins should have been put in (if they did not put the pins in, we need to talk with Mr. Vue); we told Mr. Vue to get a survey but he simply sent it to a company that said, "We verified existing monuments and/or replaced them, as necessary at the end of all property lines); they did not do a drawing
-you'd need to find the pins and run a string from front to back

Mr. Schmitz:

-if he finds those pins,... and if it's not on my side, what do I do

Ms. Moermond:

-the wall needs to be fixed
-you guys need to sort that out; if it's his, he needs to fix it; if it's yours, you need to fix it; if it's on both, you need to work together

Mr. Schmitz:

-I'd rather wait until spring; now, it's too cold

Ms. Moermond:

-I agree
-I will go out to Jul 1, 2016 to either fix the wall or replace it
-hopefully, the markers on the property will answer the question right away
-if you want to get a survey, it's already been started by this company (she gave him a copy of what Mr. Vue submitted)

Grant until July 1, 2016 to repair or replace the retaining wall. Owners at 103, 107 and 111 can determine who the retaining wall belongs to by having a survey done.

Referred to the City Council due back on 1/20/2016

14 [RLH VO 15-62](#)

Appeal of Stavros Haidos to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 975 REANEY AVENUE.

Sponsors: Finney

Stavros Haidos, owner, appeared.

Fire Inspector Leanna Shaff:

-Fire Certificate of Occupancy Revocation & Order to Vacate

-Inspection done Oct 29, 2015 by Fire Inspector Efrayn Franquiz
-was a fire at unit 977 a couple of years ago that is yet to be addressed
-Appellant says he's received 2 re-inspections; the last time thru, he received 3 inspections; it's Fire's procedure to look at a typical 90-day compliance; the first inspection on this started Jun 16, 2015 so Oct 29 is way past the 90-day deadline; secondly, Unit 977 Unit 1 really needs to be addressed (photos)
-2 bldgs with 2 units in each bldg
-975 lower unit is not occupied; upper is occupied

Mr. Haidos:

-975 lower unit had been a Section 8 tenant and SPPD told him that he needed to have the 975 lower unit tenant out
-977 lower unit had fire damage in the kitchen; 977 upper unit is occupied (Section 8 inspected unit)
-problem: in previous inspections, when he got things done, they were no longer on the next list; however, with this inspector, it's been difficult getting things checked off; the way this has been dealt with is just not right
-each time he comes, he adds new things and the old things don't get checked off
-he's beginning to think that he'll never get it passed; this is very frustrating
-Oct 29 inspection - permit for toilet on 2nd floor
-975 Unit 2 kitchen: repair and maintain floor; new item; (never on previous lists)
-#3 kitchen: repair & maintain ceiling in approved manner; chipping & peeling paint; (there is no chipping & peeling paint in this kitchen; it's fixed)
-975 Unit 1 door: repair & maintain door-it needs to self close; (new item but it closes)
-#5 repair & replace upstairs west bedroom... (there's no west bedroom)... door trim missing; (the door trim is not missing on the south bedroom; this was done 2 inspections ago and is still on my list)
-repair & maintain upstairs bathroom door; door does not close properly; has hole in back side (it doesn't); then, he says, the repaired hole is not completely finished; sand and paint (he caulked the hole; it was small; now there's no hole there)
-new one: the door trim for the bathroom on 1st level is cracked and a piece is broken off (not on any other inspection)
-north bedroom: repair & scrape the chipping & peeling paint upstairs N. bedroom near door (it's done but inspection didn't quite like the paint job)
-#8 exterior door; new: repair & maintain window glass - it's missing; other panel, the glass is incomplete (those doors have not changed since the first inspection)
-after that from #10 down to #18 is all 977 Unit 1, the unit in which no one lives and no one has access to it; police officer told him that the reason he told the inspector to go after him on this was because he wanted him to get the tenant out of the 1st floor unit of 975; after he got that person out, the police officer said that the inspector should be more lenient on the landlord on this thing because he had taken care of what they wanted him to take care of
-#19 977 interior: repair & maintain the walls in appropriate manner (it's done - the attic)
-repair walls next to basement door (he did); the wall is incomplete and has openings in the side (it does not-it's fixed)
-repair hole in wall in hallway; (it's done but he left it)
-etc, etc. etc,,,,,
-he's very nit picky

Ms. Moermond:

-she, Ms. Shaff and Mr. Haidos reviewed the photos together, much of which is already done
-senses frustration
-needs another set of eyes on this and Supervisor/Inspector Shaff will do the

inspection; there still are plenty of things that are wrong
-her big concern is the space where there was a fire - Has it left walls & ceilings open
to make another fire spread more quickly?
-concerned about what has kept Mr. Haidos from getting the unit of the fire repaired

Ms. Shaff:

-re: fire - occupancy separation; is a bit concerned with health & sanitation with the
rest of the building - how that unit may compromise the rest of the building
-will take another set of eyes

Ms. Moermond:

-long term plans?
-this has the earmarks of owner walking away

Mr. Haidos:

-I'm not walking away; he intends to fix the unit that had the fire
-the eviction unit: he wasn't going to put another tenant in there while the C of O is
up in the air; wouldn't be fair to someone
-he spent a long time waiting for the insurance company; then, he's been getting bids;
it all takes time
-he is going thru a court process with the other tenants
-another Fire Inspector told him that they were pressing hard on him because he had
people in the building that the police don't want in there
-he intends to move into the building

Ms. Moermond:

-next inspection will be at 11 am, Nov 30, 2015 done by Supervisor Leanna Shaff and
Inspector Franquiz and we'll talk the following day, Tue Dec 1, 2015 at 11:30 am
-Ms. Shaff will check out the spaces, the fire separation between those spaces and
between the utilities in the basement, etc. and work thru the list to see what's done
and what's not
-C of O contact person is listed as Anastasia Haidos (his manager)

Layover to Dec 1, 2015 LH.

Laid Over to the Legislative Hearings due back on 12/1/2015

- 15** [RLH VO 15-63](#) Appeal of Carolina Ibarra to a Notice of Condemnation as Unfit for Human Habitation and Order to Vacate at 906 RUSSELL STREET.

Sponsors: Bostrom

Deny the appeal; no one appeared.

Referred to the City Council due back on 12/16/2015

1:30 p.m. Hearings

Fire Certificates of Occupancy

- 16** [RLH FCO 15-312](#) Appeal of Nicholas Brandt to a Re-Inspection Fire Certificate of Occupancy with Deficiencies at 923 BEECH STREET.

Sponsors: Finney

Nick Brandt appeared on behalf of Tyler Anderson, owner.

Fire Supervisor Leanna Shaff:

-Fire Certificate of Occupancy re-inspection conducted Oct 6, 2015 by Fire Inspector James Thomas

-#1 is being appeared

-children's bedroom escape window goes to the porch, not directly outside

Mr. Brandt:

-entered photos

-they removed the door of the porch immediately

-100 year old duplex; acquired it within the year

-willing to take additional measures

-he spoke with the family and they are OK with the situation

-2 bedrooms in each unit

Ms. Shaff:

-could either install an egress window (under permit) or open up the porch

Ms. Moermond:

-the escape window must go directly to the outside

-you can pop out all the windows on the porch; stop using that room for sleeping; or

install an egress window directly to the outside

Grant until March 20, 2016 to come into compliance with the room by 1) opening up the porch; or 2) stop using the room as a bedroom; or 3) install an approved egress window to go directly outside

Referred to the City Council due back on 12/16/2015

17 [RLH FCO
15-319](#)

Appeal of Judy E. Adams to a Fire Certificate of Occupancy Correction Notice at 705 JENKS AVENUE.

Sponsors: Bostrom

Grant the appeal. No hearing necessary.

Referred to the City Council due back on 12/16/2015

2:30 p.m. Hearings

Vacant Building Registrations

18 [RLH VO 15-61](#)

Appeal of John Schultz to a Notice of Condemnation as Unfit for Human Habitation and Order to Vacate at 1623 YORK AVENUE.

Sponsors: Bostrom

John Schultz, owner, and Attorney Marshall Lichty, EntrePartner Law Firm, appeared.

Inspector Matt Dornfeld:

-has an 11-19-15 Correction Notice issued by Jim Seeger

Ms. Moermond:

-we were trying to get this out of the VB Program and down to a Correction Notice

*-the inspector says that it probably doesn't need a full Code Compliance Inspection; it will be sufficient to get the Certificate of Occupancy re-instated
-will make a copy of the set of Orders (Nov 19 list) to keep you out of the VB Program; just take care of those items
(took another case in the meantime)*

*-now, you've got the list and have had a chance to review it
-will recommend you are out of the VB Program; repair the items on Mr. Seeger's list*

Mr. Lichty:

-he has 4 things on his agenda: 1) we have leave termination agreements from all 4 of their problem tenants; they are gone; they don't anticipate any problems with it; 2) we are in the process of working through some of these things; asking for a Dec 17, 2015 deadline rather than Dec 3; all are in process except some of the exterior items; 3) under #3, an electrical permit required; he understands that the electrical issues are merely capping wires; so, he asked for permission to waive the required permit; (Ms. Moermond: she can't waive that); and 4) ask for immediate occupancy because the place has been broken into and items stolen and there have been other break-ins around the neighborhood recently

Ms. Moermond:

*-she can recommend immediate occupancy but would like confirmation from Mr. Smith that the smoke detector issues have been taken care of
-the deadline of Dec 3 put in by Mr. Smith will be changed to Jan 15, 2016 for the repairs*

Mr. Dornfeld:

-to clarify, the VB file has been closed; we are allowing immediate occupancy pending confirmation of operable smoke detectors; Jan 15, 2016 deadline for completing Mr. Seeger's list and Inspector Smith will follow-up on that

Ms. Moermond:

*-for the electrical work - have any electrician apply for that permit; they can do it online
-make sure that the life safety issues are dealt with and function before Mr. Schultz moves in*

Mr. Lichty:

-from the break-in today, we don't know exactly what else needs to be repaired but we will work get it all repaired

Ms. Moermond:

-she doesn't have a fresh set of Orders that takes into account the break-in and what needs to be fixed; you have an experienced hand to take care of these things; allow the re-inspection to happen in Jan

Mr. Lichty:

-we will call Inspector Smith ASAP so that Mr. Schultz can move in as soon as he can

Mr. Schultz:

*-they pried open the egress window; he needs to buy a new one
-they also took a crow bar to the doors in the house; no wall is open
-he wants to get in there ASAP because there are 50 antique clocks in there that the thieves are taking*

Ms. Moermond:

-you will have to have the window installed before you move in

Mr. Dornfeld:

-he will look into which inspector may be available tomorrow; most inspectors are off tomorrow and if you don't get someone tomorrow, you'll have to wait until Mon; we could have a boarded window if the smoke detectors are working

Mr. Lichty:

-the smoke detectors are working at this moment

Ms. Moermond:

-provided them with a smoke detector affidavit to sign to be used in lieu of
-the inspector could be anyone who could drive by to see that the window has been boarded or replaced
-will grant immediate occupancy if the window is boarded and the smoke detector affidavit is signed

Grant appellant to be out of the VB Program; and grant immediate occupancy provided the broken egress window is boarded up immediately and a signed affidavit stating that all smoke detectors are working properly is submitted. Inspector will do a drive-by to make sure the window is boarded. NOTE: signed affidavit here attached to record.

Referred to the City Council due back on 12/16/2015

19 [RLH VBR](#)
[15-100](#)

Appeal of Ryan Piechowski to a Vacant Building Registration Fee Warning Letter at 918 JORDAN AVENUE.

Sponsors: Bostrom

Ryan Piechowski appeared.

Inspector Matt Dornfeld, Vacant Buildings:

-Category 2 Vacant Building file was opened by Inspector Dave Nelmark on Jun 18, 2015 per a referral from code enforcement
-notes documented that the gas and water was shut-off; front door kicked-in; roof shingles worn loose; cracks in stucco; retaining wall to garage leans toward driveway; rotting wood; peeling paint on windows, frames, porch and deck
-this file was here in front of LH officer Jul 29, 2015 per the previous owner, Sam Baker; he was given a 90-day Vacant Building fee waiver; we changed it to a Cat 1 to give him time to order a Certificate of Occupancy Inspection; during that time, no permits were pulled; the C of O inspection was not ordered and we had a change of ownership
-no TISH on file
-here to discuss the VB fee due Nov 30, 2015

Mr. Piechowski:

-he bought the house Oct 19, 2015, as he remembers
-no disclosure document was shared with him
-he was a Junior Lean Holder in a foreclosure sheriff's sale

Mr. Dornfeld:

-a Certificate of Occupancy Inspection was ordered per Mr. Piechowski by Maximize Properties

Mr. Piechowski:

-he is 100% sure that it will pass the inspection right away

-utilities are transferred; past due water bills are paid
-everything is in above average livable condition

Ms. Moermond:

-if you have your C of O by Jan 1, 2016, she will recommend that the VB fee is cut in half and there won't be a need for a code compliance inspection
-call right away to get the inspection scheduled: 651/266-8989
-Ms. Shaff will assign an inspector
-this can be expedited so it will occur sooner than later

If owner gets his Fire certificate of occupancy by January 1, 2016, legislative hearing officer will cut the VB fee in half.

Referred to the City Council due back on 12/16/2015

20 [RLH VBR
15-101](#)

Appeal of Charnell Hudson to a Vacant Building Registration Notice at 134 ELIZABETH STREET EAST.

Sponsors: Thune

Appeal granted; close VB Category 2 file. Inspector will confirm that all smoke detectors are operable (a permit is required for the one hard-wired smoke detector); the Order will be converted to a Code Enforcement Order in which a code enforcement inspector will be doing the follow-up. Layover to February 16, 2016 to further discuss deadline(s) for compliance if current tenant is still occupying the property.

Charnell Hudson, owner, appeared.

Ms. Moermond:

-noted that while you were the owner of this property (knows that she applied to Re-purchase), the County Tax Forfeited Lands folks are here and she wanted to talk to her as the occupant, not as the owner
-a long list of Orders were written from Fire Prevention and they weren't done by the deadline, so, you are being referred to the Vacant Buildings Program

Ms. Hudson:

-what happened was that the inspector came out; she was at home; he said that he knocked on the door but she did not hear him; so, she called him and left him a message because he hadn't answered; she said, "I know I had an 11:30 appointment; said you were going to come back out to look at the house; could you please give me a call because no one showed up." He called me back at 3:30 that afternoon and said, "Well, it's just going over to the Vacant Buildings Program because you weren't there." I said, "George, I was there; I'm on home confinement, so, I can't leave; I can only leave at certain times; I was there; I was upstairs cleaning." He say, "Well, I knocked on the door and since you weren't there for me to come in to re-inspect, I'm just sending it over to Vacant Buildings." I said, "I was there; you can come; I've been at home all day. He said, "Well, it's out of my hands now." He was not very pleasant; so, I went down there and spoke with Chris and told her what had happened

Fire Inspector Leanna Shaff:

-reminded Ms. Moermond that inspectors are in the office for only 1 1/2 hours in the morning and about 1 hour in the afternoon; otherwise, they are out on inspections
-read Inspector Niemeyer's notes: on 11-2-15, he attempted to conduct the re-inspection; no responsible party present; was unable to gain entry; I knocked several times on the front door but there was no answer; when I returned to the

office, I had a voice mail from the tenant who asked if I was going to make the re-inspection; I returned her call and let her know that I was at the property, knocked several times but no one came to the door; I also let her know that the building was now being transferred to Vacant Buildings, Category 2 and it was unlawful for her to live at the property; I explained to her that she still did have the right to appeal the VB status, if she wished; I let her know where to find the appeal info on the previous letters that were mailed to her that she confirmed to have received

Inspector Matt Dornfeld:

-Inspector Niemeyer's notes go back to early Aug: "I'm trying to contact the tenant; having difficulty arranging times to meet; returning phone calls, etc; to summarize, it portrays the difficulty in getting a hold of the tenant

-we opened a Cat 2 VB file due to the Certificate of Occupancy Revocation that documented numerous code violations

Ms. Hudson:

-she is looking to stay in the property; the code violations don't include life-safety issues; they're: a light cover; extension cords; handle on windows; cleaning; and maintaining the doors; patching screens, etc; she told Mr. Niemeyer that she just recently got out of prison so, she was staying in a half-way house so, it was hard for her to get back and forth over to the house because it had to be approved; now, me and my children are actually staying in the unit and she is going thru a Repurchase process--and I explained to him that there was a reason that she was behind on her taxes; she was in prison for 3 years; she was making 12 cents an hour; she got out Jun 1 and as soon as she got back in the house, she started to paint; then, he sent me an extension form showing some of the things that they were going to check; so, I went out and purchased a lot of things on the list to fix up the house; minor things; some items were on the exterior like chipped paint; chain link fence loose in certain spots; trees that we had cut down in the back that needed to be moved
-we have no where else to go; she is working very hard to try to get her house back
-she got a job right away and putting money back into the house
-she needed to come up with \$2700 for a Confession of Judgment and there was no way that she could come up with that money; she's making \$9.50/hour

Ms. Moermond:

-a lot of the list is pretty straightforward
-the fuel burning equipment test

Ms. Hudson:

-she had Safe Haven come out (for low income families) a month ago; they put all new fire smoke detectors in and CO detectors; and the inspector still had that on the list; Safe Haven came back and put more in

Ms. Moermond:

-she doesn't know what the County Board is going to do with her application but she wants her to have an opportunity to work thru this
-the hard wired smoke detector was removed and replaced by a battery-operated one

Ms. Hudson:

-yes, the Fire Dept came out and they put new smoke detectors in each bedroom and on each outside of the bedroom doors
-she has met Chris Kujala, County Tax Forfeited Lands

Ms. Kujala:

-wants to clarify a few things:
-while this is in the Repurchase process, the State of MN has title to the property;

Ramsey County is managing it and therefore, we have instructed Ms. Hudson that she is not authorized to make any repairs to the property (because we can't guarantee that she will receive this property back thru the Repurchase process); so, right now, with this list of deficiencies hanging over her head for a C of O, which I'm having a little bit of a hard time wrapping my head around; why is there a C of O on a property that was originally owned by her, occupied by her; and now, she became a holdover occupant thru the forfeiture process.....

Ms. Moermond:

...should this be an owner-occupied property for purposes of inspection; is that where you're going?

Ms. Kujala:

*-that is where I'm going... and so, I'm confused on that part of it; I need some clarification on that; so, I could not explain that to her either when she came down; I'm concerned about Mr. Niemeyer's conversations with her
-it seemed like everything really started the ball rolling and here we are today with the Notice to Vacate and the Condemnation Order
-the Repurchase had been returned; haven't yet gotten a certified copy; most likely it will be going to the county board at their first official meeting in Jan unless it's expedited for their last meeting in Dec*

Ms. Moermond:

*-asked if the county would be willing to do a hardwired smoke detector; Ms. Kujala said, "Yes" (permit needs to be pulled for that)
-that one is of the most concern to her; the rest of these things can be figured out in a work plan for the future
-we'll have a much better idea about things in Jan
-thinks that Ms. Kujala is right; there's a really good question about whether or not this should be considered an owner-occupied property for purposes of inspection; that won't make much difference for the list we're looking at now; it does make a difference in terms of the electrical work that was done in the bathroom and whether or not a permit is required*

Ms. Kujala:

-all of that needs to be explained to Ms. Hudson; what it all means and where we're at; where we're going to go and how do we get this all resolved that she can continue to occupy the property if it's returned to her from the county board so that she has a place for her and her children

Ms. Moermond:

-I was one of a couple of people who reviewed that application for a Council recommendation to the county board; and what the city looks at in terms of developing it's recommendation for the county would be the last 5 years of code enforcement activities and the last 5 years of police activity at the property; it was really noteworthy for her that since Ms. Hudson was out of prison and for the entire year, we haven't had issues; prior to that there had been a ton of issues at this property; Ms. Hudson seems to be turning that around and she really wants to note that she is giving her credit for that; it's not something that we can officially deal with when we talk to the county about the history of code enforcement and the history of police activity because it was bad but this past period of time has been OK, so maybe that's something that Ms. Kujala could relay when reviewing the report

Ms. Shaff:

-Mr. Niemeyer is not a bad guy; he's been talking and working with a person at the county a lot; and he's been doing everything in his power to help Ms. Hudson

Ms. Hudson:

-the way he spoke to me was downgrading; and she tried to explain to him that she did have some mental health issues so sometimes things have to be explained; she also explained that when she was at the half way house, she was only allowed to go out at certain times and it had to be approved; she wrote things down; had it on the calendar; spoke with Ramsey County and she knew what part she had; she was there at 11:30 and she wasn't going to leave; that's why she called him 20 minutes later because he's usually prompt; the conversation with him on the phone --- I felt very belittled and she was so upset that she called her case manager at Ramsey County and she just broke down; she was just in pieces; she apologized to Ms. Kujala

Ms. Moermond:

-Ms. Vang just whispered in her ear that the city did not recommend in Ms. Hudson's favor for Repurchase, which was because of the 5 year history; she wants to be clear that the minutes of hearing are clear: the history has been good since she's been back, which is noteworthy; that is for the county's consideration
-she asked that these Orders be converted to code enforcement Orders
-will LAY this OVER to Feb 16, 2016 LH

Laid Over to the Legislative Hearings due back on 2/16/2016

21 [RLH VBR
15-102](#)

Appeal of Gerald Chapman to a Vacant Building Registration Requirement at 1282 MINNEHAHA AVENUE WEST.

Sponsors: Stark

Gerald Chapman and his wife, owners, appeared.

Fire Supervisor Leanna Shaff:

-this was before LH and the City Council back in the summer and fall of 2014 when it was Ordered that the house be Vacated, which did happen; she sent it on the VB Oct 3, 2014; however, it appears that the VB file did not get opened until now
-she remembers speaking with Mr. Chapman about 1 year ago
-it looks as though Mr. Chapman has permits to work on the house; so, she's not opposed if Mr. Dornfeld's not opposed to letting him to continue to work on it (Mr. Dornfeld: -he is not opposed)

Ms. Moermond:

-this is a Category 2 Registered Vacant Building, that recently joined the program (delayed for whatever reason)
-there's was kind of a big list of things that needed to be taken care of

Mr. Dornfeld:

-it was transferred to us again a year later and we then followed through and opened a Cat 2 VB
-the referrals come via email and occasionally, one will get lost

Mr. Chapman:

-brought up photos for Ms. Moermond to review
-exterior problems are all taken care of
-the wiring on the interior is being taken care of right now
-deferred maintenance has been taken care of
-it is owner-occupied right now

Ms. Moermond:

-will treat this as though it were a Cat 1 registered VB; therefore, turnkey and because it's owner-occupied, we can convert the Orders into Correction Orders to be done by code enforcement

-Mr. Chapman will be out of the VB program; you don't have a fee

-code enforcement officers, who deal with owner-occupied homes, will follow up on the Fire Orders; they will cross off the items on the list that are done and give you a fresh list; if those deadlines don't work for you, you can file an appeal and we can talk about longer deadlines

Mr. Dornfeld:

-suggested that someone from code go in and do a checklist from the Condemnation list of Sep 18, 2014 to see if anything is leftover

-provided Mr. Chapman with the Sep 18, 2014 list

-we'll get things straightened out

Grant to be out of the VB Program; change to VB1, Code Enforcement inspector to follow-up on the Fire Inspection condemnation back in Sept 2014 and see if anything changes from the list.

Referred to the City Council due back on 12/16/2015