



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final

Legislative Hearings

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Tuesday, March 25, 2025

9:00 AM

Room 330 City Hall & Court House/Remote

10:00 a.m. Hearings

Making Finding on Nuisance Abatements

- 1 [RLH RR 25-8](#) Second Making finding on the appealed substantial abatement ordered for 594 BRUNSON AVENUE in Council File RLH RR 24-31.

Sponsors: Noecker

Layover to LH April 8, 2025 at 10 am. Recommendation forthcoming. (CPH April 16).

Elizabeth Sibbet, owner, appeared via phone

Moermond: we're talking about progress on this property and whether an extension is warranted.

Staff update by Supervisor James Hoffman: right now, we have one open building permit from August 2024 and active plumbing permit from March 18, 2025. The report from Inspector Zane on progress is 5% complete, just starting demo.

Moermond: no rough-ins on the permits?

Hoffman: correct.

Sibbet: I was told a magical permit was pulled in the last couple weeks. It is a lot farther than 5%. A lot of demo is completed to even have the plumbing and electrical put in. \$10,000 in dumpsters and I've paid both the plumber and electrician. Plumber was starting this week now that demo is ready. I think it is a lot farther than 5%, plumber says 10 days to be done with the plumbing. The electrician needs two weeks. Financially it has been hard having the money tied up because then I don't have the money for food and household expenses so I've been struggling. Almost \$180,000 for this property, not that much more to pay the 2/3rds remaining to contractors.

Moermond: I have no evidence of any of these things. There is a paragraph in the letter sent February 26 indicating you needed to reach out to Inspector Zane for a progress inspection. I'm guessing he was basing his assessment off the permit situation. All of the deadlines you committed to last year to get the extension time haven't been met. I'm concerned about your ability to execute the project. I don't know how seriously I should take any future information you submit because we've had two that have been

completely inaccurate in terms of executing them. At the percent of progress you are at I'm recommending the Council forfeit the Performance Deposit or demo. It isn't a good situation. It has been a year and a half, 2 permits pulled and no rough ins. It is a bad situation.

Sibbet: Clint met with a different contractor and didn't want to go inside because it was so dusty but there were more than 10 people onsite when he was there. He talked to one of the three licensed contractors. He saw the most recent dumpster is half full. I think this has been financially devastating and causing relapsing of my eating disorder and it has been financially devastating the last four years. I need to get it done. I have the two contractors onsite, the other is in Florida not being helpful. Even if it is only 90 days. I can call back today and have the electrician call, he said he pulled a permit and was ready to go.

Moermond: filling a dumpster is great. What you wrote in your work plan was the demo work was done at the time it was submitted, September last year. Now I'm hearing it wasn't done but you're six months behind what you intended.

Sibbet: the decks were all demoed. I didn't know the plumber and electrician needed the demo on the walls and ceiling of main floor. We'd already done demo of kitchen, bathroom and deck. Someone had stripped all the electric so it is so much more expensive than when I bought it and everything was functional. That's why they had to tear down what was there.

Moermond: when did you purchase it?

Sibbet: I think almost four years ago. I also spent \$4,000 taking a tree down the City required.

Moermond: I understand this has been financially difficult but I don't see a plan forward unless something looks really different in the plans moving forward. I have a really low level of faith in your ability to execute, and that's what my report to the Council will be. I'm not inclined to recommend an extension. You're welcome to bring your own plan to them. If they do grant an extension I would recommend part or all of your Performance Deposit is forfeit. If I were you I would be looking at putting together a really solid work plan with solid bids, solid financials, good explanations of where the money has come and gone and a pathway forward to get it done that's "trustable". I will take another look before the Council Public Hearing April 16 so if you submit materials I have reviewed them. We'll do that April 8th. We can talk again to see if what has been submitted has been persuasive.

Sibbet: I have current loans of \$150,000, I don't know if they refund some of what I've paid. Do I pay for the demo costs?

Moermond: if the City does the demo, it includes reseeded the site and any hazardous material remediation.

Hoffman: between \$20,000 and \$40,000 and then depends on asbestos and MSW.

Moermond: we'll talk more in a couple of weeks.

Laid Over to the Legislative Hearings due back on 4/8/2025

11:00 a.m. Hearings

Summary & Vehicle Abatement Orders

- 2 **RLH SAO** Appeal of Peter Middlecamp to a Summary Abatement Order at 1997
 25-25 FIFTH STREET EAST.

Sponsors: Johnson

Deny the appeal noting the nuisance has been abated.

Moermond: this was a Summary Abatement Order and my understanding is there is now compliance with the order, confirmed by the inspector and owner, therefore will recommend the Council deny the appeal noting it is now in compliance.

Referred to the City Council due back on 4/9/2025

1:00 p.m. Hearings**Vacant Building Registrations**

- 3 **RLH VBR** Appeal of Remi Iselewa to a Vacant Building Registration Requirement
 25-16 at 981 UNIVERSITY AVENUE WEST.

Sponsors: Bowie

Deny the appeal and waive the VB fee for 90 days (to June 9, 2025).

Remi Iselewa, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Matt Dornfeld: this was made a Category 2 Vacant Building March 9, 2022. Currently we have a demo permit on file, the building has been demolished but the hole has not been filled or cleaned up. There are submitted plans for a new building to plan review on file. The Vacant Building department is willing to monitor this until the site is cleaned up at that point we would close our Vacant Building fee. The Vacant Building fee is past due as of March 9, 2025 for the 2025 – 2026 year.

Iselewa: I purchased the building February 29, 2024. After closing, on the March 11 they sent me a Vacant Building assessment. I'd just purchased 11 days earlier and wasn't aware of the fee. I reached out and they said there was no Vacant Building fee assessed at time of closing. I spoke with Robert Humphrey at Department of Safety & Inspections and he said they could waive the fee if they demolished the building. I bought the land to develop it into something different. Finally, we are able to get that going. The building was down February 26, so I called Mai. They should have had the seller pay this money, not me.

Moermond: what are you looking for today?

Iselewa: the building isn't there anymore. If the City wants that money they need to collect it from the owner who owned for 2022 to 2024.

Moermond: you bought a building in the Vacant Building program. The Vacant Building fee was not a pending assessment at the time of closing, and the seller did have the notice of the renewal fee 3 weeks earlier. They should have disclosed it, but it isn't up to the City to enforce terms of your private transaction. The debts go with the building. That's water under the bridge. Right now, I'm looking at fee covering March 9, 2025 through March 8, 2026. I do see a building down and a site with a hole and some rubble, what I'm thinking is you need to finish the demo. We just need the site cleaned up and the in a state the permit can be closed. I don't see a reason to recommend you pay the fee, I'm going to ask the Council if they could waive the Vacant Building fee for 90 days (to June 8, 2025). So, no fee if demo is complete by then. I think it should work out that you have absolutely no fee.

Referred to the City Council due back on 4/9/2025

2:00 p.m. Hearings

Fire Certificates of Occupancy

- 4 RLH FCO 25-13** Appeal of Gary Blair to a Correction Notice-Reinspection Complaint at 1771 REANEY AVENUE.

Sponsors: Johnson

Grant to September 1, 2025 for compliance with the exception of the deadline for the northwestern-most post of the deck that will be based on recommendation from your engineer's report that is to be submitted no later than April 28, 2025.

*Gary Blair
Robert Blair*

Staff update by Supervisor Leanna Shaff: last time we were here there was some disagreement as to the condition of the rear deck and stairs. Mr. Blair supplied things from a contractor that says it was fine. The City disagrees. We talked about having a City engineer looking at it. We were also talking about the retaining walls which are past their useful life. The wall is tall enough, including the amount of soil it is holding, it would require a permit.

Moermond: first let's talk about where you both are at with the retaining wall.

Gary Blair: last time you were here you told us we would have the summer to correct that. Some of the gaps you are referring to, if you look closely you can see they have been filled. With expansion and contraction a lot of new ones appear. There is fill used for that. We need to refill or replace as needed so that they are safe. I agree we don't want deep trenches in it by any means on it.

Moermond: at some point it isn't a structural correction to do filler, you need to just replace. I'm not seeing the stairs ordered specifically, I see the wall called out in the orders.

Shaff: stairs, walls...

Moermond: walls are different than stairs though. Stairs are egress. Wall holds up dirt. My current recommendation is to September 1, 2025 for the retaining wall. Given the

stairs aren't called specifically, I think maybe in the next round for your Certificate of Occupancy you'll be looking at having a more permanent fix. Replacement of the stairs at that juncture.

Next we're talking about the decking and the steps and hangers there. Ms. Shaff, you talked about the arsenate?

Shaff: yes, at that time wood was treated with arsenate which didn't react well with galvanized hangers. They get rust, rust. There is a lot of wood deterioration.

Moermond: the orders themselves call out specifically "replace the unsafe" northwestern most post is twisting out of place and is not properly secured to decking. Fasteners are beginning to deteriorate from rust. However, a fair bit of our conversation had to do with the boards and the decking also. I wanted to round that conversation out. Your orders only talk about the connections?

Shaff: it does reference St. Paul Legislative code talking about repair or replacing unsafe stairways, porches, decks, and railings. It does require a permit. Those are just some of the things we are seeing, the things cited specifically in the letter. We did talk a great deal about the nails last week. Mr. Blair talked about they refastened the stairs but we do see other things and we don't necessarily write every piece. You can see from the photos where the stringers are splitting right under the run on the stairs.

Moermond: I haven't been able to get a building inspector out to take a look at this. I don't think we can fly with your contractor's statement on the twisting. We need a building inspector to sign off on the Fire Certificate of Occupancy orders and say they would call it the same way. I'm inclined to grant an extension to come into compliance with these and exactly what that would look like, I don't know. Some repair needs to be done and one thing that really struck me in our last conversation is you spoke repeatedly about the maintenance efforts you take with those stairs. It seemed to be taking care of the nails so they weren't sticking out and then power washing. Tell me more about that power washing situation.

Gary Blair: because of the way the house is positioned, it gets a lot of shade so you have the typical thing where the wood gets darker from the elements. I clean it each year. If it gets slippery its never on the stairs, its only on the decking in the corner where the tree shades it. Nothing on the side, only the back. Nothing on the top deck, that's just on the middle deck. There is no traffic along there. To keep it looking nice I do the whole thing. I've hired it done and done it myself. The deck looks good if you look at the pictures.

Moermond: tell me about the power washing. Are you using any chemicals? Soaps? Just water?

Gary Blair: it is a compressor and I just use water. Soap isn't necessary.

Moermond: that is treated lumber?

Gary Blair: yes.

Moermond: my understanding is power washing does compromise of the treatment of the lumber to make it weather resistant over time. What you gain from using treated lumber deteriorates over time with the power washing and that would explain some of the cracking and splitting we see. It needs to be resealed right away after power

washing in order to maintain some of that. Doesn't look like that has happened. What would have been a particular kind of construction element looks different now, this many years later. I struggled with some of the discussion about how it was the same as when it was built; I think that especially the means of cleaning it is NOT the same as when built and likely deteriorated at a faster rate than otherwise it would have. The recommended way for cleaning treated lumber is soapy water and a scrub brush. I am concerned when I see the splits in the lumber and hear how it's been cleaned over time, it isn't the same.

Shaff: I pressure wash my own deck, but then I reseal it. Pressure washing does remove some of the fibers. Things get wet, old, dried old, split. That happens. The permit history shows this deck is a few decades old. There's going to be issues.

Robert Blair: it isn't that it hasn't been sealed throughout the years, it has been. As far as what happens with treated woods, it certainly depends on the type of treatment. Some are soaked, I don't know the specifics of the woods purchased. If it is a coating, sure it is easily removed. I know these were green treated lumber.

Gary Blair: there is no rotting whatsoever, but yes there is some splitting. Just like on your deck at home.

Shaff: right, there's age and some other maintenance that needs to be happening.

Gary Blair: the house itself is over 100 years old but you don't tear the house down because of that. Same thing with the deck, you do needed repairs. It isn't like it was when it was new, it does require maintenance.

Moermond: no question about that. There are points where there need to be significant repairs, it depends on what it is. And there are also points where repair doesn't work anymore. It seems to me the cracking and splitting of the wood compromises its integrity in the long run. Fasteners and boards need replacement. I think we're getting to the point where that needs to happen. I think the order was more generally written, but these issues do need to be dealt with, if not now, then in the fullness of time certainly.

Shaff: as I am scrolling through the photos from November 13, I'm seeing some suspect places. It isn't for us to point out every specific place. It does say in the order to "repair or maintain or replace." That would be for Mr. Blair and his contractor to analyze and decide. It looks like dry rot.

[pictures taken December 30th are shown on screen and reviewed]

Moermond: Ms. Shaff was zooming in on a photo showing the connection to the house itself.

Shaff: right on the stringer there. I'm not sure why that cut out is on the side of the house.

Gary Blair: oh, that's on the side stairs.

Shaff: it looks like rot there, possibly dry rot.

Moermond: I see the stringer there supporting the step does look to be on a diagonal, maybe a half an inch is in contact with the step itself, but there's a piece broken off

from the stringer.

Gary Blair: the stringer isn't rotten. It is split a bit, but it isn't rotten.

Moermond: it doesn't look like a whole piece.

Gary Blair: I'll tell you what, I will buy you lunch if it's rotten.

Shaff: no, thank you.

Gary Blair: I guarantee it isn't rotten and if it is we're talking about one spot.

Moermond: and that's fine.

Shaff: there are multiple spots.

Robert Blair: we can certainly take care of that.

Shaff: I'd like to make it quite clear we are not going to go out and point out every spot that is a concern. That's Mr. Blair's responsibility.

Moermond: understood, I was trying to show examples for the statement about rotting.

Robert Blair: this is a different staircase from what we were discussing earlier. This is something new. Not part of the one in question earlier.

Moermond: the post is in the written orders, then the general language in the order itself, number one, says "ALL". I would really love to see some cleaner language though. The only specifics are the northwestern-most post. "it was observed that" ...doesn't need to be every spot.

Shaff: it has been quite some time since I've been out there.

Moermond: I think you can do it by looking at photos and doing revisions based on that, clearing up the language.

Shaff: would that be part of a building inspector's general notes?

Moermond: we can ask that, yes. You work with them to have those notes incorporated into your orders. The building inspector won't issue orders without a permit.

I think there are things that can be done to the stairs that are reasonable to ask for. It isn't a big deal to replace a bracket here and there. A single board isn't a big deal. I've got you guys coming in saying "no, its not" but I'm seeing things that say yes, it is. I can't expect an inspector to go out with tape for an hour and mark every little area that needs to be addressed. I think it is reasonable to say to you, could you go through it closely and look at what YOU see. Ms. Zimny will make sure you have all sets of photos so you know what they were seeing and what they thought was worth taking a photo of. If I were you I would be doing that. We came up with a deadline of September 1 for compliance with orders on the retaining wall. I'm feeling comfortable with the same deadline on these, BUT FOR the post that is turning. I do need an official engineer to make that call. I'm not that person. I would definitely be looking at a reasonable timeline to deal with it if it does need to be handled. That post is the one thing left from our original discussion.

I'm going to restate my request with the Department and get this fast-tracked, or try to with staffing capacity

Gary Blair: the first set of orders we had, we can go through and correct what we see without someone holding our hand. Then we won't cause additional work on your end. We know we have to do stuff. We want it safe, absolutely. Within reason we should be able to do that.

Robert Blair: we are in the construction industry dealing with floors and things so we see a lot of different things. I agree with Gary, we can certainly go through it and isolate things.

Moermond: I will hold off on the resolution until we have a clear answer, we will reiterate and get this buttoned up. If you have a different opinion than the Building Official on this the only way to deal with that is a building code appeal, first to the building official and then to the State of MN. Meaning, I am not involved.

Robert Blair: it may be easier logistically to just hire our own engineer.

Moermond: what's a reasonable deadline for that?

Robert Blair: I haven't reached out to anyone, so I don't know a timeline. I know how long it takes us to find people. I'd think 3 to 4 weeks at most. I just don't know.

Moermond: how does April 25th work? A month out to get that opinion in.

Robert Blair: can we push it to the next Monday?

Moermond: sure, April 28th and if the engineer says it needs to be taken care of we'll go with a timeline he recommends. This is a singular element I wouldn't think its an involved conversation. I look forward to seeing those front steps replaced.

Referred to the City Council due back on 4/9/2025

**5 RLH FCO
25-16**

Appeal of Michael Frattalone, dba Frattalone I, LLC, to a Fire Certificate of Occupancy Correction Notice at 2286 COMO AVENUE.

Deny the appeal noting that the property is now in compliance with Fire C of O orders.

Moermond: we got an email from Inspector Imbertson and what happened?

Shaff: Inspector Thomas was there and able to abate all the deficiencies when he went to take photos.

Moermond: deny the appeal noting that there is compliance.

Referred to the City Council due back on 4/9/2025