



# City of Saint Paul

15 West Kellogg Blvd.  
Saint Paul, MN 55102

## Minutes - Final Legislative Hearings

*Marcia Moermond, Legislative Hearing Officer*  
*Mai Vang, Hearing Coordinator*  
*Jean Birkholz, Hearing Secretary*  
*Mary Erickson, Hearing Secretary*  
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Tuesday, November 22, 2011

9:00 AM

Room 330 City Hall & Court House

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### 9:00 a.m. Hearings

#### Remove/Repair Orders

- 1      **RLH OA 11-12**      Making recommendation to Ramsey County on the application of Steve McCluskey on behalf of McCluskey-Stoll Inverstments LLC, for repurchase of tax forfeited property at 1595 VAN BUREN AVENUE.

Sponsors:      Stark

*Allow application for repurchase of the property.*

*RE: 1595 Van Buren Ave (three/four family)*

*Repurchase of tax forfeited property*

*Steve Magner, Vacant Buildings:*

- property has a Certificate of Occupancy*
- don't seem to be any major issues*
- it was his understanding that Appellant is claiming that Ramsey County either did not send his tax bill or sent it to the wrong address*
- recently, there was issue with zoning - parking in the back, which will be resolved*

*Ms. Moermond:*

- read: He preferred to pay his taxes online; didn't bother with the fact that he wasn't receiving paper bills. When the property taxes payable in 2009 went unpaid, the property became subject to forfeiture. Mr. McCluskey did not know this since he was not receiving any notifications from the tax department due to the incorrect mailing address on file. He was not aware of the actual forfeiture until he tried to make an on-line payment and his money was returned. It says he has the money in the bank, he can pay it in full.*

- will recommend that the county allow for re-purchase of this property*

**Referred to the City Council due back on 12/21/2011**

- 2      **RLH OA 11-17**      Making recommendation to Ramsey County on the application of Nhia Xiong Vang for repurchase of tax forfeited property at 781 SEVENTH STREET EAST.

Sponsors:      Lantry

*Recommendation is forthcoming.*

*RE: 781 7th St E (grocery/ convenience)*

*Repurchase of tax forfeited property.*

*Steve Magner, Vacant Buildings:*

- spoke with C of O inspector and there are some minor issues but the front store is not in operation any more; it's vacant*
- apparently, owner owes \$30,000 and her plan to come with that amount is dependent upon her children coming and they re-open the store altogether and they earn the money to pay it off over time*
- because the store has been shut down, the Department of Safety and Inspections (DSI) would need them to have the property re-inspected for use because the C of O is only for the residential part*
- opening up the store most likely would incur more expenses*

*Ms. Moermond:*

- is comfortable with allowing Ramsey County to make the call on the finances without any advice from the city on this*
- recommendation is forthcoming*

**Referred to the City Council due back on 12/21/2011**

- 3      RLH OA 11-18**      Making recommendation to Ramsey County on the application of Emilia & Modesto E Reyes for repurchase of tax forfeited property at 446 ROBERT STREET SOUTH.

**Sponsors:**      Thune

*Deny the application for repurchase of the property.*

*RE: 446 Robert St S (vacant lot)*

*Repurchase of tax forfeited property*

*Steve Magner, Vacant Buildings:*

- vacant lot - this is an unapproved vacant lot and it's unapproved for parking*
- 2 weeks ago after the hearing and subsequently as he's driven by this property, he has seen cars parked on this parcel*
- in Aug 2010, we issued a letter to owner saying that parking on this vacant lot was not permitted; parking is not permitted on unapproved area; parking on vacant lot must cease immediately. If you'd like to have a parking lot (the steps are listed)*
- that letter went to Emilio and Modesto Reyes*
- the Department of Safety and Inspections (DSI) has an issue with the illegal use of this lot by this party and since they have made no attempt to bring this property into compliance, DSI's recommendation is to not allow the repurchase of this property*

*Ms. Moermond:*

- the lack of maintenance has led to 5 police calls during 2011 - within that are calls for:*
  - an assist call*
  - drugs*
  - possession of marijuana*
  - graffiti*
  - domestic*
  - disturbance*

- will recommend that Ramsey County not allow for repurchase of this property

**Referred to the City Council due back on 12/21/2011**

- 4      **RLH OA 11-27**      Making recommendation to Ramsey County on the application of Rayford Dixon, Attorney-in-Fact, on behalf of Luther Whitehead and Dorothy Dixon for repurchase of tax forfeited property at 758 CHARLES AVENUE.

**Sponsors:**      Carter III

*Deny the application for repurchase of the property.*

*RE: 758 Charles Ave (duplex)*

*Repurchase of tax forfeited property*

*Ms. Moermond:*

- delinquent taxes: \$12,600
- Mr. Whitehead had previously entered into a Confession of Judgment agreeing to pay the delinquent amount; he defaulted
- Note: for this property, there is a very, very extensive history of police calls

*Steve Magner, Vacant Buildings:*

- expanded on the list of police calls: weapons, fights, criminal damage to property, drugs, narcotics (2011); disturbance, burglary, forced entrance, drunkenness, etc.
- most recent complaint: trash in back, garbage, possibly no water upstairs, truck in back partially in alley,
- Parks Work Order in Feb 2011 for trash bags piled up
- 2010 was full of complaints about tall grass and weeds, water shut-offs, C of O issues, snow walk,
- 2009 - needed garbage hauler
- clear candidate for DSI not recommending to allow for repurchase

*Ms. Moermond:*

- Note in application for repurchase: Mr. Whitehead is suffering from dementia and that has led to some of the problems
- will recommend Ramsey County not allow for repurchase of this property

**Referred to the City Council due back on 12/21/2011**

- 5      **RLH OA 11-25**      Making recommendation to Ramsey County on the application of Rayford Dixon, Attorney-in-Fact, on behalf of Luther Whitehead and Dorothy Dixon,] for repurchase of tax forfeited property at 653 MARSHALL AVENUE.

**Sponsors:**      Carter III

*Deny the application for repurchase of the property.*

**Referred to the City Council due back on 12/21/2011**

- 6      **RLH OA 11-26**      Making recommendation to Ramsey County on the application of Rayford Dixon, Attorney-in-Fact, on behalf on Luther Whitehead and Dorothy Dixon, for repurchase of tax forfeited property at 640 CENTRAL AVENUE WEST.

**Sponsors:**      Carter III

*Deny the application for repurchase of the property.*

**Referred to the City Council due back on 12/21/2011**

- 7 [RLH RR 11-61](#) Ordering the razing and removal of the structures at 499 LYNNHURST AVENUE WEST within fifteen (15) days after the October 5, 2011 City Council public hearing. (Public hearing continued from November 2, 2011; to be referred back to Legislative Hearing on January 10, 2012 and City Council public hearing on January 18, 2012)

**Sponsors:** Stark

*To be referred back to Legislative Hearing on January 10, 2012. In the meantime, the following conditions must be met:*

- 1) a vacant building registration form must be completed;*
- 2) have a survey ordered and conducted; if garage falls on 2 separate parcels, she will need to see a plan to straighten that out (easement, removal of garage, etc.);*
- 3) pay the vacant building fee; and*
- 4) submit subcontractor bids for the demolition of the rear additions.*

*If the conditions are met, Ms. Moermond will recommend continuing the matter to develop a plan.*

*RE: 499 Lynnhurst Ave (duplex)*

*Sarah Adam, Reiter & Schiller, Attorneys at Law, appeared.*

*Ms. Moermond:*

- no one showed up at originally at the Legislative Hearing*
- when it went to Council Oct 5, 2011, a woman showed up; she was a realtor from Madison, WI; she was interested in acquiring the property; so, the CC laid it over for 1 month so she could get some plans together and talk with the bank; it was explained to her that it was impossible for her to acquire the bldg until the nuisance condition had been abated; she was going to find out if there was a way that she could do the work on behalf of the lender and acquire title afterwards*
- she hasn't heard from that woman since*
- the layover gave a chance for the lending institution to wake up to the fact that this was going on; they decided it was a great asset and they wanted a chance to figure out how to deal with it*
- it's been heading toward foreclosure for a while*

*Ms. Adam:*

- added that it's been on hold because there was a prior open mortgage that had to be satisfied over lease before it had clear title to go to sale*
- upon speaking with Ms. Moermond, they put a rush on that; they were able to get at least a Letter of Indemnity from the title company so they can push this forward*
- a foreclosure sale is scheduled for Jan 3, 2012*
- it's on the fast tract (a 5-week redemption hearing scheduled for Nov 30, 2011)*
- if everything goes well, the redemption period will expire 5 weeks from the date of the sale, which would put the bank in ownership Feb 8, 2012*
- has not been inside the bldg but talked to her client about a partial demo and they are not opposed to it; their only concern is about the demo causing damage to the remaining structure; so, they would like to solicit bids from their own contractors, if possible; propose to have that completed by Dec 31, 2011*

- re: garage - they haven't had a survey ordered on this but she can recommend that they do it
- they posted \$5,000 performance deposit Nov 2, 2011

Ms. Moermond:

- her preference would be to have the bank hire the demo contractor
- the property has been maintained
- it makes sense that the Code Compliance Inspection Report be left until a partial demo is completed on the property

Steve Magner, Vacant Buildings:

- the owner (bank) will be coming back to the table with a plan that includes removal of the additions, identifying whether all parts of the bldg are still on the property and bringing the bldg into compliance
- city will need to see the plan of the partial demo (submit plan to Ms. Moermond, who will give it to Mr. Magner and he will submit it to Plan Review)
- fill out a Vacant Building Registration form
- city has not had to do any maintenance of the property recently
- reminded Ms. Adam that snow season is coming and they should hire a maintenance crew to clear the public sidewalk full width

Amy Spong, Heritage Preservation Commission (HPC):

- did not have access to the Sanborn Insurance Maps for this area
- Union Park, historically, Iris Park, was surveyed so she does have an original plat, which indicates which lots still have their original buildings on them, which lots were always vacant and which were altered (MM scanned and attached to records); analysis on Nat'l Register criteria which found that the area did not have enough integrity as an historic district (no analysis was done for local potential)

Ms. Moermond:

- will recommend that Council lay this matter over to Jan 10, 2012 LH
- the Vacant Building fees need to be paid; the VB Registration Form completed and returned (put on the fast track)
- a survey must be ordered and conducted and if the garage falls on 2 separate parcels, the city will need to see a plan to straighten that out (easement, removal of garage, etc.)
- share demo bids with Ms. Moermond by Jan 10, 2012 (Feb 7, 2012 is end of redemption period)
- if demo bids are in by Jan 10, 2012, will recommend time to proceed with plan for partial demo and code compliance inspection (single-family fee) - coordinate with permit counter and get their insight on how to handle the before and after demo part
- won't even need a hearing - just need to see that benchmark has been met
- once partial demo is completed and code compliance inspection is done, another hearing will be scheduled to look at rehab plans

Ms. Magner:

- if for some reason, they are out-bid at sheriff's sale (Jan 3, 2012), things will change, she will need to notify the city

**Referred to the City Council due back on 12/21/2011**

8 [RLH RR 11-85](#)

Ordering the rehabilitation or razing and removal of the structures at 1028 LOEB STREET within fifteen (15) days after the December 21, 2011, City Council Public Hearing.

*Ms. Moermond recommended that Mr. Nelson post the \$5,000 performance deposit by December 13, 2011 in order to get recommendation for layover of additional two weeks for development of a plan, etc.*

*RE: 1028 Loeb St (single family)*

*Tyler Nelson, owner, appeared.*

*Steve Magner, Vacant Buildings:*

- 2-story wood frame single-family dwelling with detached 2-stall garage on lot of 6,273 sq ft*
- vacant since Apr 12, 2008*
- current owner is Tyler Nelson per Ramsey County records*
- Sep 21, 2011 inspection conducted, list of deficiencies which constitute a nuisance condition developed; photos taken*
- Order to Abate Nuisance Building posted Sep 26, 2011; compliance date Oct 26, 2011*
- as of this date, property remains in a condition which comprises a nuisance as defined by legislative code*
- estimated market value: \$24,300 land; \$64,800 building*
- taxes are current*
- VB fee went to assessment May 18, 2011*
- Code Compliance Inspection done Jan 13, 2011*
- as of Nov 18, 2011, \$5,000 Performance Deposit not posted*
- 8 Summary Abatement Notices since 2008; 4 Work Orders for grass/weeds; snow/ice; vehicles*
- estimated cost to repair exceeds \$50,000*
- estimated cost to demolish between \$12,000 - \$15,000*
- a permit is good for one year but that doesn't guarantee a time frame to finish the project by the city; do not confuse the issuance of a permit with the issuance of an Order to Abate a Nuisance Property*
- city has issued Order to Abate a Nuisance Property based on a number of violations which means that DSI is saying the property is a nuisance and DSI is asking the City Council for a Resolution to either remove this nuisance or have the owner repair it so that it's no longer a nuisance*
- DSI suspects that the Appellant is illegally occupying the property; illegally storing vehicles on the property; working on the property without permits prior to Aug 16, 2011; burning things in a bonfire pit in back yard all day and night, which is a nuisance; were given 365 days by Ms. Moermond some time ago to get the Code Compliance inspection and get it signed-off, which hasn't been done; and DSI found Appellant passed out on the first floor with the back door wide open; electric service is off; tear city placards down, etc.*

*Amy Spong, Heritage Preservation Commission (HPC):*

- permit index card says it was built in 1907; Loeb St wasn't platted until 1907*
- frame worker's cottage*
- has not been surveyed for historic significance*
- has had a lot of alteration: been stuccoed; windows have been changed; front porch changed considerably*
- no Sanborn Map available for this area*
- no consistent setback on this side of street*
- across the street is a very intact row of salt boxes, probably built in the 40s*
- demolition would have no adverse effect*

*Mr. Nelson:*

- pulled a permit in August 2011 to finish the building deficiencies*

- will start with plumbing and electrical after that
- he just get letters when he parks in the driveway; gets a fine
- has put \$300-\$400 into the rehab every month for the past 3 years
- when he bought the house, he had no idea he was buying a Cat 2 VB
- bank won't grant a loan or line of credit because he doesn't have a credit history
- owns this house outright; has collateral
- he needs somewhere to live
- has a general contractor - he looked at list and estimates \$42,000
- picks up his mail at 55117 Post Office because they can't forward it

Ms. Moermond:

- 2 things going on here: 1) building permit piece - getting that work done; and 2) because there's this nuisance action going on, there's additional requirements that attach to that
- it's been documented that there is an on-going problem here - SA and WO have been issued for this property
- this is as serious as it gets - when the city wants to knock down a property
- she needs to know Appellant's plans for rehab and that he has the money to execute those plans
- need a Vacant Bldg Registration Form filled out
- need a \$5,000 Performance Deposit posted (assurance to city that Appellant will get to the other side of this)
- need to maintain the property
- creating a Work Plan and committing to it
- show proof of financial capability
- she would like to give Appellant every opportunity to get this done
- the city can knock down a bldg if it is a nuisance
- the city wants the work done or they will remove it; ideally, Appellant will get the rehab finished
- in order for the house to be off the VB list:
- it will need to be maintained - no more Notices from the city
- \$5,000 Performance Deposit posted
- she will need to see financial proof that Appellant has money set aside (estimating \$50,000 to finish); if he thinks that it will be a different amount of money, he needs to submit contractor bids that show how much it will cost and proof of that amount set aside to finish
- talk to financial institutions and family
- will lay this over for 3 weeks to give Appellant a chance to have those conversations, get contractors in to bid on some of the work
- if Appellant gets the Performance Deposit posted (earnest money), she will recommend he gets a little more time to work on the plan
- Mr. Nelson can park at this address and be there from 8 a.m. to 8 p.m. while he's working on the property; he just can't be living there - watching TV, cooking meals, sleeping, etc. (Mr. Magner added that because the property is vacant, he can't store anything there because there's no primary use; so, vehicles cannot be parking there unless they are vehicles that are transporting him to and from the property (no occupancy and no storage); if something is parked there, it must be on an approved surface - pavers, asphalt, concrete; or park on the street
- asked Appellant to sign in with his email address

**Laid Over to the Legislative Hearings due back on 12/13/2011**

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|---|--------------|---|
| 9 | RLH RR 11-86 | Ordering the rehabilitation or razing and removal of the structures at 591 MACKUBIN STREET within fifteen (15) days after the December 21, 2011, City Council Public Hearing. |
|---|--------------|---|

*Remove the building within 90 days with no option for repair.*

*RE: 591 Mackubin St (single family)*

*No one appeared.*

*Steve Magner, Vacant Buildings:*

- 2-story wood frame single family dwelling on lot 3,049 sq ft*
- vacant since Feb 8, 2010*
- was originally at LH Aug 23, 2011 (for some reason, it didn't make it to Council so, it was re-Noticed)*
- property owner is State of Minnesota Trust Exempt*
- Jun 9, 2011 inspection conducted, list of deficiencies developed; photos taken*
- Order to Abate Nuisance Bldg posted Jun 27, 2011; compliance date Jul 27, 2011*
- as of this date, property remains in a condition which comprises a nuisance as defined by legislative code*
- estimated market value of land \$11,200; on building \$14,900*
- went tax forfeit Aug 2, 2011*
- VB fees paid by assessment May 23, 2011*
- as of Nov 18, 2011, Code Compliance Inspection not done; \$5,000 Performance Deposit not posted*
- 21 Summary Abatement Notices since 2010*
- 26 Work Orders for: garbage/rubbish; grass/weeds; snow/ice; boarding/securing*
- estimated cost to repair between \$70,000-\$80,000*
- estimated cost to demolish between \$10,000-\$12,000*
- based on previous actions, he is wondering what Ramsey County has to say about this*

*Ms. Moermond:*

- email from Kris Kujala, Ramsey County, to Mail Vang: Thought we already talked about this one but maybe it was laid over to give additional time for review and evaluation. This is a tax forfeited property and after evaluation, the County intends to remove the structure. Here's where we're at in the process: the interior has been cleaned out. Pre-demolition surveys have been completed identifying all hazardous materials that are required to be removed prior to demolition. Hazard materials are being abated by contractors hired by the County. The request for quotes for this job is expected to be posted either Nov 23, 2011 or Nov 30, 2011 by CAS. (asking if we need more for the hearing today)*
- we had already talked about this but there was a mistake at the City Council Agenda level, so, we need to talk about it again*

*Amy Spong, Heritage Preservation Commission (HPC):*

- 1906 frame worker's cottage*
- originally built on corner lot with 4 detached single family houses (other 3 houses were turned into flats)*
- there was a full masonry out building on this property - looks as though it was built for autos*
- is located in the 2011 Grant Survey Area of Frogtown Neighborhood*
- is not located within a potential future historic district nor identified as having individual designation*
- staff recommends that demolition would not have an adverse affect*
- at another discussion, it was noted that a water pipe had burst (structural water damage and possibly mold)*

*Ms. Moermond will recommend that this structure be removed within 90 days with no option for rehabilitation.*



**Referred to the City Council due back on 12/21/2011**

- 10      **RLH RR 11-87**      Ordering the rehabilitation or razing and removal of the structures at 1057-1059 MARYLAND AVENUE EAST within fifteen (15) days after the December 21, 2011, City Council Public Hearing.

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

*RE: 1057-1059 Maryland Ave (cross street: Earl) - commercial/apartment*

*A neighbor appeared to observe, only.*

*Steve Magner, Vacant Buildings:*

- 2-story wood frame and masonry commercial bldg with attached 3-door loading dock on a lot 8,276 sq ft
- vacant since Oct 5, 2010
- current property owner Lawrence Heath (deceased) per Ramsey County
- Sep 21, 2011, inspection conducted; list of deficiencies which constitute a nuisance condition developed; photos taken
- Order to Abate Nuisance Bldg posted Sep 26, 2011; compliance date Oct 26, 2011
- as of this date, property remains in a condition which comprises a nuisance as defined by the legislative code
- estimated market value of land and building \$127,100
- taxes for second half of 2011 are delinquent in amount of \$4,048.14
- VB fees paid by check Oct 4, 2011
- team inspection done Dec 16, 2010
- \$5,000 Performance Deposit not posted
- 2 Summary Abatement Notices since 2010
- 2 Work Orders issued for: garbage/rubbish and grass/weeds
- estimated cost to repair exceeds \$100,000; estimated cost to demolish \$15,000 - \$20,000
- there has been some activity on this; he has had several conversations with the Kitt Heath, the deceased estranged son who lives locally
- son originally hired a contractor to remove this property; they weren't given the notice to proceed
- he had a conversation with Sheri Pemberton about the potential for redevelopment of this property; the city has pursued interest on that
- Mr. Heath left a message for him yesterday that they have signed a Purchase Agreement with HRA to acquire the property
- it is his understanding that Ms. Pemberton is still interested in removing it
- we would get the Resolution to remove the bldg, hire the vendor, have the bldg removed and submit the invoice to HRA for payment
- the upstairs hasn't been used in a long time
- it's not just one bldg; it's like 3 bldgs in 1
- doesn't think there is a bid tab back yet; might be back before the Council meeting

*Ms. Moermond:*

- Mr. Heath had been living in the downstairs

*Amy Spong, Heritage Preservation Commission (HPC):*

- 1917 commercial store front bldg - built as a frame bldg (somewhat unusual)
- the store across from it is also wood sided, wood frame commercial bldgs
- don't have Sanborn Insurance maps
- were multiple additions; started as a 2-story, then, additions in 1921, 1930 and 1938
- there's a photo in the MN Historical Society data base of the store across the street

at 1058 Maryland, which is very similar

- this bldg has never been surveyed for purposes of historic significance; therefore, it was never mentioned in the Commercial Corridor Context Study done in 2001
- doesn't believe it would have any potential for designation as a local historic site
- at this intersection are still 2 corner stores, a church and a parking lot
- would recommend encouraging rehab; although, has not seen any interior photos
- has no background regarding fires, etc.
- Ms. Moermond handed her some photos to view

Ms. Moermond will recommend the Council order the building removed within 15 days with no option for rehabilitation.

**Referred to the City Council due back on 12/21/2011**

11 [SR 11-25](#)

Reviewing progress of rehabilitation for 1456 COHANSEY STREET.

**Sponsors:** Helgen

Need remaining items on code compliance inspection report, including plumbing permit sign-off to be completed by January 17, 2012. If non-compliance, the bond will be forfeited.

RE: 1456 Cohansey St (single family)

Richard Bednar, owner, and his attorney appeared.

Ms. Moermond:

- we've been trying to get things done at this property for quite a while
- it's been going on long enough that the city is seriously considering revoking the \$5,000 Performance Deposit that was posted

Mr. Bednar:

- thinks he's pretty close to completion
- 3 issues yet to address: 1) back door needs to be repaired; 2) replacing handrails; and 3) plumber needs to fix a pipe and done immediately
- had Water Dept turn on the water - the only reason they had it turned off was because he hadn't scheduled a meter change; so, he scheduled it, got the meter changed; however, the guy broke a pipe so, the plumber is scheduled to come back out to fix the pipe; then, the plumbing permit can be signed-off
- went thru 2 layoffs at work; and we will shut down over Christmas for a week; he will get all this done over Christmas
- Bohm Heating looked at the heating system last year and did an Orsat Test (will submit to Mr. Seeger or Mr. Ubl at final inspection)
- has someone maintaining the sidewalk and yard (his neighbor)
- will be retiring in 2 more years

Steve Magner, Vacant Buildings:

- after that is all done, then Mr. Seeger can come out to do the final; if he can't make it, we'll have Mr. Ubl go out before Jan 17, 2012
- 2 electrical permits have been signed-off
- the Department of Safety and Inspection doesn't have a problem extending the bond to Jan 17, 2012 so that the projects can be completed (need 2 weeks to make sure they can get in there to sign off on the permits); he could contact DSI right after the first of the year to schedule
- stated that a different plumber will need to get a different permit, so maybe Bonfe would work out better and sooner

*Ms. Moermond:*

*- Appellant is getting a big break today; he'll lose his bond if he goes past Jan 17, 2012*

*Attorney:*

*- Mr. Bednar's father built this house so it has great emotional attachment for him and he has begun to re-establish relationships with the neighbors, etc., so, if he can get this done, it would be wonderful*

**Laid Over to the Legislative Hearings due back on 1/17/2012**

12      [SR 11-103](#)

Reviewing progress of rehabilitation for 554 CHARLES AVENUE.

**Sponsors:**      Carter III

*Laid over to check on progress of rehabilitation. Appellant has not met the 50% mark.*

*RE: 554 Charles Ave (single family)*

*No one appeared.*

*Steve Magner, Vacant Buildings:*

*- believes there's an outstanding Resolution on this - passed by City Council Sep 21, 2011 granting 120 days*  
*- new Code Compliance Inspection Report Oct 21, 2011*  
*- issued electrical permit Oct 27, 2011 (no bldg, no plumbing, no mechanical permits)*  
*- since then, nothing has happened*  
*- this is the 60-day update*

*Ms. Moermond:*

*- asked Mai to send a letter Brad Ballard, K 3 Investment indicating that in our review or the permit record, he has not gotten to the 50% mark in completing the rehab although he is half way through his grant of time from the City Council (title the letter "Warning Letter")*  
*- will recommend this be laid over to Jan 10, 2012 to see if there is additional progress*  
*- if there is no progress, she will recommend it go back to the City Council for removal*

**Laid Over to the Legislative Hearings due back on 1/10/2012**

## 11:00 a.m. Hearings

### Summary Abatement Orders

13      [RLH SAO 11-33](#)

Appeal of Jay Palda, Palda and Sons, Inc., to a Summary Abatement Order at 1462 DAYTON AVENUE.

**Sponsors:**      Carter III

*Deny the appeal.*

*RE: 1462 Dayton Ave (General Retail & Svc-B-Commercial)*

*Jay Palda, Palda and Sons, Inc., appeared.*

Steve Magner, Vacant Buildings:

- background - street is undeveloped so, there is constant illegal dumping going on
- he spoke with Kevin Nelson, Public Works, who said that PW is not maintaining the street - so, the city's long standing policy is that if a road has not been developed and is not being maintained, then, the maintenance of that right-of-way reverts to the adjoining property owners; because there is a long history of illegal dumping, and the Department of Safety and Inspections (DSI) issued the Summary Abatement to the Appellant, Inspector Essling has suggested that Mr. Palda appeal the SA and during that appeal, entertain vacating the right-of-way so that the owner could physically obtain that property on their title, which would give the owner complete control to section it off and stop the illegal dumping
- it was his understanding that this would be extended for a period of time while the Appellant applies for a vacation of the right-of-way
- they received a referral from the police dept regarding this particular illegal dumping

Mr. Palda:

- Palda and Sons, Inc., Crosstown Auto, property owner next to the north, and Home Oil are discussing how they will break up the property lines; should take no longer than until Jan 1, 2012
- doesn't anticipate a problem with the petition to vacate
- the illegal dumping material has not yet been moved

Ms. Moermond:

- suggested that Mr. Palda let the city do the clean-up; the cost of which would become a proposed assessment onto their taxes
- the responsibility for the cost be handled at that time by the appeal process
- during that time, Ms. Moermond would look for the petition to vacate to be filed and some progress made, which would come into consideration in decreasing or eliminating the assessment entirely
- get the clean-up done sooner rather than later; Mr. Magner will send thru a work order for the clean-up now; Appellant needs to send back the gold card
- will recommend approval of the assessment (Appellant and nbrs will petition for vacation)

**Referred to the City Council due back on 12/7/2011**

- 14      [RLH SAO 11-37](#)      Appeal of Clifford Scott to a Summary Abatement Order at 434 FRY STREET.

**Sponsors:**      Stark

*Inspector Joel Essling met with Mr. Scott and indicated he has made significant progress. Request a two week layover at which time Inspector Essling anticipates reporting that the property is in compliance.*

**Laid Over to the Legislative Hearings due back on 12/6/2011**

- 15      [RLH SAO 11-35](#)      Appeal of Michael R. Smieja to a Summary Abatement Order at 1639 WOODBRIDGE STREET.

**Sponsors:**      Helgen

*Inspector Joel Essling and Appellant Michael Smieja have worked out a plan: deny the appeal and grant an extension for the front yard to be in compliance by December 1 and back yard, including race car and kennel, by December 15, 2011.*

**Referred to the City Council due back on 12/7/2011**

- 16 [RLH SAO 11-40](#) Appeal of Boris Mishulovin to a Summary Abatement Order and Vehicle Abatement Order at 956 PROSPERITY AVENUE.

**Sponsors:** Bostrom

*Deny the appeal on the Summary Abatement Order and Vehicle Abatement Order and grant an extension to December 15, 2011 to remove the Blue Plymouth (SBR131), Blue Buick (XJZ133), Blue Infinity (SKD178-pending title), Blue Ford (344ADJ), Maroon Pontiac (PWW693), including the speedboat. The two white Chevy trucks (268DZL and Y/A w5380), blue ford truck (Ybd3820) and the three trailers may remain until Board of Zoning Appeals Disposition of Storage Appeal, or until June 1, 2012 whichever comes first. Note that exterior storage on trailers is not allowed.*

*RE: 956 Prosperity Ave (warehouse); zoned I-1*

*Boris Mishulovin appeared.*

*Steve Magner, the Department of Safety and Inspections (DSI):*

- this is an appeal of a Summary Abatement for vehicles and other stored item*
- the issue is that on Nov 14, 2011, a letter was sent by the DSI to PMC Properties, attention: John Holmgren, regarding exterior storage at 956 Prosperity Ave; he read the letter*
- complaint of scrapping business*
- exterior storage of trailers, boat, inoperable vehicles, scrap metal, etc.*
- tenants in bldg are scrappers and they also clean foreclosed properties for various banks - items are brought to the site to be sorted and held on the premise until process for auctioning by the bank*
- I-1 light industrial district is intended to accommodate wholesale warehousing and industrial operations whose external physical effects are restricted to the area of the district and in no manner affect the surrounding district in a detrimental way; exterior storage is not a part of this intent*
- exterior storage may be allowed if complied with 66.54 1a or 66.54 1b if the out door storage shall be no closer than 300 feet to a residential district or property occupied with a 1, 2, 3, 4 town home or multi-family dwelling*
- all businesses, storage, services or processing may be conducted within a completely enclosed building, except for off-street parking, off-street loading or outdoor uses specifically allowed or permitted, or conditional uses*
- the exterior storage on this site does not meet the above stated requirements because there are residential properties immediately to the north of this lot*
- you may apply for a Variance of Separation Requirement of remove all exterior storage by Nov 28, 2011*
- failure to comply with this Order or the repeat violation will result in further legal action by this office including Criminal Citation to all responsible parties and potential Summary Abatement procedures*
- the letter was signed by Ya Ya Diatta, DSI inspector, who referred this file to his office, asking that these items be Summary Abated*
- Inspector Paula Seeley went out to the property, identified the violations and issued the attached Notices*
- 2 issues going on: 1) vehicles in violation; 2) the vehicles have to be directly related to the use of the bldg (licensing issues)*
- if they do want to continue this use, they need to go thru the BZA to secure a variance to the zoning requirements; then, they may need to get a license to store certain items*
- until that BZA variance exists, all vehicles need to go*

*Ms. Moermond:*

*- for the record, she would like to attach the Enforcement Notice from Nov 14, 2011 from Ya Ya Diatta and also the Enforcement Notice for Nov 7, 2011 from Ya Ya Diatta*

*- there is a large set of photos in that file*

*Mr. Mishulovin:*

*- initially, there was a problem and he went out and met with Inspector Seeley*

*- Ms. Seeley said that previous tenants were problematic; there were complaint calls sometimes everyday*

*- Saint Paul has a complaint system - as long as there are no complaints, they leave you alone*

*- the landlord is in financial distress - the bldg has 4 tenants*

*- he has a second place where he conducts his business - there is no license required for what he does (per the City of Saint Paul)*

*- they are under contract with the MTC (buses), light rail - to remove all their new, used, un-used material that have anything to do with steel; they purchase it from them, bring it to a bldg and then sort it (they dump it on a big table or floor and sort it); when they have a certain amount, they bring it in to recycle (some people call it "processing" - basically, they buy metal, sort metal and sell metal); they take anything that's associated with their operation that's metal and they cannot use)*

*- has 8 children and is trying to feed them; has lived in Saint Paul for 27 yrs (had a restaurant on Grand Ave for 11 yrs); ran into hard times and is now struggling to set up this company*

*- the landlord is struggling with the bldg; if he loses Mr. Mishulovin as a tenant, he may lose the bldg*

*- Jeff Fischbach came out to inspect and said that as long as he uses only indoor storage and his vehicles are licensed, he's OK*

*- he has mostly licensed vehicles and he works with the community - if one of the schools calls and says one of their mini-vans died, he goes and picks it up and eventually sells it to a yard or they junk it*

*- he's afraid for himself and the other tenants*

*- the property is nearly 2 acres large next to the railroad line and fenced off from all 4 sides*

*- the yard is locked and gated*

*- whoever is calling to complain does so on a regular basis as soon as someone has anything out there*

*- he asked A J (fire) about putting up a 12-foot fence*

*- his commitment is to his 4 employees and the bus company; he was hoping to acquire more accounts but no luck*

*- the boat and utility trailer doesn't belong to him; it belongs to another tenant (he will tell the other tenant to get rid of them)*

*- he's a legal business working with the city and is planning to get other city business; wants to do everything above-board*

*Mr. Magner:*

*- believes the solution to the problem is: 1) Appellant must get rid of all the vehicles that are out there; and 2) if Appellant has to store something, it needs to go inside the bldg; he can't give permission to build the fence; it's a zoning issue; and he can't give out the name of the complainant*

*- have the owner / other tenant get rid of the boat and trailer*

*- vehicles can be there during the day; just can't have unlicensed, inoperable stored motor vehicles there*

*- might want to consolidate his business some*

*Ms. Moermond:*

- regarding going thru the zoning process: Appellant would need the support of the neighbors in order to get a higher fence there - if they think it's an adequate separation between his operation and their residential property, it may work out in Appellant's favor; she suggested he talk with them about it; flyer them; talk with Chuck Repke, Executive Director, District 2 Planning Council (he would have some insight on how to work with the nbrs on this)
- there are 4 vehicles here in violation of the zoning code since they don't have a variance; all the other ones need tabs or appear inoperable
- BZA application costs \$520 and no guarantee

Mr. Mishulovin:

- all the trucks except for 1 are operable
- currently, he runs his business with a Budget truck and his little truck
- some larger companies made his life miserable after he got the MTC contract
- he can clean up half in a few days
- he needs some time
- every one of the vehicles except one runs/starts

Mr. Magner and Ms. Moermond:

- must get rid of all vehicles by Dec 15, 2011 and the boat and trailer (blue Buick, blue Plymouth, maroon Pontiac, Ford minivan, tan Chevy truck, and a blue Infinity, pending title coming - gone by Dec 15, 2011
- light blue 1970 Chevy truck 268 DZL needs license tabs (one with missing grill) - put on by Dec 15, 2011
- blue Ford truck will remain and a white Chevy truck
- if trailers are all licensed and DOT operable (tires inflated), they can stay for now until the storage issue is worked out
- other storage on the ground or in trailer boxes needs to go

Ms. Moermond:

- will recommend that the discussed vehicles should be removed from the property by Dec 15, 2011, including the speed boat; the balance of the vehicles (3 trucks and 3 trailers) can remain on the property pending a hearing by the BZA or by June 1, 2012

**Referred to the City Council due back on 12/21/2011**

- 17      [RLH SAO 11-39](#)      Appeal of Leonard Anderson to a Summary Abatement Order, Vehicle Abatement Order, and Correction Notice at 559 MCKNIGHT ROAD SOUTH.

**Sponsors:**      Lantry

*Deny the appeal. (Appellant might be attending December 6 LH)*

*RE: 559 McKnight Road S (single family)*

*Inspector Ed Smith appeared.*

*Ms. Moermond stated that late last week, her office received a letter faxed from Attorney Matthew Engel, on behalf of Lenny Anderson. The attachment from the Dr. stated that Mr. Anderson had had surgery on his hand which prevented him from using the computer and a couple of other things. It wasn't clear to her that that disability was related to his ability to attend and participate in the hearing, so, she asked Racquel Naylor to call last Friday (Nov 18, 2011) and to send a letter (faxed Monday, Nov 21, 2011) asking what specific accommodations he was seeking. Her office has not heard back. She added that Ms. Naylor also spoke with Mr. Anderson several times on the phone and was hung up on at least two of those times. Scheduled at City Council Dec 7, 2011. Mr. Anderson may wish to re-schedule on*

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*Dec 6, 2011 LH. Her recommendation at this time would be denial of the appeal.*

**Referred to the City Council due back on 12/7/2011**

### Orders To Vacate, Condemnations and Revocations (None)

### 1:30 p.m. Hearings

#### Window Variances: Hearing Required

- 18      **RLH WP 11-114**      Appeal of Budget Exterior, on behalf of Ronald Burth and Shannon Burth McDonald, to two Egress Window Non-Compliance Determinations at 1077 ENGLEWOOD AVENUE.

**Sponsors:**      Carter III

*Grant a 5-inch variance on the openable height of four double hung replacement egress bedroom windows measuring 19 1/6 inches high by 21 3/4 inches wide and deny the appeal on the two double hung replacement egress bedroom windows measuring 15 1/16 inches high by 17 3/4 inches wide. (J. Hoffman)*

*RE: 1077 Englewood Ave (single family)*

*Daniel Schaefer, Budget Exteriors, and Shannon McDonald, owner, appeared.*

*Ms. Moermond:*

- windows
- will recommend granting a 5-inch variance on the double hung 19 1/16h x 21 3/4w
- 2nd window has 2 problems: 1) number of square feet of window itself; and 2) egress opening dimension (15 1/16h x 17 3/4w)

*Mr. Schaefer:*

- the owner wants to keep integrity of home as it was when it was built
- the woodwork is in pristine condition; to change this window to meet egress will greatly alter the appearance of the property
- submitted photos
- the room of this window has a changing room in the front because there is no closet; so, there are 2 doors doing into that room - one that enters off the hallway into this room and the door which goes into the changing room which has an alternate exit, as well as, back into that hallway

*Ms. Moermond:*

- in these circumstances, many people go with alternate styles of windows that remain consistent with the other windows
- her rule: an egress opening must be larger than a pizza box; the height is supposed to be 24 inches, here we have 15 inches and not enough width to compensate for the lack in height

*Ms. McDonald:*

- would prefer that her windows match uniformly throughout the house
- not using the room as a sleeping area

*Christine Boulware, Heritage Preservation Commission (HPC):*

- for fire safety, HPC tries to do minimum alterations
- there are a couple companies that will make a casement style window that would fit



*with the existing sash but install a horizontal bar across the exterior where the meeting rail would normally be between the two sash and would do a permanently affixed mudden that would give the divided like look above; it ends up looking more like a storm window because it's on the outer edge without a screen or storm in front of it but it still keeps the proportion and the geometry of the other windows. So far, they have been able to do that and satisfy the requirements for egress while maintaining some of that character; she can forward a photo to Ms. Moermond, who can get it to the Appellant*

*Ms. Moermond:*

- noted that she has seen the particular option work that Ms. Boulware described, and there are probably more options out there that she is not aware of*
- will recommend the City Council deny the variance*
- will look at a re-design without charging another appeal fee*
- need 16 inches in height, at least*
- perhaps, Council would look at it differently*

*Mr. Schaefer:*

- suggested that perhaps they could collapse the frame and bury some of it into the weight cavities; push more of the vinyl frame into the wall behind the trim, might be able to gain 2 1/2 - 3 inches in width*

**Referred to the City Council due back on 12/21/2011**

**19 RLH FCO  
11-528**

Appeal of Judith Fries to a Fire Certificate of Occupancy Correction Notice at 1023 FARRINGTON STREET.

**Sponsors:** Helgen

*RE: 1023 Farrington St (single family)*

*Judith Fries appeared and the property manager*

*Fire Inspector Leanna Shaff:*

- Fire Certificate of Occupancy Inspection conducted Oct 28, 2011 by Inspector Lisa Martin*
- Inspector Martin cited the interior egress windows have rotted wood, flaking paint and no longer fit the openings*
- Ms. Martin gave the tenant and manager the information for Ramsey County Lead Paint Window Replacement Program - the windows need to be replaced*

*Ms. Fries:*

- wondering what room the inspector was talking about; they replaced the downstairs windows a few years ago and they are not rotted; they're fine*
- thought she was talking about the windows upstairs*
- she was not at the inspection, the property manager was and he agrees that the upstairs windows need work*
- she is looking for an extension*
- she talked with Daniel Schmidt at Ramsey Co Lead Paint Window Replacement Program, who said that the only way they could get help was if this house were owner-occupied and he'd have to come out to see if they qualified for the program*
- she also called Housing Resource, left a message and they never called back*
- need clarification on which windows the inspector was referring to*
- inspector is coming back Nov 28, 2011*

*Ms. Moermond:*

- would be comfortable recommending an extension but wants to know more about*

*what's going on on the main floor*

- *wants Inspector Martin to take pictures of her concerns on the main floor if she has some; otherwise, she'll assume it's the upper floor*
- *at City Council Dec 21, 2011*
- *will recommend granting a 90-day extension from Dec 21, 2011 (Mar 21, 2012)*

*Manager:*

- *the windows are getting a little sloppy*
- *he will shim them on the sides to tighten them up*
- *will put in metal shims so the window slides up and down nicer while holding it in place*
- *will be done by Nov 28, 2011 inspection*

*Ms. Moermond:*

- *wants more information from Ms. Martin and photos*
- *will lay this over to Dec 6, 2011 LH*

*On November 29, 2011, Inspector Lisa Martin indicated the windows meet code but the frames are rotted out. The tenant is looking at buying the home and is looking at Ramsey County Lead Base Paint program to get the windows replaced. The windows can be repaired, but will need to be replaced.*

*There is no need for a hearing. The orders have been written to reflect the rotting frames.*

**Laid Over to the Legislative Hearings due back on 12/6/2011**

20      **RLH FOW  
11-239**

Appeal of Robert Hartnett to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 1037 JUNO AVENUE.

**Sponsors:**      Thune

*Laid over to Jan 10, 2012 LH for Appellant to look at design options.*

*RE: 1037 Juno Ave (single family)*

*Robert and Rae Jean Hartnett, owners, appeared.*

*Fire Inspector Leanna Shaff:*

- *re-inspection of Fire Certificate of Occupancy Nov 2, 2011 by Inspector Rick Gavin*
- *double hung windows, 2nd fl east 22h x 16 1/4w; same in 2nd fl south (both have 4.4 sq ft glazed area)*
- *code requires 24h x 20w minimum and 5 sq ft glazed minimum*
- *egress window hardware is usually smaller and it may just work to put in a casement*

*Mr. and Mrs. Hartnett:*

- *bought house 2005; windows were new in 1996*
- *the ceiling and porch roof are right on top of windows; can't expand height*
- *had an inspection about 2 yrs ago and the windows were OK then; they are the same windows, so why?*
- *they have talked with Renewal by Andersen; estimated cost is \$3,666 for both windows replacements*

*Ms. Moermond:*

- *there's an 4 inch shortfall in one dimension and only 2 extra inches in the other dimension (doesn't compensate for the loss)*

*Ms. Christine Boulware, Heritage Preservation Commission (HPC):*

- when you have a 1 1/2 story home, the windows are literally as tall as you can get them
- only solution she can think of is the possibility of a casement
- can email a photo to show what may work

*Ms. Moermond:*

- will lay this over to Jan 10, 2012 LH to give Appellants a chance to research their options; enforcement is stayed
- City Council may look at this differently

**Referred to the Legislative Hearings due back on 1/10/2012**

21      **RLH FOW  
11-233**

Appeal of Monica Suchy to a Fire Certificate of Occupancy Correction Notice at 1158 LAWSON AVENUE EAST.

**Sponsors:**      Bostrom

*Deny the appeal on the awning type window and grant an extension for 90 days to come into compliance.*

*RE: 1158 Lawson Ave E (single family)*

*Michael Suchy, representing his wife, Monica Suchy, owner, appeared, along with the renter*

*Fire Inspector Leanna Shaff:*

- Fire Certificate of Occupancy inspection Oct 21, 2011 by Inspector Kelly Booker
- awning type window

*Ms. Moermond:*

- awning type window in bedroom 41.5 openable width
- with all awnings: 1) height isn't going to be very much; and 2) the awning style isn't allowable for egress
- 2 means of egress are required out of a sleeping area

*Mr. Suchy:*

- his tenant prefers the awning window for safety and security reasons
- this is a very small one-level house (1-bedroom, kitchen, living room) 650 sq. ft.

*Tenant:*

- the entrance/exit to the basement is in the bedroom and there's an outside exit thru the basement

*Ms. Shaff:*

- both the fire code and state bldg code chap 10 on exiting require that one exit needs to go directly outside
- only alternative is to sprinkler the bldg

*Ms. Moermond:*

- you can't have the exit thru the basement and the awning window isn't allowable by code
- you should be able to put in a slider that would meet the egress the requirement
- will recommend the City Council deny the appeal and grant a 90-day extension to come into compliance

**Referred to the City Council due back on 12/21/2011**

**Correction Orders****Fire Certificates of Occupancy**

- 22 [RLH FCO](#) Appeal of Kenneth O. Doyle to a Re-Inspection Fire Certificate of Occupancy  
[11-421](#) With Deficiencies at 705 SUMMIT AVENUE.

**Sponsors:** Carter III

*Unit 4 northeast casement windows - in compliance. (Dept withdrew the order); grant window variances in the east, southeast, southwest, and west bedrooms; grant on the sill height issue in east and west bedrooms provided Appellant install steps below the egress windows.*

*RE: 705 Summit Ave (multi-family)*

*Kenneth Doyle, owner, appeared.*

*Christine Boulware, Heritage Preservation Commission (HPC):*

*- Nov 7, 2011, she and Fire Inspector Rick Gavin went to this property and Mr. Doyle accompanied them thru the upper floors*

*- verified that in Unit 4 - the one window that was listed as awning is not an awning window; it's a casement window*

*- Inspector Gavin opened it and it was measured*

*- this Order is withdrawn*

*- Unit 6 - the old ballroom - the windows are in the roof plane - 2 on east elevation*

*and 2 on west elevation; they are an older style roof window - not like a typical*

*crank-out; this one has hinges at the side - it can function like an awning window or*

*like a pivot window; they opened the windows and opened the screens (SE opened to*

*29 in; SW to 24 in; NE to 26 in; NW 24 1/2 in); all of the locking hinge hardware was*

*20 in from the sill to where the hardware began*

*- she shot a video of one of the people on site opening the window to show how it*

*operated; Rick forwarded it to Ms. Moermond today*

*- being in the front room where the window sill is closer to ground level, she thinks it*

*meets egress; would recommend granting the variance*

*- in the other two rooms, she thinks adding a step would make the windows a lot*

*safer to get to that height (east and west bedrooms) and would so recommend*

*Ms. Moermond:*

*- based on Ms. Boulware's recommendation, she will recommend the Council grant a variance on the windows that were discussed here today*

**Referred to the City Council due back on 12/7/2011**

- 23 [RLH FCO](#) Appeal of Kim Kirmeier to a Fire Certificate of Occupancy Correction Notice  
[11-500](#) at 1008 ASHLAND AVENUE.

**Sponsors:** Carter III

*Nov 15 LH: Ms. Moermond recommended the following:*

*grant the appeal on the first floor, north porch guardrail issue measuring 32.5 inches high;*

*deny the appeal on the second floor, north porch guardrail issue measuring 25.5 inches high and grant an extension to July 1, 2012 for compliance;*

grant a 7-inch variance on the openable height of the egress window in the third floor south bedroom;  
deny the appeal and grant an extension to July 1, 2012 for exterior painting;  
Laid over Item 7 to November 22 (Ms. Moermond to review photos)

November 22 LH: Grant the appeal for Item 7 (handrail - steps to third floor).

RE: 1008 Ashland Ave (triplex)

Kim Kirmeier, Kirmeier Properties LLC, appeared.

Ms. Kirmeier:

- entered a sketch for guardrail solution
- not in an historic district
- asked if she could keep the upper balcony railing height as it is
- she can have the guardrail painted inside and then installed outside
- #7 stairway handrail (photos)

Ms. Moermond:

- Fire Code requires a second floor balcony guardrail height of 42 inches
- will deny appeal and grant an extension to Nov 30 for compliance
- will grant variance on #7
- next inspection Nov 30, 2011

Ms. Vang consulted with Ms. Moermond about the upper balcony railing height being addressed at the first hearing and an extension was already given.

**Referred to the City Council due back on 12/7/2011**

24      RLH FCO  
          11-503

Appeal of Jeffrey Nielsen to a Fire Certificate of Occupancy Inspection  
Correction Notice at 212 MONTROSE PLACE.

**Sponsors:**      Stark

Laid over for Appellant to get dimensions of the room.

RE: 212 Montrose Place

John Walsh, on behalf of Jeff Nielsen, appeared.

Fire Inspector Leanna Shaff:

- Fire Certificate of Occupancy inspection conducted Oct 26, 2011 by Inspector Rick Gavin
- item being appealed is on 2nd floor - ceiling height
- requirement for all habitable areas is 7 feet high over half the floor area
- here, 16 sq ft is over 7 ft high; 160 sq ft is at the 5 ft height
- total floor area is 230 sq ft
- photo
- there is not a cite for ceiling height at the previous inspection but he was required to put in egress windows
- inspector notes: Apr 24, 2009 - "2nd fl bedroom is currently unoccupied; does not meet egress window requirements

Ms. Moermond:

- roughly 2/3 of the floor area is counted as habitable
- 10% is above 7 ft

Mr. Walsh:

- there's a clear shot to both egresses down that 7 ft high space
- last time this was inspected, he was required to put in the egress windows and nothing was mentioned about the ceiling height being out of compliance
- he wants to be able to use that room as habitable living space
- that space has always been used as a bedroom or living room area

Ms. Moermond:

- had questions about the width or the space
- she and Mr. Walsh reviewed drawing of space with closet space
- recommends a layover for 2 weeks to LH Dec 6, 2011 to get dimensions of the room and the depth of the closets; also to review history

**Laid Over to the Legislative Hearings due back on 12/6/2011**

25      **RLH FCO  
11-530**

Appeal of Joseph Kummer to a Fire Certificate of Occupancy Correction Notice at 1067 VAN DYKE STREET.

Sponsors:      Bostrom

Laid over to Dec 6, 2011 LH for photos.

RE: 1067 Van Dyke (apartments)

Joseph Kummer, Guardian Management, appeared. (Owner, Tom McCormick)

Mr. Kummer:

- about painting and pavement

Fire Inspector Leanna Shaff:

- Fire Certificate of Occupancy approved with corrections conducted Nov 7, 2011 by Inspector James Thomas
- inspector cites: parking spaces in front and back of garages; also, to maintain the exterior of garages; pavement
- first cited Jun 15, 2011
- no photos
- has quite a history: 10 complaints since 2010; numerous police issues

Mr. Kummer:

- they weren't granted any extension; they just kept whittling away at the list
- the problem is that the owner got the property back by default about 2 yrs ago and he doesn't have any money
- owner has been trying to sell it for about 9 months; a few offers have fallen thru
- we kept trying to get the list down as best as possible except for these last 2 Orders
- as a last resort, owner is asking for an extension until next spring; maybe he'll be able to sell it by then
- the parking lot is Class 5; one bid on the driveway was around \$30,000
- the garages are rough and need attention
- 17 units
- have worked with Crime Free Multi-Housing; their lease is very strong; half the bldg is vacant at this time making things worse
- it's a lose-lose situation right now
- it needs a new driveway

Ms. Moermond:

- asked for photos of parking areas and garages; inspector can shoot photos
- will lay this over to Dec 6, 2011 LH to review photos

- would be a good idea for Appellant to be present at Dec 6 LH

**Laid Over to the Legislative Hearings due back on 12/6/2011**

26      **RLH FCO  
11-527**

Appeal of Titus Contracting, on behalf of Osprey IUC, to a Fire Certificate of Occupancy Correction Notice at 1832 MINNEHAHA AVENUE EAST.

**Sponsors:**      Lantry

*Grant the appeal on the front steps and front stairway handrails.*

*RE: 1832 Minnehaha Ave E (single family)*

*Appeal of Titus Contracting on behalf of Osprey IUC; Scott Rajavuori appeared*

*Fire Inspector Leanna Shaff:*

- *Fire Certificate of Occupancy re-inspection Oct 25, 2011 by Inspector James Thomas*
- *inspector cited exterior handrail*
- *submitted photo*
- *difficulty is with the different depths of the steps*

*Ms. Moermond:*

- *thinks the railing does the job as well as anything she could think of to handle the situation*
- *steps are very well maintained; railing looks solid*
- *will recommend the City Council grant this appeal*

**Referred to the City Council due back on 12/21/2011**

27      **RLH OA 11-21**

Appeal of Kristin Dawkins to an Inspection Appointment-Rescheduled Per Owner Request at 678 PREBLE STREET.

**Sponsors:**      Lantry

*Grant the appeal. (property is owner occupied).*

*RE: 678 Preble St (single family)*

*Jane Prince appeared, representing Kristin Dawkins*

*Ms. Prince:*

- *entered Power of Attorney (Ms. Dawkins: it was lost in the mail when the snow storm occurred on the East Coast)*

*Fire Inspector Leanna Shaff:*

- *appointment letter rescheduled at owner's request for Fire inspection at this address*
- *they haven't been there and have no documentation*
- *Power of Attorney hadn't been signed until now saying it's now owner-occupied*

*Ms. Moermond:*

- *scanned documents*

*Ms. Dawkins:*

- *wants out of the Certificate of Occupancy Program*
- *has lived there since 1994 and has never left*
- *the house has never been rented out*
- *she bought it for \$32,000 and put in \$110,000 the years following; value went up to*

\$175,000

- her parents are buying it for \$175,000
- she will buy it back from them when she can

Ms. Prince:

- Ms. Dawkins has Power of Attorney over all issues involving the home, including the prerogative to transfer ownership to herself

Ms. Moermond:

- sees this as an owner-occupant equivalency
- will recommend the City Council grant this appeal

**Referred to the City Council due back on 12/21/2011**

28      **RLH FCO  
11-526**

Appeal of Nadja Berneche to a Fire Certificate of Occupancy Correction Notice at 460 MARSHALL AVENUE.

**Sponsors:**      Carter III

- 1) grant a 2.5-inch variance on the openable width of the egress bedroom window in Unit 1 which measures 35 inches high by 17.5 inches wide;
- 2) Until items are dealt with, Unit 3 cannot be occupied after January 1. (Inspector to do a condemnation in Unit 3 effective January 1, 2012); and
- 3) Deny the appeal and grant an extension to January 3, 2012 to address the plumbing and sprinkler issues; however, if a work plan is submitted prior to that date, a hearing will be set up to review the work plan and amend the Legislative Hearing Officer's recommendation to the Council.

RE: 460 Marshall Ave (condominium)

Nadja Berneche, owner, appeared.

Fire Inspector Leanna Shaff:

- Fire Certificate of Occupancy inspection conducted Oct 28, 2011 by Inspector Beumer
- few things going on in items #4, #7, #13, #15, etc
- #4 to provide a compliant hanger for each section of sprinkler pipe
- #7 relocate the sprinkler so they are at least 6 feet apart
- #13 provide approved support for all plumbing piping
- #15 escape windows in Unit 1- double hung 35h x 17w
- #16-#19 in Unit 3 different issue being bank owned
- #16 there is no access to an approved egress window
- #17 bathroom does not have hot water supply per code; damaged shower faucet
- #18 repair non-grounded three prong outlets
- #19 repair required fire resistive construction behind refrigerator
- a multi-unit bldg requires a 1-hour fire separation between units and common areas; you could sprinkler the bldg or sprinkle the hazard (not allowed in new construction today)
- she can't answer to what was seen by inspectors in the past
- NFPA 13a and 13r deal with the installation of sprinkler systems
- a plumber cannot put in a sprinkler system; one must be specialized in the installation of sprinkler systems

Ms. Berneche:

- she owns Unit 1 and rents it out; Unit 2 and Unit 4 are owner-occupied; Unit 3 is bank owned; have common area
- have had 2 previous fire inspections and nothing has changed since



- all the work had been done by a licensed plumber earlier and was OK; it's quite costly to make changes, particularly to sprinkler items
- would like clarification re discrepancies among inspectors
- very surprised to have such a long deficiency list
- this house was converted in the 70s; an historic bldg in an historic district; their association was incorporated at that time
- their sprinklers sprinkle the hazards; they're over the boilers but they are too close together - 4 feet apart
- they got an estimate for all the plumbing work = nearly \$3,000
- Unit 3 will be empty at the end of Dec 2011 (vacant and bank-owned); her understanding is that they will not be renting this unit again - the association understands that the items in Unit 3 need to be done but because it's bank-owned property, they don't have any control of the interior

Ms. Moermond:

- #15 - will recommend a variance for double hung egress window
- #7 - she suggested possibly installing a baffle that would disperse the droplets from the sprinklers that are too close together; it would be an equivalency they could look at; Ms. Shaff agreed; however, you need to get someone out who's approved to do fire sprinkler work in order to install a baffle
- is inclined to recommend denial and grant time to work on #7; can do a work plan which can stretch out to a year
- get bids from a couple of sprinkler contractors and plumbing contractors; neither will be cheap; figure out the approach the condo association will want to take once the estimates are gathered
- she is comfortable letting Unit 3's issues ride since the unit is going to be empty, she doesn't see the immediate threat
- asked Appellant to get the appropriate contact information for the bank; the city will try to mail the Orders to the bank; she requested that the association also mail the Orders to the bank
- until those items are dealt with, Unit 3 shall not be occupied (can be handled by way of Revocation or Condemnation of that Unit beginning Jan 1, 2012) - if the Unit isn't emptied until a later date, Appellant will contact Ms. Moermond; the bank needs to deal with the 1-hour separation
- Appellant will work on a Work Plan due Jan 3, 2012 LH
- a re-inspection can wait until Jan 2012

**Referred to the City Council due back on 12/21/2011**

## 2:30 p.m. Hearings

### Vacant Building Registrations (None)

### 3:00 p.m. Other

- 29 [RLH OA 11-23](#) Appeal of Michael Simms to an Inspection Appointment-Rescheduled Per Owner Request and Correction Notice-Complaint Inspection at 959 BURR STREET.

**Sponsors:** Helgen

*Deny the appeal and grant an extension to remove and/or rebuild the fence under permit by January 1, 2012.*

*RE: 959 Burr St (three/four family)*

*Greta Hibbing, property manager for Michael Simms, appeared.*

*Ms. Hibbing:*

- entered photos of fence
- the bldg is not in a good neighborhood (Burr and Case)
- currently, have wonderful tenants who are very concerned about their safety
- before they owned the bldg, there was a fence around the property but only about 2 feet high - people were jumping the fence, hiding guns, running around to the back of the bldg, doing drugs, etc.
- tenants pleaded with them to heighten the fence so they would be enclosed and so people wouldn't be running thru the yard causing trouble
- the owner of the property raised the height of the existing fence; the fence is set back; she does not consider there to be a visibility issue
- tenants feel much safer now and they're pleading that the fence not be lowered; there's a lock on the gate (they have small children); they can sit on the front porch without being afraid
- would like an inspetor to come out, evaluate the situation and try to come up with a good idea to help keep the tenants feeling safe
- hopes to come with a plan to enclose a portion of the yard so that the children could still play and not worry - she will draw up a plan and pull a permit

*Fire Inspector Shaff:*

- fence was installed without a permit
- fence is too high in the front / side of house (5 ft 6 in high)
- there are certain requirements when someone wants to put up a fence (maximum height of 6 feet; 2 feet feet high in the front; can't have obstructions)
- when someone goes to get a required fence permit at the Dept of Safety and Inspections, the plans examiners require a site plan so that we don't have these issues
- at this height, it keeps people out; however, it may cause visual obstruction

*Ms. Moermond:*

- scanned photos
- asked Ms. Hibbing to diagrahm the fence on the property
- this fence can be no more than 4 feet tall in the front and side of this corner property; the angle piece on the corner - no higher than 2 feet
- the base of the fence appears to be encroaching on public sidewalk - it needs to be pulled back - the footing needs to be completely within the property
- will deny the appeal and grant an extension to Jan 1, 2012 to remove and/or rebuild the fence under permit
- City Council Public Hearing Dec 7, 2011

**Referred to the City Council due back on 12/7/2011**

## Staff Reports

30      RLH VO 11-101      Appeal of Deanna Williamson to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 989 BURR STREET.

**Sponsors:**      Helgen

*Appellant to submit a work plan by December 13, 2011 or the Certificate of Occupancy will be revoked, inclusive of the interior inspection.*

*RE: 989 Burr St (three family dwelling)*

*No one appeared.*

*Ms. Moermond:*

- *City Council Public Hearing Dec 21, 2011*
- *an interior inspection and Work Plan are needed by Dec 13, 2011 or Certificate of Occupancy will be Revoked and appeal denied*

**Referred to the City Council due back on 12/21/2011**

31 [RLH FCO  
11-484](#)

Appeal of TJK Properties, Inc., to a Correction Notice-Reinspection Complaint and Inspection Appointment at 1625 HEWITT AVENUE.

**Sponsors:** Stark

*Grant the appeal provided that Appellant replace the fire extinguisher every 7 years; grant the appeal on the extermination issue. (See previous hearing for rest of recommendations).*

*RE: 1625 Hewitt Ave (duplex)*

*Joe and Ruth Kunkel, TJK Properties, appeared.*

*Mr. Kunkel:*

- *Ms. Moermond had us come back regarding the extinguishers; check with inspector regarding paint and the window hold open*
- *met the inspector on site; he pointed out specific areas that needed paint on the exterior*
- *talked with inspector about the window hold open solution he had; inspector gave him a deadline of Dec 31, 2011*
- *had exterminator go thru house today re: mice*

*Ms. Moermond:*

- *following up on painting and code on fire extinguisher*
- *last code item #13 - talks about required annual maintenance; Mr. Kunkel brought in the fire extinguisher box, which indicates that it is the kind of extinguisher that doesn't require maintenance*

*Fire Inspector Leanna Shaff:*

- *re: #13 - there is a difference - they have to be checked only every 6 years but they have to go thru a visual inspection by a qualified person annually (Mr. Kunkel responded that this is a duplex and fire extinguishers are not required; the manufacturer's recommendation and NFPA standard is to replace them every 12 yrs); this is not the Saint Paul Fire Marshal's standard, however*

*Mr. Moermond:*

- *will recommend the appeal be granted on item #13 - fire extinguishers, provided that Appellant replace the fire extinguisher every 7 years (problem: if Appellant is wrong, there are serious consequences)*
- *the jurisdiction of Fire Safety measures is with the Saint Paul City Council not with the state fire marshal*
- *City Council Public Hearing Dec 7, 2011*
- *will recommend granting the appeal on exterminator issue*

**Referred to the City Council due back on 12/7/2011**

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- 32      **RLH FCO**  
11-467      Appeal of Kyle Dalton to a Fire Certificate of Occupancy Inspection Correction Notice at 1020 PACIFIC STREET.
- Sponsors:**      Lantry
- RE: 1020 Pacific St (duplex)*
- Ms. Moermond:*  
- City Council Public Hearing Dec 21, 2011  
- will send email to inspector  
- thinks it may be Withdrawn
- Forthcoming. Need to get feedback from electrical inspector.*
- On November 30, 2011, Ms. Moermond reviewed the file further and recommended granting the appeal provided that installation of the heating system is completed under permit. The steps were granted at the October 25, 2011 hearing.*
- Referred to the City Council due back on 12/21/2011**
- Window Variances: No Hearing Necessary**
- 33      **RLH FOW**  
11-237      Appeal of Lynette Schmitz, Marathon Management, to a Fire Certificate of Occupancy Inspection Correction Notice at 1565 CLARENCE STREET.
- Sponsors:**      Bostrom
- No hearing necessary; grant an 8-inch variance on the openable height of the egress windows in all bedrooms.*
- Referred to the City Council due back on 12/21/2011**
- 34      **RLH FOW**  
11-240      Appeal of Tony Swanson, Public Housing Agency of St. Paul, to a Fire Certificate of Occupancy Correction Notice at 1500 DANFORTH STREET.
- Sponsors:**      Helgen
- No hearing necessary; grant a 3-inch variance on the openable width of the egress bedroom windows throughout.*
- Referred to the City Council due back on 12/21/2011**
- 35      **RLH FOW**  
11-229      Appeal of Lawrence F. Yarusso and Vicki Imdicke, Power of Attorney, to a Fire Certificate of Occupancy Correction Notice at 1260 EARL STREET.
- Sponsors:**      Bostrom
- No hearing necessary; grant a 2.5-inch variance on the openable height of the egress window in the west bedroom.*
- Referred to the City Council due back on 12/21/2011**
- 36      **RLH FOW**  
11-244      Appeal of Gregory Mailand, Mailand Properties LP, to a Fire Certificate of Occupancy Correction Notice at 434 ENGLISH STREET.
- Sponsors:**      Lantry
- No hearing necessary; grant variances for all egress bedroom windows being*

*appealed. (Items 2, 5, 6, 7, 10, 14, 18, 25, 30, 31, 35, 39, 43, 45, 52, 54, and 58).*

**Referred to the City Council due back on 12/21/2011**

- 37      **RLH WP 11-115**      Appeal of Installation Masters Inc., on behalf of Tony and Katy Harms, to an Egress Window Non-Compliance Determination at 1013 GROTTO STREET NORTH.

**Sponsors:**      Helgen

*No hearing necessary; grant a 3-inch variance on the openable width of three replacement egress bedroom windows measuring 17 inches wide by 36 and 28 inches high.*

**Referred to the City Council due back on 12/21/2011**

- 38      **RLH FOW 11-241**      Appeal of Todd Funke to a Fire Certificate of Occupancy Correction Notice at 144 LEXINGTON PARKWAY NORTH.

**Sponsors:**      Carter III

*No hearing necessary; grant a 5-inch variance on the openable height of the egress windows in the east, south, southwest and northwest bedrooms.*

**Referred to the City Council due back on 12/21/2011**

- 39      **RLH WP 11-113**      Appeal of Bryan Horton, Renewal by Andersen, to two Egress Window Non-Compliance Determinations at 555 SARATOGA STREET SOUTH.

**Sponsors:**      Harris

*No hearing necessary; grant a 1-inch variance on the openable height of one double hung replacement egress bedroom window measuring 23 inches high by 24 inches wide and grant a 6-inch variance on the openable height of one double hung replacement egress bedroom window measuring 18 inches high by 28 inches wide.*

**Referred to the City Council due back on 12/21/2011**

- 40      **RLH FOW 11-235**      Appeal of Mary Wendt to a Fire Certificate of Occupancy Inspection Correction Notice at 1116 SIXTH STREET EAST.

**Sponsors:**      Lantry

*No hearing necessary; grant a 4-inch variance on the openable height of the egress windows in the main floor southwest and southeast bedrooms.*

**Referred to the City Council due back on 12/21/2011**

- 41      **RLH FOW 11-234**      Appeal of Patti Palmen to a Re-Inspection Fire Certificate of Occupancy With Deficiencies at 1822-1824 Stillwater Avenue.

**Sponsors:**      Lantry

*No hearing necessary; grant a 7-inch variance on the openable height of the egress windows in Unit 1824, upstairs bedroom.*

**Referred to the City Council due back on 12/21/2011**

- 42      **RLH FOW  
11-242**      Appeal of Tony Swanson, Public Housing Agency of St. Paul, to a Fire Certificate of Occupancy Correction Notice at 1098 WAKEFIELD AVENUE.

**Sponsors:**      Lantry

*No hearing necessary; grant an 4.5-inch variance on the openable height of the egress windows in the main floor northwest, southwest and southeast bedrooms.*

**Referred to the City Council due back on 12/21/2011**

- 43      **RLH WP 11-116**      Appeal of Window World (Esther Dahl), on behalf of T & M Properties, to an Egress Window Non-Compliance Determination at 905 WHITE BEAR AVENUE.

**Sponsors:**      Bostrom

*No hearing necessary; grant a 6-inch variance on the sill height provided that the owner installs full width steps below the five casement replacement egress bedroom windows.*

**Referred to the City Council due back on 12/21/2011**