



# City of Saint Paul

15 West Kellogg Blvd.  
Saint Paul, MN 55102

## Minutes - Final - Final Legislative Hearings

*Marcia Moermond, Legislative Hearing Officer*  
*Mai Vang, Hearing Coordinator*  
*Jean Birkholz, Hearing Secretary*  
*Mary Erickson, Hearing Secretary*  
*legislativehearings@ci.stpaul.mn.us*  
*651-266-8560*

---

Tuesday, December 13, 2011

9:00 AM

Room 330 City Hall & Court House

---

### 9:00 a.m. Hearings

#### Remove/Repair Orders

- 1     [RLH RR 11-80](#)     Ordering the razing and removal of the structure(s) at 910 EDMUND AVENUE within fifteen (15) days after the November 16, 2011 City Council Public Hearing. (Public hearing continued from November 16, 2011)  
  
      Sponsors:     Carter III  
  
      *Remove the building within 15 days with no option for repair.*  
  
      RE: 910 Edmund Ave (multi-family)  
  
      No one appeared.  
  
      Inspector Steve Magner, Vacant Buildings:  
      - layover  
      - Legislative Hearing on Oct 25, 2011; no one appeared; Ms. Moermond recommend the matter be continued to Nov 8, 2011  
      - Nov 8, 2011 - Mai Vang sent an email to Michele Vojacek, Planning and Economic Development asking whether the property was in foreclosure;  
      Ms. Vojacek responded: the property has no foreclosure proceedings of record. It appears the owner-purchaser had a foreclosure in 2008.  
  
      Ms. Moermond:  
      - will recommend removal of the building within 15 days with no option for rehabilitation  
  
      **Referred to the City Council due back on 1/4/2012**
  
- 2     [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.  
  
      *Remove the building within 15 days with no option for repair.*  
  
      RE: 1028 Loeb St (single family)  
  
      Inspector Steve Magner, Vacant Buildings:

- laid over
- expectation based on last hearing:
  - post \$5,000 Performance Deposit by Dec 13, 2011 in order to get a recommendation for an additional 2-week layover (as of this morning, a Performance Deposit has not been posted)
- understands that Appellant has no funds available

Ms. Moermond:

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

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

- 3      [RLH RR 11-88](#)      Ordering the rehabilitation or razing and removal of the structures at 81 JESSAMINE AVENUE WEST within fifteen (15) days after the January 4, 2012, City Council Public Hearing.

**Sponsors:**      Helgen

*No one appeared. (MM to do layover to Council on January 18, 2012)*

*RE: 81 Jessamine Ave W (duplex)*

*No one appeared.*

*Inspector Steve Magner, Vacant Buildings:*

- 2-story wood frame duplex with detached 2-stall garage on lot 4,792 sq ft
- vacant since Jun 5, 2008
- current owner Twin Cities Real Estate Partners LLC per Ramsey County
- Sep 29, 2011, inspection conducted; list of deficiencies which constitute a nuisance condition developed; photos taken
- Order to Abate Nuisance Building posted Oct 11, 2011; compliance date Nov 10, 2011
- as of this date, property remains in a condition which comprises a nuisance as defined by legislative code
- estimated market value \$20,200 on land; \$66,300 on building
- taxes for 2010 are delinquent in amount \$3,292.92 and 2011 in amount \$3,575.04 plus penalty and interest (scheduled for tax forfeiture in 2012)
- vacant building registration fee went to assessment June 20, 2011
- code compliance inspection done Apr 23, 2010 which has expired
- as of Dec 9, 2011, \$5,000 Performance deposit not posted
- 14 Summary Abatements since 2008; 14 Work Orders: garbage/rubbish; boarding/securing; grass/seeds; snow/ice
- estimated cost to repair exceeds \$75,000; estimated cost to demolish exceeds \$12,000
- recommends removal within 15 days

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

- 1889 2 1/2 story construction; Italianate proportions and massing with Queen Anne detailing
- wood shingles appear to be original
- Sanborn Insurance maps shows that this property originally had a tin shop in the back that was quite large, which since then has been replaced with an auto garage
- photos of tin ceilings still present in the house
- was not surveyed in 1983
- has really unique architectural character; has a corner 3-story tower with a

- flat-topped, mansard roof with flared eaves*
- a very substantial house, consistent with the rest of the houses in the area (massing, detailing, roof pitches, etc.)*
- this property has a potential as an historic resource (it would need more study to determine if it has any potential for designation)*
- strongly encourages rehab on this property*

*Ms. Moermond:*

- there's no owner, which is a concern*
- she understands that Jonathan and Elizabeth Bruntchen's properties have been foreclosed upon*
- because this is a rental property, she is inclined to recommend it be removed but there's a new council member and it's an historically interesting property; and the council member deserves more than 24 hours in office before a decision is made*
- will recommend a 2-week layover for evaluation of record, at least*
- HPC attachments*

**Referred to the City Council due back on 1/4/2012**

- 4      [RLH RR 11-89](#)      Ordering the rehabilitation or razing and removal of the structures at 576-586 MARYLAND AVENUE WEST within fifteen (15) days after the January 4, 2012, City Council Public Hearing.

**Sponsors:**      Helgen

*No one appeared. Remove within 15 days with no option for repair.*

*RE: 576-586 Maryland Ave W (general retail and svc B-commercial)*

*Inspector Steve Magner, Vacant Buildings:*

- 1-story wood frame single family dwelling with an attached 1-stall garage on lot 8,276 sq ft*
- vacant since Apr 18, 2011*
- property owner Jonathan Greenlee per Ramsey County*
- Oct 4, 2011 inspection conducted; list of deficiencies developed; photos taken*
- Order to Abate Nuisance Bldg posted Oct 11, 2011; compliance date Nov 10, 2011*
- as of this date, property remains in a condition which comprises a nuisance as defined by legislative code*
- estimated market value \$98,700 on land; \$3,000 on building*
- taxes are current*
- Vacant Building registration fee went to assessment Jun 20, 2011*
- As of Dec 9, 2011, code compliance inspection has not been done; \$5,000 performance deposit has not been posted*
- 4 Summary Abatements since 2011; 4 Work Orders for: grass/weeds; graffiti*
- estimated cost to repair exceeds \$50,000; estimated cost to demolish exceeds \$12,000*
- recommends removing this structure within 15 days*

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

- structure built 1947; original permit index card shows a 1-story dwelling was built at a cost of \$500 in 1907; it's possible that the original bldg was demolished (no record of that) or extremely altered structurally (there's no resemblance of the early structure)*
- not surveyed as part of the 1983 survey*
- because of its age and condition, demolition would not have an adverse affect*

*Ms. Moermond:*

*- will recommend removal within 15 days with no option for rehabilitation*

**Referred to the City Council due back on 1/4/2012**

- 5      [RLH RR 11-90](#)      Ordering the rehabilitation or razing and removal of the structures at 594 MARYLAND AVENUE WEST within fifteen (15) days after the January 4, 2012, City Council Public Hearing.

**Sponsors:**      Helgen

*Ms. Moermond recommended that Appellant provide the following:*

- 1) an affidavit indicating Appellant will be dedicating at least \$45,000 of the funds from American Express account for the project;*
- 2) clean up the site;*
- 3) provide estimates on the cost and labor of the site clean up;*
- 4) the property must maintained; and*
- 5) develop a site plan and work with Larry Zangs, a project facilitator on use, zoning and site plan review so that the building permit for this rehabilitation can be issued taking into account the legal use of the property as a whole.*

*If all of the above conditions are addressed, Ms. Moermond will recommend that the City Council grant 120 days for the rehabilitation project. If all of the above has been addressed, except for completion of an approved site plan and plan review of the building permit, Ms. Moermond will recommend that the City Council continue its public hearing to January 18, 2012.*

*RE: 594 Maryland Ave W (single family)*

*Mike Haase, MWM Properties LLC, appeared*

*Inspector Steve Magner, Vacant Buildings:*

- 1 1/2 story wood frame single family dwelling; detached 2-stall garage with an attached metal shed on lot of 21,344 sq ft*
- vacant since Apr 18, 2011*
- owner: MWM Properties LLC per Ramsey County*
- Oct 4, 2011 - inspection conducted, list of deficiencies which constitute a nuisance condition developed; photographs taken*
- Order to Abate Nuisance Bldg posted Oct 11, 2011; compliance date Nov 10, 2011*
- as of this date, property remains in a condition which comprises a nuisance as defined by legislative code*
- estimated market value \$226,800 on land; \$1,200 on bldg*
- taxes are current*
- vacant building registration fee went to assessment Jun 20, 2011*
- code compliance inspection done May 26, 2011*
- \$5,000 performance bond posted Oct 27, 2011*
- 3 Summary Abatements Notices since 2011; 2 Work Orders for: garbage/rubbish; boarding/securing*
- estimated cost to repair exceeds \$50,000; estimated cost to demolish exceeds \$15,000*

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

- built 1947*
- this area has both commercial and residentia and has not been surveyed*
- the small dwelling has wood siding, gable end roof*

- demolition would not have an adverse affect
- today is a City Council public hearing on the neighboring property, 586 Maryland (Appellant wanted a copy of that information)

Mr. Haase:

- they just acquired property in late Nov-early Dec, 2012 from the Bank of America for \$63,000
- their realtor was Bob Allen, Edina Realty
- got notification after purchase that the site was in a phase 3
- they think the house is a good quality structure
- he had been chief appraiser for Armour's Credit Union for many years and is very familiar with housing and has been in the real estate business for 40 years; someday, it may go commercial but will take some time to fix it up for single family
- his son is a contractor

Mr. Magner:

- city's legal requirements for rehabbing and the owner's obligation to rehab before sale or remove:
- a sale review was conducted for the sale of this property Oct 27, 2011
- the city approved going thru sale review because the Purchase Agreement had been dated prior to the Order to Abate by a few days
- they received documents indicating that the potential owner, MWM Properties LLC, was planning on putting \$16,350 into the property
- he discussed this with Mr. Soley: because of the date of Purchase Agreement, the city would allow the sale to go through but would go ahead with public hearings
- thinks the bldg needs approximately \$50,000 worth of work; not buying the \$16,000 band-aid action
- as the county clearly identified, this property is not an asset right now
- owner has bond and code compliance
- city still needs work plan and financial proof
- still needs to see a timeframe established by the City Council for rehab
- don't have cost for site clean-up in work plan that was just entered
- thinks there will also be a concern with the property complying with Chapter 34 Paved Surface Area - it needs to be addressed right now and that might change his costs (a residential site can't exceed 1500 sq ft of paved surface area)
- if it's going to be used for both, we will need to lay this matter over to get a description of use and run it by a project facilitator; the accessory structure would also need a Fire Certificate of Occupancy; a second use on a site requires a separate C of O and a license to do the business
- need a site plan and use dedication (Larry Zangs, Department of Safety and Inspections (DSI)) - Mr. Magner will get specific information to Mai Vang so that she can incorporate it into the letter she will send tomorrow)
- the property is in a T2 zoning district
- must be in compliance with Chap 34 regarding the overall paving
- noted that if permits were obtained today and for some reason, something went awry in the process and they did some work but the project never came to fruition - they need to realize it's a risk

Mr. Haase:

- re: \$16,350 repair amount: they had a copy of the code compliance report and had Paul Anderson, CMC Inc, a professional contractor, put bids together and were anticipating putting \$40,282 into rehab; that estimate was done Oct 10, 2011
- anticipating rehab completion by Feb 1, 2012 but he is asking for a little more time as a buffer
- entered work plan estimates
- they plan to rent out the house; some accessory structures need to be torn down;

some rented out; tear out chain link fences and railroad ties; will give it a good clean-up, a good fix up and rent out to good tenants

- they intend to do the site clean-up (Ms. Moermond asked Mr. Haase to submit the number of hours it will take and the costs involved)
- the site will be used commercially as well as residentially - the out building will be used as a repair garage or something like that - they would rent it out to someone either in the construction business or similar business
- either his son Mark Haase or Paul Anderson will be doing the work on this property
- they do quality work and actually put in extra things; they want nice, well-maintained properties and good tenants
- MWM doesn't finance their projects; they pay cash for them
- can they go ahead and work on the house?
- they have a plumber and electrician contacted
- asked if they could forget about the commercial aspect for the time being, could they go ahead with the house and once finished, continue on with the rest of the property (Mr. Magner responded that, with additional uses at the site, the city needs to identify what can and what can't be there; the biggest concern is that the renter and his friends start running an illegal car repair shop out of the garage - vehicles are parked everywhere in disarray)
- just because the pavement is existing, doesn't mean it gets to stay

Ms. Moermond:

- listed the items that are already completed: code compliance inspection; the \$5,000 performance deposit is posted; the site has been maintained; the sale review is done; the bid looks good
- all work must be done by a licensed contractor
- city needs a proposal for the use of the site before a grant of time can be recommended
- need to see evidence that MWM has the money to do the rehab (ballpark \$45,000)
- wants to give Mr. Haase a chance to meet with the zoning people
- would like to hold off on the clearance for doing the rehab until Mr. Haase works with zoning about the commercial part of it and gets that taken care of
- now, they can clean the site
- licensed contractors can go ahead and pull permits
- a follow-up hearing will be scheduled
- scheduled to go before City Council Jan 4, 2012

**Referred to the City Council due back on 1/4/2012**

- 6      [RLH RR 11-91](#)      Ordering the rehabilitation or razing and removal of the structures at 155 RUTH STREET NORTH within fifteen (15) days after the January 4, 2012, City Council Public Hearing.

**Sponsors:**      Lantry

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

*RE: 155 Ruth St N (single family)*

*Loras Kamp, a concerned neighbor, appeared.*

*Mr. Kamp:*

- concerned about what is going to happen with the fences (are they going to stay or are they going to go)
- his backyard is all fenced in but part of the fence belongs to this property
- the neighbor to the north has dogs so, he's concerned about the fence, too

*Inspector Steve Magner, Vacant Buildings:*

- 1 story wood frame single family dwelling with detached garage, which was converted to living space, on lot of 8,276 sq ft
- vacant since Mar 8, 2011
- property owner Federal National Mortgage Association per Ramsey County
- Sep 21, 2011, inspection conducted; list of deficiencies which constitute nuisance condition developed; photos taken
- Order to Abate Nuisance Bldg posted Oct 10, 2011; compliance date Nov 10, 2011
- as of this date, property remains in a condition which comprises a nuisance as defined by legislative code
- estimated market value \$39,000 on land; \$177,200 on bldg
- taxes are current
- vacant building registration fee went to assessment Apr 22, 2011
- as of Dec 9, 2011, code compliance inspection has not been done; \$5,000 performance deposit has not been posted
- 4 Summary Abatements since 2011; 4 Work Orders: garbage/rubbish; boarding/securing
- estimated cost to repair between \$60,000 - \$75,000; estimated cost to demolish exceeds \$12,000
- recommends removing the building within 15 days

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

- 1972 split level built by Sussel; garage was converted to living space
- 1983 this neighborhood was not surveyed because it was only about 11 years old
- Burlington Heights neighborhood (several houses along Point Douglas Rd)
- demolition would have no adverse affect

*Ms. Magner:*

- when the city removes a building, normally, if the fence belongs to the property that they are removing, the city will remove the fence also
- if the city is asked by the neighbor to leave a fence in tact, the city will do that, however, the fence, then, becomes the maintenance responsibility of that neighbor (the land on which the fence is situated, however, does not become the neighbor's property); if the fence becomes in need of repair, the city will abate the fence at the cost of this particular property owner (155 Ruth)
- Mr. Kamp needs to contact the supervisor, Joe Yannarely, 651-266-1920, who will be handling the demolition action out there; Mr. Magner will give him a heads-up
- no one has to have a fence; it's an option; but, if you have a fence, you would either need to maintain it or remove it
- in this particular case, because the fence isn't being maintained, the city would remove it (if we leave the fence for Mr. Kamp, he has to maintain it)
- the city's preference is to remove the fence at the time of demolition
- after demolition, the property will be top-soiled, seeded and strawed, depending on the season
- all buildings are surveyed for hazardous waste and abatement requirements
- depending on what is regulated by the MN Pollution Control Agency, those items are abated prior to the actual physical demolition
- process should be completed by Mar 1, 2012

*Mr. Kamp:*

- he is on the south side of this property; his neighbor is on the north side
- he is not talking about the rear fence
- the fence is in bad shape
- he would prefer that the city remove the fence

*Ms. Moermond:*

*- will recommend removal within 15 days with no option for rehabilitation*

**Referred to the City Council due back on 1/4/2012**

- 7      [RLH RR 11-92](#)      Ordering the rehabilitation or razing and removal of the structures at 718 WATSON AVENUE within fifteen (15) days after the January 4, 2012, City Council Public Hearing.

**Sponsors:**      Thune

*Forthcoming. (MM will do LO to January 18, 2012 PH to alert U.S. Bank about the historic significant of the property)*

*RE: 718 Watson Ave (single family)*

*Raymond Fernow appeared (his aunt's house)*

*Mr. Fernow:*

*- house has been owned by a Fernow since 1910 when his grandfather traded a horse drawn freight wagon with a six horse team for the house with Mr. Watson  
- he doesn't own the house but he and his son would like to buy the house, fix it up and live in it; since he has been a kid, he has been enamored with that house  
- his grandpa's blacksmith shop was out back; he spent a lot of time there when he was young  
- he would like to put up a garage, eventually*

*Ms. Moermond:*

*- doesn't have good news for Mr. Fernow  
- the current owner, Tamaye Ceannaideach, has moved out and moved on  
- the place is condemned; it's not livable; she pulled out a lot of things (money was put in and then, it was undone)  
- it was a mess and the city did some clean-up  
- U. S. Bank holds the mortgage but hasn't been foreclosed  
- now, because of the Bostrom Ordinance, only the owner can repair it  
- there is no responsible seller; she thinks it's been abandoned  
- eventually, if the taxes aren't paid, the property will go back to the State of MN for nonpayment  
- in a case like this, the city really can't do anything for the Appellant  
- we don't have an owner at the table*

*Inspector Steve Magner, Vacant Buildings:*

*- 1-story wood frame single family dwelling on a lot of 6,970 sq ft  
- vacant since Aug 5, 2011  
- current owner Tamaye Ceannaideach per Ramsey County  
- Sep 27, 2011 inspection of building was conducted, list of deficiencies which constitute a nuisance condition developed; photos taken  
- Order to Abate Nuisance Bldg posted on Oct 5, 2011; compliance Nov 7, 2011  
- as of this date, property remains in a condition which comprises a nuisance as defined by legislative code  
- estimated market value \$27,100 on land; \$38,700 on building  
- taxes are current (approximately \$1,400 in special assessments due)  
- the city has contacted the mortgage company and it is his understanding that the outstanding balances are \$61,400 with the first; \$23,500 with the second; \$15,000 on a third; and with the exception of 2 payments that were made originally on the first, there have been no payments since on any of those balances*



- vacant bldg registration fees paid by check Sep 14, 2011 by a mortgage company servicer
- code compliance inspection had not been done
- \$5,000 performance bond has not been posted
- 1 Summary Abatement; 3 Work Orders for: boarding/securing
- estimated cost to repair exceeds \$100,000; estimated cost to demolish exceeds \$12,000

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

- 1 1/2 story dwelling built 1875 as a worker's cottage
- gable front roof; small open front porch; limestone foundation
- still has it's woodlap siding exposed
- porch may have been rebuilt around 1990
- early addition 1890 with other multiple rear additions
- surveyed in 1983 Ramsey County #RA-SPC-5003
- after that survey, it made it into that final report and is listed as a site of major significance for the neighborhood
- has inventory form
- has Sanborn map - up to 1925, there was a small rear addition on back, a front open porch, an auto garage that is no longer there
- also found a conversation between Jim Sassavich and Patrick Guernsey about the history of this house: he talks about Wilhelm Fernow, born in 1885 and about the Appellant's grandfather being born on the ship coming over here. It says the house was built in 1882 by Edwin Dunsten Trundgen and his wife, Addie and goes thru the whole family. Original address was 720 Lee Ave. One of the residents was a machinist at the Omaha Shops; died in Saint Paul, 1924.
- inventory form says that it's one of the most ornate, oldest and most appealing Victorian cottages in an area of several much altered dwellings (has a front bay, all of it's bracketing is still intact; the original porch is gone; lot of the moldings and wood siding are still exposed); talks about this picturesque cottage, features an ornate porch with turn columns and brackets; porch roof extends around a bay window; transom window over door; transom over window; attic level window on main facade has pedimented window hood inframing slightly, segmental arched opening; attic window on side of house has pointed arch - (a lot of detail put into this small structure)
- it was put through the Section 106 review request in anticipation of a possible demolition; the SHPO office included that no properties listed are eligible for listing in the National Register would be affected by this project but she doesn't know if any additional evaluation was done or if they had the 1983 survey information
- there is some infill around this property - the historic context of the neighborhood has changed
- she would recommend that this house still has potential to be an historic resource and would require additional evaluation by the Heritage Preservation Commission
- has good photo documentation
- will get the nicer historic site survey form from Ramsey County (they have originals and can do a nicer scan)

*Ms. Moermond:*

- asked for a copy of Ms. Spong's documents; wants to get all info on record
- will ask City Council on Jan 4, 2012 for a 2-week layover
- let's slow this one down to see if someone can be motivated
- Appellant would also like a copy of the record

*Follow-Up Moermond conversation with Michelle Vojacek 12-20-11:*

- U.S.Bank is only the servicer
- No foreclosure process underway (although payments are not being made)

-FHA insured mortgage, therefore, it would eventually become a HUD house.  
-MV conversations with loan manager indicate US Bank will push for demolition.

**Referred to the City Council due back on 1/4/2012**

8      [SR 11-103](#)      Reviewing progress of rehabilitation for 554 CHARLES AVENUE.

**Sponsors:**      Carter III

*Reviewing progress  
mail was returned*

*RE: 554 Charles Ave (single family)*

*Inspector Steve Magner, Vacant Buildings:*

*- Nov 29, 2011, a warning letter was sent to Brad Ballard, K 3 Investments  
- Mr. Magner read letter:  
- if progress not made up to 50% in 30 days, a legislative hearing will be re-scheduled for Jan 10, 2012  
- only one permit pulled: Oct 27, 2011 building permit, active issued, has not been inspected  
- Inspector Seeger's file says: there was some contact in Sep 2011; no final inspection; still deficiencies in electrical; correction letter sent Sep 2011 by Mr. Hansen - still deficiencies there; correction letter sent in Sep 2011 for plumbing - still deficiencies there; Orsat filed by heating person Dec 2, 2011  
- still 4 final inspections away from sign off*

*Mr. Moermond:*

*- it's troubling that Mai Vang's letter was returned, "unable to forward;" had been addressed to 631 University*

*Mr. Magner:*

*- try 1317 Rice St - that address is listed by Ramsey County; that's what shows up on one of the permits*

*Ms. Moermond:*

*- resend letter to 1317 Rice St  
- re-scheduled for Jan 10, 2012*

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

## 11:00 a.m. Hearings

### Orders To Vacate, Condemnations and Revocations

9      [RLH VO 11-117](#)      Appeal of Dawn Luedtke to a Fire Certificate of Occupancy Revocation and Order to Vacate 947 BARCLAY STREET.

**Sponsors:**      Bostrom

*Deny appeal on the revocation and grant an extension to January 15, 2012 to vacate the property.*

*RE: 947 Barclay St (single family)*

*Dawn Luedtke, tenant, appeared.*

*Fire Inspector Mike Urmann:*

- the tenant, Dawn Luedtke, is appealing the Order
- in this case, the building owner has been completely absent (not able to be contacted)
- letters have been sent and not adhered to
- no permits have been pulled for any of the work
- had to take enforcement action due to noncompliance of the property owner
- has been going on since Jun 2011

*Ms. Luedtke:*

- noted that power is back on (had used a generator for a while)
- the landlord is ill; his son stopped by about 6 weeks ago and said that his father was sick but he was going to be looking after some of the items
- she gave the son her number; he didn't leave his
- she hasn't talked with the son since
- she has fixed some of the items to be able to stay until she finds somewhere to go
- she understood that if she got the electricity back on that was the main thing but she got the electricity back on and found the Notice on her door

*Mr. Urmann:*

- re: the electricity - the electricity shut-off would have caused a Condemnation had it not been restored; the enforcement action is the Revocation because of noncompliance

*Ms. Moermond:*

- the power outage is in the Order dated Nov 21, 2011 itself and it's not Condemned (?)
- the tenant needs time and we don't have a landlord stepping up and being responsible
- asked if tenant put in hot water heater (Ms. Luedtke replied that it was there but not hooked-up; he said it was OK for them to hook up the hot water heater)
- it won't work here anymore
- the critical items on the list require permits and the tenant probably doesn't want to spend her money there as opposed to finding another home
- will recommend denying appeal on the revocation and granting an extension to January 15, 2012 to vacate the property
- City Council public hearing Dec 21, 2011

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

- 10      [RLH VO 11-118](#)      Appeal of Roberto Rodriguz to a Certificate of Occupancy Revocation and Order to Vacate 881 BURR STREET.

**Sponsors:**      Helgen

*Deny the appeal on the revocation and grant an extension to January 15, 2012 to vacate the property.*

*RE: 881 Burr St (single family)*

*Robert Rodriguz, occupant, appeared.*

*Fire Inspector Mike Urmann:*

- he was unable to interview the inspector
- landlord, Mr. Swartwood, has not cooperated in allowing access to the property to do the inspection (he has failed to show up for several appointments)

- Order to Revoke was because of non-contact
- all Orders are exterior because one of the Orders is to provide access on Dec 15th
- Mr. Swartwood has made it clear to the inspectors not to enter his buildings without his presence unless it's a referral (owner's right)
- if Mr. Swartwood would provide access, we would not be ordering people out

Mr. Rodrigus:

- they gave permission for the inspectors to access the building but they declined because Appellant and his wife not the owners
- his wife was there and inspectors told her they can't go inside if the owner is not there
- if they have to move out, they need more time to move out; both he and his wife work
- owner is fixing some now

Ms. Moermond:

- right now, it's scheduled to be emptied by Dec 15, 2011
- let's go with Jan 15, 2012 to find a place to live
- if, in the meantime Mr. Swartwood would allow access, Appellant and family could stay
- will recommend denying the appeal and granting until Jan 15, 2012 to vacate
- the Dec 15, 2011 inspection will remain scheduled

**Referred to the City Council due back on 1/4/2012**

## 11:30 a.m. Hearings

### Summary Abatement Orders

- 11 [RLH SAO 11-42](#) Appeal of John Krenik to a Summary Abatement Order and Correction Notice at 1270 CLEVELAND AVENUE SOUTH.

**Sponsors:** Harris

*Ms. Moermond recommended that Appellant submit an inventory list of the items being addressed by December 27, 2011 as well as a confirmation letter from a City inspector indicating that there is no interior access to the exit door (without exterior stairs) referenced in the correction order; grant an extension to August 31, 2012 for the removal of the items entirely.*

*RE: 1270 Cleveland Ave S (vacant land and single family)*

*John Krenik, owner, appeared.*

*Inspector Joel Essling:*

- Summary Abatement dated Nov 22, 2011 is attached to appeal form; compliance date Dec 1, 2011
- some language inserted in SA: remove storage and refuse from front of house including: bags of yard waste, buckets of rock, window, storage under tarps and concrete mixer
- all those items have been removed or relocated
- as far as the SA is concerned, the property is in compliance
- he is unclear as to why we are here
- photos were taken Nov 22, 2011

*Mr. Krenik:*

- sent in another form about a stairwell - time of completion and check (they sent back my check)?
- this has been extremely stressful for him and his family
- every morning and every noon, he checks the city website to see if there's been an action on the property
- has photos of property that shows property is in compliance

Ms. Moermond:

- this situation appears to have been founded; items were removed and now the property is in compliance

Mr. Krenik:

- in Mr. Essling's report on the city website, it says that the Appellant's vehicles are unaddressed; the garbage and other issues have been unaddressed; all his checkpoints were unaddressed but they all have been addressed and taken care of (Ms. Moermond referred Mr. Krenik to the Dept of Safety and Inspections re: these notes)
- Nov 22, 2011 Correction Notice - remove all exterior storage by May 31, 2012; couple boarded windows - lawn mower kicked rocks and broke windows (This Appeal and check was returned to Mr. Krenik; city doesn't charge for Summary Abatement appeals)(Ms. Moermond thinks she may have attached Correction Order as an FYI to herself)
- just took out a building permit for large garage - Mary in zoning and he worked out a plan for design; worked with Mr. Bloom and others in plan review
- due to the large file and attorney's fees, he got a very late start on this project this year
- Mr. Essling has asked him to either build the garage by May 31, 2012 or remove the items
- introduced a letter from Michael Palm, Bldg inspector: 41 x 24 detached structure being built - the permit for this is good for 1 year to the date of purchase. Exception to this: the permit is also good for an extended amount of time as long as there are inspections to continue until the completion of this project. There is a time limit of 1 year to have the exterior completed within 1 year from the start of the first inspection (Nov 2011).
- is asking that the removal date of those materials be changed from May 31, 2012 to Nov 2012, in accordance with the permit and plan
- the windows will be repaired (a 1975 Andersen window was hit with a rock; Andersen is making a new sash for \$325; the other window is quite a bit less expensive (Kolby)
- the stairs - when he moved the house from Como Ave, there was a section of the house that was and is uninhabited - it's a storage area to which there's no access from the inside of the house; it was approved by Bob Kessler and Joe Urlich; there is no requirement to build stairs to that particular area
- he played a tape recording of city plan review inspectors saying it didn't need stairs
- stated that he does not want Inspectors Shaff and/or Essling in his house; he does not trust them and they have made mis-statements in this hearing setting, previously
- Ramsey County assessor has been out and is noted in permanent record that that particular area is inaccessible
- has concrete block on pallets, a lift, shingles, rebar, 2 concrete mixers, trusses in the back of the house, not visible from the street - they are near the building site (Mr. Essling and Mary Montgomery told him that was fine)
- a site plan is filed
- a letter from Mary Montgomery stated that he needed to either get a building permit by Jun 21, 2011 or remove the materials; he did get a building permit
- the only exterior storage at this time are the materials for this particular project
- asked for a different inspector due to the tension between himself and Mr. Essling

*Ms. Moermond:*

- showed photo of stairs to Inspectors Essling and Shaff
- requests that Mr. Palm email her to let her know this area is not accessible from the interior
- having an open permit doesn't mean that storage is allowed all over the yard; items need to be enclosed (wood, barrels, scrap, bags of leaves, windows) - been removed

*Inspectors Shaff and Essling:*

- they can't verify that the interior is or isn't accessible

*Mr. Essling:*

- his recollection is that the concrete block was sitting there in Oct 2010, as well as the trusses (Mr. Magner was also present at the time, along with Mary Montgomery) (Mr. Krenik says that the conversation was tape recorded but he doesn't have it here)
- we had instructed Mr. Krenik to remove it all from the property; what changed was that at some point, Mr. Krenik decided to put up an accessory structure and said he would put the material inside
- suggested that the city get an inventory of every item on the property so that we know what's going to be used for the accessory structure and what's not
- those trusses that have been sitting outside for a year will no longer be suitable for construction (Mr. Krenik said that have been covered water-tight and Mr. Palm would be the judge of that)

*Ms. Moermond:*

- having an open building permit doesn't mean indefinite exterior storage
- concerned that Mr. Krenik has allowed junky storage on the outside (has been removed); how do we prevent that from happening again
- let's get an inventory and she will decide whether they're construction items - and those items can continue to be there thru Aug 31, 2012
- city statute says one can have an open building permit for that length of time; it does not speak to exterior storage of building construction items during that entire time
- City Council Public Hearing Jan 4, 2012
- she needs inventory at least by Dec 27, 2011

**Referred to the City Council due back on 1/4/2012**

## **Orders To Vacate, Condemnations and Revocations**

- 12     [RLH VO 11-116](#)     Appeal of Michael Johnson to a Fire Certificate of Occupancy Revocation and Order to Vacate at 1152 BUSH AVENUE.

**Sponsors:**     Lantry

*Deny the appeal and grant an extension to June 1, 2012 for compliance with ground cover and parking area orders.*

*RE: 1152 Bush Ave (duplex)*

*Michael Johnson, owner, appeared.*

*Fire Inspector Mike Urmann:*

- furnace and water heater vent were installed without permits
- the heaters are within a closet in the dwelling units (not sure we have combustible clearances)
- that's the reason for the Revocation

Mr. Johnson:

- bought house 4 years ago
- all the appliances, water tanks and furnaces were there before he bought the house
- the tenants notified the Fire Inspector
- has the majority of list done
- needs clarification on this model of furnace (it says closet model furnaces - they are meant to be in the closet)
- the inspector said those appliances need to be removed from the closet and put into the crawl space

Mr. Urmann:

- even though these furnaces are meant to be installed in small spaces, Fire inspectors are concerned that they may be reduced too far; the combustible clearances aren't there for the venting and aren't there for the appliance; even with a small unit that's meant to be used in a small area, there are required combustible clearances that are installed by the mechanical installer

Ms. Moermond:

- pull a permit for both appliances and have a mechanical inspector sign off on the permit by Dec 23, 2011; if deadline is not met, then this is the Appellant's issue with his tenants
- City Council Public Hearing is Dec 21, 2011
- get the work done under permit; if those furnaces don't work, install furnaces that do work

Mr. Johnson:

- he's working on the inspector on this
- re the driveway - can't do concrete or asphalt now - has asked tenants not to park on driveway; they are allowed to park in the garage only; (he took up the pavement and will put down dustless rock for the time being)

Ms. Moermond:

- driveway: put down a little straw - seeding and sodding may be the way to go
- have driveway issue resolved by Jun 1, 2012
- will recommend denying appeal and granting an extension to Jun 1, 2012 to come into compliance

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

- 13      [RLH VO 11-119](#)      Appeal of Jorge Chavez to a Certificate of Occupancy Revocation, Order to Vacate and Resulting Vacant Building Registration 1059 WILSON AVENUE.

**Sponsors:**      Lantry

*Rescheduled per owner's request. In the meantime, the house must not be occupied.*

*On December 14, 2011, an inspection was made to make sure the house is not occupied. Mr. Chavez called our office indicating he is withdrawing his appeal. He indicated all the items are corrected.*

**Withdrawn**

- 14      [RLH VO 11-120](#)      Appeal of Matthew Ladwig, Ladwig Companies, to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 32 WHEELER STREET SOUTH.

**Sponsors:** Harris

*Rescheduled per owner's request.*

**Laid Over to the Legislative Hearings due back on 12/20/2011**

## 12:00 p.m. Hearings

- 15 [RLH VO 11-113](#) Appeal of Mireya Santamaria to a Re-Inspection Fire Certificate of Occupancy With Deficiencies and Order to Vacate Unit 22 at 1225 WESTMINSTER STREET.

**Sponsors:** Helgen

*Grant the appeal on the condemnation of Unit 22. (Note: additional related orders have been issued for this property and are appealed as well).*

*RE: 1225 Westminster St (apartments)*

*Mireya Santamaria and family and Halimaa Ek, tenants, appeared.*

*Ms. Moermond:*

- understands that a lot of inspectors went thru the bldg yesterday*
- Ms. Santamaria and Ek both talked with Southern Minnesota Regional Legal Services (SMRLS)*

*Ms. Ek:*

- SMRLS told her that because she has Section 8 and because she and her daughter are disabled, to pay her rent for two months, then, talk with City Council and they will send a letter to Section 8 asking that she be moved out of there because of all the problems there*
- she cannot move until Mar or Apr*
- she pays her heat but her apartment is still cold*

*Fire Inspector Leanna Shaff:*

- they are still working on the paperwork*
- Inspectors Sean Westenhofer, Kelly Booker and Wayne Spiering went thru both bldgs (1205 and 1225 Westminster)*
- in summary, the bldg is lacking general maintenance; carpets are absolutely filthy; there are roaches, bed bugs, mice, etc.*
- cabinets are falling apart in kitchens; walls and ceilings need attention; there's lack of workmanship; fire doors don't function; alarm system is in trouble (now fixed); assume they didn't want to pay for firewatch, (where fire alarm system isn't functioning properly, in order to alert residents of a fire, someone needs to walk around, making sure there are no incidents)*
- the alarm company, apparently, wouldn't come out without being paid first*
- they Condemned 2 of the apartments and 7 or 8 apartments cannot be occupied because they lack basic facilities; they are uninhabitable*

*Ms. Santamaria:*

- she wasn't there but her husband was while the inspectors were there*
- wanted inspectors to know that a 3-bedroom unit takes electricity from the next unit*
- Ms. Chun called her on Saturday to ask for the rent; and asked her to take some of her beds out because the inspectors were coming on Tue and would Condemn her apartment*



- her friend called her to say that the maintenance person came to her apartment and told her to say that she had only 4 kids, not 7, when the inspectors came, so, after the inspectors left, the maintenance person went back to the friend's apartment and told her she would be kicked-out because she didn't say that she had only 4 kids
- other tenants are coming with her to City Council on Dec 21, 2011
- re: the burned apartment - Ms. Chun told the tenant that the money to fix the apartment needed to come out of her pocket (the whole side of the kitchen was burned when they brought in a range from another apartment and installed it)
- a lot of people in these apartments have kids that this is what they could afford; other places cost too much - they want \$1,000 + for a 2-bedroom

Ms. Moermond:

- will be on City Council agenda Dec 21, 2011
- Appellant will be able to stay in the apartment
- will be happy to write a letter for Section 8
- other people will need to be notified

Ms. Shaff:

- found that the unoccupied apartments don't have appliances
- preliminary summary of enforcement action: they will be Revoking the Fire Certificate of Occupancy with 30 days to vacate
- strongly encourages every tenant in the building to appeal

Ms. Moermond:

- Orders are being written for every single part of the building
- Ms. Chun hasn't finished her "to do list" for a couple years so there's a lot that needs attention
- when it takes that long for repair, maintenance, etc. to get done, the city will pull the Fire Certificate allowing occupancy ("unless the owner gets this stuff fixed, the place has to be emptied"); the first date of that is Jan 15, 2012; Ms. Moermond encourages these tenants (and others) appeal that vacate date; once the tenants appeal that vacate date, the city, hopefully, will begin a conversation with Peggy Chun; that action would mean that Ms. Chun couldn't collect rents after Jan 15, 2012 unless she starts to do something about the condition of the building with the city; the city can close her down but the last thing Ms. Moermond wants to do is to see these tenants put out without any resources; she wants to support these tenants as much as possible; the more tenants that appeal, the better
- nearly 60 families are affected by this
- City Council Public Hearing Dec 21, 2011 at 5:30 pm
- she believes that a lot will be able to move forward just by making these tenants' voices heard
- she will make sure that the bankers and politicians are there

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

## 1:30 p.m. Hearings

### Correction Orders

- 16      [RLH CO 11-24](#)      Appeal of Rebecca A. Knittle and Howard J. Vogel to a Correction Order at 1343 ARONA STREET.

**Sponsors:**      Stark

*Withdrawn. (Inspector and owner came into an agreement)*

Withdrawn

### Window Variances: Hearing Required

- 17      [RLH FOW 11-257](#)      Appeal of Bill Wengler to a Fire Certificate of Occupancy Correction Notice at 833 GRAND AVENUE.
- Sponsors:**      Thune
- Grant a 7.5-inch variance on the openable height of the egress window in Unit 1 north bedroom; grant a 7-inch variance on the openable height of the egress window in Unit 1 south bedroom; and deny the appeal and grant an extension for 90 days on the egress window in Unit 2 bedroom unless Appellant or inspector can confirm that the window does open to at least 16 inches in height. (Inspector will confirm on December 23 re-inspection)*
- RE: 833 Grand Ave (apartments)*
- Bill Wengler and son, Scott Wengler, appeared.*
- Fire Inspector Leanna Shaff:*
- Fire Certificate of Occupancy inspection Nov 17, 2011 by Inspector Rick Gavin
  - only appeal is for the windows (Unit 2)
  - Ms. Moermond is already recommending approval in Unit 1 north and Unit 1 south
  - Code requires: 20h x 24w
  - Unit 2 window is 15h x 36w
- Ms. Moermond:*
- re Unit 2 window 15h x 36w: looks as though it may have same opening dimensions as other units but maybe just not opening as far as it can
- Mr. Wengler:*
- building was remodeled 50-60 yrs ago and converted from a 4-plex into a 9 unit
  - not sure of the measurements of Unit 2 window; they are all 36 inches wide and all are 7.8 sq ft glazed area
  - their maintenance person went through with the inspector
  - Inspector Gavin is coming for re-inspection Dec 23, 2011
- Ms. Moermond:*
- need the lower part of the window to open, at least, to 16 inches high
  - see if you can get it open farther or replace the hardware to get it to open to 16 inches high
  - if you can't get it to open to 16 inches high, you have 90 days to come into compliance
- Referred to the City Council due back on 1/4/2012**
- 18      [RLH WP 11-126](#)      Appeal of Chamee Her to an Egress Window Non-Compliance Determination at 1725 LOUISE AVENUE.
- Sponsors:**      Lantry
- Deny the appeal on the window measuring 15 inches high by 29 inches wide; grant extension for 90 days to come into compliance.*
- RE: 1725 Louise Ave (single family)*

*Ky Vue, appeared on behalf of his wife, Chamee Her*

*Ms. Moermond:*

*- double hung window 15h x 29w*

*Mr. Vue:*

*- didn't try to open it as far as I can*

*- inspector said it's supposed to open higher*

*- the windows are also all the same*

*- he just purchased this house for his family*

*Fire Inspector Leanna Shaff:*

*- Category 2 Vacant Building*

*Ms. Moermond:*

*- need to take this appeal to the City Council Jan 4, 2011*

*- the previous window has a greater width than this window*

*- will recommend denial and grant 90 day extension to come into compliance*

**Referred to the City Council due back on 1/4/2012**

**19 RLH FOW  
11-263**

Appeal of Lori Kustritz to a Fire Certificate of Occupancy Correction Notice at 1191 RICE STREET.

**Sponsors:** Helgen

*Appellant came late, rescheduled.*

**Laid Over to the Legislative Hearings due back on 12/20/2011**

### **Fire Certificates of Occupancy**

**20 [RLH OA 11-8](#)**

Appeal of Benjamin Roberts to an Inspection Appointment at 808 LAUREL AVENUE.

**Sponsors:** Carter III

*Appeal denied. Appellant failed to provide documentation showing ownership.*

*RE: 808 Laurel Ave (single family)*

*No one appeared.*

*Fire Inspector Leanna Shaff:*

*- Appellant was supposed to provide documentation regarding ownership*

*- as of Fri, Dec 9, 2011, nothing has shown up in STAMP*

*Ms. Moermond:*

*- will recommend appeal be denied; information demonstrating owner-occupancy was not provided*

*On December 21, 2011, Mr. Robert provided documentation showing that Ms. Carol Dawson has been added to the title. Therefore, Ms. Moermond recommends granting the appeal.*

**Referred to the City Council due back on 1/4/2012**

- 21      [RLH FCO](#)  
          [11-535](#)      Appeal of Xuan Hguyen to a Fire Certificate of Occupancy Correction Notice at 1227 MAGNOLIA AVENUE EAST.

**Sponsors:**      Bostrom

*Grant a variance on the ceiling height issue.*

*RE: 1227 Magnolia Ave E (single family)*

*Ta Sarrah, son, appeared on behalf of his father, Xuan Hyuyen, owner.*

*Fire Inspector Leanna Shaff:*

- *Fire Certificate of Occupancy Inspection letter being appealed*
- *inspection took place Oct 25, 2011 by Inspector Mike Cassidy*
- *attic ceiling height was called out; code requires height to be a minimum of 7 feet over half the floor area*
- *here, maximum ceiling height is 6' 7" and that's over 192 sq ft*
- *total room is 17 x 24 = 408 sq ft - shy 16 sq ft of the 50% if it were over 7 feet*

*Ms. Moermond:*

- *will recommend granting a variance on ceiling height in attic*

**Referred to the City Council due back on 1/4/2012**

- 22      [RLH FCO](#)  
          [11-499](#)      Appeal of Gary Hoyt to a Fire Certificate of Occupancy Correction Notice at 1564 SEVENTH STREET WEST.

**Sponsors:**      Thune

*Need most recent inspector's report.*

*RE: 1564 7th St W (commercial/apartment-B-Commercial)*

*No one appeared.*

*Ms. Moermond:*

- *we were waiting for a photo; didn't find one last night*

*Fire Inspector Leanna Shaff:*

- *a photo from Aug 2011 shows the problem with the fireplace - the switch is hanging off the wire; shows the water meter clearly; dryer was called out*
- *re-inspection was Nov 30, 2011*
- *we'll make time for an inspection*
- *Mr. Urmann can report on it next week*

*Ms. Moermond:*

- *let's get an inspector out there before next week*

**Laid Over to the Legislative Hearings due back on 12/20/2011**

- 23      [RLH FCO](#)  
          [11-569](#)      Appeal of James Warren to a Fire Certificate of Occupancy Correction Notice at 812 ATLANTIC STREET.

**Sponsors:**      Bostrom

*To be referred back to LH on May 1, 2012 and CPH on May 16, 2012 on condition that the driveway is maintained.*

*RE: 812 Atlantic St (duplex)*

*James Warren, owner, appeared.*

*Fire Inspector Leanna Shaff:*

- *Fire Certificate of Occupancy inspection conducted by Inspector James Thomas Nov 29, 2011*
- *Approval with Corrections*
- *last item left: all parking spaces shall be paved with asphalt, concrete or durable, dustless surfacing (called out at original inspection Aug 19, 2011)*

*Mr. Warren:*

- *when the inspector came out and Mr. Warren asked questions on several things, he didn't get a straight answer*
- *he called Inspector Shaff and talked about a few things*
- *currently, the driveway is Class 5; what is a dustless surface?*
- *bought property 20 years ago and this is his first fire inspection on this property*
- *he tries to keep the property up and is doing the best he can*
- *he has close to \$1,600 going out per month on the property; only \$1,250 coming in*
- *a paved driveway will bankrupt him but he can put down more Class 5 in the spring; and he couldn't get a straight answer on "dustless surface"*
- *driveway from the street; and the garage is for his use, only*
- *off-street parking for tenants*
- *there's bit of black-top at driveway entrance that's breaking up; he will take that out*
- *as long as he's owned it, he sweeps up broken black-top when it ends up in the street*
- *he has gotten some bad renters who don't pay their rent; the judge gives them extra time to get out but the landlord still has to make the mortgage*
- *property is in good shape; current renters are happy*
- *he can't go into the house everyday to check things out*
- *all things on list have been addressed*
- *what else is a dustless surface?*

*Ms. Moermond:*

- *wishes she had a photo of driveway*
- *it does need to be paved eventually but she is patient*
- *will ask City Council to refer it back to Legislative Hearing May 1, 2012*
- *photos are required at that time*
- *keep driveway stabilized now*

**Referred to the City Council due back on 1/4/2012**

24 [RLH FCO  
11-556](#)

Appeal of Alvin Henke to a Fire Certificate of Occupancy Correction Notice at 878-880 DAYTON AVENUE.

**Sponsors:** Carter III

*Deny the appeal and grant an extension to January 15, 2012 to close out all permits.*

*RE: 878-880 Dayton Ave (two-family dwelling)*

*Alvin Henke, owner, appeared.*

*Fire Inspector Leanna Shaff:*

- *re-inspection of Fire Certificate of Occupancy Nov 17, 2011 conducted by Inspector Mitch Imbertson*

- process started with appointment letter sent Mar 2011
- first inspection appointment Apr 21, 2011
- remaining on list: dryer vent (under permit); exterior surfaces; lower unit plumbing; upper unit smoke detectors in approved locations; smoke detector affidavit
- photos in Amanda
- Notes: Oct 2 - two boilers installed by Ryan Heating with no permits; new combustion air intake and dryer vent also installed by no permit; combustion air appears correct but the dryer vent needs correction; new plumbing fixtures and related drain connection also installed throughout lower unit without permit; citation was pending
- Notes: Nov 3 - fine issued by court for citation; not in compliance; still needs permits
- building permit still open and active
- Notes: Nov 17 - permits still need inspection and approval for plumbing; no permits have been pulled yet for ventilation work; building permit still open
- mechanical permit has been finalized
- building permit is still open today; plumbing permit still open today

Mr. Henke:

- tag number: #911121575
- what has been failed to be maintained on exterior? maybe referring to new door and frame he installed; he can't paint it because it's treated wood - it has to cure (all paint applied now would peel off in a short time)
- haven't heard back from plumber; he finished up on Monday
- called building inspector - he wasn't in
- sent in smoke detector affidavit
- his biggest beef: inspector writes down "this needs to be taken care of but doesn't say what"

Ms. Moermond:

- need building inspector to final building permit (door); she can give a longer deadline on painting
- will deny appeal and grant extension to Jan 15, 2012 to get permits all closed out
- City Council Public Hearing Jan 4, 2012
- if looking for more time, come to CC hearing Jan 4, 2012
- asked Mai Vang to email City Attorney's Office on today's outcome

**Referred to the City Council due back on 1/4/2012**

25 [RLH FCO](#)  
[11-557](#)

Appeal of John Schoenfelder and Renee Laurent Schoenfelder to a Fire Certificate of Occupancy Correction Notice at 1879 HOYT AVENUE.

**Sponsors:** Bostrom

*Grant a variance on the ceiling height issue in the attic; grant a 4-inch variance on the openable height of the egress window in the attic bedroom; grant a 1-inch variance on the openable height of the egress window in the main floor bedroom; and deny the appeal on the painting of the garage and grant an extension to July 1, 2012.*

RE: 1879 Hoyt Ave (single family)

Renee Laurent Schoenfelder, owner, appeared.

Fire Inspector Leanna Shaff:

- Fire Certificate of Occupancy conducted on Nov 10, 2011 by Inspector James Thomas
- cited: attic ceiling height: 6' 9" over one-third of room area

- cited: egress window openings

Ms. Schoenfelder:

- entered photos
- all the rest is done
- would like to paint in spring

Ms. Moermond:

- will recommend granting a variance on attic ceiling height
- will recommend granting a variance on egress window openings in attic bedroom and main floor bedroom
- will recommend denying the appeal on painting of garage and grant extension to Jul 1, 2012
- City Council Public Hearing Jan 4, 2012

**Referred to the City Council due back on 1/4/2012**

## 2:30 p.m. Hearings

### Vacant Building Registrations

- 26      [RLH VBR 11-89](#)      Appeal of Kiem Dao to a Vacant Building Registration Notice at 1221 RICE STREET.

**Sponsors:**      Helgen

*Deny the appeal on the VB Registration Notice and waive VB fee for 120 days.  
Appellant doesn't need to get a CCI but will need a Fire Certificate of Occupancy.*

*RE: 1221 Rice St (single family)*

*Inspector Matt Dornfeld, Vacant Buildings:*

- Vacant Building Registration Appeal
- I opened a Category 2 VB on Nov 22, 2011 per open Correction Notice from Fire Supervisor Shaff, dated Oct 21, 2011
- appears to be several open violations that are documented
- at the time of his inspection, he found property vacant and secured; house was listed for sale; property area was maintained free from refuse and garbage

*Fire Inspector Shaff:*

- received a referral from area inspector in spring 2011
- chimney liner required a professional
- owner came into office and said the people he had there weren't paying rent and he lived there part time
- Mr. Dao decided he was moving into the house because he didn't want to have to do the inspection
- he said got the vent liner fixed he changed his driver's license, moved the people out of the house and satisfied all the requirements proving he lived there but, he didn't live there; he actually lives in Burnsville and the old tenants were actually living there yet
- in fall, Inspector Martin was at the house next door and noticed that this house was again rented out to the people who, supposedly, weren't paying him any money
- inspected the house on referral
- things that needed to get fixed did not get fixed
- Mr. Dao does not have a Fire Certificate of Occupancy
- Mr. Dao did not give Inspector Shaff a plan for compliance

- the house is unoccupied; Mr. Dao evicted his people
- referred it to the Vacant Building Program
- there are some egress windows that don't open fully (main floor bedroom has black plastic tape over the window); she hasn't been able to verify that one
- Mr. Dao is also required to take landlord class, per Ordinance
- in back yard, he is required to put in a code compliant parking area

Mr. Dao:

- I am not living in the house; I live in Burnsville
- bought the house at the end of 2009 - it was a Cat 2 VB
- in about 3-4 months, he went to apply for the permit to fix the house
- he hired a professional electrician, and a plumber
- house was done in Apr 2010 and the inspectors came in and they OK'd it for the code compliance
- city then sent a letter saying he needed to apply for the Fire Certificate of Occupancy to rent the house
- he told them that he bought the house not for residential but for his business
- he came back and worked with the city many, many times in the last year
- one of Fire Inspectors in May 2010, she said he needed to apply for C of O, in case in the future he wanted to rent the house; he said, "yes" but in his mind, they were not going to rent the house
- Aug 2010, one of Fire Inspectors came in and checked the house; she said house was OK and he needed to pay \$125 to get certificate
- he said to Fire that he's not going to rent the house; he is changing it to office, so he didn't apply for the certificate
- he kept working on the house; removed the tree outside
- Mar 2011 the wind blew chimney and somebody called Fire
- at that time, he had a family of a friend from Iowa who came to Minnesota to stay for one week; he let them stay in the house
- when Fire came, they said the people needed to move out in 24 hours and said he had to fix it in 24 hours
- he had to call a lot of people and they said they couldn't do it in 24 hours - only in 2 days
- he got a permit to take out the second floor
- in Oct 2011, the people from last spring came to stay for a couple weeks (he wasn't renting)
- want it to be a business location but it's not yet ready for the business
- inspector gave him a ticket because he didn't apply for C of O
- then, he applied for C of O and inspector said that she would condemn the house; he told her that he was going to remodel the inside - take out second floor; he didn't need the egress window; he wants only one floor
- now, he can't do anything
- he has the permit for remodeling
- contractors, because of all this delay, say they can't get to this until Mar 2012
- is not comfortable working with Inspector Shaff; asks for another inspector

Ms. Moermond:

- code compliance letter was issued Apr 2010; was the building occupied at that time?

Ms. Shaff:

- they have seen that house occupied by others than Mr. Dao on more than one occasion

Ms. Moermond:

- Appellant can go ahead and continue with the remodeling for it to be a business,



*provided all the right permits are pulled*

- *Appellant cannot live there and he can't let anyone else live there, sleep there, etc.*
- *it will be a registered vacant building*
- *she will recommend waiving the VB fee for 120 days*
- *Appellant doesn't need the Code Compliance Certificate but he needs to get a Fire Certificate of Occupancy (whether it's for a residence or business)*
- *if Appellant doesn't have that certificate in 4 months, the VB fee will kick-in*
- *\$1,100 incentive to get it done*
- *has nothing to do with personnel; Mr. Dao needs to talk with Mr. Ricardo Cervantes, the Department of Safety and Inspection*
- *Appellant will remain in the VB Program until he has a Fire Certificate of Occupancy*

**Referred to the City Council due back on 1/4/2012**

- 27      [RLH VBR 11-87](#)      Appeal of Michael Ahrndt to a Vacant Building Registration Requirement at 1901 MARYLAND AVENUE EAST.

**Sponsors:**      Bostrom

*Ms. Moermond recommended denying the appeal and Appellant will need to obtain a Code Compliance Inspection and post a \$5,000 performance deposit prior to rehabilitation, as this is a Category 3 registered vacant building. (Laid over to January 3, 2012-housekeeping).*

*RE: 1901 Maryland Ave E (three-four family)*

*Michael Ahrndt, owner, appeared.*

*Ms. Moermond:*

- *Appellant is appealing both the Vacant Building Registration requirement and a Summary Abatement Order*

*Mr. Ahrndt:*

- *Mr. Ubl and Mr. Repke are aware of the source of the problem*
- *goes back 10 years: an encroachment issue which has led us here*

*Inspector Matt Dornfeld:*

- *the Certificate of Occupancy Revoked Oct 17, 2011 by Fire Inspector James Thomas*
- *Inspector Thomas documented 29 code violations*
- *Category 2 Vacant Building file was opened by Inspector Dave Nelmark Oct 20, 2011*
- *Inspector Nelmark documented numerous unfinished re-construction efforts; exposed open areas of roof eaves; damaged, missing and rotting siding; loosely stacked brick wall; exposed unpainted wood; lead pipe and chimney, unflashed, loose siding or covered by tar paper; peeling paint throughout; garage panels broken out*
- *Steve Magner changed this to a Category 3 Vacant Building Oct 25, 2011 and did perform a building deficiency inspection (on hold until this hearing has been heard)*

*Ms. Moermond:*

- *for the record, she heard an appeal Aug 23, 2011 that was filed Aug 4, 2011; was heard by City Council Sep 21, 2011*
- *City Council's decision was to deny the appeal and grant an extension to Oct 15, 2011 for compliance with those Orders*

*Mr. Dornfeld:*

- Summary Abatement Order was issued Nov 18, 2011 by Inspector Dave Nelmark - immediately secure all buildings which are open to all unauthorized entry, including board over all first floor doors and windows
- Mr. Dornfeld assumes the house was open to entry / illegally occupied or both

Mr. Ahrndt:

- re: VB registration
- Oct 17, 2011- the inspector did not inspect his home in the deficiency list, although he was offered to do that, commented that his business was done here and left
- he assumes, according to city officials, that he does require, according to the Saint Paul Legislative Code, a Certificate of Occupancy
- Mr. Singerhouse and Mr. Nelmark came out to inspect and asked him, "Why are we here? There's nothing to take pictures of."
- the outside requires some work and he is not contesting that
- it all relates to the situation the City of Saint Paul has placed him in by this encroachment; he didn't create the encroachment; it's a parkway border, according to the surveyors and the project manager during 2008 - Furness Parkway Improvement Project
- one of his family members received a parking ticket for parking in the driveway (that exposed the problem)
- Mr. Ahrndt approached the project manager and discussed it but he is still not certain where the property is but it's right on top of his house, or, if not, thru the corner
- there were plans drawn up and are now, all negated, because of this issue
- it casts a huge security and safety issue upon his family (they live there and have always lived there); and there never has been a third unit in use
- he has documentation from the Fire Marshal and City of Saint Paul
- the reason that the work hasn't been completed on the exterior goes right back to the fact that, though, he has asked for some reason to come together to resolve this, it was done long before, nothing happens
- whoever placed the boundary line of Furness Parkway on the corner of his house or into his living room, probably should have made a monetary bid to purchase that property then; he is willing to negotiate a number of options and he always has been
- however, he will not be swindled - people won't give him building permits; they make demands with arbitrary dates that can't be met
- he entered photos
- he has had engineers, contractors, inspectors, specialists out who have tried to reach the fire inspector to see what he is talking about - those phone calls are not returned, just like the rest of his phone calls and dozens of letters
- he wants to come together in a cooperative manner to get this resolved; he has the means
- he has \$40,000 - \$50,000 in trust that's being held to finish the project and he has experts to do the work
- he wants to bring the project to an end; it can be an asset to the community but he needs to know whether or not his property is saleable; and can he proceed with the plans without threat of criminal offense
- his plans have been revoked; his permits revoked; and no one will respond back to him
- he couldn't make the deadline of Oct 17, 2011; although the inspection was not made
- as far as he know, all has been completed with the exception of the exterior
- when Inspector Nelmark was out, the building was tagged "vacant" when his caretaker was in his apartment and Mr. Ahrndt was away at work
- after his other tenants were frightened away thru surveillance, he took up residence in there (he also has other homes; his wife lives in Scandia; his daughters have lived there for 10-12 years and never have relinquished residency; therefore, according to

*the Saint Paul Legislative Code and the people who write those codes are telling him, "You don't need a Certificate of Occupancy" so, what is the problem?*

*- let's put it all behind us, be mature and sensible and move forward with resolution on this*

*- there is a mountain of facts to support his position*

*Steve Ubl, Senior Building Inspector:*

*- Mr. Ahrndt and he have met several times on the job site*

*- they have related in emails, phone conversations thru this process for nearly a year*

*- there were a variety of complaints on the property dating back to Dec 2007 when there was work being done without a permit*

*- Apr 2008 - permit was obtained to do siding, some windows, and trim work on exterior*

*- Jan 2009 - complaint that there was major structural work going on without a permit (that scope of work was not covered under the previous permit)*

*- Mar 2009 - permit was obtained for that structural work to continue*

*- Oct 2009 - inspector said there was very slow progress moving forward*

*- Aug 2010 - another complaint that exterior work was not getting done*

*- Jun 2011 - complaint that house and garage were not complete and appears to be in disrepair*

*- Jun 2011 - a similar complaint*

*- based on his observations and the code that only allows permits to be open for 180 days, unless there's shown progress*

*- Aug 2011 - he expired those permits*

*- he went out and met with Mr. Ahrndt and discussed some directions on how to get things corrected*

*- Mr. Ahrndt has sent emails on his opinions, his position and how he wanted to move forward on them*

*- prior to it going to the Vacant Building Program, they had dialogue as to the structural integrity as to the work that was performed*

*- exterior work was lagging - not completed in a timely manner, according to the permits*

*- most of the work practices on the exterior structure were not standard construction practices*

*- a lot of work needed to be done and corrected*

*- they had an agreement; he was looking for some plan of attack of how to complete the work with a time frame*

*- to his understanding, that agreement was not satisfactory to the Orders that were given by the Fire inspectors to get it done in a timely manner; it went to the VB Program*

*Mr. Ahrndt:*

*- he sent Mr. Ubl as request to convert to single family*

*- the foundation in his family has elected not to participate in the City of Saint Paul anymore so, he'd like to get it into compliance with the neighborhood; possibly sell it; and perhaps, some other options for better use to the city*

*- has attempted to reach Mr. Hahm, Parks and Recreation without success*

*- the wall has gone up - seems as though they hear 1901 Maryland and Mike Ahrndt, the contacts end*

*- that paints a picture, of at least, uncooperativeness, if not beyond*

*- re: garage - it's dilapidated - a tree fell through the roof*

*- he's an engineer, a building, an architectural consultant, has 45 years in the business and working with Mr. Ubl and staff, he knows they could bring this structure is the desired condition*

*- garage has been broken into a number of times*

*- is used for storage of lumber and other materials*

*Ms. Moermond:*

- the Council really already decided that this should be in the Fire Certificate of Occupancy Program and the certificate needed to be re-instated by Oct 15, 2011
- building permits were not finalized so that alone would prevent Appellant from getting the Fire C of O re-instated (whether the inspector went in or not)
- now, we are at a place where we need to decide whether it should be in the registered VB program
- she must determine if he needs a Code Compliance Inspection

*Mr. Ahrndt:*

- he thinks it needs a Code Compliance Inspection; however, until the encroachment issue is addressed, is he repairing a house that the City of Saint Paul is going to take from him?
- has documentation going to District Council, City Council, Mayor, DSI 2008 that clearly identifies this
- the documents he has from when he purchased the property show that lot in its original condition; not with the Furness Parkway lopping off the whole corner
- if this had been resolved in 2005, would we be here today? (when he received a parking ticket and the encroachment problem was exposed) or
- in 2008, when he issued a letter to city officials
- we are wasting a lot of people's time
- all this work on the property would be done if only he knew where he stood
- there is not a safety issue inside the property whatsoever
- would welcome inspectors
- some of those electrical services have been terminated for years (documented by the Fire inspectors)
- he was told originally by these people, "You do not need a Certificate of Occupancy" (happy to provide these documents)
- he is sorry that on Sep 11, the inspectors made their decisions based on information that was inaccurate
- if all the data surrounding this would be examined, it would suggest that we don't really need to be here and all this work would be done and the neighbors would be happy
- doesn't defend the exterior condition of the property; it's in terrible shape and he wants to get it corrected
- let's please get it done

*Mr. Ubl:*

- based on his observations at the property without any lines to review, it appeared that the property line is right adjacent to the corner of his building
- it takes away a significant amount of what everyone presumed, was his back yard
- until the property owner obtains a survey or some recognition of property pins for identification, no one is really sure
- paperwork they looked at previously looks as though the line comes right passed the corner of the building
- there are a host of other issues going on: approach for driveway; parking surface; problem after problem
- the owner is responsible to show property pins so the decisions can be made as to how to move forward on issues
- he doesn't think Parks and Rec has provided any information as to whether they want to issue property to Mr. Ahrndt or not; Mr. Ahrndt has not shown any documentation from them

*Ms. Moermond:*

- we are here today and the work isn't done and there are a number of ways to

*proceed*

- *she can't go backwards*
- *we have a house that's in deplorable condition, according to city staff and photos (Mr. Ahrndt entered photos of the all new interior - tens of thousands of dollars invested)*
- *the exterior is really, really bad (Mr. Ahrndt explained that it would not be in that condition if he knew where he stood in terms of ownership)*
- *she thinks it should be in the Registered Vacant Building Program*

*Mr. Ubl:*

- *when he met with the appellant on site, he thought they had a good dialogue on how to move forward starting with the house wrap (the material is not protecting the structural members of the bldg) - deterioration is occurring behind siding at the grade line*
- *there are multiple siding layers*
- *windows are installed on the exterior of the siding*
- *roof - has done some structural work here but there are concerns*
- *talked about having basic construction practices implemented (something that can be approved based on manufacturer's installation recommendations)*
- *there's a host of framing members still exposed for the rafter and truss system that he has fabricated*
- *cannot move forward until those key components are met*
- *thinks a Code Compliance Inspection is in order to ensure that structure is sound*
- *the plan of attack will be directed by Chapter 33, under the team inspectors*
- *any work that is to proceed must be under the realm of the owner of the property (will need to be verified in order for permits to be issued)*

*Ms. Moermond:*

- *it has been declared a nuisance; must get Code Compliance done (the "to do list"); the trades' people*
- *understands the concern of ownership but she needs to concern herself with the building*
- *the City wants to board it because it seems as though someone is living there (Appellant noted that a caretaker had been staying there watching the property for them; currently, he is not there)*
- *once the Certificate of Code Compliance is issued, the nuisance condition is lifted and the Appellant and his family can move back in*
- *demonstrate ownership on this (complex ownership structure, currently)*
- *Appellant is not the owner and so, when it comes to the Fire C of O Program, you will need the C of O on the bldg because appellant is not the owner living there; and the Council decided Appellant should be in the C of O Program*

*Mr. Ahrndt:*

- *he will work with Mr. Ubl and his staff; he will present a plan*
- *this is a resident occupied duplex; new paper work says it's a triplex (needs to get straightened out) - seems to be the source or origination*
- *his daughter will not relinquish ownership*

- *Ms. Moermond:*

- *Appellant has a lot to do; work will be under a microscope to make sure it gets done professionally*
- *Appellant needs to pay a \$5,000 Performance Deposit to be able to pull permits*
- *needs Code Compliance Inspection done before permits can be pulled*
- *DSI will need ownership documentation to be able to issue permits*
- *re: Parks and Rec and the corner of Appellant's property: Appellant should write a letter to the City Attorney; file a claim with the City (try to force a response)*

- re: boarding the bldg: let's lay this over to Jan 3, 2012 to see where we are at (night checks will occur); if it continues to be vacant at key times during the day, she will grant the appeal; it's found to be occupied for living purposes, she will deny the appeal

- City Council Public Hearing Jan 4, 2012

- Order to Abate Nuisance Building will go out presently

**Referred to the City Council due back on 1/4/2012**

28      [RLH SAO 11-41](#)      Appeal of Michael Ahrndt to a Summary Abatement Order at 1901 MARYLAND AVENUE EAST.

**Sponsors:**      Bostrom

*Deny the appeal.*

*RE: 1901 Maryland Ave E (three-four family)*

*Michael Ahrndt, owner, appeared.*

*Ms. Moermond:*

*- Appellant is appealing both the Vacant Building Registration requirement and a Summary Abatement Order*

*Mr. Ahrndt:*

*- Mr. Ubl and Mr. Repke are aware of the source of the problem*

*- goes back 10 years: an encroachment issue which has led us here*

*Inspector Matt Dornfeld:*

*- the Certificate of Occupancy Revoked Oct 17, 2011 by Fire Inspector James Thomas*

*- Inspector Thomas documented 29 code violations*

*- Category 2 Vacant Building file was opened by Inspector Dave Nelmark Oct 20, 2011*

*- Inspector Nelmark documented numerous unfinished re-construction efforts; exposed open areas of roof eaves; damaged, missing and rotting siding; loosely stacked brick wall; exposed unpainted wood; lead pipe and chimney, unflashed, loose siding or covered by tar paper; peeling paint throughout; garage panels broken out*

*- Steve Magner changed this to a Category 3 Vacant Building Oct 25, 2011 and did perform a building deficiency inspection (on hold until this hearing has been heard)*

*Ms. Moermond:*

*- for the record, she heard an appeal Aug 23, 2011 that was filed Aug 4, 2011; was heard by City Council Sep 21, 2011*

*- City Council's decision was to deny the appeal and grant an extension to Oct 15, 2011 for compliance with those Orders*

*Mr. Dornfeld:*

*- Summary Abatement Order was issued Nov 18, 2011 by Inspector Dave Nelmark - immediately secure all buildings which are open to all unauthorized entry, including board over all first floor doors and windows*

*- Mr. Dornfeld assumes the house was open to entry / illegally occupied or both*

*Mr. Ahrndt:*

*- re: VB registration*

*- Oct 17, 2011- the inspector did not inspect his home in the deficiency list, although*

he was offered to do that, commented that his business was done here and left

- he assumes, according to city officials, that he does require, according to the Saint Paul Legislative Code, a Certificate of Occupancy
- Mr. Singerhouse and Mr. Nelmark came out to inspect and asked him, "Why are we here? There's nothing to take pictures of."
- the outside requires some work and he is not contesting that
- it all relates to the situation the City of Saint Paul has placed him in by this encroachment; he didn't create the encroachment; it's a parkway border, according to the surveyors and the project manager during 2008 - Furness Parkway Improvement Project
- one of his family members received a parking ticket for parking in the driveway (that exposed the problem)
- Mr. Ahrndt approached the project manager and discussed it but he is still not certain where the property is but it's right on top of his house, or, if not, thru the corner
- there were plans drawn up and are now, all negated, because of this issue
- it casts a huge security and safety issue upon his family (they live there and have always lived there); and there never has been a third unit in use
- he has documentation from the Fire Marshal and City of Saint Paul
- the reason that the work hasn't been completed on the exterior goes right back to the fact that, though, he has asked for some reason to come together to resolve this, it was done long before, nothing happens
- whoever placed the boundary line of Furness Parkway on the corner of his house or into his living room, probably should have made a monetary bid to purchase that property then; he is willing to negotiate a number of options and he always has been
- however, he will not be swindled - people won't give him building permits; they make demands with arbitrary dates that can't be met
- he entered photos
- he has had engineers, contractors, inspectors, specialists out who have tried to reach the fire inspector to see what he is talking about - those phone calls are not returned, just like the rest of his phone calls and dozens of letters
- he wants to come together in a cooperative manner to get this resolved; he has the means
- he has \$40,000 - \$50,000 in trust that's being held to finish the project and he has experts to do the work
- he wants to bring the project to an end; it can be an asset to the community but he needs to know whether or not his property is saleable; and can he proceed with the plans without threat of criminal offense
- his plans have been revoked; his permits revoked; and no one will respond back to him
- he couldn't make the deadline of Oct 17, 2011; although the inspection was not made
- as far as he know, all has been completed with the exception of the exterior
- when Inspector Nelmark was out, the building was tagged "vacant" when his caretaker was in his apartment and Mr. Ahrndt was away at work
- after his other tenants were frightened away thru surveillance, he took up residence in there (he also has other homes; his wife lives in Scandia; his daughters have lived there for 10-12 years and never have relinquished residency; therefore, according to the Saint Paul Legislative Code and the people who write those codes are telling him, "You don't need a Certificate of Occupancy" so, what is the problem?
- let's put it all behind us, be mature and sensible and move forward with resolution on this
- there is a mountain of facts to support his position

Steve Ubl, Senior Building Inspector:

- Mr. Ahrndt and he have met several times on the job site

- they have related in emails, phone conversations thru this process for nearly a year
- there were a variety of complaints on the property dating back to Dec 2007 when there was work being done without a permit
- Apr 2008 - permit was obtained to do siding, some windows, and trim work on exterior
- Jan 2009 - complaint that there was major structural work going on without a permit (that scope of work was not covered under the previous permit)
- Mar 2009 - permit was obtained for that structural work to continue
- Oct 2009 - inspector said there was very slow progress moving forward
- Aug 2010 - another complaint that exterior work was not getting done
- Jun 2011 - complaint that house and garage were not complete and appears to be in disrepair
- Jun 2011 - a similar complaint
- based on his observations and the code that only allows permits to be open for 180 days, unless there's shown progress
- Aug 2011 - he expired those permits
- he went out and met with Mr. Ahrndt and discussed some directions on how to get things corrected
- Mr. Ahrndt has sent emails on his opinions, his position and how he wanted to move forward on them
- prior to it going to the Vacant Building Program, they had dialogue as to the structural integrity as to the work that was performed
- exterior work was lagging - not completed in a timely manner, according to the permits
- most of the work practices on the exterior structure were not standard construction practices
- a lot of work needed to be done and corrected
- they had an agreement; he was looking for some plan of attack of how to complete the work with a time frame
- to his understanding, that agreement was not satisfactory to the Orders that were given by the Fire inspectors to get it done in a timely manner; it went to the VB Program

Mr. Ahrndt:

- he sent Mr. Ubl as request to convert to single family
- the foundation in his family has elected not to participate in the City of Saint Paul anymore so, he'd like to get it into compliance with the neighborhood; possibly sell it; and perhaps, some other options for better use to the city
- has attempted to reach Mr. Hahm, Parks and Recreation without success
- the wall has gone up - seems as though they hear 1901 Maryland and Mike Ahrndt, the contacts end
- that paints a picture, of at least, uncooperativeness, if not beyond
- re: garage - it's dilapidated - a tree fell through the roof
- he's an engineer, a building, an architectural consultant, has 45 years in the business and working with Mr. Ubl and staff, he knows they could bring this structure is the desired condition
- garage has been broken into a number of times
- is used for storage of lumber and other materials

Ms. Moermond:

- the Council really already decided that this should be in the Fire Certificate of Occupancy Program and the certificate needed to be re-instated by Oct 15, 2011
- building permits were not finalized so that alone would prevent Appellant from getting the Fire C of O re-instated (whether the inspector went in or not)
- now, we are at a place where we need to decide whether it should be in the registered VB program



- she must determine if he needs a Code Compliance Inspection

Mr. Ahrndt:

- he thinks it needs a Code Compliance Inspection; however, until the encroachment issue is address, is he repairing a house that the City of Saint Paul is going to take from him?
- has documentation going to District Council, City Council, Mayor, DSI 2008 that clearly identifies this
- the documents he has from when he purchased the property show that lot in it's original condition; not with the Furness Parkway lopping off the whole corner
- if this had been resolved in 2005, would we be here today? (when he received a parking ticket and the encroachment problem was exposed) or
- in 2008, when he issued a letter to city officials
- we are wasting a lot of people's time
- all this work on the property would be done if only he knew where he stood
- there is not a safety issue inside the property whatsoever
- would welcome inspectors
- some of those electrical services have been terminated for years (documented by the Fire inspectors)
- he was told originally by these people, "You do not need a Certificate of Occupancy" (happy to provide these documents)
- he is sorry that on Sep 11, the inspectors made their decisions based on information that was inaccurate
- if all the data surrounding this would be examined, it would suggest that we don't really need to be here and all this work would be done and the neighbors would be happy
- doesn't defend the exterior condition of the property; it's in terrible shape and he wants to get it corrected
- let's please get it done

Mr. Ubl:

- based on his observations at the property without any lines to review, it appeared that the property line is right adjacent to the corner of his building
- it takes away a significant amount of what everyone presumed, was his back yard
- until the property owner obtains a survey or some recognition of property pins for identification, no one is really sure
- paperwork they looked at previously looks as though the line comes right passed the corner of the building
- there are a host of other issues going on: approach for driveway; parking surface; problem after problem
- the owner is responsible to show property pins so the decisions can be made as to how to move forward on issues
- he doesn't think Parks and Rec has provided any information as to whether they want to issue property to Mr. Ahrndt or not; Mr. Ahrndt has not shown any documentation from them

Ms. Moermond:

- we are here today and the work isn't done and there are a number of ways to proceed
- she can't go backwards
- we have a house that's in deplorable condition, according to city staff and photos (Mr. Ahrndt entered photos of the all new interior - tens of thousands of dollars invested)
- the exterior is really, really bad (Mr. Ahrndt explained that it would not be in that condition if he knew where he stood in terms of ownership)
- she thinks it should be in the Registered Vacant Building Program

Mr. Ubl:

- when he met with the appellant on site, he thought they had a good dialogue on how to move forward starting with the house wrap (the material is not protecting the structural members of the bldg) - deterioration is occurring behind siding at the grade line
- there are multiple siding layers
- windows are installed on the exterior of the siding
- roof - has done some structural work here but there are concerns
- talked about having basic construction practices implemented (something that can be approved based on manufacturer's installation recommendations)
- there's a host of framing members still exposed for the rafter and truss system that he has fabricated
- cannot move forward until those key components are met
- thinks a Code Compliance Inspection is in order to ensure that structure is sound
- the plan of attack will be directed by Chapter 33, under the team inspectors
- any work that is to proceed must be under the realm of the owner of the property (will need to be verified in order for permits to be issued)

Ms. Moermond:

- it has been declared a nuisance; must get Code Compliance done (the "to do list"); the trades' people
- understands the concern of ownership but she needs to concern herself with the building
- the City wants to board it because it seems as though someone is living there (Appellant noted that a caretaker had been staying there watching the property for them; currently, he is not there)
- once the Certificate of Code Compliance is issued, the nuisance condition is lifted and the Appellant and his family can move back in
- demonstrate ownership on this (complex ownership structure, currently)
- Appellant is not the owner and so, when it comes to the Fire C of O Program, you will need the C of O on the bldg because appellant is not the owner living there; and the Council decided Appellant should be in the C of O Program

Mr. Ahrndt:

- he will work with Mr. Ubl and his staff; he will present a plan
- this is a resident occupied duplex; new paper work says it's a triplex (needs to get straightened out) - seems to be the source or origination
- his daughter will not relinquish ownership

- Ms. Moermond:

- Appellant has a lot to do; work will be under a microscope to make sure it gets done professionally
- Appellant needs to pay a \$5,000 Performance Deposit to be able to pull permits
- needs Code Compliance Inspection done before permits can be pulled
- DSI will need ownership documentation to be able to issue permits
- re: Parks and Rec and the corner of Appellant's property: Appellant should write a letter to the City Attorney; file a claim with the City (try to force a response)
- re: boarding the bldg: let's lay this over to Jan 3, 2012 to see where we are at (night checks will occur); if it continues to be vacant at key times during the day, she will grant the appeal; it's found to be occupied for living purposes, she will deny the appeal
- City Council Public Hearing Jan 4, 2012
- Order to Abate Nuisance Building will go out presently

**Referred to the City Council due back on 1/4/2012**

29      [RLH OA 11-30](#)      Appeal of Ron Staeheli to a Code Compliance Report at 633 PALACE AVENUE.

**Sponsors:**      Thune

*LO to Jun 10, 2012 LH*

*RE: 633 Palace Ave (duplex)*

*Ron Staeheli, owner, appeared.*

*Ms. Moermond:*

*- one code compliance for 633 Palace Ave*

*Mr. Staeheli:*

*- has a basic concern about the improvements that the Code Compliance Report asks about the building code and the property being built in 1887*

*- almost everything on the list requires improvement or as the statute says, specific retroactive provisions have been adapted for existing buildings according to the state building code*

*- cited 326B.121- this subdivision does not prohibit a municipality from enacting and enforcing an ordinance requiring the existing components of any system of a structure to be maintained in a safe and sanitary condition or in good repair but not exceeding the standards under which the structure was built, re-constructed or altered or the component or system was installed unless specific retroactive provisions for the existing building have been adopted as part of the state building code*

*- almost nothing on this list is not asking for a specific improvement; and none of those were retroactively added to the existing building code*

*- tuckpointing is one of the few things that is actually a maintenance issue; the rest of it is in violation of 326B.121, in his view*

*Ms. Moermond:*

*- this is a Code Compliance Inspection and it looks very much like other ones she sees at LH*

*- asked Mr. Ubl, "How is it that you folks come to write Orders like this on Vacant Buildings?"*

*Mr. Ubl:*

*- we are following the legislative code, which tells him that he has to enforce it*

*- this is a Registered Vacant Building and needs to be code compliant before it can be occupied*

*- this building needs to be improved to minimum standards under the legislative code (chap 33 and 34 complement each other)*

*Mr. Staeheli asked Mr. Ubl questions:*

*- the column in basement: this code compliance asks him to install plinth blocks under it - Were those plinth blocks required when the property was built in 1887?*

*(Mr. Ubl stated he couldn't answer that and he asked Mr. Staeheli if he had the bldg code that reflects how that building was erected and inspected? Mr. Staeheli said he didn't.) Mr. Ubl said that if an inspector is asking for the plinth blocks, there must be good reasons for that but he doesn't know what the reasons are, the inspector would.*

*- asked Mr. Ubl, Would you stipulate that adding a plinth block is an improvement to the current structure of the building? (Mr. Ubl said he couldn't answer that but would assume that)*

*Ms. Moermond:*

- we need to distinguish between an improvement which maintains functionality and an improvement that lifts it above current functionality
- re: adding plinth block - if the house is no longer level or supported in all places, then, you are not talking about improving but about stopping further deterioration

Mr. Staeheli:

- was a one-hour fire separation a requirement in 1887? (Mr. Ubl said he can't answer that and asked if Mr. Staeheli had documentation to counter that?)
- thinks that "code compliance" is a vague, meaningless term for the purposes of this conversation
- requiring an "anti-scald proof faucet" is clearly requiring a repair to a newer code standard than was required when the property was built or bathroom installed
- in his opinion, he does not need to prove to the city that it meets the standards under which the structure was built; when the city is doing the enforcing; the city needs to prove to him that it doesn't meet the conditions under which the structure was built
- for instance, a dirt floor in the basement that's been there for 130 years now needs to be leveled so, he has to pour a concrete floor (clearly raising it to a standard above which was required at the time the structure was built)
- also, to install a vapor barrier, which has not always been required (city is not saying remove or repair an existing vapor barrier, the city is saying put one in)
- another problem - there's a roof access in an unheated hallway that needs to be sealed and insulated (why?)
- he disputes many items: there's plenty of ground cover; the premises is clean; there is no repair to the soffit or trim required
- many of these items seem to be "boiler plate" and don't have anything in particular to do with his building
- electrical, plumbing issues all mention "new code" not existing code at the time of installation
- the venting is in the chimney liner
- water piping incorrect is illegally vague
- gas venting is incorrect (how?)
- water heater has actually been continuously fired and in service (?)
- move water meter (new requirement)
- property has been in wife's name and family for 70 years
- the list is not deficiencies with the property thru the lens of a building being built in 1887
- the building got to this state because the person he hired to install a furnace had not pulled a permit; he is licensed in the State of MN (turned out he wasn't licensed to install a furnace in Saint Paul); after a conflict with a tenant, he first learned the contractor had not pulled a permit
- this is not a problem property; everyone has been completely happy with it - no police calls; no neighbor complaints; occasionally, the trash hauler didn't pick-up when he should have or they left more than the hauler wanted to pick up
- he would like to not have to tear up this property completely in order to install new plumbing (never had a plumbing complaint)
- he would like to pull a gas permit
- he would like to pull an electrical permit
- he would like to be a Category 1 Vacant Building and get a tenant in there
- this process has been the definition of a nightmare
- he would ask that the code compliance report be gone thru against the idea of what is an improvement vs what is maintenance because those things may end up being litigated
- now, he is \$25,000 and at least, six months' rent away from getting back to a building that will function almost identically to the building he had Aug 2011

Ms. Moermond:

- Mr. Staeheli will need to litigate the questions about code requirements in 1887 vs today's code
- we have a Condemned building and the city is saying that in order for it to be considered habitable again, it needs to be brought up to code compliance standards (not new construction standards but minimum standards)
- this list is based on the inspectors' professional insight on important safety standards
- we're talking about a policy difference

Mr. Ubl:

- Appellant is contesting the legal process in the City of Saint Paul
- this property has gotten to this state under the Appellant's realm (his observation and his responsibility)

Ms. Moermond:

- this property has had a consistent long list of fire C of O issues
- Mr. Ubl will be talking with the City Attorney about this and bringing that information forward
- will lay this over for 1 month to Jan 10, 2012 Legislative Hearing

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

### 3:00 p.m. Hearings

30

[RLH FCO  
11-474](#)

Appeal of Tim and Jamie Flynn to a Correction Order at 2055 FAIRMOUNT AVENUE. (Public hearing continued from December 7)

**Sponsors:** Stark

*Grant a variance on the ceiling height issue.*

*RE: 2055 Fairmount Ave (single family dwelling with carriage house)*

*Jamie Flynn, owner, appeared.*

Ms. Moermond:

- basement ceiling height throughout is 6' 5 1/2" (code requires 7 feet)
- a City Council meeting, Ms. Flynn talked about a variance, in particular about how the windows had been replaced and egress window wells had been installed in 2005 (Inspector Mitch Imbertson)

Ms. Flynn:

- bought property in 2004; the house has been occupied that way prior
- in 2005, they pulled a permit and installed 2 egress windows and window wells in response to what Inspector Imbertson said about making the basement safe for their tenants at the time
- now, Inspector Imbertson came back and said that because the basement height isn't 7 feet high over 60% of the area, the space cannot be used as sleeping space
- this property has operated that way since 2005 and she thinks that it should have been grandfathered-in either way but why would Mr. Imbertson suggest that they put in the egress windows and then come back and change the game rules and say that the ceiling height isn't up to par? Doesn't seem fair
- she would never have purchase the property had she known those rooms couldn't be used as bedrooms; or
- she would never have installed egress windows in 2005 had she known those

rooms couldn't be used as bedrooms because of the ceiling height  
- the house is "for sale"

Ms. Moermond:

- thinks that the inspector should have taken the ceiling height into consideration back in 2005; it wasn't
- she would like to see Appellant raise the ceiling (an error in the past doesn't make it OK to continue with it now)
- however, she thinks it's a negligible difference
- will recommend granting a variance on the ceiling height and those rooms can be used for sleeping

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

31 [RLH FCO](#)  
[11-433](#)

Appeal of Darlene Hoppe to a Fire Certificate of Occupancy Inspection Correction Notice at 1152 MARION STREET. (Public hearing held December 7)

**Sponsors:** Helgen

*Grant the appeal on the boarding if the building continues to be unoccupied. (Vacant building checks to occur. If concerns arise prior to public hearing, will deny the appeal).*

RE: 1152 Marion St (duplex)

Property manager, \_\_\_\_\_, appeared.

Ms. Moermond:

- Appellant went through an eviction process (tenants are out)
- the building is in tact
- there was a lot of concern and the City Council meeting last week about ordering the entire place vacate when the problems concentrated around the bad tenant in the lower unit, so, they only ordered the lower unit vacated
- the work plan is progressing on the entire building
- the short list is to be done by Feb 1, 2012
- exterior painting, grade level and other exterior items have an extension to Jun 30, 2012
- if Appellant wants to do something else, put together a work plan with timing and she can look at it more specifically
- there are 2 units; one unit is empty and Appellant is doing a lot of work on it; (not a vacant building)

Appellant:

- has documentation for Ms. Moermond
- no extra damage was done by the tenants; they left garbage and furniture in the alley
- Inspector Martin came Dec 12, 2011, eviction day (Ms. Moermond said that Ms. Martin was there to assist in the eviction process)
- talked with Ms. Hoppe, owner, last night and found out that the siding is 100 years old (original)

Ms. Moermond:

-

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

**Window Variances: No Hearing Necessary**

- 32     [RLH FOW  
11-255](#)     Appeal of Tab Properties, on behalf of Jenna Anderson, to a Fire Certificate of Occupancy Correction Notice at 1199 ALBEMARLE STREET.
- Sponsors:**     Helgen
- No hearing necessary; grant a 3-inch variance on the openable height of the egress windows in the apartment, both bedrooms.*
- Referred to the City Council due back on 1/4/2012**
- 33     [RLH FOW  
11-266](#)     Appeal of Delanghe Estates LLC (Sarah Vogt) to a Fire Certificate of Occupancy Correction Notice at 2012 CLEAR AVENUE.
- Sponsors:**     Bostrom
- No hearing necessary; grant a 3-inch variance on the openable height of the egress window in all bedrooms.*
- Referred to the City Council due back on 1/4/2012**
- 34     [RLH WP 11-121](#)     Appeal of Mitchell Caron, Usonia Properties LLC, to an Egress Window Non-Compliance Determination at 2058 HAWTHORNE AVENUE EAST.
- Sponsors:**     Bostrom
- No hearing necessary; grant an 8-inch variance on the openable height of three replacement egress bedroom windows measuring 16 inches high by 35 and 28 inches wide.*
- Referred to the City Council due back on 1/4/2012**
- 35     [RLH FOW  
11-256](#)     Appeal of Robert Herzog to a Fire Certificate of Occupancy Correction Notice at 1622 ATLANTIC STREET.
- Sponsors:**     Bostrom
- No hearing necessary; grant an 8-inch variance on the openable height of the egress windows in the first floor, east and west bedrooms.*
- Referred to the City Council due back on 1/4/2012**
- 36     [RLH WP 11-122](#)     Appeal of Keven Steen, Wellington Window & Door Company, on behalf of Kendra Liu, to an Egress Window Non-Compliance Determination at 2099 PINEHURST AVENUE.
- Sponsors:**     Harris
- No hearing necessary; grant a 4-inch variance on the openable height of one double hung replacement egress bedroom window measuring 20 inches high by 24 inches wide.*
- Referred to the City Council due back on 1/4/2012**
- 37     [RLH FOW  
11-251](#)     Appeal of Ryan Ferguson, on behalf of Ryan Partners, to a Fire Certificate of Occupancy Inspection Correction Notice at 667 OTSEGO STREET.

**Sponsors:** Helgen

*No hearing necessary; grant a 3.5-inch variance on the openable height of the egress window in bedroom of Unit 2 and grant a 4-inch variance on the openable height of the egress window in the west bedroom of Unit 1.*

**Referred to the City Council due back on 1/4/2012**

38 [RLH FOW](#)  
[11-258](#)

Appeal of Kawkheelar Hsa Moo to a Fire Certificate of Occupancy Correction Notice at 354 WHEELLOCK PARKWAY EAST.

**Sponsors:** Helgen

*No hearing necessary; grant a 4-inch variance on the openable height of the egress windows in the northeast, southeast, and over garage northside bedrooms.*

**Referred to the City Council due back on 1/4/2012**